

# Chapter 1 of the Acts of 2009

## AN ACT EXPANDING THE GOVERNOR'S AUTHORITY TO ADDRESS DEFICIENCIES IN REVENUE.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to enable the Governor to address forthwith the current fiscal crisis, therefore it is hereby declared to be an emergency law, necessary for the 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:*

**SECTION 1.** The first paragraph of section 9B of chapter 29 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Notwithstanding any general or special law to the contrary, except an appropriation act or other law expressly citing and prohibiting the application of this section, any monies appropriated by the general court and any funds distributed in accordance with section 3 of chapter 182 of the acts of 2008, but excluding monies otherwise appropriated to the general court, the courts, the office of the comptroller, the office of inspector general or constitutional officers, shall be expended only in such amounts as may be allotted as provided in this section.

**SECTION 2.** Said first paragraph of said section 9B of said chapter 29, as amended by section 1, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Any monies made available by appropriation or otherwise to state agencies under the control of the governor or a secretary, but not including the courts, the office of the governor and the office of the lieutenant governor, shall be expended only in such amounts as may be allotted as provided in this section.

**SECTION 3.** Any allotment reduction in item 0611-5500 or item 7061-0008 or in lottery distributions in sections 2 and 3, including the General Fund supplement to hold harmless lottery aid, of chapter 182 of the acts of 2008, shall be not more than 1/3 of the total reductions made by the governor in the current fiscal year.

**SECTION 4.** The governor shall not reduce the allocation to a city, town or regional school district of state school aid funds appropriated in item 7061-0008 of section 2 of chapter 182 of the acts of 2008, as allocated by section 3 of said chapter 182, so as to reduce the sum of those allocated state school aid funds and the minimum required local contribution below foundation budget for that city, town or regional school district, as calculated pursuant to said section 3 of said chapter 182.

**SECTION 5.** In any reduction in payments to a municipality or regional school district pursuant to item 0611-5500 or item 7061-0008 or in lottery distributions in sections 2 and 3, including the General Fund supplement to hold harmless lottery aid, of chapter 182 of the acts of 2008, from the amounts appropriated in said chapter 182, the governor shall consider the following: (1) the impact on the annual budget of each municipality or regional school district; (2) the percentage of the municipality's or regional school district's budget that comes from the state; and (3) any other factor that he considers important.

**SECTION 6.** Section 2 shall take effect on July 1, 2009.

*Approved January 22, 2009*