

HOUSE No. 4167

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 7, 2016.

The committee on Environment, Natural Resources and Agriculture to whom were referred the petition (accompanied by bill, Senate, No. 400) of Eileen M. Donoghue, James B. Eldridge and Jonathan Hecht for legislation to reestablish the Clean Environment Fund and the petition (accompanied by bill, House, No. 705) of Robert M. Koczera, Jennifer E. Benson and Chris Walsh for legislation to reinstate the clean environment fund to reduce waste and protect the environment in the Commonwealth, reports recommending that the accompanying bill (House, No. 4167) ought to pass.

For the committee,

PAUL A. SCHMID, III.

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act to establish the clean environment fund.

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

1 SECTION 1. Section 323D of chapter 94 of the General Laws, as so appearing in the
2 2014 Official Edition, is hereby amended by the striking out, in lines 5 through 8, inclusive, the
3 last sentence, and inserting in place thereof, the following sentence:- Forty per cent of the
4 amounts collected by the commission of revenue pursuant to this section shall be deposited in the
5 Clean Environment Fund, established pursuant to section 323G.

6 SECTION 2. Chapter 94 of the General Laws is hereby amended by inserting after
7 section 323E, the following new section:

8 Section 323G. (a) There shall be established and set upon the books of the
9 commonwealth a separate fund to be known as the Clean Environment Fund, hereinafter referred
10 to as the fund. The fund shall be credited with 40 per cent of the monies collected by the
11 commissioner of revenue from deposit amounts for abandoned beverage containers under section
12 323D, any appropriation or other monies authorized by the general court which are specifically

13 designated to be credited to the fund, and any income derived from the investment of amounts
14 credited to the fund.

15 (b) The secretary of energy and the environment shall administer the fund. All amounts
16 credited to the fund may be expended without appropriation only for the following purposes:

17 (1) Not less than 60 per cent of the monies credited annually to the fund shall be used to
18 provide funding for state and municipal: solid waste reduction, recycling, littering, and
19 composting programs and initiatives; outreach programs; sustainable material recovery programs
20 and initiatives; and recycling equipment and infrastructure improvements. Expenditures for such
21 programs, initiatives and infrastructure may include, but are not limited to: (i) municipal
22 programs for recycling, litter reduction, and waste reduction, such as unit-based pricing, pay-as-
23 you-throw (PAYT) programs, save money and reduce trash (SMART) programs, single stream
24 recycling collection programs, organic and food waste composting programs and initiatives, and
25 programs to increase recycling in public areas and facilities; (ii) municipal grants for waste
26 recycling equipment and infrastructure improvements; (iii) grants for waste recycling and food
27 waste composting in schools; (iv) programs to increase commercial and institutional recycling
28 and composting; (v) financial assistance equipment grants for recycling service providers; (vi)
29 municipal grants for litter cleanup and disposal, education, and enforcement of litter laws; (vii)
30 programs for the enforcement of the solid waste regulations by the department of environmental
31 protection; and (viii) innovative initiatives and programs to reduce or recycle solid wastes.

32 (2) Any remaining amounts credited annually to the fund shall be used for improvements
33 to state parks, state forest recreation areas and state reservations that are under the control of the
34 department of conservation and recreation; provided the improvements, if applicable, shall meet

35 or exceed the current Leadership in Energy and Environmental Design (LEEDS) building
36 standards established by the U.S. Green Building Council.

37 (c) Monies deposited into the fund that are unexpended at the end of the fiscal year shall
38 not revert to the General fund and shall be available for expenditure in the subsequent fiscal year.
39 The fund shall be exempt from any indirect and fringe benefits assessment related to the
40 administration of the fund.

41 (d) The secretary of energy and environmental affairs shall report annually, not later than
42 January 15, to the house and senate committees on ways and means and the joint committee on
43 environment, natural resources and agriculture relative to the source and amount of funds
44 deposited into the fund, and the amount distributed to each recipient, and the purpose of
45 expenditures from the fund.

46 SECTION 3. Chapter 132A of the General Laws is hereby amended by inserting after
47 section 2D, the following section:-

48 Section 2E. The commissioner shall establish a program to promote the recycling of
49 refuse and reduce littering at all state parks, state forest recreation areas, and state reservations
50 that are maintained and under the control of the department.

51 In the development and improvement of said state parks, state forest recreation areas and
52 state reservations, the commissioner shall require, if feasible, that the completed development or
53 improvement provide for any needed recycling of refuse.