Chap. 190. AN ACT ESTABLISHING THE CITY OF BOSTON FUNDING LOAN ACT OF NINETEEN HUNDRED AND EIGHTY-TWO AND THE MASSACHUSETTS CONVENTION CENTER AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. The city of Boston, for the purposes specified in section four, may borrow, at one time or from time to time prior to June thirtieth, nineteen hundred and eighty-three, a sum in the aggregate not exceeding forty-five million dollars, and may issue and sell bonds, notes and other evidences of indebtedness of said city therefor as provided herein. Bonds, notes and other evidences of indebtedness may be issued hereunder by the collector-treasurer of said city with the approval of the mayor, and, notwithstanding sections sixteen and nineteen of chapter forty-four of the General Laws, may be issued as serial bonds or term bonds or any combination thereof, shall mature on such date or dates and in such amounts, may be redeemable prior to their maturity at the option of the city with or without premium, and may be sold in such manner, either at public or private sale, and for such price as the collector-treasurer may, with the approval of the mayor, determine to be reasonable and proper.

SECTION 2. Subject to section sixteen of chapter forty-four of the General Laws, bonds and notes issued under this act shall bear on their face the words, City of Boston Funding Loan, Act of 1982. Each issue shall constitute a separate loan and such loans shall be payable in not more than ten years from their dates. Debt incurred under authority of this act shall not be included in determining the limit of indebtedness of the city as established by law, but shall, except as herein provided, be subject to the provisions of chapter forty-four of the General Laws, including the provisions of section seventeen of said chapter forty-four relative to temporary loans in anticipation of the issue of bonds and notes.

SECTION 3. In addition to the authority provided by section seventeen of chapter forty-four of the General Laws to issue notes in anticipation of the issue of bonds and notes, the city, acting by its collector-treasurer with the approval of the mayor, may enter into agreements with banks or trust companies, within or without the commonwealth, whether in the form of lines of credit or other banking arrangements, for the making by the city from time to time of temporary loans in anticipation of the money to be derived from the sale of bonds and notes under

section one in such aggregate principal amounts outstanding from time to time, not exceeding the amount authorized by section one, as the collector-treasurer may determine with the approval of the mayor. Any temporary loans incurred under authority of this section, and notes if any issued to evidence such loans, may be renewed from time to time, provided all such loans and renewals thereof shall be payable not later than June thirtieth, nineteen hundred and eighty-three. Any agreement entered into by the city under this section, and notes of the city if any issued thereunder, whether in coupon or registered form or payable to order, shall be signed by the collector-treasurer and the auditor of the city and countersigned by the mayor. Temporary loans incurred under this section may, in the discretion of the collector-treasurer and the mayor, provide for prepayment at any time with or without premium at the option of the city, and may bear interest at such rate or rates as the collector-treasurer may, with the approval of the mayor, deem proper, including rates variable from time to time as determined by such index, banker's loan rate or other method specified in such agreement. Any such agreement may also include such other covenants and provisions for protecting and enforcing the rights, security and remedies of the lenders as may, in the discretion of the collector-treasurer and mayor, be reasonable and proper and not in violation of law.

SECTION 3A. Bonds and notes issued under this act, whether original or refunding are hereby made securities in which all insurance companies, trust companies, banking associations, savings banks, cooperative banks, 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 notes or other obligations of a similar nature may properly and legally invest funds, including capital, deposits or other funds in their control or belonging to them. Such bonds and notes are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivison of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth now or may hereafter be authorized by law.

SECTION 3B. Notwithstanding the provision of any law to the contrary, prior to the issuance of bonds and notes pursuant to sections one and three the commonwealth acting by and through the secretary of administration may enter a contract with the city of Boston providing that the commonwealth will advance

during the life of such bonds and notes to the city amounts sufficient to pay interest and maturing principal on said bonds and notes. Such advances shall occur provided the collector-treasurer of the city of Boston certifies to the secretary of administration the city has insufficient funds to pay debt service on the bonds or notes. The secretary of administration shall notify the state treasurer of the amount needed by the city of Boston to pay the debt service. Upon receipt of such notification the state treasurer shall advance the city of Boston the amount needed to pay the debt service on the bonds. In the year following any advance the state treasurer shall deduct the amount so advanced plus a reasonable interest charge from the distribution of local aid made to the city of Boston pursuant to section eighteen A or eighteen C of chapter fifty-eight of the General Laws.

SECTION 4. All proceeds of any borrowing authorized by section one and section three of this act, after payment, unless otherwise provided for, of all expenses of the borrowing, shall be deposited in a separate fund which shall be set up on the books of the city or otherwise established pursuant to the trust agreement, if any, securing such borrowing, and maintained separate and apart from all other funds and accounts of the city. Such fund shall be called the city of Boston Disproportionate Assessment Fund. Amounts deposited in such fund shall, upon written direction of the collector-treasurer, and approval by the disproportionate assessment board as provided in section five of this act, but without further authority, be used for no purpose other than to meet refunds and other recoveries of real property taxes after payment, including interest accrued thereon, and to reimburse the treasury of the city for such refunds and recoveries, paid by the city after June thirtieth, nineteen hundred and eighty-one and on or before June thirtieth, nineteen hundred and eighty-three on account of abatements of taxes assessed by the assessors of the city for the fiscal year ending June thirtieth, nineteen hundred and eighty-one and all years prior thereto. Notwithstanding the foregoing, amounts deposited in said Disproportionate Assessment Fund shall be applied only to refunds and other recoveries of taxes arising from abatements granted after January first, nineteen hundred and seventy-nine and on or before June thirtieth, nineteen hundred and eighty-three pursuant to applications for abatements or the filing or settlement of appeals before the appellate tax board on account of a claimed disproportionate assessment of property; provided a certificate to such effect, signed by the commissioner of assessing of the city and filed with said disproportionate assessment

board pursuant to section five of this act shall be conclusive evidence of the proper application of such amounts. Prior to application of any amounts on deposit in said Disproportionate Assessment Fund to the payment of or reimbursement for payment of any refund or other recovery of tax, the collector-treasurer shall also file with said disproportionate assessment board as provided in said section five, a description of the refund to be granted, the address of the property, the owner of record, the amount to be refunded or reimbursed, the date the abatement was granted and the date or proposed date of payment of such refund or reimbursement. No more than twenty days after the date of payment of any refund hereunder, a record of each such refund, including the address of the property, the owner of record, the amount refunded, the date the abatement was granted, the date of payment of such refund and the date of approval of such payment by said disproportionate assessment board shall be filed with the city council and published in the city record.

When assessing taxes for the fiscal year ending June thirtieth, nineteen hundred and eighty-three and any subsequent year, the assessors of the city shall exclude from the calculation of the amount required to be assessed under section twenty-three of chapter fifty-nine of the General Laws all abatements met or reimbursed from amounts borrowed under this act.

The expenses of any borrowing made under authority of section one or section three of this act shall be paid from the proceeds of such borrowing or from the general funds of the city to the extent not otherwise provided for. Income earned on investment of any proceeds of such borrowing shall be credited to said Disproportionate Assessment Fund or with the approval of the city council transferred to the general fund of the city to be used solely to meet payments of principal or interest on debt issued under authority of section one and section three of this act. If on June thirtieth, nineteen hundred and eighty-three any amount borrowed under authority of section one of this act remains unexpended for the purposes provided herein, such amount shall be applied without further appropriation to the payment of principal and interest coming due in the next fiscal year on debt incurred under said section. Any amount in excess of such principal and interest shall be transferred to the general fund of the city as of such date, and shall be applied, without further appropriation, to the payment of principal and interest coming due in the next fiscal year on any debt of the city.

The auditor of the city, in accordance with section sixteen of chapter forty-four of the General Laws, shall annually notify the assessors of the city of the amount of debt and interest charges

matured and maturing during the next fiscal year on all debt of the city incurred under section one of this act and what provision if any has been made for the payment of such debt and interest, and said assessors shall include the amount of such debt and interest not otherwise provided for in the tax levy of that year notwithstanding any limit provided by law on the total taxes assessable by the city for such year; provided inclusion of any such amount in the levy of any year shall not operate to increase the amount otherwise available within any limits thereon to meet other appropriations of the city.

SECTION 5. Upon the issuance of any bonds, notes or other evidences of indebtedness of the city under authority of section one and section three of this act, a disproportionate assessment board shall be established consisting of the treasurer and receiver-general, the secretary of administration and the commissioner of revenue of the commonwealth. Said disproportionate assessment board shall be constituted and empowered to approve disbursements from the city of Boston Disproportionate Assessment Fund established by section four of this act solely as provided in this section. Upon presentation by the collector-treasurer of a request for approval of a proposed disbursement from said Disproportionate Assessment Fund, said board shall determine if all certificates and information required to be filed with said board under the provisions of section four of this act with respect to disbursement have been so filed. Within twenty-one days of the presentation of such request, said board shall notify the collector-treasurer either that such certificates and information have been so filed and that the proposed disbursement is therefore approved or that the required information and certificates have not been filed, specifically identifying the required information. The board shall act on any request of the collector-treasurer not so approved within five days after the collector-treasurer shall file with said board any information specified by said board to be lacking. If said board shall fail to act on a request of the collector-treasurer for disbursements from said Disproportionate Assessment Fund within twenty-one days of presentation of such request, or within five days of filing of any lacking information as aforesaid, the request of the collector-treasurer shall for all purposes of this act be deemed approved.

SECTION 6. Notwithstanding the provisions of any general or special law to the contrary or section four of chapter forty-four of the General Laws, the city of Boston, when authorized by vote of a two-thirds of all the city councillors passed after two

separate readings and by two separate votes taken not less than twenty-four hours apart, may incur debt in any fiscal year for temporary loans in anticipation of revenue, as defined in section one of said chapter forty-four, of such fiscal year in an amount not exceeding the total tax levy of such fiscal year or, if said levy has not yet been established by the assessors of the city, not exceeding eighty-five per cent of the total tax levy of the preceding fiscal year.

Notes issued under authority of this section may be sold in such manner, either at public or private sale, and for such price as the collector-treasurer may, with the approval of the mayor, determine to be reasonable and proper. Each note issued under authority of this section and any renewal thereof shall, notwithstanding the provisions of chapter seven hundred and seventeen of the acts of nineteen hundred and fifty-seven, be payable no later than June thirtieth of the year in which such note or renewal thereof is issued, provided that notes may be issued or renewed under authority of this section after May thirty-first in any year, payable not later than one year from their dates if the aggregate amount thereof does not exceed the aggregate amount remaining unpaid at such May thirty-first on real and personal property taxes assessed in such year and not included in a tax title account.

SECTION 7. Pursuant to the authority provided in section six of this act to issue notes in anticipation of the revenue of a fiscal year, the city, acting by its collector-treasurer with the approval of the mayor, may enter into agreements with banks or trust companies, within or without the commonwealth, whether in the form of lines of credit or other banking arrangements, for the making by the city from time to time of temporary loans in anticipation of the revenue of the fiscal year in which such loans are made in such principal amounts outstanding from time to time, not exceeding the amounts authorized by the city council pursuant to the provisions of said section six, as the collector-treasurer may determine with the approval of the mayor. Any temporary loans incurred under authority of this section, and notes, if any, issued to evidence such loans, may be renewed from time to time, provided all such loans shall be payable not later than the dates provided in said section six. Any agreement entered into by the city pursuant to this section, and notes of the city, if any, issued thereunder, whether in coupon or registered form or payable to order, shall be signed by the collector-treasurer and the auditor of the city and countersigned by the mayor. Temporary loans incurred under this section may, in the discretion of the collector-treasurer, provide for

prepayment at any time with or without premium at the option of the city and may bear interest at such rate or rates as the collector-treasurer may, with the approval of the mayor, deem proper, including rates variable from time to time as determined by such index, banker's loan rate or other method specified in such agreement. Any such agreement may also include such other covenants and provisions for protecting and enforcing the rights, security and remedies of the lenders as may, in the discretion of the collector-treasurer and mayor be reasonable and proper and not in violation of the law.

SECTION 8. Notwithstanding the provisions of chapter sixty-four G of the General Laws or chapter five hundred and forty-six of the acts of nineteen hundred and sixty-nine the net proceeds from the excise imposed upon the transfer of any room or rooms in a hotel or motel as defined in section one of said chapter sixty-four G, which is located in the city of Boston and which was first opened for patronage on or after August first, nineteen hundred and eighty-one, shall, on or before the last day of each calendar quarter, be distributed by the state treasurer upon certification of the commissioner of revenue without further appropriation to the city of Boston and credited to the Excise Fund established in section ten of this act.

The excise collected under this section shall be dedicated to the city of Boston on and after the first full calendar month following the effective date of this act. Said funds shall be used solely for the payment of interest and principal on any bonds issued pursuant to section one of this act.

Notwithstanding the second paragraph, the dedication of the excise provided in this section shall cease, and the obligation of the state treasurer to pay such excise to the city of Boston shall expire when all bonds, notes or other evidences of indebtedness authorized and issued to refund any such indebtedness, shall be paid or, if earlier, when such indebtedness shall be deemed to have been paid under any trust or other security agreement securing the same, or, if no such indebtedness shall then be outstanding, on June thirtieth, nineteen hundred and eighty-three, or if the balance in said fund shall be equal to or greater than the principal and interest on bonds issued pursuant to section one.

SECTION 8A. Notwithstanding the provisions of chapter sixty-four D of the General Laws and chapter five hundred and forty-six of the acts of nineteen hundred and sixty-nine the net proceeds from the excise imposed upon deeds, instruments, and writings in Suffolk county shall on or before the last day of

each calendar quarter, be distributed by the state treasurer upon the certification of the commissioner of revenue to the city of Boston and credited to the Excise Fund established in section ten of this act.

The excise collected under this section shall be dedicated to the city of Boston on and after the first full calendar month following the effective date of this act. Said funds shall be used solely for the repayment of interest and principal on any bonds issued pursuant to section one of this act.

Notwithstanding the second paragraph, the dedication of the excise provided in this section shall cease and the obligation of the state treasurer to pay such excise to the city of Boston shall expire when all bonds, notes or other evidences of indebtedness authorized and issued to refund any such indebtedness, shall be paid or; if earlier, when such indebtedness shall be deemed to have been paid under any trust or other security agreement securing the same, or, if no such indebtedness shall then be outstanding, on June thirtieth, nineteen hundred and eighty-three, or if the balance in said fund shall be equal to or greater than the principal and interest on bonds issued pursuant to section one.

SECTION 9. For purposes of this section, the following words shall, unless the context otherwise requires, have the following meanings:

"Applicant", any person, as defined in section one of chapter sixty-four H of the General Laws, who seeks to register a master deed or a subdivision plan in the registry of deeds or who seeks a building permit for the construction or alteration of a structure or other appurtenances thereto on one or more lots included in a consolidation.

"Condominium, master deed and unit", shall have the meanings given such words by chapter one hundred and eighty-three A of the General Laws.

"Consolidation", the consolidation of two or more lots, as shown on the records of the building department of the city, into one parcel of land for purposes of construction or alteration on one or more lots in such parcel or structures, or appurtenances thereto, for which a building permit is required to be granted by the commissioner of said department in accordance with the state building code or chapter one hundred and forty-three of the General Laws.

"Consolidation plan", a plan of a proposed consolidation, in such form as the building commissioner of the city shall prescribe, showing the boundaries of each lot in such consolidation and the names of each record owner and the applicant and such

other information as the building commissioner of the city may reasonably require or as is required by law and includes a site plan as provided in the state building code.

"Lot", an area of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more structures as defined in chapter one hundred and forty-five of the General Laws.

"Subdivision", the division of a tract of land into two or more lots and includes re-subdivision.

"Subdivision plan", a plan of a proposed subdivision showing the boundaries of each lot to be established thereby, the record owner and the applicant and such other information as may be required by law.

"Registry of deeds", the registry of deeds of Suffolk county and, when appropriate, includes the land court.

Whether or not any loan authorized by section one of this act is outstanding, on and after the thirtieth day following the effective date of this act, an excise is hereby imposed upon the creation of any condominium or subdivision located in whole or in part in the city of Boston at the uniform rate of five hundred dollars for each unit, in excess of one unit, in the condominium, as shown by the master deed, and five hundred dollars for each lot in excess of two lots, in the subdivision as shown by the subdivision plan. Such excise shall be in addition to any other excise or fee payable under any other provision of law applicable to the creation of condominiums or subdivisions or the recording of a master deed or a subdivision plan or instrument conveying interests in units or lots. Payment of the excise imposed hereby shall be made by the applicant to the collector-treasurer of the city prior to recording any master deed or subdivision plan. No master deed or plan shall be accepted for recording in Suffolk county registry of deeds or in the land court, where applicable, unless the collector-treasurer certifies thereon that the excise imposed by this section has been paid. The collector-treasurer shall deposit all amounts so collected in the Excise Fund established in section ten of this act, or if such fund shall have been dissolved, in the general fund of the city. The excise imposed under this section, unless paid as provided herein, shall, with all incidental charges and fees, be a lien on each unit or lot from the date of filing of the master deed and shall be subject to the provisions of chapter sixty, section thirty-seven of the General Laws in the same manner as taxes assessed on land.

Whether or not any loan authorized by section one of this act is outstanding, on and after the thirtieth day following the effective date of this act, an excise is hereby imposed upon each consolidation located in whole or in part in the city of Boston at

the uniform rate of five hundred dollars for each lot, in excess of two lots, as shown on the consolidation plan. Such excise shall be in addition to any other excise or fee payable under any other provision of law applicable to such consolidation or the issuance of a building permit for the construction or alteration of any structure on any lot thereon. Payment of the excise shall be made by the applicant to the collector-treasurer of the city prior to the issuance by the building commissioner of any permit applicable to contruction or alteration of any structure in any lot in such consolidation and said commissioner shall not issue any such permit until a consolidation plan has been filed with the commissioner accompanied by a certificate of the collector-treasurer, on such form as he shall prescribe, attesting to the payment of the excise applicable thereto. The collector-treasurer shall deposit all amounts so collected in the Excise Fund established in section ten of this act, or if such fund shall have been dissolved, in the general fund of the city.

The administration of this section is hereby vested in the collector-treasurer of the city of Boston and all forms necessary and proper for the enforcement of this section shall be prescribed and furnished by the collector-treasurer. The collector-treasurer may prescribe regulations not inconsistent with law, to carry into effect the provisions of this section, which regulations when reasonably designed to carry out the intent and purpose of the provisions hereof shall be prima facie evidence of the proper interpretation of such provisions. The collector-treasurer shall furnish the city council and the commissioner of revenue of the commonwealth with a copy of any regulation proposed to be prescribed under this section and shall publish such proposed regulation in the city record. Such regulation shall be effective twenty days after the date of publication unless prior thereto the city council, by majority vote of all its members, shall vote to rescind such regulation. All remedies provided by sections thirty-five, thirty-six, and thirty-seven of chapter sixty of the General Laws or otherwise provided by law shall be available to and are hereby vested in the collector-treasurer for the proper administration and enforcement of this section.

SECTION 10. Not later than thirty days after the effective date of this act, the collector-treasurer of the city shall set up on the books of the city, or otherwise establish pursuant to the trust or other security agreement, if any, securing any indebtedness incurred under authority of sections one and three of this act, a separate fund entitled the City of Boston Excise Fund. Such fund shall be maintained as provided in this act by

the collector-treasurer or, with the approval of the mayor, by the corporate trustee under such trust or security agreement. All receipts from the excises established under sections eight, eight A and nine of this act shall be deposited in the Excise Fund. Except as otherwise provided in this section, all amounts so deposited shall be used solely to pay the cost of administration and collection of said excises, under such supplementary appropriation orders as the mayor may submit and the city council approve in accordance with the city charter, and to pay or provide for, without further appropriation, the principal of and premium and interest on all bonds, notes or other evidences of indebtedness issued under authority of section one of this act including the establishment and maintenance of such reserves therefor as may be provided for in any trust or other security agreement securing the same and the costs of administration of such trust or other security agreement.

The Excise Fund shall be dissolved on June thirtieth, nineteen hundred and eighty-three if no indebtedness issued under the authority of section one of this act shall then be outstanding or otherwise when all such indebtedness, including any indebtedness issued to refund any such indebtedness, shall be paid or, if earlier, shall be deemed to have been paid within the meaning of any trust or other security agreement securing the same. Any balance remaining in the Excise Fund on such date of dissolution shall be deposited in the general fund of the city and applied to the payment of debt and interest on any debt of the city.

SECTION 11. Notwithstanding anything in section five of chapter seven hundred and seventeen of the acts of nineteen hundred and fifty-seven as amended, for the fiscal year beginning July first, nineteen hundred and eighty-two, and each fiscal year thereafter, whether or not any loan issued under authority of section one and section three of this act is outstanding, deductions made by the assessors of the city under clause (a) of section twenty-three of chapter fifty-nine of the General Laws on account of estimated receipts from the special excise taxes authorized by sections eight and eight A and nine hereof may be made up to such amounts as the auditor of the city shall estimate, subject to approval of the commissioner of revenue.

SECTION 12. In the discretion of the collector-treasurer and mayor, when authorized by two-thirds vote of the city council, any debt or temporary loan incurred under authority of this act or under authority of any other general or special law heretofore

or hereafter enacted may be secured by one or more trust agreements or other security agreements between the city and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the commonwealth, or directly between the city and the lender of such debt or temporary loan. Any such trust or security agreement shall be in such form as determined by the collector-treasurer, with the approval of the mayor, and shall be executed by the collector-treasurer and city auditor and countersigned by the mayor.

Any trust or security agreement directly or indirectly securing debt or temporary loans incurred under authority of this act or under authority of any other general or special law heretofore or hereafter enacted may, in addition to other security provided by law, pledge or assign, and may create a security interest, in whole or in part, in the receipts and other monies held or to be received by the city in the then current or any future fiscal year from the special excise taxes authorized by sections eight, eight A and nine of this act in conformity with section ten of this act and from any other tax or fee heretofore or hereafter imposed by any general or special law the receipts from which are payable to or for the account of the city and the receipts, distributions and reimbursements held or to be received by the city in the fiscal years or parts thereof during which such debt or loans will be outstanding from the commonwealth under chapter fifty-eight of the General Laws and under any other local reimbursement or assistance program authorized by law, including, without limitation, reimbursement and assistance programs described in section twenty-five A of said chapter fifty-eight except such distributions and reimbursements as are required by law to be specifically used for statutorily defined purposes. Any such trust or security agreement may also pledge or assign, pending their use for the purposes for which borrowed, all or any part of the proceeds of such debt or temporary loans and may contain such provisions for protecting and enforcing the rights, security and remedies of the holders of such debt or temporary loans as the collector-treasurer may, with the approval of the mayor, deem reasonable and proper and not in violation of law, including, without limitation, provisions defining defaults and providing for remedies in the event thereof including the acceleration of maturities, provisions establishing reserves for the payment of such debt or loans and covenants setting forth the duties of, and limitations on, the city in relation to the custody, safeguarding, investment and application of the proceeds, receipts, distributions, reimbursements and other monies pledged thereunder.

In addition to other security provided herein or otherwise by law, in the discretion of the collector-treasurer and mayor, when authorized by two-thirds vote of the city council, debt and temporary loans incurred by the city under any provision of this act or under any other general or special law heretofore or hereafter may be secured, in whole or in part, by letters of credit, as defined in Article five of chapter one hundred and six of the General Laws, issued to the city by any bank, trust company or other financial institution, within or without the commonwealth, authorized to issue the same, and the city may pledge or assign, and may create security interests in, any of the proceeds, receipts, distributions, reimbursements or other monies described in this section as security for the reimbursement by the city to the issuers of such letters of credit of any payments made under the letters of credit.

It shall be lawful for any bank or trust company organized under the laws of the commonwealth to act as a depository or trustee of any proceeds, receipts, distributions, reimbursements or other monies pledged or held under any trust or security agreement authorized hereby including the City of Boston Disproportionate Assessment Fund, established by section four of this act, and the City of Boston Excise Fund, established by section ten of this act, and to furnish such indemnifying bonds or to pledge such securities and issue such letters of credit as may be requested or required by the city. All expenses incurred in carrying out the provisions of such trust or security agreement or in obtaining any such letters of credit may be treated as an expense of borrowing hereunder. Any pledge made in accordance with this act shall be valid and binding and shall be deemed continuously perfected from the time when the pledge is made, the proceeds, receipts, distributions, reimbursements and other monies so pledged and then held or thereafter received by the city shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act; and the lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the city, irrespective of whether such parties have notice thereof. No trust or security agreement by which a pledge is created need be filed or recorded except in the records of the city kept by the city clerk, and no filing need be made under the provision of chapter one hundred and six of the General Laws.

SECTION 13. Section 2 of chapter 263 of the acts of 1929, as most recently amended by chapter 253 of the acts of 1973, is hereby further amended by striking out the second paragraph

and inserting in place thereof the following two paragraphs:-

The commission shall also have exclusive authority, except as otherwise herein provided, to adopt, amend, alter and repeal rules and regulations, not inconsistent with general law as modified by this act, relative to vehicular street traffic in the city, and to the movement, stopping, standing or parking of vehicles on, and their exclusion from, all or any streets, ways, highways, roads and parkways, under the control of the city, including rules and regulations designating any way or part thereof under said control as a through way under and subject to the provisions of section nine of chapter eighty-nine of the General Laws. Such rules may provide for resident parking zones.

The commissioner of traffic and parking in the city of Boston shall, upon the written request of the fire commissioner of the city of Boston, designate certain public ways or parts thereof as fire lanes. Violation of said regulation promulgated by the commissioner, in accordance with law, shall contain a fine not to exceed the maximum fine specified in the second paragraph of section twenty-two A of chapter forty of the General Laws.

SECTION 13A. Said section 2 of said chapter 263 is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

The commission may adopt, amend and repeal rules and regulations prescribing a penalty, set by ordinance with the approval of the mayor and city council, for any violation of a rule or regulation adopted under this section or promulgated under section two B; provided, that no penalty in excess of fifteen dollars shall be imposed except by ordinance; and provided, further, that no penalty shall be imposed upon any disabled veteran whose vehicle bears the distinctive number plate authorized by section two of chapter ninety of the General Laws, or upon any handicapped person whose vehicle displays the distinctive number plate authorized by said section two, for parking such vehicle on any way for a longer period of time than permitted by a rule or regulation adopted under this section or promulgated under section two B. A penalty imposed under this section may, if so provided in the regulation imposing the penalty, be increased by up to thirty-three and one-third per cent if it remains unpaid for at lease twenty-one days after issuance of a notice of a violation of a parking regulation as provided under section four A.

SECTION 13B. Said chapter 263 is hereby further amended by striking out section 4, as most recently amended by chapter 754

of the acts of 1977, and inserting in place thereof the following eight sections:-

Section 4. In the city of Boston, the mayor, with the approval of the city council, shall designate or appoint a parking clerk. The parking clerk shall supervise and coordinate the processing of parking notices in the city of Boston. The parking clerk shall have the authority, subject to appropriation, to hire or designate such personnel as may be necessary, or contract for such services as may be necessary, to implement the provisions of this section; provided, however, that such positions shall be filled in the city of Boston by granting preferences to persons who had been employees of the city of Boston in the fire, police or traffic and crossing guard service, and all such positions in said city of Boston shall be subject to chapter thirty-one, and in no case in the city of Boston shall the amount appropriated for personnel costs exceed five per cent of the total amount of receipts collected by the parking clerk in the previous fiscal year.

Section 4A. It shall be the duty of every police officer, and every person or persons assigned such responsibility, who takes cognizance of a violation of any provision of any rule, regulation, order, ordinance or by-law regulating the parking of motor vehicles established for the city of Boston, forthwith, to give the offender a notice, which shall be in tag form as provided in this section, to appear before the parking clerk at any time during regular office hours, not later than twenty-one days after the date of such violation. All tags shall be prepared in triplicate and shall be prenumbered.

Said tag shall be affixed to the motor vehicle and shall contain, but shall not be limited to, the following information: The registration number of the motor vehicle involved, the date, time and place and specific offense charged and, if a meter violation, the number of said meter, the name and badge number of the officer or employee issuing the ticket and his division, a schedule of established fines, instructions for the return of the tag, and a notice which reads as follows: This notice may be returned by mail, personally or by an authorized person. A hearing may be obtained upon the written request of the registered owner. Failure to obey this notice within twenty-one days after the date of violation may result in the non-renewal of the license to drive and the registration of the registered owner.

At or before the completion of each tour of duty, the officer or employee shall give to his commanding officer those copies of each notice of such violation taken cognizance of during such tour. Said commanding officer shall retain and safely preserve one of such copies and shall at a time no later than the begin-

ning of the next business day of the city of Boston after receipt of such notice, deliver another of such copies to the parking clerk before whom the offender has been notified to appear. The parking clerk shall maintain a docket of all such notices to appear.

Any person notified to appear before the parking clerk, as provided herein, may appear before such parking clerk, or his designee, and confess the offense charged, either personally or through an agent duly authorized in writing or by mailing to such parking clerk the notice accompanied by the fine provided therein such payment to be made only by postal note, money order or check made out to the parking clerk. Payment of the fine established shall operate as a final disposition of the case. Notice affixed to a motor vehicle as provided in this section, shall be deemed a sufficient notice, and a certificate of the officer affixing such notice that it has been affixed thereto in accordance with this section, shall be deemed prima facie evidence thereof and shall be admissible in any judicial or administrative proceeding as to the facts contained therein.

Section 4B. Parking violations which remain unpaid after the exhaustion of the administrative procedures available to the violator, shall constitute accounts owed to the city and shall be collected by the collector-treasurer as such in accordance with applicable laws.

If a person charged with a violation of a parking regulation appears and requests a hearing before the expiration of the twenty-first day from the date of issuance of said parking violation notice, the parking clerk shall forthwith schedule the matter before a person referred to as a hearing officer, said hearing officer to be the parking clerk or such other person or persons as the parking clerk may designate. Written notice of the date, time and place of said hearing shall be sent by first class mail to the registered owner. Said hearing shall be informal, and the rules of evidence shall not apply. The hearing officer shall keep a record of the hearing and the decision of the hearing officer, which shall be in writing, shall be final subject to judicial review as provided by section fourteen of chapter thirty A of the General Laws.

Section 4C. Proceedings under sections four B, four C and four D of this act, shall not be deemed criminal. If any person fails to pay any parking violation notice within twenty-one days or fails to appear in accordance with said hearing notice the parking clerk shall notify the registrar of motor vehicles who shall place the matter on record and not renew the license to operate motor vehicle of the registered owner of the vehicle or the registration of said vehicle until after notice from the park-

ing clerk that the matter has been disposed of in accordance with law. Upon such notification to the registrar, an additional five dollar charge, payable to the registrar of motor vehicles, shall be assessed against the registered owner of said vehicle. It shall be the duty of the parking clerk to notify the registrar forthwith that such case has been so disposed of in accordance with law; provided, however, that a certified receipt of full and final payment from the parking clerk shall also serve as legal notice to the registrar that said violation has been disposed of.

The parking violation notice provided herein shall be printed in such form as the registrar of motor vehicles may approve. The parking clerk shall distribute such notices to the commissioner of the police department or his designee, or the commissioner of traffic and parking or his designee, upon request, and shall take a receipt therefor. The registrar shall approve such other forms as he deems appropriate to implement this section, and said forms shall be printed and used by the city of Boston.

Section 4D. If any person shall have failed to appear in accordance with five or more parking violation notices, notwithstanding any notification to the registrar, the parking clerk shall notify the registered owner of said motor vehicle and the commissioner of police or his designee or commissioner of traffic and parking or his designee that the vehicle involved in said multiple violations should be removed and stored, or otherwise immobilized by a mechanical device, at the expense of the registered owner of said vehicle until such time as the matter has been disposed of in accordance with law. No vehicle shall be removed, stored, or otherwise immobilized until and unless the registered owner of said vehicle shall have received ten days notification by mail of said person's failure to appear on five or more parking violation notices and that the registered vehicle may be removed, stored, or immobilized without further notice. It shall be sufficient for the purposes of such notice for the parking clerk to mail, postage prepaid, a notice to the last known address of the registered owner. If shall be sufficient for the parking clerk in the case of vehicles registered in other states to mail notice to the registrar of motor vehicles or like officer of said jurisdiction.

As used in this section, the words "motor vehicle" shall, so far as apt, include trailer, semi-trailer and semi-trailer unit.

The provisions of this section shall apply to violations of rules and regulations relative to use of parking areas subject to the control of the courthouse commission.

Section 4E. In the city of Boston, whenever there are outstanding against the registered owner of a motor vehicle more than five unpaid parking violations and the owner has appeared

before the parking clerk in accordance with law, said owner may apply to the clerk of the division of the district or municipal court having jurisdiction to have the matter of these alleged violations treated criminally, and the district or municipal court shall take jurisdiction of the matter. Said court having jurisdiction of the matter may conduct a hearing only upon written notification to the parking clerk ten days prior to said hearing. The matter shall thereafter be deemed criminal and the procedures established for criminal cases be followed, provided, however that the provisions of the second and third paragraphs of section thirty-five A of chapter two hundred and eighteen of the General Laws shall not apply to such cases. Any such fines imposed by the court shall not exceed double the maximum fine provided for in the city of Boston. Said fine imposed by the court shall be paid back to the city of Boston.

Section 4F. Notwithstanding the provisions of sections four B, four C and four D of this act, the city of Boston may by ordinance regulate the hearing notifications, hearing adjudication and enforcement monitoring of said section four B, four C and four D, except that requirements of compliance with general or other special law shall not be regulated in a manner to lessen any such requirement.

Section 4G. The parking clerk may contract with other municipalities and with the Massachusetts Port Authority, for the administration of parking violations, in which event the parking clerk shall have authority to do so, in like manner as those administered hereunder.

SECTION 13C. In the event of a conflict between the provisions of sections thirteen, thirteen A or thirteen B of this act with sections twenty A to twenty D, inclusive, of chapter ninety of the General Laws, inserted by section one hundred and fifteen of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one, or with the provisions of section four A of chapter ninety C of the General Laws, or section two of chapter two hundred and eighty of the General Laws, or section four of chapter forty of the General Laws, or clause (73) of section five of said chapter forty, said sections thirteen, thirteen A and thirteen B shall be deemed to be in effect; provided, however, that nothing contained in this act shall be deemed to alter, amend or repeal section twenty E of chapter ninety of the General Laws.

SECTION 14. There shall be appointed by the mayor subject to confirmation by the city council, an audit committee of five members, all residents of the city of Boston, whose members

shall serve for five years, except that of those first appointed, one shall be appointed for a term of five years, another for four years, another for three years, another for two years, and another for one year. Members shall serve without compensation but may be reimbursed for expenses necessarily incurred, and shall be deemed special municipal employees for the purposes of chapter two hundred and sixty-eight A of the General Laws.

The city shall retain the services of an independent, certified public accounting firm which shall annually audit the accounts of the city. The audit committee shall monitor the progress of such audit and shall meet with the accounting firm at least quarterly. The said committee shall review the recommendations of the firm and shall present to the mayor and city council such recommendations as it may have.

SECTION 15. Chapter 486 of the acts of 1909 is hereby amended by striking out section 3, as most recently amended by section 53 of chapter 276 of the acts of 1974, and inserting in place thereof the following section:-

Section 3. All appropriations, excepting those for school purposes, to be met from taxes, revenue or any source other than loans, shall originate with the mayor. The mayor, not later than the second Wednesday in April of each year, shall submit to the city council the annual budget of the current expenses of the city and county for the forthcoming fiscal year, and may submit thereafter such supplementary appropriation orders as he may deem necessary. The city council may reduce or reject any item but, except upon the recommendation of the mayor, shall not increase any item in, nor the total of, a budget, nor add any item thereto, nor shall it originate a budget. Not later than the second Wednesday in June, the city council shall take definite action on the annual budget by adopting, reducing or rejecting it, and in the event of their failure so to do, the items and the appropriation orders in the budget as recommended by the mayor shall be in effect as if formally adopted by the city council and approved by the mayor. The city council shall take definite action on any supplementary appropriation order and any order for a transfer of appropriations by adopting, reducing or rejecting it within thirty days after it is filed with the city clerk; and in the event of their failure so to do, such supplementary appropriation order or transfer as submitted by the mayor shall be in effect as if formally adopted by the city council and approved by the mayor. It shall be the duty of the city and county officials when requested by the mayor, to submit to the mayor forthwith in such detail as the mayor may require estimates for the next fiscal year of the expenditures of the department or office under

their charge, which estimates shall be transmitted to the city council; provided, however, that the mayor shall neither submit, nor thereafter reduce, the appropriations for the city council at or to a level below that which existed for the previous fiscal year, nor shall the city council reduce the appropriations for the mayor's office below that which existed for the previous fiscal year.

SECTION 16. Section 17F of chapter 452 of the acts of 1948, inserted by chapter 376 of the acts of 1951, is hereby amended by inserting after the second sentence the following sentence:- Specific information, as used in this section, shall include any and all records, other than those exempt from disclosure under clause Twenty-six of section seventy-seven of chapter four of the General Laws, within the control of any executive department or agency of the city, including the Boston water and sewer commission and the Boston Redevelopment Authority, whether the information is in printed or electronic form. For the purposes of enforcing this section, the city council shall have standing to request a justice of the superior court department of the trial court of the commonwealth to issue appropriate orders to compel compliance with this section.

SECTION 17. Section 16 of chapter 486 of the acts of 1909 is hereby amended by striking out the first sentence and inserting in place thereof the following three sentences:- No official of said city or county except in case of extreme emergency involving the health and safety of the people or their property, shall expend intentionally in any fiscal year any sum in excess of the appropriations duly made in accordance with law, nor involve the city in any contract for the future payment of money in excess of such appropriations, except as provided in section six of this act. Any official who violates the provisions of this section shall be personally liable to the city for any amounts expended intentionally in excess of an appropriation to the extent the city does not recover such amounts from the person to whom paid. The trial court of the commonwealth or a single justice of the supreme judicial court shall have jurisdiction to adjudicate claims brought by the city hereunder and to order such equitable relief as the court may find appropriate to prevent further violations of this section.

SECTION 18. On or before August first of each year, or within ten days after the approval of the city council and the mayor of the annual appropriation order for such fiscal year, whichever shall occur later, the city or county officials in charge

of departments or agencies, including the superintendent of schools for the school department, shall submit to the city auditor, with a copy to the city clerk, in such form as the city auditor may prescribe, an allotment schedule of the appropriations of all personnel categories included in said budget, indicating the amounts to be expended by the department or agency for such purposes during each of the fiscal quarters of said fiscal year.

The allotment specified by the school department for the first fiscal quarter in each fiscal year may not exceed twenty per cent of the total appropriations of all personnel categories for said fiscal year, and the allotment specified for any one of the remaining three quarters may not exceed in such quarter thirty per cent of the total appropriation.

The allotment specified for each of the departments and agencies, except for the school department, for either the first or second fiscal quarter in each fiscal year may not exceed thirty per cent of the total appropriations of all personnel categories in said fiscal year, and the allotment specified for each of the departments and agencies, except for the school department, for both the third and fourth fiscal quarter in each fiscal year may not be less than twenty-one per cent of the total appropriations of all personnel categories in said fiscal year.

Whenever the city auditor determines that any department or agency, including the school department, will exhaust or has exhausted its quarterly allotment and any amounts unexpended in previous quarters, he shall give notice in writing to such effect to the department head, the mayor and the city clerk, who shall transmit the same to city council.

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, as provided above, the department or agency head shall reduce the subsequent quarters' allotments appropriately. If the allotment for such quarter is enforced or not waived, thereafter the department shall terminate all personnel expenses for the remainder of such quarter. All actions, notices, and decisions provided for in this section shall be transmitted to the city council and the city clerk within seven days.

No personnel expenses earned or accrued, within any department, shall be charged to or paid from such department's or agency's allotment of a subsequent quarter without approval by the mayor, except for subsequently determined retroactive compensation adjustments. Approval of a payroll for payment of wages, or salaries or other personnel expenses which would result in an expenditure in excess of the allotment shall be a

violation by the department or agency head, including the superintendent of schools and the school committee of section sixteen of chapter four hundred and eighty-six of the acts of nineteen hundred and nine. If the continuation of operations is not approved in a quarter where a department has exhausted the quarterly allotment or allotments as specified above, or, in any event, if a department has exceeded its entire appropriation for a fiscal year, the city shall have no obligation to pay any personnel cost or expense arising after such allotment or appropriation has been exhausted. Notwithstanding the provisions of any general or special law to the contrary, every collective-bargaining agreement entered into by the city, the school department, or the county shall be subject to and shall expressly incorporate the provisions of this section.

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.

SECTION 19. Except as provided by section thirty-eight of chapter seventy-one of the General Laws, all officers and employees of the school department of the city of Boston shall be subject to the residency ordinances of said city as the same are now in effect or from time to time may be amended.

SECTION 20. The first paragraph of section 1 of chapter 231 of the acts of 1906, as appearing in section 1 of chapter 333 of the acts of 1978, is hereby amended by striking out the fourth, fifth, sixth and seventh sentences and inserting in place thereof the following paragraph:-

The school committee may remove the superintendent for just cause by a vote of three-fifths of the members after proper notice and public hearing. The superintendent shall upon taking employment be, and during such employment remain, a resident of the city of Boston as the term resident may be defined by ordinance. Failure to maintain such residence shall be deemed a

voluntary termination of employment. Any vacancy in the office of the superintendent shall be filled by the school committee for the unexpired term with a person qualified in all respects for the office.

SECTION 20A. Said section 1 of said chapter 231 is hereby further amended by inserting after the first paragraph the following four paragraphs:-

No employee of the school department of the city of Boston shall be hired, fired, promoted, or demoted by the school committee without the expressed written approval of the superintendent of schools.

No contract, except for collective bargaining agreements, made by the school committee shall be binding on the city without having been approved in writing by the superintendent and otherwise conforms to the requirements of the city charter. The school committee may delegate to the superintendent the authority to make on behalf of the committee and without further approval of the committee, contracts or amendments to contracts, except for collective bargaining agreements, subject to requirements of special and general contract law for the purchase or rental of goods or supplies, leases of property and for professional or other services.

The school committee may delegate to the superintendent the authority to approve for the school department without further authority proposals for state and federal funding.

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 second Wednesday in April prior to the beginning of each fiscal year. The school committee may adopt, reject or reduce or increase any item subject to chapter two hundred and twenty-four of the acts of nineteen hundred and thirty-six. After adoption of the annual budget by the school committee, the superintendent shall not approve the appointment of any person except to a budgeted position.

SECTION 20B. Section 1A of said chapter 231, as most recently amended by section 2 of chapter 333 of the acts of 1978, is hereby further amended by striking out the first three paragraphs thereof.

SECTION 21. Chapter 224 of the acts of 1936 is hereby amended by striking out section 2, as most recently amended by chapter 583 of the acts of 1970, and inserting in place thereof the following section:-

Section 2. (1) The school committee, by vote of at least two-thirds of all of its members, taken by yeas and nays, may make appropriations as follows:

(A) For the alteration and repair of school buildings and for furniture, fixtures, and means of escape in the case of fire, and for fire protection of existing buildings and for improving existing school yards: for the fiscal year beginning July first, nineteen hundred and eighty-two:- six million dollars.

(i) For subsequent fiscal years, the school committee, by a like vote, may appropriate up to the same amount as was appropriated by the school committee for the immediately preceding fiscal year for such purposes, plus an amount equal to amounts, if any, appropriated for the immediately preceding fiscal year by the city council with the approval of the mayor for such purposes, unless such appropriation is by its terms excluded from the calculation established herein.

(B) For all other school purposes: for the fiscal year beginning July first, nineteen hundred and eighty-two:- two hundred five million five hundred thousand dollars.

(i) For subsequent fiscal years, the school committee, by a like vote, may appropriate up to the same amount as was appropriated by the school committee for the immediately preceding fiscal year for such purposes, plus an amount equal to amounts, if any, appropriated for the immediately preceding fiscal year by the city council with the approval of the mayor for such purposes, unless such appropriation is by its terms excluded from the calculation established herein.

(2) On or before the first Monday in March of each year, the city auditor shall certify to the school committee the amount available for appropriation for the forthcoming fiscal year as calculated in subsection (1). The mayor, on request of the school committee, may recommend a supplementary appropriation for school purposes and the city council may pass the same in accordance with the charter, but any such appropriation, shall be excluded from the certification by the city auditor as to the subsequent year's appropriating authority if such appropriation by its terms requires such exclusion. By the same vote required to appropriate, the school committee may transfer appropriations from the purposes of paragraph (B) of subsection (1) to the purposes of paragraph (A) of said subsection (1), and the city council, after the request of the school committee in accordance with section three B of chapter four hundred and eighty-six of the acts of nineteen hundred and nine may transfer appropriations freely between the purposes of paragraphs (A) and (B) of said subsection (1), but no such transfer shall affect the calculations made by the city auditor hereunder. Any ap-

propriations, which are made after the city auditor's certification required herein, shall be deemed appropriated in the subsequent fiscal year for the purposes of this section. Unexpended appropriation balances may be reappropriated for their respective purposes. Nothing herein shall be construed as authorizing the school committee to appropriate sums distributed or distributable under chapter seventy of the General Laws, which sums constitute general revenues of the city.

SECTION 21A. Section two B of chapter two hundred and twenty-four of the acts of nineteen hundred and thirty-six is hereby repealed.

SECTION 21B. Chapter 224 of the acts of 1936 is hereby amended by striking out section 3, as amended by chapter 513 of the acts of 1945, and inserting in place thereof the following section:-

Section 3. The votes of the school committee of said city making appropriations as aforesaid shall have the same force and effect as orders or votes of the city council thereof appropriating money, and shall be subject to the same provisions of law in respect to approval by the mayor, except that a vote of four-fifths of all the school committee, taken by yeas and nays, shall be necessary to pass such appropriations over the veto of the mayor.

The school committee shall submit to the mayor estimates of the proposed expenditures for school purposes not later than the second Wednesday in April of each fiscal year. All appropriations for said school purposes shall be passed by said committee not later than the second Wednesday in June.

All appropriations to be raised by taxation made by the school committee of said city shall be certified by said committee to the board of assessors thereof not later than July first in each year and the assessors shall include the same in the levy of that year.

In any year in which the school committee fails to certify to the board of assessors its appropriations to be raised by taxation, as provided in this act, the mayor shall, on or before July tenth, certify to the board of assessors an appropriation in the form adopted by the school committee in the preceding year in the amount expended in that year, which amount shall be used by the assessors in the computation of the tax rate for the then current year; and the mayor shall transmit to the school committee on or before July tenth of that year a copy of such certification which shall thereby become the budget of the school committee for the then current year.

SECTION 22. Section 17D of chapter 452 of the acts of 1948 is hereby amended by adding the following paragraph:-

Every order of the city council approving a petition to the general court pursuant to Clause (1) of Section 8 of Article 2 of the Amendments to the Constitution of the Commonwealth shall be presented to the mayor who shall forthwith consider the same, and, within fifteen days of presentation, either approve it, or file with the city council a statement in detail of his reasons for not approving the same, including any objection based on form, on content, or both; provided, that no such order shall be deemed approved or in force unless the mayor affixes his signature thereto.

SECTION 23. Chapter 486 of the acts of 1909 is hereby amended by striking out section 3B, as amended by chapter 24 of the acts of 1954, 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 yea and nay vote of two-thirds of all 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 and taxes 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.

SECTION 24. Said chapter 486 is hereby further amended by inserting after section 31B the following two sections:-

Section 31C. Notwithstanding the provisions of any general or special law to the contrary the proceeds from the disposition of any surplus property other than that acquired through tax title foreclosure shall be deposited in a separate fund which shall be set up on the books of the city and shall be known as the Surplus Property Disposition Fund, and shall be used only as follows:

(1) The amount equivalent to the debt incurred, and interest paid or payable thereon, as a result of the

acquisition or improvement from time to time of the property shall be used only for purposes for which the city is authorized to incur debt for a period of ten years or more;

(2) All proceeds in excess of such amount shall be credited to the general fund of the city to be used only to service the cost of debt as it becomes due.

Section 31D. Notwithstanding the provisions of chapter four hundred and seventy-four of the acts of nineteen hundred and forty-six or any other general or special law to the contrary, the public facilities commission of the city of Boston may dispose of any or all of the off-street parking structures, including the real estate related thereto, owned by the city of Boston, as surplus property in accordance with sections thirty-one B and thirty-one C of chapter four hundred and eighty-six of the acts of nineteen hundred and nine, only when transferred to the commission by a majority vote of the city council.

SECTION 25. Notwithstanding the provisions of any general or special law to the contrary, the appointing authority of the police department and the fire department of the city of Boston shall reinstate to active service as of the effective date of this act any uniformed officer of either department who was in service or on injured leave as of July first, nineteen hundred and eighty-one, or was temporarily suspended as of July first, nineteen hundred and eighty-one, which suspension has expired, except for disciplinary reasons consistent with chapter thirty-one of the General Laws or in pursuit of an involuntary retirement under section seven of chapter thirty-two of the General Laws and shall not thereafter terminate any such officer or take any other personnel action the effect of which would be to separate such officer from active service in the future for lack of funds. During the fiscal years ending June thirtieth, nineteen hundred and eighty-two and June thirtieth, nineteen hundred and eighty-three the city of Boston shall maintain in the police department and the fire department of the city of Boston, either in active service, training or recruitment, no fewer uniformed employees than the total of the number in service or on injured leave on March twenty-fourth, nineteen hundred and eighty-two plus the number of uniformed employees eligible for reinstatement pursuant to this section, without regard to the number of eligible uniformed employees who actually return to service in either department. Nothing herein shall prevent an employee of either department from being placed in injured leave under the provisions of section one hundred and eleven F of chapter forty-one of the General

Laws. The mayor shall annually request and the city council shall annually appropriate sufficient amounts to the respective departments to cover the costs imposed by this section, but nothing in this section shall be construed to permit the officers in charge of said departments to expend funds in excess of available appropriations in violation of the city charter.

SECTION 26. The provisions of this act shall be deemed to provide an additional, alternative and complete method for actions authorized hereby and shall be deemed and construed to be supplemental and additional to, and not in derogation of, powers conferred on the city by law, provided, however, that insofar as the provisions of this act are inconsistent with the provisions of any general or special law, ordinance or regulation, the provisions hereof shall be controlling.

SECTION 27. The assessed valuation of any parcel of real estate which is or has been reduced on account of the abatements of taxes assessed by the assessors of the city for the fiscal year ending June thirtieth, nineteen hundred and seventy-nine and June thirtieth, nineteen hundred and eighty or for the fiscal years ending on June thirtieth, nineteen hundred and eighty-one and on June thirtieth, nineteen hundred and eighty-two, pursuant to an order of the appellate tax board, shall not be increased by the assessors of the city for at least three consecutive years after the fiscal year for which the abatement was granted unless the parcel so assessed has been improved by construction or by substantial reconstruction or rehabilitation or has been converted to the condominium form of ownership pursuant to the provisions of chapter one hundred and eighty-three A of the General Laws as evidenced by the issuance of a certificate of occupancy by the city or the recording of a master deed, whichever is appropriate, or there has been an increase in the fair economic rent of the parcel so assessed, or is the result of and consistent with a general revaluation of all of the property within the city which conforms to the provisions of chapter seven hundred and ninety-seven of the acts of nineteen hundred and seventy-nine, as certified by the commissioner of revenue.

SECTION 28. The assessed valuation of any parcel of real estate that was not exempt from taxation under chapter fifty-nine of the General Laws on January first, nineteen hundred and eighty, shall not be increased by the assessors of the city for a period of two consecutive fiscal years following the fiscal year ending June thirtieth, nineteen hundred and eighty-one unless the parcel so assessed has been improved by construction or by

substantial reconstruction or rehabilitation or has been converted to the condominium form of ownership pursuant to the provisions of chapter one hundred and eighty-three A of the General Laws as evidenced by the issuance of a certificate of occupancy by the city or the recording of a master deed, whichever is appropriate or there has been an increase in the fair economic rent of the parcel so assessed, or unless the increase in the assessed valuation of the parcel so assessed is the result of and consistent with a general revaluation of all of the property within the city which conforms to the provisions of chapter seven hundred and ninety-seven of the acts of nineteen hundred and seventy-nine, as certified by the commissioner of revenue.

SECTION 29. After a general revaluation of all the property within the city conforming to requirements of chapter fifty-nine of the General Laws and certified thereunder by the commissioner of revenue, any assessment of a parcel with respect to a fiscal year beginning after such revaluation, which is thereafter reduced by the appellate tax board or by a court of competent jurisdiction, shall continue without change for at least two consecutive years after the fiscal year for which the abatement was granted unless the parcel so valued has been improved by construction, reconstruction or rehabilitation or has been converted to the condominium form of ownership, or if there has been an increase in the fair economic rent or in the event of any other occurrence which increases the value of the property; provided, however, that the foregoing shall not prevent changes in assessments resulting from a general program to maintain assessments at full and fair valuations under standards and guidelines established by the commissioner of revenue.

SECTION 30. The cost of providing the availability of fire protection to certain structures in the city of Boston is greater than the cost of providing the availability of fire protection to the majority of structures, by reason of their size, type of construction, use and other relevant factors. The provision of fire protection to such structures requires the city to employ additional firefighters, deploy additional equipment and purchase equipment different in kind from that required to provide fire protection for the majority of structures. The availability of such additional fire services is being provided to a small proportion of the buildings in the city. Therefore, the city of Boston is authorized to impose a fee for augmented fire services availability pursuant to the following or pursuant to an ordinance enacted by the city of Boston not inconsistent with the following.

(2) The purpose of this act is to assure the city's continued ability to provide the availability of fire fighting services in excess of the degree of such services provided to the general public by imposing the cost of making available such extra services on those to whom such extra services are made available.

(3) The following words and phrases shall have the meanings:-

(i) "Augmented fire services availability (AFSA)", the capacity to deliver a total fire flow in excess of three thousand five hundred gallons per minute.

(ii) "Total fire flow (TFF)", the total fire fighting capacity, expressed in gallons per minute, necessary to extinguish a fully involved fire in any given structure, taking into account fire suppression and detection equipment and life risk as provided herein. Total fire flow shall be determined by the fire commissioner according to the following formula: TFF = (NFF) x (1-S) x (LRF).

(iii)"Needed fire flow (NFF)", a factor, expressed in gallons per minute, to be determined by the fire commissioner, taking into account a construction type factor, an effective area factor, a use factor, an exposure factor, and a connecting passageways factor.

(iv) "Suppression Credit (S)", a credit to be used in determining total fire flow, taking into account the existence of fire suppression and detection equipment in a structure.

(v) "Life risk factor (LRF)", a factor, to be determined by the fire commissioner, taking into account density of occupancy, hours of occupancy, number of stories, and the existence of smoke removal equipment.

Prior to March first of each year the fire commissioner shall determine which structures in the city are being provided augmented fire services. Availability shall be assessed a fee by the fire commissioner, to be determined by said fire commissioner as provided in this act, for the provision of augmented fire services availability. Said fee shall be based on the cost of providing augmented fire services availability and shall be due and payable in two equal installments; the first installment due and payable no later than May first of the year in which the assessment is made, and the second installment due and payable no later than November first of the same year. The fire commissioner shall in his order of assessment designate as the owner of the parcel assessed the person or entity who was liable to assessment therefor on the preceding January first under the provisions of chapter fifty-nine of the General Laws. In the case of a condominium, as defined by section one of chapter one hundred and

eighty-three A of the General Laws, the fire commissioner shall in his order of assessment designate as the owner of the parcel assessed thereto pursuant to clause (i) of section eight of chapter one hundred and eighty-three A of the General Laws.

The fire commissioner may estimate the fee to be paid for a particular structure. In such cases, the assessment shall be labelled as an estimated fee, shall be assessed to the owner of a structure subject to such fee on or before March first, and shall be due and payable in two equal installments as hereinbefore provided and shall be paid to the collector-treasurer.

Following payment of the first installment of an estimated fee, or in cases in which the fee assessed on or before March first is appealed as provided herein, the fire commissioner shall determine the fee as provided for in this act. In cases where the estimated fee is less than the final fee, the fire commissioner shall assess to the owner of each structure subject to such fee the difference between the estimated fee and the final fee. Said fee shall be assessed no later than December thirty-first of the year in which the estimated fee was assessed, shall be due and payable no later than the following March first, and shall be paid to the collector-treasurer. In cases in which the first installment of the estimated fee has been paid by May first, and said estimated fee is greater than the final or corrected fee as determined by the fire commissioner, the fire commissioner shall so inform the collector-treasurer, who shall refund the difference between the final or corrected fee and the estimated fee to the person or entity so assessed, plus interest of eight per cent per annum, provided said estimated fee has been paid in full. If said determination that the estimated fee is greater than the final or corrected fee is made prior to payment of the full estimated fee, a notice shall be sent to the person or entity so assessed abating the difference between the estimated fee and said final or corrected fee.

Upon payment of the first installment of the fee or estimated fee as assessed on or before March first, the person or entity paying such fee may appeal the correctness of such fee by filing a notice of appeal with the fire commissioner on or before June first. Upon receiving a notice of appeal the fire commissioner shall schedule a hearing and shall notify the person or entity appealing of the date of said hearing. The person or entity who filed the appeal shall be entitled to appear at the hearing and present evidence challenging the correctness of the fee or estimated fee assessed. The fire commissioner or his designee shall preside at said hearing, shall render a decision affirming the correctness of the fee assessed or correcting said fee, and shall so notify the person or entity who filed the appeal. The

filing of an appeal and the pendency of any proceedings pursuant thereto shall not operate to stay the payment of any fee as otherwise provided in this act. The fire commissioner shall notify the collector-treasurer of the correction of any fee pursuant to an appeal.

The fire commissioner may promulgate rules and regulations for the administration of this act.

(4) Revenues. Revenues received hereunder shall be used to restore and maintain adequate public safety forces in the city of Boston which shall be defined as police and fire services.

SECTION 31. It is hereby found and declared that there is not presently within the commonwealth a structure of sufficient size and having adequate facilities to attract and accommodate large gatherings of governmental, civic, trade, industry, and other groups who wish to conduct conventions, conferences and other similar events within the commonwealth. Major conventions and conferences of such groups represent an important facet of the tourism industry for which there is an ever increasing market on both a national and an international scale. The lack of a convention facility within the commonwealth with the capacity to service major national and international conventions has seriously impaired the commonwealth's ability to compete within that market and to develop this important aspect of our tourism industry. There is, however, satisfactory evidence that a substantial number of national and international conventions could be induced to locate their activities within the commonwealth if a suitable convention center is made available to them.

There are substantial benefits to be derived by the citizens of the commonwealth from the development of a convention center capable of servicing major national and international conventions. Such major conventions would most often be attended by large numbers of nonresident visitors to the commonwealth who would wish to take advantage of the many, fine entertainment and recreational opportunities that the commonwealth has to offer.

The tourism industry is both one of the most valuable and one of the least developed resources in the commonwealth's economy, and it is in the public interest to develop and enhance this important asset. By attracting nonresident visitors to the commonwealth through the development of a suitable convention center, it is expected that substantial economic development will be stimulated in such tourism-related industries as transportation, hotels, restaurants, recreation, entertainment and retail sales establishments. Stimulation of these industries will in turn promote the overall economic development of the commonwealth and will provide new and enhanced employment opportunities for

our citizens. In addition, the development of a suitable convention center will further promote the economic health of the commonwealth by encouraging private investment and development within the immediate area of the convention center. Thus, the development of a convention center will increase the tax base, provide important, new employment opportunities and otherwise benefit the general welfare of the citizens of the commonwealth.

Moreover, development of a suitable convention center will generate substantial, new revenues for the commonwealth. Nonresident visitors to the convention center may be expected to take advantage of the many fine hotels, restaurants, entertainment establishments and stores within the commonwealth, which will in turn generate revenues to the commonwealth through existing room occupancy, meals and sales taxes. This substantial source of new revenue, which will be provided in large part by nonresident visitors to the commonwealth, is essential to the commonwealth's ability to continue to provide necessary services to our citizens.

In order to obtain full occupancy and utilization of a major convention center by national and international conventions, it is hereby found and determined that the most appropriate location for such a convention center is within the city of Boston. That location affords immediate access to the primary transportation facilities within the commonwealth which would be used by such national and international groups. The city of Boston and the communities within its immediate vicinity also have at present, and are expected to further develop in the immediate future, the necessary hotel and related service establishments with the capacity to accommodate major national and international conventions. Moreover, the greater Boston area is endowed with unique historical, recreational and entertainment attractions which should prove to be a valuable asset in attracting major national and international conventions to the commonwealth.

Most importantly, there is presently located within the city of Boston a facility, known as the John B. Hynes Veterans Memorial Auditorium, which, with appropriate reconstruction, expansion and remodeling, would be amply suited to accommodate major national and international conventions.

There is satisfactory evidence that expansion of that existing facility is the most cost effective means of developing a major convention center within the commonwealth. Moreover, the existing facility is located in an area which is both likely to attract and to be able to accommodate major national and international conventions.

In view of the limited financial resources available to the city of Boston, particularly in light of the limitations imposed on the

city's ability to generate revenues by recent legislation commonly known as proposition two and one-half, so-called, it is hereby found and determined that the city is unable to finance the establishment and operation of a major convention center. Moreover, the capital expenditures and initial operating deficits associated with the development of a major convention center have proven to be prohibitive for any private party which might otherwise undertake such a project. There is, however, satisfactory evidence that if the commonwealth were to initiate and undertake the development of a major convention center in the city of Boston, the city and businesses and industries within the commonwealth will cooperate and assist in the development and promotion of the center.

Although the development of a major convention center will significantly benefit economic development within the commonwealth, it is likely that the center itself will operate at a deficit, particularly during the initial stages of its operation. Such operating deficits have historically been associated with major convention centers located throughout the nation. In order to offset that projected deficit and to assure the continued financial integrity of the convention center, it will be necessary to provide the center with a source of revenue which is independent of the center itself. Moreover, it is in the public interest that the necessary revenues be generated in a manner which does not increase the tax burden to the citizens of the commonwealth.

It is hereby found and determined that revenues sufficient to defray the expected operating deficits of the proposed convention center may be most appropriately provided by combining within the Authority both the convention center and a separate revenue-producing facility located in the vicinity of the center. There presently exists within the city of Boston a facility, known as the Boston Common Parking Garage, which is most suited for this purpose. The consolidation under one Authority of the Boston Common Parking Garage with the convention center will assure the financial feasibility of both endeavors without increasing the tax burden to the citizens of the commonwealth.

Therefore, it is found that it is in the public interest of the commonwealth to benefit the prosperity and general welfare of its citizens, a public purpose for which public money may be expended, by creating the Massachusetts Convention Center Authority which is enabled, subject to the provisions of this chapter, to acquire and operate the facilities known as the John B. Hynes Veterans Memorial Auditorium and the Boston Common Parking Garage for the purpose of promoting the economic development of the commonwealth by developing and operating a convention center suitable for accommodating major national

and international conventions.

SECTION 32. The following words and phrases, as used in this act, shall unless the context otherwise requires, have the following meanings:-

"Authority", the Massachusetts Convention Center Authority created by section thirty-three of this act or, if said Authority shall be abolished, the board, body or commission succeeding to the principal functions thereof or to which the powers given by this act to the Authority shall be given by law.

"Boston Common Parking Garage", the facility, presently under control of the Massachusetts Parking Authority, used for the parking of motor vehicles and located under the Boston Common in the city of Boston.

"City", the city of Boston.

"Cost of a project" shall embrace the cost, whenever incurred, of carrying out a project pursuant to the provisions of this chapter and placing it in operation, the cost of architectural and engineering services, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of the project, administrative expenses, legal expenses and such other expenses as may be necessary or incident to the aforesaid.

"John B. Hynes Veterans Memorial Auditorium", the facility presently bearing that name located in, and presently under the control of, the city of Boston.

"Massachusetts Parking Authority", the Authority bearing that name and established pursuant to chapter six hundred and six of the acts of nineteen hundred and fifty-eight.

"Mayor", the mayor of the city of Boston.

"Project", the acquisition, construction, expansion or rehabilitation, or any combination of the foregoing, of a convention center, garage, or other facility authorized pursuant to the provisions of this chapter, the provision and installation therein or in respect thereof of furnishings, furniture, machinery, equipment, facilities, approaches, driveways, walkways, parking facilities, planting and landscaping, the acquisition of land or other property, or rights, easements and interests acquired for or in respect to any such land or property, the demolition or removal of any buildings or structures on land so acquired or in or with respect to which interest are so acquired and site preparation. Whenever appropriate the word shall also mean such land, buildings or structures and such appurtenances.

SECTION 33. There is hereby established and placed in the executive office for administration and finance a body politic and

corporate to be known as the Massachusetts Convention Center Authority, which shall not be subject to the supervision or control of the executive office for administration and finance or any department, commission, board, bureau or agency of the commonwealth except to the extent and in the manner provided in this act. The Authority is hereby constituted a public instrumentality and the exercise by the Authority of the powers conferred by this act shall be deemed and held to be the performance of an essential public function.

The Authority shall consist of seven members, who shall be appointed as provided hereunder. Four members shall be appointed by the governor and two members shall be appointed by the mayor. The remaining member shall be the treasurer and receiver-general of the commonwealth, who shall also serve as chairman. The members of the Authority first appointed by the governor shall continue in office for terms expiring on June thirtieth, nineteen hundred and eighty-three, June thirtieth, nineteen hundred and eighty-four, June thirtieth, nineteen hundred and eighty-five, and June thirtieth, nineteen hundred and eighty-seven, respectively, the term of each such member to be designated by the governor, and to continue until his successor shall be duly appointed and qualified. The members of the Authority first appointed by the mayor shall continue in office for terms expiring on June thirtieth, nineteen hundred and eighty-six, and June thirtieth, nineteen hundred and eighty-eight, respectively, the term of each such member to be designated by the mayor, and to continue until his successor shall be duly appointed and qualified. The successor of each such member shall be appointed for a term of six years and until his successor shall be duly appointed and qualified, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Each member of the Authority shall be eligible for reappointment. Each member of the Authority may be removed by the governor, if appointed by the governor, or by the mayor, if appointed by the mayor, for misfeasance, malfeasance or willful neglect of duty but only after reasonable notice and a public hearing unless the same are in writing expressly waived. Each member of the Authority before entering upon his duties shall take an oath before the governor to administer the duties of his office faithfully and impartially, and a record of such oaths shall be filed in the office of the secretary of the commonwealth.

The members of the Authority shall serve without compensation but shall be reimbursed for all expenses reasonably incurred by them in the performance of their duties.

The Authority shall elect a secretary and a treasurer, who

may be the same person, and may elect an assistant secretary or assistant treasurer, or both, in which case they may be the same person, who need not be a member of the Authority. The secretary shall keep a record of the proceedings of the Authority and shall be the custodian of all books, documents and papers filed with the Authority and of the minute book or journal of the Authority and of its official seal. The secretary and the assistant secretary, if any, shall each have authority to cause copies to be made of all minutes and other records and documents of the Authority and to give certificates under the official seal of the Authority to the effect that such copies are true copies and all persons dealing with the Authority may rely upon such certificates.

The Authority shall provide for regular and special meetings. A majority of the Authority shall constitute a quorum and, unless a greater number is required by the by-laws of the Authority, the act of a majority of the full membership of the Authority shall be deemed an act of the Authority.

No member, agent or employee of the Authority shall, directly or indirectly, have any financial interest in any property to be included in, or any contract for property or materials to be furnished or used in connection with, a project. Whoever violates any provisions of the preceding sentence shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or imprisonment for not more than one year, or both.

SECTION 34. The Authority shall appoint an executive director who shall be the chief executive officer of the Authority, who shall devote his full time during business hours to the duties of his office, and who shall receive such compensation as the Authority shall determine, but such compensation shall not be reduced without his consent during his tenure of office. The executive director shall employ such other officers and employees as are necessary to the functioning of the Authority. Officers and employees of the Authority shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty of the General Laws. Salaries for officers and employees shall be set by the Authority. The Authority may remove the executive director for cause after public notice and hearing.

SECTION 35. In addition to all powers otherwise granted to the Authority by law, the Authority shall have the following powers:-

(a) To adopt by-laws for the regulation of its affairs and the conduct of its business and to issue rules, regulations and

policies in connection with the performance of its functions and duties;

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

(c) To maintain an office in the city of Boston;

(d) To sue and be sued and plead and be impleaded in its own name;

(e) To make and execute all contracts and all other instruments necessary or convenient for the exercise of its power and functions;

(f) To acquire, lease, use, hold and mortgage real, personal or mixed property or any interest, easements or rights therein, as may be necessary or appropriate to carry out the provisions of this chapter;

(g) To enter into agreements or other transactions with the commonwealth or any political subdivision or public instrumentality thereof, the United States government or any federal, state or other governmental agency;

(h) To invest any funds held in reserve funds, or any funds not required for immediate disbursement, in such investments as may be lawful for fiduciaries in the commonwealth;

(i) To enter into a contract or contracts with any architect, engineer, consultant or contractor; provided, that in so doing the Authority shall comply with the provisions of chapter five hundred and seventy-nine of the acts of nineteen hundred and eighty which are applicable to public authorities;

(j) To employ architects, consulting engineers, attorneys, construction, financial and other experts, superintendents, managers and such other employees as may be necessary in its judgment and to fix their compensation;

(k) To receive funds, property, labor and other things of value from any source, public or private, by gift, grant, bequest, loan or otherwise, either absolutely or in trust, and to expand or utilize the same on behalf of the Authority for any of its purposes or to act as an agent or conduit in administering or disbursing funds or financial or other aid from any source;

(l) To appear in its own behalf before boards, commissions, departments or other agencies of government, municipal, state or federal;

(m) To procure insurance against any loss in connection with the property of the Authority, in such amounts and from such insurers as may be necessary or desirable;

(n) To formulate plans for the project involving the acquisition and operation of facilities pursuant to the provisions of this chapter, and to reconstruct, expand, remodel, maintain and manage such facilities; provided, that in so doing the Authority shall comply with the provisions of chapter five hundred and

seventy-nine of the acts of nineteen hundred and eighty, which are applicable to public authorities;

(o) To fix and revise from time to time, and to charge and collect rates, fees, rentals and other charges for the use of any building, structure, other property or portion thereof under its control;

(p) To receive funds from the commonwealth, including funds provided pursuant to chapter four hundred and eighty-six of the acts of nineteen hundred and eighty for the construction, rehabilitation or expansion of convention centers;

(q) To enter into one or more agreements with one or more private entities or parties that, in exchange for such consideration and upon such terms and conditions as the Authority may deem appropriate, any facility or facilities, or portion or portions thereof, of the Authority shall be known and referred to by a particular name, commercial or otherwise, designated by any such private party or parties or entity or entities;

(r) To do any and all things necessary or convenient to carry out its purposes and exercise the powers conferred by this act.

SECTION 36. Notwithstanding the provisions of any general or special law to the contrary, the income, assets and activities of the Authority shall be exempt from all taxes and assessments and the Authority shall not be subject to any of the provisions of chapter sixty-three of the General Laws or to any taxes based upon or measured by property or income which may be enacted hereafter by the commonwealth or by any subdivision thereof. The Authority is hereby authorized and empowered to enter into an agreement or agreements with the assessor of the city, with the approval of the mayor of the city, wherein the Authority will undertake to make to the city annual payments in lieu of taxes in connection with any real property acquired and owned by the Authority, the amounts of such payments to be reasonable sums stipulated in such agreement or agreements or determined in accordance with a reasonable formula so stipulated. Criteria to be employed by the parties to such agreement or agreements in agreeing upon the amount of such sums or upon any such formula shall include (i) the general level of property taxation in effect in the city, (ii) the effect of the facilities and activities of the Authority on the city and (iii) the needs of the Authority to maintain or improve its facilities. The Authority shall not be required under such agreement or agreements to make any such payments in lieu of taxes in any year in excess of the balance of the revenues of the Authority remaining after (a) payment of the cost of maintaining, repairing and operating the project, (b)

payment of the current operating and administrative expenses of the Authority and (c) creation and maintenance of replacement reserves for property of the Authority.

SECTION 37. The Authority is hereby authorized to establish and revise rules and regulations to insure the use and occupancy of, and to fix, revise and collect fees, rents, rates, and other charges for use of, projects undertaken pursuant to the provisions of this chapter.

Such rules and regulations shall provide that such projects shall be available to prospective users of the facilities in a nondiscriminatory manner. Such rules and regulations and fees, rents, rates and other charges shall be fixed and adjusted, with respect to the aggregate of the revenues from such project, so as to provide revenues sufficient, after taking into account all other available monies, (a) to pay the cost of maintaining, repairing and operating such project, (b) to pay the current operating and administrative expenses of the Authority relating to such project, and (c) to create and maintain reserves for the foregoing purposes. Such fees, rents, rates and other charges shall not be subject to supervision or regulation of any department, division, commission, board, bureau or agency of the commonwealth or any political subdivision thereof.

SECTION 38. Not later than November first, nineteen hundred and eighty-two, the Authority shall prepare and submit to the governor, the president of the senate, the speaker of the house of representatives, the chairman of the senate committee on ways and means and the chairman of the house committee on ways and means, and the secretary of administration, a proposal for a project of developing and operating a convention center of sufficient size and with adequate facilities to accommodate major national and international conventions, which shall include, but not necessarily be limited to, the following:-

(a) a detailed description of the lands, structures, fixtures, facilities, easements, rights and other property in and around the facility known as the John B. Hynes Veterans Memorial Auditorium, the acquisition of which is required to reconstruct, expand and remodel the existing facility so as to develop and establish a convention center of sufficient size and with adequate facilities to accommodate major national and international conventions; together with a description of all parties having any title or interest in such lands, structures, facilities, easements, rights or other property and a description of such title or interest; an analysis of the present market value of such lands, structures, facilities, easements, rights or other property and

such titles and interests therein; a detailed breakdown of all bonds, notes, mortgages, restrictions, covenants or liens outstanding relative to such properties; recommendations as to the method of acquisition of such properties by or on behalf of the Authority, including the amounts, if any, to be paid to such parties in consideration for the transfer to the Authority of their title or interest in such properties and evidence of any contracts, memoranda of understanding, options, or other agreements entered into between the Authority and such parties with regard to the transfer of their title or interest in such properties;

(b) a detailed description of the lands, structures, fixtures, facilities, easements, rights and other property owned by the Massachusetts Parking Authority, including all such lands, structures and other property which comprise the facility known as the Boston Common Parking Garage, together with a description of all parties having any title or interest in such lands, structures, facilities, easements, rights or other property and a description of such title or interest; an analysis of the present market value of such lands, structures, facilities, easements, rights or other property and such titles and interests therein; a detailed breakdown of all bonds, notes, mortgages, restrictions, covenants or liens outstanding relative to such properties; recommendations regarding the method of acquisition of such properties by or on behalf of the Authority, including possible successorship by the Authority to all rights, titles and interests of the Massachusetts Parking Authority, and including the amounts, if any, to be paid to such parties in consideration for the transfer of the Authority of their title or interest in such properties and the terms and conditions of such transfers; and evidence of any contracts, memoranda of understanding, options or other agreements entered into between the Authority and such parties with regard to the transfer of their title or interest in such properties;

(c) a detailed proposal for a project of reconstruction, expansion, and remodeling of the facility known as the John B. Hynes Veterans Memorial Auditorium in order to develop and establish a convention center of sufficient size and with adequate facilities to accommodate major national and international conventions; including a description of the size, capacity, structure, lay-out, design, and facilities of the proposed convention center and an analysis of the planning, construction and related activities which will be required to develop and establish the proposed convention center together with a projected timetable for such planning, construction and related activities;

(d) a detailed statement of the costs of the project which shall include the acquisition of the lands, structures, fixtures,

facilities, easements, rights and other property, including the facility known as the John B. Hynes Veterans Memorial Auditorium, and the reconstruction, expansion and remodeling of such properties necessary to develop and establish the proposed convention center; and the acquisition of the lands, structures, fixtures, facilities, easements, rights and other property presently under the control of the Massachusetts Parking Authority, including all properties which comprise the facility known as the Boston Common Parking Garage;

(e) a detailed statement of the projected, annual operating budget of the Authority, including an analysis of all projected costs associated with the maintenance and operation of the proposed convention center and the Boston Common Parking Garage; and including any payments to be made to the city of Boston in lieu of taxes for such facilities; and an analysis of all projected revenues to be generated by the Authority through the operation of such facilities;

(f) a description of any and all gifts, grants, bequests or loans of funds, property, labor or other things of value provided or to be provided to the Authority by the city of Boston or any other governmental or private party or entity, together with a statement of any terms or conditions thereof, and a description of any agreements with, or commitments by, such parties to cooperate with and to provide assistance to the Authority in furtherance of the purposes and provisions of this chapter;

(g) a proposal for assistance by the commonwealth to the Authority including such capital outlay appropriations grants, and other legislation as may be necessary or appropriate to carry out the purposes and provisions of this chapter; provided, that such proposal may, in the Authority's discretion, include applications on behalf of the Authority for grant pursuant to chapters four hundred and eighty-six of the acts of nineteen hundred and eighty.

SECTION 38A. Notwithstanding the provisions of section twenty-four of this act or of any other general or special law to the contrary, the city of Boston by its mayor shall convey the Hynes Auditorium to the Massachusetts Convention Center Authority established by section thirty-three of this act for a sum equal to the fair market value of such auditorium as determined by the secretary of administration and finance based upon three independent appraisals filed within one hundred and fifty days of the passage of this act; provided, that such sum shall not be less than twenty-five million dollars; and provided, further, that such sum shall be deposited in the city of Boston

Disproportionate Assessment Fund established pursuant to section four of this act and that such conveyance shall take effect December thirty-first, nineteen hundred and eighty-two.

SECTION 38B. On December thirty-first, nineteen hundred and eighty-two, all books, maps, papers and records of whatever description relating to the design, construction, management and operation of the Hynes Auditorium in the custody or control of the city of Boston, the Boston Auditorium Commission, the Boston Redevelopment Authority and any other public agency shall be transferred to the use, ownership, custody and control of the Authority and the Authority is authorized to take possession thereof for its uses and purposes. The city of Boston shall, on December thirty-first, nineteen hundred and eighty-two, provide the Authority with a statement listing all property transferred to the Authority and shall, on January fifteenth, nineteen hundred and eighty-three provide the Authority with a financial statement itemizing expenses, liabilities and income relating to operation of the Hynes Auditorium (a) during the twelve months ending June thirtieth, nineteen hundred and eighty-two, (b) during the six months ending December thirty-first, nineteen hundred and eighty-two and (c) during each twelve month period ending on June thirtieth, nineteen hundred and eighty-two and thereafter with respect to which the city has authorized expenditures or incurred liabilities or has received or has the right to receive income relating to operation of the Hynes Auditorium. Such financial statement shall indicate which items have been paid or received and which items remain payable or receivable as of the end of each period and shall also indicate the period to which all items relate.

SECTION 38C. Expenses, liabilities and income relating to operation of the Hynes Auditorium prior to January first, nineteen hundred and eighty-three shall be borne and receivable by the city of Boston whether or not billed, incurred or received by then. Expenses, liabilities and income relating to operation of the Hynes Auditorium after December thirty-first, nineteen hundred and eighty-two shall be borne and receivable by the Authority provided that no such expense or liability authorized or incurred by the city of Boston or any agency other than the Authority after May first, nineteen hundred and eighty-two shall be borne by the Authority except to the extent approved by the Authority.

SECTION 38D. Upon acquisition of the John B. Hynes Veterans Memorial Auditorium and the Boston Common Parking Garage by

the Massachusetts Convention Center Authority, all employees who then hold full-time, permanent positions at those facilities and who held such positions as of June first, nineteen hundred and eighty-two under a permanent appointment classified under chapter thirty-one of the General Laws or with tenure by reason of section nine A of chapter thirty of the General Laws, shall become employees of the Authority without impairment of civil service status, seniority, retirement and other rights, and without interruption of service within the meaning of said chapter thirty-one or section nine A of said chapter thirty, and without reduction in compensation and salary grade, notwithstanding any change in their job titles or duties, subject, however, to the provisions of chapter thirty-one, and the rules and regulations thereunder. All said employees who upon such acquisition hold, without such tenure, positions not so classified, and who held such positions as of June first, nineteen hundred and eighty-two shall become employees of the Authority without impairment of seniority, retirement, and other rights, without interruption of service within the meaning of the said section nine A of said chapter thirty, and without reduction in compensation and salary grade; provided, however, that nothing in this section shall be construed to confer upon any employee any rights not held prior to the transfer or to prohibit any subsequent reduction in compensation or salary grade if such were not prohibited prior to the transfer; and provided, further, that this section shall not apply to persons employed by the Authority who were not employed at the John B. Hynes Veterans Memorial Auditorium or the Boston Common Parking Garage prior to acquisition of said facilities by the Authority.

SECTION 38E. Subsequent to the preparation and submission of the proposals required under section thirty-eight of this act, the Authority shall be authorized to prepare and submit to the governor, the president of the senate, the speaker of the house of representatives, the chairman of the senate committee on ways and means, the chairman of the house committee on ways and means and the secretary of administration a feasibility study relative to the development and operation by the Authority of a multi-purpose arena of sufficient size and with adequate facilities to accommodate major civic, athletic, recreational and entertainment events, which study shall include, but not necessarily be limited to, the following:

(a) a description of the location deemed suitable by the Authority for said multi-purpose arena;

(b) a description of the lands, structures, fixtures, and facilities deemed necessary or appropriate by the Authority for

the construction or reconstruction of said multi-purpose arena;

(c) an estimate of the capital expenses estimated by the Authority as necessary for the construction or reconstruction of said multi-purpose arena;

(d) an estimate of the operational expenses estimated by the Authority as necessary for the operation and maintenance of said multi-purpose arena;

(e) a proposal by the Authority for the provision of funds sufficient to meet the capital and operating costs, including projected income, associated with said multi-purpose arena;

(f) such feasibility study shall be conducted by an independent firm; and

(g) and a description of the environmental and economic affects on the immediate community, the housing and parking needs of the community and the arena's affect on residential and commercial displacement.

SECTION 39. The Authority shall establish a special fund, to be known as the Civic and Convention Center Fund and shall deposit in such fund any grant funds received under the provisions of chapter four hundred and eighty-six of the acts of nineteen hundred and eighty which amounts may be expended by the treasurer as authorized by vote of the Authority and without further appropriation; provided, that all such funds shall be used solely for the purpose of paying for the cost of a project under the provisions of this act. A report including an audit prepared by a certified public accountant shall be submitted annually by the Authority to the secretary of administration and finance and the house and senate committees on ways and means.

SECTION 40. The Authority shall, within one hundred and twenty days following the close of the fiscal year, submit an annual report of its activities for the preceding year to the governor and the clerks of the senate and house of representatives. Each such report shall set forth a complete operating and financial statement of the Authority.

SECTION 41. The books and records of the Authority shall be subject to an annual audit by the auditor of the commonwealth.

SECTION 41A. The provisions of chapter twelve A of the General Laws which are applicable to public authorities shall apply to the Massachusetts Convention Center Authority.

SECTION 42. Chapter 486 of the acts of 1980 is hereby amended by striking out section 2 and inserting in place thereof

the following section:-

Section 2. The secretary of administration hereinafter called the secretary, is hereby authorized and directed to establish a program to assist the Massachusetts Convention Center Authority and cities and towns or consortiums of contiguous cities, towns or any combination thereof, hereinafter to be called a consortium, in undertaking any project to acquire land, including buildings thereon, to construct, reconstruct, rehabilitate finish or expand facilities to be used as municipal civic or convention centers or exhibition halls, without acceptance by the commonwealth of responsibility for maintenance.

The secretary may, under the provisions of this act, provide grant funds to the Massachusetts Convention Center Authority and such cities, towns or consortiums for projects authorized by this section.

SECTION 43. The first paragraph of section 4 of said chapter 486 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The Massachusetts Convention Center Authority may, by vote of its members, and any city, town or consortium may, by vote of the city council and approval of the city manager in a city having a Plan D or Plan E form of charter, or with the approval of the mayor in any other city, by vote of a town at an annual town meeting or at a special town meeting called for that purpose, or in a municipality having a town council form of government by the town council, make application to the secretary for financial assistance in undertaking a project described in section one of this act, provided that such assistance does not exceed one hundred per cent of the total cost of any one project undertaken by the Massachusetts Convention Center Authority or seventy per cent of the total cost of any other project.

SECTION 44. The first paragraph of section 16 of chapter 606 of the acts of 1958 is hereby amended by adding the following two sentences:- The Authority is hereby authorized to enter into an agreement with the mayor of the city of Boston under which the Authority will undertake to make annual payments in lieu of taxes in connection with any real property acquired and owned by the Authority, the amounts of such payments to be reasonable sums stipulated in such agreement or agreements or determined in accordance with a reasonable formula so stipulated. Criteria to be employed by the parties to such agreement or agreements in agreeing upon the amount of such sums or upon any such formula shall include (i) the general level or property taxation in effect in the municipality, (ii) the effect of the

facilities and activities of the Authority on the municipality and (iii) the needs of the Authority to maintain or improve its facilities.

SECTION 44A. In undertaking any projects authorized by this chapter, the Massachusetts Convention Center Authority shall comply with the provisions of sections sixty-two to sixty-two H, inclusive, of chapter thirty of the General Laws.

SECTION 45. Section 4 of chapter 486 of the acts of 1980 is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The secretary shall make a determination within forty-five days from the date of application. Upon the approval of said application, the secretary shall notify the Massachusetts Convention Center Authority or the city, town or consortium as to the total amount of state aid for such project.

SECTION 46. Section 8 of said chapter 486 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-

To meet the expenditures necessary in carrying out the provisions of sections two and four of this act, the state treasurer shall, upon the request of the secretary of administration, with the approval of the governor, issue and sell at public or private sale, bonds or notes of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount specified by the governor from time to time, but not exceeding, in the aggregate, one hundred million dollars.

SECTION 47. Upon receipt of the proposals required under the provisions of section thirty-eight of this act and upon application of the Massachusetts Convention Center Authority for grants under chapter four hundred and eighty-siv of the acts of nineteen hundred and eighty the secretary of administration shall provide grant funds to the Authority in an amount determined by the secretary to be necessary or appropriate to cover the costs of the projects as set forth in said section thirty-eight.

SECTION 48. Notwithstanding the provisions of any law to the contrary, the state treasurer is hereby authorized to advance to the city of Boston upon the request of its mayor, a pro tanto payment of fifteen million dollars to be applied towards the consideration to be paid for the conveyance of the John B. Hynes Veterans Memorial Auditorium to the Massachusetts Convention Center Authority. Any such sum so advanced shall be deposited

in the city of Boston Disproportionate Assessment Fund established pursuant to section four of this act, and shall be deducted from the amount to be paid by or on behalf of the Authority to the city in consideration for conveyance to the Authority of all of the city's rights, title and interest in the Hynes Auditorium. If the conveyance of the Hynes Auditorium has not been completed by July first, nineteen hundred and eighty-three, the city shall repay to the Commonwealth all amounts advanced to it pursuant to this section, such repayment to be subject to the provisions of section twenty A of chapter fifty-eight of the General Laws.

SECTION 49. The provisions of this act are severable and if any of its provisions shall be held invalid in any circumstances, such invalidity shall not affect any other provisions or circumstances. This act being necessary for the welfare of the commonwealth and its inhabitants, 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 or expressly authorized by statute.

SECTION. 50. This act shall take effect upon its passage except that the provisions of section eighteen as to the enforcement or waiver of allotments shall be in effect only with respect to quarters ending forty-five days or more after the passage of this act, and an allotment schedule must be submitted as provided within fifteen days of the effective date of this act.

Approved June 29, 1982.

EMERGENCY LETTER - July 6, 1982. @ 4:22 P.M.