

SENATE No. 540

[Senate, No. 540. — Mr. Burke gives notice that he will move that this bill be substituted for House Bill No. 2212.]

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE EXPENDITURE OF CERTAIN FUNDS FROM THE HIGHWAY FUND FOR THE PURPOSE OF ALLEVIATING EXISTING CONDITIONS RESULTING FROM UNEMPLOYMENT.

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 three million dollars, in proportion to the amounts
5 for which they shall have been respectively assessed
6 for the state tax of the current year. The sum re-
7 ceived by each city and town under this section shall
8 be kept in a separate fund and shall be expended,
9 without appropriation, together with federal funds,

10 if any, allocated to such city or town and available
11 for such expenditure, under the direction of the
12 local highway department in the current year or
13 thereafter as hereinafter provided, for local highway
14 projects including construction, maintenance and
15 repair of local roads, streets and highways other
16 than state highways, surface drainage, sidewalks,
17 curbings and bridges.

1 SECTION 2. The department of public works is
2 hereby authorized and directed to expend, without
3 further appropriation, from the Highway Fund, for
4 the repair and maintenance of state highways the
5 sum of two million dollars and for the construction of
6 additional state highways the sum of five hundred
7 thousand dollars, the same to be in addition to any
8 sums heretofore appropriated in the current year for
9 the same purposes.

1 SECTION 3. 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
10 in refusing to approve a project submitted to it
11 as aforesaid or by the failure of said department to
12 act in the matter of the approval of the project within
13 a period of thirty days after it had been submitted
14 to it, may appeal therefrom to the emergency finance
15 board, established under section one of chapter forty-

16 nine of the acts of nineteen hundred and thirty-three,
17 and the decision of said emergency finance board shall
18 be 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. The amount of the expense of such acquisition
 2. shall be paid for the purpose of this section
 3. in the year in which such acquisition shall be made
 4. and shall be treated as a contribution to the
 5. capital of the corporation. The amount of such
 6. contribution shall be determined as if the
 7. acquisition had been made in cash and the
 8. amount of such contribution shall be reduced
 9. by the amount of any other contribution made
 10. for the purpose of this section in the same
 11. year. The amount of such contribution shall
 12. be determined as if the acquisition had been
 13. made in cash and the amount of such
 14. contribution shall be reduced by the amount
 15. of any other contribution made for the
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