

HOUSE No. 2327

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, August 12, 1935.

The committee on Ways and Means, to whom was referred the message from His Excellency the Governor calling attention to the necessity for favorable action with reference to the issuing of bonds for the purpose of inaugurating a program of building construction (House, No. 2323), report the accompanying bill (House, No. 2327).

For the committee,

ERNEST J. DEAN.

Representatives BIGELOW of Brookline, BAKER of Newton, SESSIONS of Hampden, HERTER of Boston and ROLFE of Newbury dissenting.

The Commonwealth of Massachusetts

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

An Act providing a Construction and Building Improvement Program 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. The emergency public works commis-
2 sion, established under section one of chapter three
3 hundred and sixty-five of the acts of nineteen hun-
4 dred and thirty-three, in this act referred to as the
5 commission, shall, in addition to the powers and duties
6 heretofore conferred and imposed upon it, exercise
7 and perform the powers and duties hereinafter con-
8 ferred or imposed upon it, and the provisions of said
9 section one relative to action by the commission shall
10 apply in the case of action under this act.

1 SECTION 2. The commonwealth may engage in
2 construction and building improvement projects for
3 the departments of mental diseases, correction, pub-
4 lic health, public welfare, public safety and education,

5 involving an aggregate expenditure not exceeding nine
6 million five hundred thousand dollars, to be en-
7 tered into only on the basis of grants of federal
8 money, except that within said limit expenditures for
9 equipment and furnishings may be made independ-
10 ently of any agreement with the federal authorities.
11 Of the total expenditures hereby authorized, not more
12 than four million dollars plus a sum equal to the bal-
13 ance of the amount authorized to be borrowed by
14 the commonwealth under section two of chapter three
15 hundred and sixty-five of the acts of nineteen hun-
16 dred and thirty-three, as amended, which on the
17 effective date of this act remains unborrowed, shall
18 ultimately be borne by the commonwealth; and
19 after said effective date no project shall be entered
20 into under said section two, as amended. No project
21 shall be entered into under authority hereof unless
22 it is approved as hereinafter provided by the commis-
23 sion and by the governor. Any such project, when
24 so approved shall be carried out in all respects subject
25 to the provisions of the appropriate federal law pro-
26 viding for projects of that class, and the rules and
27 regulations made pursuant thereto, and to such terms,
28 conditions, rules and regulations, not inconsistent with
29 such federal laws and rules and regulations, as the
30 commission may establish with the approval of the
31 governor, to ensure the proper execution of such proj-
32 ects. The commonwealth may accept and use for
33 carrying out any project so approved any grant of
34 federal funds under any federal law. For the purpose
35 only of carrying out projects approved as aforesaid,
36 the state treasurer may from time to time borrow, on
37 the credit of the commonwealth, such sums, not ex-
38 ceeding in the aggregate four million dollars plus a

39 sum equal to the balance not borrowed as aforesaid
40 and may issue in one or more series bonds, notes, or
41 other forms of written acknowledgment of debt, here-
42 inafter referred to as obligations. Each series shall
43 carry such rates of interest as the state treasurer may
44 fix, with the approval of the governor, and shall be
45 payable serially in such amounts and at such times as
46 the state treasurer may determine, with the approval
47 of the governor; provided, that the principal pay-
48 ments of each series shall be made annually in amounts
49 as nearly equal as may be. The obligation last pay-
50 able of any series issued hereunder shall become due
51 not later than ten years from the date of the obliga-
52 tions of such series.

53 All obligations issued under this act shall be signed
54 by the state treasurer and approved by the governor.
55 Facsimiles of the signature of the governor printed
56 thereon shall have the same effect as his written
57 signature.

58 All obligations issued under this act shall be pay-
59 able, as to both principal and interest, in such funds
60 as are, on the respective dates of payment of such
61 principal and interest, legal tender for the payment
62 of debts due the United States of America.

63 Until other provision is made by the general court
64 all interest payments and payments on account of
65 principal on such obligations shall be paid from the
66 Highway Fund, without appropriation; provided,
67 that notwithstanding the foregoing, such obligations
68 shall be general obligations of the commonwealth.

69 In anticipation of the sale of such obligations, the
70 state treasurer may from time to time, with the ap-
71 proval of the governor, pay from the Highway Fund,
72 without appropriation, any of the expenses of carrying

73 out any projects authorized under this act; but all
74 money so paid from said fund shall be repaid thereto
75 out of the proceeds of the sale of such obligations.

1 SECTION 3. No payment shall be made or obliga-
2 tion incurred for the carrying out of any project which
3 has been approved by the commission and the gover-
4 nor and approved for federal aid by the proper federal
5 authorities, until plans and specifications therefor
6 have been approved by the commission, unless other-
7 wise provided by such rules or regulations as the com-
8 mission may make.

1 SECTION 4. The state treasurer shall receive all
2 moneys granted to the commonwealth for the purpose
3 of carrying out projects authorized under this act.
4 Payment from the state treasury for expenditures
5 incurred under this act shall be made upon vouchers
6 filed with the comptroller in accordance with the pro-
7 cedure prescribed under section eighteen of chapter
8 twenty-nine of the General Laws, and all other provi-
9 sions of said chapter twenty-nine shall apply in the
10 case of any project undertaken under this act or any
11 expenditure necessary for carrying out the purposes
12 hereof, except in so far as such provisions of law may
13 be in conflict with applicable federal laws and regu-
14 lations.

1 SECTION 5. Any state officer, board, commission
2 or department charged with the duty of carrying out
3 any project so approved shall have, in addition to any
4 powers expressly given by statute, such powers as
5 may be determined and certified by the commission
6 to be proper and reasonably necessary to carry out

7 such project, including the power to take property
8 by eminent domain on behalf of the commonwealth;
9 provided, that if such officer, board, department or
10 commission is aggrieved by the making of, or failure
11 to make, any determination and certification afore-
12 said, he or it may within ten days after notice thereof
13 appeal to the governor, whose decision shall be final.
14 The commission is hereby authorized to make all
15 necessary orders, rules and regulations and perform
16 all necessary actions under this act; and none of such
17 orders, rules, regulations and actions shall be declared
18 inoperative, illegal or void for any omission of a tech-
19 nical nature in respect thereto.

1 SECTION 6. The authority given to the state
2 treasurer by chapter three hundred and ninety-two
3 of the acts of the current year to borrow in anticipa-
4 tion of the payment of grants by the federal govern-
5 ment is hereby extended to such grants as may be
6 authorized for the projects entered into under this act.

