Mr. Rogers of Norwood, Mr. Ruane of Salem, Mr. Larkin of Pittsfield and other members of the house move to consolidate the following amendments: 8, 45, 62, 101, 102, 103, 145, 179, 180, 201, 202, 213, 280, 321, 322, 323, 366, 385, 444, 486, 499, 559, 562, 568, 626, 629, 673, 712, 713, 714, 715, 722, 725, 726, 728, 798, 801, 827, 828, 833, 930, 935, 982, 983, 1011, 1012, 1021 and hereby move to amend H.4000 is section 2 by striking items 2000-0100, 2200-0100, 2200-0500, 2600-0100, 2620-0200, 2630-0100, 2800-0500, 2810-0100, 2820-0100, 2820-3001 and replacing with the following:—

2000-0100 For the office of the secretary, including the water resources commission, the hazardous waste facility site safety council, the coastal zone management program, environmental impact reviews conducted pursuant to chapter 30 of the General Laws, the mosquito-borne disease vector control program, and a central data processing center for the secretariat; provided, that the secretary of environmental affairs shall file a plan with the house and senate committees on ways and means 60 days before entering into any interdepartmental service agreements with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the parkways, boulevards, roadways, bridges and related appurtenances under the care and custody of the metropolitan district commission in fiscal year 2003 shall remain solely under the jurisdiction, custody and care of the division of urban parks and recreation under the executive office of environmental affairs; provided further, that said plan shall detail the purposes of, reasons for, and amounts of said agreements; and provided further, that funds may be expended for volunteer water quality monitoring grants..... $6,236,022

2200-0100 For the operation of the department of environmental protection, including the environmental strike force, the office of environmental results and strategic planning, the bureau of resource protection, the Senator William X. Wall experimental station, the operations of the board of registration of hazardous waste site cleanup professionals, and a contract with the University of Massachusetts for environmental research, notwithstanding the provisions of section 323F of chapter 94 of the General Laws; provided, that the provisions of section 3B of chapter 7 of the General Laws shall not apply to fees established pursuant to section 18 of chapter 21A of the General Laws; provided further, that not less than $75,000 shall be expended for drinking water protection in the town of Paxton; and provided further, that enactment of the appropriations made available by this act to the department shall be deemed a determination, pursuant to subsection (m) of section 19 of chapter 21A of the General Laws..... $28,474,584

2600-0100 For the division of agriculture and land preservation, including the office of the commissioner of conservation and agriculture, the expenses of the board of agriculture, the division of fisheries, wildlife and environmental law enforcement, the subdivision of animal health and dairy services, including a program of laboratory services at the University of Massachusetts at Amherst, the administration of the farm inspections and pesticide program, the integrated pest management assessment program, the bureau of agricultural development and fairs, and the sub-division of forestry and fire-control; provided, that funds may be expended for the buy local

program, so-called; and provided further, that the sum expended for the Southeastern Massachusetts Agricultural Partnership in fiscal year 2004 shall not be reduced from fiscal year 2003 levels except in proportion to adjustments consistent with the department's budget adjustments ..... $ 9,118,981

2630-0100 For the operation of the subdivision of marine fisheries, including expenses of the Annisquam river marine research laboratory, marine research programs, a commercial fisheries program, a shellfish management program including coastal area classification, mapping and technical assistance, and for the operation of the Newburyport shellfish purification plant and shellfish classification program; provided, that the sum expended for the school for marine science and technology, to help mitigate the negative economic impact to the Massachusetts ports which has resulted from the change in federal fisheries regulations, in fiscal year 2004 shall not be reduced from fiscal year 2003 levels, except in proportion to adjustments consistent with the department's budget adjustments $3,311,500

2640-0100 For the administration of the public access board, including the maintenance, operation, and improvements of public access land and water areas $320,092

2800-0101 For the watershed management program to operate and maintain reservoirs, watershed lands and related infrastructure of the department of parks and recreation; provided, that no water shall be diverted from the Connecticut river by the said department or the Massachusetts water resources authority; provided further, that $500,000 shall be paid to the town of Clinton, under section 8 of chapter 307 of the acts of 1987, to compensate for the use of certain land; provided further, that the amount of the payment shall be charged to the general fund and not be included in the amount of the annual determination of fiscal year charges to the Massachusetts water resources authority assessed to the authority under section 113 of chapter 92 of the General Laws; provided further, that not less than 13 employees shall be assigned to patrol watershed areas; and provided further, that said department shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures in the most recent quarter including the amount and a description of what was charged $9,289,702

2810-0100 For the recreational operations of the division of state parks and recreation; provided, that funds appropriated herein shall be used to operate all of the division's parks, heritage state parks, reservations, campgrounds, beaches, and pools, and for the oversight of rinks; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that not less than $80,000 shall be expended to assist access for recreational opportunities for the disabled in the town of Wilmington; provided further, that not less than $100,000 shall be obligated for educational programming at the Ernestina Commission; and provided further, that the department is authorized to issue grants to public and non-public entities from this item $14,178,928

2820-0100 For the administration, operation and maintenance of the division of urban parks and recreation, for the maintenance, operation and related costs of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the division, for the purchase of all necessary supplies and related equipment; provided, that said parkways, boulevards, roadways, bridges and related appurtenances under the care and custody of the metropolitan district commission in fiscal year 2003 shall remain solely under the jurisdiction, custody and care of the division of urban parks and recreation; provided, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that not less than $247,000 shall be expended for the maintenance and operation of the James Michael Curley recreation center in Boston; and provided further, that no expenses other than those identified herein shall be expended from this item..... $20,928,262

2820-3001 The division of urban parks and recreation may expend an amount not to exceed $900,000 from skating rink fees and rentals for the operation and maintenance, including personnel costs, of four rinks between September 1, 2003 and April 30, 2004 for an expanded and extended rink season; provided, that when assigning time for the use of its rinks said division shall give priority to those which qualify under applicable state and federal law as non-profit organizations or as a public school..... $900,000

and further amends the bill in section 37 by striking out the second sentence in section 1 and inserting in place thereof the following sentence:—

Three members of the board shall be farmers whose professional occupation is the production of food, two members of the board shall be licensed foresters engaged in the practice of forestry, and two members of the board shall be representatives of land conservation organizations headquartered in the commonwealth.

and further amends the bill in section 45 by striking out subsections 1G, 1H, and 1I

and further amends the bill in section 60, by striking out the first and second paragraphs and inserting in place thereof the following:—

Section 17A. There shall be in the department of conservation and agriculture a board to be known as the public access board composed of the director of the subdivision of fisheries and wildlife, the director of the subdivision of environmental law enforcement, and the director of the subdivision of marine fisheries, and the director of the division of state parks and recreation or their respective designees and the chairmanship of said board shall be by vote of said members. The board shall meet at the call of the chairman and shall by majority vote designate locations of public access to great ponds and other waters within the commonwealth and locations of trails and paths for snowmobiling, hiking, skiing or other uses; provided, however, that no location shall

be so designated except after a public hearing in the city or town in which it is situated. Notice of such hearing shall be given in the case of a city, to its mayor and in the case of a town, to its board of selectmen at least twenty days before the date of the hearing. The department shall, after receiving written notice of such designation, acquire by purchase, gift, or lease or, with the consent of the governor, by eminent domain such land and water areas, or interests and easements therein, which have been designated by said board for the purpose of providing such public access, trails and related facilities, or it may utilize public lands with the consent of the department or other public agency in charge thereof. The department may construct such roads, parking areas, docks, ramps, trails, shelters, comfort stations and related facilities as may be designated by said board and shall maintain, operate and improve such facilities and associated land and water areas; provided, however, that the department may enter into agreements with other public agencies to transfer operation of such areas to said agency. The department may adopt, after public hearing, regulations governing the use of land and water areas under this section, violation of which may be punished by a fine of not more than one hundred dollars and which may be enforced by any employee of the commonwealth, or of a city or town, having police powers. The cost of such acquisition, construction, maintenance, operation and improvement, and the administrative and other expenses, including planning, incurred by the department in connection with the activities authorized by this section shall be chargeable to the General Fund. The board may purchase from sums appropriated safety, rescue, patrol and maintenance equipment and may transfer the same to agencies of the commonwealth having responsibilities for law enforcement or management of public lands.

All meetings of the board shall be public meetings subject to the provisions of section 23B of chapter 39.

Section 17B. The commissioners of the department of conservation and agriculture and the department of parks and recreation, with the approval of the public access board may from time to time, for the purpose of promoting the public safety, health and welfare, and protecting public and private property, wildlife, fresh water fisheries, and irreplaceable wild, scenic and recreational river resources, adopt, amend, modify, or repeal orders regulating, restricting or prohibiting dredging, filling, removing or otherwise altering, or polluting the scenic and recreational rivers and streams of the commonwealth. The notice required by section two of chapter thirty A as a condition precedent to the adoption or amendment of any regulation shall be given to each assessed owner of any land on the banks of any such river or stream. In this section, the term "scenic and recreational rivers and streams of the commonwealth" shall mean, rivers and streams of the commonwealth or portions thereof, and such contiguous land not to exceed one hundred yards on either side of the natural bank of such river as the commissioner reasonably deems it necessary to protect by any such order.

and further amends the bill in section 66 by striking out the first paragraph and inserting in place thereof the following:—

Section 8. The department of environmental protection shall include the bureau of environmental sanitation and all the powers and duties assigned to said bureau which relate to environmental health, air pollution control, noise regulation, community sanitation, water supply and water quality, noisome trades and sanitary landfills, and including those set forth in sections 2B, 2C, 5E, 5F, 5G, 17, 23, 24, 31C, 31D, 142A to 142E, inclusive, 143, 147, 150A, 152, 159, 160 to 166, inclusive, and 175 of chapter 111, the division of water pollution control and the division of mineral resources. The department of environmental protection shall maintain, in one location, copies of all city and town sanitary codes, and all rules, regulations and standards that pertain to public health, and any amendments and additions thereto, which have been adopted by boards of health pursuant to section 31 of chapter 111. The department shall make said information available for public inspection and reference, and shall charge a fee for reproducing and mailing said information which shall be in an amount sufficient to cover the expense of providing such services.

and further amends the bill in section 73 by striking out the figure "1" and inserting in place thereof the figure "2"

and further amends the bill in section 109 by inserting after subsection 1 the following:—

Section 1B. The board, shall develop an oversight strategy of park management plans, capital planning and policy development. Such oversight strategies will be published annually and after a 30 day public comment period will be finalized and submitted to the Secretary of Environmental Affairs. Such oversight plans must be prepared and submitted 45 days prior to the submission to the legislature of the governor's annual budget.

and further amends the bill by striking out section 181 and inserting in place thereof the following section:

SECTION 181. Chapter 92 of the General Laws is hereby amended by striking out sections 9 through 9A, inclusive.

and further amends the bill in section 194, by striking out the term "conservation and agriculture" and inserting in place thereof the following:— "parks and recreation"

and further amends the bill in section 289 by inserting at the end of thereof the following new subsection:—

Section 13. The director of the division of state parks and recreation shall work in cooperation with the director of the subdivision of forestry within the division of food, agriculture and land preservation and the director of the subdivision of fisheries and wildlife within the division of fisheries, wildlife and environmental law enforcement to

establish coordinated management guidelines for sustainable forestry practices on public forest lands within the departments of parks and recreation and conservation and agriculture and on private forest lands. Said guidelines for public forest lands shall include agreements on equipment, personnel transfers, operational costs, and assignment of specific management responsibilities.

The commissioner of the department of parks and recreation shall submit management plans to the board of Massachusetts parks and recreation for the board's adoption with respect to all state reservations, parks, and forests under the management of the department. Said management plans shall provide for the protection and stewardship of natural and cultural resources and shall ensure consistency between recreation, resource protection, and sustainable forest management. The commissioner shall seek and consider public input in the development of management plans, and shall make draft plans available for a public review and comment period through notice in the Environmental Monitor. Within thirty days of the adoption of such management plans, as amended from time to time, the commissioner shall file a copy of such plans as adopted by the board with the state secretary and the joint committee on natural resources and agriculture of the general court.

The commissioner of the department of parks and recreation shall be responsible for implementing said management plans, with due regard for the above requirement.

and further amends the bill by striking out sections 290 through 292, inclusive and inserting in place thereof the following:—

SECTION 290. Section 2 of Chapter 132B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 60 and 80, the words "food and agriculture" and inserting in place thereof the following:— conservation and agriculture

SECTION 291. Chapter 132B of the General Laws, as so appearing, is hereby amended by striking section 3 and inserting in place thereof the following:—

Section 3. There shall be within the department of conservation and agriculture a pesticide board which shall consist of the commissioner of conservation and agriculture or his designee, the commissioner of environmental protection or his designee, the director of the division of food, agriculture, and land preservation or his designee, the director of the division of fisheries, wildlife and environmental law enforcement or his designee, the commissioner of public health or his designee, and eight persons appointed by the governor one of whom shall have been engaged in the commercial production of a plant-related agricultural commodity for at least the preceding five years on land owned or rented by him, one of whom shall have been an active commercial applicator of pesticides for at least the preceding five years, one of whom shall have expertise in the health effects of pesticide use, one of whom shall be a physician, one of whom shall be experienced in the conservation and protection of the environment, and two of whom shall represent the public at large. The commissioner of conservation and agriculture or his designee shall be chairman of the board.

The appointive members of the board shall receive $50 dollars for each day or portion thereof spent in the discharge of their official duties and shall be reimbursed for their necessary expenses incurred in the discharge of their official duties. Each appointive member shall be appointed for a term of four years, except for persons appointed to fill vacancies who shall serve for the unexpired term. Any member shall be eligible for reappointment.

The board shall hold an annual meeting in March, and regularly at three other times annually, and from time to time at the call of the chairman or upon the request of any two members. Seven members of the board shall constitute a quorum. The board may, by vote of a majority of its members then in office, adopt rules and regulations for the conduct of its business. Rules and regulations adopted may be amended or repealed by a two-thirds vote of its members.

The board, in addition to other powers conferred in this chapter, shall advise the commissioner of conservation and agriculture with respect to the implementation and administration of this chapter.

The pesticides program director established by section four shall attend meetings of the board, shall serve as secretary thereto, but shall have no vote in its deliberation.

SECTION 292. Section 3A of Chapter 132B of the General Laws, as so appearing, is hereby amended by striking lines 6 through 9, inclusive, and inserting in place thereof the following:—

5 members, the commissioner of conservation and agriculture, who shall act as chairman or his designee, the director of the division of food, agriculture, and land preservation or his designee, the commissioner of environmental protection or his designee, the commissioner of public health or his

and further amends the bill in section 460 by inserting at the end of thereof the following paragraph:—

The secretary shall coordinate the delivery of services of the departments and divisions under his or her control to ensure the protection of air, water, land, and other natural resources of the commonwealth and to provide support for the acquisition, management, utilization, and conservation of habitat for native flora and fauna. The secretary shall continue to assure the health and viability of the commonwealth's biodiversity for future generations. To effectuate the aforementioned policies, the secretary shall ensure that following: (1) Provide assistance to the departments and divisions under his or her control, including the administration of funds to cities and towns, for the acquisition of interests in land for conservation purposes; (2) Develop partnerships with private, non-profit and other entities that will augment the commonwealth's stewardship and acquisition of such lands; (3) Monitor and enforce all conservation restrictions held by the commonwealth; (4) Enforce all laws and regulations promulgates for the protection of watersheds, lakes, ponds, rivers, streams, coastal and inland wetlands; (5) Develop natural resource management plans for all state forests, reservation, and wildlife management areas; (6) Ensure that sustainable forestry management practices are employed on all state-owned lands, and that such practices are coordinated with private

forestland management practices to achieve landscape- scale goals; (7) Promote the sustainable economic development of the private agricultural and forestry resources of the commonwealth; (8) Promote research and monitoring to establish ecological benchmarks for assessing the health and viability of the commonwealth's biodiversity.

And moves to further amend the bill by inserting at the end the following sections:—

SECTION . The legislature shall establish a 19 member special commission to study the ecological and environmental impact of the oil spill in Buzzards Bay by Bouchard barge #120 and to investigate legislative changes to existing laws and regulations to increase safety of commercial barges traveling in state waters. The commission shall also evaluate the potential changes in both civil and criminal laws that may apply to the operation of commercial barges in state waters. Said commission shall consist of 15 legislators, 2 of which shall include the House and Senate chairs of the Natural Resources and Agriculture committees, 5 members appointed by the President of the Senate, and 10 members appointed by the Speaker of the House, including at least one member in each chamber by a minority party; and 4 non-legislator members, 2 appointed by the Governor and 2 appointed by the Attorney General.

Said special commission shall submit its report and recommendation, if any, to the legislature by November 1, 2003.

SECTION . The division of urban parks and recreation is authorized and directed to prepare an application to place the former metropolitan parks system on the National Register of Historic Sites.

SECTION . Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, all bargaining unit two, nine, and other employees within the Metropolitan District Commission or the Department of Environmental Management of immediately before the transfer date in the discharge of their responsibilities, shall be transferred, subject to appropriation, notwithstanding any change in job titles or duties, to the Department of Parks and Recreation or the Department of Conservation and Agriculture with no impairment of employment and/or civil service rights held immediately before the transfer date, without interruption of service, without the impairment of seniority, retirement or other rights of employees, without reduction in compensation or salary grade, without loss of accrued rights to holidays, sick leave, vacation and benefits, and without change in union representation or certified collective bargaining unit as certified by the state labor relations commission or in local union representation or affiliation. Any collective bargaining agreement in effect immediately before the transfer date shall continue in effect and the terms and conditions of employment therein shall continue as if the employees had not been so transferred. Nothing in this section shall be construed to confer upon any employee any right not held immediately before the date of said transfer, or to prohibit any reduction of salary grade, transfer, reassignment, suspension discharge layoff or abolition of position not prohibited before such date.

SECTION . Notwithstanding any general or special law to the contrary, the Massachusetts Water Resources Authority and the Department of Parks and Recreation shall collaborate on developing and implementing a watershed management plan to be submitted to the house and senate committees on ways and means and the secretary of environmental affairs not later than January 1 in each year following passage of this act, provided, that such plan shall include, but not be limited to, the following: (a) ensuring the continued availability of clean water in the Commonwealth, (b) ensuring the continued recreational use of and public access to applicable division of watershed management lands, including the Quabbin Reservoir, (c) the formation of policy, the goal of which is to comply with all state and federal water quality regulations without the assistance of a newly constructed water filtration installation, (d) cost reduction methods and (e) recommendations to the general court regarding any legislation which would further the goals of this section. Prior to acquisition of any watershed lands by the division of watershed management, said division shall seek consultation and advice from the Massachusetts Water Resources Authority.