HOUSE . . . . . No. 4331

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 25, 2016.

The committee on Municipalities and Regional Government to whom was referred the message from His Excellency the Governor recommending legislation relative to modernizing municipal finance and government [for message, see House, No. 3906] as relates to sections 15 through 30, 36 through 41, 48 through 55, 57 through 79, 81 through 94, 96 through 100, 201 through 220, 232 through 240, reports recommending that the accompanying bill (House, No. 4331) ought to pass.

For the committee,

JAMES J. O'DAY.

HOUSE DOCKET, NO. FILED ON: 5/16/2016

HOUSE . . . . . No. 4331

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act to modernize municipal finance and government.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 36A of chapter 35 of the General Laws, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "a board composed of the attorney general, the state treasurer and the director of accounts" and inserting in place thereof the following words:- the municipal finance oversight board.

SECTION 2. Sections 44 to 46, inclusive, of chapter 35 of the General Laws are hereby repealed.

SECTION 3. Section 50 of chapter 35 of the General Laws is hereby repealed.

SECTION 4. Section 3 of chapter 40 of the General Laws, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:-

Notwithstanding this section or section 53 of chapter 44, a city or town that rents or leases any public building or property, or space within a building or property, other than a building or property under the control of the school committee, may deposit any monies received

13 from the rental or lease in a separate account in the city or town treasury. The monies may be
14 expended by the board, committee or department head in control of the building or property
15 without further appropriation for the upkeep of the facility so rented or leased. Any balance
16 remaining in the account at the close of a fiscal year shall be paid into the General Fund of such
17 city or town; provided that in any city or town that accepts this proviso, any balance shall remain
18 in the account and may be expended for the upkeep and maintenance of any facility under the
19 control of the board, committee or department head in control of the building or property.

20 SECTION 5. Chapter 40 of the General Laws is hereby amended by inserting after
21 section 4A the following section:-

22 Section 4A½. (a) For purposes of this section, the following words shall, unless the
23 context requires otherwise, have the following meanings:-

24 "Governmental unit", a city, town or a regional school district, a district as defined in
25 section 1A, a regional planning commission, however constituted, the Hampshire council of
26 governments, a regional transit authority established under chapter 161B, a water and sewer
27 commission established under chapter 40N or by special law, a county, or a state agency as
28 defined in section 1 of chapter 6A.

29 "Joint powers agreement", a contract specifying the terms and conditions of the joint
30 exercise of powers and duties entered into by participating governmental units pursuant to the
31 laws governing any such unit and the provisions of this section.

32 "Region", any geographically-designated area within which the powers and duties
33 provided in a joint powers agreement shall be exercised.

34 (b) The chief executive officer of a city or town, or a board, committee or officer
35 authorized by law to execute a contract in the name of a governmental unit may, on behalf of the
36 unit, enter into a joint powers agreement with another governmental unit for the joint exercise of
37 any of their common powers and duties within a designated region; provided, however, that the
38 joint exercise of veterans' services shall be subject to Section 10 of Chapter 115. The joint
39 powers agreement shall be authorized by the parties thereto in the following manner: in a city by
40 the city council with the approval of the mayor, in a town by the board of selectmen and in a
41 district by the prudential committee. A decision to enter into a joint powers agreement under this
42 section, or to join an existing region, shall not be subject to bargaining under chapter 150E.

43 (c) The joint powers agreement shall specify the following:

44 (1) its purpose and the method by which the purpose sought shall be accomplished;

45 (2) the services, activities or undertakings to be jointly performed within the region;

46 (3) the specific organization, composition and nature of the entity created thereby to
47 perform the services, activities or undertakings within the region, and the specific powers and
48 duties delegated thereto; provided, however, that such entity shall be a body politic and corporate
49 created pursuant to subsection (d) whose funds shall be subject to an annual audit and a copy of
50 such audit shall be provided to the member governmental units and to the division of local
51 services;

52 (4) the manner of financing the joint services, activities or undertakings within the region,
53 of establishing and maintaining a budget therefore and of authorizing borrowing under
54 subsection (e), including any limitations on the purposes, terms and amounts of debt the entity
55 may incur to perform such services, activities or undertakings;

56 (5) any procedures related to the termination of the joint powers agreement, the
57 withdrawal of any participating governmental unit and the addition of any new governmental
58 units; and

59 (6) its duration.

60 (d) An entity established by a joint powers agreement shall be a body politic and
61 corporate with the power to:

62 (1) sue and be sued;

63 (2) make and execute contracts and other instruments necessary for the exercise of the
64 powers of the region;

65 (3) make and from time to time amend and repeal policies and procedures relative to the
66 operation of the region;

67 (4) receive and expend funds;

68 (5) apply for and receive grants from the commonwealth, the federal government and
69 from other grantors;

70 (6) submit an annual report to each member governmental unit, which shall contain a
71 detailed financial statement and a statement showing the method by which the annual charges
72 assessed against each governmental unit were computed; and

73 (7) any such other powers as are necessary to properly carry out its powers as a body
74 politic and corporate.

75 (e) An entity created pursuant to this section shall be governed by a board of directors
76 comprised of at least one member representing each participating governmental unit. Each
77 member of the board of directors shall be entitled to a vote. No member of the board of directors
78 shall receive an additional salary or stipend for their service as a board member. The board of
79 directors shall coordinate the activities of the region and may establish any policies and
80 procedures necessary to do so. The board of directors shall establish and manage a fund to which
81 all monies contributed by the participating governmental units, and all grants and gifts from the
82 federal or state government or any other source shall be deposited. The board of directors shall
83 appoint a treasurer who may be a treasurer of one of the participating governmental units. No
84 member of the board of directors or other employee of the entity shall be eligible to serve
85 concurrently as treasurer. The treasurer, subject to the direction and approval of the board of
86 directors, shall be authorized to receive, invest and disburse all funds of the region without
87 further appropriation. The treasurer shall give bond for the faithful performance of his duties in a
88 form and amount as fixed by the board of directors. The treasurer may make appropriate
89 investments of the funds of the region consistent with section 55B of chapter 44.

90 The board shall appoint a business officer or employee who may be a city auditor, town
91 accountant or officer with similar duties of one of the participating governmental units. The
92 business officer shall have the duties and responsibilities of an auditor or accountant under
93 sections 52 and 56 of chapter 41 and shall not be eligible to hold the office of treasurer.

94 The board of directors may borrow money, enter into long or short-term loan agreements
95 or mortgages and apply for state, federal or corporate grants or contracts to obtain funds
96 necessary to carry out the purposes of the region. The borrowing, loans or mortgages shall be
97 consistent with the joint powers agreement, standard lending practices and with sections 16 to

98 28, inclusive, of chapter 44. The board of directors may, subject to chapter 30B, enter into
99 contracts for the purchase of supplies, materials and services and for the purchase or lease of
100 land, buildings and equipment as considered necessary by the board of directors.

101 (f) The entity shall be deemed to be a public employer and the board of directors may
102 employ personnel to carry out the purposes of the joint powers agreement and establish the
103 duties, compensation and other terms and conditions of employment of personnel.

104 (g) A participating governmental unit shall not be liable for the acts or omission of
105 another participating government unit or the region or any entity created by the joint powers
106 agreement, unless the participating governmental unit has agreed otherwise in the joint powers
107 agreement.

108 (h) A regional school district, superintendency union, educational collaborative, charter
109 school or commonwealth virtual school may only be formed as provided in the applicable
110 provisions of the General Laws, and no joint powers agreement under this section may, in
111 substance, create such a district, union, collaborative, charter school or virtual school,
112 irrespective of how the entity created under a joint powers agreement may be characterized or
113 named. A joint powers agreement relating to public schools may only be entered into by the
114 school committee, or other governing board, as applicable.

115 SECTION 6. Section 5A of said chapter 40, as so appearing, is hereby amended by
116 striking out, in line 4, the word “three” and inserting in place thereof the following number:- 5.

117 SECTION 7. Chapter 40 of the General Laws, as so appearing, is hereby amended by
118 striking out section 5B and inserting in place thereof the following section:-

119 Section 5B. Cities, towns and districts may create 1 or more stabilization funds and
120 appropriate any amount into the funds. Any interest shall be added to and become part of the
121 fund.

122 The treasurer shall be the custodian of all such funds and may deposit the proceeds in a
123 trust company, co-operative bank or savings bank, if the trust company or bank is organized or
124 exists under the laws of the commonwealth or any other state or may transact business in the
125 commonwealth and has its main office or a branch office in the commonwealth; a national bank,
126 federal savings bank or federal savings and loan association, if the bank or association may
127 transact business and has its main office or a branch office in the commonwealth; provided,
128 however, that a state-chartered or federally-chartered bank shall be insured by the Federal
129 Deposit Insurance Corporation or its successor; or may invest the funds in participation units in a
130 combined investment fund under section 38A of chapter 29 or in securities that are legal
131 investments for savings banks.

132 At the time of creating any stabilization fund the city, town or district shall specify, and at
133 any later time may alter, the purpose of the fund, which may be for any lawful purpose, including
134 without limitation an approved school project under chapter 70B or any other purpose for which
135 the city, town or district may lawfully borrow money. Such specification and any such alteration
136 of purpose, and any appropriation of funds out of any such fund, shall be approved by a two-
137 thirds vote, except as provided in paragraph (g) of section 21C of chapter 59 for a majority
138 referendum vote. Subject to said section 21C, any such vote shall be of the legislative body of
139 the city, town or district, subject to charter.

140 Notwithstanding section 53 of chapter 44 or other law to the contrary, a city, town or
141 district that accepts this paragraph may dedicate, without further appropriation, all, or a
142 percentage not less than 25 percent, of a particular fee, charge or other receipt to any stabilization
143 fund established under this section; provided, however, that the receipt is not reserved by law, or
144 as authorized by law, for expenditure for a particular purpose. For purposes of this paragraph, a
145 receipt shall not include taxes or excises assessed under chapters 59, 60A, 60B, 61, 61A or 61B
146 or surcharges assessed under section 39M of this chapter or chapter 44B. A dedication shall be
147 approved by a two-thirds vote of the legislative body of the city, town or district, subject to
148 charter, and may be terminated in the same manner. A vote to dedicate or terminate a dedication
149 shall be made before the fiscal year in which the dedication or termination is to commence and
150 shall be effective at least for 3 fiscal years.

151 SECTION 8. Section 22A of said chapter 40, as so appearing, is hereby amended by
152 striking out the second sentence in the first paragraph and inserting in place thereof the following
153 sentence:- In any city or town that accepts this sentence, the agreement for the acquisition or
154 installation of parking meters may provide that payments thereunder shall be made over a period
155 not exceeding 5 years without appropriation, from fees received for the use of such parking
156 meters notwithstanding the provisions of section 53 of chapter 44.

157 SECTION 9. Section 22B of said chapter 40, as so appearing, is hereby amended by
158 striking out, in lines 1 through 3, the words "Any city or town, having installed parking meters or
159 coin-operated locking devices for bicycle parking under section 22A," and inserting in place
160 thereof the following words:- In any city or town that accepts this section and installs parking
161 meters or coin-operated locking devices for bicycle parking under section 22A, the city or town.

162 SECTION 10. Section 22C of said chapter 40, as so appearing, is hereby amended by
163 striking out, in line 5, the words “Those cities and towns” and inserting in place thereof the
164 following words:- In any city or town that accepts this sentence, the city or town.

165 SECTION 11. Said chapter 40, as so appearing, is hereby amended by striking out
166 section 44A and inserting in place thereof the following section:- Section 44A. A city or town,
167 by vote of the council in the case of a city and by vote of the board of selectmen in the case of a
168 town, may create a special unpaid committee to be known as a regional refuse disposal planning
169 committee consisting of 3 persons to be appointed by the board of selectmen in a town and by
170 the mayor in a city.

171 SECTION 12. Said chapter 40, as so appearing, is hereby further amended by striking
172 out section 44E and inserting in place thereof the following section:- Section 44E. The selectmen
173 of each of the several towns, upon receipt of a recommendation that a regional refuse disposal
174 district be established, shall vote on accepting such plan. The mayors of the several cities, upon
175 receipt of a recommendation that a regional refuse disposal district be established, shall submit
176 the question of accepting such plan to the city council within sixty days after receipt of the
177 recommendation. If a majority of the members of each city council voting on the question and
178 the board of selectmen in each town shall vote in the affirmative, the proposed regional refuse
179 disposal district shall be deemed to be established forthwith in accordance with the terms of the
180 proposed agreement.

181 SECTION 13. Section 44F of said chapter 40, as so appearing, is hereby amended by
182 striking out, in lines 27 to 29, inclusive, the words “a majority of the voters present and voting on

183 the matter at a town meeting called for the purpose of expressing such disapproval" and inserting
184 in place thereof the following words:- the board of selectmen.

185 SECTION 14. Chapter 40 of the General Laws is hereby amended by inserting after
186 section 60A the following section:--

187 Section 60B. Workforce Housing Financial Plan

188 (a) Notwithstanding any general or special law to the contrary, a city or town, by vote of
189 its town meeting, town council or city council, with the approval of the mayor where required by
190 law, on its own behalf or in conjunction with one or more cities or towns, may adopt and
191 implement a workforce housing special tax assessment plan, referred to as a WH-STA plan,
192 intended to encourage and facilitate the increased development of middle income housing, and
193 do any and all things necessary thereto; provided, however, that any such WH-STA plan shall:

194 (1) designate 1 or more areas of such city or town as a workforce housing special tax
195 assessment zone, referred to as a WH-STA zone, subject to regulations adopted by the city or
196 town, pursuant to subsection (c) of this section, as presenting exceptional opportunities for
197 increased development of middle income housing. Any WH-STA plan adopted by more than 1
198 city or town shall designate WH-STA zones consisting of contiguous areas of such cities or
199 towns;

200 (2) describe in detail all construction and construction-related activity contemplated for
201 such WH-STA zone as of the date of adoption of the WH-STA plan; provided that the WH-STA
202 plan shall include the types of residential developments which are projected to occur within such
203 WH-STA zone, with documentary evidence of the level of commitment therefor, including but

204 not limited to architectural plans and specifications as required by regulations promulgated
205 pursuant to subsection (c);

206 (3) authorize special tax assessment exemptions from property taxes, under subsection
207 Fifty-eighth of section 5 of chapter 59, for a specified term not to exceed 5 years, for any parcel
208 of real property which is located in a WH-STA zone and for which an agreement has been
209 executed with the owner of the real property under paragraph 4. The WH-STA plan may exempt
210 owners of parcels of real estate from up to 100 per cent of property taxes during 2 years of
211 construction and set forth in an agreement executed pursuant to paragraph 4. The WH-STA plan
212 may also exempt such owners from property taxes during a 3 year stabilization period following
213 construction, provided that the exemption will be up to 75 per cent of property taxes during a
214 first year of stabilization, up to 50 per cent of property taxes during a second year of
215 stabilization, and up to 25 per cent of property taxes during a third year of stabilization;

216 (4) include executed agreements between such city or town and each owner of a parcel of
217 real property which is located in such WH-STA zone, provided that such agreements shall
218 include, but not be limited to, the following:

219 (i) all material representations of the parties which served as the basis for the descriptions
220 contained in the WH-STA plan in accordance with the provisions of paragraph 2 of this
221 subsection, and which served as a basis for the granting of a WH-STA exemption;

222 (ii) any terms deemed appropriate by the city or town relative to compliance with the
223 WH-STA agreement including, but not limited to, what shall constitute a default by the property
224 owner and what remedies shall be allowed between the parties for any such defaults, including
225 an early termination of the agreement;

226 (iii) provisions governing maximum rental prices that may be charged by the developer in
227 order to create middle income workforce housing, as set forth in the regulations adopted by the
228 city or town pursuant to subsection (c) of this section;

229 (iv) a detailed recitation of all other benefits and responsibilities inuring to and assumed
230 by the parties to such agreement; and

231 (v) a provision that such agreement shall be binding upon subsequent owners of such
232 parcel of real property.

233 (5) delegate the authority to execute agreements in accordance with paragraph 4 to the
234 board of assessors of the city or town, and to the board, agency or officer of the city or town
235 responsible for housing.

236 (b) A city or town may at any time revoke its designation of a WH-STA zone and, as a
237 consequence of such revocation, shall immediately cease the execution of any additional
238 agreements pursuant to paragraph 4 of subsection (a). Such revocation shall not affect
239 agreements relative to property tax exemptions pursuant to said paragraph 4 of subsection (a)
240 which were executed prior thereto. The board of assessors of the city or town and the board,
241 agency or officer of the city or town responsible for housing, authorized pursuant to paragraph 5
242 of subsection (a) to execute agreements, shall retain a copy of each such agreement, together
243 with a list of the parcels included therein.

244 (c) Upon the adoption of a WH-STA plan, a city or town shall promulgate regulations
245 governing the implementation of such plans in the city or town. Such regulations shall establish
246 eligibility requirements for developers to enter into a WH-STA agreement pursuant to subsection
247 (a)(4). Such regulations shall establish, among other things: (1) a procedure for developers to

248 apply to the city or town for a WH-STA agreement; (2) a minimum number of new residential
249 units to be constructed in order for an owner of a parcel of real estate to be eligible to enter into a
250 WH-STA agreement; (3) the maximum rental prices that may be charged by the developer for
251 the constructed residential units throughout the duration of a WH-STA agreement; (4) other
252 eligibility criteria that will facilitate and encourage the construction of workforce housing in a
253 manner appropriate to the particular city or town.

254 (d) The owner of property subject to a WH-STA agreement shall certify to the city or
255 town the rental prices of the residential units designated in the WH-STA agreement. Such
256 certification shall be provided to the city or town on the date of initial occupancy and on an
257 annual basis thereafter throughout the duration of the executed WH-STA agreement. If the owner
258 fails to provide such certification, or otherwise fails to comply with the WH-STA agreement, or
259 if the city or town determines that the owner is unlikely to come into compliance with the
260 affordability requirements set forth in the agreement, the city or town may place a lien on the
261 property in the amount of the real estate tax exemptions granted pursuant to the WH-STA
262 agreement for any year in which the owner is not in compliance with this subsection. Any such
263 lien shall be recorded in the registry of deeds or the registry district of the land court wherein the
264 land lies;

265 (e) a WH-STA plan adopted pursuant to subsection (a) shall expire 3 years after its
266 adoption unless such plan is renewed by the city or town by vote of its town meeting, town
267 council or city council, with the approval of the mayor where required by law.

268 SECTION 15. Section 5 of chapter 59 of the General Laws is hereby amended by adding
269 the following paragraph:--

270 Fifty-eighth. Taxes on the value of a parcel of real property which is included within an
271 executed agreement under section 60B of chapter 40 shall be assessed only on that portion of the
272 value of the property that is not exempt under that section. This exemption shall be for a term not
273 longer than the period specified in the executed agreement entered into pursuant to said section
274 60B of chapter 40. The amount of the exemption under this clause for a parcel of real property
275 shall be the exemption percentage adopted under said section 60B of chapter 40, multiplied by
276 the actual assessed valuation of the parcel.

277 SECTION 16. Section 2 of chapter 40D of the General Laws, as appearing in the 2010
278 Official Edition, is hereby amended by striking out, in lines 7 and 8, the words "a town at an
279 annual meeting or a special meeting called for the purpose" and inserting in place thereof the
280 following words:- by the board of selectmen, in a town.

281 SECTION 17. Said section 2 of said chapter 40D, as so appearing, is hereby amended by
282 striking out, in line 34 , the words "at an annual or special town meeting" and inserting in place
283 thereof the following words:- its board of selectmen.

284 SECTION 18. Subsection (d) of Section 9 of Chapter 40N of the General Laws, as so
285 appearing, is hereby amended by inserting after the second paragraph the following paragraph:-

286 The commission may enter into an agreement with the municipality to provide collection
287 services with respect to any of its unpaid fees, rates, rents, assessments and other charges, and if
288 so, the municipal collector or treasurer shall disburse the amounts collected as provided in the
289 agreement, but no later than 30 days after collection.

290 SECTION 19. Said chapter 40N, as so appearing, is hereby amended by striking out
291 section 27 and inserting in place thereof the following section:-

292 Section 27. This chapter may be accepted, in a city or town in the manner provided in
293 section 4 of chapter 4, and in the case of an existing water and sewer commission established as
294 an independent body politic and corporate under a special law, by its board of commissioners.

295 SECTION 20. Section 1B of chapter 41 of the General Laws, as so appearing, is hereby
296 amended by inserting after the first sentence the following sentence:- In addition to the
297 foregoing, the positions of town treasurer and collector of taxes, elected under section 1, may be
298 combined into one position and become an appointed position in the manner provided under this
299 section.

300 SECTION 21. Said section 1B of said chapter 41, as so appearing, is hereby amended by
301 striking out, in lines 11 and 12, the word "Title" and in each instance inserting in place thereof
302 the following word:- Title(s).

303 SECTION 22. Sections 27, 37 and 39B of said chapter 41 are hereby repealed.

304 SECTION 23. Section 30B of chapter 41 of the General Laws, as so appearing, is hereby
305 amended by striking out, in lines 2 and 3, the words "by vote of their legislative bodies" and
306 inserting in place thereof the following words:- by vote of the city council with the approval of
307 the mayor, in a city, and by vote of the board of selectmen, in a town.

308 SECTION 24. Section 52 of said chapter 41, as so appearing, is hereby amended by
309 inserting after the fourth sentence the following sentences:- The board of selectmen may
310 designate any 1 of its members for the purpose of approving bills or payrolls under this section:
311 provided, however, that the member shall make available to the board, at its next meeting, a
312 record of such actions. This provision shall not limit the responsibility of each member of the
313 board in the event of a noncompliance with this section.

314 SECTION 25. Section 56 of said chapter 41, as so appearing, is hereby amended by
315 inserting after the first sentence the following sentences:- For purposes of this section, the board
316 of selectmen and any other board, committee or head of department consisting of more than 1
317 member authorized to expend money may designate any 1 of its members to approve all bills,
318 drafts, orders and payrolls; provided, however, that the member shall make available to the
319 board, committee or other department head, at its next meeting, a record of such actions. This
320 provision shall not limit the responsibility of each member of the board in the event of a
321 noncompliance with this section.

322 SECTION 26. Section 111F of said Chapter 41, as so appearing, is hereby amended by
323 adding the following paragraph:

324 Notwithstanding the provisions of this section, section 100 or any other general or special
325 law to the contrary, any city, town or district that accepts this paragraph may appropriate
326 amounts to a special injury leave indemnity fund for payment of injury leave compensation or
327 medical bills incurred under this section or section 100 and may deposit into such fund any
328 amounts received from insurance proceeds or restitution for injuries to firefighters or police
329 officers. The special fund may be spent, with the approval of the chief executive officer and
330 without further appropriation, for paying expenses incurred under this section or section 100,
331 including but not limited to expenses associated with paying compensation other than salary to
332 injured firefighters or police officers and providing replacement services for the injured
333 firefighters or police officers in lieu of or in addition to any amounts appropriated for the
334 compensation of such replacements. Any balance in the fund shall carry over from year to year,
335 unless specific amounts are released to the general fund by the chief executive officer upon a

336 finding that the amounts released are not immediately necessary for the purpose of the fund and
337 not required for expenses in the foreseeable future.

338 SECTION 27. Chapter 43B of the General Laws, as so appearing, is hereby amended by
339 inserting after section 3 the following section:

340 Section 3A. A board of selectmen, town manager, mayor or city manager may initiate
341 the adoption of a charter for any city or town and the revision of any charter adopted by a city or
342 town by filing a request for adoption or revision of a charter with the board of registrars of
343 voters.

344 SECTION 28. Section 4 of said chapter 43B, as so appearing, is hereby amended by
345 inserting after the word "signatures", in line 3, the following words:- or that a request by the
346 board of selectmen, town manager, mayor or city manager for adoption or revision of a charter
347 has been filed.

348 SECTION 29. Section 8 of chapter 43B of the General Laws, as so appearing, is hereby
349 amended by striking out, in line 38, the words "clause (11) of."

350 SECTION 30. Said chapter 44 of the General Laws, as so appearing, is hereby amended
351 by striking out sections 6 and 6A and inserting in place thereof the following sections:-

352 Section 6. Cities and towns may, by a majority vote, incur debt for temporary loans for
353 the payment of land damages or any proportion of the general expenses of altering a grade
354 crossing which they are required primarily to pay, or any proportion of the expense of
355 constructing a highway or installing traffic control devices and other devices appurtenant thereto
356 in anticipation of payment or reimbursement by the commonwealth or county, such payment or

357 reimbursement first having been agreed upon by the commissioner of highways or county
358 commissioners, or the sums allotted for such payments or reimbursements having first been
359 certified as available by the commissioner of highways or county commissioners, and may issue
360 notes therefor for a period not exceeding 2 years from their date; and when any money so paid is
361 repaid to the municipality, it shall be applied to the discharge of the loan. Notes issued under
362 this section shall not be renewed or paid by the issue of new notes, except as provided in section
363 17.

364 Section 6A. If a city, town or district has been allotted a grant by the federal government,
365 the commonwealth, or any agency or department of either, or by any body politic or public
366 instrumentality of the commonwealth, or similar entity, for any purpose for which the city, town
367 or district may incur debt that may be payable over a term of 5 years or longer, and is required
368 primarily to pay that proportion of the expense for which an advance payment or reimbursement
369 is to be received from such sources, such advance payment or reimbursement first having been
370 agreed upon by the grantor of the funds, in order to provide the necessary funds to meet the
371 expense for which the advance payment or reimbursement is to be made, the treasurer of the city
372 may, with the approval of the official whose approval is required by the city charter in the
373 borrowing of money, the treasurer of the town may, with the approval of the board of selectmen,
374 and the treasurer of the district may, with the approval of the prudential committee, if any,
375 otherwise the commissioners, incur debt outside the debt limit and issue notes therefor for a
376 period not exceeding 2 years from their dates, and may refund the same from time to time;
377 provided, however, that no loan shall be so refunded unless the auditor, in the case of a city, or
378 the accountant or chief accounting officer in the case of a town or district which has such an
379 officer, otherwise the treasurer, shall certify in a writing filed in the office of the treasurer, where

380 it shall be open to inspection by the public, that at the time such loan is refunded, the city, town
381 or district remains entitled to receive the advance payment or reimbursement in an amount at
382 least equal to the amount of the refunding loan. The proceeds of the advance payment or
383 reimbursement shall be applied to the discharge of the loan, without the necessity of further
384 appropriation. In the event the city, town or district shall no longer be entitled to receive advance
385 payment or reimbursement in an amount sufficient to pay all or any portion of a loan issued
386 under this section at the time such loan matures, the loan shall be paid from revenue funds of the
387 city, town or district to the extent it can no longer be refunded under this section. A payment
388 made by a city, town or district as provided in the preceding sentence shall be reported by the
389 auditor or accountant of the city, town or district, or other officer having similar duties, or by the
390 treasurer if there be no such officer, to the assessors, who shall include the amount so reported in
391 the determination of the next annual tax rate, unless the city, town or district has otherwise made
392 provision therefor. The provisions of chapter 74 of the acts of 1945 shall not apply to borrowing
393 under this section.

394 SECTION 31. Chapter 44 of the General Laws, as appearing in the 2014 Official
395 Edition, is hereby amended by striking out sections 7 and 8 and inserting in place thereof the
396 following sections:-

397 Section 7. Cities and towns may incur debt, by a two-thirds vote, within the limit of
398 indebtedness prescribed in section 10, for the following purposes and payable within the periods
399 hereinafter specified not to exceed 30 years or, except for clauses (2), (3), (6) and (7), within the
400 period determined by the director to be the maximum useful life of the public work,
401 improvement or asset being financed under any guideline issued under section 38:

402 (1) For the acquisition of interests in land or the acquisition of assets, or for the following
403 projects: the landscaping, alteration, remediation, rehabilitation or improvement of public land,
404 the dredging, improvement, restoration, preservation or remediation of public waterways, lakes
405 or ponds, the construction, reconstruction, rehabilitation, improvement, alteration, remodeling,
406 enlargement, demolition, removal or extraordinary repair of public buildings, facilities, assets,
407 works or infrastructure, including (i) the cost of original equipment and furnishings of the
408 buildings, facilities, assets, works or infrastructure, (ii) damages under chapter 79 resulting from
409 any such acquisition or project, and (iii) the cost of engineering, architectural or other services
410 for feasibility studies, plans or specifications as part of any acquisition or project; provided that
411 the interest in land, asset acquired or project shall have a useful life of at least 5 years; and
412 provided further, that the period of such borrowing shall not exceed the useful life of the interest
413 in land, asset acquired or project.

414 (2) For a revolving loan fund established under section 53E3/4; to assist in the
415 development of renewable energy and energy conservation projects on privately-held buildings,
416 property or facilities within the city or town, 20 years.

417 (3) For the payment of final judgments, 1 year or for a longer period of time approved by
418 a majority of the members of the municipal finance oversight board after taking into
419 consideration the ability of the city, town or district to provide other essential public services and
420 pay, when due, the principal and interest on its debts and such other factors as the board may
421 deem necessary or advisable.

422 (4) In Boston, for the original construction, or the extension or widening, with permanent
423 pavement of lasting character conforming to specifications approved by the Massachusetts

424 department of transportation established under chapter 6C and under the direction of the board of
425 park commissioners of the city of Boston, of ways, other than public ways, within or bounding
426 on or connecting with any public park in said city, including land damages and the cost of
427 pavement and sidewalks laid at the time of said construction, or for the construction of such
428 ways with stone, block, brick, cement concrete, bituminous concrete, bituminous macadam or
429 other permanent pavement of similar lasting character under specifications approved by said
430 department of highways, 10 years.

431 (5) For the cost of repairs to private ways open to the public under section 6N of chapter
432 40, 5 years.

433 (6) For the payment of charges incurred under contracts authorized by section 4 D of
434 chapter 40, but only for those contracts for purposes comparable to the purposes for which loans
435 may be authorized under this section. Each authorized issue shall constitute a separate loan, and
436 the loans shall be subject to the conditions of the applicable clauses of this section.

437 (7) For the cost of feasibility studies or engineering or architectural services for plans and
438 specifications for any proposed project for which a city, town or district is authorized to borrow,
439 5 years if issued before any other debt relating to the project is authorized, otherwise the period
440 for the debt relating to the project.

441 (8) For energy audits as defined in section 3 of chapter 25 A, if authorized separately
442 from debt for energy conservation or alternative energy projects; 5 years.

443 (9) For the development, design, purchase and installation of computer hardware or
444 software and computer assisted integrated financial management and accounting systems; 10
445 years.

446 (10) For the cost of cleaning up or preventing pollution caused by existing or closed
447 municipal facilities not referenced in clause (20) of section 8, including cleanup or prevention
448 activities taken pursuant to chapter 21E or chapter 21H, 10 years; provided, however, that no
449 indebtedness shall be incurred hereunder until plans relating to the project shall have been
450 submitted to and approved by the department of environmental protection.

451 (11) For any other public work, improvement or asset with a maximum useful life of at
452 least 5 years and not otherwise specified in this section, 5 years.

453 Section 8. Cities and towns may incur debt, by a two-thirds vote, outside the limit of
454 indebtedness prescribed in section 10, for the following purposes and payable within the periods
455 hereinafter specified or, except with respect to clauses (1), (2), (3A), (9) and (18), within such
456 longer period not to exceed 30 years determined by the director to be the maximum useful life of
457 the public work, improvement or asset being financed under any guidelines issued under section
458 38:

459 (1) For temporary loans under sections 4, 6, 6A, 17 and 17A, the periods authorized by
460 those sections.

461 (2) For maintaining, distributing and providing food, other common necessaries of life
462 and temporary shelter for their inhabitants upon the occasions and in the manner set forth in
463 section 19 of chapter 40, 2 years.

464 (3) For establishing or purchasing a system for supplying a city, town, or district and its
465 inhabitants with water, for taking or purchasing water sources, either from public land or private
466 sources, or water or flowage rights, for the purpose of a public water supply, or for taking or
467 purchasing land for the protection of a water system, 30 years.

468 (3A) For conducting groundwater inventory and analysis of the community water supply,
469 including pump tests and quality tests relating to the development of using said groundwater as
470 an additional source or a new source of water supply for any city, town or district, 10 years.

471 (4) For the construction or enlargement of reservoirs and the construction of filter beds,
472 for the construction or reconstruction or making extraordinary repairs to standpipes, buildings for
473 pumping stations including original pumping station equipment, and buildings for water
474 treatment, including original equipment therefor, and the acquisition of land or any interest in
475 land necessary in connection with any of the foregoing, 30 years.

476 (4A) For remodeling, reconstructing or making extraordinary repairs to reservoirs and
477 filter beds, 30 years; provided, however, that no indebtedness shall be incurred hereunder until
478 plans relating to the project shall have been submitted to the department of environmental
479 protection, and the approval of said department has been granted therefor.

480 (5) For constructing or reconstructing, laying or relaying aqueducts or water mains or for
481 the extension of water mains, or for lining or relining such mains, and for the development or
482 construction of additional well fields and for wells, 40 years.

483 (6) For the purchase and installation of water meters, 10 years.

484 (7) For the payment of the city, town or district share of the cost to increase the storage
485 capacity of any reservoir, including land acquisition, constructed by the water resources
486 commission for flood prevention or water resources utilization, 20 years.

487 (7A) For the purchase, replacement or rehabilitation of water departmental equipment, 10
488 years.

489 (8) For establishing, purchasing, extending, or enlarging a municipally-owned gas or
490 electric lighting plant, community antenna television system, or telecommunications system, 20
491 years.

492 (8A) For remodeling, reconstructing, or making extraordinary repairs to a municipally-
493 owned gas or electric lighting plant, community antenna television system, or
494 telecommunications system, when approved by a majority of the members of the municipal
495 finance oversight board, for the number of years not exceeding 10, as said board shall fix. Each
496 city or town seeking approval by the board of a loan under this clause shall submit to it all plans
497 and other information considered by the board to be necessary for a determination of the
498 probable extended use of such plant, community television antenna system or
499 telecommunications system likely to result from the remodeling, reconstruction, or repair, and in
500 considering approval under this clause of a requested loan and the terms thereof, special
501 consideration shall be given to that determination.

502 (9) For emergency appropriations that are approved by the director, not more than 2 years
503 or such longer period not to exceed 10 years as determined by the director after taking into
504 consideration the ability of the city, town or district to provide other essential public services and
505 pay, when due, the principal and interest on its debts, the amount of federal and state payments
506 likely to be received for the purpose of the appropriations and such other factors as the director
507 may deem necessary or advisable; provided, however that for the purposes of this clause,
508 "emergency" shall mean a sudden, unavoidable event or series of events which could not
509 reasonably have been foreseen or anticipated at the time of submission of the annual budget for
510 approval; provided further, that emergency shall not include the funding of collective bargaining
511 agreements or items that were previously disapproved by the appropriating authority for the

512 fiscal year in which the borrowing is sought; and provided further, that for the purposes of this
513 clause, debt may be authorized by the treasurer of the city, town or district, with the approval of
514 the chief executive officer in a city or town, or the prudential committee, if any, or by the
515 commissioners in a district.

516 (9A) For emergency appropriations approved by a majority of the members of the
517 municipal finance oversight board, up to the period fixed by law for the debt as determined by
518 the board; provided, however, that this clause shall apply only to appropriations for capital
519 purposes including, but not limited to, the acquisition, construction, reconstruction or repair of
520 any public building, work, improvement or asset and upon a demonstration by the city, town or
521 district that the process for authorizing debt in the manner otherwise provided by law imposes an
522 undue hardship in its ability to respond to the emergency; provided further, that for purposes of
523 this clause, "emergency" shall mean a sudden, unavoidable event or series of events which could
524 not reasonably have been foreseen or anticipated at the time of submission of the annual budget
525 for approval; and provided further, that for the purposes of this clause, debt may be authorized by
526 the treasurer of the city, town or district, with the approval of the chief executive officer in a city
527 or town, or the prudential committee, if any, or by the commissioners in a district.

528 (10) For acquiring land or constructing buildings or other structures, including the cost of
529 original equipment, as memorials to members of the army, navy, marine corps, coast guard, or
530 air force, 20 years.

531 The designation of any such memorial shall not be changed except after a public hearing
532 by the board of selectmen or by the city council of the municipality wherein said memorial is
533 located, notice of the time and place of which shall be given, at the expense of the proponents, by

534 the town or city clerk as the case may be, by publication not less than 30 days prior thereto in a
535 newspaper, if any, published in such town or city; otherwise, in the county in which such town or
536 city lies; and notice of which shall also have been given by the proponents, by registered mail,
537 not less than 30 days prior to such hearing, to all veterans' organizations of such town or city.

538 (11) For acquiring street railway or other transportation property under sections 143 to
539 158, inclusive, of chapter 161, operating the same, or contributing toward the sums expended or
540 to be expended by a transportation area for capital purposes, 10 years.

541 (12) For the acquisition, construction, establishment, enlargement, improvement or
542 protection of public airports, including the acquisition of land, 10 years. The proceeds of
543 indebtedness incurred hereunder may be expended for the acquisition, construction,
544 establishment, enlargement, improvement or protection of such an airport, including the
545 acquisition of land, jointly by 2 or more municipalities.

546 (13) For the financing of a program of eradication of Dutch elm disease, including all
547 disbursements on account of which reimbursement is authorized or may be authorized by the
548 commonwealth, county, any city or town, or by any manner of assessment or charges, pursuant
549 to and consistent with chapter 132, 5 years.

550 (14) For the construction of sewers, sewerage systems and sewage treatment and disposal
551 facilities, or for the lump sum payment of the cost of tie-in to such services in a contiguous city
552 or town, for a period not exceeding 30 years; provided, however, that either (i) the city or town
553 has an enterprise or special revenue fund for sewer services and that the accountant or auditor or
554 other officer having similar duties in the city or town shall have certified to the treasurer that
555 rates and charges have been set at a sufficient level to cover the estimated operating expenses

556 and debt service related to the fund, or (ii) the issuance of the debt is approved by a majority of
557 the members of the municipal finance oversight board.

558 (15) For the construction of municipal golf courses, including the acquisition of land, the
559 construction of buildings, and the cost of original equipment and furnishings, 20 years.

560 (16) For the payment of charges incurred under contracts authorized by section 4D of
561 chapter 40, but only for those contracts for purposes comparable to the purposes for which loans
562 may be authorized under this section. Each authorized issue shall constitute a separate loan, and
563 the loans shall be subject to the conditions of the applicable clauses of this section.

564 (17) For the construction of a regional incinerator for the purpose of disposing solid
565 waste, refuse and garbage by 2 or more communities, 20 years.

566 (18) For the lending or granting of money to industrial development financing authorities
567 and economic development and industrial corporations, with the approval of the Massachusetts
568 office of business development and the director of housing and community development, 20
569 years.

570 (19) For the purposes of implementing a project financed in whole or in part by the
571 Farmers Home Administration of the United States Department of Agriculture, pursuant to 7
572 USC 1921, et seq., up to 40 years. Regional school districts established under any general or
573 special law shall be authorized to incur debt for the purposes and within the limitations described
574 in this clause.

575 (20) For the cost of cleaning up or preventing pollution caused by existing or closed
576 landfills or other solid waste disposal facilities, including clean up or prevention activities taken

577 pursuant to chapter 21E or chapter 21H, 30 years; provided, however, that no indebtedness shall
578 be incurred hereunder until plans relating to the project shall have been submitted to the
579 department of environmental protection and the approval of said department has been granted
580 therefor.

581 (21) For the construction of incinerators, refuse transfer facilities, recycling facilities,
582 composting facilities, resource recovery facilities or other solid waste disposal facilities, other
583 than landfills, for the purpose of disposing of waste, refuse and garbage, 25 years; provided,
584 however, that no indebtedness shall be incurred hereunder until plans relating to the project shall
585 have been submitted to the department of environmental protection and the approval of said
586 department has been granted therefor.

587 (22) For remodeling, reconstructing or making extraordinary repairs to incinerators,
588 refuse transfer facilities, recycling facilities, resource recovery facilities or other solid waste
589 disposal facilities, other than landfills, owned by the city, town or district, and used for the
590 purpose of disposing of waste, refuse and garbage, 10 years; provided, however, that no
591 indebtedness shall be incurred hereunder until plans relating to the project shall have been
592 submitted to the department of environmental protection and the approval of said department has
593 been granted therefor.

594 (23) For the purpose of closing out a landfill area, opening a new landfill area, or making
595 improvements to an existing landfill area, 25 years; provided, however, that no indebtedness
596 shall be incurred hereunder until plans relating to the project shall have been submitted to the
597 department of environmental protection and the approval of said department has been granted
598 therefor.

599 (24) For the acquisition of a dam or the removal, repair, reconstruction and improvements
600 to a dam owned by a municipality, as may be necessary to maintain, repair or improve such dam,
601 40 years; provided, however, that this clause shall include dams as defined in section 44 of
602 chapter 253 acquired by gift, purchase, eminent domain under chapter 79 or otherwise and
603 located within a municipality, including any real property appurtenant thereto, if the dam and any
604 appurtenant real property is not at the time of such acquisition owned or held in trust by the
605 commonwealth.

606 SECTION 32. Section 9 of chapter 44 of the General Laws, as so appearing, is hereby
607 amended by striking out, in line 8, the words "(6), (7), or (7A)" and inserting in place thereof the
608 following words:- or (6).

609 SECTION 33. Section 17 of said chapter 44, as so appearing, is hereby amended by
610 striking out the first paragraph and inserting in place thereof the following paragraph:-

611 If a city, town or district votes to issue bonds, notes or certificates of indebtedness in
612 accordance with law, the officers authorized to issue the same may, in the name of such city,
613 town or district, make a temporary loan for a period of not more than 2 years in anticipation of
614 the money to be derived from the sale of such bonds, notes or certificates, and may issue notes
615 therefor. A city, town or district may refund, by the issue of other notes, a temporary loan issued
616 under the authority of the first sentence; provided, however, that the period from the date of issue
617 of the original loan to the date of maturity of the refunding loan shall not exceed 2 years, unless
618 such temporary loan is paid in part from revenue funds of the city, town or district as hereinafter
619 provided for, in which case the period from the date of issue of the original loan to the date of
620 maturity of the refunding loan shall not exceed 10 years. A temporary loan refunded under this

621 section shall be paid in part from revenue funds of the city, town or district at or before the
622 maturity date of any such refunding loan that is issued to mature more than 2 years, but not more
623 than 3 years, from the date of issue of the original loan. A like payment from revenue funds
624 shall be made at or before the maturity date of any such refunding loan that is issued to mature
625 more than 3 years, but not more than 4 years, from the date of issue of the original loan and again
626 at or before the maturity date of any such refunding loan that is issued to mature more than 4
627 years but not more than 5 years; more than 5 years but not more than 6 years; more than 6 years
628 but not more than 7 years; more than 7 years but not more than 8 years; more than 8 years but
629 not more than 9 years, from the date of the original loan, and again at or before the maturity date
630 of any such refunding loan that is issued to mature more than 9 years from the date of issue of
631 the original loan. Each such payment from revenue funds shall be at least equal to the minimum
632 annual payment which would have been required if such temporary loan had been converted to a
633 serial loan prior to its first refunding that required a payment from revenue funds under this
634 section, and the authorized amount of the serial loan shall be reduced by the aggregate amount of
635 all such payments. Each payment made by a city, town or district as provided in the preceding
636 sentence shall be reported by the auditor or accountant of the city or town or other officer having
637 similar duties, or by the treasurer if there be no such officer, to the assessors, who shall include
638 the amount so reported in the determination of the next annual tax rate, unless the city, town or
639 district has otherwise made provision therefor. The amount of a payment from revenue funds
640 made by a regional school district or regional refuse disposal district as provided herein shall be
641 included in the next annual district operating and maintenance budget, unless the regional district
642 committee has otherwise made provision therefor. The time within which a serial loan shall be
643 due and payable shall not be extended by reason of the making of a temporary loan hereunder

644 beyond the time fixed by law. If a balance remains in the proceeds of a temporary loan issued in
645 anticipation of a serial loan at the time when the serial loan is issued, said balance may be
646 applied to the payment of such temporary loan.

647 SECTION 34. Section 19 of said chapter 44, as so appearing, is hereby amended by
648 inserting the following paragraph:-

649 Notwithstanding any general or special law to the contrary, the final payment on account
650 of any bonds issued by a city, town or district may be made not later than the end of the fiscal
651 year in which such bonds would otherwise have been payable under this chapter, or any other
652 statutory authority under which the issuance of any such bonds was otherwise authorized.

653 SECTION 35. Said chapter 44, as so appearing, is hereby amended by striking out
654 section 20 and inserting in place thereof the following section:-

655 Section 20. The proceeds of any sale of bonds or notes shall be used only for the
656 purposes specified in the authorization of the loan, and may also be used for costs of preparing,
657 issuing and marketing the bonds or notes, except as otherwise authorized by this section. If a
658 balance remains after the completion of the project for which the loan was authorized, the
659 balance may at any time be appropriated by a city, town or district for any purposes for which a
660 loan may be incurred for an equal or longer period of time than that for which the original loan,
661 including temporary debt, was issued. Any balance not in excess of 50,000 dollars may be
662 applied, with the approval of the chief executive officer, for the payment of indebtedness. If a
663 loan has been issued for a specified purpose but the project for which the loan was authorized
664 has not been completed and no liability remains outstanding and unpaid on account thereof, a
665 city by a two-thirds vote of all of the members of the city council, or a town or district, by a two-

666 thirds vote of the voters present and voting thereon at an annual town or district meeting, may
667 vote to abandon or discontinue the project and the unexpended proceeds of the loan may be
668 appropriated for any purpose for which a loan may be authorized for an equal or longer period of
669 time than that for which the original loan, including temporary debt, was issued. Any premium
670 received upon the sale of the bonds or notes, less the cost of preparing, issuing and marketing
671 them, and any accrued interest received upon the delivery of the bonds or notes shall be (i)
672 applied, if so provided in the loan authorization, to the costs of the project being financed by the
673 bonds or notes and to reduce the amount authorized to be borrowed for the project by like
674 amount; or (ii) appropriated for a project for which the city, town or district has authorized a
675 borrowing, or may authorize a borrowing, for an equal or longer period of time than the original
676 loan, including any temporary debt, was issued, thereby reducing the amount of any bonds or
677 notes authorized to be issued for the project by like amount. Notwithstanding this section, no
678 appropriation from a loan or balance thereof shall be made that would increase the amount
679 available from borrowed money for any purpose to an amount in excess of any limit imposed by
680 general law or special act for that purpose. Additions to the levy limit for a debt exclusion are
681 restricted to the true interest cost incurred to finance the excluded project.

682 SECTION 36. Said chapter 44, as so appearing, is hereby amended by striking out
683 section 21A and inserting in place thereof the following section:-

684 Section 21A. The city council of a city, the board of selectmen of a town and the
685 prudential committee, if any, otherwise, the commissioners of a district, may authorize and
686 provide for the issuance of refunding bonds or notes of the city, town or district for the purpose
687 of paying or refunding all or any designated part of an issue of bonds or notes then outstanding,
688 including the amount of any redemption premium thereon; provided, however, that no such

689 refunding bonds or notes shall be payable over a period longer than the period during which the
690 original bonds or notes so refunded must be paid pursuant to law; and provided, further, that,
691 notwithstanding any provision of any general or special law, city charter, city ordinance or city
692 council rule or order to the contrary, any vote of the city council of a city authorizing and
693 providing for the issuance of refunding bonds or notes of the city may be introduced and given
694 final passage at 1 meeting of the city council, shall not be subject to any publication requirement,
695 shall not be subject to any referendum provision, and shall be effective upon passage. The first
696 annual payment of principal on account of an issue of refunding bonds or notes shall not be later
697 than the last day of the fiscal year in which any of the bonds or notes being refunded would
698 otherwise have been payable and the annual payments thereafter shall be arranged in accordance
699 with the provisions of section 19; provided, however, that any annual payment earlier than the
700 date on which the first annual payment is required to be made, may be in any amount. Except as
701 otherwise provided in this section, the issuance of such refunding bonds or notes shall be
702 governed by the applicable provisions of this chapter. Refunding bonds or notes issued under
703 this section shall be subject to the same limit of indebtedness, if any, as the bonds or notes
704 refunded by them; provided, however, that upon the issuance of such refunding bonds or notes,
705 the bonds or notes refunded shall no longer be counted in determining any limit of indebtedness
706 of the city, town or district under this chapter or any other applicable provision of law. If such
707 refunding bonds or notes are issued prior to the maturity or redemption date of the original bonds
708 or notes refunded, an amount of the proceeds of the refunding bonds or notes and other moneys
709 then available or to become available to the city, town or district, which moneys may include
710 income to be derived from the investment of such proceeds, sufficient to pay or provide for the
711 payment of the principal, redemption premium, if any, and interest on the bonds or notes so

712 refunded to the date fixed for their payment or redemption shall be held in a separate fund and in
713 trust solely for the payment of such principal, redemption premium and interest. The funds so
714 held may be invested pursuant to section 55 and the income derived from such investment may
715 be expended by the treasurer to pay the principal, redemption premium, if any, and interest on
716 the bonds or notes refunded until they are paid or redeemed; provided, however, that
717 notwithstanding any limitations on the maturity of investments under section 55, any such
718 investment may have a maturity not later than the date fixed for the payment or redemption of
719 the bonds or notes refunded.

720 The present value of the principal and interest payments due on refunding bonds issued
721 under this section shall not exceed the present value of the principal and interest payments to be
722 paid on the bonds to be refunded, except as otherwise provided in this section. The city, town, or
723 regional school district shall notify the department of education in the event that bonds or notes
724 issued for an approved school project under chapter 645 of the acts of 1948 are refunded under
725 this section and the amount of the state construction grant payable to the city, town, or regional
726 school district shall not be affected by any increase in the amount of interest payable on the
727 refunding bonds or notes, but shall be affected by any decrease in the amount of interest payable
728 on the refunding bonds or notes for school building projects approved after July 1, 1995. Upon
729 receipt of notification from a city, town or regional school district of a decrease in the amount of
730 interest payable related to such projects, the department of education shall recalculate the amount
731 of the state construction grant that is payable to such city, town or regional school district.

732 If the mayor or city manager in a city, the board of selectmen of a town or the prudential
733 committee of a district determines that the issuance of refunding bonds is reasonable and
734 necessary in order to maintain the tax-exempt status of outstanding bonds or notes of the city,

735 town or district, the official, board or committee may authorize refunding bonds for that purpose,
736 even if the present value of the principal and interest payments due on the refunding bonds
737 exceeds the present value of the principal and interest payments otherwise payable on the bonds
738 to be refunded.

739 SECTION 37. Said chapter 44, as so appearing, is hereby amended by inserting after
740 section 21B the following section:-

741 Section 21C. A city, town or district may by a two-thirds vote of its legislative body, if
742 recommended by its chief executive officer, authorize any department of the city, town or district
743 to enter into a lease purchase financing agreement to acquire equipment or improve a capital
744 asset that may be financed by the issuance of debt under this chapter or otherwise authorized by
745 law, for a term up to the useful life of the property to be procured as determined by its chief
746 executive officer. Any lease purchase financing agreement under this section shall be considered
747 a binding obligation of the city, town or district as if it were a debt authorization under this
748 chapter, provided an appropriation available for the purpose has been made in the first fiscal year
749 in which the lease becomes effective. Any city, town or district that follows the procedure in this
750 section with respect to entering into a lease purchase financing agreement for the procurement of
751 any personal property for the governmental entity, may refinance the purchase with the issuance
752 of refunding bonds under section 21A to pay the balance of the lease obligation.

753 SECTION 38. Section 25 of said chapter 44 is hereby repealed.

754 SECTION 39. Section 31 of said chapter 44, as so appearing, is hereby amended by
755 inserting after the word “only”, in line 10, the following words:- upon a declaration by the
756 governor of a state of emergency with respect to the disaster or.

757 SECTION 40. Said section 31 of said chapter 44, as so appearing, is hereby further
758 amended by striking out the third sentence and inserting in place thereof the following sentence:-
759 Payments of final judgments, awards or payments ordered or approved by a state or federal court
760 or adjudicatory agency may, upon certification by the city solicitor or town counsel that no
761 appeal can or will be taken and as required by municipal charter, ordinance or by-law, be made
762 from any available funds in the treasury, and the payments so made shall be reported by the
763 auditor or accountant or other officer having similar duties, or by the treasurer if there be no such
764 officer, to the assessors, who shall include the amount so reported in the aggregate appropriations
765 assessed in the determination of the next subsequent annual tax rate, unless the city or town has
766 otherwise made provision therefor.

767 SECTION 41. Said section 31 of said chapter 44, as so appearing, is hereby further
768 amended by inserting after the word "selectmen", in line 38, the following words:- , and the
769 district counsel in place of the city solicitor or town counsel.

770 SECTION 42. Section 31D of said chapter 44, as so appearing, is hereby amended by
771 striking out, in lines 4 through 8, the words "town manager and the finance or advisory
772 committee in a town having a town manager, by the selectmen and the finance or advisory
773 committee in any other town, by the city manager and the city council in a city having a city
774 manager or by the mayor and city council in any other city" and inserting in place thereof the
775 following words:- chief administrative officer.

776 SECTION 43. Subsection (a) of section 33B of said chapter 44, as so appearing, is
777 hereby amended by striking out the second sentence and inserting in place thereof the following
778 sentence:- In addition, the city council may, by majority vote, on recommendation of the mayor,

779 transfer within the last 2 months of any fiscal year, or during the first 15 days of the new fiscal
780 year to apply to the previous fiscal year, any amount appropriated other than for the use of a
781 municipal light department or a school department to any other appropriation.

782 SECTION 44. Subsection (b) of said section 33B of said chapter 44 of the General Laws,
783 as so appearing, is hereby amended by striking out the second sentence and inserting in place
784 thereof the following sentence:- Alternatively, the selectmen, with the concurrence of the finance
785 committee or other entity established under section 16 of chapter 39, may transfer within the last
786 2 months of any fiscal year, or during the first 15 days of the new fiscal year to apply to the
787 previous fiscal year, any amount appropriated other than for the use of a municipal light
788 department or a school department to any other appropriation.

789 SECTION 45. Said chapter 44, as so appearing, is hereby amended by striking out
790 sections 35, 36 and 37 and inserting in place thereof the following section:-

791 Section 35. Cities, towns, districts, and regional school districts shall conduct periodic
792 audits of their accounts, according to any standards established by the director under section 38,
793 and shall engage for that purpose a professional auditing firm or other independent accountant as
794 may be necessary or appropriate. The chief executive officer of a city or town, the prudential
795 committee, if any, otherwise the commissioners, of a district, or the regional district school
796 committee may also cause an audit to be performed when, in their opinion, the condition of the
797 accounts is such as to warrant the making of such audit necessary and useful.

798 Notwithstanding any general or special law that provides for the director to cause an
799 annual or other periodic audit of a regional or other governmental unit created within 1 or more
800 cities or towns of the commonwealth to provide public services or conveniences, such

801 governmental unit shall be considered a district for purposes of conducting a periodic audit under
802 this section and sections 38, 39, 40, 41 and 42. Upon the completion of each audit, a copy shall
803 be sent to the chief executive officer of each city or town which is a member of the governmental
804 unit. The cost of each audit shall be a current expense of the governmental unit and shall be
805 apportioned among the several cities and towns that are members of the unit in the same manner
806 as other such expenses.

807 SECTION 46. Said chapter 44, as so appearing, is hereby further amended by striking
808 out sections 38, 39, 40 and 41 and inserting in place thereof the following 4 sections:-

809 Section 38. The director shall make, and from time to time revise, such reasonable rules,
810 regulations and guidelines, as may be necessary to establish minimum standards and methods of
811 municipal and district accounting systems as the director determines are most effective in
812 securing uniformity of classification in the accounts of cities, towns, and districts. Such
813 accounting classifications, so far as they pertain to municipal or regional school committees,
814 shall be subject to the advice and approval of the commissioner of elementary and secondary
815 education. The specific areas to which such standards may relate shall include but are not
816 limited to the following: the administration of all laws regarding city, town or district revenues,
817 expenditures and debt, including the maximum useful life of projects, improvements or assets
818 being financed with debt; the systematic accounting of financial transactions; the adequacy of
819 financial records; and the frequency and content of audits.

820 The director may, upon request or the director's own initiative, give an opinion to a city,
821 town or district auditor, accountant or other officer having similar duties, collector, treasurer or
822 other board or other officer, upon any question arising under any statute relating to accounting

823 for revenues and expenditures and issuance of debt. The director may visit any city, town or
824 district, inspect the work of its auditor, accountant or other officer having similar duties,
825 collector, treasurer, or other officer having charge of any financial accounts or records; and
826 require of them any information considered necessary regarding the procedures used in keeping
827 the accounts or records, including access to all necessary papers, vouchers, books, records, and
828 data. The director may require of city, town, or district officials such action as will tend to
829 produce uniformity of accounting systems and standards through the commonwealth

830 Section 39. Upon the completion of audits under section 35, the firm or person selected
831 by the city, town or district shall render a report to the chief executive officer of the city or town,
832 or other board or officer required by charter, or the prudential committee or commissioners of the
833 district, embodying the results of the findings, with any suggestions considered advisable for the
834 proper administration of the finances of the city, town, or district. A copy of the audit report
835 shall be furnished to the director.

836 Section 40. For the purpose of conducting audits of the accounts of all cities and towns
837 annually, and of the accounts of each district and regional school district as often as once in 2
838 years or annually as determined by the prudential committee, if any, otherwise the
839 commissioners, or the regional district school committee, the firm or person engaged for such
840 purpose shall have access to all necessary papers, books, and records. All accounts subject to
841 audit by town auditors under section 53 of chapter 41 shall be subject to audit, and the trustees of
842 any property the principal or income of which, in whole or in part, was bequeathed or given in
843 trust for public uses for the benefit of the city or town or any part thereof, or for the benefit of the
844 inhabitants of the city or town or any part thereof, shall give the firm or person access to their
845 accounts, funds, securities and evidences of property for the purposes of the audit. Upon the

846 completion of each audit as aforesaid, a report thereunder shall be made to the mayor and city
847 council in cities, the selectmen in towns, the prudential committee and commissioners in a
848 district, and the regional district school committee in a regional school district, and a copy of the
849 same shall be furnished to the city, town or district clerk, who shall cause the same or a summary
850 of its essential features to be published at the expense of the city, town or district. A copy of the
851 audit report shall be furnished to the director of accounts. If embezzlement or other criminal
852 activity is suspected as a result of audit findings, the foregoing city, town, or district officials
853 shall bring the relevant information to the attention of the district attorneys and attorney general
854 and give assistance to any investigation instituted in response.

855 Commencing with the fiscal year 1987, regional school districts may satisfy the
856 requirements of the Single Audit Act of 1984, 31 USC Sec. 7502, by causing audits of its records
857 to be made annually or biennially by an independent auditor to be selected by such regional
858 school districts to conduct such audits. Such audits shall be made in accordance with federal
859 government auditing standards.

860 Section 41. Whenever it appears to the director that a city, town or district has failed to
861 meet the minimum standards and methods of municipal and district accounting prescribed under
862 section 38, or to provide the information required under section 43 or other statute, the director
863 shall notify the city, town or district of the actions necessary to ensure compliance or to provide
864 the required information. The notice shall contain a statement that failure to comply may result
865 in the director taking action to ensure compliance, including contracting for any services
866 necessary or appropriate to do so. If such city or town fails, within a reasonable time, to comply
867 with the requirements of the director, and continues to fail to comply, the director may contract
868 on behalf of the city or town for any professional or technical services necessary to meet the

869 standards or obtain the necessary information. The costs of the services shall be incurred by the
870 commonwealth; and payment shall be deducted by the state treasurer under section 20A of
871 chapter 58 from any amount distributable or payable by the commonwealth to such city or town.

872 SECTION 47. Said chapter 44, as so appearing, is hereby further amended by striking
873 out section 42 and inserting in place thereof the following section:-

874 Section 42. Whenever a city, town or district causes an audit of its accounts or the
875 accounts of separate departments to be made by a firm or person of its own selection, the city,
876 town or district clerk shall immediately, upon the employment of such firm or person, file the
877 name and address with the director, and such firm or person shall, within 10 days after making
878 the report of the audit and recommendations to the city, town or district, file a certified copy
879 thereof with the director.

880 SECTION 48. Said chapter 44, as so appearing, is hereby further amended by striking
881 out sections 43 and 44 and inserting in place thereof the following 2 sections:-

882 Section 43. The director shall annually require the auditor or other accounting officer of
883 each city and town to submit schedules to provide for uniform returns giving detailed statements
884 of all receipts classified by sources, and all payments classified by objects, for its last fiscal year;
885 a statement of the public debt showing the purpose for which each item of the debt was created
886 and the provision made for the payment thereof; and a statement of assets and liabilities at the
887 close of the fiscal year. The director may prescribe standard forms intended to promote the
888 systematic accounting of financial transactions and the publication of the same in the city and
889 town reports. The director shall collect from the proper local authorities such other information
890 pertaining to municipal affairs as in the director's judgment may be of public interest. All

891 accounting and other officials and custodians of public money of cities and towns shall properly
892 complete and return promptly to the director all schedules required of them. If a city or town
893 fails within 60 days after a request has been made by the director to furnish the information to be
894 collected under this section, the director may obtain the information in accordance with section
895 41.

896 Section 44. The commissioner of revenue may obtain and compile statistics about the
897 financial affairs of cities and towns and other information of public interest pertaining to
898 municipal affairs. Such statistics and other information the commissioner deems relevant may be
899 published and distributed through such means and methods as the commissioner shall choose.
900 The commissioner may also publish, at such intervals as is considered advisable, bulletins or
901 special reports of the director about municipal affairs.

902 SECTION 49. Said chapter 44, as so appearing, is hereby further amended by striking
903 out section 46A and inserting in place thereof the following section:-

904 Section 46A. The director may, if conditions appear to the director to warrant it, review
905 the accounts and financial transactions and affairs of a city or town, or of any department, board,
906 commission or officer thereof. For the purpose of conducting the review, the director may visit
907 any city, town, or district office and require any information the director considers necessary.
908 Upon the completion of any review, the director may publish a summary of its essential features.
909 A municipal officer or employee or a member of a municipal department, board or commission
910 whose accounts or transactions are being reviewed under this section shall afford to the director
911 such assistance as the director may require. Refusal or neglect by such an officer, employee or

912 member to afford such assistance shall be punished by a fine of not more than 500 dollars or by
913 imprisonment for not more than 1 year, or both.

914 SECTION 50. Section 53 of said chapter 44, as so appearing, is hereby amended by
915 striking out clauses (2) and (3) and inserting in place thereof the following clauses:-

916 (2) sums not in excess of 150,000 dollars recovered under the terms of fire or physical
917 damage insurance policy or received in restitution for damage done to such city, town or district
918 property may, with the approval of the chief executive officer, be used by the officer or
919 department having control of the city, town or district property for the restoration or replacement
920 of such property without specific appropriation during the fiscal year in which they are received
921 or 120 days after receipt, whichever is later, and (3) sums recovered from pupils in the public
922 schools for loss of or damage to school books, materials, electronic devices or other learning aids
923 provided by the school committee, or paid by pupils for materials used in the industrial arts
924 projects, may be used by the school committee for the restoration or replacement of such books
925 or materials without specific appropriation.

926 SECTION 51. Section 53A of said chapter 44 of the General Laws, as so appearing, is
927 hereby amended by inserting after the first sentence the following sentence:-

928 In the case of grants from the federal government or from the commonwealth, a county or
929 municipality or agency or instrumentality thereof, upon receipt of an agreement from the grantor
930 to provide advance payment or reimbursement to the city, town or district, the officer or
931 department may spend the amount of the advance payment, or the amount to be reimbursed, for
932 the purposes of the grant, subject to the approvals required by this section. Any advance
933 payment or reimbursement shall be applied to finance the grant expenditures; but any

934 expenditures outstanding at the close of the fiscal year after the fiscal year in which the grantor
935 approved the agreement shall be reported by the auditor or accountant of the city, town or
936 district, or other officer having similar duties, or by the treasurer if there be no such officer, to
937 the assessors, who shall include the amount so reported in the determination of the next annual
938 tax rate, unless the city, town or district has otherwise made provision therefor.

939 SECTION 52. Said chapter 44, as so appearing, is hereby amended by striking out
940 section 53E½ and inserting in place thereof the following section:-

941 Section 53E½. Notwithstanding section 53, a city or town may authorize by by-law or
942 ordinance the use of 1 or more revolving funds by 1 or more municipal agency, board,
943 department or office which shall be accounted for separately from all other monies in the city or
944 town and to which shall be credited any fees, charges or other receipts from the departmental
945 programs or activities supported by the revolving fund. Expenditures may be made from such
946 revolving fund without further appropriation, subject to the provisions of this section; provided,
947 however, that expenditures shall not be made or liabilities incurred from any such revolving fund
948 in excess of the balance of the fund nor in excess of the total authorized expenditures from such
949 fund, nor shall any expenditures be made unless approved in accordance with sections 41, 42, 52
950 and 56 of chapter 41.

951 Interest earned on any revolving fund balance shall be treated as general fund revenue of
952 the city or town. No revolving fund may be established under this section for receipts of a
953 municipal water or sewer department, a municipal hospital or a cable television access service or
954 facility or for receipts reserved by law, or as authorized by law, for expenditure for a particular
955 purpose. No revolving fund expenditures shall be made for the purpose of paying any wages or

956 salaries for full time employees unless the revolving fund is also charged for the costs of fringe
957 benefits associated with the wages or salaries so paid; provided, however, that such prohibition
958 shall not apply to wages or salaries paid to full or part-time employees who are employed as
959 drivers providing transportation for public school students; provided further, that only that
960 portion of a revolving fund which is attributable to transportation fees may be used to pay such
961 wages or salaries and provided, further, that any such wages or salaries so paid shall be reported
962 in the budget submitted for the next fiscal year.

963 A revolving fund shall be established under this section by by-law or ordinance. The by-
964 law or ordinance shall specify for each fund: (1) the programs or activities for which the
965 revolving fund may be expended; (2) the departmental receipts in connection with those
966 programs or activities that shall be credited to the revolving fund; (3) the board, department or
967 officer authorized to expend from such fund; (4) and any reporting or other requirements the city
968 or town may impose. The establishment of any fund shall be made not later than the beginning
969 of the fiscal year in which the fund shall begin. Notwithstanding this section, whenever, during
970 the course of any fiscal year, any new revenue source becomes available for the establishment of
971 a revolving fund under this section, such a fund may be established in accordance with this
972 section upon certification by the city auditor, town accountant, or other officer having similar
973 duties, that the revenue source was not used in computing the most recent tax levy.

974 The city or town shall, on or before July 1, of each year vote the limit on the total amount
975 that may be expended from each revolving fund established under this section. In any fiscal year
976 the limit on the amount that may be spent from a revolving fund may be increased with the
977 approval of the city council and mayor in a city, or with the approval of the selectmen and
978 finance committee in a town.

979 Upon termination of any revolving fund, the balance in the fund at the end of that fiscal
980 year shall revert to surplus revenue at the close of the fiscal year.

981 The director of accounts may issue guidelines further regulating revolving funds
982 established under this section.

983 SECTION 53. Section 53F of said chapter 44, as so appearing, is hereby amended by
984 striking out the second sentence.

985 SECTION 54. The second paragraph of said section 53F of said chapter 44, as so
986 appearing, is hereby amended by striking out the first sentence and inserting in place thereof the
987 following sentence:- Such agreements shall contain such terms and conditions as the treasurer or
988 collector may deem appropriate to ensure fiscal stability and full disclosure.

989 SECTION 55. Said section 53F of said chapter 44, as so appearing, is hereby further
990 amended by striking out the fourth and fifth paragraphs and inserting in place thereof the
991 following paragraph:-

992 A treasurer or collector who has entered into an agreement pursuant to this section shall
993 produce an annual report in order to determine whether funds maintained on deposit with a
994 banking institution have exceeded the amount required by said agreement. Such report shall
995 identify each banking institution with which such agreement was maintained in the year covered
996 by the report, and the average daily amount, if any, maintained on deposit with such banking
997 institution in excess of the amount necessary to fulfill the terms of agreement. A copy of such
998 report shall be provided to the collector or treasurer, the mayor and city council, the selectmen,
999 the regional school committee, the prudential committee, if any, otherwise the commissioners, of
1000 the city, town, or district, and a copy of the same shall be furnished to the inspector general.

1001 SECTION 56. Section 53G of said chapter 44, as so appearing, is hereby amended by
1002 inserting after the word "by-law", in line 8, the following words:- , or by rules promulgated by
1003 any municipal permit or license granting officer or board when implementing authority conferred
1004 under any statute, ordinance or by-law.

1005 SECTION 57. Said chapter 44, as so appearing, is hereby further amended by inserting
1006 after section 53G the following section:-

1007 Section 53G½. Notwithstanding section 53, in a city or town that provides by by-law,
1008 ordinance, rule, regulation or contract for the deposit of cash, bonds, negotiable securities,
1009 sureties or other financial guarantees to secure the performance of any obligation by an applicant
1010 as a condition of a license, permit or other approval or authorization, the monies or other security
1011 received may be deposited in a special account. Such by-law, ordinance, rule or regulation shall
1012 specify (1) the type of financial guarantees required; (2) the treatment of investment earnings, if
1013 any; (3) the performance required and standards for determining satisfactory completion or
1014 default; (4) the procedures the applicant must follow to obtain a return of the monies or other
1015 security; (5) the use of monies in the account upon default; and (6) any other conditions or rules
1016 as the city or town determines are reasonable to ensure compliance with the obligations. Any
1017 such account shall be established by the municipal treasurer in the municipal treasury and shall
1018 be kept separate and apart from other monies. Monies in the special account may be expended
1019 by the authorized board, commission, department or officer, without further appropriation, to
1020 complete the work or perform the obligations, as provided in the bylaw, ordinance, rule or
1021 regulation. This section shall not apply to deposits or other financial surety received under
1022 section 81U of chapter 41 or other general or special law.

1023 SECTION 58. Said chapter 44, as so appearing, is hereby further amended by striking
1024 out section 53I and inserting in place thereof the following 2 sections:-

1025 Section 53I. A city or town, for the celebration of the two hundredth, two hundred and
1026 fiftieth, three hundredth and three hundred and fiftieth anniversary of its settlement or
1027 incorporation and for the celebration of any semicentennial anniversary occurring thereafter or
1028 for other special celebration or event sponsored by the city or town for the benefit, enjoyment
1029 and edification of its residents and visitors, may appropriate money annually during the 5 years
1030 preceding such anniversary or special event. Notwithstanding the provisions of section 53 or any
1031 other law to the contrary, such city or town may establish in its treasury a special fund in which
1032 shall be deposited such sums as may be appropriated by it under this section, and any and all
1033 sums received from the sale of commemorative items, admission charges or other monies
1034 received in connection with the anniversary or special event. Any and all such sums received by
1035 the treasurer shall be kept separate from other moneys, funds or property of such city or town
1036 and the principal and interest thereof may, from time to time upon the authorization of the mayor
1037 or city manager, as the case may be, the board of selectmen or the majority of any special
1038 committee established to plan such celebration or special event, be expended for the purposes of
1039 said celebration or special event in the year of such celebration or special event and in the year
1040 preceding or succeeding the same. Any surplus remaining in said special fund after such
1041 celebration or special event is concluded, shall be transferred by such treasurer into the treasury
1042 of such city or town.

1043 Section 53J. Notwithstanding sections 53 and 53F½, in any city, town or district that
1044 borrows money to pay for improvements for which betterments or special assessments are
1045 assessed, revenues from such betterment and assessments, including interest charged thereon,

1046 shall be reserved for appropriation for the payment of debt issued in connection with such
1047 improvements. Any such revenues received by the treasurer shall be kept separate from all other
1048 monies of such city, town or district. Interest earned on the revenues shall remain with and
1049 become part of such revenues available for appropriation. No appropriations from the revenues
1050 for payments of principal and interest on such debt issue for any fiscal year shall exceed the
1051 same percentage of the principal and interest payment due in such year as the percentage of
1052 project costs for which the betterments or special assessments are assessed. Any surplus
1053 remaining after such debt is repaid shall belong to any enterprise fund established under section
1054 53F½ that the improvement for which the betterments or special assessments are assessed is part
1055 of, or if no such enterprise fund is established, to the general fund of such city, town or district.

1056 SECTION 59. Section 55 of said chapter 44, as so appearing, is hereby amended by
1057 striking out the fourth sentence and inserting in place thereof the following sentence:-

1058 A treasurer of a city, town, district or regional school district may invest or deposit the
1059 portion of revenue cash as the treasurer shall deem not required to pay expenses until the cash is
1060 available and all or any part of the proceeds from the issue of bonds or notes, prior to their
1061 application to the payment of liabilities incurred for the purposes for which the bonds or notes
1062 were authorized in (1) term deposits or certificates of deposit having a maturity date from date of
1063 purchase of up to 3 years; (2) trust companies, national banks, savings banks, banking companies
1064 or cooperative banks; (3) obligations issued or unconditionally guaranteed by the United States
1065 government or any agency thereof having a maturity from date of purchase of 1 year or less; (4)
1066 United States government securities or securities of United States government agencies
1067 purchased under an agreement with a trust company, national bank or banking company to
1068 repurchase at not less than the original purchase price of said securities on a fixed date, not to

1069 exceed 90 days; (5) shares of beneficial interest issued by money market funds registered with
1070 the Securities and Exchange Commission under the Investment Company Act of 1940, as
1071 amended, operated in accordance with Section 270.2a-7 of Title 17 of the Code of Federal
1072 Regulations, that have received the highest possible rating from at least 1 nationally recognized
1073 statistical rating organization and the purchase price of shares of beneficial interest purchased
1074 pursuant to this section shall not include any commission that these companies may charge; or
1075 (6) participation units in a combined investment fund under section 38A of chapter 29; provided,
1076 however, that no temporary notes in anticipation of revenue shall be issued under section 4 as
1077 long as any revenue cash, exclusive of revenue sharing or other revenue cash the use of which is
1078 restricted to purposes other than current maintenance expenses, remains so invested.

1079 SECTION 60. Section 69 of said chapter 44, as so appearing, is hereby amended by
1080 inserting after the word "check", each time it appears in lines 1, 4 and 10, the following words:-
1081 or electronic funds transfer.

1082 SECTION 61. Said section 69 of said chapter 44, as so appearing, is hereby further
1083 amended by striking out, in lines 8 and 9, the word "commissioner", and inserting in place
1084 thereof the following words:- city, town or district treasurer.

1085 SECTION 62. Chapter 54 of the General Laws, as appearing in the 2012 Official Edition,
1086 is hereby amended by inserting after section 33H the following section:-

1087 Section 33I. Examination and approval of electronic poll books.

1088 (a) The state secretary shall examine all types of electronic poll books and determine
1089 whether such equipment complies with the minimum requirements for such equipment imposed

1090 by regulation promulgated by the state secretary and whether the use of such equipment would
1091 further the efficient administration of elections.

1092 (b) Any person owning or interested in such equipment may submit it to the state
1093 secretary for examination. For the purpose of assistance in examining such new equipment, the
1094 secretary, subject to appropriation, may employ the services of technical experts.

1095 (c) Any electronic poll book that receives the approval of the state secretary may be used
1096 for conducting elections. Any electronic poll book that does not receive such approval shall not
1097 be adopted for or used at any election. After such equipment has been approved by the state
1098 secretary, any change or improvement in the equipment that does not impair its accuracy,
1099 efficiency or capacity shall not render necessary a reexamination or reapproval of the equipment.

1100 (d) A city or town may vote to use approved electronic poll books by a vote of the board
1101 of selectmen or town council in a town or city council in a city taken at least 60 days before the
1102 first election at which such equipment is to be used. Notification of use of an approved electronic
1103 poll book shall be sent to the state secretary within 5 days after the vote.

1104 (e) The state secretary shall promulgate regulations for the certification process,
1105 standards, including security, and use of electronic poll books at a polling place or early voting
1106 location.

1107 SECTION 63. Chapter 54, Section 67 of the General Laws is hereby amended by adding
1108 the following language to the end of said section, "A community may opt to substitute paper
1109 voting lists for electronic poll books in accordance with the provisions of section 33I.

1110 SECTION 64. Section 3 of said chapter 90C, as so appearing, is hereby amended by
1111 striking out, in line 37, the words “the back of.”

1112 SECTION 65. Said section 3 of said chapter 90C, as so appearing, is hereby further
1113 amended by inserting, in line 245, after the word “feasible” the following words:- , in a format
1114 acceptable to the district court,.

1115 SECTION 66. Section 4 of said chapter 90C, as so appearing, is hereby amended by
1116 inserting, after the second sentence, the following new sentence:- If an arrest is made and the
1117 citation is issued electronically, such notation of arrest shall be made on the printed copy and on
1118 any additional printed copies provided to the court and shall be made on the electronic record of
1119 the citation as agreed upon by the administrative justice of the district court and the registrar.

1120 SECTION 67. Section 27A of chapter 111 of the General Laws, as so appearing, is
1121 hereby amended by striking out, in line 1, the word “each” and inserting in place thereof the
1122 following words:- their respective boards of health and, in a city having a Plan E charter by the
1123 affirmative vote of a majority of all members of the city council, in other cities by a vote of the
1124 city council and approval of the mayor, and in a town by a vote of the board of selectmen

1125 SECTION 68. Section 27B of chapter 111 of the General Laws, as so appearing, is
1126 hereby amended by striking out, in lines 4 and 5, the words “and by vote of a town at a regular
1127 annual town meeting” and inserting in place thereof the following words:- and by a vote of the
1128 board of selectmen.

1129 SECTION 69. Said section 27B of said chapter 111, as so appearing, is hereby amended
1130 by striking out, in line 32, the words “at a town meeting” and inserting in place thereof the
1131 following:- by vote of the board of selectmen.

1132 SECTION 70. Section 22 of chapter 121B of the General Laws is hereby repealed.

1133 SECTION 71. Section 24 of said chapter 121B, as so appearing, is hereby amended by
1134 striking out, in lines 9 to 12, the words “, without first obtaining a finding of financial feasibility
1135 from the emergency finance board described in section twenty-two, or the commission
1136 authorized to succeed to the function of said board under said section,”.

1137 SECTION 72. Section 3 of chapter 121C of the General Laws, as so appearing, is hereby
1138 amended by striking out, in lines 8 and 9, the words “a town at an annual town meeting or a
1139 special town meeting called for the purpose” and inserting in place thereof the following words:-
1140 by the board of selectmen in a town.

1141 SECTION 73. Section 11 of chapter 121C of the General Laws, as so appearing, is
1142 hereby amended by striking out the third sentence.

1143 SECTION 74. Section 34B of chapter 164 of the General Laws, is hereby amended by
1144 striking out, in lines 5 and 6, the words “provided, however” and inserting in place thereof the
1145 following words:- provided, however, that a city or town may enforce this section by the
1146 enactment of a local ordinance or bylaw prohibiting double poles beyond the average number of
1147 days between the erection of the second pole and takedown of the original defective pole when
1148 there are no unlicensed attachments, provided that double poles with unlicensed attachments on
1149 the original pole shall not be fined, a violation of which may be punishable by a fine not to
1150 exceed a maximum of $1,000 per occurrence; and provided further,.

1151 SECTION 75. Chapter 217 of the General Laws is hereby amended by inserting after
1152 section 16 the following section:-

1153 Section 16A. The register in each county shall, upon the request in writing of the board of
1154 assessors of any city or town in his county, furnish such board with copies of petitions, formal
1155 and informal, under sections 3-301 and 3-402 of chapter 190B, for probate of will, for
1156 appointment of personal representative and for the adjudication of intestacy, filed in his registry
1157 in relation to decedents whose domicile, as stated in the petition, was in the assessors' city or
1158 town.

1159 The said register may, at his option, furnish said board with a list of such petitions which
1160 list shall contain: the name of decedent, decedent's date of death, street address and city or town
1161 of decedent as stated on the petition, filing date of petition and docket number.

1162 SECTION 76. Chapter 74 of the acts of 1945 is hereby amended by striking out the first
1163 sentence in section 1 and inserting in place thereof the following sentence:-

1164 For purposes of this act, the term "board" shall mean the municipal finance oversight
1165 board as defined in section 1 of chapter 44A of the General Laws.

1166 SECTION 77. Chapter 74 of the acts of 1945 is hereby amended by striking out the first
1167 and second sentence in section 2 and inserting in place thereof the following sentences:-

1168 Any county, except Suffolk or Nantucket, if authorized by the county commissioners or
1169 any city or town, including Boston and Worcester, if authorized by a two-thirds vote as defined
1170 in section 1 of chapter 44 of the General Laws, with the approval of the mayor in cities or the
1171 board of selectmen in a town, or a district with the approval of the prudential committee, may
1172 engage in any useful public works project in cooperation with the federal government in any
1173 program under any act or joint resolution of congress, but only where the borrowing is approved
1174 by the board and the proper federal authorities have approved a grant or loan, or grant and loan,

1175 therefor of federal money under any act or joint resolution of congress. Such projects so
1176 approved shall be carried out in all respects subject to the provisions of said act or joint
1177 resolution and to such terms, conditions, rules and regulations not inconsistent with applicable
1178 federal laws and regulations, as the board may establish, to ensure proper execution of such
1179 projects.

1180 SECTION 78. Any city, town, district, municipal lighting plant or county that
1181 established an OPEB Fund under section 20 of chapter 32B of the General Laws before the
1182 effective date of this act shall continue it under the terms originally established unless it
1183 reaccepts section 20 of chapter 32B after the effective date of this act.

1184 SECTION 79. Notwithstanding any general or special law to the contrary, each secretary
1185 of an executive office shall evaluate all grant, loan, and technical assistance programs
1186 administered under their office for opportunities to promote, facilitate and implement inter-
1187 municipal cooperation, collaboration, and regional service delivery at the local level. On or
1188 before December 31, 2016, each secretary shall provide to the executive office for administration
1189 and finance the results of their evaluation identifying opportunities to leverage state resources to
1190 promote regional, efficient solutions to common problems.

1191 SECTION 80. Notwithstanding any general or special law to the contrary, any executive
1192 agency which administers a program through which funding may be provided to municipalities,
1193 where regionalization may be feasible, shall encourage municipal efficiencies by prioritizing
1194 those applications for funds which come from municipalities that have developed a method by
1195 which to jointly and more efficiently utilize such funding.

1196 SECTION 81. The operational services division shall review applicable procurement
1197 policies and regulations to facilitate the execution of contracts, where appropriate, between
1198 regional planning agencies and any executive office, department, agency, office, division, board,
1199 commission or institution within the executive branch to provide or receive services, facilities,
1200 staff assistance or money payments.

1201 SECTION 82. On or before April 1, 2017, all telephone companies and distribution
1202 companies, as defined by Chapter 164, shall jointly prepare and file a report to the Joint
1203 Committee on Telecommunications, Utilities and Energy and the Joint Committee on
1204 Municipalities and Regional Government. The report shall include the following information as
1205 of December 31, 2016; the number of double poles, double pole activity including all
1206 attachments transferred during 2016, the number of unlicensed commercial and municipal
1207 attachments, the average number of days between the erection of the second pole and takedown
1208 of the original defective pole when there are no unlicensed attachments on the original pole, and
1209 the average number of days between the erection of the second pole and takedown of the
1210 defective pole when there is one or more unlicensed attachments on the original pole. The
1211 companies shall also report the results of any alternative programs to address the removals of
1212 double poles conducted between January 1 and December 31, 2016, including the use of third
1213 parties and or technology to facilitate the removal of attachments and double poles. The
1214 companies shall also provide a list of communities and municipal electric companies that
1215 participate in the statewide notification system utilized to facilitate the notification process for
1216 electronically alerting attachment owners to transfer and remove equipment attached to double
1217 poles.

1218 SECTION 83. Section 74 shall take effect on July 1, 2017.

1219 SECTION 84. Section 75 shall take effect on January 1, 2018.