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SECTION 55. Notwithstanding any general or special law to the contrary, the authority shall not issue maximum eligible cost standards nor size standards for school projects pursuant to section 9 of chapter 70B of the General Laws, nor shall it promulgate regulations pursuant to said chapter 70B prior to January 1, 2006. In drafting regulations, the authority shall review the needs analysis and capital plan required by section 17 of said chapter 70B to be completed by the board on June 30, 2005, and shall propose draft regulations based on the report, capital plan and needs analysis not later than January 1, 2006. The authority shall hold not less than 5 hearings on the draft regulations in locations reflective of the geographic diversity of the commonwealth, and shall submit the draft regulations to the joint committee on education, arts and humanities, which shall have 30 days to review and comment on the regulations. The authority shall promulgate final regulations no later than July 1, 2006.

SECTION 56. Notwithstanding any general or special law to the contrary, the Massachusetts School Building Authority, with the advice of the school building advisory committee, shall conduct a comprehensive analysis of the needs of municipal and regional school districts for projects eligible for reimbursement under chapter 70B of the General Laws beginning July 1, 2007.

SECTION 57. Sections 30 to 32, inclusive, shall take effect on August 1, 2005.

Approved July 26, 2004.

Chapter 209. AN ACT RELATIVE TO RESTRICTIVE COVENANTS.

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by inserting after section 129A the following section:-

Section 129B. A contract or agreement which creates or establishes the terms of a partnership, employment, or any other form of professional relationship with a psychologist licensed under this chapter, which includes a restriction of the right of the psychologist to practice in any geographic area for any period of time after termination of the partnership, employment or professional relationship shall be void and unenforceable with respect to the restriction; but, nothing herein shall render void or unenforceable the remainder of the contract or agreement.

Approved July 26, 2004.

Chapter 210. AN ACT RELATIVE TO FUNDS FOR SCHOOL BUILDING ASSISTANCE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which

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is forthwith to make certain changes to the school building assistance program, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after section 35AA, inserted by section 26 of chapter 149 of the acts of 2004, the following section:-

Section 35BB. (a) As used in this section, the following words shall, unless the context requires otherwise, have the following meanings:-

"Authority", the Massachusetts School Building Authority, established under section 1A of chapter 70B.

"Dedicated sales tax revenue amount", all moneys received by the commonwealth equal to 1 per cent of the receipts from sales, as defined by chapter 64H, and 1 per cent of the sales price of purchases, as defined by chapter 64I, from that portion of the taxes imposed under said chapters 64H and 64I as excises upon the sale and use at retail of tangible property or of services, and upon the storage, use or other consumption of tangible property or of services, including interest thereon or penalties, but not including any portion of the taxes that constitute special receipts within the meaning of subsection (b ½) of section 10 of chapter 152 of the acts of 1997 or within the meaning of subsection (b ½) of said section 10 of said chapter 152 or any portion of the taxes imposed on the sale of meals as defined in paragraph (h) of section 6 of said chapter 64H.

"Receipts from sales", gross receipts from nonexempt sales, less amounts abated or reimbursed.

"Sales price of purchases", sales price of nonexempt purchases, less amounts abated or reimbursed.

(b) There shall be established on the books of the commonwealth a separate fund, to be known as the School Modernization and Reconstruction Trust Fund. There shall be credited to the fund the dedicated sales tax revenue amount. Annual receipts into the fund on account of any fiscal year shall be considered to meet the full obligation of the commonwealth to the authority for such fiscal year.

(c) Amounts in the fund shall be held by the state treasurer or his designee, as trustee and not on account of the commonwealth, exclusively for the purposes of the authority, and the state treasurer shall disburse amounts in the fund to the authority, without further appropriation, upon the request from time to time of the executive director of the authority. All amounts in the fund, including investment earnings, shall be available for expenditure by the authority for any lawful purpose, including without limitation payment of debt service on debt obligations issued by the authority, and may be pledged to secure debt of the authority in such manner and according to such priority as the authority may determine.

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(d) The authority shall certify annually to the treasurer as trustee with copies provided to the clerks of the house and senate and to the house and senate committees on ways and means that it has made provision in its annual budget and its capital plan under section 17 of chapter 70B for sufficient amounts to be available to meet debt service payments or other payments due under financing obligations, including, without limitation, leases or grant obligations.

(e) Subject to applicable restrictions contained in any bond resolution, trust or security agreement or credit enhancement agreement, surety bond or insurance policy related to indebtedness incurred by the authority, including without limitation coverage requirements, if the authority shall determine that the balance of the fund exceeds the amount necessary to achieve the purposes of the authority, including, without limitation, to meet debt service payments, lease payments and grant obligations, the authority may transfer the excess amount to the commonwealth.

(f) In order to increase the marketability of any bonds or notes of the trust which may be secured by or payable from amounts held in the fund, the sums to be credited to the fund are hereby impressed with a trust for the benefit of the trust and the holders from time to time of the bonds or notes, and in consideration of the acceptance of payment for the bonds or notes, the commonwealth covenants with the purchasers and all subsequent holders and transferees of the bonds or notes that while the bond or note shall remain outstanding, and so long as the principal of or interest on the bond or note shall remain unpaid, the sums to be credited to the fund shall not be diverted from the control of the trust and, so long as the sums are necessary, as determined by the authority in accordance with any applicable bond resolution, trust or security agreement or credit enhancement agreement, surety bond or insurance policy related to indebtedness incurred by the trust, for the purposes for which they have been pledged, the rates of the excises imposed by said chapters 64H and 64I shall not be reduced below the rates prescribed by this section.

SECTION 2. Section 3 of chapter 70B of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after the first paragraph the following 2 paragraphs:-

The purposes of the program shall be the provision of financial assistance to cities, towns and regional school districts as beneficiaries of the trust to finance and refinance the costs of approved school projects as provided in, and as necessary to implement this chapter, including without limitation providing for the payment of grants approved pursuant to this chapter and the payment of all costs of the authority, including professional and financial services incident to the conduct of its operations.

The authority shall establish general policy and review standards regarding school building construction, renovation, maintenance and facility space and administer the school building assistance program in accordance with this chapter. In carrying out its duties, the authority shall be guided by the following principles: preservation of open space and minimization of loss of such open space, emphasis on thoughtful community development, and project flexibility that addresses the needs of individual communities and municipalities.

In accordance with the terms of any bond resolution, trust or security agreement or credit enhancement agreement, surety bond or insurance policy related to indebtedness incurred by the authority secured by amounts provided to the trust in accordance with section 35BB of chapter 10, the holders of indebtedness and the providers of any credit enhancement, surety bond or insurance policy shall also be beneficiaries of the trust. The authority shall apply and disburse moneys and revenues of the trust without further appropriation or allotment.

SECTION 3. The third paragraph of said section 3 of said chapter 70B, as so appearing, is hereby further amended by striking out clauses (e), (f) and (g) and inserting in place thereof the following 3 clauses:-

(e) to apply for, receive, administer and comply with the conditions and requirements respecting any grant, gift or appropriation of property, services or moneys;

(f) to enter into contracts, arrangements and agreements with other persons and execute and deliver all trust agreements, grant agreements and other instruments necessary or convenient to the exercise of the powers of the trust;

(g) to borrow and repay money by issuing bonds or notes of the trust, to apply the proceeds thereof as provided in this chapter and to pledge or assign or create security interests in any revenues, receipts or other assets or funds of the trust to secure bonds or notes;.

SECTION 4. Notwithstanding section 35BB of chapter 10 of the General Laws, in fiscal year 2005, there shall be credited to the School Modernization and Reconstruction Trust Fund, hereinafter referred to as the "fund", an amount equal to \$395,700,000; in fiscal year 2006, there shall be credited to the fund moneys equal to 70 per cent of the dedicated sales tax revenue amount but not less than \$488,700,000; in fiscal year 2007, there shall be credited to the fund moneys equal to 78 per cent of the dedicated sales tax revenue amount but not less than \$557,400,000; in fiscal year 2008, there shall be credited to the fund moneys equal to 85 per cent of the dedicated sales tax revenue amount but not less than \$634,700,000; in fiscal year 2009, there shall be credited to the fund moneys equal to 90 per cent of the dedicated sales tax revenue amount but not less than \$702,300,000; and in fiscal year 2010, there shall be credited to the fund moneys equal to 95 per cent of the dedicated sales tax revenue amount. The amounts credited to the fund under this section shall be considered to meet the full obligation of the commonwealth to the Massachusetts School Building Authority for those fiscal years, respectively.

SECTION 5. Notwithstanding any general or special law to the contrary, the state comptroller shall transfer \$150,000,000 from the General Fund to the School Modernization and Reconstruction Trust Fund on or before June 30, 2004.

Approved July 28, 2004.