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ACTS, 1986. - Chap. 701.

Laws for the last six months of fiscal year nineteen hundred and eighty-eight shall be so submitted no later than November first, nineteen hundred and eighty-seven.

Approved January 7, 1987.

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**Chapter 701. AN ACT FURTHER REGULATING THE BORROWING OF CERTAIN MONEY IN THE CITY OF BOSTON.**

Be it enacted, etc., as follows:

**SECTION 1.** The fifth paragraph of section 1 of chapter 231 of the acts of 1906, inserted by section 20A of chapter 190 of the acts of 1982, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The superintendent shall submit to the committee for appropriation the annual budget of the school department for the forthcoming fiscal year no later than the first Wednesday in February prior to the beginning of each fiscal year.

**SECTION 2.** Section 3 of chapter 486 of the acts of 1909, as most recently amended by section 15 of said chapter 190, is hereby further amended by striking out, in line 20, the word "thirty" and inserting in place thereof the word:- sixty.

**SECTION 3.** Said chapter 486 is hereby further amended by striking out section 3B, as most recently amended by section 23 of said chapter 190, and inserting in place thereof the following section:-

Section 3B. After an appropriation of money has been made by the city for any specific purpose, or for the needs and expenditures of any city department or county office, no transfer of any part of the money thus appropriated, between such department or office and another department or office, shall be made, except in accordance with and after the written recommendation of the mayor to the city council, approved by a yeas or nay vote of two-thirds of all of the members of the city council, provided that the city auditor, with the approval in each instance of the mayor, may make transfers, other than for personal service, from any item to any other item within the appropriations for a department, division of a department or county office. After the close of the fiscal year, the city auditor may, with the approval of the mayor in each instance, apply any income, taxes and funds not disposed of and make transfers from any appropriation to any other appropriation for the purpose only of closing the accounts of such fiscal year, provided further that the city auditor within seventy days after the close of the fiscal year, shall transmit to city council and the city clerk a report listing what income, taxes or funds were applied and what transfers were made and the reasons therefor.

**SECTION 4.** Section 31C of said chapter 486, inserted by section 24 of said chapter 190, is hereby amended by striking out paragraph (2) and inserting in place thereof the following paragraph:-

(2) All proceeds in excess of such amount shall be credited to the capital fund of the city unless the city council by a majority vote

determines with the approval of the mayor to credit such proceeds to the general fund of the city.

**SECTION 5.** Chapter 224 of the acts of 1936 is hereby amended by striking out section 2, as most recently amended by section 21 of said chapter 190, and inserting in place thereof the following section:–

Section 2. The provisions of section thirty-four of chapter seventy-one of the General Laws shall apply to appropriations for the support of the public schools of the city.

**SECTION 6.** Said chapter 224 is hereby further amended by striking out section 3, as most recently amended by section 21B of said chapter 190, and inserting in place thereof the following section:–

Section 3. The school committee shall submit to the mayor estimates of the proposed expenditures for school purposes not later than the fourth Wednesday in February of each fiscal year. All appropriation requests for said school purposes shall be passed by said committee not later than the fourth Wednesday in March.

**SECTION 7.** Chapter 190 of the acts of 1982 is hereby amended by inserting after section 17 the following section:–

Section 17A. To provide for extraordinary and unforeseen expenditures, the city of Boston shall, prior to the date when the tax rate for a fiscal year is fixed, include in the appropriations for such fiscal year as a segregated reserve fund a sum not less than two and one-half per cent of the preceding year's appropriations for city and county departments, excepting the school department; provided, however, that the amount required to be appropriated for such reserve fund in any fiscal year may be reduced by the amount, if any, remaining in the reserve fund established for the preceding fiscal year after all transfers have been made therefrom as hereinafter authorized and such remaining amount shall be retained in the reserve fund provided for such fiscal year. The mayor, with the approval of the city council, may make direct drafts or transfers against such fund before the close of the fiscal year, provided that no such drafts or transfers may be made before June first in any fiscal year.

Each transfer recommended by the mayor to the city council shall be accompanied by written documentation detailing the amount of such transfer and an explanation of the reason for the transfer. If the reserve fund for a fiscal year beginning on or after July first, nineteen hundred and eighty-six is exhausted through transfer and the city incurs an appropriation or revenue deficit in such fiscal year, the reserve fund appropriation requirement shall increase by fifty per cent for the fiscal year following such fiscal year.

Notwithstanding the foregoing provisions of this section, the amount required to be included in the appropriations as a segregated reserve fund for a fiscal year shall be not less than the following percentages of the preceding year's appropriations for city and county departments, excepting the school department:

- (a) for the fiscal year beginning July first, nineteen hundred and eighty-six, one per cent;
- (b) for the fiscal year beginning July first, nineteen hundred and eighty-seven, one and one-half per cent;

(c) for the fiscal year beginning July first, nineteen hundred and eighty-eight, two per cent;

(d) for the fiscal year beginning July first, nineteen hundred and eighty-nine and for each fiscal year thereafter, two and one-half per cent.

Notwithstanding any general or special law to the contrary, in the city of Boston, the segregated reserve fund established by this section shall be deemed to satisfy the requirement of section fourteen of chapter sixty-four J of the General Laws that a city accepting said chapter sixty-four J shall establish a segregated reserve fund. The reserve fund established pursuant to this section shall become effective for the fiscal year beginning July first, nineteen hundred and eighty-six.

Notwithstanding any general or special law to the contrary, effective for the fiscal year beginning July first, nineteen hundred and eighty-six, the school department shall establish a segregated reserve fund of not less than one per cent of the current fiscal year's appropriations to the school department within ten days of final approval of such appropriations. No expenditures may be made from this fund before May first in any fiscal year. Expenditures from this fund shall require the approval of the mayor and the city council. If the reserve fund for a fiscal year is exhausted through transfers and the school department incurs an appropriation deficit in such fiscal year, the reserve fund requirement shall increase by fifty per cent for the fiscal year next following such fiscal year, provided that, in no event shall the school department be required to maintain a segregated reserve fund greater than two and one-half per cent of the current fiscal year's school department appropriations.

**SECTION 8.** Section 18 of said chapter 190 is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:–

The mayor, within seven days after receiving such notice, shall determine whether to waive or enforce such allotment. If the allotment for such quarter is waived or not enforced by the mayor, as provided above, the department or agency head shall reduce the subsequent quarter's allotments appropriately and the director of administrative services, within seven days, shall state in writing to the city council and the city clerk what reductions in each subsequent quarter's allotment will be taken or what reallocations or transfers will be made to support the spending level in each subsequent quarter's allotment. If the allotment for such quarter is enforced or not waived, thereafter the department shall terminate all personnel expenses for the remainder of the quarter. All actions taken pursuant to this section shall be reported to the city council and the city clerk. All reports provided for in this section shall be transmitted to the city council and the city clerk within seven days.

**SECTION 9.** Said section 18 of said chapter 190 is hereby further amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:–

To insure that the overall city and county spending program remains in balance, the mayor may reallocate no more than three million dollars of nonpersonnel appropriations other than school appropriations during a

fiscal year to other departmental purposes provided that in no department from which appropriations have been reallocated in accordance with this section shall any transfers be made under section three B of chapter four hundred and eighty-six of the acts of nineteen hundred and nine from personal services to non-personal services, except with the approval of a two-thirds vote of the city council, if such transfer would require the layoff of departmental personnel, who have been permanently appointed to a position in the department under the provisions of chapter thirty-one of the General Laws. No reallocation may be made under this section after April fifteenth in any fiscal year. A list of each reallocation made by the mayor shall be transmitted to the city council and the city clerk by the city auditor by April thirtieth in any fiscal year. In each case the report shall state the accounts from which the transferred funds were taken and the accounts to which the funds were reallocated, and the reasons therefor.

**SECTION 10.** Said chapter 190 is hereby further amended by inserting after section 18 the following section:–

Section 18A. To further insure that the overall city and county spending program remains in balance, the mayor and city council shall appropriate for the hospitalization and insurance account an amount not less than the average of the past three years actual expenditures from those accounts. The city auditor shall certify, in writing to the board of assessors, that adequate funds are provided in the operating budget for existing collective bargaining contracts. This certification shall be received by the board no later than ten business days before the proposed tax rate is submitted to the department of revenue for approval.

Approved January 7, 1987.

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**Chapter 702. AN ACT FURTHER REGULATING THE SOLEMNIZATION OF MARRIAGES.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 207 of the General Laws is hereby amended by striking out section 38, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

**Section 38.** A marriage may be solemnized in any place within the commonwealth by the following persons who are residents of the commonwealth: a duly ordained minister of the gospel in good and regular standing with his church or denomination, including an ordained deacon in The United Methodist Church or in the Roman Catholic Church; a duly ordained rabbi of the Jewish faith; by a justice of the peace if he is also clerk or assistant clerk of a city or town, or a registrar or assistant registrar, or a clerk or assistant clerk of a court, by a justice of the peace if he has been designated as provided in the following section and has received a certificate of designation and has qualified thereunder; an authorized representative of a Spiritual Assembly of the Baha'is in accordance with the usage of their community; a priest or minister of the Buddhist religion; a minister in fellowship with the Unitarian Universalist Association and ordained by a