

SENATE No. 244

To accompany the petition of the Massachusetts Selectmen's Association, by Axel T. Zetterman, executive secretary, that cities, towns and districts be authorized to construct flood protection works. Municipal Finance.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING CITIES, TOWNS AND DISTRICTS TO CONSTRUCT FLOOD PROTECTION WORKS.

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. Cities, towns and districts, for the
2 purpose of protecting highways and public or private
3 property from damage by freshet or flow of natural
4 streams, may from time to time acquire land and
5 easements in land and may construct dikes, walls
6 and other flood protection works. Said flood pro-
7 tection works may be constructed in conjunction with
8 projects of the United States of America and of the
9 commonwealth of Massachusetts.

1 SECTION 2. For the purposes authorized by sec-
2 tion one, the treasurer of any city, town or district,
3 if authorized by a two thirds vote as defined by sec-
4 tion one of chapter forty-four of the General Laws,
5 and with the approval of the mayor, selectmen,
6 prudential committee or commissioners, and the
7 board established by section one of chapter forty-
8 nine of the acts of nineteen hundred and thirty-three,
9 may, on behalf of such city, town or district, borrow
10 outside the debt limit as fixed by chapter forty-four
11 of the General Laws, a sum not to exceed one per cent
12 of the average of the assessors' valuations of taxable
13 property for the three preceding years, such valua-
14 tions to be reduced and otherwise determined as
15 provided in section ten of said chapter forty-four,
16 and may issue bonds or notes therefor, which shall
17 bear on their face the words, (name of city, town or
18 district) Flood Control Loan, Act of 1939. Each
19 authorized issue shall constitute a separate loan and
20 such loans shall be paid in not more than ten years
21 from their respective dates and, except as herein
22 provided, shall be subject to chapter forty-four of
23 the General Laws, exclusive of the limitation con-
24 tained in the first paragraph of section seven thereof.

1 SECTION 3. If a city, town or district has entered
2 into an agreement with the federal government,
3 the state department of public works, or the county
4 commissioners for the construction of flood control
5 works, or has appropriated a sum of money for such
6 works to be used with a sum or sums allotted
7 by the federal government, the state department of
8 public works, or the county commissioners, and is
9 required primarily to pay the proportion of the ex-

10 pense for which reimbursement is to be received from
11 the federal government, the commonwealth, or the
12 county, such reimbursement first having been agreed
13 upon by the proper officials representing the federal
14 government, the commonwealth, or the county, for
15 the purpose of providing the necessary funds to meet
16 the expenses for which reimbursement is to be made,
17 the treasurer of the city, town or district may, with
18 the approval of the mayor, selectmen, prudential
19 committee of commissioners, incur debt outside the
20 debt limit and issue notes therefor for a period not
21 exceeding one year from their dates, and the pro-
22 ceeds of such reimbursement shall be applied to the
23 discharge of the loan.

1 SECTION 4. The members of the board aforesaid,
2 when acting under this act, shall receive from the
3 commonwealth compensation to the same extent as
4 provided for services under chapter three hundred
5 and sixty-six of the acts of nineteen hundred and
6 thirty-three, as amended.

1 SECTION 5. Loan votes or orders passed in any
2 city or town under authority of this act shall be
3 deemed to be emergency votes or orders and as such
4 may be passed in such manner as is provided for
5 emergency votes or orders in the charter or by-laws.

