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ACTS

RESOLVES

PASSED BY THE **GENERAL COURT OF MASSACHUSETTS** IN THE YEAR

1990

PUBLISHED BY Michael Joseph Connolly SECRETARY OF STATE



The General Court, which was chosen on November 8, 1988, assembled on Wednesday, the third day of January, 1990 for the second session.

His Excellency Michael S. Dukakis and her honor Evelyn F Murphy continued to serve as Governor and Lieutenant Governor respectively for the political year of 1990.

Chapter 322. AN ACT RELATIVE TO THE APPOINTMENT OF DEPART-MENT HEADS IN THE TOWN OF BROOKLINE.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 270 of the acts of 1985 is hereby amended by striking out clause (b) and inserting in place thereof the following clause:-

(b) recruitment and recommendations for appointment by the board of selectmen of all department heads, except the librarian, the superintendent of schools, the treasurer/collector, the town clerk, and any other department head who is elected or who is appointed by another elected board or commission, provided that in the case of the director of recreation any recommendation must be approved by the park and recreation commission, that in the case of the director of the council on aging any recommendation must be approved by the council on aging and that in the case of the rent control board director any recommendation must be approved by the rent control board.

SECTION 2. Chapter 13 of the acts of 1963 is hereby amended by striking out section 4.

SECTION 3. This act shall take effect upon its passage.

Approved December 17, 1990.

Chapter 323. AN ACT RELATIVE TO THE APPOINTMENT OF A CERTAIN EMPLOYEE OF THE CITY OF NEWTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section twenty-six of chapter seven hundred and sixty-seven of the acts of nineteen hundred and eighty-one or any other general or special law or rule to the contrary, for purposes of chapter thirty-one of the General Laws and rules authorized thereunder, Frank Greco, an employee of the city of Newton shall be deemed to have been appointed on September eleventh, nineteen hundred and seventy-three.

SECTION 2. This act shall take effect upon its passage.

Approved December 17, 1990.

Chapter 324. AN ACT RELATIVE TO THE FINANCIAL CONDITIONS IN THE CITY OF BROCKTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law, city charter provision, or local ordinance to the contrary, the city of Brockton, acting by and through the city of Brockton finance control board established by section three of this act, is hereby authorized to borrow at one time or from time to time, such sums as the finance control board deems appropriate for maintaining and operating the city while it adjusts the level of its expenses and revenues so as to achieve balanced budgets and fiscal stability. Bonds or notes issued under authority of this act for operating purposes may be issued for a term not in excess of five years and such bonds or notes shall be general obligation bonds or notes backed by the full faith and credit of the city of Brockton; provided, further, that the finance control board shall have full authority to pledge future distributions of state aid for the purpose of retiring bonds or notes issued for operating purposes under authority of this act. No bond or note shall be issued pursuant to the authority provided herein in an amount in excess of an amount, nor for a term longer than such term, as it is approved by the commissioner of revenue. Debt, or any other action with respect thereto, may be authorized under this section by a majority vote of the members of the finance control board, and the authorization therefor and issuance thereof shall require no further action by any officer, council, board or commission of the city of Brockton. Any or all bonds or notes issued under authority of this act shall not be subject to the debt limitations of section ten of chapter forty-four of the General Laws but, except as provided for herein, shall otherwise be subject to the provisions of said chapter forty-four.

SECTION 2. All proceeds of any loan authorized by section one of this act shall be deposited in a separate fund which shall be set up on the books of the city and maintained separate and apart from all other funds and accounts of the city. Such fund shall be called the City of Brockton Finance Control Fund, hereinafter referred to as the fund. The city of Brockton finance control board, as established by section three of this act, may authorize disbursements, without further appropriation or any other approval or action by any officer, council, board or commission of the city of Brockton, from the fund for such operating purposes as the board deems appropriate to maintain and continue city operations. If the finance control board so votes, funds borrowed for operating purposes may be applied, with the approval of the director of accounts, as general revenue for purposes of section twenty-three of chapter fifty-nine of the General Laws. The finance control board may establish such rules and procedures as it deems appropriate relating to disbursements from the fund and the reporting and accounting therefor.

SECTION 3. There is hereby established in the city of Brockton a city of Brockton finance control board consisting of the secretary of administration and finance, or his designee; the commissioner of revenue, or his designee; the director of accounts, or his designee; the mayor of the city of Brockton, and the president of the city council. The board is constituted to initiate and assure the implemen-

tation of appropriate initiatives to secure the financial stability of the city of Brockton, and shall continue in existence until June thirtieth, nineteen hundred and ninety-one unless the members, after written notice is given to the city council by the board of its intention to vote and consideration is given to the recommendation of the city council should they so choose to offer one, by majority vote shall annually vote to continue the operation of the board from year to year. Notwithstanding the foregoing, in no event shall the finance control board continue in existence after June thirtieth, nineteen hundred and ninety-four.

Until such time as the finance control board shall cease to exist, no appropriation, loan order or transfer shall take effect until approved by the finance control board. In addition to the authority and powers conferred elsewhere in this act, and notwithstanding any general or special law, city charter provision, or local ordinance to the contrary, the finance control board shall independently possess the following powers:

- (a) the power, subject to the express delegation thereof by the mayor and by the city council by majority vote, to amend at any time any appropriation, loan order, transfer or municipal spending authority. The power to amend, pursuant to the authority contained herein, shall include the power to increase or decrease an existing appropriation, loan order, transfer or spending authority; the power to eliminate an existing appropriation, loan order, transfer or spending authority; and the power to create an appropriation, transfer or spending authority. In exercising its power under this paragraph, the board may act with respect to municipal spending purposes which are not the subject of separately identified appropriations. The powers of the board under this paragraph shall not be subject to the limitations of section thirty-three B of chapter forty-four of the General Laws.
- (b) if for any reason there is no annual budget lawfully established for a fiscal year by the first day of such fiscal year, the power, subject to the express delegation thereof by the mayor and by the city council by majority vote, to establish such appropriations for that fiscal year as it deems appropriate and to amend, as provided for above, such appropriations during that fiscal year.
- (c) the power, subject to the express delegation thereof by the mayor and by the city council by majority vote, to encumber or impound, at any time, any unexpended or unencumbered appropriation or spending authority of any kind notwithstanding the prior approval of the finance control board of such appropriation or spending authority. To the extent that funds previously encumbered or impounded remain encumbered or impounded at the conclusion of the fiscal year, such amounts shall revert to the general fund.
- (d) in addition and without limitation of the aforementioned powers, the independent power, subject to the express delegation thereof by the mayor and by the city council by majority vote, to establish, set, raise or lower any fee, rate or charge, for any service, license, permit or other municipal activity, otherwise

within the authority of the city to establish, set, raise or lower; provided further that no such fee, rate or charge shall be established, set, raised or lowered without written notice to the mayor and city council at least forty-five days before the effective date of such action.

(e) the power, to hire, employ and supervise such staff personnel as the board deems appropriate to further the purposes of this act. The compensation of staff personnel hired under authority of this paragraph shall be determined and fixed by the board and be paid by the city of Brockton. All staff personnel hired pursuant to the authority of this paragraph shall be deemed city of Brockton employees, excepting such employees as are formally designated as independent contractors by the board.

Action by the finance control board pursuant to the foregoing provisions shall in all respects constitute valid and lawful action by the city for purposes of chapter forty, forty-one, and forty-four and fifty-nine of the General Laws and for all municipal finance and other matters.

In each year during which the finance control board continues in existence, the mayor shall, at the same time as the annual budget is submitted to the city council, provide to the board a copy of the proposed annual budget together with a supporting revenue and expenditure statement in such detail as the board may prescribe. The board shall review such budgetary information and may issue a report of its findings.

In order to promote and ensure the fiscal stability of the city of Brockton, the board, in its discretion, may also require the filing of a detailed annual work plan by each municipal department which shall be approved by the mayor, setting forth certain actions which will be implemented by every such department through its department head to ensure greater efficiency in the delivery of services to the citizens of Brockton.

Each work plan shall be in such detail as the board may prescribe, and may include but not be limited to the following: (1) a plan for improved financial and spending controls; (2) budget guidelines and objectives for the fiscal years nineteen hundred and ninety-one, and for such other fiscal years for which the board may remain in existence; (3) a professional and non-professional staffing plan; (4) a plan for other proposed savings to be implemented. Any such plan submitted by the school department shall be approved by the school committee.

During the course of each fiscal year in which the finance control board is in existence, the board may require that a status report be filed with the board by each department head on a quarterly basis.

The board shall have full authority to waive any reporting or filing requirements contained in this section.

The finance control board may prepare such reports of its findings and reviews as it deems appropriate, and issue such recommendations for further action to the

mayor, city council, municipal department heads or agencies of the commonwealth as the board determines appropriate. Members of the board who are employees or officers of the commonwealth or the city of Brockton shall serve without compensation. The board may establish compensation, subject to the aforementioned limitations, for members of the board; provided, however, that no such compensation shall become effective unless and until approved by the commissioner of administration and finance. The board shall have full authority to adopt such rules and procedures as it deems necessary and appropriate to effectuate the purposes of this act.

SECTION 4. Notwithstanding the provisions of any general or special law, city charter provision, or local ordinance to the contrary, there shall be in the city of Brockton a department of finance which shall be responsible for the overall budgetary and financial administration of the city of Brockton. The department of finance shall be under the charge and control of a chief financial officer who shall be appointed by the mayor for a period of three years. The chief financial officer shall report to and be under the direction of the mayor.

The chief financial officer shall be a person especially suited by education, training and experience to perform the duties of the office.

The chief financial officer shall not, at any time, assume the duties or responsibilities of the city auditor, the city collector or the city treasurer. Without the prior approval of the city council, the chief financial officer shall not, at any time, assume the duties or responsibilities of any city official whose appointment requires approval by the city council. Such approval by the city council, if granted, may restrict the term or scope of such assumption.

The position of director of budgets and purchasing and the department of budget and purchasing are hereby abolished.

SECTION 5. The powers and duties of the chief financial officer shall include the following:

- (a) Coordination, administration and supervision of all financial services and activities together with assistance in all matters related to municipal financial affairs, and;
- (b) Development and maintenance of uniform systems for all financial planning and operations in all departments, including the school department, or boards, commissions or agencies or other units of city government, the operation of which have a financial impact upon the general fund of the city, and;
- (c) Implementation and maintenance of uniform budget guidelines and procedures including direction and assistance in development and preparation of all departmental and other budgets and spending plans, and;
- (d) Monitoring of the expenditure of all funds, including periodic reporting by or to the appropriate body, agency or officer of the status of accounts and including the continuing review of the spending plan for each department or activity of the

city, and;

- (e) Review of all proposed contracts and obligations with a term or impact in excess of one year, and;
- (f) Supervision of the allotment of funds on a periodic basis as provided for herein.

All department budgets, the budgets or spending plans for all other activities of the city, requests for supplemental appropriations, and request for transfers of revenues or appropriations must be submitted to the chief financial officer for review, compilation and recommendation prior to the submission to the mayor or city council, as appropriate.

For each and every proposed appropriation order, and with respect to any proposed city council vote necessary to effectuate a financial action, including all transfers, all collective bargaining agreements, an ordinance revision or special legislation which may require the expenditure of funds or otherwise financially obligate the city for a period in excess of one year, or with respect to a vote to authorize a borrowing pursuant to a provision of law other than sections four, six or six A of chapter forty-four of the General Laws, the chief financial officer shall, if it be the case, submit in writing to the mayor and city council a certification that it is his professional opinion, after an evaluation of all pertinent financial information reasonably available, that the city's financial resources and revenues are and will continue to be adequate to support such proposed expenditures or obligations without a detrimental impact on the continuous provision of the existing level of municipal services.

If the chief financial officer fails to provide a certification as aforementioned within seven days of a request for such certification from the city council or mayor, as the case may be, such financial action, financial transfer, appropriation order, collective bargaining agreement, ordinance revisions, special legislation, or borrowing authorization may nonetheless be approved, provided further that the absence of such certification of the chief financial officer is expressly noted in such order or vote.

School department budgets, expenditures and other financial matters requiring action by the city council shall be submitted to the chief financial officer for review and comment after they have been acted upon by the school committee.

SECTION 6. The city auditor of the city of Brockton shall have such powers and duties as may be vested in his office by general or special law, and in addition thereto, such powers and duties as are provided for herein. To the extent not otherwise inconsistent herewith, the office of the city auditor shall also have such powers and duties as are provided for by local ordinance.

The city auditor shall, in addition to his other duties, provide, upon majority vote and at the written request of either the city council or its finance committee, within a reasonable time period from such request, an oral or written assessment,

or both, as the city council or its finance committee may request, of the current and future financial impact of the cost of any proposed appropriation order, lease or contract arrangement for a term including more than one fiscal year, collective bargaining agreement or borrowing authorization, particularly, but not limited to, as such cost item would relate to the continuous provision of the existing level of municipal services. To the extent reasonable, such assessment shall include such analysis or other information of a financial nature as is specifically requested by a vote of the city council or its finance committee. Such assessment and analysis shall be provided by the auditor as his professional opinion and he shall not be obligated to represent the opinion of the mayor or the chief financial officer.

The city council by majority vote may request such assessment, analysis or other financial information, without otherwise limiting its authority to request such, at any time it receives formal or informal notice of: (i) an expenditure which is or may be in excess of an appropriation; (ii) a condition where an allotment is or may be exceeded; (iii) a certification of the chief financial officer as provided for in section five of this act; or (iv) any actions with respect to temporary or permanent indebtedness.

SECTION 7. Notwithstanding the provisions of any general or special law, city charter provisions, or local ordinance to the contrary, on or before August first of each year, or within ten days after the approval by the city council and the mayor of the annual budget for such fiscal year, whichever shall occur later, the persons or officers in charge of all city departments, including the superintendent of schools for the school department, or boards, commissions, agencies or other units of city government, the operations of which have a financial impact on the general fund of the city, shall submit to the chief financial officer and the city auditor, with a copy to the city clerk who shall transmit the same to the city council, in such form as the city auditor may prescribe, an allotment schedule of the appropriations for all personnel expenditure categories included in such department's or unit's budget, indicating the amounts to be expended by such department or unit for such purposes during each of the five following allotment periods: July first through September thirtieth, October first through December thirty-first, January first through the last day of February, March first through April thirtieth, and May first through June thirtieth.

Whenever the chief financial officer or the city auditor determines that any department, board, commission, agency or other unit of city government, including the school department, will exhaust or has exhausted its time period allotment and any amounts unexpended in previous periods before the end of such time period, he shall give notice in writing to such effect to the department head or officer in charge thereof, the mayor, the city solicitor, the chief financial officer or the city auditor as appropriate, and to the city clerk who shall forthwith transmit the same to the city council and finance control board, if such board remains in existence

at the time. Upon such a determination and notice thereof, the chief financial officer shall provide the foregoing officials additional reports on at least a monthly basis indicating the status of each of such accounts.

The mayor, within ten days after receiving such a notice, shall determine whether to waive such allotment. A determination that such allotment shall be waived shall not become effective unless and until the chief financial officer files with the mayor and city clerk a certificate that in his opinion sufficient financial resources are or will become available to accommodate the amount of the expenditures in excess of allotment within subsequent period allotments to such department or unit of city government.

If the allotment for such period is waived, the department or other unit of city government shall reduce subsequent periods' allotments by the amount necessary to keep its expenditures within its annual budget, and shall file a report of such allotment adjustments with the mayor, city council, chief financial officer, city auditor and finance control board, if such board remains in existence at the time. If the allotment for such period is not waived, the department or other unit of city government shall terminate all personnel expenditures necessary to meet allotment amounts for the remainder of such period, provided, however, that to the extent that personnel expenditures must be reduced pursuant to the foregoing for one or more allotment periods, no provision included herein shall be construed to abridge the rights of the city or its municipal employees including school department employees to negotiate the method of implementing the required reductions, within twenty-one days of the mayor's determination not to waive such allotment, pursuant to a collective bargaining agreement under the provisions of chapter one hundred and fifty E of the General Laws. All actions, notices and decisions provided for in this section shall be transmitted to the city clerk, city council and finance control board, if such board remains in existence at the time, within seven days.

No personnel expenses earned or accrued within any department, board, commission, agency or other unit of city government including the school department shall be charged to or paid from any allotment of a subsequent period without the express written approval of the mayor specifically permitting such a charge or payment, except for subsequently determined retroactive compensation adjustments; provided further that such permission by the mayor shall not be effective if the entire appropriation for such personnel expenditure categories shall be exhausted. No provision contained in this section shall be construed to impair the authority of the city to make expenditures as otherwise provided by law in the case of an emergency involving the health or safety of the people or their property.

Approval of a payroll for the payment of wages, salaries or other personnel expenses which would result in an expenditure in excess of the allotment, except in the case of an emergency involving the health or safety of the people or their

property, shall be a violation of this section by the person or officer in charge of the department or other unit of city government including the superintendent of schools and the school committee as well as any other official so approving such payroll including the mayor, chief financial officer, city auditor and city treasurer.

If the continued payment of wages, salaries, or other personnel expenses is not approved in a period where a department or other unit of city government has exhausted the period allotment or allotments as specified above, or in any case, has exhausted its entire appropriation for a fiscal year, the city shall have no obligation to pay such personnel costs or expenses arising after such allotment or appropriation has been exhausted, except in the case of an emergency involving the health and safety of the people or their property.

Notwithstanding the provisions of chapter one hundred and fifty E of the General Laws, every collective bargaining agreement entered into by the city or the school department after the effective date of this act shall be subject to and shall expressly incorporate the provisions of this section.

Where a supplemental appropriation which authorizes and provides for additional personnel expenditures is approved during the course of and with respect to the current fiscal year and prior to the first day of April of that fiscal year, the subsequent period allotments shall be revised and supplemented so as to include the additional personnel expenditures authorized by such supplemental appropriation.

For the purposes of this statute, the word "emergency" shall mean a major disaster, including but not limited to, flood, drought, fire, hurricane, earthquake, storm or other catastrophe, whether natural or otherwise, which poses an unexpected and immediate threat to the health or safety of persons or property.

SECTION 8. Notwithstanding any general or special law, city charter provision, or local ordinance to the contrary, but fully subject to the provisions of section twenty-one C of chapter fifty-nine of the General Laws, proposition two and one-half, so-called, the city of Brockton shall establish a special reserve fund for extraordinary and unforeseen expenditures, which fund shall be designated the "supplemental reserve fund to ensure fiscal stability". Such fund shall be separate and in addition to any amounts appropriated pursuant to the provisions of section five A of chapter forty of the General Laws.

Commencing with fiscal year nineteen hundred and ninety-two and for all fiscal years thereafter, prior to the date when the tax rate is fixed, the board of assessors shall include in the amounts to be raised pursuant to section twenty-three of chapter fifty-nine of the General Laws for such fiscal year an amount, the "Supplemental Reserve Fund Sum", as determined under the provisions herein, such amount to be certified to the board of assessors by the city auditor.

The Supplemental Reserve Fund Sum for fiscal year nineteen hundred and ninety-two shall be an amount equal to one-quarter of one percent of the gross

amount to be raised for the prior fiscal year for the general operating fund as appearing on the city's tax rate recapitulation for such prior year; the Supplemental Reserve Fund Sum for fiscal year nineteen hundred and ninety-three shall be an amount equal to one-half of one percent of the gross amount to be raised for the prior fiscal year for the general operating fund as appearing on the city's tax rate recapitulation for such prior year; the Supplemental Reserve Fund Sum for fiscal year nineteen hundred and ninety-four shall be an amount equal to threequarters of one percent of the gross amount to be raised for the prior fiscal year for the general operating funds as appearing on the city's tax rate recapitulation for such prior year, the Supplemental Reserve Fund Sum for the fiscal year nineteen hundred and ninety-five shall be an amount equal to one percent of the gross amount to be raised for the prior fiscal year for the general operating fund as appearing on the city's tax rate recapitulation for such prior year, and; the Supplemental Reserve Fund Sum for fiscal year nineteen hundred and ninety-six and each subsequent fiscal year shall be an amount equal to one and one-half percent of the gross amount to be raised for the prior fiscal year for the general operating fund as appearing on the city's tax rate recapitulation for such prior year; provided further that such amounts may be increased by penalty adjustments as provided for herein.

In each year the amount required to be raised for such special reserve fund may be reduced by the amount, if any, remaining in the reserve fund established for the preceding year after all expenditures have been made therefrom as herein authorized, and such remaining amount shall be retained in the special reserve fund provided for the then current fiscal year.

Transfers or expenditures may be made from the special reserve fund of any fiscal year during that fiscal year only and then only by the mayor with the approval of the city council, and provided further that if the finance control board continues in existence at the time of such transfer or expenditure, only with the approval of said board. Each such transfer or expenditure request by the mayor shall be accompanied by a written statement detailing the amount and the reason for such transfer or expenditure. Except for such transfers or expenditures as hereabove authorized, there shall be no other transfers or expenditures from such fund, nor shall there be any charges against such fund nor reductions in the amount of such fund.

If in any fiscal year subsequent to fiscal year nineteen hundred and ninety-one, the special reserve fund as provided for herein is depleted by transfers or expenditures in excess of fifty percent of the amount certified for that year by the city auditor plus the amount of any penalty adjustment as provided for hereinafter, or if the city incurs net deficits with respect to such fiscal year in excess of fifty percent of the aforementioned amount, the special reserve fund requirement for the succeeding fiscal year shall be increased by one-quarter of one percent of the

gross amount to be raised for the year with respect to which the use of the reserve fund or the deficits were incurred as the case may be. Such percentage increase shall be of a permanent nature and be fully effective with respect to the special reserve fund requirements of all succeeding fiscal years, except as provided for hereinafter; provided further, however, that if such penalty adjustment increase shall be made for fiscal years nineteen hundred and ninety-three, nineteen hundred and ninety-four, nineteen hundred and ninety-five, or nineteen hundred and ninety-six, it shall be in addition to the percentage increase in the reserve fund provided for hereinabove. In no event, however, may the special reserve fund requirement for any fiscal year exceed five percent of the gross amount to be raised of the prior fiscal year as appearing on the city's tax rate recapitulation of said prior fiscal year. All amounts required by this act to be raised for each fiscal year shall be certified to the board of assessors by the city auditor prior to the establishment of the tax rate for the then current fiscal year.

Notwithstanding the foregoing, the mayor, with the approval of the commissioner of revenue, may for any fiscal year commencing with fiscal year nineteen hundred and ninety-six reduce the amount otherwise required to be raised for the special reserve fund by one-quarter of one percent of the gross amount to be raised of the prior fiscal year as appearing on the city's tax rate recapitulation of said prior fiscal year, which percentage decrease shall be of a permanent nature and fully effective with respect to the special reserve fund requirements of all succeeding fiscal years; provided that such decrease shall not reduce the fund below one and one-half percent of the gross amount to be raised of the prior fiscal year as appearing on the city's tax rate recapitulation of said prior fiscal year, and provided further that such reduction, if any shall not work to eliminate or modify such subsequent penalty adjustments as may arise under the provisions hereinabove. While the finance control board remains in existence, such board, to the extent it deems it appropriate to effectuate the purposes of this act, may waive in part or in whole the requirement of this section.

SECTION 9. No official of the city of Brockton, except in the case of an emergency involving the health and safety of the people or their property, shall knowingly expend or cause to be expended in any fiscal year any sum in excess of such official's departmental or other governmental units appropriation duly made in accordance with law, nor commit the city, nor cause it to be committed, to any obligation for the future payment of money in excess of such appropriation.

Any official who intentionally violates the provisions of this section shall be personally liable to the city for any amounts expended in excess of an appropriation to the extent that the city does not recover such amounts from the person or persons to whom such amounts were paid. The trial court of the commonwealth or a single justice of the supreme judicial court shall have jurisdiction to adjudicate claims brought by the city hereunder and to order such relief as the court may find

claims brought by the city hereunder and to order such relief as the court may find appropriate to prevent further violations of this section. Any official who violates the provisions of this section or of section seven above shall be subject to removal for cause.

For the purposes of this statute, the word "official" shall mean a city department head, permanent, temporary or acting, including the superintendent of schools, and all municipal boards, committees, including the school committee, and commissions which recommend, authorize or approve the expenditure of funds.

SECTION 10. The provisions of this act shall be deemed to supersede any charter provision or ordinance which is contrary or inconsistent with the provisions of this act.

SECTION 11. This act shall take effect upon its passage except that the provisions of section seven as to allotments shall be in effect only for allotment periods ending forty-five days or more after the effective date of this act. During the period prior to the initial appointment of a chief financial officer, or during any period in which the position of chief financial officer is vacant, the mayor or his designee shall perform the duties and responsibilities of the chief financial officer with respect to the budget allotment system established by section seven of this act. With respect to fiscal year nineteen hundred and ninety-one, an allotment schedule must be submitted as provided within fifteen days of the appointment of a chief financial officer, or if no such officer has been appointed, within fifteen days of a written request therefor from the mayor or his designee.

SECTION 12. The provisions of this act are severable and if any of its provisions or an application thereof shall be held to be unconstitutional or invalid by a court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions or other applications thereof.

Emergency Letter: January 2, 1991 @ 4:58 P.M. Approved December 17, 1990.

Chapter 325. AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the solemnization of a certain marriage, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, the state secretary is hereby authorized, in the