The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND AND THIRTEEN

AN ACT

PROVIDING FOR THE PRESERVATION AND IMPROVEMENT OF LAND, PARKS, AND CLEAN ENERGY IN THE COMMONWEALTH.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to provide for preservation and improvement of the environmental 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 improvement and preservation of the energy and environmental 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 appropriated for these purposes; provided, that the amounts specified in an item or for a particular project may be adjusted in order to facilitate projects authorized in this act .

SECTION 2.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

Office of the Secretary

2000-7053 For improvements and replacements to the infrastructure and holdings of the executive office of energy and environmental affairs; provided, that these improvements or replacements may include, but shall not be limited to, buildings, equipment, vehicles and communication and technology equipment; and provided

NOTE. — Use ONE side of paper ONLY. DOUBLE SPACE. Insert additional leaves, if necessary.

further, that any expenditures for communication and technology equipment under this item shall be subject to the approval of the chief information officer of the commonwealth..... $10,000,000

Department of Environmental Protection

2200-7021 For investment in water and air quality protection as required 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 and 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; provided, that this funding, may include, but not be limited to, research and the collection of data to support investment in environmental assets, such as research and studies to include but not be limited to studies of water quality, the development of wetlands conservancy and tidelands Geographic Information System (GIS) maps, the implementation of water quality monitoring initiatives, the collection and analysis of water quality samples, and the development of water quality analyses known as Total Maximum Daily Loads (TMDL's); projects related to non-point and point sources of water pollution; and wetlands circuit rider program; provided further, that funds may be expended for local grants and research for implementation of the commonwealth's Sustainable Water Management Initiative, such 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; provided further, that funds authorized in this item may be used for the purposes of the department's statewide air monitoring network which may include, but not be limited to, photochemical assessment monitoring stations, small particulate monitoring and air

toxins monitoring; and provided further, that funds authorized in this line may include the upgrade of equipment to comply with federal requirements $10,000,000

Department of Fish and Game

2300-7021 For enhancements, improvements, removal and replacements to the infrastructure and holdings of the department of fish and game and its divisions; and for the costs of studies, plans, engineering and other services essential to this activity; and for the planning, design, construction, and repair of existing and new facilities under the care and control of the department of fish and game and its divisions, including but not limited to education centers, district headquarters, hatcheries, office buildings, storage buildings, shooting ranges, dams and laboratories; provided, that these enhancements, improvements and replacements may include, but shall not be limited to, buildings and other structures, equipment, vehicles, vessels, information systems, and site clearance, including the demolition of structures, and other holdings including remediation of environmental compliance matters throughout the commonwealth..... $4,500,000

Department of Conservation and Recreation

2800-7032 For natural resource restoration and protection and to ensure compliance with storm water management and the federal Clean Water Act, including enhanced environmental compliance with laws and regulations, and improvements, and costs associated with site assessment, containment, clean-up, control, removal of, or

response actions concerning hazardous materials or substances at forests, parks, reservations and other properties of the department of conservation and recreation $24,000,000

2800-7107 For the design, construction, reconstruction, improvement or rehabilitation of department or navigable coastal and inland waterways projects, including but not limited to coastal protection, structures, dredging, rivers and stream cleaning, coastal structure maintenance, piers, dune stabilization, culvert repair, re-nourishment, erosion control and waterfront access and transportation improvements and related facilities and equipment..... $18,000,000

2840-7027 For the design, construction, reconstruction, repair, improvement or rehabilitation of flood control facilities and water resource protection related facilities of the department, including its various pump stations and structures.....$2,000,000

Division of Energy Resources

9300-7030 For the Leading by Example Program, to reduce greenhouse gas emissions and other environmental impacts at state agencies, authorities, and public colleges and universities; to stimulate increased public and private sector investment in clean energy and related enterprises, institutions, and projects in the commonwealth, including providing economic assistance for the development of these enterprises and non-financial assistance.....$5,000,000

9300-7919 For the energy conservation improvement program under section 11 of chapter 25A of the General Laws; provided, that funds in this item shall be allocated from time to time by the commissioner of energy resources for the purposes of the energy audit program, the energy conservation improvement program, and the alternative energy property program, and for other programs that increase energy efficiency and the deployment of renewable resources at public facilities; provided further, that when expending these funds, the commissioner shall take into consideration, among other relevant factors, the amount of available state and federal financial resources, the needs of each program with respect to public buildings and facilities, the volume of requests or expected requests from other entities for assistance under each program, the expected costs and public benefits of each program and, after information has become available from the energy audit program, the priorities and needs indicated by that information; provided further, that funds shall be expended on the buildings and facilities owned by public entities; and provided further, that grants may be issued for the purposes of this item..... $10,000,000

SECTION 2A.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary

0620-1001 For the water pollution abatement 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 chapter 29 of the General Laws 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; provided, that funds may be used to assist homeowners in complying with the revised state environmental code for subsurface disposal of sanitary waste, Title 5 .....$57,000,000

1100-2510 For improvements to coastal facilities in designated and non-designated port areas, including those defined in chapter 21F of the General Laws, 301 CMR 25, section 63 of chapter 91 of the General Laws and 312 CMR 2.00; provided, that improvements may include, but shall not be limited to, construction, reconstruction, rehabilitation, expanding, replacing, and improving public facilities, piers, wharves, boardwalks, berths, bulkheads, and other harbor and waterfront facilities.....$85,000,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

Office of the Secretary

2000-7054 For the parkland acquisition and renovation for communities (PARC) grant program, formerly the urban self-help program, to provide assistance to cities and towns in the acquisition of land, assessment and remediation of brownfield and greyfield sites and demolition on project sites and construction and restoration of parks and recreation areas under Article 97 of the Amendments to the Constitution and any regulations adopted by the secretary of energy and environmental affairs; provided, that notwithstanding any general or special law to the contrary, the title to any land acquired with the funds authorized in this item which is no longer used as open space shall revert to the commonwealth to be managed as open space.....$30,000,000

2000-7056 For the conservation partnership grant program to assist not-for-profit corporations and soil conservation districts defined in sections 19 through 24 of chapter 21 of the General Laws in acquiring interests in lands suitable for purposes of conservation or recreation; provided, that the corporation shall be formed for one of the purposes described in section 4 of chapter 180 of the General Laws and the corporation shall be considered an exempt organization within the meaning of section 501(c)(3) of the Internal Revenue Code; provided further, that grant funds shall be expended to reimburse an eligible corporation or soil conservation district for money expended by it in establishing a project approved by the secretary of energy and environmental affairs under this program in an amount that the secretary shall determine to be equitable in consideration of anticipated benefits from the project, but in no event shall the amount of the reimbursement exceed 50 per cent of the cost of the project; provided further, that no reimbursement shall be made under this item to a corporation or soil conservation district unless a project application is filed by the corporation with the secretary setting forth the plans and information that the secretary may require and approved by the secretary, nor until the corporation or soil conservation district shall have certified, in a manner approved by the secretary, its ability to provide an amount equal to the total cost of the project, nor until the project has been completed, to the satisfaction of the secretary, in accordance with the approved plans; provided further, that all projects shall include the grant by the corporation or soil conservation district of an appropriate perpetual conservation restriction, within the meaning of sections 31 and 32 of chapter 184 of the General Laws, to the city or town in which the project is located, to be managed by either its conservation or its recreation commission, or a federal or state agency, or combination of these entities; provided further, that all projects shall provide appropriate public access as determined by the secretary; and provided further, that the secretary may adopt rules and regulations to carry out this item.....$2,000,000

2000-7058 For the landscape partnership grant program to assist not-for-profit corporations and cities and towns acting through their conservation commissions or water departments, in cooperation with the departments of conservation and recreation, fish and game and agricultural resources, to acquire interests in land to permanently conserve and steward large, landscape-scale land conservation projects and to assist cities and towns in local zoning and planning efforts to further conservation and connectivity of working farms and forests and open space and prevent low-density sprawl development; provided, that the not-for-profit corporation shall be formed for one of the purposes described in section 4 of chapter 180 of the General Laws and the corporation shall be considered an exempt organization within the meaning of section 501(c)(3) of the Internal Revenue Code; provided further that the grants shall be expended in the completion of an approved project by an eligible corporation, city or town in the approved acquisition of land and interests in land for permanent conservation purposes under Article 97 of the Amendments to the Constitution or sections 31 and 32 of Chapter 184 of the General Laws and for associated costs including planning, study, due diligence, title, environmental site assessment, appraisal services, interest on loans, provided the rate does not exceed the current average market rate, and site restoration and for stewardship including baseline documentation report creation and long-term stewardship monitoring agreements and for technical assistance in the development of city and town bylaws for natural resource protection zoning purposes and related city and town conservation purposes and for study, inventory and related work in preparation for and assessment of marketable ecosystem services provided by the project lands; provided further that grant funds shall be expended in the completion of an approved project by an eligible corporation, city or town for a project previously approved by the secretary of energy and environmental affairs under this program in an amount that the secretary shall determine to be equitable in consideration of anticipated benefits from the cost of the project, but in no event shall the amount exceed 50 per cent of the total cost of

the project as approved by the secretary; provided further, that all projects shall provide appropriate public access as determined by the secretary; and provided further, that the secretary may adopt rules and regulations to carry out this item $15,000,000

Department of Agricultural Resources

2500-7024 For the agricultural environmental enhancement program on the abatement of all forms of pollution generated from agricultural activities originally funded under section 8 of chapter 258 of the acts of 1996; provided, that funds may be allocated by the commissioner of agricultural resources through competitive grants awarded to public and non-public entities to carry out the purposes of this item.....$1,000,000

SECTION 2B.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

Office of the Secretary

2000-7052 For the purpose of protecting the ecological integrity of the commonwealth's privately held and managed forestlands under the forest vision plan, including, but not limited to, acquisition of interests in land, research, planning, and monitoring; provided, that projects and funding shall be approved by the secretary of environmental affairs; and provided further, that projects may be carried out in cooperation with other governmental agencies, private land owners, and conservation organizations according to management agreements approved by the secretary.....$5,000,000

2000-7057 For the acquisition, development and construction of parks in urban neighborhoods currently underserved with parks consistent with attainment of environmental equity, including

planning related to these parks; completion of urban forestry and tree planting projects, assessment and remediation of brownfield and greyfield 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 under Article 97 of the Amendments to the Constitution and construction of parks and all related facilities; provided, that the secretary of energy and environmental affairs may issue grants to public and non-public entities to implement these programs $37,000,000

2000-7055 For integrated energy and environmental projects to provide for appropriate conservation, protection, restoration, management, and best use of air, energy, water and land resources; to provide for the propagation, protection, control and management of fish, other aquatic life, wildlife, and endangered species, to optimize and preserve environmental quality and public health, to encourage environmental equity; to provide for the assessment, prevention and abatement of water, land, air, noise, and other pollution or environmental degradation, to provide for mitigation and adaptation to climate change, to provide geographic information systems and data, including but not limited to conservation and development plans, provided through the office of geographic and environmental information, to collect, store and provide geographic, energy, and environmental and other information, to provide environmental, land use, water budgets and other trends and conditions, provided, that the secretary may allocate funds for the purposes of this item; and provided further, that grants may be awarded to public or non-public entities to carry out this item.....$15,000,000

2000-7051 For the development and support of local, regional, and state land use planning and management capabilities in support of smart growth efforts, including but not limited to convening the public to enhance awareness of and participation in planning, regulatory, and

permitting decisions; research; land use data acquisition and analysis; site specific brownfields, feasibility, reuse and other assessments; plans for water, sewer, road, transit and other infrastructure investments; site specific land use plans including construction documents and architectural blueprints; the development of municipal open space and recreation plans, municipal master plans under section 81D of chapter 41 of the General Laws, regional policy plans under chapter 40B of the General Laws, and state plans for land conservation and development; subdivision, zoning, and other local, regional, or state land use bylaws, ordinances, policies, guidelines, and regulations; and for outreach, communications, education, and planning to advance environmental equity, smart growth, and the MA Sustainable Development Principles; provided, that the secretary of energy and environmental affairs may issue grants to organizations including but not limited to municipalities, regional planning agencies, non-profit organizations, and other public and non-public entities to implement said programs; and provided further, that funds may be expended from this item for the costs of services rendered by agency employees or by consultants.....$10,000,000

Department of Environmental Protection

2200-7023 For the purposes of discovery, assessment, containment, clean-up, 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; funds authorized in this item may also be used for capital expenditure associated with composting and recycling program consistent with the statewide Solid Waste Master Plan authorized by section 21 of chapter 16 of the General Laws.....$1,000,000

2200-7025 For the assessment, containment, 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, or the regulations adopted under it, the Massachusetts contingency plan.....$3,000,000

Department of Fish and Game

2300-7020 For the acquisition of land and interests in land by the department of fish and game and for associated costs, including planning, study, due diligence, title and appraisal services, site restoration and stewardship for the purpose of protecting the native flora and fauna communities and for associated costs; provided, that the commissioner of fish and game may develop and utilize scientifically-based evaluation criteria to identify and select the most biologically significant areas throughout the commonwealth including, but not limited to, specific parcels, and that these lands may be purchased after being selected by this process and approved by the commissioner of fish and game; provided further, that funds may be expended on the development and implementation of a stewardship program on lands under the care and control of the department of fish and game and its divisions, either in fee simple or through conservation easement or conservation restrictions, including but not limited to resource and land use monitoring, baseline documentation report creation, signage, boundary marking and monitoring, stewardship planning, stewardship personnel, stewardship database development, ecological monitoring, and enforcement of conservation easements or conservation restrictions or detection and resolution of encroachments on land owned in fee simple, and repair of damage related to illegal off-road vehicle trespass; and provided further, that funds may be used for inventory, restoration and reclamation of recently acquired land, including demolition of structures, removal of debris, eradication of non-native species, and other services essential to these reclamation efforts

..... $15,000,000

2300-7023 For the purposes of conserving and recovering rare and endangered plant and animal species listed under chapter 131A of the General Laws and protecting other elements of the state's threatened natural heritage, through conservation, preparation of endangered species recovery plans, implementation of recovery and rehabilitation projects, and the execution of habitat and ecological restoration and management, as identified by the division of fisheries and wildlife's natural heritage and endangered species program and approved by the director of the division and the commissioner of the department; provided, that the associated costs may include, but shall not be limited to, species recovery, and rehabilitation projects, habitat restoration and management, monitoring services and equipment purchases; and provided further, that this work may be carried out in cooperation with local municipalities, private conservation organizations, private landowners, universities or governmental agencies $1,000,000

2300-7024 For a program of upland habitat management of forestlands, shrub lands, and grasslands, to provide habitat for native wildlife species experiencing long-term population declines, to control invasive, exotic species that degrade natural habitats, and to maintain independent, third party certification of sustainable resource management on state wildlife lands through the forest stewardship council or the sustainable forestry initiative; provided, that activities shall include, but shall not be limited to, implementation of habitat management plans as established by the division of fisheries and wildlife and approved by the director of the division and the commissioner of the department; and to establish and support an integrated, early detection and rapid response system for invasive species and to complete a strategic management plan for invasive species to prevent, control, eradicate and restore natural management areas; and for a landowner incentive grant program to restore declining species

and their habitats identified in the Comprehensive Wildlife Conservation Strategy on private lands that may include, but shall not be limited to, technical and financial assistance, implementation and monitoring as established by the division of fisheries and wildlife and approved by the director of the division and the commissioner of the department, and for associated costs; provided, that the associated costs may include, but shall not be limited to, restoration, management, monitoring services, and equipment purchases; provided further, that the projects may be carried out in cooperation with cities, towns, not-for-profit organizations, private landowners, conservation organizations, sportsmen's clubs or governmental agencies; provided further, that grants may be awarded to public and non-public entities to carry out the purposes of this item; and provided further, that the department may award grants to public and non-public entities to carry out the purposes of this item $1,000,000

2300-7025 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 statewide, including but not limited to dam and barrier removal, instream improvements, flow, water quality, riverine habitat, for protection of high quality riparian and wetland habitat, to mitigate threats from climate change, and improve recreational opportunities; provided further, that these costs may include, but shall not be limited to, equipment to implement these programs; and provided further, that the commissioner or his designee may enter into cooperative agreements with state and federal government agencies and municipalities, may contract for services including, but not limited to, engineering, and may award grants to public and non-public entities to foster and carry out the purposes of this item.....$20,000,000

2300-7026 For the planning, engineering, design, construction, construction inspection, acquisition, development, and reconstruction of existing and new coastal and inland access sites including, but not limited to, boat launching facilities, fisherman boat access facilities, car-top boat launching facilities, canoe and kayak access facilities, sport fishing piers and shore fishing areas including, but not limited to, ramps, docks, floats and appurtenant facilities throughout the commonwealth including, but not limited to, construction of signage and informational kiosks, and the implementation of coastal projects developed jointly with the Marine Recreational Fisheries Development Fund.....$3,000,000

Department of Agricultural Resources

2500-7023 For the purpose of developing and implementing programs designed to address agricultural economic and environmental sustainability, research, industry promotion, technology transfer, education and to facilitate improvements to agricultural infrastructure, energy conservation and efficiency, as well as renewable energy projects, including the development and implementation of farm viability plans and other technical and engineering assistance to enhance the economic and environmental viability of farms, to promote urban agriculture, to provide for shorter term land covenants, and for undertaking of markets for agricultural products to assist in agricultural business enhancement and transition, the creation of a program, including grants to public and non-public entities for the development and implementation of new procedures for energy conservation and efficiency, renewable and alternative energy sources to assist the commonwealth's agricultural community to grow and develop; provided further, that there be established a program to assist in the preservation and rehabilitation of facilities and land resources of agricultural fairs in the commonwealth through preservation covenants, grants, demonstration projects and other

means, under section 38C of chapter 128 of the General Laws; provided further, that funds authorized in this item may be allocated by the commissioner through competitive grants; and provided further, that the commissioner may adopt regulations relative to these grants.....$3,000,000

Department of Conservation and Recreation.

2840-7024 For the design, construction, reconstruction, removal, improvement or rehabilitation of department reservations, forests, parks, harbor islands, skating rinks, swimming pools, golf courses, tennis courts, basketball courts, playgrounds, other recreational facilities, beaches and related facilities, storage buildings, office buildings and other parks buildings and equipment and for the planning, design, construction, repair, reconstruction, rehabilitation, or improvement of department bike paths, greenways, recreational trails, and related facilities and equipment.....$31,000,000

SECTION 2C.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation

2890-7020 For the design, construction, reconstruction, repair, improvement, or rehabilitation of department of conservation and recreation parkways, boulevards, multi-use trails, internal state park roads, pedestrian bridges and related appurtenances and equipment including, but not limited to, the costs of engineering and other services for those projects rendered by department of conservation and recreation employees or by consultants; provided, that funds may be expended for pedestrian and bicycle safety, traffic calming, landscape improvements, street lighting, and safety equipment; provided further, that all work funded

by this item shall be carried out according to standards developed by the department of conservation and recreation pursuant to historic parkways preservation treatment guidelines to protect the scenic and historic integrity of the bridges and parkways under its control $46,000,000

SECTION 2D.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Division of Energy Resources

9300-7031 For the Leading by Example Program, to reduce greenhouse gas emissions and other environmental impacts at state agencies, authorities, and public colleges and universities; to stimulate increased public and private sector investment in clean energy and related enterprises, institutions, and projects in the commonwealth, including providing economic assistance for the development of these enterprises and non-financial assistance; provided, that costs payable from this item shall include, but not be limited to, the costs of engineering and other services essential to these projects rendered by department of environmental protection and maintenance employees or by consultants; provided further, that for projects which the secretary of administration and finance certifies to the comptroller directly or indirectly generate new state revenue or budgetary savings, the comptroller shall transfer those budgetary savings or revenue to the state treasurer for payment of debt service related to those projects; and provided further, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects.....$5,000,000

9300-7918 For the energy conservation improvement program under section 11 of chapter 25A of the General Laws; provided, that costs payable from this item shall include, but not be limited

to, the costs of engineering and other services essential to these projects rendered by department of environmental protection and maintenance employees or by consultants; provided further, that funds in this item shall be allocated from time to time by the commissioner of energy resources for the purposes of the energy audit program, the energy conservation improvement program, and the alternative energy property program, and for other programs that increase energy efficiency and the deployment of renewable resources at public facilities; provided further, that when expending these funds, the commissioner shall take into consideration, among other relevant factors, the amount of available state and federal financial resources, the needs of each program with respect to public buildings and facilities, the volume of requests or expected requests from other entities for assistance under each program, the expected costs and public benefits of each program and, after information has become available from the energy audit program, the priorities and needs indicated by that information; provided further, that funds shall be expended on the buildings and facilities owned by public entities; provided further, that for projects which the secretary of administration and finance certifies to the comptroller directly or indirectly generate new state revenue or budgetary savings, the comptroller shall transfer those budgetary savings or revenue to the state treasurer for payment of debt service related to those projects; and provided further, that grants may be issued for the purposes of this item..... $10,000,000

SECTION 2E.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Division of Capital Asset Management and Maintenance

1102-2015 For the accelerated energy program to improve the energy efficiency of state-owned facilities which includes costs associated with planning and studies, prepayment of lease for a term

that exceeds the useful life of the facility, gifts, or other transfers, or by eminent domain under chapter 79 of the General Laws, for the preparation of plans and specifications, repairs, construction, renovations, improvements, asset management and demolition, disposition and remediation of state-owned and former county facilities and grounds and repair and maintenance of buildings and building systems and equipment at various facilities of the commonwealth; provided, that all maintenance and repair work funded in this item shall be listed in the capital asset management information system administered by the division of capital asset management and maintenance; provided further, that, where appropriate, the commissioner of capital asset management and maintenance may transfer funds in accordance with the delegation of project control and supervision process under section 40B of chapter 7 of the General Laws; provided further, that costs payable from this item shall include, but not be limited to, the costs of engineering and other services essential to these projects rendered by division of capital asset management and maintenance employees or by consultants; and provided further, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects.....$62,000,000

SECTION 2F.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Division of Capital Asset Management and Maintenance

1102-2016 For the accelerated energy program to improve the energy efficiency of state-owned facilities which includes costs associated with planning and studies, prepayment of lease for a term that exceeds the useful life of the facility, gifts, or other transfers, or by eminent domain under chapter 79 of the General Laws, for the preparation of plans and specifications, repairs, construction, renovations, improvements, asset management and demolition,

disposition and remediation of state-owned and former county facilities and grounds and repair and maintenance of buildings and building systems and equipment at various facilities of the commonwealth; provided, that all maintenance and repair work funded in this item shall be listed in the capital asset management information system administered by the division of capital asset management and maintenance; provided further, that, where appropriate, the commissioner of capital asset management and maintenance may transfer funds in accordance with the delegation of project control and supervision process under section 40B of chapter 7 of the General Laws; provided further, that for projects which the secretary of administration and finance certifies to the comptroller directly or indirectly generate new state revenue or budgetary savings, the comptroller shall transfer those budgetary savings or revenue to the state treasurer for payment of debt service related to those projects; provided further, that costs payable from this item shall include, but not be limited to, the costs of engineering and other services essential to these projects rendered by division of capital asset management and maintenance employees or by consultants; and provided further, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects.....$250,000,000

SECTION 2G.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

Office of the Secretary

2000-7026 For the design, construction, reconstruction, rehabilitation or removal of coastal infrastructure, including but not limited to seawalls, jetties, revetments, and retaining walls; provided, that costs payable from this item may include, but not be limited to, the costs of engineering and other technical assistance services essential to these projects rendered by the

office of coastal zone management within the executive office of energy and environmental affairs and the office of waterways within the department of conservation and recreation and maintenance employees or by consultants; provided further, that loans may be made to local government units to carry out this item; and provided further, that grants may be awarded to public entities to carry out this item.....$120,000,000

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, the sum of $83,500,000. All bonds issued by the commonwealth under this section shall be designated on their face, Preservation and Improvement of Environmental Assets Loan Act of 2013, and shall be issued for a maximum terms of years, not exceeding 30 years, that the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2048. All interest and payments on account of principal of these obligations shall be payable from the General Fund unless otherwise specified. Bonds and interest on bonds issued under this section, notwithstanding any other provision of this act, shall 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, the sum of $190,000,000. All bonds issued by the commonwealth under this section shall be designated on their face, Preservation and Improvement of Environmental Assets Loan Act of 2013, and shall be issued for a maximum terms of years, not exceeding 30 years, that the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2048. All interest and payments on account of principal of these obligations shall be payable from the General Fund unless otherwise specified. Bonds and interest on bonds issued under the authority of this

section, notwithstanding any other provision of this act, shall 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, the sum of $145,000,000. All bonds issued by the commonwealth under this section shall be designated on their face, Preservation and Improvement of Environmental Assets Loan Act of 2013, and shall be issued for a maximum terms of years, not exceeding 30 years, that the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2048. All interest and payments on account of principal of these obligations shall be payable from the General Fund unless otherwise specified. Bonds and interest on bonds issued under this section, notwithstanding any other provision of this act, shall 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, the sum of $46,000,000. All bonds issued by the commonwealth under this section shall be designated on their face, Environmental Transportation Assets Loan Act of 2013 and shall be issued for a maximum term of years, not to exceed 30 years, which the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2048. All interest and payments on account of principal of these obligations shall be payable from the General Fund unless otherwise specified. Bonds and interest on bonds issued under this section, notwithstanding any other provision of this act, shall 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, the sum of $15,000,000. All bonds issued by the commonwealth under this section shall be designated on their face, Preservation and Improvement of Environmental Assets Loan Act of 2013, and shall be issued for a maximum terms of years, not exceeding 30 years, that the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2048. All interest and payments on account of principal of these obligations shall be payable from the General Fund unless otherwise specified. Bonds and interest on bonds issued under this section, notwithstanding any other provision of this act, shall be general obligations of the commonwealth.

SECTION 8. To meet the expenditures necessary in carrying out section 2E, 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, $62,000,000. All such bonds issued by the commonwealth shall be designated on their face, Accelerated Energy Program Improvement Act of 2013, and shall be issued for a maximum term of years, not exceeding 30 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, 2048. All interest and payments on account of principal on these obligations shall be payable from the General Fund. Bonds and interest on bonds issued under this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 9. To meet the expenditures necessary in carrying out section 2F, 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, $250,000,000. All such bonds issued by the commonwealth shall be designated on their face, Accelerated Energy Program Improvement Act of 2013, and shall be issued for a maximum term of years, not exceeding 30 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, 2048. 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 provisions.

SECTION 10. To meet the expenditures necessary in carrying out section 2G, 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, the sum of $120,000,000. All bonds issued by the commonwealth under this section shall be designated on their face, Coastal Infrastructure Investment Loan Act of 2013, and shall be issued for a maximum terms of years, not exceeding 30 years, that the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2048. All interest and payments on account of principal of these obligations shall be payable from the General Fund unless otherwise specified. Bonds and interest on bonds issued under this section, notwithstanding any other provision of this act, shall be general obligations of the commonwealth.

SECTION 11. The secretary of administration and finance shall submit a report on the progress of any projects funded through the authorizations in this act and included in the governor's 5 year capital investment to the clerks of the senate and house of representatives, the chairs of the senate and house committees on ways and means, and the senate and house chairs of the joint committee on bonding, capital expenditures and state assets. The report shall include, but not be limited to, the previous year planned spending, previous year spending, current year planned spending, current year spending to date, original estimated total project cost, project description, location of the project, type of spending, type of asset and useful life of the project once completed. The report shall be submitted on June 30 and December 31 of each year for a period of 8 years after the effective date of this act.

SECTION 12. To provide for the continued availability of certain bond-funded spending authorizations which otherwise would expire, the balances of the following appropriation items and any allocations thereof are hereby extended through June 30, 2017, for the purposes of and subject to the conditions stated for these items in the original authorizations and any amendments to such authorizations: 1100-2500, 1102-6000, 1102-7000, 2000-2011, 2000-2012, 2000-2017, 2000-2019, 2000-2021, 2000-2035, 2000-7013, 2000-7014, 2000-7015, 2000-7016, 2000-7018, 2000-7022, 2000-7023, 2000-7024, 2000-7025, 2200-2011, 2200-2015, 2200-2017, 2200-7011, 2200-7012, 2200-7013, 2200-7014, 2200-7015, 2200-7017, 2200-8969, 2300-2014, 2300-2016, 2300-2017, 2300-7010, 2300-7011, 2300-7013, 2300-7014, 2300-7015, 2300-7016, 2300-7017, 2300-7018, 2500-7012, 2500-7013, 2500-7014, 2800-7011, 2800-7012, 2800-7013, 2800-7015, 2800-7016, 2800-7017, 2800-7018, 2800-7019, 2800-7022, 2800-7097, 2800-7098, 2840-7014, 2840-7017, 2890-7010, 2890-7011, 6121-0800, 6121-0816, 6121-0817, 6121-0847, 8000-9012, 9300-7010, 9300-7909.

SECTION 13. Each agency acquiring land or an interest in land under section 2, 2A, 2B, 2C, 2D and 2G may expend an amount not to exceed 5 per cent of the amount appropriated to that agency in section 2, 2A, 2B, 2C, 2D and 2G 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 14. No amounts authorized in section 2, 2A, 2B, 2C, 2D and 2G shall be used by a recipient municipality for the supplementing or supplanting of normal operating expenses of any function of the municipality.

SECTION 15. Notwithstanding any general or special law to the contrary, funds may be expended for services rendered by agency employees or by consultants necessary to support projects authorized in section 2, 2A, 2B, 2C, 2D and 2G.

SECTION 16. Notwithstanding any general or special law to the contrary, upon acquiring any fee interest in land for purposes within 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 17. 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 in section 2, 2A, 2B, 2C, 2D and 2G may be used for the costs associated with the purchase of title insurance and services for title examinations, reports and certifications.

SECTION 18. All expenditures from items in section 2, 2A, 2B, 2C, 2D and 2G authorized as grants to non-public entities shall be expended for public purposes and shall comply with Article 103 of the Amendments to the Constitution and 815 CMR 2.00.

SECTION 19. Item 2000-7013 of section 2A of said chapter 312 of the acts of 2008 is hereby amended by inserting after the words "section 11; provided" the following words:-

that any land protected with funds authorized in this item be open to the general public for appropriate passive recreation; provided further,

SECTION 20. Item 2000-7014 of said section 2A of said chapter 312 is hereby amended by striking out the word "park" , in the first place it occurs, and inserting in place thereof the following word:- parkland

SECTION 21. Item 2000-7016 of said section 2A of said chapter 312 is hereby amended by striking out the words "For the conservation partnership grant program to assist not-for-profit corporations in acquiring interests in lands suitable for purposes of conservation or recreation; provided, that the corporation shall be formed for one of the purposes described in section 4 of chapter 180 of the General Laws and the corporation shall be considered an exempt organization within the meaning of section 501(c)(3) of the Internal Revenue Code; provided further, that grant funds shall be expended to reimburse an eligible corporation for money expended by it in establishing a project approved by the secretary of energy and environmental affairs under this program in an amount that the secretary shall determine to be equitable in consideration of anticipated benefits from the project, but in no event shall the amount of the reimbursement exceed 50 per cent of the cost of the project; provided further, that no reimbursement shall be made under this item to a corporation unless a project application is filed by the corporation with the secretary setting forth the plans and information that the secretary may require and approved by the secretary, nor until the corporation shall have certified, in a manner approved by the secretary, its ability to provide an amount equal to the total cost of the project, nor until the project has been completed, to the satisfaction of the secretary, in accordance with the approved plans; provided further, that all projects shall include the grant by the corporation of an appropriate perpetual conservation restriction, within the meaning of sections 31 and 32 of chapter 184 of the General Laws, to the city or town in which the project is located, to be managed by either its conservation or its recreation commission, or a state agency, or both;" and inserting in place thereof the following words:-

For the conservation partnership grant program to assist not-for-profit corporations and soil conservation districts defined in sections 19 through 24 of chapter 21 of the General Laws in acquiring interests in lands suitable for purposes of conservation or recreation; provided, that the corporation shall be formed for one of the purposes described in section 4 of chapter 180 of the General Laws and the corporation shall be considered an exempt organization within the meaning of section 501(c)(3) of the Internal Revenue Code; provided further, that grant funds shall be expended to reimburse an eligible corporation or soil conservation district for money expended by it in establishing a project approved by the secretary of energy and environmental affairs under this program in an amount that the secretary shall determine to be equitable in consideration of anticipated benefits from the project, but in no event shall the amount of the reimbursement exceed 50 per cent of the cost of the project; provided further, that no reimbursement shall be made under this item to a corporation or soil conservation district unless a project application is filed by the corporation with the secretary setting forth the plans and information that the secretary may require and approved by the secretary, nor until the corporation or soil conservation district shall have certified, in a manner approved by the secretary, its ability to provide an amount equal to the total cost of the project, nor until the project has been completed, to the satisfaction of the secretary, in accordance with the approved plans; provided further, that all projects shall include the grant by the corporation or soil conservation district of an appropriate perpetual conservation restriction, within the meaning of sections 31 and 32 of chapter 184 of the General Laws, to the city or town in which the project is located, to be managed by either its conservation or its recreation commission, or a federal or state agency, or combination thereof;

SECTION 22. Item 2200-7011 of said section 2A of said chapter 312 is hereby amended by striking out the words "For the purposes of water quality monitoring, assessment and protection as required 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 and 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; provided, that this funding, may include, but not be limited to, studies of water quality, the development of wetlands conservancy and tidelands Geographic Information System (GIS) maps, the implementation of water quality monitoring devices, the collection and analysis of water quality samples, the development of water quality analyses known as Total Maximum Daily Loads (TMDL's), and projects related to non-point and point sources of water pollution, and the wetlands circuit rider program; otherwise referred to as Area 10 in the town's CWRMP " and inserting in place thereof the following words:-

For investment in water and air quality protection as required 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 and 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; provided, that this funding, may include, but not be limited to, research and the collection of data to support investment in environmental assets, such research and studies to include but not be limited to studies of water quality, the development of wetlands conservancy and tidelands Geographic Information System (GIS) maps, the implementation of water quality monitoring initiatives, the collection and analysis of water quality samples, and the development of water quality analyses known as Total Maximum Daily Loads (TMDL's); projects related to non-point and point sources of water pollution; and, the wetlands circuit rider program; provided further, that funds may be expended for local grants and research for implementation of the commonwealth's Sustainable Water Management Initiative, such grants and research to provide the data necessary for municipalities to invest in efficient and effective mitigation practices to restore and preserve the commonwealth's water resources, assets and infrastructure; provided further, that funds authorized in this item may be used for the purposes of the department's statewide air monitoring network which may include, but not limited to, photochemical

assessment monitoring stations, small particulate monitoring and air toxins monitoring; and provided further, that funds authorized in this line may include the upgrade of equipment to comply with federal requirements.

SECTION 23. Item 2200-7017 of said section 2A of said chapter 312 is hereby amended by striking out the words "department of environmental protection to be of potential use for water supply purposes; provided, that any grants approved by the department" and inserting in place thereof the following words:-

executive office of energy and environmental affairs to be of potential use for water supply purposes; provided, that any land protected with funds authorized in this item be made open to the general public for passive public recreation where appropriate; and provided further, that any grants approved.

SECTION 24. Item 2300-7010 of said section 2A of said Chapter 312 is hereby amended by striking out the words "fisheries and wildlife" and inserting in place thereof the following words:- fish and game.

SECTION 25. Said item 2300-7010 of said section 2A of said chapter 312 is hereby further amended by inserting after the word "conservation easement" the following words:- or conservation restrictions.

SECTION 26. Said item 2300-7010 of said section 2A of said chapter 312 is hereby further amended by inserting after the words "of conservation restrictions" the following words:- or conservation easements.

SECTION 27. Item 2300-7011 of said section 2A of said chapter 312 is hereby amended by inserting after the words "education centers," the following words:- dams.

SECTION 28. Item 2300-7013 of said section 2A of said chapter 312 is hereby amended by inserting after the words "implementation of recovery" the following words:- and rehabilitation.

SECTION 29. Said item 2300-7013 of said section 2A of said chapter 312 is hereby amended by inserting after the words "species recovery" the following words:- and rehabilitation projects.

SECTION 30. Item 2300-7014 of said section 2A of said chapter 312 is hereby amended by striking out the words "the commissioner shall identify at all scales the natural and cultural resources at risk from invasive species and conduct baseline assessments of invasive species at those sites and to educate the public to help prevent and control invasive species".

SECTION 31. Item 2300-7017 of section 2A of said chapter 312 is amended by inserting after the words "and management studies;" the following words:-

provided further, that funds may be expended from this item for a cooperative research program between the department of fish and game and the division of fisheries and wildlife, University of Massachusetts cooperative research unit, and United States Geological Survey to study the status of the aquatic biological diversity in the flowing and impounded water of the commonwealth and the impacts of anthropogenic factors on aquatic resources and develop and implement capital mitigation projects for impacts to aquatic species and other factors; provided further, that research shall include, but not be limited to, the impacts of water withdrawal, impervious cover, and water impoundments;

SECTION 32. Item 2500-7013 of said section 2A of said chapter 312 is hereby amended by inserting after the words "of farms" the following words:- to promote urban agriculture.

SECTION 33. Chapter 29 of the General Laws is hereby amended by striking out section 2IIII, as inserted by section 3 of chapter 448 of the acts of 2012, inserting in place thereof the following 2 sections:

Section 2IIII. (a) There shall be established and set upon the books of the commonwealth a separate fund to be known as the Dam Repair or Removal Fund into which shall be deposited amounts credited or transferred to the fund by the general court or any other source including, without limitation, federal grants; loan repayments; investment earnings on monies in the fund; and any other amounts required to be credited to the fund by operation of law, resolution or agreement entered into by the department of conservation and recreation. The fund shall be administered by the secretary of energy and environmental affairs. 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.

(b) Amounts credited to the fund shall be used, without further appropriation, for the costs associated with the operations of the office of dam safety within the department of conservation and recreation, but such expenditures shall be solely for the purposes stated in this section and no funds shall be transferred from the trust to any other fund, and to provide grants or loans to local governmental bodies, charitable organizations and private dam owners to finance or refinance costs of inspection, repair and removal projects including, but not limited to, projects related to dams. The amount expended from this fund during any fiscal year for the costs of employees shall not exceed 5 percent of the funds expended from the fund in that fiscal year.

(c) On or before September 1 of each year, a local governmental body, charitable organization or private dam owner may apply to the secretary of energy and environmental affairs for assistance in financing the cost of an eligible infrastructure project. The secretary shall promulgate rules and regulations for the administration and implementation of this section including, but not limited to, a priority system for the approval of projects. Priority shall be given to projects that (i) are owned or

operated by agencies of the commonwealth, cities, towns and tax-exempt charitable organizations; and (ii) have been classified by the department of conservation and recreation as high hazard or significant hazard dams.

Section 2JJJJ. (a) There shall be established and set upon the books of the commonwealth a separate fund to be known as the Climate Change Adaptation Infrastructure Investment Fund into which shall be deposited amounts credited or transferred to the fund by the general court or any other source including, without limitation, federal grants, loan repayments, investment earnings on monies in the fund, and any other amounts required to be credited to the fund by operation of law, resolution or agreement entered into by the department of conservation and recreation or office of coastal zone management. The fund shall be administered by the secretary of energy and environmental affairs. 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.

(b) Amounts credited to the fund may be used, without further appropriation, for the costs associated with the operations of the office of waterways and the office of dam safety within the department of conservation and recreation, the department of environmental protection and by the office of coastal zone management within the executive office of energy and environmental affairs for the costs associated with operations, but such expenditures shall be solely for the purposes stated in this section and no funds shall be transferred from the trust to any other fund, and to provide grants or loans to agencies of the commonwealth, local governmental bodies to finance or refinance costs of inspection, repair and removal projects including, but not limited to, projects related to seawalls, jetties, revetments, retaining walls, and inland flood control. The amount expended from this item during any fiscal year for the costs of employees shall not exceed 5 percent of the funds expended from the fund in that fiscal year.

(c) On or before September 1 of each year, a local governmental body or public flood control infrastructure owner may apply to the secretary of energy and environmental affairs for assistance in financing the cost of an eligible infrastructure project. Priority shall be given to projects that are owned or operated by agencies of the commonwealth, cities, and towns.