

CHAP. 603. AN ACT INCORPORATING THE MASSACHUSETTS STATE OFFICE BUILDING ASSOCIATION AS A NON-PROFIT MEMBERSHIP CORPORATION FOR THE PURPOSE OF CONSTRUCTING A STATE OFFICE BUILDING TO HOUSE VARIOUS DEPARTMENTS, COMMISSIONS AND AGENCIES OF THE COMMONWEALTH.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is as soon as may be to provide urgently needed facilities in the city of Boston for various state departments, commissions and agencies, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 1. Anthony N. DiNatale of Milton, William F. Callahan of Newton, Otis M. Whitney of Concord, and their successors, are hereby made a corporation, by the name of Massachusetts State Office Building Association, hereinafter referred to as the Association, for the purpose of constructing a state office building, to contain not less than five hundred thousand square feet of office space, for office, restaurant, garage, meeting and other like facilities for the use of the commonwealth and boards, departments, commissions and officers and employees thereof. Said building shall be constructed within the area bounded by Ashburton place, Somerset street, Cambridge street and Bowdoin street, in the city of Boston, said area being a part of the government center project, so called, and the Association may construct an underground passageway or passageways connecting said building with the state house and other public buildings and facilities.

SECTION 2. The Association may install in said building such elevators, moving stairways, escalators, plumbing, heating, air conditioning, electrical, food preservation, preparation and handling, dishwashing and like fixtures, machinery and equipment as the board of directors of the Association may deem necessary or desirable, but shall not be required to furnish or install any furniture or furnishings. The Association may also install in said passageway or passageways any machinery and equipment necessary or desirable, in the opinion of the board of directors of the Association, for conveying passengers and materials through the same.

SECTION 3. The principal office of the Association shall be located in the city of Boston.

SECTION 4. The incorporators named in section one and their successors shall constitute the members of said Association and its board of directors. In the event of the death, resignation or incapacity of any member and director, his successor shall be elected by the remaining member or members in such manner as may be provided in the by-laws of the Association; provided, however, that at any time when there are two surviving members and directors of the Association who are members of the same political party no person who is a member of that party shall be eligible for election as a member and director of the Association. In the event that at any time there shall not be any surviving member and director of the Association capable of acting as such

the Association shall not be dissolved, but three successor members shall be appointed by the commissioner of corporations and taxation, provided that in such event not more than two of such appointees shall be members of the same political party.

SECTION 5. Said directors shall elect a president and a clerk from their number. Said directors shall appoint a treasurer and such other officers as they deem necessary, and may prescribe their duties and fix their tenure of office and compensation.

No funds of the Association shall be paid to or distributed among its members other than as reimbursement for their actual expenses reasonably and necessarily incurred in the discharge of their duties, but all such funds shall be devoted solely to the carrying out of the purposes of this act.

SECTION 6. The Association shall have and may exercise the powers conferred upon corporations by sections six, seven and eight of chapter one hundred and fifty-five of the General Laws and in addition thereto may —

(a) Employ engineers, architects, attorneys, accountants, construction and financial experts and such other experts and advisers as may be necessary in the discretion of the board of directors, and fix their compensation;

(b) Receive and accept from the federal government or any federal agency grants for or in aid of the carrying out of the purposes for which the Association is created, and receive any aid or contributions from any source of money, property, labor or other things of value, to be held, used and applied only for the carrying out of said purposes; and

(c) Do all acts and things necessary or convenient to carry out said purposes and powers.

SECTION 7. The Association may hold both real and personal property in such amount as the board of directors of the Association may deem necessary or desirable for the purposes for which it is created, and, acting by its board of directors, may acquire such property by purchase, gift or otherwise, on such terms and conditions and in such manner as the board of directors may deem proper. After the lease hereinafter provided for shall have been entered into between the Association and the commonwealth, and after the Association shall have issued its bonds hereinafter provided for, the Association, acting by its board of directors, may take by right of eminent domain any fee simple absolute or any lesser interest in such property, both public and private, including, but not limited to, public lands and improvements thereon, ways, streets and parks, or parts thereof, or rights or interests therein, as the board of directors of the Association may deem necessary or desirable for the purposes for which it is created, and shall award and pay the damages, if any, sustained by persons in their property by reason of such taking. The provisions of sections one, three, four, eight, nine, ten, twelve, thirteen, fourteen, sixteen through thirty-nine, forty-one, forty-two, forty-three, and forty-four A of chapter seventy-nine of the General Laws shall apply to any such taking or takings, but said chapter seventy-nine shall not otherwise apply thereto.

The Association may sell the buildings or other structures upon any lands taken by it, or may remove the same. The proceeds of any such sale shall be applied in such manner as the board of directors may deter-

mine, or be deposited with the trustee appointed by the Association under the provisions of this act for the payment, purchase or redemption of, or payment of interest on, any bonds or other evidences of indebtedness issued by the Association under the provisions of this act.

SECTION 8. The commissioner of administration may, in the name of and for the commonwealth, and with the approval of the governor and council, enter into a contract of lease with the Association of the state office building, and any incidental structure, facility, passageway or passageways constructed hereunder for such period and upon such other terms as the said commissioner and the Association shall determine. All property so leased shall become the property of the commonwealth upon the payment in full of all obligations incurred hereunder by the Association with respect thereto.

SECTION 9. The Association shall have no power to sell, lease, mortgage, pledge or otherwise dispose of or encumber any of its property or any right or interest therein except as in this act expressly provided, and except for the granting of easements which the board of directors of the Association shall determine not to interfere with the construction or enjoyment of the facility.

SECTION 10. The Association may borrow money, but not more than thirty million dollars, to carry out the purposes of this act, and may pledge as security for the payment thereof all or any part of the rentals receivable under such lease as may be made hereunder by the Association to the commonwealth. Such rentals so pledged and thereafter received by the Association shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of such pledge shall be valid and binding as against all parties having claims of any kind against the Association, irrespective of whether such parties have notice thereof.

Such borrowing, except temporary loans made in anticipation of permanent financing, shall, unless the loan shall be made and retained by a single investor or by a group of investors acting as a unit, be represented by bonds or other evidences of indebtedness issued under a trust agreement between the Association and a corporate trustee organized under the laws of the commonwealth defining the form and terms of such bonds or other evidences of indebtedness, the security therefor and for the obligations of the Association under such trust agreement and the rights and obligations thereunder of the Association, such trustee and the holders of such bonds or other evidences of indebtedness, all on such terms as the board of directors of the Association shall authorize. Any such bond or evidence of indebtedness so issued shall be signed by the president of the Association, and the official seal of the Association, attested by the clerk of the Association, shall be affixed thereto, and any coupons attached thereto shall bear the facsimile signature of the president of the Association, but any or all of such signatures and such seal may be facsimile if said bonds or other evidences of indebtedness shall be authenticated by the corporate trustee aforesaid. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or other evidences of indebtedness or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery.

All bonds or other evidences of indebtedness issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the commonwealth.

The Association may sell such bonds or other evidences of indebtedness in such manner, either at public or at private sale, and for such price, as it may determine to be for the best interests of the Association.

Bonds or other evidences of indebtedness may be issued under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau or agency of the commonwealth, and without any other proceedings or the happening of any other conditions or things than the proceedings, conditions or things which are specifically required by this act and the provisions of chapter one hundred and ten A of the General Laws shall not apply thereto.

SECTION 11. The Association shall not be required to pay any taxes or assessments upon the state office building, and any incidental structure, facility, passageway or passageways constructed or any property acquired or used by the Association under the provisions of this act or upon the income therefrom, and the bonds or other evidences of indebtedness issued under the provisions of this act, their transfer and the income therefrom (including any profits made on the sale thereof) shall at all times be free from taxation within the commonwealth.

SECTION 12. The Association shall pay the sum of two hundred thousand dollars annually to the city of Boston until the state office building shall have become the property of the commonwealth hereunder. The first such payment shall be made in the year in which the Association shall first receive the proceeds from any borrowing, other than a temporary loan made in anticipation of permanent financing, hereunder.

SECTION 13. Bonds or other evidences of indebtedness issued by the Association under the provisions of this act are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments and within the limits set by section forty of chapter one hundred and seventy-two of the General Laws, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature, may properly and legally invest funds, including capital in their control or belonging to them, and such bonds or other evidences of indebtedness are hereby made obligations which may properly and legally be made eligible for the investment of savings deposits and the income thereof in the manner provided by section fifty of chapter one hundred and sixty-eight of the General Laws.

SECTION 14. No bonds or other evidences of indebtedness issued by the Association under the provisions of this act shall constitute a debt of the commonwealth or a pledge of the faith and credit of the commonwealth, but such bonds or other evidences of indebtedness shall be payable solely from the funds of the Association.

SECTION 15. This act shall be liberally construed to effect the purposes hereof.

SECTION 16. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent

jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SECTION 17. The provisions of chapter four hundred and fifty-seven of the acts of eighteen hundred and ninety-nine and of chapter five hundred and twenty-five of the acts of nineteen hundred and one and of all other general or special laws, or parts thereof, inconsistent herewith and of any zoning ordinance of the city of Boston are declared to be inapplicable to the state office building, or any other facility or structure constructed under the provisions of this act. The provisions of section four of chapter sixteen of the General Laws shall not apply to the provisions of this act.

SECTION 18. Section twelve of chapter sixty-three of the General Laws is hereby amended by inserting after paragraph (r) inserted by section eleven of chapter seven hundred and one of the acts of nineteen hundred and fifty-seven, the following paragraph: —

(s) Bonds or evidences of indebtedness issued by the Massachusetts State Office Building Association. *Approved October 3, 1958.*

CHAP. 604. AN ACT FURTHER REGULATING THE DISPOSAL OF CONTAINERS USED FOR REFRIGERATIVE PURPOSES.

*Whereas*, The deferred operation of this act would tend to defeat its purpose which is, in part, to immediately extend the provisions of law requiring an owner of certain containers used for refrigerative purposes to remove the door thereof before discarding the same so that said provisions shall apply to any person discarding such a container whether or not such person is the owner thereof, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

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

Chapter 271 of the General Laws is hereby amended by striking out section 46, as amended by section 1 of chapter 191 of the acts of 1954, and inserting in place thereof the following section: — *Section 46.* Whoever discards or sets aside for failure to use a container originally used for refrigerative purposes without first removing the door or doors, unless the container may be easily opened from the inside, shall be punished by a fine of not more than one hundred dollars.

*Approved October 3, 1958.*

CHAP. 605. AN ACT ESTABLISHING A MASSACHUSETTS BOARD OF REGIONAL COMMUNITY COLLEGES AND PROVIDING FOR THE ESTABLISHMENT OF REGIONAL COMMUNITY COLLEGES.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide immediately for an expanded regional higher educational program for the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 1. Chapter 15 of the General Laws is hereby amended by adding at the end the following section: — *Section 27.* There is hereby established in the department, but not subject to its control, a Massa-