

# SENATE NO. 492

## **AN ACT** TO AMEND THE WATER SUPPLY PROTECTION PROGRAM

*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. Section 73 of Chapter 10 of the general laws, as inserted by section 27 of chapter  
2 149 of the acts of 2004, is hereby amended by striking out subsection (c) and inserting in place  
3 thereof the following:-  
4 (c) The board of trustees shall meet on or before October 1, 2004 and at least quarterly  
5 thereafter, and shall serve without compensation. For purposes of board of trustee  
6 meetings and voting, a quorum shall be comprised of 3 of the board members. The board  
7 of trustees shall choose a chairperson by majority vote and shall make all decisions by  
8 majority vote. At a meeting held annually, said board of trustees shall review and  
9 approve the operating plan, the operating budget, the capital budgets, and other aspects of  
10 the annual work plan prepared jointly by the department of conservation and recreation  
11 and the Massachusetts water resources authority pursuant to that interagency  
12 memorandum of understanding between the department and the authority on or about  
13 April 27, 2004, as it may be amended from time to time, and which memorandum and the  
14 annual work plan prepared there under shall provide for the watershed and water supply  
15 protection responsibilities established for the authority and department under chapter 372  
16 of the acts of 1984, chapter 36 of the acts of 1992, chapter 26 of the acts of 2003, and  
17 chapters 92 and 92A ½ of the General Laws to be satisfactorily discharged. Any

18 provisions in the memorandum, as it may be amended from time to time, regarding the  
19 operation and governance of the trust shall be consistent with this section. In the event of  
20 an inconsistency between that memorandum and the terms and conditions of this section  
21 as they relate to the operation and governance of the trust, the terms and conditions of  
22 this section shall be dispositive.

23 SECTION 2. Said section 73 of said chapter 10 is hereby further amended by striking  
24 paragraph (1) of subsection (e) and inserting in place thereof the following paragraph:-

25 (1) the maintenance and operating costs of the department's division of water supply  
26 protection, as established in sections 1 to 20, inclusive, of chapter 92A ½ , including  
27 the costs of capital improvements necessary to ensure the safety and purity of the water  
28 supply and protection of watershed lands pursuant to state and federal standards, the costs of  
29 watershed land acquisition and other capital costs, and the costs of the purchase or  
30 leasing of vehicles and all other equipment as considered necessary by the division, and  
31 other authorized charges of the division of water supply protection, as set forth in the Annual  
32 Work Plan's operating plan, operating budget, and capital budgets prepared  
33 jointly by the department and authority, and reviewed and approved by the board of  
34 trustees pursuant to subsection (c), provided that no expenditure may be made for  
35 operating, maintenance, and capital costs of the department's division of water supply  
36 protection that were previously budgeted as expenses of the former department of  
37 environmental management that were non-reimbursable by the authority. The nature and  
38 extent of such expenses to be excluded shall be as set forth in the memorandum, which  
39 shall be controlling on all issues related to the watershed and waterworks systems under  
40 the jurisdiction of the parties thereto, and shall be amended and renewed from time to

41 time by the mutual consent of the parties thereto;

42 SECTION 3 Subsection (e) of said section 73, as so appearing, is hereby further amended

43 by inserting in paragraph (2) after the word “equipment” the following

44 words:- “and property,”

45 SECTION 4. Said section 73, as so appearing, is hereby further amended by striking

46 subsection (g).