

HOUSE No. 5406

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES

REPORT
of the
SPECIAL JOINT
COMMITTEE
on
INITIATIVE PETITIONS
on the
INITIATIVE PETITION
of
DAVID JOHN O'NEILL
AND OTHERS
FOR THE PASSAGE OF AN ACT
TO PROTECT WATER AND NATURE
(see House, No. 5005)

May 4, 2026.

MAJORITY REPORT.

A majority of the Special Joint Committee on Initiative Petitions

Article 48 of the Amendments to the Constitution of the Commonwealth allows voters to propose laws or constitutional amendments through initiative petitions, commonly called ballot questions. After gathering the required signatures and submitting certified signatures to the Secretary of the Commonwealth, a petition is formally presented to the Legislature for consideration. It is then referred to a committee, in this case, the Special Joint Committee on Initiative Petitions.

Under Article 48, the committee must report to the Legislature on each petition before the first Wednesday in May. Unlike the standard legislative process, the Legislature may only approve or reject an initiative petition as submitted, without making changes.

The Committee held a hearing on Initiative Petition 25-15, House 5005, *Initiative Petition for a Law to Protect Water & Nature*, on March 23, 2026. The Special Joint Committee on Initiative Petitions held public hearings throughout March 2026 to gather testimony and inform its review. The Committee considered input from subject matter experts, proponents and opponents of the Petition, as well as members of the public. The full hearing record and supporting documentation is available to the public at malegislature.gov/Events/Hearings/Detail/5601.

On May 4, 2026, a majority of the Special Joint Committee on Initiative Petitions (“the Committee”) voted to recommend that the General Court **take no action** on Initiative Petition 25-15, House 5005, *Initiative Petition for a Law to Protect Water & Nature* (“the Petition”).

In reaching this determination, the Committee conducted a comprehensive review of the proposed measure, including a detailed analysis of its language, structure, and intended effect, as well as testimony and documentary evidence presented at the public hearing. The Committee also considered written submissions from environmental policy experts, state agency representatives, municipal officials, conservation advocates, and members of the public. In addition, the Committee evaluated the potential legal, environmental, administrative, and economic implications of the Initiative Petition, including its interaction with existing statutory authorities governing land conservation, water resource management, and capital planning.

A majority of the Committee has raised concerns regarding the structure, scope, and potential impacts of the Petition as drafted. While proponents of the measure assert that it is designed to be financially neutral and does not constitute a tax increase, the Committee notes that the proposal would rely on existing state revenue streams that are currently allocated to other ongoing programs and priorities. As a result, implementation of the measure would require the reallocation or reduction of funds presently directed toward other state initiatives, including investments administered through agencies such as the Department of Conservation and Recreation. This raises questions of opportunity costs and the potential displacement of existing infrastructure and environmental funding priorities.

The Committee also noted the inclusion of the phrase “subject to appropriations” within the Petition. Under Article 48 of the Amendments to the Massachusetts Constitution, ballot initiatives

may not directly appropriate funds. Accordingly, even if approved by the voters, the measure would not itself compel the expenditure of funds but would instead operate within the Commonwealth's existing budgetary process, in which the Legislature retains exclusive authority over appropriations decisions. This constitutional framework ensures that funding decisions remain subject to annual budget deliberation and fiscal prioritization. As such, passage of this Petition would neither guarantee additional funding nor materially change the status quo.

The Committee recognizes the importance of protecting water resources, preserving natural ecosystems, and supporting long-term environmental sustainability across the Commonwealth. However, after careful consideration, a majority of the Committee concludes that the Petition, as written, raises questions regarding fiscal impacts, programmatic displacement, and constraints on administrative flexibility.

It is important to note that Article 48 of the Amendments to the Massachusetts Constitution, which governs the initiative petition process, requires the Attorney General to provide initial certification of initiative petitions that meet the specific and limited requirements listed in Article 48. In making a decision on whether to initially certify an initiative petition, the Attorney General does not evaluate a petition's broader constitutionality; her certification decision is limited only to the narrow criteria listed in Article 48. Thus, this Petition has been certified by the Attorney General under Article 48, but it has not been evaluated by her or the courts for its constitutionality at this time.

For these reasons, a majority of the Committee recommends that the General Court **take no action** on Initiative Petition 25-15, House 5005, *Initiative Petition for a Law to Protect Water & Nature*.

Senators.

Cindy F. Friedman
Brendan P. Crighton
Barry R. Finegold

Representatives.

Alice Hanlon Peisch
Kate Hogan
Frank A. Moran
Michael S. Day
David T. Vieira