

ORDERED:

That the City Council does hereby accept the provisions of General Laws, Chapter 32A, Section 16, as amended by Acts of 1971, Chapter 946.

February 22, 1972

**Mr. John H. Corcoran
City Manager
City Hall
Cambridge, Massachusetts**

Dear Mr. Corcoran:

At your request and that of the Group Health Insurance Advisory Committee, I have reviewed Chapter 946 of the Acts of 1971 providing an optional regional medical care program instead of group health insurance. There is no additional premium charge to the City in the event this program is accepted. The program may be accepted by the City by a majority vote of the City Council. I enclose herewith a proposed acceptance order.

Very truly yours,

**Philip M. Cronin
City Solicitor**

PMJ:cas

**CC: Miss Phyllis McLaughlin
Group Health Insurance Advisory Committee**

ORDERED:

That the City Council does hereby accept the provisions of General Laws, Chapter 32A, Section 16, as amended by Acts of 1971, Chapter 946.

The Commonwealth of Massachusetts
Advance copy 1971 Acts and Resolves
JOHN F. X. DAVOREN, Secretary of the Commonwealth

ACTS, 1971. — CHAP. 1047.

999

Item	<u>Subtotal</u>	<u>Total</u>
And the county commissioners of Norfolk County are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, in addition to the tax previously authorized by chapter four hundred and eighty-seven of the acts of the current year, the sum of		\$203,212 50
PLYMOUTH COUNTY.		
28a. For reserve for salary increases		\$120,000 00
28c. For reserve for salary increases for clerks and assistant clerks of district courts		11,000 00
Total amount of appropriations		\$131,000 00
And the county commissioners of Plymouth County are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, in addition to the tax previously authorized by chapter four hundred and fifteen of the acts of the current year, the sum of		\$131,000 00
WORCESTER COUNTY.		
14. For district courts		
First District Court of Eastern Worcester		\$2,860 00
1. Personal services	\$2,860 00	
First District Court of Southern Worcester		1,219 40
1. Personal services	1,219 40	
Third District Court of Southern Worcester		170 00
1. Personal services	170 00	
District Court — Southern Juvenile District		2,152 00
1. Personal services	2,152 00	
District Court of Fitchburg		2,270 20
1. Personal services	2,270 20	
District Court of Leominster		1,219 40
1. Personal services	1,219 40	
District Court — Worcester Juvenile Court		4,304 00
1. Personal services	4,304 00	
16. For jail and house of correction		8,000 00
2. Contractual services	8,000 00	
28a. For reserve for salary increases		226,000 00
28c. For reserve for salary increases for clerks and assistant clerks of district courts		14,000 00
Total amount of appropriations		\$262,195 00
And the county commissioners of Worcester County are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, in addition to the tax previously authorized by chapter nine hundred and thirty-eight of the acts of the current year, the sum of		\$262,195 00

SECTION 2. This act shall take effect upon its passage.
Approved November 11, 1971.

Chap. 1048. AN ACT MAKING A CORRECTIVE CHANGE IN THE LAW RELATIVE TO THE GROUP INSURANCE LAW.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make a corrective change in the group insurance law in order that such change shall take effect as of the effective date of chapter nine hundred and forty-six of the acts of nineteen hundred and seventy-one, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 10 of chapter 32A of the General Laws is hereby amended by striking out the first paragraph, as appearing in section 3 of chapter 946 of the acts of 1971, and inserting in place thereof the following paragraph: —

The commission shall require that, upon retirement of an employee, the policy or policies of insurance as set forth in section six, except the optional group life insurance referred to therein, shall provide that the two thousand dollars of group life insurance, the two thousand dollars of group accidental death and dismemberment insurance and the group general or blanket insurance providing hospital, surgical, medical and other health insurance, as provided under sections five and ten C, as may be applicable, shall be continued, provided said retiree makes application to the commission on a form prescribed by the rules and regulations of the commission. The retired employee shall pay fifty per cent of the average group premium as determined by the commission for such group life and accidental death and dismemberment insurance and fifty per cent of the average group premium as determined by the commission for the hospital, surgical, medical and other health insurance for such retired employee or for such retired employee and his dependents and the commonwealth shall contribute the remaining fifty per cent of such premium costs, except that for insurance for services of a health care organization, as provided under section fourteen, the retired employee shall pay the remainder of the total monthly premium cost after deducting the amount contributed by the commonwealth. The commonwealth shall contribute the remaining fifty per cent of the average group premium costs of group life insurance and group or blanket health insurance, as provided under sections five and ten C. The contribution by the commonwealth for services of a health care organization shall be equal to and shall not exceed the contribution of the commonwealth for group or blanket health insurance as provided under section five or section ten C.

SECTION 2. This act shall take effect on January the twenty-fourth, nineteen hundred and seventy-two. *Approved November 11, 1971.*

Chap. 1049. AN ACT PROVIDING THAT A CERTAIN LICENSE ISSUED TO MAINTAIN AN EXISTING CONCRETE WALL AND FILL IN THE MERRIMACK RIVER IN THE CITY OF LAWRENCE BE IRREVOCABLE.

Be it enacted, etc., as follows:

License numbered 5676 granted by the department of public works on January the twenty-seventh, nineteen hundred and seventy-one to

The Commonwealth of Massachusetts
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ACTS, 1971. — CHAP. 946.

853

five with respect to life insurance, and, subject to the requirements of the appropriate public authority with respect to health insurance coverages provided in this chapter which shall not be less than the minimum hospital, medical and surgical benefits provided in an individual policy regularly issued by the insurance carrier at the time of conversion, except that with respect to the services of a health care organization, the contract made under section sixteen may provide for extension or continuation of coverage in lieu of the right to convert. No employee will be permitted to convert his insurance or extend or continue coverage for services of a health care organization on separation from service more than one time, if such converted or extended insurance would result in a greater amount of insurance than is provided in sections three, five, eleven C or twelve, as the case may be.

SECTION 7. Said chapter 32B is hereby further amended by striking out section 10, as most recently amended by section 1 of chapter 203 of the acts of 1971, and inserting in place thereof the following section:—

Section 10. This chapter, except sections seven A, eight A, nine A, nine C, nine D, nine E, eleven A, eleven B, eleven D, eleven E, eleven F and sixteen, may be accepted in a county by vote of the county commissioners; in a city having a Plan D or Plan E charter by majority vote of its city council, in any other city by vote of its city council, approved by the mayor; in a district, except as hereinafter provided, by vote of the registered voters of the district at a district meeting; in a regional school district by vote of the regional district school committee; in a veterans' services district by vote of the district board; in a welfare district by vote of the district welfare committee; in a health district established under section twenty-seven A of chapter one hundred and eleven by vote of the joint committee; and in a town by submission for acceptance to the registered voters in the form of the following question which shall be printed upon the official ballot to be used at an election:—"Shall certain provisions of chapter thirty-two B of the General Laws, authorizing any county, city, town or district to provide a plan of contributory group life insurance, group accidental death and dismemberment insurance and group general or blanket hospital, surgical, medical and other health insurance for certain persons in the service of such county, city, town or district and their dependents, be accepted by this town?" If a majority of the voters voting on the question shall vote in the affirmative, this chapter, except sections seven A, eight A, nine A, nine C, nine D, nine E, eleven A, eleven B, eleven D, eleven E, eleven F and sixteen, shall take effect in such town.

Notwithstanding the provisions of any general law to the contrary, neither the acceptance of this chapter nor the acceptance of any individual section thereof by a governmental unit shall be revoked or rescinded.

Approved October 26, 1971.

Chap. 947. AN ACT AUTHORIZING THE APPOINTMENT OF A GUARDIAN AD LITEM TO INSTITUTE CONTEMPT PROCEEDINGS INVOLVING THE CARE, CUSTODY AND MAINTENANCE OF MINOR CHILDREN.

Be it enacted, etc., as follows:

Chapter 215 of the General Laws is hereby amended by inserting after section 56A the following section:—

Section 56B. Any judge of a probate court may appoint a guardian ad litem to institute contempt proceedings under the provisions of section thirty-four A against any party for failure to obey decrees of the probate court involving care, custody or maintenance of minor children, and said guardian ad litem may personally serve throughout the commonwealth any citation or capias incidental to the enforcement of this section. The compensation shall be fixed by the court and shall be paid by the county where the proceeding is held, together with any expense approved by the court, upon certificate by the judge to the county treasurer. The state police, local police and probation officers shall assist the guardian ad litem so appointed, upon his request.

Approved October 26, 1971.

Chap. 948. AN ACT AUTHORIZING THE CITY OF EVERETT TO PAY A SUM OF MONEY TO HARRY E. SAVAGE, AN EMPLOYEE OF THE SCHOOL DEPARTMENT OF SAID CITY.

Be it enacted etc., as follows:

The city of Everett is hereby authorized to appropriate and after such appropriation the city treasurer of said city is hereby authorized to pay to Harry E. Savage, an employee of the school department of said city, the sum of seven hundred and twenty-nine dollars and fifty-two cents as reimbursement for vacation time to which he was entitled during the period from nineteen hundred and sixty-three to nineteen hundred and sixty-nine but which he was not permitted to take.

Approved October 26, 1971.

Chap. 949. AN ACT AUTHORIZING THE CITY OF CHICOPEE TO ESTABLISH A DEPARTMENT OF PUBLIC WORKS AND CONSOLIDATE CERTAIN DEPARTMENTS, DIVISIONS AND COMMISSIONS THEREIN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law, or any ordinance, there shall be established in the city of Chicopee a department of public works, hereinafter called the department, which shall be under the direction and control of the department of public works commission, hereinafter called the commission.

SECTION 2. The commission shall consist of four members, three of whom shall be appointed as provided in section three and the highway superintendent, hereinafter called the superintendent, who shall be a nonvoting member of the commission.

SECTION 3. The commissioners, other than the superintendent, shall be citizens of the city of Chicopee, shall be appointed by the mayor subject to the confirmation of the board of aldermen. Said

optional basis, as it deems to be in the best interest of the governmental unit and such eligible persons as aforesaid, provided:—

(1) that the total monthly premium cost to be paid by the governmental unit is to be paid under the terms of a contract to a carrier and not paid directly to a health care organization. For purposes of this chapter such a contract shall be deemed to be a contract of insurance;

(2) that the health care organization maintains fair and nondiscriminatory formulas for the payment of all vendor's services and that such formulas result in the same relative charges to all fiscal intermediaries or carriers with whom the health care organization has an agreement; provided, however, that any difference in relative charges which may result from the application of a rate of payment approved under section five of chapter one hundred and seventy-six A shall be deemed to comply herewith.

The appropriate public authority may negotiate such a contract of insurance for and on behalf and in the name of the governmental unit for such a period of time not exceeding five years as it may in its discretion deem to be the most advantageous to the governmental unit and the persons insured hereunder. A copy of said contract and a certification that the schedule of health care services contained therein does not exceed the schedule established by the commission shall be filed with the commission as provided in section three.

All persons eligible for the insurance provided under section five shall have the option to be insured for the services of a health care organization under this section but shall not be insured for both. The governmental unit's contribution toward the total monthly premium cost or rate for coverage under this section shall be the same as and shall not exceed the governmental unit's contribution for the health insurance programs provided under sections three, five and eleven C, such contribution for said health insurance being determined from time to time under the applicable sections of this chapter, and the eligible persons, having elected coverage under this section by making application as provided in section six, shall pay the remainder of the total monthly premium cost or rate. Such payment by the insured shall be made to the governmental unit as provided in sections seven, seven A, nine A, nine B, nine C, nine D and nine E, as may be applicable.

The governmental unit shall require under the terms and provisions of such insurance contracts an accounting at least annually of the payments made to providers of services on behalf of each person so insured; and the extent and range of health care services shall be a matter of continuing analysis and study by the governmental unit for the purpose of maintaining a reasonable relationship between the total monthly premium cost or rate and the schedule of health care services provided. The schedule of health care services provided under this section shall not exceed the schedule of such health care services authorized by the commission for governmental units as provided under chapter thirty-two A.

Any dividend or its equivalent derived from insurance contracts issued pursuant to this section shall be applied as provided in sections eight or eight A whichever may be applicable.

The appropriate public authority may adopt such rules and regulations, not inconsistent with the rules and regulations of the commission, as may be necessary for the administration of this section.

This section shall take effect in a county, city, town or district upon its acceptance in the following manner:—in a county, by vote of the county commissioners; in a city having a Plan D or Plan E charter by majority vote of its city council, in any other city by vote of its city council approved by the mayor; in a town by vote of the board of selectmen; in a regional school district by vote of the regional district school committee and in all other districts by vote of the registered voters of the district at a district meeting.

SECTION 6. Said chapter 32B is hereby further amended by striking out section 9, as most recently amended by section 3 of chapter 100 of the acts of 1968, and inserting in place thereof the following section:—

Section 9. The policy or policies of insurance shall provide that upon retirement of an employee, the policy or policies providing two thousand dollars of group life insurance and two thousand dollars of group accidental death and dismemberment insurance, as set forth in section five, except the optional coverage referred to therein, shall be reduced to one thousand dollars of group life insurance and the retired employee shall make payment of the full premium cost, subject to the provisions of section nine A or nine E, whichever may be applicable, of the average group premium as determined by the appropriate public authority for the group life insurance; and the group general or blanket insurance providing hospital, surgical, medical and other health insurance, as provided under sections four, eleven C and sixteen as may be applicable, shall be continued and the retired employee shall pay the full premium cost, subject to the provisions of section nine A or section nine E whichever may be applicable of the average group premium as determined by the appropriate public authority for such hospital, surgical, medical and other health insurance.

The policy or policies may provide for group life insurance not to exceed one thousand dollars on the lives of retired employees who, up to the effective date of such policy or policies, were insured under a group life policy purchased pursuant to the provisions of clause (44) of section five of chapter forty.

Prior to retirement, an insured employee who terminates his services with the governmental unit and who has a right to retire but whose retirement is deferred under any applicable law shall for the purpose of this chapter only be deemed to have been granted a leave of absence without pay and may continue all insurance coverages to which he would have been entitled if he had not terminated his services; provided he files an application therefor with the treasurer of the governmental unit and makes payment for the full premium cost of his insurance with no contribution by the governmental unit notwithstanding the provisions of sections nine A or nine E.

The policy or policies shall also provide that upon termination of employment an employee shall be entitled to convert his insurance to an individual type of policy, subject to the provisions of section one hundred and thirty-four of chapter one hundred and seventy-

organization under this section but shall not be insured for both. The commonwealth's contribution toward the total monthly premium cost or rate for coverage under this section shall be the same as and shall not exceed the commonwealth's contribution for the health insurance programs provided under section six; and the eligible person, having elected coverage under this section by making application as provided in section seven, shall pay the remainder of the total monthly premium cost or rate. Such payment by the insured shall be made to the commission as provided in section eight.

The commission shall require under the terms and provisions of such insurance contract an accounting at least annually of the payments made to providers of services on behalf of each person so insured; and, the extent and range of health care services shall be a matter of continuing analysis and study by the commission for the purpose of maintaining a reasonable relationship between the total monthly premium cost or rate and the range of health care services provided. On or before December the first in each year the commission shall establish a list of the eligible health care organizations and a schedule of services as authorized by this section and shall so notify the appropriate public authorities in the political subdivisions of the commonwealth that have accepted the provisions of section ten of chapter thirty-two B.

Any dividend or its equivalent derived from insurance contracts issued pursuant to this section shall be applied as provided in section nine.

The commission may promulgate rules and regulations implementing the provisions of this section and such rules and regulations shall not be subject to the provisions of chapter thirty A.

SECTION 3. Said chapter 32A is hereby further amended by striking out section 10, as most recently amended by section 2 of chapter 813 of the acts of 1969, and inserting in place thereof the following section:—

Section 10. The commission shall require that, on retirement of an employee, the policy or policies providing two thousand dollars of group life insurance and two thousand dollars of group accidental death and dismemberment insurance shall be reduced to one thousand dollars of group life insurance and the retired employee shall make payment of fifty per cent of the average group premium as determined by the commission for group life insurance. The group general or blanket insurance providing hospital, surgical, medical and other health insurance, as provided under sections five, ten C and fourteen, as may be applicable, shall be continued, and the retired employee shall pay fifty per cent of the average group premium, as determined by the commission, for such hospital, surgical, medical and other health insurance, as provided under sections five and ten C, except that for insurance for services of a health care organization, as provided under section fourteen, the retired employee shall pay the remainder of the total monthly premium cost after deducting the amount contributed by the commonwealth. The commonwealth shall contribute the remaining fifty per cent of the average group premium costs of group life insurance and group of blanket health insurance, as provided under sections five and ten C. The contribution by the

commonwealth for services of a health care organization shall be equal to and shall not exceed the contribution of the commonwealth for group or blanket health insurance as provided under section five or section ten C.

Prior to retirement, an insured employee who terminates his service with the commonwealth and who has a right to retire but whose retirement is deferred as provided in section ten of chapter thirty-two shall for the purposes of this chapter only be deemed to have been granted a leave of absence without pay and may continue all insurance coverages to which he would have been entitled if he had not terminated his services; provided he files an application therefor with the commission, and makes payment for the entire cost of such insurance, with no contribution by the commonwealth, to the commission in such manner as it may prescribe. Any National Guard technician in the service of the United States who is eligible and makes application for a pension or annuity allowance and whose application is approved by the state retirement board in accordance with the provisions of chapter thirty-two shall be entitled to be insured under this chapter as a retired employee without regard to waiting periods for benefits or medical qualification as if said retiree had been in the service of the commonwealth.

Any policy or policies issued under this chapter shall provide that, on termination of employment, an employee shall be entitled to convert his insurance to an individual type of policy, subject to the provisions of section one hundred and thirty-four of chapter one hundred and seventy-five with respect to life insurance, and subject to the requirements of the commission with respect to the other insurance coverages provided in this chapter, except that with respect to the services of a health care organization the contract made under section fourteen may provide for extension or continuation of coverage in lieu of the right to convert. No employee will be permitted to convert his insurance or extend or continue coverage for services of a health care organization on separation from service more than one time, if such converted or extended insurance would result in a greater amount of insurance than is provided in section six or section fourteen, respectively.

SECTION 4. Section 2 of chapter 32B of the General Laws is hereby amended by adding after paragraph (i) the following paragraph:—

(j) "Health care organization", an organization for the group practice of medicine, with or without hospital or other medical institutional affiliations, which furnishes to the patient a specified or unlimited range of medical, surgical, hospital and other types of health care services.

SECTION 5. Said chapter 32B is hereby further amended by adding the following section:—

Section 16. Upon acceptance of this section as hereinafter provided, the appropriate public authority of the governmental unit may enter into a contract, hereinafter described, to make available the services of a health care organization to certain eligible and retired employees and dependents, including the surviving spouse and dependents of such active and retired employees, on a voluntary and

town may be required to pay as a result of any litigation involving the use of the land authorized to be conveyed by this act.

If said land is not used for recreational purposes within five years after the effective date of this act, title to said land shall revert to the commonwealth.

Approved October 26, 1971.

Chap. 946. AN ACT AUTHORIZING THE GROUP INSURANCE COMMISSION AND THE APPROPRIATE PUBLIC AUTHORITIES IN CERTAIN POLITICAL SUBDIVISIONS OF THE COMMONWEALTH TO MAKE AVAILABLE TO ELIGIBLE ACTIVE AND RETIRED EMPLOYEES AND THEIR DEPENDENTS AN OPTION TO ELECT A PROGRAM OF INSURANCE FOR A REGIONAL AREA FOR THEIR MEDICAL CARE IN LIEU OF NONREGIONALIZED GROUP HEALTH INSURANCE WITH NO ADDITIONAL PREMIUM CHARGE TO THE COMMONWEALTH OR THE POLITICAL SUBDIVISIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 32A of the General Laws is hereby amended by adding after paragraph (g) the following paragraph:—

(h) "Health care organization", an organization for the group practice of medicine, with or without hospital or other medical institutional affiliations, which furnishes to the patient a specified or unlimited range of medical, surgical, hospital and other types of health care services.

SECTION 2. Said chapter 32A is hereby further amended by adding the following section:—

Section 14. The commission may enter into a contract, hereinafter described, to make available the services of a health care organization to certain eligible active and retired employees and dependents, including the surviving spouse and dependents of such active and retired employees, on a voluntary and optional basis, as it deems to be in the best interest of the commonwealth and such eligible persons as aforesaid, provided:—

(1) that the total monthly premium cost to be paid by the commission is to be paid under the terms of a contract to a carrier and not paid directly to a health care organization. For purposes of this chapter such a contract shall be deemed to be a contract of insurance;

(2) that the health care organization maintains fair and nondiscriminatory formulas for the payment of all vendor's services and that such formulas result in the same relative charges to all fiscal intermediaries or carriers with whom the health care organization has an agreement; provided, however, that any difference in relative charges which may result from the application of a rate of payment approved under section five of chapter one hundred and seventy-six A shall be deemed to comply herewith.

Said commission may negotiate such a contract of insurance for and on behalf and in the name of the commonwealth for such a period of time not exceeding five years as it may in its discretion deem to be most advantageous to the commonwealth and the persons insured thereunder.

All persons eligible for the insurance provided under section six shall have the option to be insured for the services of a health care

The Commonwealth of Massachusetts
Advance copy 1971 Acts and Resolves
JOHN F. X. DAVOREN, Secretary of the Commonwealth

ACTS, 1971. — CHAPS. 944, 945.

847

fraudulent claims commission any case coming to its attention in the course of such audit which appears to involve fraud. In any such audit the department of the state auditor is hereby authorized to examine the records of vendors to verify bills submitted to the department of public welfare to the extent necessary to determine the propriety and accuracy of their charges against the commonwealth.

Approved October 26, 1971.

Chap. 944. AN ACT PROVIDING THAT CITIES AND TOWNS GRANT AN ANNUAL PENSION TO CERTAIN RETIRED TEACHERS AND THAT THE COMMONWEALTH REIMBURSE SAID CITIES AND TOWNS FOR THE AMOUNT OF ALL SUCH PENSIONS.

Be it enacted, etc., as follows:

SECTION 1. A city or town, notwithstanding the provisions of any general or special law, shall pay an annual pension of twelve hundred dollars to any teacher who otherwise is not entitled to receive an annuity, pension or retirement allowance, under any general or special law on account of his own service, and who upon the attainment of age sixty had completed not less than twenty years of service, in the aggregate, as a teacher in the public schools in Massachusetts; provided, that his first employment as a teacher in said public schools began prior to July the first, nineteen hundred and fourteen, and, provided further, that at no time was he a member of the teachers' retirement system.

SECTION 2. A city or town which pays such pension, as provided in section one of this act, shall be reimbursed by the commonwealth for all such pension payments it makes by certifying in writing to the teachers' retirement board, in July of each year, the amount of the pensions paid under said section one during the calendar period July the first and June the thirtieth immediately preceding. The city or town shall furnish the teachers' retirement board with sworn statements attesting to the period of service for each teacher, together with a copy of the record of birth of each such teacher.

Approved October 26, 1971.

Chap. 945. AN ACT AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES TO CONVEY CERTAIN LAND TO THE TOWN OF BILLERICA FOR RECREATIONAL PURPOSES.

Be it enacted, etc., as follows:

The commonwealth, acting through its department of natural resources, is hereby authorized to convey to the town of Billerica for recreational purposes, by deed approved as to form by the attorney general, all of its right, title and interest of whatever nature, or description in that parcel of land, owned by the commonwealth located in the town of Billerica and known as Gilson Hill, containing one hundred and thirty-five acres of state forest land.

The deed conveying said premises shall contain a provision saving the commonwealth harmless from any and all damages, which said

CITY OF CAMBRIDGE

Councillor Sullivan

18.

In City Council,

March 6, 1972.

ORDERED:-

That the City Council go on record favoring the acceptance of Chapter 946 of the Acts of 1971, the same being "An Act authorizing the group insurance commission and the appropriate public authorities in certain political subdivisions of the commonwealth to make available to eligible active and retired employees and their dependents an option to elect a program of insurance for a regional area for their medical care in lieu of nonregionalized group health insurance with no additional premium charge to the commonwealth or the political subdivisions".

City Council March 6, 1972

Adopted by the affirmative vote

of 7 members

Paul E. Gearty
City Clerk

66

18.

ORDER

Council to go on record favoring acceptance of Chapter 946 of the Acts of 1971

March 6, 1972

Mr. Sullivan

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