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HOUSE . . . . . No. 3358

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to the coordination of intermodal assets in the Commonwealth..

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

SECTION 1. Section 19 of chapter 6A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) The following agencies shall be within the executive office of transportation: the department of highways, including the government center commission established by section 1 of chapter 635 of the acts of 1960, the registry of motor vehicles and all other agencies within the department, except the division of motorboats, and the division of waterways; the Massachusetts aeronautics commission, the Massachusetts Bay Transportation Authority, the Massachusetts Port Authority, the Massachusetts Turnpike Authority, the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority and any regional transportation authorities established under chapter 161 or 161B.

Nothing in this chapter shall be construed as conferring any powers or imposing any duties upon the secretary with respect to the foregoing agencies and authorities except as expressly provided by law.

SECTION 2. Section 103 of said chapter 6A, as so appearing, is hereby amended by inserting after the words “the Massachusetts Bay Transportation Authority”, in line 28, the following words:- the Woods Hole, Martha’s Vineyard and Nantucket Steamship Authority,.

SECTION 3. Section 3 of chapter 701 of the acts of 1960 is hereby amended by striking out the second paragraph, as appearing in section 2 of chapter 243 of the acts of 2006, and inserting in place thereof the following paragraph:-

The authority shall consist of 6 persons to be appointed as follows: 1 resident of the county of Dukes County by the county commissioners thereof; 1 resident of the county of Nantucket by the county commissioners thereof; 1 resident of the town of Barnstable by the town council thereof; 1 resident of the town of Falmouth by the selectmen thereof; and 1 member who is a resident of the city of New Bedford by the mayor of the city of New Bedford with the approval of the city council thereof, each of whom shall serve for a term of 3 years and until his successor has been appointed and qualified. The secretary of the executive office of transportation or his designee shall be a continuous member of the authority. The successor of each member shall be appointed in a like manner for a like term and serve, except for any person appointed to fill a vacancy who shall serve only for the remainder of the unexpired term. Any member may be removed for cause by the member's appointing authority.

SECTION 4. Said section 3 of said chapter 701 is hereby further amended by striking out the fourth paragraph, as appearing in section 4 of chapter 243 of the acts of 2002, and inserting in place thereof the following paragraph:-

The authority shall elect 1 of the voting members as vice-chairman and as secretary and shall also elect a treasurer who need not be a member of the authority. The votes of the members

of the authority shall be weighted such that the county of Dukes County member's vote shall count as 30 percent of the whole; the Nantucket member's vote shall count as 30 percent of the whole; the Barnstable, Falmouth, and New Bedford members' votes shall each count as 10 percent of the whole. The vote of the secretary of transportation or of his designee shall count as 10 percent of the whole. A vote of greater than 50 per cent of the weighted vote shall be necessary for any action taken by the authority. Members whose combined votes count as more than 50 per cent of the whole shall constitute a quorum. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority. Before the issuance of any steamship bonds under this act, each voting member of the authority shall execute a surety bond to the commonwealth with a surety company authorized to transact business in the commonwealth as surety in the penal sum of $10,000, and the treasurer shall execute such a bond in the penal sum of $20,000, conditioned upon the faithful performance of the duties of his office. Each surety bond shall be approved by the attorney general and filed in the office of the state secretary. The members of the authority shall serve without compensation. Each member shall be reimbursed for his actual expenses necessarily incurred in the performance of his duties. All expenses incurred in carrying out this act shall be paid solely from funds provided under the authority of this act, and no liability or obligation shall be incurred by the authority hereunder beyond the extent to which monies shall have been provided under the authority of this act.

SECTION 5. Said chapter 701 is hereby amended by striking out section 14, as appearing in section 9 of chapter 243 of the acts of 2002, and inserting in place thereof the following section:-

Section 14. There is hereby established a board to be known as the port council of the Woods Hole, Martha's Vineyard, Nantucket, Barnstable and New Bedford Steamship Authority which shall consist of 8 members: 1 member to be appointed by the board of selectmen of the town of Falmouth for a term of 1 year; 1 member to be appointed by the mayor with the approval of the city council of the city of New Bedford for a term of 1 year; 1 member to be appointed by the town council of the town of Barnstable for a term of 2 years; 1 member to be appointed by the board of selectmen of the town of Oak Bluffs for a term of 2 years; 1 member to be appointed by the board of selectmen of the town of Tisbury for a term of 2 years; 1 member to be appointed by the board of selectmen of the town of Nantucket for a term of 3 years; and 1 member to be appointed by the board of selectmen of the town of Fairhaven for a term of 3 years. The secretary of transportation or his designee shall be a continuous member of the port council. Upon the expiration of the term of a member, a successor shall be appointed in like manner for a term of 2 years. Said board shall have the power to review the annual budget of the authority and advise the authority members concerning any activities underway or proposed in any port community in which the authority operates. The board shall have access to such books, records and files of the authority as it may deem necessary or desirable for the exercise of its powers. The members of the board shall serve without compensation but shall be reimbursed from the funds of the authority for any actual expenses necessarily incurred in the performance of their duties.

SECTION 6. The fourth paragraph of section 15 of said chapter 701, as most recently amended by chapter 243 of the acts of 2002, is hereby further amended adding the following sentence:- In order to ensure the greatest opportunity for cost savings, said proposals for the same shall also be made available on the commonwealth’s procurement website.

SECTION 7. Section 27C of chapter 29 of the General Laws shall not be applicable to this act.