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HOUSE . . . . . No. 761

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to protect the Right Whale..

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. Chapter 29 of the General Laws is hereby amended by inserting after section 2JJJ the following section:-

Section 2KKK. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Right Whale Research and Protection Fund, the funds of which shall be expended by the division of coastal zone management within the executive office of environmental affairs for the purpose of funding efforts to diminish fatalities of right whales in Massachusetts coastal waters, including support of efforts by the northeast implementation team. Said division shall establish a grant program to expend said funds and shall give priority to companies, public institutions of higher education and non-profit corporations located within the Commonwealth, including, but not limited to woods hole oceanographic institute, the center for coastal studies, new england aquarium and other entities with established records of right whale research. Said division shall prioritize the expenditure of said funds on developing data related to the interaction of northern right whales and vessels transitting cape cod bay and the great south channel, improvements to the mandatory ship reporting system, improvements to

fishing and lobstering gear, improvements to the remote monitoring of right whales and the development of acoustical and optical systems to diminish right whale fatalities.

The Right Whale Research and Protection Fund shall receive monies from: (1) gifts, grants, appropriations and donations from public or private sources; (2) federal reimbursements and grants-in-aid; (3) any interest earned from the fund; and (4) the proceeds of special obligation bond sales by the commonwealth, denoted as the Right Whale Research and Protection Loan Act of 2009. The state treasurer shall receive, deposit and invest funds held in such a manner as to ensure the highest interest rate available consistent with the safety of the fund. The books and records of the fund shall be subject to an annual audit by the state auditor. The division of coastal zone management may expend such funds, in addition to appropriation, and no expenditure from the fund shall cause it to be in deficiency at the close of a fiscal year. The director of coastal zone management shall report annually to the house and senate committees on ways and means and the joint committee on natural resources and agriculture on income received into the fund and the sources of that income, any expenditures from the fund and their purposes and fund balances.

SECTION 2. To meet a portion of the expenditures necessary in carrying out the provisions of section 2KKK of chapter 29 of the General Laws, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding in the aggregate the sum of $2,000,000 to be in addition to those bonds previously authorized and which authorizations remain uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Commonwealth of Massachusetts and the Executive Office of Environmental Affairs Right Whale Research and Protection Loan

Act of 2009, and shall be issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June 30, 2029. All interest and payments on account of principal of such obligations shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.