
Chapter 145. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF NATICK AS THE ANTHONY AND FRANCIS CULCASI MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge on Cochituate street spanning the railroad tracks in the town of Natick shall be designated and known as the Anthony and Francis Culcasi Memorial Bridge, in honor of Anthony and Francis Culcasi who were killed in action in World War II. A suitable marker bearing such designation shall be attached thereto by the department of highways in compliance with the standards of said department.

Approved October 5, 1995.

Chapter 146. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF SAUGUS AS THE VETERANS OF FOREIGN WARS MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge located on Main street over United States Route 1 in the town of Saugus shall be designated as the Veterans of Foreign Wars Memorial Bridge, in honor of the many contributions and sacrifices made by the United States armed force veterans from said town of Saugus. The department of highways is hereby directed to erect suitable markers thereon bearing said designation in compliance with the standards of said department.

Approved October 5, 1995.

Chapter 147. AN ACT RELATIVE TO PUBLIC HEALTH IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. (a) It is hereby declared for the benefit of the people of the city of Boston, in order that there be an increase in their welfare and an improvement in their living conditions, it is essential that a new public health care system be established for the city of Boston that can meet the challenges of a rapidly changing health care environment and ensure the continuous delivery of quality health care to the residents of the city; that the new public health care system must be able to coordinate outreach, health education, prevention, outpatient, home care, emergency, inpatient, specialty, aftercare, rehabilitation, and long term care services in order to create a comprehensive and integrated continuum of care with the goal of promoting health and well-being, meeting the medical and public health needs of all served and of educating future physicians and caregivers; that a new public health commission be created in the city of Boston as the successor to the city's department of

health and hospitals in order to better administer, enhance and expand the public health services provided by the city, and that the city's new public health care system should consist of a network of health care providers joining the city's traditional public health services and facilities with private hospitals, community health centers and other associated community based organizations and providers.

(b) It is hereby further declared for the benefit of the people of the city of Boston that the city should be empowered to provide for the establishment of a new medical center as the centerpiece of the city's public health network to be composed of Boston City Hospital, Boston Specialty and Rehabilitation Hospital and a private, nonprofit hospital; that the mission of the new medical center, in partnership with the city's public health commission, community health centers and other community based providers, shall be to consistently provide excellent and accessible health care services to all in need of care, regardless of status or ability to pay; that recognizing the historic mission and commitment of Boston City Hospital to the public health needs of all residents of Boston, the new medical center shall have a continued commitment to the urban population, to vulnerable populations within the city, including those residents of the city who are underserved by existing health care services, and to other communities served; that the new medical center shall play an important role as a referral, tertiary level hospital serving the region in a financially responsible manner and continue to serve the most acutely ill patient populations; and that in the conduct of this mission, the new medical center shall commit itself to six equally important guiding principles: (1) ensuring the availability of a full range of primary through tertiary medical programs, in addition to a commitment to public health, preventive, emergency and long term rehabilitative care programs; (2) serving both urban and suburban communities in a culturally and linguistically competent manner that strives to meet the current and changing health care needs of people of all races, languages, cultures and economic classes; (3) providing a high degree of medical, nursing, management and technical competency and accountability; (4) enhancing its role as a major academic medical center, including support for bio-medical, public health, medical education and basic science research; (5) providing managed care services to the communities served by the new medical center and participating effectively and competitively in managed care plans serving the patient population; and (6) treating its patients, staff and the communities served with respect and dignity.

This act may be referred to and cited as the Boston Public Health Act of 1995.

SECTION 2. As used in this act the following words shall, unless the context otherwise requires, have the following meanings:-

"Board of health and hospitals", the board of health and hospitals of the city established pursuant to chapter six hundred and fifty-six of the acts of nineteen hundred and sixty-five.

"Boston City Hospital", the hospital located in the city provided for by chapter one hundred and thirteen of the acts of eighteen hundred and fifty-eight under the care and control of the department of health and hospitals, and all branches thereof heretofore or hereafter established, and all other hospital and health care facilities comprising the same or

appurtenant thereto or necessary or convenient for the operation thereof, including, except as otherwise provided in this act, all interests in real and personal property, equipment, appurtenances, structures, facilities and other property, tangible or intangible, held by the city, the department of health and hospitals or the trustees of health and hospitals in connection with the ownership, maintenance and operation thereof.

"Boston Specialty and Rehabilitation Hospital", the hospital located in the city provided for by chapter five hundred and eighteen of the acts of nineteen hundred and one under the care and control of the department of health and hospitals, and all other hospital and health care facilities comprising the same or appurtenant thereto or necessary or convenient for the operation thereof, including, except as otherwise provided in this act, all interests in real and personal property, equipment, appurtenances, structures, facilities and other property, tangible or intangible, held by the city, the department of health and hospitals or the trustees of health and hospitals in connection with the ownership, maintenance and operation thereof.

"City", the city of Boston.

"Commission", the Boston public health commission established by section three of this act or, if such commission shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this act to the commission shall be given by law.

"Commissioner of health and hospitals", the officer of the department of health and hospitals so designated by chapter six hundred and fifty-six of the acts of nineteen hundred and sixty-five.

"Department of health and hospitals", the department of the city established by chapter six hundred and fifty-six of the acts of nineteen hundred and sixty-five.

"Trustees of health and hospitals", the body corporate established by chapter one hundred and seventy-four of the acts of eighteen hundred and eighty.

"Vulnerable populations", those groups of residents of the city who are determined by the commission to be underserved by existing health care services by reason of age, geographical location within the city, adequacy of insurance coverage, income or by the nature of their particular health care needs.

SECTION 3. (a) There is hereby established a body politic and corporate and political subdivision of the commonwealth to be known as the Boston public health commission. The commission is hereby constituted a public instrumentality and the exercise by the commission of the powers conferred by this act shall be deemed and held to be the performance of an essential public function. The commission shall not be subject to the supervision of any other department, commission, board, bureau, agency or officer of the city except to the extent and in the manner provided in this act.

(b) Subject to sections five and six of this act, the powers of the commission shall be exercised by or under the supervision of a board of seven members, hereinafter called the board. Six members of the commission shall be appointed by the mayor, subject to the approval of the city council, two of whom shall be trustees, officers or medical directors of neighborhood health centers which are affiliated with Boston City Hospital or the hospital

in which its operations are merged or consolidated in accordance with section five of this act, and one of whom shall be appointed by the mayor from a list of not less than three nominees recommended by a nominating committee of representatives of organized labor appointed by the mayor. One member of the commission shall be the collector-treasurer of the city, ex officio, or, if the operations of Boston City Hospital shall be merged or consolidated with the operations of a corporation described in section five of this act, the chief executive officer of the corporation resulting from such merger or consolidation, ex officio. The members first appointed by the mayor shall serve in office for terms expiring, in the case of two such, on the first Monday in January, nineteen hundred and ninety-seven, in the case of two others, one year thereafter, and in the case of two others, two years thereafter, the term of each member to be designated by the mayor at the time of such appointment. Thereafter, members shall be appointed for a term of three years, or in the case of an appointment made to fill a vacancy, for the unexpired term, and until their successor is appointed and qualified; provided, however, should a vacancy among the appointed members of the board exist for a period of more than sixty days, or should the mayor fail to appoint a successor within sixty days after the term of an appointed member expires, the city council shall proceed forthwith to elect a member. Such an election shall be deemed a vote electing an official. Any member of the commission shall be eligible for reappointment. Any appointed member of the commission may be removed at any time by the mayor for cause but only after reasonable notice and a public hearing unless the same are in writing expressly waived. The members of the commission shall not be entitled to compensation for their services as such, but they shall be reimbursed for actual expenses necessarily incurred in the performance of their duties.

(c) No vacancy in the membership of the commission shall impair the right of a quorum to exercise the powers of the commission. Four members of the commission shall constitute a quorum and the affirmative vote of four members shall be necessary and shall suffice for any action taken by vote of the commission. Any such vote shall take effect immediately unless otherwise provided therein and need not be published or posted. The provisions of sections twenty-three A to twenty-three C, inclusive, of chapter thirty-nine of the General Laws shall apply to all meetings of the commission and section ten of chapter sixty-six of the General Laws relating to the availability of public records as defined in clause twenty-sixth of section seven of chapter four of the General Laws shall apply to the commission. The commission shall not be deemed to be an agency for purposes of chapter thirty A of the General Laws or a governmental body for purposes of chapter two hundred and sixty-eight B of the General Laws.

(d) The mayor shall designate one of the members as chairman of the commission who shall serve as chairman during his term of office as a member. Upon the expiration of the term of office of any such chairman, the mayor shall designate one of the members as chairman, who shall serve as such chairman during the remainder of his term as a member. The commission shall annually elect such other officers as it deems necessary.

(e) For purposes of chapter two hundred and sixty-eight A of the General Laws, the members of the commission appointed by the mayor shall be deemed to be special municipal

employees; any member of the commission serving ex officio shall not be deemed to be an employee of the commission for such purposes. Subject to the foregoing, the provisions of said chapter two hundred and sixty-eight A shall apply to all members, officers and employees of the commission and the commission shall be deemed to be a municipal agency for purposes of said chapter two hundred and sixty-eight A, provided, however, that the commission may purchase from, sell to, contract with or otherwise deal with any hospital, community health center or other health care provider in which any member of the commission or its executive director is in any way interested or involved; provided further, that such interest or involvement is disclosed in advance to the members of the board and recorded in the minutes of the board; and, provided further, that no member having such an interest or involvement may participate in any decision of the board awarding or otherwise approving any contract with such hospital, community health center or other health care provider.

SECTION 4. (a) The commission shall appoint, employ and determine the compensation, duties and conditions of employment of an executive director, who shall not be a member of the commission, to serve as the chief executive officer of the commission for a term not to exceed five years and until his successor is appointed and qualified. Any executive director shall be eligible for reappointment for like five year terms. An executive director may be removed at any time by the commission for cause but only after reasonable notice and a public hearing unless the same are in writing expressly waived. The executive director shall administer the affairs of the commission, including without limiting the generality of the foregoing, matters relating to contracting, procurement, personnel and administration, under the supervision of the board, in accordance with such authorizations as the commission may from time to time reasonably adopt and continue in force.

(b) The commission shall also appoint persons to hold the offices of secretary and treasurer of the commission. The secretary shall be custodian of all books, documents and papers filed with the commission, the minute book or journal of the commission and its official seal. The secretary or any assistant secretary appointed by the commission may cause copies to be made of all minutes and other records and documents of the commission and may give certificates under its official seal to the effect that such copies are true copies, and all persons dealing with the commission may rely upon such certificates. The duties of the treasurer shall be those appertaining to such office, under the supervision of the executive director, and in addition such as may from time to time be prescribed by the commission. The executive director, with the approval or authorization of the board, shall also appoint and establish reasonable compensation, benefits and other terms of employment for other officers and other employees of the commission as it deems necessary, including management and professional personnel. Except as otherwise herein provided, officers and employees of the commission shall serve at the pleasure of the commission, or under collective bargaining agreements or contracts of employment; provided, however, that no contract of employment, except for that of the executive director, shall exceed a term of three years, which may be renewed upon the expiration thereof.

(c) The commission may indemnify any present or past member, officer, employee

or agent of the commission against liabilities, claims, costs and expenses, including legal expenses, in connection with any actual or threatened proceeding, including any settlement thereof approved by the commission, arising by reason of any act or omission within the scope of his duties for the commission; provided, however, that no indemnification shall be provided to a person concerning a matter as to which such person is finally adjudicated to have acted either without the belief held in good faith that his conduct was in the best interests of the commission or with reason to understand that his conduct was unlawful. Costs and expenses may be paid prior to a final disposition upon receipt of an undertaking, which the commission may accept without regard to the financial resources of the person indemnified, that the person receiving the benefit of payments shall repay such payments if he shall be finally adjudicated not to be entitled to indemnification hereunder. The commission may purchase insurance on behalf of itself and any of its members, officers, employees or agents against any liability arising out of such person's status as such, whether or not the commission would have the power to indemnify such person against such liability.

(d) Except as otherwise provided in section six with respect to certain employees of the department of health and hospitals and the trustees of health and hospitals transferred to the commission, to the extent of the rights provided for those employees in said section six, chapter thirty-one of the General Laws shall not apply to the officers, employees and other personnel of the commission. Chapter one hundred and fifty E of the General Laws shall apply to the commission, to the extent the provisions of the same are apt, and for purposes of said chapter one hundred and fifty E, the commission shall be considered an "employer" or "public employer" as defined therein. The commission may designate a representative to act in the interest of the commission in labor relations matters with its employees. The commission shall recognize as the bargaining representative of any particular bargaining unit, or portion of a citywide bargaining unit, or any other unit or portion thereof for which recognition has been extended by the trustees of health and hospitals immediately prior to the transfer of employees to the commission on July first, nineteen hundred and ninety-six, any labor organization which represents a majority of the employees of the department of health and hospitals or the trustees of health and hospitals, as applicable, in such bargaining unit or portion thereof immediately prior to such transfer. The commission shall have the authority to bargain collectively with labor organizations representing employees of the commission and to enter into agreements with such organizations relative to wages, salaries, hours, working conditions, health benefits, pension and retirement allowances, and the submission of grievances and disputes to arbitration. No collective bargaining agreement entered into by the commission, however, shall limit inherent management rights which shall include, without limiting the generality of the foregoing, the following: (i) employment, assignment and reassignment of employees, and the determination of standards therefor, (ii) termination and discharge of employees, provided that any collective bargaining agreement may protect employees against such actions on arbitrary, capricious or unreasonable grounds, (iii) determination of the commission's levels of service and levels of staffing and the methods, means and personnel for performing operations, and (iv) supervision and control of employees. Notwithstanding the foregoing, the promotion of

employees, and standards therefor, the establishment of work rules, the introduction and use of technological improvements in the workplace and the evaluation of and establishment of productivity standards for employees may be the subjects of permissive bargaining between the commission and its employees.

SECTION 5. (a) Notwithstanding any general or special law to the contrary, on and after the effective date of this act, the city, acting by its commissioner of health and hospitals with the approval of the city council and the mayor, is hereby authorized to execute and deliver one or more agreements with University Hospital, Inc., a nonprofit charitable corporation organized and existing under the laws of the commonwealth which is the owner and operator of Boston University Medical Center Hospital, or any successor to such corporation, or any other private, nonprofit charitable corporation organized under the laws of the commonwealth licensed by the department of public health under section fifty-one of chapter one hundred and eleven of the General Laws to operate an acute-care hospital as defined in section twenty-five B of said chapter one hundred and eleven, providing for the merger or consolidation of the operations, assets and liabilities of such corporation, and the acute-care hospital and other health care facilities under its ownership, custody and control, with all or a portion of the operations, assets and liabilities of the department of health and hospitals and the trustees of health and hospitals comprising or otherwise allocable to Boston City Hospital and Boston Specialty and Rehabilitation Hospital, provided that the corporation resulting from such merger or consolidation accepts as its mission the statement of policy set forth in paragraph (b) of section one of this act and agrees with the city to utilize the acute-care hospitals and other health care facilities under its custody and control, including without limitation Boston University Medical Center Hospital, Boston City Hospital and Boston Specialty and Rehabilitation Hospital, to provide a single standard of health care to all in need of care, including vulnerable populations within the city, with equal access regardless of status or ability to pay. Any such resulting corporation shall be a private, nonprofit corporation organized under the laws of the commonwealth. Each employee of the department of health and hospitals and the trustees of health and hospitals at the effective date of such merger or consolidation whose work is determined by the commissioner of health and hospitals to be primarily related to the operation of Boston City Hospital or Boston Specialty and Rehabilitation Hospital, or otherwise to the powers, duties and obligations of the department of health and hospitals and the trustees of health and hospitals consolidated with or transferred to the corporation resulting from such merger or consolidation, shall be offered employment by such corporation. Any merger or consolidation as provided in this section shall be effective on July first, nineteen hundred and ninety-six and prior to the transfer to the commission on that date of all other rights, powers, obligations and immunities of the department of health and hospitals and the trustees of health and hospitals as provided in section six of this act. The provisions of section two of chapter three hundred and fifty-eight of the acts of eighteen hundred and ninety shall not apply to the corporation resulting from the merger or consolidation of the operations of Boston City Hospital, Boston Specialty and Rehabilitation Hospital and a corporation described in this section.

(b) Subject to the approval of the city council as provided in paragraph (a), all agreements between the city and a corporation described in this section necessary or desirable to effect the merger or consolidation of the operations of Boston City Hospital and Boston Specialty and Rehabilitation Hospital with the operations of such corporation, including without limitation any lease or sale agreement described in this section, shall be in such form and shall have such terms and conditions as the commissioner of health and hospitals, with the approval of the mayor, may determine to be in the best interests of the city. Without limiting the generality of the foregoing, any such merger or consolidation may be effected by one or more leases or operating agreements from the city to the corporation resulting from such merger or consolidation of all or any part of the real and personal property comprising Boston City Hospital and Boston Specialty and Rehabilitation Hospital under the care and custody of the department of health and hospitals and the trustees of health and hospitals, and all or any part of any other property, real and personal, tangible and intangible, appurtenant thereto or necessary or desirable for the operation thereof, for such initial term, not exceeding fifty years, and such renewal terms, as may be set forth in such leases or operating agreements, and for such rental, annual or otherwise, as the commissioner of health and hospitals, with the approval of the mayor, shall determine after appraisal or other independent valuation of the fair market rental value of such property. Any such merger or consolidation may also be effected by the sale by the city to such corporation of all or any part of such property or other assets on such terms and conditions and at such purchase price as said commissioner, with the approval of the mayor, shall determine after appraisal or other independent valuation of the fair market value of such property or other assets, provided that any such sale shall first be approved by vote of the city council in accordance with section two of chapter four hundred and eighty-six of the acts of nineteen hundred and nine. All agreements executed and delivered by the city to effect such merger or consolidation as provided in this section, and all other agreements between the city or the department of health and hospitals or the trustees of health and hospitals and the corporation resulting from such merger or consolidation, or pertaining to the provision by such corporation of medical or other public health services to or on behalf of the city, shall be assumed by and imposed upon the commission on July first, nineteen hundred and ninety-six in accordance with section six of this act.

(c) Notwithstanding any provision of general or special law to the contrary, the agreements between the city and a corporation described in this section providing for the merger or consolidation of the operations of such corporation with the operations of the department of health and hospitals and the trustees of health and hospitals pertaining to Boston City Hospital and Boston Specialty and Rehabilitation Hospital shall provide as a condition thereof that the corporation resulting from such merger or consolidation shall annually prepare and file with the mayor, the president of the city council and the city clerk a report on its commitment to and provision of health care services in the prior year accompanied by a copy of the annual report filed by the corporation for such year with the division of public charities as provided in section eight F of chapter twelve of the General Laws and including financial statements relating to the operations and properties of such cor-

poration maintained in accordance with generally accepted accounting principals to the extent applicable and audited by an independent certified public accountant or firm of certified public accountants. Such agreements shall further provide that such corporation shall hold annually not less than one meeting of the corporation that will be open to the general public after notice filed with the city clerk not less than fourteen days prior to the meeting, and that such corporation will establish an office for patient advocacy to investigate, directly or by contract with an independent, nonprofit organization formed for the purpose, patient complaints with respect to the delivery of hospital services.

(d) In addition to the powers and rights granted the city by the foregoing provisions of this section, at any time after the effective date of this act, the city, acting by the commissioner of health and hospitals, with the approval of the city council and the mayor, may enter into one or more contracts with a corporation described in this section for the management by such corporation or by the personnel thereof, under the control, direction and supervision of the board of health and hospitals and the trustees of health and hospitals, of all or substantially all of the operations of Boston City Hospital or Boston Specialty and Rehabilitation Hospital, and any other health care facilities under the care and custody of the department of health and hospitals and the trustees of health and hospitals, on such terms and conditions, and for such period, ending not later than June thirtieth, nineteen hundred and ninety-six, as the commissioner shall determine to be in the best interests of the city.

(e) Notwithstanding any general or special law to the contrary, passage of this act shall constitute a determination under section fifty-one of chapter one hundred and eleven of the General Laws that there is a need for the corporation, together with its hospitals, clinics, health centers and operations, that results from any mergers, consolidations or acquisitions of University Hospital, Inc. and the operations of Boston City Hospital and Boston Specialty and Rehabilitation Hospital in the manner contemplated by this section into a new, nonprofit corporation organized under the laws of the commonwealth, and upon application by such resulting corporation, the department of public health shall issue to such corporation as soon as possible an original license to establish and maintain such hospitals, clinics, health centers and other facilities as had been maintained and operated by University Hospital, Inc., Boston City Hospital and Boston Specialty and Rehabilitation Hospital prior to such mergers, consolidations or acquisitions.

(f) In the event that the operations of Boston City Hospital are merged or consolidated with the operations of University Hospital, Inc. in the manner contemplated in this section, the hospital resulting from such merger or consolidation shall be deemed to retain the status which Boston City Hospital had prior to such merger or consolidation as a public service hospital as defined by 114.1 CMR 36.13 (2)(j)(3) and as a public hospital for purposes of determining eligibility for and determination of all payments from all governmental units for the provision of general health supplies, care or rehabilitative services and accommodations, as those terms are defined in section thirty-one of chapter six A of the General Laws, including without limitation for purposes of determining eligibility for payments to high public payer hospitals pursuant to 114.1 CMR 36.13(10)(a)(2); disproportionate share adjustments for safety net providers pursuant to

114.1 CMR 36.13(10)(c); payments owed to or from the uncompensated care pool in accordance with regulations established pursuant to chapter one hundred and eighteen F of the General Laws; and entitlement to payment from and participation in medical assistance programs established under chapter one hundred and eighteen E of the General Laws on a basis which recognizes such resulting hospital as the successor to Boston City Hospital.

For purposes of this subsection, the regulations cited herein shall be those regulations promulgated and in effect on July first, nineteen hundred and ninety-five.

(g) Notwithstanding the provisions of chapter thirty-two of the General Laws or any other general or special law to the contrary, on and after the effective date of this act the city, acting by its collector-treasurer, with the approval of the mayor, shall provide for an early retirement incentive program as provided in this section for any employee of the department of health and hospitals or the trustees of health and hospitals who (i) shall be an employee of the department of health and hospitals or the trustees of health and hospitals and an active member-in-service on the effective date of this act of the State-Boston retirement system established under said chapter thirty-two or any predecessor system, (ii) shall be eligible to receive a superannuation retirement allowance in accordance with the provisions of subdivision (1) of section five or subdivision (1) of section ten of said chapter thirty-two upon the effective retirement date specified in his written application therefor to the Boston retirement board, and (iii) shall have filed a written application after September first, nineteen hundred and ninety-five, but no later than February first, nineteen hundred and ninety-six to retire for superannuation as of the date which shall be specified in such application; provided, however, that said date for retirement shall be no earlier than January first, nineteen hundred and ninety-six and no later than June thirtieth, nineteen hundred and ninety-six; and provided, further, that no employee who retires and receives an additional benefit in accordance with the provisions of this section shall be entitled under section five of this act to be offered employment by a corporation resulting from a merger or consolidation described in section five or to be transferred to the commission as provided in section six of this act. Said program shall be administered by the Boston retirement board, which shall also promulgate regulations to implement the provisions of said program. Notwithstanding any provisions of said chapter thirty-two to the contrary, the normal yearly amount of the retirement allowance for an eligible employee who is employed by the city and who has paid the full amount of regular deductions on the total amount of regular compensation as determined under paragraph (a) of subdivision (2) of section five of said chapter thirty-two, shall be based on the average annual rate of regular compensation as determined under said paragraph (a) and shall be computed according to the table contained in said paragraph (a) based on the age of such member and his number of years and full months of creditable service at the time of his retirement increased by up to five years of age or by up to five years of creditable service or by a combination of additional years of age and service the sum of which shall not be greater than five; provided, however, that the collector-treasurer of the city, with the approval of the mayor, may limit the amount of additional credit for service or age or a combination of service or age offered and the number of employees for whom a retirement calculated under the provisions of this section shall be

approved; provided, further, that if participation is limited, the retirement of employees with greater creditable service shall be approved before approval is given to employees with lesser creditable service. For the purpose of this section words shall have the same meanings as in said chapter thirty-two, unless otherwise expressly provided or unless the context clearly requires otherwise. An employee who retires and receives an additional benefit in accordance with the provisions of this section shall be deemed to be retired for superannuation under the provision of said chapter thirty-two and shall be so subject to any and all provisions of said chapter thirty-two. The total normal yearly amount of the retirement allowance, as determined in accordance with the provisions of section five of said chapter thirty-two, of any employee who retires and receives an additional benefit under the retirement incentive program in accordance with the provisions of this section shall not exceed such percentage of the average annual rate of his regular compensation received during any period of three consecutive years of creditable service for which the rate of compensation was the highest as may be established by the collector-treasurer of the city, with the approval of the mayor, or of the average annual rate of his regular compensation received during the periods, whether or not consecutive, constituting his last three years of creditable service preceding retirement, whichever is greater. The Boston retirement board shall prepare a funding schedule which shall reflect the costs and the actuarial liabilities attributable to the additional benefits payable under the retirement incentive program in accordance with the provisions of this section and said schedule shall be designed to reduce the additional pension liability attributable to such costs and liabilities to zero on or before June thirtieth, two thousand and sixteen; provided, however, that said board shall triennially update such schedule until said June thirtieth, two thousand and sixteen. In each of the fiscal years until the actuarial liability determined under this section shall be reduced to zero, it shall be deemed an obligation of the city to fund such liability and there shall be appropriated in each such fiscal year the amount required by the funding schedule and the updates thereto.

(h) Notwithstanding any provision of this act to the contrary, if the city proposes to enter into negotiations with any corporation other than University Hospital, Inc. or a successor corporation thereto with respect to the merger or consolidation of the operations of such corporation and the operations of the department of health and hospitals allocable to Boston City Hospital and Boston Specialty and Rehabilitation Hospital as provided in this section, the city shall provide notice of such negotiations to each labor organization representing employees of the city that would be affected by such merger or consolidation and, to the extent permitted by law, shall offer such organizations an opportunity to participate in discussions between the city and such corporation regarding bargainable issues.

SECTION 6. (a) Notwithstanding any provision of this act to the contrary, except as otherwise expressly provided in this paragraph, from the effective date of this act until June thirtieth, nineteen hundred and ninety-six, the rights and powers granted by the provisions of this act to the commission shall be exercised by the board of health and hospitals, acting by the commissioner thereof, with the approval of the mayor. On and after

January first, nineteen hundred and ninety-six, or as soon thereafter as a quorum of the commission may be appointed, the commission shall undertake the following: (i) provide for the appointment of an executive director and such additional staff as shall be necessary for the management and operation of the commission after consideration of the employees of the department of health and hospitals and the trustees of health and hospitals to be transferred to the commission as provided in this section; (ii) make and deliver to the mayor no later than the second Wednesday in March, nineteen hundred and ninety-six in accordance with section eight, the commission's initial assessment of the public health needs of the city; (iii) submit to the mayor no later than the second Wednesday in March, nineteen hundred and ninety-six, the commission's proposed public health services budget for the fiscal year commencing July first, nineteen hundred and ninety-six, and an estimate of the commission's net cost of public health services, if any, for such fiscal year, all in accordance with section eight; (iv) adopt no later than the second Wednesday in June, nineteen hundred and ninety-six, its public health services budget for the fiscal year commencing July first, nineteen hundred and ninety-six in accordance with section eight; (v) provide for the transfer of the functions and employees of the department of health and hospitals and the trustees of health and hospitals to be effective on July first, nineteen hundred and ninety-six in accordance with this section, including without limitation negotiation in accordance with the provisions of chapter one hundred and fifty E of the General Laws of collective bargaining agreements with such employees to be effective on and after July first, nineteen hundred and ninety-six; and (vi) in conjunction with a corporation described in section five of this act, establish an employee retraining and development fund, to which the city may appropriate such sums as the city council and the mayor may approve, to pay costs of retraining employees of the department of health and hospitals, the trustees of health and hospitals and such corporation who may be adversely affected by changes in the city's health care work force as a result of a consolidation described in section five of this act. Notwithstanding any general or special law to the contrary, the rights and powers of the commission authorized by the provisions of this paragraph to be exercised by the commission on and after January first, nineteen hundred and ninety-six and prior to July first, nineteen hundred and ninety-six, upon request of the commission to, and with the approval of, the mayor, may be exercised by personnel of the department of health and hospitals and the trustees of health and hospitals. All expenses of the commission incurred in the performance of the rights and powers provided in the paragraph shall be borne by the city, provided that such expenses, or a budget therefor, shall have been first approved by the mayor. The mayor shall submit to the city council such supplementary appropriation orders for such expenses as he shall deem appropriate.

(b) Effective July first, nineteen hundred and ninety-six, the department of health and hospitals and the trustees of health and hospitals are hereby abolished and, subject to section five, all rights, powers, appropriations, obligations and immunities of the department of health and hospitals and the trustees of health and hospitals under law or contract shall be transferred to and assumed by the commission. Without limiting the generality of the foregoing, subject to section five, on July first, nineteen hundred and ninety-six the commis-

sion shall assume the general care and control of Boston City Hospital, Boston Specialty and Rehabilitation Hospital and of all other public health facilities of the city, except as otherwise provided in this act. In addition to the other rights or powers granted to the commission by the provisions of this act, from and after July first, nineteen hundred and ninety-six, the commission shall have the powers and perform the duties from time to time conferred or imposed on boards of health of cities in the commonwealth by General Laws applicable to the city, except the powers and duties conferred or imposed by section twelve of chapter eighty-three of the General Laws, by section one hundred and twenty-seven of chapter one hundred and eleven of the General Laws, and by sections one hundred and twenty-two, one hundred and twenty-three, one hundred and twenty-four and one hundred and twenty-five of said chapter one hundred and eleven insofar as applicable to places of human habitation; the commission shall also have the powers and perform the duties conferred or imposed by general or special law upon the board of health of the city, or the health commissioner of the city, including chapter eighty-nine of the acts of eighteen hundred and eighty-nine, except the powers and duties conferred or imposed by sections thirteen, fourteen, nineteen, twenty, twenty-one and twenty-two of chapter three hundred and eighty-two of the acts of eighteen hundred and eighty-five, chapter one hundred and eighty-five of the acts of eighteen hundred and ninety-seven, chapter two hundred and nineteen of the acts of eighteen hundred and ninety-seven, sections one hundred and sixteen and one hundred and twenty-eight of chapter five hundred and fifty of the acts of nineteen hundred and seven, or any other provision of the Boston Building Code.

(c) Subject to section five, on July first, nineteen hundred and ninety-six, ownership, possession and control of Boston City Hospital, Boston Specialty and Rehabilitation Hospital and all other real and personal property under the care and custody on such date of the department of health and hospitals and the trustees of health and hospitals, and all contracts, books, papers, records, and documents of whatever description pertaining to Boston City Hospital and Boston Specialty and Rehabilitation Hospital or otherwise to the affairs of the department of health and hospitals and the trustees of health and hospitals, shall pass to and be vested in the commission without consideration or further evidence of transfer and shall thereafter be in the ownership, possession and control of the commission; and all debts, liabilities and other obligations of the city pertaining to or on account of the department of health and hospitals and the trustees of health and hospitals, including the obligation of the city to pay the interest and principal requirements on all bonds, notes and other evidences of indebtedness outstanding on June thirtieth, nineteen hundred and ninety-six issued by the city for purposes pertaining to Boston City Hospital and Boston Specialty and Rehabilitation Hospital and any other property transferred to the commission under this act, shall be assumed by and imposed upon the commission; provided, however, that all liabilities of the city in tort, whether actual or contingent, pertaining to the department of health and hospitals or the trustees of health and hospitals and arising out of actions or events which occur prior to the transfer of control to the commission as provided in this section, shall not be assumed by or imposed upon the commission but shall continue to be the liabilities of the city. Except as above provided, all actions and proceedings duly

pending before, all actions and proceedings duly pending against, and all actions and proceedings duly begun by the department of health and hospitals or the trustees of health and hospitals shall continue unabated and remain in full force and effect notwithstanding the passage of this act and the transfer of control contemplated hereby and may, at the discretion of the court, commission, board or other body having jurisdiction, be completed before, against or by the commission.

(d) All orders, rules, regulations and ordinances duly promulgated by the city or the department of health and hospitals pertaining to the department or otherwise in the exercise of its powers under law in effect on July first, nineteen hundred and ninety-six shall remain in full force and effect to the extent consistent with this act until superseded, revised or rescinded by the commission. All contracts, including collective bargaining agreements, leases, mortgages, obligations, benefits, rights and liabilities of the city, the department of health and hospitals and the trustees of health and hospitals which are transferred to the commission under any provision of this act shall continue in full force and effect in accordance with law and shall be transferred to, assumed by and imposed upon the commission by operation of law.

(e) Notwithstanding any provision of this act to the contrary, ownership, possession and control of any real property located on Long Island in the city which is under the care and custody of the department of health and hospitals on June thirtieth, nineteen hundred and ninety-six, and, subject to section five, so much of the real property comprising the site of the Boston Specialty and Rehabilitation Hospital, or appurtenant thereto, that is determined by the commissioner of health and hospitals to be not required for the purposes of the commission, as evidenced by a certificate of the commissioner, approved by the mayor, filed with the city clerk on or before June thirtieth, nineteen hundred and ninety-six, shall not pass to and be vested in the commission but shall be transferred on July first, nineteen hundred and ninety-six to the care and custody of the public facilities department of the city existing under chapter six hundred and forty-two of the acts of nineteen hundred and sixty-six.

(f) Subject to section five, on July first, nineteen hundred and ninety-six all unexpended balances of moneys in accounts of, for or on behalf of the department of health and hospitals and the trustees of health and hospitals, including without limitation accounts receivable, grants, public trusts, bequests, gifts and other funds pertaining to Boston City Hospital and Boston Specialty and Rehabilitation Hospital or any other property, right or operation of the department of health and hospitals or the trustees of health and hospitals, each as determined by the collector-treasurer of the city, with the approval of the mayor, including moneys and investments, if any, held for the payment or security of interest and principal of then outstanding bonds, notes and other evidences of indebtedness of the city as provided in this section, but excluding money and investments held by or for the account of the Boston retirement board on account of accrued retirement benefits under chapter thirty-two of the General Laws for employees of the department of health and hospitals or the trustees of health and hospitals, shall be deemed to be held in trust for and shall be transferred to the commission. Subsequent to such date, all moneys collected or received by the city from any source on account of Boston City Hospital and Boston Specialty and

Rehabilitation Hospital, subject to section five, and any other property, right or operation of the department of health and hospitals or the trustees of health and hospitals transferred to the commission by operation of this act, as determined by the collector-treasurer of the city, other than any such moneys properly allocable to a right, liability or obligation retained by the city under any provision of this act, shall be deemed to be held in trust for and shall be forthwith transferred and paid over to the commission.

(g) Subject to section five, on July first, nineteen hundred and ninety-six, each employee of the department of health and hospitals and the trustees of health and hospitals whose work is determined by the commissioner of health and hospitals to be primarily related to the powers, duties and obligations of the department of health and hospitals and the trustees of health and hospitals transferred to the commission on such date by operation of this act shall become an employee of, and shall be transferred to, the commission without any loss of accrued rights to holidays, sick leave, vacations or other benefits of employment, and by such transfer, except as otherwise provided in this section, such employee's seniority, wages, salaries, hours, working conditions, health benefits, pensions and retirement allowances under law or contract shall not be impaired, provided that thereafter such employee shall perform his duties under the direction, control and supervision of the commission. All such employees who immediately prior to such date hold permanent appointments classified under chapter thirty-one of the General Laws shall be entitled to the rights and benefits of, and shall be subject to the provisions relating to, tenured employees under said chapter thirty-one with respect to that position and their term of office shall not be deemed to be interrupted within the meaning of said chapter thirty-one, notwithstanding any change in title or duties. Rights and obligations under collective bargaining agreements with respect to employees transferred to the commission from the department of health and hospitals or the trustees of health and hospitals, except to the extent expressly inconsistent with this act, shall be assumed by and imposed upon the commission, and employees transferred to the commission who are subject to such agreements shall continue to be represented by the employee organizations that are parties to such agreements until such time as they elect to be otherwise represented in accordance with the provisions of chapter one hundred and fifty E of the General Laws. Existing bargaining units as determined by the state labor relations commission for department of health and hospitals and trustees of health and hospitals employees shall remain in full force and effect for those employees transferred to the commission until the expiration date of collective bargaining agreements covering such employees. Notwithstanding the foregoing, no employee of the city who is hired by the commission subsequent to July first, nineteen hundred and ninety-six shall be entitled to transfer to the commission any accrued or credited vacation, sick or personal time.

(h) Every employee of the department of health and hospitals or the trustees of health and hospitals who immediately prior to being transferred to the commission by this section is a member of the State-Boston retirement system established under chapter thirty-two of the General Laws and chapter five hundred and twenty of the acts of nineteen hundred and forty-seven or predecessor retirement systems thereto, shall continue to be a member thereof and subject to the laws applicable thereto. Any employee of the department

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of health and hospitals or the trustees of health and hospitals who immediately prior to being transferred to the commission by this section is not a member of the State-Boston retirement system, and any person first employed by the commission subsequent to July first, nineteen hundred and ninety-six whose compensation is principally derived from federal and state grants, shall not be required to become a member of the State-Boston retirement system but may elect to become a member of such system upon notice to the commission delivered within thirty days of commencement of employment; provided, however, that no such employee shall be entitled to make make-up payments as described in section three of chapter thirty-two of the General Laws for any period while such employee was not an active member-in-service of a retirement system described in said chapter thirty-two. All other employees of the commission shall be required to become members of the State-Boston retirement system in the same manner and subject to the same laws, rules and regulations as persons entering the employ of the city. The commission shall deduct from the wages of its employees who are members of the State-Boston retirement system and pay over to the Boston retirement board such sums as the city would deduct and pay over if such person were an employee of the city. The commission shall annually reimburse the city for its share of any amounts appropriated by the city under the provisions of chapter thirty-two of the General Laws for or on account of retirement allowances for employees of the commission, and for its share of any amounts appropriated by the city for administrative costs of the Boston retirement board, based on an allocation, determined by such retirement board, of the years of creditable service of such employees with the commission and with the city or one or more other governmental bodies which are members of the State-Boston retirement system. The commission shall not be liable for accrued retirement allowances to or on account of employees of the department of health and hospitals or the trustees of health and hospitals who are not transferred to and employed by the commission pursuant to the provisions of this act, including without limitation any such employees employed by a corporation described in section five.

(i) Notwithstanding any general or special law to the contrary, the commission may contract with any employee of the commission who is not a member of the State-Boston retirement system with respect to the establishment, continuation, maintenance and funding of any deferred compensation or other pension or retirement plan or program under state or federal law which has been maintained for such employee prior to his employment by the commission or which the commission thereafter agrees to maintain, and for such purpose the commission may become a trustee or sponsor of, and may make contributions to, any such plan or program. For purposes of this paragraph, the word "employee" shall have the same meaning as "employee" in section one of chapter thirty-two of the General Laws and shall also include consultants and independent contractors who are natural persons paid by the commission and whose duties require that their time be devoted to the service of the commission during regular business hours.

(j) Notwithstanding any other provision of this act to the contrary, all facilities, vehicles, equipment and other property under the care and custody of the department of health and hospitals on July first, nineteen hundred and ninety-six for the purpose of provid-

ing emergency medical services within the city of Boston shall be transferred to the care and custody of the commission as provided in this section, and each employee of the department of health and hospitals on July first, nineteen hundred and ninety-six whose work is determined by the commissioner of health and hospitals to be primarily related to the provision of such emergency medical services shall become an employee of, and shall be transferred to, the commission on such date by operation of this act.

(k) Notwithstanding any general or special law to the contrary, any employee of the department of health and hospitals or the trustees of health and hospitals on June thirtieth, nineteen hundred and ninety-six who is transferred to the commission pursuant to the provisions of this act or who is employed by a corporation resulting from a merger or consolidation described in section five of this act and who prior to such transfer or employment was a member of the city of Boston credit union shall be entitled to remain a member of the city of Boston credit union retaining all rights, benefits and responsibilities of membership.

(l) Notwithstanding any provision of this act to the contrary, if the merger or consolidation of the operations of Boston City Hospital and Boston Specialty and Rehabilitation Hospital and the operations of a corporation described in section five of this act is not approved by the city council and the mayor on or before June thirtieth, nineteen hundred and ninety-six as provided in said section five, the provisions of this section, other than the provisions of paragraph (a), including, without limitation, the transfers of assets, liabilities and employees from the department of health and hospitals and the trustees of health and hospitals to the commission provided for in this section, shall become effective solely upon vote of the city council approved by the mayor, and until so voted, the board of health and hospitals and the trustees of health and hospitals, and the powers and immunities thereof, shall remain in full force and effect.

SECTION 7. (a) In addition to its other powers enumerated in this act, the commission shall have the following rights and powers:-

(1) to adopt by-laws for the regulation of the affairs and the conduct of its business, and to prescribe rules, regulations and policies in connection with the performance of its functions and duties;

(2) to adopt an official seal and alter the same at pleasure;

(3) to maintain an office at such place or places as it may determine;

(4) to establish its fiscal year, which shall otherwise be July first through June thirtieth;

(5) to receive, administer, expend and comply with the conditions and requirements respecting any gift, grant, donation or appropriation of any property or money;

(6) to receive and apply its revenues to the purpose of this act without appropriation or allotment by the city except as otherwise expressly provided in this act, and to invest any moneys of the commission or under its control in such investments as are legal investments for moneys of the commonwealth;

(7) subject to section five, to maintain, repair, operate and improve Boston City Hospital, Boston Specialty and Rehabilitation Hospital and all other public health facilities

under its custody and control and to provide for the cost of the foregoing and its other activities, programs and project from its revenues, appropriations, grants, the proceeds of loans, or from any other moneys legally available to the commission;

(8) to provide directly or by contract with a corporation resulting from a merger or consolidation described in section five of this act, or by contract with any other health care provider, health care services to all persons in need of care regardless of ability to pay;

(9) to mortgage, pledge or assign any property of the commission, real or personal, and any money, fees, charges, or other revenue of the commission and any proceeds derived by the commission from the sale of property, insurance or condemnation awards;

(10) to make application for, receive, accept and expend any federal, commonwealth or city loans or grants for or in aid of any program or operations of the commission or of any facilities or other property of the commission, and to receive and accept contributions from any source of either money, property, labor or other things of value;

(11) to sue and be sued, prosecute and defend actions relating to its properties and affairs, and to be liable in tort in the same manner as the department of health and hospitals immediately prior to the effective date of this act; provided, however, that the commission is not authorized to become a debtor under the United States Bankruptcy Code;

(12) to appoint or employ personnel as herein provided and to engage legal, accounting, management, financial, medical, consulting and other professional services and agents;

(13) to acquire by purchase, lease, gift or devise, or to obtain options for the acquisition of, any property or any interest therein, real or personal, improved or unimproved, tangible or intangible; to make contracts and agreements of all kinds, including but not limited to contracts for the management of its hospital and public health facilities and for the provision to the commission of public health services, and contracts for the sale, lease, as lessor or lessee, or purchase of real or personal property of any kind or description, and to execute and deliver instruments necessary or convenient for carrying out any of its purposes; and to acquire, create, be a voting member of, choose directors to serve on the boards of, share common officers and directors with, be a partner in, or participate in or control, any venture, corporation, partnership, or other organization, public or private, which the commission finds operates for purposes consistent with, and in furtherance of, the purposes of the commission; provided, however, that no contract or agreement for the management of all or substantially all of the operations of Boston City Hospital or Boston Specialty and Rehabilitation Hospital shall be effective without the prior approval of the city council and the mayor; and provided further, that the commission shall not sell or otherwise dispose of, or lease as lessor other than in the ordinary course of business, any real property transferred to the commission by operation of this act except upon the vote of the city council approved by the mayor in accordance with section two of chapter four hundred and eighty-six of the acts of nineteen hundred and nine; for all purposes of this act the commission shall be deemed to be a municipal department of health as defined in clause twenty-seven of subsection (b) of section one of chapter thirty B of the General Laws;

(14) to manage or to contract with the city, acting by the collector-treasurer of the

city with the approval of the mayor, for the management of public trusts, bequests and other endowment funds held by or on behalf of the commission for application to the operations of Boston City Hospital or Boston Specialty and Rehabilitation Hospital or any other corporate purpose of the commission; for all purposes of the foregoing, the hospitals operated by a corporation resulting from a merger or consolidation described in section five of this act shall be deemed to be the successors to Boston City Hospital or Boston Specialty and Rehabilitation Hospital, as applicable;

(15) to adopt, amend and repeal reasonable health regulations not inconsistent with any public health regulation of the state department of public health or with any other provision of law, and prescribe for any violation of a health regulation made under this clause a fine according to the nature of the offense; and

(16) consistent with the constitution and laws of the commonwealth, to exercise such other powers, including all powers pertaining to the department of health and hospitals and the trustees of health and hospitals and to the properties under their custody and control held by the city on the effective date of this act not inconsistent herewith, as may be necessary or convenient for or incident to carrying out the foregoing powers and the accomplishment of the purposes of this act.

(b) With the approval of the city council and the mayor, the commission may borrow money for any of its corporate purposes from the Health and Educational Facilities Authority established by chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight, and may issue its bonds, notes or other evidences of indebtedness therefor and may secure such indebtedness in such manner as it and such authority may deem appropriate, provided that any such indebtedness shall be solely the debt of the commission and the city shall have no obligation for the payment thereof. The commission shall be deemed to be a hospital within the meaning of section three of said chapter six hundred and fourteen. The commission also may borrow money for any of its corporate purposes from, and may issue its bonds, notes and other evidences of indebtedness to, the city, and the city may appropriate such sums as may be necessary to fund such loans. To meet any such appropriation, the city, acting by its collector-treasurer, with the approval of the mayor, may borrow money and incur indebtedness to the extent authorized by any bond act, as defined in chapter six hundred and forty-three of the acts of nineteen hundred and eighty-three heretofore or hereafter enacted, and upon vote of the city council as provided in such bond act. Any such indebtedness of the city shall be incurred, and any bonds, notes or other evidences of the city issued therefor shall be issued and secured in accordance with, and subject to the limitations of, said chapter six hundred and forty-three.

(c) Not later than January first, nineteen hundred and ninety-six, or as soon thereafter as a quorum of the members of the commission shall be appointed as provided in section five of this act, the mayor of the city, by order filed with the city clerk, shall establish a public health advisory committee to encourage ongoing coordination among the commission, public health providers, consumers of public health services and funding sources in addressing the city's public health needs; to assist the mayor in his review of the commission's annual public health assessment and public health services budget as provided in section eight; to provide

advice to the mayor regarding the performance by the commission of its responsibilities under this act and by public health providers under contract with the commission of their responsibilities under those contracts; and to otherwise provide advice to, and prepare such reports as may be requested by, the mayor on public health issues in the city. Such committee shall consist of not less than nine members appointed by the mayor and shall include representation by at least two consumers of public health services provided by the commission. The members of the committee shall not be deemed to be employees of the city for purposes of chapter two hundred and sixty-eight A of the General Laws.

SECTION 8. (a) Subject to any limitations thereon or any approval required therefor under any other general or special law, the commission is hereby authorized to fix, revise, determine and collect fees, rates, rents and other charges for the services, programs and other activities provided by it or as a result of the operation of the properties under its custody and control, including without limitation, subject to section five, Boston City Hospital and Boston Specialty and Rehabilitation Hospital. The fees, rates, rents and other charges established by the commission shall be so fixed and adjusted in respect of the aggregate thereof so as to provide revenues to the commission at least sufficient, together with all other moneys available to the commission, including all amounts appropriated to the commission as provided in this section, to pay or provide for all operating expenses of the commission and all debts and other obligations of the commission as the same become due; to create and maintain such reserves as may be reasonably required for its operations or to secure its debts and other obligations; and to pay or provide for all necessary repairs, replacements and renewals to the properties under its custody and control and any other amounts which the commission may be obligated to pay or provide for by law or contract.

(b) Except as otherwise provided in section six of this act, not later than the second Wednesday in March in each fiscal year the commission shall prepare and file with the mayor, the president of the city council and the city clerk an annual assessment of the public health needs of the city. The annual public health assessment shall include an evaluation of existing local, state and federal programs and services to address the public health needs of the city and the adequacy of funding sources available for such programs and services, an assessment of programs, services and other activities provided by private public health providers to address the public health needs of the city, including identification of all vulnerable populations in the city, the performance of providers under contract with the commission in accordance with this act, and proposals by the commission to enlarge or enhance its response to the public health needs of the city including new, expanded or revised programs or services to be provided by the commission or by public health providers under contract with it for the ensuing fiscal year.

(c) Not later than the second Wednesday in March in each fiscal year the commission shall prepare and submit to the mayor its proposed public health services budget for the ensuing fiscal year. The public health services budget shall include all expenditures which in the judgment of the commission are required to fund the programs, services and activities to be provided by the commission in the ensuing fiscal year, and to pay or provide for all of its expenses, debts and other obligations during such fiscal year, and shall set forth

the revenues and other moneys expected to be available to the commission to fund the same, including without limitation the proceeds of grants, gifts, loans and other assistance. The public health services budget shall also set forth the amount, if any, by which the expenses of the commission for such fiscal year are expected to exceed the revenues and other moneys of the commission available therefor, hereinafter called the net cost of public health services. If the commission's public health services budget for any fiscal year indicates a net cost of public health services for such fiscal year, the budget shall be subject to review and approval by the mayor as provided in this section. The mayor may approve the commission's public health services budget or he may reject it and return it to the commission together with his objections. If the mayor accepts the commission's public health services budget he shall include an amount equal to the commission's net cost of public health services for the next ensuing fiscal year in the annual budget of the current expenses of the city for such fiscal year, and may submit thereafter to the city council such supplementary appropriation orders as he may deem necessary. Not later than the second Wednesday in June, the commission shall adopt its public health services budget for the next ensuing fiscal year. Except to the extent inconsistent with the foregoing provisions of this section, the appropriation by the city of the commission's net cost of public health services shall be subject to the provisions of section three of chapter four hundred and eighty-six of the acts of nineteen hundred and nine, and, except as the mayor shall otherwise approve, to the allotment system provided in section eighteen of chapter one hundred and ninety of the acts of nineteen hundred and eighty-two.

SECTION 9. The commission and all its revenues, income and real and personal property used solely by the commission in furtherance of the mission declared in section one shall be exempt from taxation and from betterments and special assessments and the commission shall not be required to pay any tax, excise or assessment to or for the commonwealth or any of its political subdivisions.

SECTION 10. The commission shall at all times keep full and accurate accounts of its receipts, expenditures, disbursements, assets and liabilities, which shall be open to inspection by any officer or duly appointed agent of the commonwealth or the city. The commission shall submit an annual report in writing concerning its operations to the mayor and collector-treasurer of the city and the president of the city council and shall file a copy of such report with the city clerk within one hundred and twenty days following the close of its fiscal year. Such report for the fiscal year ending June thirtieth, nineteen hundred and ninety-seven, and for each fiscal year thereafter, shall include financial statements relating to the operations and properties of the commission maintained in accordance with generally accepted accounting principals to the extent applicable and audited by an independent certified public accountant or firm of certified public accountants.

SECTION 11. Upon termination or dissolution of the commission, the title to all funds and other properties owned by it which remain after payment or the making of provision for payment of all obligations of the commission shall vest in the city.

SECTION 12. The provisions of this act shall be deemed to provide an exclusive, additional, alternative and complete method for the doing of the things authorized hereby

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and shall be deemed and construed to be supplemental and additional to, and not in derogation of, powers conferred upon the commission by law, provided, however, that insofar as the provisions of this act are inconsistent with the provisions of any general or special law, administrative order or regulation or any limitation imposed by a corporate or municipal charter, the provisions of this act shall be controlling.

SECTION 13. This act, being necessary for the welfare of the city and its inhabitants, shall be liberally construed to effect the purposes hereof.

SECTION 14. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

SECTION 15. This act shall take effect upon its passage.

Approved October 6, 1995.

Chapter 148. AN ACT RELATIVE TO POLICE OFFICERS, FIREFIGHTERS AND EMERGENCY MEDICAL ATTENDANTS IN THE TOWN OF CUMMINGTON.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section eighty-five H of chapter thirty-two of the General Laws, section one hundred and eleven F of chapter forty-one of the General Laws or any other general or special law to the contrary, and notwithstanding any greater compensation or benefits as may be provided by any insurance policy, the town of Cummington is hereby authorized to make payments, to a volunteer or part-time police officer, firefighter or emergency medical attendant injured in the line of duty, who becomes disabled as a result of said injury or in the case of death as a result of said injury, to his beneficiary, at the level of his regular employment, up to, but not exceeding, the levels which would be authorized by law, assuming that the salary of any such police officer, firefighter or emergency medical attendant was that of a full time entry level permanent police officer, firefighter or emergency medical attendant in a community to be chosen from communities presently comprising Hampshire county by the board of selectmen of said town of Cummington. The community chosen shall be a community which provides twenty-four hours per day on duty police officers, firefighters and emergency medical attendants. Said town of Cummington is hereby authorized to provide such compensation directly or through insurance to such police officer, firefighter or emergency medical attendant, or in the case of death to said police officer's, firefighter's or emergency medical attendant's beneficiary.

Approved October 6, 1995.