

**HOUSE . . . . . No. 2471**

---

The Commonwealth of Massachusetts

\_\_\_\_\_  
**In the Year Two Thousand Nine**  
\_\_\_\_\_

An Act relative to the transfer of department of highways employees from the capital budget to the operating budget..

*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. Subparagraph (C) of section 2 of chapter 21J of the General Laws, as  
2 appearing in the 2006 Official Edition, is hereby amended by striking the sentence contained in  
3 lines 41-43, inclusive, and inserting in place there of the following:- “The department shall  
4 deposit all receipts collected pursuant to this section as follows: (i) 60 percent shall be deposited  
5 into the General Fund; and (ii) 40 percent shall be deposited into the Capital Employees  
6 Transition Fund, established pursuant to section 2YYY of chapter 29.”

7           SECTION 2. Chapter 29 of the General Laws, as so appearing, is hereby amended by  
8 inserting after section 2XXX the following section:-

9           Section 2YYY. There shall be established and set upon the books of the commonwealth a  
10 separate fund to be known as the Capital Employees Transition Fund, hereinafter referred to as  
11 the fund, which shall be administered by the department of highways within the executive office  
12 of transportation and public works. There shall be credited to the fund: (a) 40 percent of all  
13 receipts collected pursuant to section 2 of chapter 21J; and (b) any appropriations authorized by

14 the general court. Amounts credited to the fund shall be expended by the department, in addition  
15 to any revenues appropriated by the general court from the Highway Fund, for the purpose of  
16 paying for a portion of the department's operating costs that would have otherwise been paid by  
17 bond proceeds. Operating costs may include, but shall not be limited to, the full-time personnel  
18 expenses of the department, as well as any expenses incurred by the department as part of its  
19 normal operations. The comptroller shall certify payments, including payments during the  
20 accounts payable period, in anticipation of revenues from the fund for the purpose of making  
21 authorized expenditures; provided however, that no expenditure shall cause the fund to be in  
22 deficit at the end of a fiscal year.