

SENATE No. 722

The Commonwealth of Massachusetts

SENATE, May 20, 1953.

The committee on Metropolitan Affairs, to whom was referred the message from His Excellency the Governor relative to the acquisition of the Boston Arena by a suitable public agency (Senate, No. 721); and to whom was recommitted the petition (accompanied by bill, House, No. 437) of Charles L. Patrone that the Metropolitan District Commission be authorized to purchase the Boston Arena to be used for sporting and other events of municipalities in the metropolitan district; the petition (accompanied by bill, House, No. 1553) of Charles J. Artesani that the Metropolitan District Commission be authorized to purchase the Boston Arena for the purpose of holding sporting and other events for the cities and towns comprising the metropolitan district; and the message from His Excellency the Governor relative to authorizing the Metropolitan District Commission to acquire by eminent domain, purchase or gift, the Boston Arena and to use the same for recreational purposes of the youth of the metropolitan area (House, No. 2226), report the accompanying bill (Senate, No. 722).

For the committee,

PHILIP G. BOWKER.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Three.

AN ACT PROVIDING FOR THE ACQUISITION, MAINTENANCE AND OPERATION OF AN INDOOR HOCKEY AND SKATING RINK IN THE CITY OF BOSTON AND CREATING THE BOSTON ARENA AUTHORITY AND DEFINING ITS POWERS AND DUTIES.

1 *Whereas*, The deferred operation of this act would
2 tend to defeat its purpose, which is, in part, to provide
3 without delay for the acquisition of an indoor skating
4 and hockey rink in the city of Boston, therefore this
5 act is hereby declared to be an emergency law, neces-
6 sary for the immediate preservation of the public
7 safety and 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 authority created by section two
2 of this act is hereby authorized to acquire, maintain
3 and operate the estate in the city of Boston known as
4 the Boston Arena for the purpose of providing an
5 indoor hockey and skating rink for use primarily by
6 individuals, and school and amateur teams, in the
7 cities and towns constituting the metropolitan parks
8 district; provided, however, that during the months
9 of May, June, July, August and September in each
10 year and at such other times as there is no substantial
11 demand for the use of said arena or any part thereof

12 as such a rink, the authority may permit the use of
13 said arena or part thereof for other purposes as pro-
14 vided in this act.

1 SECTION 2. There is hereby created a public body
2 politic and corporate to be known as the Boston Arena
3 Authority, which is hereby constituted a public in-
4 strumentality; and the exercise by the authority of
5 the powers conferred by this act shall be deemed and
6 held to be the performance of essential governmental
7 functions and the authority shall not be liable for any
8 injury, loss or damage suffered by any person or prop-
9 erty by reason of any ordinary or gross negligence of
10 the authority or any of its officers, employees or
11 agents.

12 The authority shall consist of the commissioner of
13 the metropolitan district commission ex officio and
14 four other members appointed by the governor, with
15 the advice and consent of the council; provided, how-
16 ever, that the commissioner of the metropolitan dis-
17 trict commission may, whenever from time to time
18 he shall deem it expedient, designate, by a writing
19 filed in the office of the state secretary, a person, for
20 whose acts he shall be responsible, to act in his stead
21 as a member of the Authority; and so long as such
22 designation shall remain unrevoked, such designee
23 shall exercise the powers and perform the duties of
24 such commissioner as a member of the authority; but
25 such designee shall not otherwise be deemed to be, or
26 act as, a member of the authority. The four members
27 first appointed by the governor shall be appointed for
28 terms expiring one, two, three and four years, re-
29 spectively, from June first, nineteen hundred and
30 fifty-three. As the term of any member so appointed,

31 or of any subsequent appointive member, expires, his
32 successor shall be appointed by the governor, with
33 like advice and consent, for a term of four years.
34 Any vacancy in the office of an appointive member
35 shall be filled by the governor, with like advice and
36 consent, for the unexpired term. Every appointive
37 member shall be a resident of the metropolitan parks
38 district, and shall, at the time of his appointment,
39 reside in a city or town in which no other member
40 then resides. Every appointive member before enter-
41 ing upon his duties shall take an oath before the gov-
42 ernor to administer the duties of his office faithfully
43 and impartially; and a record of such oaths shall be
44 filed in the office of the state secretary. Every ap-
45 pointive member shall continue in office after the ex-
46 piration of his term until his successor is duly ap-
47 pointed and qualified. Any appointive member may
48 be removed by the governor, with the advice and
49 consent of the council, for misfeasance, malfeasance
50 or wilful neglect of duty, but only after reasonable
51 notice and a public hearing unless the same are in
52 writing expressly waived.

53 The governor shall from time to time designate one
54 of the appointive members as chairman and another
55 as vice-chairman; and the authority shall elect a
56 secretary-treasurer who need not be a member of the
57 authority. Three members of the authority shall con-
58 stitute a quorum; and a vote of three members shall
59 be necessary for any action taken by the authority.
60 No vacancy in the membership of the authority shall
61 impair the right of a quorum to exercise all the rights
62 and perform all the duties of the authority.

63 The members of the authority shall serve without
64 compensation, but shall be reimbursed for expenses
65 necessarily incurred in the performance of their duties.

66 Every member of the authority shall execute a surety
67 bond in the penal sum of twenty thousand dollars,
68 and the secretary-treasurer shall execute a surety bond
69 in the penal sum of fifty thousand dollars, each such
70 surety bond to be conditioned upon the faithful per-
71 formance of the duties of his office, to be executed by
72 a surety company authorized to transact business in
73 this commonwealth as surety, and to be approved by
74 the attorney general and filed in the office of the
75 state secretary.

1 SECTION 3. The authority is hereby authorized
2 and empowered —

3 (a) To adopt by-laws for the regulation of its
4 affairs and the conduct of its business;

5 (b) To adopt an official seal and alter the same at
6 pleasure;

7 (c) To sue and be sued, and to plead and be im-
8 pleaded, in its own name;

9 (d) To acquire, hold and dispose of real and per-
10 sonal property in the exercise of its powers and the
11 performance of its duties under this act, and more
12 especially to acquire by eminent domain, under chap-
13 ter seventy-nine or chapter eighty A of the General
14 Laws or by purchase, gift, devise or otherwise, but
15 not by lease, the estate in the city of Boston known
16 as the Boston Arena;

17 (e) To insure, maintain, repair and improve said
18 arena and operate the same as an indoor hockey and
19 skating rink for use primarily by individuals, and
20 school and amateur teams, in the cities and towns
21 constituting the metropolitan parks district, but not
22 to the full exclusion of other individuals or teams or
23 of skating exhibitions or championship hockey matches
24 or the like, and, during the months of May, June,

25 July, August and September in each year and at
26 such other times as there is no substantial demand
27 for the use of said arena or any part thereof as such a
28 rink, to permit the use of said arena or part thereof for
29 such school and civil athletics and physical education
30 and for such educational, recreative, social, civic,
31 philanthropic and similar purposes as the authority
32 may deem to be for the interest of the people of said
33 cities and towns; or, if there is no substantial demand
34 for such use of said arena or part thereof, to permit
35 the use of said arena or part thereof for commercial
36 purposes;

37 (f) To provide through its employees, or by the
38 grant of one or more concessions, or in part through
39 its employees and in part by the grant of one or more
40 concessions, for the furnishing of services and things
41 for the accommodation of persons admitted to or
42 using said arena or any part thereof;

43 (g) To establish rules and regulations, and fix poli-
44 cies, for the use of said arena as an indoor hockey
45 and skating rink and for the other purposes provided
46 for in this act;

47 (h) To fix from time to time and charge and col-
48 lect fees for admission to, or the use or occupancy of,
49 said arena or any part thereof, and for the grant of
50 concessions therein and for things furnished, or serv-
51 ices rendered, by the authority; and

52 (i) To make all contracts and agreements necessary
53 or incidental to the performance of its duties and the
54 execution of its powers under this act, to employ a
55 general manager and such other employees and agents
56 as may be necessary in its judgment, and to fix their
57 compensation, and to do all acts and things necessary
58 or convenient to carry out the powers expressly
59 granted in this act.

60 The authority shall fix such fees under clause (h)
61 as in its judgment are best adapted to insure sufficient
62 income to meet the expenses of the authority.

1 SECTION 4. If so requested in writing by the au-
2 thority, the metropolitan district commission may,
3 through the agency of state employees under its
4 control, perform work or render services for the au-
5 thority; and the authority shall pay the common-
6 wealth therefor the amount which said commission
7 shall determine the performance of such work or the
8 rendition of such services cost the commonwealth.

1 SECTION 5. Expenses, liabilities and obligations
2 incurred in carrying out the provisions of this act shall
3 not constitute a debt of the commonwealth or of any
4 political subdivision thereof or a pledge of the faith
5 and credit of the commonwealth or of any such
6 political subdivision, but shall be payable solely from
7 funds provided under authority of this act; and no
8 expense, liability or obligation shall be incurred by
9 the authority under this act beyond the extent to
10 which moneys shall have been provided under the
11 provisions of this act. Any member, agent or em-
12 ployee of the authority who contracts with the au-
13 thority or is interested, either directly or indirectly,
14 in any contract with the authority shall be punished
15 by a fine of not more than one thousand dollars or by
16 imprisonment for not more than one year, or both.

1 SECTION 6. The authority and all its real and per-
2 sonal property shall be exempt from taxation and from
3 betterments and special assessments; and the author-
4 ity shall not be required to pay any tax, excise or
5 assessment to or for the commonwealth or any of its

6 political subdivisions; nor shall the authority be re-
7 quired to pay any fee or charge for any permit or li-
8 cense issued to it by the commonwealth, by any de-
9 partment, board or officer thereof, or by any political
10 subdivision of the commonwealth, or by any depart-
11 ment, board or officer of such political subdivision.

1 SECTION 7. On or before the last day of January
2 in each year, the authority shall make an annual re-
3 port of its activities for the preceding calendar year
4 to the governor and to the general court. Each such
5 report shall set forth a complete operating and finan-
6 cial statement covering its operations during such
7 year. The authority shall cause an audit of its books
8 to be made at least once in each year by certified pub-
9 lic accountants; and the cost thereof shall be treated
10 as part of the cost of operating said arena. Such
11 audits shall be deemed to be public records within
12 the meaning of chapter sixty-six of the General Laws.

1 SECTION 8. To provide for the expenses of the au-
2 thority in acquiring the Boston Arena and for a capi-
3 tal fund to facilitate the insurance, maintenance, re-
4 pair, improvement and operation of the same for the
5 purposes provided for in this act, there is hereby ap-
6 propriated from the General Fund or revenue of the
7 commonwealth the sum of four hundred and fifty
8 thousand dollars, which sum shall be paid to the au-
9 thority by the state treasurer, who shall thereupon
10 forthwith apportion said sum among the cities and
11 towns constituting the metropolitan parks district
12 upon the basis of one third in proportion to their
13 populations, as defined in section fifty-nine of chapter
14 ninety-two of the General Laws, and the remaining

15 two thirds in proportion to their valuations, as so de-
16 fined, but not more than three thousand dollars shall
17 be so paid or expended prior to the acquisition of
18 said arena. The part of said sum so apportioned upon
19 each such city and town shall be assessed upon such
20 city or town, and shall be paid by such city or town
21 into the state treasury, as provided by section twenty
22 of chapter fifty-nine of the General Laws. If at any
23 time the authority shall have funds which in its judg-
24 ment are not required for the purposes of this act, it
25 shall forthwith distribute such funds among the cities
26 and towns assessed under this section in proportion to
27 the amounts which they have respectively been as-
28 sessed under this section.

1 SECTION 9. If at any time the authority shall be
2 dissolved, its corporate existence shall continue as pro-
3 vided in section fifty-one of chapter one hundred and
4 fifty-five of the General Laws, and its assets shall be
5 liquidated and the proceeds distributed among the
6 cities and towns assessed under section eight of this
7 act in proportion to the amounts which they have
8 respectively been assessed under said section.

