

**Chapter 471. AN ACT RELATIVE TO ELECTRONIC BRANCHES AND ELECTRONIC FUND TRANSFERS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 1 of chapter 167B of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the definition of "Financial institution" the following definition:-

"Merchant", any person, corporation, association, partnership or other entity which provides a location for a point-of-sale terminal and contracts with a financial institution or an approved organization for electronic fund transfer services.

**SECTION 2.** Said section 1 of said chapter 167B, as so appearing, is hereby further amended by striking out the definitions of "Organization" and "Point-of-sale terminal" and inserting in place thereof the following two definitions:-

"Organization", any person, corporation, association of partnership which assists or provides services to a financial institution or merchant in order to make available electronic fund transfers. A financial institution or merchant shall not be considered an organization.

"Point-of-sale terminal", an electronic terminal located on the premises of a merchant when such terminal is used with the assistance of an employee of a merchant for a customer's purchase or lease of goods or services sold or leased by such merchant or adjustments thereto or the receipt of cash by the customer which is ancillary to the customer's purchase or lease of goods or services from such merchant; provided, however, that such terminal shall be deemed an electronic branch for the purposes of this chapter whenever it is used for any other electronic fund transfer, or for an electronic fund transfer involving a customer's account held by an organization, or for an electronic fund transfer solely for customers of a single financial institution or bank holding company subject to the provisions of chapter one hundred and sixty-seven A or the Bank Holding Company Act of 1956, 12 USC 1841 et seq.

**SECTION 3.** Section 8 of said chapter 167B, as so appearing, is hereby amended by striking out clause (13).

**SECTION 4.** Section twelve of said chapter one hundred and sixty-seven B is hereby repealed.

Approved December 30, 1991.

**Chapter 472. AN ACT RELATIVE TO THE IMPLEMENTATION OF ECONOMIC DEVELOPMENT PLANS IN CERTAIN CITIES AND TOWNS.**

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

which is to implement economic development plans in certain cities and towns, 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.** The government land bank established by chapter two hundred and twelve of the acts of nineteen hundred and seventy-five is hereby authorized to acquire blighted lands located in the town of Lee and in any city or town for which a receivership has been established by the exercise of the power of eminent domain in accordance with the provisions of chapter seventy-nine or eighty A of the General Laws or any alternative method now or hereafter provided by law, insofar as such provisions may be applicable, provided however, that the power of eminent domain shall only be exercised by said bank with regard to such lands that may be considered "blighted open areas," as defined in section one of chapter one hundred and twenty-one B of the General Laws, and, in any case, said power shall not be exercised by said bank hereunder in the town of Lee without the prior approval, by majority vote, of the selectmen in the town of Lee and in any city or town for which a receivership has been established without prior approval of the receiver.

Furthermore, whenever said bank deems it necessary or convenient for the purposes of this act, following a vote of the board of directors of the bank declaring such necessity and expressing interest in undertaking or financing a project on such lands, and prior to the exercise of the power of eminent domain and the taking of lands by eminent domain hereunder, to make surveys, soundings, drillings, borings or examinations to obtain information concerning the cost or feasibility of developing, redeveloping, acquiring, maintaining, managing or using such lands, which information may include, but shall not be limited to, information regarding the existence of hazardous materials or oil on such lands, said bank and its authorized agents and employees, after thirty days notice by certified mail, may enter on to such lands for the purpose of making such surveys, soundings, drillings, borings or examinations, and such entry shall not be deemed a trespass, a taking by eminent domain or an entry under any eminent domain or condemnation proceedings that may be under consideration or pending. Said bank shall make reimbursement for any injury or actual damage resulting to such lands caused by any act of its employees or authorized agents related to such entry, and shall as far as possible restore such lands to the same condition as prior to the making of such surveys, soundings, drillings, borings or examinations, provided, that the entrance on to such lands prior to an actual taking thereof by eminent domain by the bank hereunder shall not obligate said bank in any way to proceed with a taking by eminent domain.

**SECTION 2.** The commissioner of the division of capital planning and operations, or any department, commission, board, bureau, agency, authority or instrumentality of the commonwealth is authorized and directed to negotiate and enter into one or more leases for a term or terms not to exceed thirty years and upon such other terms and conditions as he or it shall deem appropriate, for the leasing of real property and its associated appurtenances and improvements in the city of Chelsea for occupancy or use by any such department, commission, board, bureau, agency, authority or instrumentality, provided that any such lease or leases for real property shall be entered into only after a review by the deputy commissioner of the division of capital planning and operations of current and foreseeable space needs for such department, commission, board, bureau, agency, authority or instrumentality in the Greater Boston area.

**SECTION 3.** The acquisition, construction, development, improvement, financing, management or leasing of all or a portion of any such real property and its associated appurtenances and improvements in the city of Chelsea for occupancy or use by any such department, commission, board, bureau, agency, authority or instrumentality of the commonwealth, whether public or private, and any contract for construction or design services for or relating to the acquisition, construction, development or leasing of all or a portion of any such real property and its associated appurtenances and improvements and the sale, lease or transfer by the receiver created by Chapter two hundred of the Acts of 1991 of such real property and its associated appurtenances and improvements for the purpose of such acquisition, construction, development, improvement, financing, management or leasing of all or a portion of such real property or any building or associated improvements or appurtenances constructed thereon for the use or occupancy by any department, commission, board, bureau, agency, authority or instrumentality of the Commonwealth shall be exempt from the following laws and regulations promulgated pursuant thereto, to the extent applicable: provisions of section thirty-eight A and one-half through thirty-eight O, inclusive, of Chapter seven of the General Laws, sections forty-four A through forty-four J, inclusive of Chapter one hundred forty-nine of the General Laws, section thirty-nine M of Chapter thirty of the General Laws, or any other special or general law or regulation providing for the advertising or bidding of construction, development, financing, management or leasing of, or improvements to, or the acquisition or disposition of an interest in, real property. Additionally, if such real property and its associated appurtenances and improvements consist of Parcels R-1 and R-1A in the Murray Industrial Park Urban Renewal Area, the second proviso set forth in the first sentence of section nine (3) of Chapter two hundred of the Acts of 1991 shall not apply to such acquisition, construction, development, improvement, financing, management or leasing thereof by any such department, commission, board, bureau, agency, authority or instrumentality as aforesaid, or to any public streets

on which such Parcels have frontage.

**SECTION 4.** The real property and its associated improvements and appurtenances within the city of Chelsea to be occupied or used by such public body, public official or lessee, or any such department, commission, board, agency, authority or instrumentality of the Commonwealth, or any successor or grantee thereof shall not be deemed to be a "priority disposal site" as defined pursuant to section two of Chapter twenty-one E of the General Laws (or similar provisions of Chapter twenty-one E of the General Laws, if and to the extent said Chapter may be amended).

**SECTION 5.** Paragraph (f) of section 32 of Chapter 23A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the words "to acquire personal property, or any interest therein, on either a temporary or long term basis in the name of the agency and to acquire real property on a temporary basis," and inserting in place thereof the following: "to acquire real and personal property, or any interest in real or personal property,".

Approved December 30, 1991.

**Chapter 473. AN ACT AUTHORIZING THE TEACHERS' RETIREMENT BOARD TO GRANT CERTAIN RETIREMENT BENEFITS TO THE SURVIVING SPOUSE OF ROBERT E. KELLEY.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the teachers' retirement board is hereby authorized and directed to pay Maryjane Kelley, the surviving spouse of Robert E. Kelley, a former teacher of the William Dean Technical high school, an allowance equal to the allowance she would have received under *Option (c)* of subdivision (2) of section twelve of chapter thirty-two of the General Laws had said Robert E. Kelley been retired for ordinary disability under section six of said chapter thirty-two and had he received an allowance in accordance with the provisions of clause (b) of subdivision (2) of said section six of said chapter thirty-two.

**SECTION 2.** Such allowance shall be paid to said Maryjane Kelley as of January nineteenth, nineteen hundred and ninety-one; provided, however, that said allowance shall be in the alternative to and exclusive of, any other allowance, benefit, or other payment to said Maryjane Kelley from said teachers' retirement board account of said Robert E. Kelley.

Approved December 30, 1991.