

SENATE No. 381

The Commonwealth of Massachusetts

PRESENTED BY:

Mr. Brewer

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 passage of the accompanying bill:

An Act to Amend the Water Supply Protection Program.

PETITION OF:

NAME:

Mr. Brewer

DISTRICT/ADDRESS:

Worcester, Hampden, Hampshire and Franklin

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00492 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO AMEND THE WATER SUPPLY PROTECTION PROGRAM.

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 73 of Chapter 10 of the General Laws, as inserted by section 27 of Chapter 149 of the
2 Acts of 2004, is hereby amended by striking out subsection (c) and inserting in place thereof the
3 following:-

4 (c) The board of trustees shall meet on or before October 1, 2004 and at least quarterly
5 thereafter, and shall serve without compensation. For purposes of board of trustee meetings and
6 voting, a quorum shall be comprised of 3 of the board members. The board of trustees shall
7 choose a chairperson by majority vote and shall make all decisions by majority vote. At a
8 meeting held annually, said board of trustees shall review and approve the operating plan, the
9 operating budget, the capital budgets, and other aspects of the annual work plan prepared jointly
10 by the department of conservation and recreation and the Massachusetts water resources
11 authority pursuant to that interagency memorandum of understanding between the department
12 and the authority on or about April 27, 2004, as it may be amended from time to time, and which
13 memorandum and the annual work plan prepared thereunder shall provide for the watershed and
14 water supply protection responsibilities established for the authority and department under
15 chapter 372 of the acts of 1984, chapter 36 of the acts of 1992, chapter 26 of the acts of 2003,
16 and chapters 92 and 92A ½ of the General Laws to be satisfactorily discharged. Any provisions
17 in the memorandum, as it may be amended from time to time, regarding the operation and
18 governance of the trust shall be consistent with this section. In the event of an inconsistency
19 between that memorandum and the terms and conditions of this section as they relate to the
20 operation and governance of the trust, the terms and conditions of this section shall be
21 dispositive.

22 SECTION 2. Said section 73 of said chapter 10 is hereby further amended by striking paragraph
23 (1) of subsection (e) and inserting in place thereof the following paragraph:-

24 (1) the maintenance and operating costs of the department's division of water supply protection,
25 as established in sections 1 to 20, inclusive, of chapter 92A ½ , including the costs of capital
26 improvements necessary to ensure the safety and purity of the water supply and protection of
27 watershed lands pursuant to state and federal standards, the costs of watershed land acquisition
28 and other capital costs, and the costs of the purchase or leasing of vehicles and all other
29 equipment as considered necessary by the division, and other authorized charges of the division
30 of water supply protection, as set forth in the Annual Work Plan's operating plan, operating
31 budget, and capital budgets prepared jointly by the department and authority, and reviewed and
32 approved by the board of trustees pursuant to subsection (c), provided that no expenditure may
33 be made for operating, maintenance, and capital costs of the department's division of water
34 supply protection that were previously budgeted as expenses of the former department of
35 environmental management that were non-reimbursable by the authority. The nature and extent
36 of such expenses to be excluded shall be as set forth in the memorandum, which shall be
37 controlling on all issues related to the watershed and waterworks systems under the jurisdiction
38 of the parties thereto, and shall be amended and renewed from time to time by the mutual
39 consent of the parties thereto;

40 SECTION 3. Subsection (e) of said section 73, as so appearing, is hereby further amended by
41 inserting in paragraph (2) after the word "equipment" the following words:- "and property,"

42 SECTION 4. Said section 73, as so appearing, is hereby further amended by striking subsection
43 (g).