

SENATE No. 381

The Commonwealth of Massachusetts

In the Year Two Thousand 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
2 of the Acts of 2004, is hereby amended by striking out subsection (c) and inserting in place
3 thereof the 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
23 paragraph (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
25 protection, as established in sections 1 to 20, inclusive, of chapter 92A ½ , including the costs of
26 capital improvements necessary to ensure the safety and purity of the water supply and
27 protection of watershed lands pursuant to state and federal standards, the costs of watershed land
28 acquisition and other capital costs, and the costs of the purchase or leasing of vehicles and all
29 other equipment as considered necessary by the division, and other authorized charges of the
30 division of water supply protection, as set forth in the Annual Work Plan's operating plan,
31 operating budget, and capital budgets prepared jointly by the department and authority, and
32 reviewed and approved by the board of trustees pursuant to subsection (c), provided that no
33 expenditure may be made for operating, maintenance, and capital costs of the department's
34 division of water supply protection that were previously budgeted as expenses of the former
35 department of environmental management that were non-reimbursable by the authority. The
36 nature and extent of such expenses to be excluded shall be as set forth in the memorandum,
37 which shall be controlling on all issues related to the watershed and waterworks systems under

38 the jurisdiction of the parties thereto, and shall be amended and renewed from time to time by the
39 mutual consent of the parties thereto;

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

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