

HOUSE No. 4835

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act promoting climate change adaptation, environmental and natural resource protection, and investment in recreational assets and opportunity.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide for climate change adaptation and the immediate preservation and improvement of the environmental and energy assets of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

2324 SECTION 92. 89. There shall be established and set up on the books of the
2325 commonwealth a separate fund to be known as the Mohawk Trail Woodlands Partnership Fund,
2326 hereafter referred to as the Mohawk Trail Woodlands Partnership Fund. The fund shall be
2327 administered by the Mohawk Trail Woodlands Partnership Board as established pursuant to
2328 section 94. There shall be credited into the fund revenues or other financing sources directed to
2329 the fund by appropriation, bond revenues or other monies authorized by the general court and

2330 specifically designated to be credited to the fund, any income derived from the investment of
2331 amounts credited to the fund and monies from the repayment of loans from the fund, funds from
2332 public or private sources including, but not limited to, gifts, federal or private grants, donations,
2333 rebates and settlements received by the commonwealth that are specifically designated to be
2334 credited to the fund and all other amounts credited or transferred into the fund from any other
2335 source. Amounts credited to said fund shall be held in an expendable trust and shall be used
2336 solely for implementing the purposes and administration of the Mohawk Trail Woodland
2337 Partnership established in section 94. Unexpended funds may be carried over from year to year
2338 to be expended in subsequent years without appropriation. No expenditure from the fund shall
2339 cause it to be in deficiency.

2340 **SECTION 90. To capitalize the Mohawk Trail Woodland Partnership Fund established in**
2341 **section 92 and support the goals of the Mohawk Trail Woodland Partnership, the Partnership**
2342 **may receive funds from general appropriations, capital expenditure authorizations, grants or a**
2343 **combination thereof.** See Governor's amendment - last pages

2344 SECTION 91. (a) For the purposes of this section, the following terms shall unless the
2345 context clearly requires otherwise, have the following meanings:-

2346 "Participating communities", municipalities within the Mohawk Trail Woodlands
2347 Partnership Eligibility Area that affirmatively vote to participate in the activities of the Mohawk
2348 Trail Woodlands Partnership as described in subsection (c).

2349 "Partnership", a cooperative association among those entities and individuals working
2350 collaboratively to achieve the purposes described in subsection (b) in the Mohawk Trail
2351 Woodlands Partnership Area as described in subsection (c).

2352 “Permanently protected open space”, land permanently protected from development
2353 including, but not limited to, state parks, state forests and state wildlife management areas,
2354 federally-conserved land, land owned by conservation organizations for conservation purposes,
2355 town or city-owned land under the jurisdiction of the town or city conservation commission for
2356 park or conservation use and privately-owned farm and forestland protected through the
2357 Agricultural Preservation Restriction Program or a conservation restriction.

2358 “Sustainable forest management”, the carefully planned growing, management,
2359 monitoring, harvesting and regeneration of woodlands that conserves or promotes biological
2360 diversity, ecological functions, soil productivity, water and air quality, carbon sequestration and
2361 storage, and cultural resources and recreational use of the forest while also providing a
2362 continuous yield of a range of useable forest products; provided, however, that “Sustainable
2363 forest management” shall also consider the surrounding forest landscape.

2364 (b) The purposes of the Mohawk Trail Woodlands Partnership are:

2365 (i) to support and expand sustainable forest management to enhance public benefits
2366 including, but not limited to, outdoor recreation opportunities, air and water quality, watershed
2367 management, soil conservation, biological diversity, carbon sequestration and storage, fish and
2368 wildlife habitat, forest products and forestry-related jobs and to increase the resiliency of forests
2369 to threats such as fire, ice, wind, insects, disease and invasive pests and plants;

2370 (ii) to increase forest land conservation through conservation restrictions that encourage
2371 and support sustainable forest management practices and intact forest ecosystems;

2372 (iii) to support and increase sustainable natural resource based economic development
2373 and employment;

2374 (iv) to support and provide comprehensive education and visitor information programs to
2375 increase public understanding of and appreciation for the ecological, recreational and economic
2376 benefits of forests;

2377 (v) to support and promote the long-term social and fiscal sustainability of the
2378 participating communities in the area; and

2379 (vi) to create a long-term partnership between towns and cities, regional and other
2380 organizations with a presence in the region, educational institutions, the executive office of
2381 energy and environmental affairs and the United States Forest Service.

2382 (c) (1) To achieve the purposes identified in subsection (b), there shall be a Mohawk Trail
2383 Woodlands Partnership Area, which shall consist of 2 separate boundaries: (i) the Mohawk Trail
2384 Woodlands Partnership Eligibility Area; and (ii) the Mohawk Trail Woodlands Partnership
2385 Activities Area.

2386 (2) The Mohawk Trail Woodlands Partnership Eligibility Area shall be comprised of the
2387 lands defined by the municipal boundaries of Adams, Cheshire, Clarksburg, Florida, New
2388 Ashford, North Adams, Peru, Savoy, Williamstown and Windsor in Berkshire county, and
2389 Ashfield, Buckland, Charlemont, Colrain, Conway, Hawley, Heath, Leyden, Monroe, Rowe, and
2390 Shelburne in Franklin county.

2391 (3) The Mohawk Trail Woodlands Partnership Activities Area shall consist of the land in
2392 those municipalities described in the Mohawk Trail Woodlands Partnership Eligibility Area that
2393 have taken an affirmative vote of a town meeting or board of selectmen in the towns or the city
2394 council or mayor in the cities to participate in the activities of the Mohawk Trail Woodlands
2395 Partnership as specified in the Partnership Plan as defined in subsection (g).

2396 (4) Municipalities within the Mohawk Trail Woodlands Partnership Eligibility Area shall
2397 have 2 years after the effective date of this section to affirmatively vote to participate in the
2398 activities of the Mohawk Trail Woodlands Partnership and become Participating Communities.
2399 Notwithstanding the preceding sentence, if a municipality within the Mohawk Trail Woodlands
2400 Partnership Eligibility Area does not vote affirmatively to participate in the activities of the
2401 Mohawk Trail Woodlands Partnership within 2 years after the effective date of this section, the
2402 municipality may affirmatively vote to become a Participating Community after 5 years have
2403 passed from the effective date of this section.

2404 (5) The Mohawk Trail Woodlands Partnership Eligibility Area and the Mohawk Trail
2405 Woodlands Partnership Activities Area may be expanded 5 years after the effective date of this
2406 section by a 2/3 vote of the entire partnership board established pursuant to subsection (e) and a
2407 majority vote of the partnership board members from the participating communities after the
2408 establishment of criteria for expansion by said the partnership board. Criteria for expansion shall
2409 include, but not be limited to, such factors as geographic proximity, forestry and natural
2410 resources and financial capacity of the partnership.

2411 (d)(1) Programs and activities of the Mohawk Trail Woodlands Partnership shall, to the
2412 extent possible, be conducted in partnership and collaboration between the units of federal, state
2413 and local government including, but not limited to, the United States Forest Service, the
2414 commonwealth and its applicable subdivisions and others in accordance with the integrated
2415 partnership plan specified in subsection (g).

2416 (2) Nothing in this section shall be construed to diminish, enlarge, or modify any right of
2417 the federal government, the commonwealth or any political subdivision thereof, to exercise civil

2418 and criminal jurisdiction or to carry out federal, state or local laws, rules, and regulations within
2419 the lands and waters included in the Mohawk Trail Woodlands Partnership Eligibility Area.

2420 (e) (1) After 11 municipalities within the Mohawk Trail Woodlands Partnership
2421 Eligibility Area, as defined in subsection (c)(2), affirmatively vote to become Participating
2422 Communities, there shall be established a Mohawk Trail Woodlands Partnership Board whose
2423 purpose shall be to coordinate the partnership activities of participating federal, state and local
2424 authorities and the private sector in the development and implementation of the programs and
2425 activities identified in an integrated partnership plan for the Mohawk Trail Woodlands
2426 Partnership Activities Area.

2427 (2) The partnership board shall be composed of the following members:

2428 (A) One individual, appointed by the respective board of selectmen or mayor from each
2429 of the participating communities;

2430 (B) One individual, appointed by the Chief of the United States Forest Service, to
2431 represent the United States Forest Service, provided that federal legislation is enacted that
2432 authorizes the participation of the United States Forest Service;

2433 (C) One individual, appointed by the secretary of energy and environmental affairs, to
2434 represent the executive office of energy and environmental affairs;

2435 (D) One individual, appointed by the executive director of the Franklin Regional Council
2436 of Governments to represent the Franklin Regional Council of Governments;

2437 (E) One individual, appointed by the executive director of the Berkshire Regional
2438 Planning Commission, to represent the Berkshire Regional Planning Commission;

2439 (F) One individual, appointed by action of the board of directors of the Massachusetts
2440 Forest Alliance Limited, to represent the Massachusetts Forest Alliance Limited;

2441 (G) One individual, appointed by action of the chair of the Massachusetts Chapter of the
2442 Yankee Division of the New England Society of American Foresters, to represent the
2443 Massachusetts Chapter of the Yankee Division of the New England Society of American
2444 Foresters;

2445 (H) One individual, appointed by action of the board of directors of the Franklin Land
2446 Trust, Inc., to represent the Franklin Land Trust;

2447 (I) One individual, appointed by action of the board of directors of the Berkshire Natural
2448 Resources Council, Inc., to represent the Berkshire Natural Resources Council;

2449 (J) One individual, appointed by action of the board of directors of the Greater
2450 Shelburne Falls Area Business Association, Inc., to represent the Greater Shelburne Falls Area
2451 Business Association;

2452 (K) One individual, appointed by action of the board of directors of Lever, Inc., to
2453 represent Lever, Inc.;

2454 (L) One individual, appointed by action of the board of directors of the Deerfield River
2455 Watershed Association, Inc., to represent the Deerfield River Watershed Association;

2456 (M) One individual, appointed by action of the board of directors of the Hoosic River
2457 Watershed Association, Inc., to represent the Hoosic River Watershed Association;

2458 (N) Two individuals to be appointed by the chancellor of the University of Massachusetts
2459 at Amherst or by the chancellor's designee, 1 of whom shall be a University of Massachusetts at

2460 Amherst School of Public Health and Health Sciences faculty member specializing in public
2461 health and 1 of whom shall be a University of Massachusetts at Amherst faculty member
2462 specializing in ecosystem functions, carbon cycling in terrestrial systems and climate change as it
2463 relates to forests;

2464 (O) Should the names of any entity of the aforementioned members change, the
2465 replacement entity shall be considered a member, subject to the appointment of the appointing
2466 authority of that entity;

2467 (P) Should any of the entities of the aforementioned members cease to exist, the
2468 partnership board may, by majority vote, name a like entity to represent the interests of the
2469 original member entity represented;

2470 (3) The partnership board may, by 2/3 vote, allow additional members to the partnership
2471 board; provided, however, that the mission of the additional member aligns with the purposes
2472 identified in subsection (b); and provided further, that no additional members shall be allowed if
2473 the total number of members from those entities identified in clauses (B) through (P), exceeds
2474 those identified in clause (A).

2475 (4) Members of the partnership board shall serve for terms of 3 years or until another
2476 representative is appointed from said appointing entity. Members may be re-appointed to serve
2477 for multiple terms.

2478 The partnership board shall elect 1 of its members as chairperson and 1 as vice
2479 chairperson. The term of office of the chairperson and vice chairperson shall be 3 years. The vice
2480 chairperson shall serve as chairperson in the absence of the chairperson.

2481 Any vacancy on the partnership board shall be filled in the same manner in which the
2482 original appointment was made.

2483 (5) The partnership board shall meet not less than 2 times per year or at the call of the
2484 chairperson or a majority of its members. Meetings shall be open to the public.

2485 A majority of the partnership board members shall constitute a quorum. For the purposes
2486 of meeting quorum requirements, vacancies shall not be counted to determine a majority.

2487 Each member of the partnership board shall be entitled to 1 vote which shall be equal to
2488 every other member of the partnership board. All matters considered by the partnership board
2489 shall be decided by an affirmative vote of a minimum of a majority of the members present,
2490 except for those actions requiring a 2/3 vote as specified in this section.

2491 (6) The partnership board shall:

2492 (i) initiate the development, review and approval of the partnership plan as defined in
2493 subsection (g);

2494 (ii) oversee implementation of the partnership plan as defined in subsection (g);

2495 (iii) annually review and approve an annual budget that identifies the sources and uses of
2496 funds to implement the partnership plan; provided, however, that the annual budget shall indicate
2497 funding levels for each of the purposes identified in subsection (b);

2498 (iv) designate a legally-established entity to serve as the administrative agent for the
2499 Mohawk Trail Woodlands Partnership as set forth in subsection (f); and

2500 (v) designate a legally-established entity to serve as the fund manager for the Mohawk
2501 Trail Woodlands Partnership Fund.

2502 (7) The partnership board shall establish an executive committee of the members of the
2503 partnership board. The executive committee shall consist of 5 members.

2504 (A) The executive committee members shall consist of: 2 members appointed pursuant to
2505 clause (A) of paragraph (2) to be elected by the partnership board; 1 member from the United
2506 States Forest Service appointed pursuant to clause (B) of paragraph (2); 1 member from the
2507 executive office of energy and environmental affairs appointed pursuant to clause (C) of
2508 paragraph (2); and 1 member from the remaining members of the partnership board, appointed
2509 pursuant to clauses (D) to (P), inclusive, of paragraph (2), to be selected by the partnership
2510 board. The partnership board chair shall automatically be a member of the executive committee
2511 thereby filling the executive committee membership requirement for that membership slot, such
2512 that, if the partnership board chair is a member from a municipality appointed pursuant to clause
2513 (A) of paragraph (2), there shall only be 1 other member from a municipality appointed pursuant
2514 to said clause (A) of said paragraph (2) on the executive committee and such that if the
2515 partnership board chair is a member appointed pursuant to clauses (D) to (P) inclusive, of said
2516 paragraph (2) that member shall fulfill the executive committee membership requirement for
2517 members appointed pursuant to clauses (D) to (P), inclusive, of said paragraph (2).

2518 (B) The executive committee shall provide direction to the administrative agent to
2519 conduct activities as described in subsection (f).

2520 (C) The executive committee shall approve expenditures of the administrative agent as
2521 they relate to the implementation of the partnership plan.

2522 (D) The executive committee shall approve the staff of the administrative agent working
2523 to implement the partnership plan.

2524 (E) The executive committee shall provide regular reports to the partnership board.

2525 (F) The executive committee may assume other responsibilities necessary to implement
2526 the partnership plan.

2527 (8) The partnership board shall prepare and adopt, by a 2/3 vote, bylaws covering regular
2528 operating practices of the partnership board and the executive committee of the partnership
2529 board.

2530 (f)(1) Within 1 year after the date of the establishment of the Mohawk Trail Woodlands
2531 Partnership Board and receipt of any federal or state appropriations, the Mohawk Trail
2532 Woodlands Partnership Board shall designate an existing or newly-created nonprofit entity to
2533 serve as the administrative agent for the Mohawk Trail Woodlands Partnership. Provided
2534 funding is available, the administrative agent shall, under the direction of the partnership board,
2535 implement the partnership plan. The Mohawk Trail Woodlands Partnership Board shall have the
2536 authority to designate a different entity as administrative agent by a 2/3 vote.

2537 (2) The administrative agent shall, with the approval of the executive committee, be
2538 entitled to receive and expend funds from the Mohawk Trail Woodlands Partnership Fund,
2539 subject to the requirements set forth in subsection (h) for the purposes of implementing the
2540 partnership plan.

2541 (3) Notwithstanding any other general or special law to the contrary and for the purposes
2542 of implementing the partnership plan, described in subsection (g), the administrative agent of the

2543 partnership may seek and accept donations of funds, grants, revenue, property, or services from
2544 individuals, foundations, corporations and other private and public entities for the purpose of
2545 carrying out the partnership plan.

2546 (4) For purposes of implementing the partnership plan described in subsection (g), the
2547 administrative agent of the partnership may enter into cooperative agreements with the federal
2548 government, the commonwealth, any political subdivision thereof, or with any organization or
2549 person.

2550 (5) The administrative agent of the partnership shall provide the partnership with such
2551 staff and technical assistance as appropriate to enable the implementation of the partnership plan
2552 described in subsection (g). The administrative agent of the partnership may accept the services
2553 of personnel detailed from the United States Forest Service, including any branch or division
2554 thereof, the commonwealth, any political subdivision of the commonwealth, any entity
2555 represented on the partnership board or any other entity whose mission aligns with the purposes
2556 defined in subsection (b), subject to the approval of the partnership board.

2557 (6) The administrative agent of the partnership may obtain, by purchase, rental, donation
2558 or otherwise, such property, facilities and services, including the acquisition of real property or
2559 interest in real property, as may be needed to implement the partnership plan.

2560 (g)(1) Within 3 years after the establishment of the Mohawk Trail Woodlands Partnership
2561 Board and receipt of sufficient federal or state appropriations, the Mohawk Trail Woodlands
2562 Partnership shall develop a partnership plan for the Mohawk Trail Woodlands Partnership
2563 Activities Area to be implemented by the partnership.

2564 (2) The partnership plan shall include, but not be limited to each of the following:

2565 (A) a resource assessment, including to include:

2566 (i) an assessment of natural resources, including forest resources, agricultural resources,
2567 water resources, important natural habitat areas and rare and important species;

2568 (ii) an identification of conserved lands, including permanently protected open space and
2569 temporarily conserved lands; and

2570 (iii) an assessment of recreational resources, including trails and associated recreational
2571 support facilities.

2572 (B) a socioeconomic assessment of the participating municipalities, including
2573 population, income and employment;

2574 (C) a fiscal assessment of the municipalities in the Mohawk Trail Woodlands Partnership
2575 Activities Area to include an assessment of municipal revenue, expenditures, services and taxes;

2576 (D) an assessment of existing programs and activities and associated entities offered in
2577 the Mohawk Trail Woodlands Partnership Activities Area, including local, state and federal
2578 governmental units, nonprofit organizations and private interests that align with the purposes
2579 defined in subsection (b);

2580 (E) an identification of policies, programs and activities to achieve the purposes defined
2581 in subsection (b), including those to:

2582 (i) support and expand sustainable forest management practices in the Mohawk Trail
2583 Woodlands Partnership Activities Area;

2584 (ii) increase forest land conservation in the Mohawk Trail Woodlands Partnership
2585 Activities Area;

2586 (iii) support and increase sustainable natural resource-based economic development and
2587 employment, including natural resource-based tourism, in the Mohawk Trail Woodlands
2588 Partnership Activities Area;

2589 (iv) support educational and visitor information related to the Mohawk Trail Woodlands
2590 Partnership Activities Area;

2591 (v) support and promote the long-term social and fiscal sustainability of the participating
2592 municipalities in the Mohawk Trail Woodlands Partnership Activities Area;

2593 (vi) support and promote forest resilience and carbon sequestration and storage in the
2594 Mohawk Trail Woodlands Partnership Activities Area; and

2595 (vii) define, quantify and support forest ecosystems in the Mohawk Trail Woodlands
2596 Partnership Activities Area;

2597 (F) a coordination and consistency component which details the ways in which
2598 programs, activities and policies of local, state, and federal governmental units, nonprofit
2599 organizations and private entities may best be coordinated to implement the partnership plan;

2600 (G) a financial component which details the costs and revenues of implementing the
2601 partnership plan, including, but not limited to:

2602 (i) costs to implement each of the programs and activities identified in clause (E);

2603 (ii) associated capital costs;

2604 (iii) associated operational costs, including costs of the administrative agent as defined in
2605 subsection (f);

2606 (iv) any anticipated extraordinary or continuing costs;

2607 (v) details of the sources of revenue including, but not limited to, appropriations from
2608 state and federal departments and agencies, investment or interest income, including receipts
2609 from the Mohawk Trail Woodlands Partnership Fund, grants, donations, loans, loan repayments,
2610 receipts from the private sector, receipts from any income-producing venture undertaken by the
2611 partnership and other sources of revenue;

2612 (vi) a 5-year timetable of projected revenues and expenditures; and

2613 (vii) an identification of the projected revenue, including amounts and projected earnings
2614 from the Mohawk Trail Woodlands Partnership Fund, to ensure the purposes of this section are
2615 sustained in perpetuity.

2616 (3) In developing the partnership plan, the partnership shall:

2617 (A) consult with appropriate officials of any local government or federal or state agency;

2618 (B) consult with interested conservation, business, professional and citizen
2619 organizations; and

2620 (C) conduct open meetings, advertised to the public, in the participating communities for
2621 the purposes of providing interested persons with the opportunity to comment on items contained
2622 in the partnership plan.

2623 (4) The partnership board shall have authority to approve or disapprove the partnership
2624 plan.

2625 (5) The partnership board shall review the partnership plan, no less than annually. The
2626 partnership plan shall be updated no less than every 10 years except that the partnership board
2627 may, by a majority vote, request the entire partnership plan or sections of the partnership plan be
2628 updated at any time.

2629 (h)(1) For the purposes of carrying out this section, the Mohawk Trail Woodlands
2630 Partnership Fund may accept and receive receipts and donations of funds from:

2631 (i) any public or private source, including, but not limited to, gifts, grants, property,
2632 supplies, revenue, or services from individuals, foundations, corporations and other private or
2633 public entities, including the commonwealth and agencies of the federal government;

2634 (ii) federal appropriations, if authorized by companion federal law, federal
2635 reimbursements and grant-in-aid; and

2636 (iii) interest and investment income earned from the Mohawk Trail Woodlands
2637 Partnership Fund.

2638 (2) Deposits into the Mohawk Trail Woodlands Partnership Fund may be invested to
2639 generate income which may be utilized for any purpose consistent with the purposes of this
2640 section. Preference for investments of the Mohawk Trail Woodlands Partnership Fund shall be
2641 given to those that advance the purposes set forth in subsection (b).

2642 (3) Funds from the Mohawk Trail Woodlands Partnership Fund shall be used as defined
2643 in the Partnership Plan, as updated or amended and may include establishment of or support for
2644 the following:

2645 (i) An Investment Trust Fund, hereafter referred to as the Investment Trust Fund, to
2646 maintain the long term sustainability of the Mohawk Trail Woodlands Partnership. A sufficient
2647 amount of funding shall be invested and maintained in the Investment Trust Fund, as stated in
2648 the by-laws, to ensure the purposes of this section and the activities of the partnership are
2649 sustained in perpetuity.

2650 (ii) A multi-purpose center, known as the "Mohawk Trail Forest Center" to provide
2651 tourism services, technical assistance to forestry and tourism businesses and forest landowners,
2652 technical assistance on implementing sustainable forest management practices, technical
2653 assistance with selling carbon credits from private and municipal forests credits, research and
2654 development, marketing, public education and space for the Administrative Agent as described
2655 in subsection (f);

2656 (iii) One or more demonstration and research forests, including those to be established
2657 through agreements with the United States Forest Service or the executive office of energy and
2658 environmental affairs and its agencies, or both the United States Forest Service and the executive
2659 office of energy and environmental affairs, on an appropriate parcel of private, municipal or state
2660 land to be used to research and demonstrate exemplary sustainable forest management practices
2661 to other landowners and the public via tours, publications and other educational tools;

2662 (iv) Forest land conservation via permanent conservation restrictions pursuant to sections
2663 31, 32 and 33 of chapter 184 of the General Laws to be held by a municipality or a qualified

2664 nonprofit conservation land trust with a presence in the region or the commonwealth and
2665 associated restriction monitoring according to a model conservation restriction contained in the
2666 partnership plan; provided, however, that boards of selectmen in the case of a town or the mayor
2667 in the case of a city in participating municipalities where more than 40 per cent of the total land
2668 area of the municipality is permanently protected open space, must approve the purchase of a
2669 permanent conservation restriction for any land receiving funds from the Mohawk Trail
2670 Woodlands Partnership Fund;

2671 (v) Revolving Loan Fund program to support natural resource and forest-dependent
2672 businesses; provided, however, that any related forest management must use sustainable forest
2673 management practices;

2674 (vi) Forest Viability Program with grants provided to forest-based businesses or
2675 landowners in exchange for temporary conservation restrictions on land development; provided,
2676 however, that any related forest management must use sustainable forest management practices;

2677 (vii) Municipal Cooperative Agreements that provide annual grants to participating
2678 municipalities to support municipal services or operations related to the purposes of the
2679 partnership as defined in subsection (b);

2680 (viii) Forest management plans that incorporate sustainable forest management practices,
2681 and other planning assistance, for landowners;

2682 (ix) Natural resources-based recreation and tourism, including promotion; and

2683 (x) Reimbursement of costs incurred by the administrative agent, as defined in subsection
2684 (f), for activities related to the partnership.

2685 (4) A qualified fund manager shall be selected by the partnership board to manage the
2686 Investment Trust Fund, identified in section (h)(3)(i), according to appropriate standards to
2687 achieve a rate of return consistent with the safety of the fund and with a preference for local and
2688 regional investments that advance the purposes of the partnership set forth in subsection (b). Said
2689 fund manager shall prepare an annual report to the partnership board on said Investment Trust
2690 Fund.

2691 (5) There shall be an independent audit prepared annually for the Mohawk Trail
2692 Woodlands Partnership Fund and associated Investment Trust Fund.

2693 (6) Should the Mohawk Trail Woodlands Partnership cease to exist, the Mohawk Trail
2694 Woodlands Partnership Fund and associated Investment Trust Fund shall be dissolved and assets
2695 dispersed according to applicable state and federal law.

2696 (7) No funding received or expended by the partnership shall be used for: (i) the
2697 construction or operation of a wood pellet or biomass manufacturing facility; or (ii) for the
2698 United States Government and its agency, the United States Forest Service to hold a fee interest
2699 in any real property in the Mohawk Trail Woodlands Partnership Activities Area.

Chapter 279
of the Acts of 2018

THE COMMONWEALTH OF MASSACHUSETTS

In the One Hundred and Ninetieth General Court

AN ACT SUPPORTING THE MOHAWK TRAIL WOODLAND PARTNERSHIP.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to support the Mohawk Trail Woodland Partnership, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

To capitalize the Mohawk Trail Woodland Partnership Fund established in section 89 of chapter 209 of the acts of 2018 and support the goals of the Mohawk Trail Woodland Partnership, the partnership may receive funds from general appropriations, capital expenditure authorizations, grants or a combination thereof; provided, however, that upon any money from any source being credited to the fund, the meetings of the partnership board and its executive committee shall be subject to sections 18 to 25, inclusive, of chapter 30A of the General Laws and all officers, directors and agents of the partnership, including all officers, directors and employees of any administrative agent or fund manager designated by the partnership under paragraph (6) of subsection (e) of section 91 of chapter 209 of the acts of 2018, shall, in connection with their service for the partnership: (i) comply with all applicable state finance laws; (ii) be considered officers or employees of an agency, commission or authority of the commonwealth for the purposes of clause Twenty-sixth of section 7 of chapter 4 of the General Laws; and (iii) be considered special state employees for the purposes of chapter 268A of the General Laws.

House of Representatives, October 22, 2018.

Preamble adopted,

Paul J. Donato, Speaker.

In Senate, October 22, 2018.

Preamble adopted,

William U. Brownstein President.

House of Representatives, October 22, 2018.

Bill passed to be re-enacted,

Paul J. Donato, Speaker.

In Senate, October 27, 2018.

Bill passed to be re-enacted, *William U. Brownlee*, President.

October 31, 2018.

Approved,

at 11 o'clock and 12 minutes, P. M.

Charles D. Bass

Governor.