

SENATE No. 447

The Commonwealth of Massachusetts

PRESENTED BY:

Joanne M. Comerford

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 relative to the Quabbin watershed and regional equity.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>4/30/2023</i>

SENATE No. 447

By Ms. Comerford, a petition (accompanied by bill, Senate, No. 447) of Joanne M. Comerford for legislation relative to the Quabbin watershed and regional equity. Environment and Natural Resources.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to the Quabbin watershed and regional equity.

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. Chapter 10 of the General Laws is hereby amended by inserting after
2 section 35SSS the following section:-

3 Section 35TTT (a) There shall be established and set up on the books of the
4 commonwealth a separate fund to be known as the Quabbin Host Community Development
5 Trust Fund to be used, without further appropriation, by the secretary of energy and
6 environmental affairs for the municipal service, public safety, and development needs of
7 Quabbin Reservoir Watershed Communities, as defined by the department of conservation and
8 recreation, including, but not limited to, lands authorized to be taken under chapter 321 of the
9 acts of 1927 or any successor statute granting the taking of land for a similar purpose. Any
10 balance in the fund at the end of the fiscal year shall not revert to the General Fund, but shall
11 remain available for expenditure in subsequent fiscal years. No expenditure made from the fund
12 shall cause the fund to become deficient at any point during a fiscal year. Annually, not later than

13 October 1, a report shall be filed with the clerks of the senate and house of representatives and
14 the house and senate committees on ways and means that shall include expenditures made and
15 income received by the fund.

16 (b) All funds assessed and collected under section 21 of chapter 92A½ shall be deposited
17 into the Quabbin Host Community Development Trust Fund. No less than 90% of funds
18 deposited into the fund shall be expended in each fiscal year. No less than 70 per cent of
19 expenditures by the trust in each fiscal year shall be made to Quabbin Reservoir Watershed
20 Communities for municipal operations and capital improvements, including debt service. No
21 more than 25 per cent of expenditures by the trust in each fiscal year shall be made to non-profit
22 organizations directly serving the health, welfare, safety, and transit needs of Quabbin Reservoir
23 Watershed Communities as well as the Connecticut River Basin Communities and Chicopee
24 River Basin Communities. No more than 5 per cent of expenditures by the trust in each fiscal
25 year shall be to communities for funding projects pursuant to section 26 of chapter 165,
26 including costs for the operations and management of conduits, pipes, and hydrants constructed
27 under the section.

28 (c) The secretary, in consultation with the several Select Boards of the Quabbin Reservoir
29 Watershed Communities, shall establish rules and regulations for the administration of the fund.

30 SECTION 2. The third paragraph of section 5G of chapter 59 of the General Laws is
31 hereby amended by striking out the second and third sentences and inserting in place thereof the
32 following sentences:- Said amounts to be held in trust as payments in lieu of taxes shall be made
33 on the total acreage in question that is held by each community; provided however, that the sum
34 of said payments shall not be less than \$50,000 annually, and shall be valued in accordance with

35 the provisions of sections 13 to 17, inclusive, of chapter 58. In no event shall any city or town
36 receive an amount less than the payment received from the metropolitan district commission in
37 the prior fiscal year.

38 SECTION 3. Chapter 92A^{1/2} of the General Laws is hereby amended by adding the
39 following section:-

40 Section 21. The department shall assess the Massachusetts Water Resources Authority an
41 amount equal to 5/100th of a dollar per 1000 gallons drawn from the Quabbin Reservoir. The
42 executive director of the authority shall certify the previous fiscal year's water usage to the
43 commissioner of the department on or before August 15. The commissioner shall bill the
44 treasurer of the authority on October 1 for said previous fiscal year's obligations. Within 30 days
45 of receipt of the department bill, the treasurer of the authority shall remit the total billed amount
46 to the department. The commissioner of the department shall forward to the treasurer of the
47 commonwealth the revenues generated by the division which shall be credited to the Quabbin
48 Host Community Development Trust Fund.

49 SECTION 4. Subsection (b) of section 3 of chapter 372 of the acts of 1984 is hereby
50 amended by striking out the words "one member of the board of directors who is a resident of a
51 Connecticut river basin community who represents water resources protection interests" and
52 inserting in place thereof the following words:- 3 members of the board of directors who are
53 residents of Connecticut river basin communities who represent land and water resources
54 protection interests.

55 SECTION 5. The first sentence of subsection (d) of said section 3 of said chapter 372 is
56 hereby amended by inserting after the word "reappointment" the following words:- ; provided,

57 however, that no member of the board of directors shall serve for more than 12 years, except the
58 secretary of the executive office of environmental affairs, serving ex officio.

59 SECTION 6. Notwithstanding any general or special law to the contrary, no later than
60 December 31, 2023 the Massachusetts Water Resources Authority shall complete a Water
61 System Expansion Evaluation of the Westfield River Basin communities, Chicopee River Basin
62 communities, Connecticut River Basin communities, and Millers River Basin communities in a
63 manner consistent with the Evaluation of Ipswich River Basin completed by the Authority in
64 October 2022; provided, however, that notwithstanding the provisions of Sections 8 through 8D,
65 inclusive, of chapter 21 of the General Laws, the Water Resources Commission shall not approve
66 any interbasin transfer of water from the Quabbin Reservoir until said evaluation has been
67 completed. The evaluation shall be made available on the Massachusetts Water Resources
68 Authority's website and a copy shall be filed with the clerks of the house and senate and the
69 house and senate chairs of the committee on environment, natural resources, and agriculture.