

# SENATE . . . . No. 539

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## The Commonwealth of Massachusetts

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SENATE, July 25, 1938.

The committee on Ways and Means, to whom was referred the House Bill providing for the payment by the Commonwealth to its municipalities of a portion of the Highway Fund to enable them to carry out local highway projects for the purpose of alleviating existing conditions resulting from unemployment (House, No. 2212), report recommending that the same ought to pass, with an amendment substituting therefor a new draft entitled "An Act providing for the payment by the Commonwealth to its municipalities of a portion of the Highway Fund to enable them to carry out local highway projects for the purpose of alleviating existing conditions resulting from unemployment, and providing for the reconstruction and repair of certain highways, bridges, etc., damaged by the recent storm" (Senate, No. 539).

For the committee,

GEORGE G. MOYSE.

Senator BURKE dissents.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Eight.

AN ACT PROVIDING FOR THE PAYMENT BY THE COMMONWEALTH TO ITS MUNICIPALITIES OF A PORTION OF THE HIGHWAY FUND TO ENABLE THEM TO CARRY OUT LOCAL HIGHWAY PROJECTS FOR THE PURPOSE OF ALLEVIATING EXISTING CONDITIONS RESULTING FROM UNEMPLOYMENT, AND PROVIDING FOR THE RECONSTRUCTION AND REPAIR OF CERTAIN HIGHWAYS, BRIDGES, ETC., DAMAGED BY THE RECENT STORM.

1    *Whereas*, The deferred operation of this act would  
2 tend to defeat its purpose, therefore it is hereby  
3 declared to be an emergency law, necessary for the  
4 immediate preservation of the public convenience.

*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. There shall be paid, without further  
2 appropriation, from the Highway Fund, as soon as  
3 may be to the several cities and towns, the sum of  
4 five million dollars, in proportion to the amounts for  
5 which they shall have been respectively assessed for  
6 the state tax of the current year. The sum received  
7 by each city and town under this section shall be kept  
8 in a separate fund and shall be expended, without  
9 appropriation, together with federal funds, if any,  
10 allocated to such city or town and available for such

11 expenditure, under the direction of the local high-  
12 way department in the current year or thereafter  
13 as hereinafter provided, for local highway projects  
14 including construction, maintenance and repair of  
15 local roads, streets and highways other than state  
16 highways, surface drainage, sidewalks, curbing and  
17 bridges.

1 SECTION 2. Projects to be entered into under  
2 authority of section one of this act shall be submitted  
3 to the state department of public works by the mayor  
4 and city council in the case of cities and by the select-  
5 men in the case of towns, and no project shall be  
6 entered into hereunder unless it is approved, with  
7 respect to the necessity and location thereof, by said  
8 department of public works. A city or town aggrieved  
9 by the action of said department of public works in  
10 refusing to approve a project submitted to it as afore-  
11 said or by the failure of said department to act in the  
12 matter of the approval of the project within a period  
13 of thirty days after it had been submitted to it, may  
14 appeal therefrom to the emergency finance board,  
15 established under section one of chapter forty-nine of  
16 the acts of nineteen hundred and thirty-three, and  
17 the decision of said emergency finance board shall be  
18 final. Upon written request of the mayor and city  
19 council of a city or the selectmen of a town said de-  
20 partment of public works shall furnish engineering  
21 services with respect to any project or projects to be  
22 entered into by such city or town hereunder; pro-  
23 vided, that the cost of such engineering services, with  
24 respect to any such project, shall not exceed ten per  
25 cent of so much of the total cost thereof as is to be  
26 met from the sum paid to such city or town under  
27 section one.

28 The amount of the expense of such engineering  
29 services shall be paid to the state treasurer by the  
30 city or town to which such services shall have been  
31 furnished from the sum paid to such city or town  
32 under said section one, and shall be available, with-  
33 out appropriation, for the payment of the expense  
34 incurred by said department of public works for  
35 said services, subject otherwise to the provisions of  
36 law regulating the disbursement of public funds and  
37 the approval thereof.

1 SECTION 3. For the purpose of repairing the dam-  
2 age to public ways in the commonwealth caused by  
3 the recent storm, there shall also be available for ex-  
4 penditure by the state department of public works  
5 and certain cities and towns, without further appro-  
6 priation, from the Highway Fund, such amounts as  
7 shall be determined by said emergency finance board,  
8 as hereinafter provided, but not exceeding, in the  
9 aggregate, five hundred thousand dollars. Any sums  
10 made available for expenditure by the state depart-  
11 ment of public works under this section shall be  
12 expended by it, together with federal funds, if any,  
13 allocated to the commonwealth and available for such  
14 expenditure, for the purpose of repairing or recon-  
15 structing state highways, including surface drainage,  
16 sidewalks, curbings and bridges, so damaged; and any  
17 sum received by a city or town under this section shall  
18 be placed in a separate fund and shall, under the direc-  
19 tion of the local highway department, be expended,  
20 without appropriation, together with federal funds,  
21 if any, allocated to such city or town and available for  
22 such expenditure, for the purpose of repairing or  
23 reconstructing local roads, streets and highways,

24 including surface drainage, sidewalks, curbing and  
25 bridges, so damaged.

1 SECTION 4. Projects to be entered into under au-  
2 thority of section three of this act shall be submitted  
3 to said emergency finance board, in the case of state  
4 highways by the commissioner of public works and  
5 in case of local highways by the mayor and city coun-  
6 cil of a city or by the selectmen of a town, and no  
7 project shall be entered into under said section three  
8 unless it is approved, with respect to the necessity  
9 and location thereof, by said board. The decision of  
10 said board shall be final.

1 SECTION 5. Persons employed for work on any  
2 project entered into under authority of this act shall  
3 not be subject to the civil service laws or the rules  
4 and regulations made thereunder.

The first part of the year was spent in the study of the history of the country.

In the second part of the year I spent some time in the study of the natural history of the country.

In the third part of the year I spent some time in the study of the natural history of the country.

In the fourth part of the year I spent some time in the study of the natural history of the country.

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In the twelfth part of the year I spent some time in the study of the natural history of the country.

In the thirteenth part of the year I spent some time in the study of the natural history of the country.



