

HOUSE No. 4926

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to create the Leo M. Birmingham Parkway Trust Fund.

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

1 Chapter 92 of the General Laws is hereby amended by inserting after section 34D the
2 following section:-

3 Section 34E. (a) There shall be a Leo M. Birmingham Parkway Trust Fund, which shall
4 be used for the purposes of advancing recreational, educational and conservation interests
5 including, but not limited to, the maintenance of facilities and infrastructure improvements for
6 the parcel of land known as the Leo M. Birmingham Parkway, consisting of 584,814 square feet,
7 more or less, and more particularly described on the city of Boston assessor's map as parcel
8 identification number 2202762003. The trust shall receive, hold and expend any monies
9 received, from public or private sources, as appropriations, gifts, grants, donations, fees
10 generated by permits, licenses and all other agreements not currently being directed to the
11 General Fund relating to the use of the Leo M. Birmingham Parkway as authorized by the
12 commissioner of conservation and recreation in consultation with the Leo M. Birmingham
13 Parkway advisory board established pursuant to subsection (c). The department shall not make
14 expenditures from this fund so as to cause the fund to be deficient. The books and records of the

15 fund shall be subject to an audit by the state auditor, in accordance with generally accepted
16 government auditing standards, as often as the state auditor determines is necessary.

17 (b) Notwithstanding any general or special law to the contrary, the parcel described in
18 subsection (a), excluding the roadway, shall be used exclusively as a public park for recreational
19 purposes and entitled in all respects to protections afforded to public parkland under Article
20 XCVII of the Amendments to the Constitution of the commonwealth; provided, that the Guido
21 Salvucci Bocci Court shall be maintained on the parcel.

22 (c) There shall be established a Leo M. Birmingham Parkway advisory board consisting
23 of the following 9 members: 1 member to be appointed by a majority vote of the senator for the
24 Second Suffolk and Middlesex district, the senator for the Middlesex and Suffolk district, the
25 representative for the Seventeenth Suffolk district and the representative for the Eighteenth
26 Suffolk district, who shall serve as chair; 2 members to be appointed by the senator for the
27 Second Suffolk and Middlesex district; 2 members to be appointed by the senator for the
28 Middlesex and Suffolk district; 2 members to be appointed by the representative for the
29 Seventeenth Suffolk district; and 2 members to be appointed by the representative for the
30 Eighteenth Suffolk district. The advisory board members shall serve 4 year terms. The advisory
31 board may, by a majority vote, appoint up to 6 additional members. The advisory board shall
32 meet at least biannually or as required to conduct business.

33 (d) The Leo M. Birmingham Parkway advisory board shall adopt rules and regulations
34 governing conduct and activity within the Leo M. Birmingham Parkway as described in
35 subsection (b), in consultation with and subject to the approval of the commissioner of
36 conservation and recreation.