

SENATE No. 493

The Commonwealth of Massachusetts

PRESENTED BY:

Edward J. Kennedy

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act re-establishing the Clean Environment Fund.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2019</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>1/25/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/30/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/30/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>1/30/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/31/2019</i>

SENATE No. 493

By Mr. Kennedy, a petition (accompanied by bill, Senate, No. 493) of Edward J. Kennedy, Jason M. Lewis, David Allen Robertson, Patrick M. O'Connor and other members of the General Court for legislation to re-establish the Clean Environment Fund. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 417 OF 2017-2018.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act re-establishing 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 to as the fund. The fund shall be credited with 40 per cent of the monies collected by the commissioner of revenue from deposit amounts for abandoned beverage containers under Section 323D, any appropriation or other monies authorized by the General Court which are specifically designated to be credited to the fund, and any income derived from the investment of amounts credited to the fund.

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

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

(2) Any remaining amounts credited annually to the fund shall be used for improvements to state parks, state forest recreation areas and state reservations that are under the control of the department of conservation and recreation; provided the improvements, if applicable, shall meet or exceed the current Leadership in Energy and Environmental Design (LEEDS) building standards established by the U.S. Green Building Council.

(c) 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. The fund shall be exempt from any indirect and fringe benefits assessment related to the administration of the fund.

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

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

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

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