

HOUSE No. 4526

The Commonwealth of Massachusetts

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on House, Nos. 31, 104, 1963, 1992 and 2005, a Bill relative to municipal relief (House, No. 4526). February 24, 2010.

FOR THE COMMITTEE:

NAME:	DISTRICT/ADDRESS:
Paul J. Donato	35th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Ten

An Act RELATIVE TO MUNICIPAL RELIEF.

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

Municipal Police Training (Sections 1-14, 45, 52-55,108-110,114,121,123)

SECTION 1. Section 17 of chapter 6 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 15 and 16, the words "municipal police training committee" and inserting in place thereof the following words:- municipal police training agency.

SECTION 2. Said chapter 6, as so appearing, is hereby further amended by striking out the caption preceding section 116 and inserting in place thereof the following caption:-

MUNICIPAL POLICE TRAINING AGENCY

SECTION 3. Said chapter 6 is hereby further amended by striking out section 116, as so appearing, and inserting in place thereof the following section:-

Section 116. (a) There shall be, within the executive office of public safety and security, a municipal police training agency. The secretary of public safety and security has the authority to promulgate regulations relative to the policies and standards for training municipal police officers, and those necessary to operate and maintain the agency. The secretary shall, with the advice of the committee, appoint and, subject to appropriation or funds otherwise available from other sources, fix the salary of an executive director of the agency. The position of executive director shall be classified in accordance with section 45 of chapter 30 and the salary shall be determined in accordance with section 46C of said chapter 30. The director shall be responsible for administering, directing, and managing the affairs and business of the agency. The secretary, with the advice of the committee, shall have the authority to terminate the executive director.

(b) There shall be, within the executive office of public safety and security, a municipal police training committee to provide guidance to the agency, and to advise the agency relative to its annual budget and all matters associated with the training of law enforcement officers in the commonwealth. Members of said committee shall be as follows:-- 5 chiefs of police to be appointed by the governor from nominations submitted by the Massachusetts Chiefs of Police Association, 1 of

32 whom shall be from the western Massachusetts region, 1 of whom shall be from the central
33 Massachusetts region, 1 of whom shall be from the southeastern Massachusetts region, 1 of whom
34 shall be from the northeastern Massachusetts region and 1 of whom shall be from the
35 Massachusetts Bay Transportation Authority, 1 chief of police selected by the Massachusetts Chiefs
36 of Police Association, 1 police officer to be appointed by the governor from nominations submitted
37 by the Massachusetts Police Association executive board and the Massachusetts Police Training
38 Officers Association executive board, the commissioner of police of the city of Boston, the colonel of
39 state police, the attorney general and 1 person to be designated by the secretary of public safety, or
40 their respective designees. All such appointments shall be for terms of 3 years with their successors
41 appointed in a like manner. The following persons shall be advisory, nonvoting members of the
42 committee: the personnel administrator, the commissioner of correction, the commissioner of
43 youth services, the commissioner of probation, the chairman of the parole board, the executive
44 director of the committee on criminal justice, the chief administrative justice for the trial court, the
45 chief justice of the district court department, the commissioner of education, the chairman of the
46 criminal law committee of the Massachusetts Bar Association, or their respective designees, and the
47 special agent in charge of the Boston office of the Federal Bureau of Investigation, if consent is given
48 by the director of said bureau, or his designee. The governor shall appoint 5 additional advisory,
49 nonvoting members of the committee, 1 of whom shall be an administrator of a city or town, 1 of
50 whom shall be a clerk of the superior court, 1 of whom shall be a member of the committee for
51 public counsel services, 1 of whom shall be a sheriff of a county or a former county, and 1 of whom
52 shall be a district attorney of a district, or their respective designees.

53
54 The committee shall elect a chairperson annually, and shall advise the secretary on the
55 appointment and termination of the executive director of the agency. The committee shall make
56 recommendations relative to the policies and standards for the training of municipal police officers
57 in accordance with applicable laws and regulations, including the training mandated by sections
58 116A to 116D, inclusive, of this chapter, section 36B of chapter 40, sections 96B and 97B of chapter
59 41 and section 24M of chapter 90. The committee shall advise the agency on the establishment of a
60 policy directed toward the annual certification that each officer has met the minimum training
61 requirements, as established by the agency.

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63 (c) The agency has the authority to promulgate regulations, with the advice of the committee,
64 regarding the certification that each police officer has met the minimum training requirements set
65 forth by the secretary. The certification shall be conducted on annual basis and shall be considered
66 a prerequisite to exercising police powers. The agency shall certify training programs offered by
67 other entities and organizations, including recruit training programs, and only certified programs
68 will be considered in determining whether a police officer shall be certified.

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70 (d) The executive director, with the advice of the committee, shall recommend to the secretary an
71 annual appropriation for the administration of the agency, as well as for the operations of a
72 headquarters and regional training centers, and for the delivery of standardized training at the
73 centers.

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75 SECTION 4. Section 116A of said chapter 6, as so appearing, is hereby amended by striking
76 out, in line 1, and in lines 57 and 60, the words "municipal police training committee" and inserting
77 in place thereof, in each instance, the following words:- municipal police training agency.

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79 SECTION 5. Section 116B of said chapter 6, as so appearing, is hereby amended by striking
80 out, in lines 1 and 4, the words "municipal police training committee" and inserting in place thereof,
81 in each instance, the following words:- municipal police training agency.

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83 SECTION 6. Said section 116B of said chapter 6, as so appearing, is hereby further amended
84 by striking out, in line 6, the word "committee" and inserting in place thereof the following word:-
85 agency.

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87 SECTION 7. Section 116C of said chapter 6, as so appearing, is hereby amended by striking
88 out, in line 1, the words "municipal police training committee" and inserting in place thereof the
89 following words:- municipal police training agency.

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91 SECTION 8. Section 116C of chapter 6 of the General Laws, as appearing in the 2006 Official
92 Edition, is hereby amended by inserting after the words "state police", in line 9, the following
93 words:- , the University of Massachusetts police department.

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95 SECTION 9. Said section 116C of said chapter 6, as so appearing, is hereby further amended
96 by striking out, in lines 29 and 34, the words "municipal police training committee" and inserting in
97 place thereof, in each instance, the following words:- municipal police training agency.

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99 SECTION 10. Section 118 of said chapter 6, as so appearing, is hereby amended by striking
100 out, in line 1, the words "municipal police training committee" and inserting in place thereof the
101 following words:- municipal police training agency.

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103 SECTION 11. Section 156 of said chapter 6, as so appearing, is hereby amended by striking
104 out, in line 8, the words "municipal police training committee" and inserting in place thereof the
105 following words:- municipal police training agency.

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107 SECTION 12. Section 18 of chapter 6A of the General Laws, as so appearing, is hereby
108 amended by striking out, in line 4, the words "municipal police training committee" and inserting in
109 place thereof the following words: - municipal police training agency.

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111 SECTION 13. Said section 18 of said chapter 6A, as so appearing, is hereby further amended
112 by inserting, in line 10, after the word "boards" the following words:- and agencies.

113
114 SECTION 14. Section 18½ of said chapter 6A, as so appearing, is hereby amended by
115 striking out, in line 11, the words "municipal police training committee" and inserting in place
116 thereof the following words: - municipal police training agency.

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119 State Cultural Districts

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121 SECTION 15. Chapter 10 of the General Laws is hereby amended by inserting after Section
122 52 the following new section:-

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124 Section 52A. (a)The council shall establish criteria and guidelines for state designated cultural
125 districts. A cultural district shall be a recognized, labeled, mixed-use, compact area of a city or town
126 which a high concentration of cultural facilities serves as an anchor. The goals of a cultural district
127 shall include attracting artists and cultural enterprises to a community, encouraging business and
128 job development, establishing tourist destinations, preserving, and reusing historic buildings,
129 enhancing property values and fostering local cultural development. The council shall develop a
130 program to prepare a city or town to become home to a state designated cultural district, create an
131 application process and develop qualifying criteria and guidelines. Agencies of the executive

132 branch, constitutional offices and quasi governmental agencies shall identify programs and services
133 that support and enhance the development of cultural districts and assure that they are accessible
134 to such districts. The council shall consult with the Massachusetts Historical Commission in
135 developing and establishing criteria and guidelines regarding preservation and reuse of historic
136 buildings.

137 (b) Notwithstanding any general or special law to the contrary the executive branch,
138 constitutional offices, quasi governmental agencies including but not limited to the executive office
139 of housing and economic development and its departments, the Massachusetts cultural council,
140 historic preservation programs, shall review and revise the following including but not limited to
141 regulations, grants, loans, technical assistance, feasibility assistance, affordable housing assistance,
142 and other economic development tools, including the evaluative criteria of such programs, in order
143 to support and encourage the development and success of state cultural districts as established in
144 Section 1.

145 (c) The council shall in cooperation with the executive branch, constitutional offices, quasi
146 governmental agencies and the joint committee on tourism, arts, and cultural development identify
147 additional and existing state incentives and resources that will enhance state designated cultural
148 districts and shall report their findings together with drafts of legislation as may be necessary to
149 carry its recommendations into effect by filing the same with the clerk of the senate and house of
150 representatives no later than January 1, 2010.

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153 Sound Business Practices in Bidding and Procurement

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155 SECTION 16. Subsection (b) of section 1 of chapter 30B of the General Laws, as appearing in
156 the 2006 Official Edition, is hereby amended by striking out, in line 6 the word "section" and
157 inserting in place thereof the following: sections 11C or

158

159 SECTION 17. Said subsection (b) of said section 1 of said chapter 30B, as so appearing, is
160 hereby amended in subdivision (4) by inserting after the word "commonwealth" the following:
161 except as pertains to section 16(i);

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163 SECTION 18. Said section 1 of said chapter 30B, as so appearing, is hereby amended by
164 inserting at the end thereof the following subsection:

165

166 (f) This chapter shall be deemed to have been complied with on all purchases made from a vendor
167 pursuant to a General Services Administration Federal supply schedule that is available for use by
168 governmental bodies.

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170 SECTION 19. Section 2 of Chapter 30B of the General Laws, as so appearing, is hereby
171 amended by inserting the following:-

172

173 "Electronic bidding", the electronic solicitation and receipt of offers to contract for supplies and
174 services. Offers may be accepted and contracts may be entered by use of electronic bidding.

175

176 "Reverse auction," An internet based process used to buy supplies and services whereby sellers of
177 the supply or service being auctioned anonymously bid against each other until time expires and
178 until the governmental body determines from which sellers it will buy based on the pricing
179 obtained as a result of the reverse auction."

180

181 "Sound business practices", ensuring the receipt of favorable prices by periodically soliciting price
182 lists or quotes.

183 "Cooperative purchasing" means procurement conducted by, or on behalf of, more than one public
184 procurement unit, or by a public procurement unit with an external procurement activity.

185 "External procurement activity" means: (a) any public agency not located in this State which would
186 qualify as a public procurement unit; (b) buying by the United States government.

187 "Local public procurement unit" means any political subdivision or unit thereof which expends
188 public funds for the procurement of supplies.

189 "Public procurement unit" means either a local public procurement unit or a state public
190 procurement unit.

191 "State public procurement unit" means the offices of the chief procurement officers and any other
192 purchasing agency of this or any other State.

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195 SECTION 20. Subsection (d) of section 4 of said chapter 30B, as so appearing, is hereby
196 amended, by striking out the words "generally accepted", in line 24, and inserting in place thereof
197 the following: sound
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199 SECTION 21. Chapter 30B of the General Laws, as so appearing, is hereby amended by
200 adding after Section 6 the following new section:-

201 6A. (a) A chief procurement officer may enter into procurement contracts in the amount of
202 \$25,000 or more utilizing reverse auctions for the acquisition of supplies and services. The reverse
203 auction process shall include a specification of an opening date and time when real-time electronic
204 bids may be accepted, and provide that the procedure shall remain open until the designated
205 closing date and time.

206 (b) All bids on reverse auctions shall be posted electronically on the Internet, updated on a
207 real-time basis, and shall allow registered bidders to lower the price of their bid below the lowest
208 bid on the Internet.

209 (c) The chief procurement officer shall require vendors to register before the reverse
210 auction opening date and time, and as part of the registration, agree to any terms and conditions
211 and other requirements of the solicitation. (d) Any mechanism, including but not limited to
212 software, developed by the Operational Services Division for the purpose of conducting reverse
213 auctions by the Commonwealth, shall provide for the utilization of such mechanism by
214 municipalities.

215 (e) The Operational Services Division may assess any municipality utilizing such reverse
216 auction mechanism a reasonable fee, calculated to compensate for any increased cost attributable
217 to such utilization, which shall be credited to the general fund.

218 (f) Reverse auctions shall not be subject to subsections (b) (1) or (d) of section 5 but shall
219 be subject to all other provisions of that section.

220

221 SECTION 22. Section 20 of Chapter 30B of the General Laws is hereby amended by inserting
222 at the end thereof the following -
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224 “Any public procurement unit may participate in, sponsor, conduct, or administer a
225 cooperative purchasing agreement for the procurement of any supplies with one or more public
226 procurement units or external procurement activities in accordance with an agreement entered
227 into between the participants. The public procurement unit conducting the procurement of any
228 supplies shall do so in a manner that constitutes a full and open competition.”
229

230
231 Civil Service Maximum Age

232 SECTION 23. Section 58 of chapter 31 of the General Laws, as so appearing, is hereby
233 amended by inserting after the first sentence the following sentences: - Appointing authorities that
234 seek to waive the maximum age requirement for certain individuals shall submit a written
235 application to the administrator. The administrator may waive this requirement based on
236 extenuating circumstances, consistent with the fundamental purposes of the requirement. The
237 administrator may adopt regulations for reviewing these applications.

238 SECTION 24. Section 58A of said chapter 31, as so appearing, is hereby further amended by
239 adding the following 3 sentences: - Appointing authorities that seek to waive the maximum age
240 requirement for certain individuals shall submit a written application to the administrator. The
241 administrator may waive this requirement based on extenuating circumstances, consistent with the
242 fundamental purposes of the requirement. The administrator may adopt regulations for reviewing
243 these applications.
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245
246 Municipal Early Retirement Incentive Program
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248 SECTION 25. (a) Notwithstanding chapter 32 of the General Laws or any other general or
249 special law to the contrary, a municipality which accepts this section may establish and implement
250 an early retirement incentive program for its employees in accordance with this section.
251

252 (b) The chief executive officer of the municipality shall limit the total number of participating
253 employees, with preference given to those with greater years of creditable service, and shall have
254 the authority to determine which eligible municipal employees may participate and to approve
255 early retirement benefits for each employee in order to avoid adverse impacts on municipal
256 operations and services.
257

258 (c) In order to be eligible to participate in a program established under this section, in addition to
259 any other requirements imposed by the municipality, an employee must be an active member of the
260 retirement system with at least 20 years of service who receives compensation from the operating
261 budget and not from federal, trust or other capital funds.
262

263 (d) An employee who is eligible for the early retirement incentive program may request in an
264 application for retirement that the retirement board credit the employee with an additional
265 retirement benefit of a combination of years of creditable service and years of age, in full year
266 increments, the sum of which shall not be greater than 3 years, or a lesser amount established by
267 the municipality, for the purposes of determining the employee’s superannuation retirement
268 allowance under paragraph (a) of subdivision (2) of section 5 of chapter 32 of the General
269 Laws. Notwithstanding the credit, the total normal yearly amount of the retirement allowance, as
270 determined in accordance with section 5 of chapter 32 of the General Laws, of any employee who

271 retires and receives the retirement incentive program benefit shall not exceed 80 per cent of the
272 average annual rate of the employee's regular compensation as determined in accordance with said
273 section 5 of said chapter 32. All participants must forego right to any accrued sick and vacation
274 time, and such amounts shall be paid into the municipality's pension system to reduce the
275 additional pension liability resulting from this program.

276
277 (e) In filling positions which have been vacated by employees who participate in an early
278 retirement incentive program under this section, the chief executive officer of the municipality shall
279 be limited to paying compensation, contract and professional services in an amount that does not
280 exceed the following percentage of the total annual salary of all participants in the program
281 calculated as of their respective retirement dates: 30 per cent in fiscal year 2011, 45 per cent in
282 fiscal year 2012 and 60 per cent in fiscal year 2013.

283
284 (f) A municipality that establishes an early retirement incentive program under this section shall
285 provide the public employee retirement administration commission with information
286 demonstrating the value of the plan and any information requested by the public employee
287 retirement administration in order to allow it to evaluate the plan and confirm the analysis,
288 including historic data upon which the plan is based, the elements of the municipal plan including
289 the total number of participants, the types of eligible employees, the salaries of participating
290 employees, the benefits to be received, and the limits on refilling vacated positions. In addition, the
291 municipality shall certify to the public employee retirement administration commission that the
292 present value cost of its plan is estimated to be less than the present value savings and provide the
293 commission with all information it requests to evaluate the plan and confirm a cost analysis.

294
295 (g) In order to establish an early retirement incentive program under this section, a municipality
296 shall comply with the following procedures:

- 297
298 (1) Within 2 months after the effective date of this section, the chief executive officer of a
299 municipality that chooses to participate shall submit its plan to the public employee
300 retirement administration commission for approval.
301 (2) Once the plan has been approved, it shall be submitted to the legislative body of the
302 municipality for acceptance not later than the next regular meeting of the legislative body
303 at which the plan can practicably be submitted.
304 (3) The approved plan shall be published and made available to employees within one month
305 after it has been accepted.
306 (4) Employees must apply to participate within 2 months of the plan's publication.
307 (5) The municipality shall determine which applicants shall be allowed to participate in the
308 program and notify them within one month of the application deadline.
309 (6) Participating employees must retire within 2 months of notification of acceptance.

310
311 (h) A municipality that establishes a program under this section shall submit an annual report to
312 the public employee retirement administration commission, the executive office for administration
313 and finance and the municipal legislative body. The report shall include the salaries and positions
314 of participants, the amount of sick and vacation time being contributed by participants, the salaries
315 and positions of those being hired as replacements and whether the positions of participants have
316 been permanently eliminated.

317
318 (i) A municipality's increased pension liability resulting from participation in a program established
319 under this section shall be amortized over 10 years, starting in the next fiscal year, in equal
320 installments, and shall be separately identified in the municipality's pension funding schedule.

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Retirement System Funding Relief

SECTION 26. Section 1 of chapter 32 of the General Laws is hereby amended by striking out the word “may” in line 488, as appearing in the 2008 Official Edition, and inserting in place thereof the following word: - shall.

SECTION 27. Section 21 of chapter 32 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 177 to 181, the words “The commissioner of administration shall require the preparation of triennial actuarial valuation reports, with the first one to be completed as of January first, nineteen hundred and eighty-eight and experience investigations every six years in such manner as he deems most appropriate” and inserting in place thereof the following 3 sentences:-

An actuarial valuation of each system shall be conducted biennially, and experience investigations shall be conducted every 6 years. The first such valuation shall be completed as of January 1, 2011 or as of January 1 of the third year following the last actuarial valuation of the system, if earlier. Actuarial valuation reports and experience studies shall be conducted in such manner as the commissioner of administration, upon advice of the actuary, shall consider appropriate.

SECTION 28. Subdivision (1) of section 22D of said chapter 32, as amended by section 18 of chapter 21 of the acts of 2009, is hereby further amended by inserting after the first sentence the following sentence: - A funding schedule established under this section shall provide that the payment in any year of the schedule is no less than 95 per cent of the amount appropriated in the previous fiscal year.

SECTION 29. Said chapter 32 of the General Laws is hereby further amended by inserting after section 22E the following section:-

Section 22F. (a) Systems, other than the state employees’ retirement system and the teachers’ retirement system, which conduct an actuarial valuation of the retirement system as of January 1, 2009 or later, may establish a revised retirement system funding schedule, subject to the approval of the actuary, which reduces the unfunded actuarial liability of the system to zero on or before June 30, 2040 as long as it satisfies the following conditions:

(1) The payment in any year under the revised schedule or any subsequent schedule shall not be less than the payment in any prior fiscal year under the then current schedule until the system is fully funded.

(2) The increase in the amortization component of the appropriations required by the schedule from year to year shall not exceed 4 per cent and shall be designed so that the funding schedule and any updates to it shall reduce the unfunded actuarial liability of the system to zero on or before June 30, 2040.

358 (b) If an updated actuarial valuation allows for the development of a revised schedule with reduced
359 payments, the revised schedule shall be adjusted to reduce the unfunded liability of the system to
360 zero by an earlier date to the extent required to ensure that the appropriation required for a
361 particular year under the new schedule shall not be less than the amount identified for that year
362 under the prior schedule established under this section.

363 (c) If a schedule established under this section would result in an appropriation in the first fiscal
364 year of the schedule that is greater than 8 per cent more than the appropriation in the previous
365 fiscal year, the requirement of subsection (2) of subdivision (a) may be adjusted with the approval
366 of the public employee retirement administration commission.

367
368 Revised Provisions for Transfer of Municipal Retirement Systems into PRIT

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370 SECTION 30. Paragraph (c1/2) of subdivision (8) of section 22 of chapter 32 of the General
371 Laws, as inserted by section 2 of chapter 68 of the acts of 2007, is hereby amended by inserting
372 after the word “perpetuity”, in the first paragraph, the following words:- , but a system that has
373 voluntarily transferred ownership and control of all of its assets to the PRIM board before receiving
374 a notice from the commission that the system is underperforming, as determined under this
375 section, shall not be subject to the requirement that the transfer be in perpetuity.

376 SECTION 31. Said paragraph (c1/2) of subdivision (8) of section 22 of chapter 32, as so
377 inserted, is hereby further amended by striking out the fourth paragraph and inserting in place
378 thereof the following paragraph:-

379 A system ordered by the commission to transfer its assets under this paragraph may appeal to the
380 commission for an exemption by filing written notice of its appeal with the commission not later
381 than 30 days after receiving the commission’s order to transfer its assets. The commission may
382 grant an exemption from the transfer requirement of this paragraph if the system’s rate of return
383 has exceeded the PRIT Fund rate of return for the previous 2 years or if the system’s rate of return
384 was affected by other extenuating circumstances. The commission may also consider the system’s
385 management costs, its risk return ratio and any other factors it considers appropriate. A system
386 may seek judicial review of the commission’s decision to deny an exemption in the manner
387 provided in section 14 of chapter 30A. An exemption granted by the commission under this
388 paragraph shall take effect only upon the approval of a majority of the local governing body as
389 follows: in a county, by the county commissioners, in a city having a Plan D or Plan E charter, by the
390 city council and the manager, in any other city the city council and the mayor, in a town shall, by the
391 board of selectmen, in a regional retirement system by the regional retirement board advisory
392 council and in all other districts, by the governing board. The local governing body shall vote
393 whether or not to approve the commission’s grant of exemption within 30 days after the
394 commission’s decision to provide an exemption.

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396
397 Prorating of Insurance for Part Time Employees

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399 SECTION 32. Section 3 of chapter 32B of the General Laws, as appearing in the 2006 Official
400 Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

401 For an employee hired after the effective date of this act and regularly employed for fewer
402 than 37.5 hours per week, the governmental unit may contribute an amount of that employee's

403 premium that is the same proportion of the amount paid for a full-time employee's premium as that
404 employee's regular weekly hours is of 37.5 hours.

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407 Prorating of Insurance for Retired Part Time Employees

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SECTION 33. Chapter 32B of the General Laws, as so appearing in the 2006 Official Edition,
410 is hereby amended by inserting after Section 9I the following new section:-

411 Section 9J. For a retired employee who was hired after the effective date of this Act and was
412 regularly employed for fewer than 37.5 hours per week the governmental unit may contribute an
413 amount of that retiree's premium that is the same proportion of the amount of the premium paid
414 for a retiree who was a full-time employee as that retired employee's regular weekly hours before
415 retirement is of 37.5 hours.

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418 Municipal Life Insurance

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SECTION 34. Section 11A of Chapter 32B of the General Laws is hereby amended by striking
421 out the first paragraph and striking out the accompanying table and inserting the following new
422 paragraph:- Each employee insured for the minimum amounts of group life and group accidental
423 death and dismemberment insurance provided in section five may, subject to such conditions as the
424 appropriate public authority shall approve, be insured for amounts of group life insurance and
425 group accidental death and dismemberment insurance in addition to the minimum amounts
426 provided for in section five, in an amount not greater than \$150,000.

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SECTION 35. Section 11A of Chapter 32B is hereby amended in line by 60 striking the
429 following words: - "outlined in the above schedule"

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432 Transfer of Eligible Municipal Retirees into Medicare

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SECTION 36. Section 18 of chapter 32B is hereby repealed.

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SECTION 37. Said chapter 32B of the General Laws is hereby amended by striking out
437 section 18A, as inserted by chapter 374 of the acts of 2008, and inserting in place thereof the
438 following section:-

439 Section 18B. (a) All retirees, their spouses and dependents insured or eligible to be insured
440 under this chapter, if enrolled in Medicare Part A at no cost to the retiree, spouse or dependents or
441 eligible for coverage there under at no cost to the retiree, spouse or dependents, shall be required
442 to transfer to a Medicare health plan offered by the governmental unit under section 11C or section
443 16, if the benefits under the plan and Medicare Part A and Part B together shall be of comparable
444 actuarial value to those under the retiree's existing coverage, but a retiree or spouse who has a
445 dependent who is not enrolled or eligible to be enrolled in Medicare Part A at no cost shall not be
446 required to transfer to a Medicare health plan if a transfer requires the retiree or spouse to
447 continue the existing family coverage for the dependent in a plan other than a Medicare health plan
448 offered by the governmental unit.

449 (b) Each retiree shall provide the governmental unit, in such form as the governmental unit
450 shall prescribe such information as is necessary to transfer to a Medicare health plan. If a retiree
451 does not submit the information required, he shall no longer be eligible for his existing health
452 coverage. The governmental unit may from time to time request from a retiree, a retiree's spouse

453 or a retiree's dependent, proof, certified by the federal government, of eligibility or ineligibility for
454 Medicare Part A and Part B coverage.

455 (c) The governmental unit shall pay any Medicare Part B premium penalty assessed by the
456 federal government on the retiree, spouse or dependent as a result of enrollment in Medicare Part B
457 at the time of transfer.

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459

460 Health Care Spending Accounts and Dependent Care Assistance Accounts

461

462 SECTION 38. Employees of a governmental unit which accepts chapter 32B shall be eligible
463 for benefits including health care spending accounts and dependent care assistance accounts as
464 offered by the group insurance commission; provided that there shall be withheld from each
465 payment of salary or wages of such employee the premium for such coverage and the
466 commonwealth shall make no contribution to said premium. Regulations shall be promulgated
467 providing for the implementation of this additional coverage.

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470 Validation of Local Elections by Secretary of State

471 SECTION 39. Section 10 of chapter 39 of the General Laws, as appearing in the 2006 Official
472 Edition, is hereby amended by adding the following paragraph:-

473 After written application by the board of selectmen, the state secretary may validate or ratify a
474 town meeting, town election and actions taken pursuant to the town meeting or town election, if
475 the secretary determines that inadvertent failure to comply with the procedural requirements of
476 this chapter or of a town by-law or charter did not contradict the fundamental purposes of those
477 procedural requirements and was unlikely to affect the outcome of the town election or town
478 meeting. The state secretary may adopt regulations to carry out this paragraph.

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481 Long Term Municipal Leases

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483 SECTION 40. Section 3 of chapter 40 of the General Laws, as appearing in the 2006 Official
484 Edition, is hereby amended by striking out, in line 4, the word "ten" and inserting in place thereof
485 the following figure:- 30.

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488 Collective Bargaining and Regional Entities

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490 SECTION 41. The second paragraph of section 4A of chapter 40 of the General Laws, as
491 appearing in the 2006 Official Edition, is hereby amended by adding the following paragraph: - A
492 decision to enter into an inter-municipal agreement under this section, or to join any regional
493 entity, shall not be subject to collective bargaining under chapter 150E.

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496 Collective Purchasing by Educational Collaboratives

497 SECTION 42. Said chapter 40 of the General Laws is hereby amended by inserting after
498 section 4E the following section:-

499 Section 4E1/2.(a) Notwithstanding any general or special law to the contrary, for the benefit of
500 their school programs, education collaboratives, as defined in section 4E, may make purchases from
501 a vendor's contract that has been competitively procured by another state or political subdivision
502 or public entity thereof for the item or items being purchased.

503 (b) These education collaboratives shall not be subject to subsection (c) of section 1 of chapter 30B
504 or sections 22A and 22B of chapter 7 insofar as those laws preclude out-of-state collective
505 purchases by education collaboratives for a period not to exceed 2 years after the effective date of
506 this section, but those provisions shall apply to any collective purchasing by education
507 collaboratives that occurs more than 2 years after that date.

508 (c) The inspector general shall review the process by which education collaboratives are making
509 out-of-state collective purchases. Education collaboratives participating in out-of-state collective
510 purchasing must submit biannually the following summary information to the office of the
511 inspector general: (1) the entity from which the purchase was made and, if the purchase was from a
512 state, political subdivision or a public entity of another state, what information informed them that
513 the out-of-state entity was a political subdivision or a public entity, (2) a full and complete
514 description of the items purchased, and (3) documentation of savings obtained, with relevant
515 Massachusetts cost comparisons

516
517

518 Public Safety Mutual Aid Agreement

519

520 SECTION 43. Said chapter 40 of the General Laws is hereby amended by inserting after
521 section 4I the following section:-

522 Section 4J. There shall be a Statewide Mutual Aid Agreement, the purpose of which is to
523 create a framework for the provision of mutual aid assistance among the parties to the Agreement
524 in the case of any public safety incident. The assistance to be provided under the Agreement shall
525 include but not be limited to fire service, law enforcement, emergency medical services,
526 transportation, communications, public works, engineering, building inspection, planning and
527 information assistance, mass care, resource support, public health, health and medical services,
528 search and rescue, and any other resource, equipment or personnel that a party to the Agreement
529 may request or provide in anticipation of, or in response to, a public safety incident.

530

531 Article I. DEFINITIONS

532

533 As used in this Agreement, the following terms shall have the following meanings:

534

535 "Agreement", this Statewide Mutual Aid Agreement established by this section.

536

537 "Authorized representative", in the case of a city or town, the mayor, city manager, town manager,
538 town administrator, executive secretary, police chief or on-duty shift commander of the police
539 department, fire chief or on-duty shift commander of the fire department, health director or chair
540 person of the board of health, and the emergency management director. In the case of a
541 governmental unit that is not a city or town, the chief executive officer or on-duty shift supervisor.

542

543 "Emergency Management Assistance Compact" or "EMAC", the interstate compact that provides for
544 mutual assistance between the commonwealth and certain other states pursuant to chapter 339 of
545 the acts of 2000.

546

547 "Employee", a person employed full time or part time by a governmental unit, a volunteer officially
548 operating under a governmental unit, or a person contractually providing services to a
549 governmental unit.

550
551 "Governmental unit", a city, a town, a county, a regional transit authority established under chapter
552 161B, a water or sewer commission or district established under the provisions of chapter 40N or
553 pursuant to a special law, a fire district, a regional health district established under the provisions
554 of chapter 111, the Massachusetts Port Authority, a regional school district, a law enforcement
555 council, or any other political subdivision of the commonwealth.

556
557 "Incident command system" or "ICS", the standardized National Incident Management System
558 (NIMS) that establishes an on-scene management system of procedures for controlling personnel,
559 facilities, equipment and communications from different agencies to work together towards a
560 common goal in an effective and efficient manner. ICS is the chain of leadership and command at
561 the scene of an emergency or other event for which mutual aid assistance is provided.

562
563 "International Emergency Management Assistance Compact" or "IEMAC", the international compact
564 that provides for mutual aid between the commonwealth and certain other states and provinces of
565 Canada pursuant to section 58 of chapter 300 of the acts of 2002.

566
567 "Law Enforcement Council", a non-profit corporation organized under chapter 180 whose
568 directorate includes municipal police chiefs and whose membership includes (a) municipalities
569 whose participation in the council has been authorized by their principal executives, and (b) other
570 law enforcement agencies; and whose purpose is to provide:

571
572 (1) mutual aid to its members pursuant to mutual aid agreements;
573 (2) mutual aid or requisitions for aid to non-members consistent with section 8G of this chapter or
574 section 99 of chapter 41; and,
575 (3) enhanced public safety by otherwise sharing resources and personnel.

576
577 "MEMA", the Massachusetts emergency management agency.

578
579 "Mutual aid assistance", cross-jurisdictional provision of emergency services, materials or facilities
580 by agencies or organizations to assist each other when existing resources are or may be inadequate.

581
582 "Party", a governmental unit that is a party to the Agreement under this section.

583
584 "Public safety incident", an event, emergency or disaster, that threatens or causes harm to public
585 health, safety and/or welfare and that exceeds, or reasonably may be expected to exceed, the
586 response or recovery capabilities of any governmental unit. These events include, but are not
587 limited to, natural and manmade disasters, technological hazards, planned events, civil unrest,
588 health related events and emergencies, acts of terrorism, and trainings and exercises that test and
589 simulate the ability to manage, respond to or recover from any of these events.

590
591 "Requesting party", a party that requests aid or assistance from another party pursuant to the
592 Agreement.

593
594 "Sending party", a party that renders aid or assistance to another party under the Agreement.

595
596 Article II. PARTIES TO THE AGREEMENT

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A. Cities and Towns

If a city or town wishes to join the Agreement, the mayor in the case of a city, the city manager in the case of a Plan D or E city, or the town manager, town administrator, or chair of the board of selectmen upon approval by a majority vote of the board of selectmen, may act on behalf of the city or town to join the agreement by notifying the director of MEMA in writing. The municipality shall be a party to the Agreement 30 days after receipt by MEMA of the written notification.

If a city or town has joined the Agreement but wishes to opt out of the Agreement, the mayor in the case of a city, the city manager in the case of a Plan D or E city, or the town manager, town administrator, or chair of the board of selectmen upon approval by a majority vote of the board of selectmen in the case of a town, may act on behalf of the city or town to opt out of the Agreement by notifying MEMA in writing. The removal of the municipality from the Agreement shall take effect 10 days after receipt by MEMA of the written notification.

B. Other Governmental Units

If a governmental unit that is not a city or town wishes to join the Agreement, the chief executive officer of the governmental unit may act on its behalf to join the agreement by notifying the director of MEMA in writing. The governmental unit shall be a party to the Agreement 30 days after receipt by MEMA of the written notification.

If a governmental unit has joined the Agreement but wishes to opt out of the Agreement, the chief executive officer of the governmental unit may act on its behalf to opt out of the Agreement by notifying MEMA in writing. The removal of the municipality from the Agreement shall take effect 10 days after receipt by MEMA of the written notification.

C. Cities and Towns in Adjoining States

A city or town that directly borders a city or town of the commonwealth, but is in another state, may join the Agreement. A duly authorized officer of such a city or town shall provide written notice to the director of MEMA of its intent to join the Agreement together with a valid written certification of the lawfulness of his or her action and authority. The city or town shall be a party to the Agreement 10 days following receipt by MEMA of the written notification.

The officer or successor in office of such a city or town in another state that has joined the Agreement may act on behalf of the city or town to remove itself as a party by notifying the director of MEMA in writing of its intent. The removal of the city or town from the Agreement shall take effect 30 days after receipt by MEMA of the written notification.

Article III. REQUESTS FOR MUTUAL AID ASSISTANCE

A request by a party to receive mutual aid assistance under to the Agreement must be made by an authorized representative of the requesting party and must be communicated to an authorized representative of the sending party or to MEMA. Such a request may be communicated orally or in writing. If communicated orally, the requesting party shall reduce the request to writing and deliver it to the sending party or to MEMA at the earliest possible date, but no later than 72 hours after making the oral request.

A party to the Agreement may request mutual aid assistance during, in anticipation of, or as a result of a public safety incident.

647 An oral or written request for mutual aid assistance under the Agreement shall include the
648 following information: (1) a description of the public safety incident; (2) the nature, type and
649 amount of personnel, equipment, materials, supplies or other resources being requested; (3) the
650 manner in which the resources will be used and deployed; (4) a reasonable estimate of the length of
651 time the resources will be needed; (5) the location to which the resources should be deployed; and
652 (6) and the requesting party's point of contact.

653
654 A party that receives a request for mutual aid assistance shall, to the extent reasonable and
655 practicable under the circumstances, provide and make available the resources requested by the
656 requesting party. However, a party may withhold requested resources to the extent necessary to
657 provide reasonable protection and coverage for its own jurisdiction.

658 659 Article IV. SUPERVISION; CONTROL; OPERATION OF EQUIPMENT

660
661 The requesting party shall be responsible for the overall operation, assignment and deployment of
662 resources and personnel provided by a sending party consistent with the NIMS and the Incident
663 Command System. The sending party shall retain direct supervision and command and control of
664 personnel, equipment and resources provided by the sending party unless otherwise agreed to by
665 the requesting party and sending party.

666 During the course of rendering mutual aid assistance under this Agreement, the sending party shall
667 be responsible for the operation of its equipment and for any damage thereto unless the sending
668 party and the requesting party agree otherwise.

669 670 Article V. COSTS AND REIMBURSEMENT

671
672 Except as set forth in this Agreement, all expenses incurred by the sending party in rendering
673 mutual aid assistance pursuant to the Agreement shall be paid by the sending party. But a
674 requesting party may agree to pay the expenses incurred by a sending party.

675
676 A sending party shall document its costs of providing mutual aid assistance under the Agreement,
677 including direct and indirect payroll and employee benefit costs, travel costs, repair costs, and the
678 costs of materials and supplies. A sending party also shall document the use of its equipment, and
679 the quantities of materials and supplies used while providing mutual aid assistance under the
680 Agreement. A sending party shall cooperate with a requesting party in documenting costs
681 associated with providing mutual aid assistance under the Agreement and seeking reimbursement
682 for such costs.

683
684 Except as set forth in this Agreement, there shall be no expectation of automatic, necessary or
685 contractual reimbursement to a sending party for providing mutual aid assistance under the
686 Agreement. But a requesting party and a sending party may enter into agreements for
687 reimbursement of costs associated with providing mutual aid assistance.

688
689 Except as otherwise agreed to by the requesting and sending parties, the requesting party shall
690 seek reimbursement under any applicable federal and state disaster assistance programs for the
691 costs of responding to and dealing with the public safety incident, including the mutual aid
692 assistance costs incurred by all sending parties. The requesting party and each sending party shall
693 receive, based on the documented costs of providing mutual aid assistance, its pro rata share of the
694 disaster assistance compensation and reimbursement provided to the requesting party.

695 696 Article VI. OTHER MUTUAL AID AGREEMENTS

697
698 This section shall not affect, supersede or invalidate any other statutory or contractual mutual aid
699 or assistance agreements involving parties to the Agreement.
700

701 A party may enter into supplementary mutual aid agreements with other parties or jurisdictions.
702 In the event of a conflict between the Agreement and any lawful supplementary or preexisting
703 statutory or contractual mutual aid assistance agreement, the supplementary or preexisting
704 agreement shall take precedence over the Agreement.
705

706 Article VII. POWERS, LICENSES, PERMITS 707

708 While providing mutual aid assistance under the Agreement in the geographical jurisdiction or
709 location of a requesting party, employees of a sending party shall be afforded the same powers,
710 duties, rights and privileges as they are afforded in the sending party's geographical jurisdiction or
711 location.

712 Employees of a sending party, who hold a valid license, certificate, or other permit in their
713 geographical jurisdiction evidencing the meeting of qualifications for professional, mechanical or
714 other skills, shall be considered similarly licensed, certified or permitted in the requesting party's
715 geographical jurisdiction or location during the time that they are providing mutual aid assistance
716 under the Agreement.
717

718 Article VIII. WAGES & COMPENSATION 719

720 Employees of a sending party, while providing mutual aid assistance under this Agreement, shall
721 receive the same salary, including overtime, that they would be entitled to receive if they were
722 operating in their own geographical jurisdiction. In the absence of an agreement to the contrary,
723 the sending party shall be responsible for, and pay, all such salary expenses, including overtime.
724

725 Article IX. LIABILITY 726

727 In transit to, returning from, and while providing mutual aid assistance under the Agreement in the
728 requesting party's jurisdiction or location, employees of a sending party shall have the same rights
729 of defense, immunity and indemnification that they otherwise would have under the law if they
730 were acting within the scope of their employment under the direction of their employer. A sending
731 party shall provide to, and maintain for, each of its employees who provide mutual aid assistance
732 under the Agreement the same indemnification, defense, right to immunity, employee benefits,
733 death benefits, worker's compensation or similar protection, and insurance coverage that would be
734 provided to such employees if they were performing similar services in the sending party's
735 jurisdiction.
736

737 Each party to the Agreement waives all claims and causes of action against all other parties that
738 may arise out of their activities while rendering or receiving mutual aid assistance under this
739 Agreement, including travel outside of its jurisdiction.
740

741 Each requesting party shall defend, indemnify and hold harmless each sending party from all claims
742 by third parties for property damage or personal injury which may arise out of the activities of the
743 sending party or its employees, including travel, of providing mutual aid assistance under the
744 Agreement.
745

746 Article X. EMERGENCY MANAGEMENT ASSISTANCE COMPACTS

747
748 The director of MEMA or the director's designee shall be the person authorized under EMAC and
749 IEMAC to (i) receive, coordinate, and answer all requests to the commonwealth to provide mutual
750 aid assistance to another state or country pursuant to EMAC and IEMAC, and (ii) make and
751 coordinate all requests on behalf of the commonwealth to another state or country to receive
752 mutual aid assistance pursuant to EMAC and IEMAC.

753 MEMA shall be the agency of the commonwealth authorized to dispatch resources of the
754 commonwealth or of a governmental unit to another state or country to provide mutual aid
755 assistance pursuant to EMAC and IEMAC. Employees of a governmental unit who, at the request
756 and with the approval of MEMA, render mutual aid assistance to another state or country pursuant
757 to EMAC or IEMAC shall be considered to be emergency forces and officers of the commonwealth
758 for the limited purpose of effectuating the purposes of EMAC and IEMAC.

759 Employees of the commonwealth or a governmental unit who, at the request and with the approval
760 of MEMA, render mutual aid assistance to another state or country pursuant to EMAC or IEMAC
761 shall, except as otherwise provided for in this Agreement or in EMAC or IEMAC, be provided the
762 same compensation, rights, responsibilities, benefits and protections that they would be entitled to
763 receive if they were operating in their own geographical jurisdiction.

764
765 The commonwealth shall reimburse each governmental unit for the reasonable expenses incurred
766 in rendering mutual aid assistance under EMAC or IEMAC at the request and with the approval of
767 MEMA, including direct and indirect payroll costs, overtime costs, travel costs, repair costs,
768 replacement costs, costs of materials and supplies, and injury or death benefits.

769
770

771 Statewide Public Works Municipal Mutual Assistance Program

772

773 SECTION 44. Chapter 40 of the General Laws is hereby amended by inserting the following
774 new section: Chapter 40, Section 4K. The Statewide Public Works Municipal Mutual Assistance
775 Program.

776 (a)(i) "The statewide municipal mutual assistance agreement for public works" is defined as a
777 comprehensive statewide agreement entered into by participating governmental units for the
778 facilitation and provision of sharing of public works resources across jurisdictional lines in the case
779 of public works incidents and maintenance that require assistance from one or more additional
780 municipalities.

781 (ii) "Governmental unit" is defined as a city, town, county, district as defined in
782 Section 1A, however constituted, water or sewer commission established under the provisions of
783 chapter 40N or pursuant to a special law, fire district, or other political entity of the Commonwealth
784 or its municipalities.

785 (b) There shall be a statewide mutual assistance agreement developed for Public
786 Works activities, by the Statewide Municipal Mutual Assistance Advisory Committee that covers
787 Public Works services, personnel, equipment, supplies and facilities to prepare for, prevent,
788 mitigate, respond to and recover from incidents that require assistance from additional
789 municipalities, consistent with the provisions herein. Nothing in this section shall establish or apply
790 to mutual aid agreements among local public safety agencies. All 351 municipalities of the
791 commonwealth shall be eligible to opt into the statewide municipal mutual assistance agreement.
792 The chief executive officer of a city or town, or as otherwise specified by statute or charter must
793 sign the mutual assistance agreement. If a community does not execute the agreement, it is
794 assumed that the community will not be a participant. Participation shall exist for a period of ten
795 years. Other governmental units not under the direction and control of a commonwealth
796 municipality shall be authorized to sign on to the statewide mutual aid agreement on a form filed

797 with and prescribed by the Statewide Municipal Mutual Assistance Advisory Committee. In
798 addition, governmental units from a municipality directly adjacent to a commonwealth
799 municipality, but in another state, shall be able to sign on to the statewide mutual aid agreement if
800 duly authorized on a form prescribed by the Statewide Municipal Mutual Assistance Advisory
801 Committee.

802 (c) There will be an annual open enrollment period for those communities who are not part of the
803 Statewide Municipal Mutual Assistance Program. The date of the open enrollment period and any
804 other requirements will be established by the Statewide Municipal Mutual Assistance Advisory
805 Committee. In addition, a community may opt out of the program at any time by informing the
806 Statewide Mutual Assistance Advisory Committee, in writing, of its intent to terminate participation
807 in the program. This request for removal from the program shall be executed by the chief executive
808 officer of a city or town, or as otherwise specified by statute or charter.

809 (d) There shall be a Statewide Municipal Mutual Assistance Advisory Committee that shall consist
810 of one appointee made by the following parties: the Massachusetts Highway Association, the New
811 England Chapter of the American Public Works Association (Massachusetts Representative), the
812 New England Water Environment Association (Massachusetts Representative), the Massachusetts
813 Tree Wardens Association, the Mass Water Works Association, and the Massachusetts Municipal
814 Association. One appointee from the Executive Office of Public Safety shall serve as both an Ex-
815 officio member and chair of the committee.

816 (e) The Statewide Municipal Mutual Assistance Advisory Committee may develop procedural plans,
817 protocols and programs for intrastate cooperation to be used by public works agencies in response
818 to an incident.

819 (f) Each participating governmental unit shall identify no less than one, but no more than three
820 points of contact within its public works agency, and shall provide for contacts consistent with the
821 governmental units so-called continuation of operation/continuation of governance plan.

822 (g) A participating governmental unit may request the assistance of one or more participating
823 governmental units to:

824 (1) Manage public works incident and maintenance response or recovery if they do not possess the
825 ability to do so effectively, independently or;

826 (2) Conduct public works incident response or recovery related exercises, testing or training.

827 (h) A request for assistance to a participating governmental unit shall be made by and to: the chief
828 executive officer of a city or town, or as otherwise specified by statute or charter, or one of three
829 designated points of contact. An oral request shall be allowable but must be followed in writing no
830 later than twenty-four hours after the oral request is made.

831 The request must include the following information:

832 (1) A description of the public works incident and maintenance response and recovery functions for
833 which assistance is needed.

834 (2) The amount and type of public works services, equipment, supplies, materials, personnel and
835 other resources requested and a point of contact at the location.

836 (3) The place and time where assistance is needed and where the point of contact will be.

837 (i) The responding governmental unit shall not be required to respond to a request and may
838 choose to do so only if responding would not jeopardize the participating municipality's own
839 reasonable protection.

840 (j) The dispatch of public works resources under the statewide mutual assistance agreement shall
841 operate under the direction of their parent government unit. Tactical operational control of
842 resources shall be under the direction and control of the requesting government unit. The
843 administration and coordination of the statewide mutual aid agreement shall be the responsibility
844 of the Statewide Municipal Mutual Assistance Advisory Committee.

845 (k) Reimbursement for any and all public works services performed under the statewide municipal
846 mutual assistance agreement is presumed, but may be waived in writing by a participating

847 government unit prior or subsequent to responding to an incident and/or maintenance matter
848 through a supplemental agreement. This section shall not provide for reimbursement of any kind
849 outside of what is agreed to by the individual governmental units.

850 (l) Notwithstanding section 4A of chapter 40 of the general laws, the chief executive officer of a
851 city or town, or as otherwise specified by statute or charter, is hereby authorized to enter into
852 supplemental agreements on behalf of such unit with other governmental units to further define
853 the rights and responsibilities of each party for the provision of mutual aid pursuant to the
854 statewide municipal mutual assistance agreement established herein.

855 (m) While in transit to, returning from, and during a mutual assistance response for another
856 governmental unit, a participating public works employee of a governmental unit, or volunteer
857 acting officially under the authorization of the governmental unit, that is a party to the statewide
858 municipal mutual assistance agreement shall maintain the right of indemnification granted by law,
859 or by his home governmental unit, should it exist, for all claims arising out of any action within the
860 scope of employment in accordance with the statewide municipal mutual assistance agreement
861 pursuant to this section.

862 (n) All public works employees and equipment requested and deployed pursuant to the statewide
863 municipal mutual assistance agreement shall be covered for liability, immunity, employee benefits,
864 worker's compensation and insurance, by their employer, as if they were in their own jurisdiction.
865 Participating governmental units may, by supplemental agreement with one or more participating
866 governmental units, address issues such as, but not limited to, pay and benefit for government unit
867 employees and volunteers, insurance, indemnification, injury compensation and other operational
868 matters related to services provided under a mutual aid response.

869 (o) Barring a supplemental agreement to the contrary, public works employees shall receive the
870 same compensation as if they were operating in their own jurisdiction while performing services
871 under the statewide municipal mutual assistance agreement.

872 (p) All activities performed under the statewide municipal mutual assistance agreement by
873 governmental units are hereby declared to be governmental function. Neither the parties, nor,
874 except in cases of willful misconduct, gross negligence, or bad faith, their personnel complying with
875 or reasonable attempting to comply with the mutual aid agreement or any ordinance, rule or
876 regulation enacted or promulgated pursuant to the provisions of this section shall not be held liable
877 for the death or injury to persons or for damage to property as a result of any such activity.

878 (q) Public works employees of a governmental unit that is a party to the statewide municipal
879 mutual assistance agreement shall be granted recognition of their respective jurisdiction, authority,
880 licenses or permits outside their original jurisdiction while operating under the statewide
881 municipal mutual assistance agreement.

882 (r) This section shall not affect inter-local agreements and/or practices, including but not limited
883 to those established pursuant to section 4A of chapter 40 of the general laws, as amended by
884 Chapter 188 of the Acts of 2008.

885 (s) The Statewide Municipal Mutual Assistance Committee shall develop and make available to
886 participating governmental units, forms to facilitate requests for aid, and to facilitate record
887 keeping of movement of public works equipment and personnel.

888
889

890 Municipal Police Training

891

892 SECTION 45. Section 36C of chapter 40 of the General Laws, as so appearing, is hereby
893 amended by striking out, in line 7, the words "municipal police training committee" and inserting in
894 place thereof the following words:- municipal police training agency.

895
896

897 Review of Assessment Certification Schedule

898

899 SECTION 46. Section 56 of said chapter 40, as so appearing is hereby amended by adding
900 the following paragraph:-

901 Notwithstanding the first paragraph or any other general or special law, the commissioner may,
902 from time to time, issue a revised schedule for the year in which he shall certify whether the board
903 of assessors is assessing property at full and fair cash valuation. After the schedule is issued, a city
904 or town may classify in the manner set forth in this section for any year before the next year of
905 certification established in the schedule for the city or town. In arranging the schedule the
906 commissioner shall, so far as practicable and appropriate, consider but not be limited to the
907 following goals: balancing the number of certification reviews conducted in each year of the
908 triennial period, facilitating and implementing joint or cooperative assessing agreements or
909 districts, assisting boards of assessors to comply with any minimum standards of assessment
910 performance established under section 1 of chapter 58 and producing uniformity in the valuation,
911 classification and assessment of property within each city or town and throughout the
912 commonwealth.

913

914

915 Tax Increment Financing

916

917 SECTION 47. Section 59 of chapter 40 of the General Laws, as appearing in the 2008 Official
918 Edition, is hereby amended by striking paragraph (iii) and inserting in place thereof the following
919 paragraph:-

920

921 (iii) Authorize tax increment exemptions from property taxes, in accordance with clause Fifty-first
922 of section 5 of chapter 59, for a specified term not to exceed 20 years, for any parcel of real property
923 which is located in the TIF zone and for which an agreement has been executed with the owner
924 thereof in accordance with paragraph (v). The TIF plan shall specify the level of exemptions
925 expressed as exemption percentages, not to exceed 100 per cent, to be used in calculating the
926 exemptions for the parcel, and for personal property situated on that parcel, as provided under said
927 clause Fifty-first of said section 5 of said chapter 59. The exemption for each parcel of real property
928 shall be calculated using an adjustment factor for each fiscal year of the specified term equal to the
929 product of the inflation factors for each fiscal year since the parcel first became eligible for such
930 exemption pursuant to this paragraph. The inflation factor for each fiscal year shall be a ratio:
931 (a) the numerator of which shall be the total assessed value of all parcels of all commercial and
932 industrial real estate that is assessed at full and fair cash value for the current fiscal year minus the
933 new growth adjustment for the current fiscal year attributable to the commercial and industrial
934 real estate as determined by the commissioner of revenue under paragraph (f) of section 21C of
935 said chapter 59; and

936

937 (b) the denominator of which shall be the total assessed value for the preceding fiscal year of all the
938 parcels included in the numerator, except that such ratio shall not be less than 1.

939

940 SECTION 48. Section 60 of chapter 40 of the General Laws, as appearing in the 2008 Official
941 Edition, is hereby amended by striking paragraph (iii) of subsection (a) and inserting in place
942 thereof the following paragraph:-

943 (iii) authorize tax increment exemptions from property taxes, in accordance with clause Fifty-first
944 of section 5 of chapter 59, for a specified term not to exceed 20 years, for any parcel of real property
945 which is located in the UCH-TIF zone and for which an agreement has been executed with the
946 owner thereof in accordance with paragraph (v). The UCH-TIF plan shall specify the level of
947 exemptions expressed as exemption percentages, not to exceed 100 per cent, to be used in
948 calculating the exemptions for the parcel, and for personal property situated on that parcel, as
949 provided under said clause Fifty-first of said section 5 of said chapter 59. The exemption for each
950 parcel of real property shall be calculated using an adjustment factor for each fiscal year of the
951 specified term equal to the product of the inflation factors for each fiscal year since the parcel first
952 became eligible for such exemption pursuant to this paragraph. The inflation factor for each fiscal
953 year shall be a ratio:

954 (1) the numerator of which shall be the total assessed value of all parcels of residential real estate
955 that are assessed at full and fair cash value for the current fiscal year minus the new growth
956 adjustment for the current fiscal year attributable to the residential real estate as determined by
957 the commissioner of revenue under paragraph (f) of section 21C of said chapter 59; or
958

959 (2) the numerator of which, in a UCH-TIF zone where the property includes a mix of residential and
960 commercial uses, shall be the total assessed value of all parcels of all residential and commercial
961 real estate that are assessed at full and fair cash value for the current fiscal year minus the new
962 growth adjustment factor for the current fiscal year attributable to the residential and commercial
963 real estate as determined by the commissioner of revenue under said paragraph (f) of said section
964 21C of said chapter 59; and
965

966 (3) the denominator of which shall be the total assessed value for the preceding fiscal year of all the
967 parcels included in the numerator, except that such ratio shall not be less than 1.
968

969 SECTION 49. Section 60A of chapter 40 of the General Laws, as appearing in the 2008
970 Official Edition, is hereby amended by striking out the second and third sentences of paragraph (iii)
971 of subsection (a) and inserting in place thereof the following sentences:-
972 The MWF-TIF plan shall specify the level of exemptions expressed as exemption percentages, not to
973 exceed 100 per cent, to be used in calculating the exemptions for the parcel, and for personal
974 property situated on that parcel, as provided under said clause Fifty-first of said section 5 of said
975 chapter 59. The exemption for each parcel of real property shall be calculated using an adjustment
976 factor for each fiscal year of the specified term equal to the product of the inflation factors for each
977 fiscal year since the parcel first became eligible for such exemption pursuant to this paragraph.
978

979 Affordable Housing Excess Profits

980
981
982 SECTION 50. Section 21 of Chapter 40B, as appearing in the 2006 Official Edition, is hereby
983 amended by adding at the end thereof the following paragraph:

984 If the profit of a limited dividend organization exceeds the applicable reasonable return, any
985 excess profits shall be deposited with the municipality in which the development is located and may
986 be used for affordable housing, infrastructure, land use and master planning, public safety or
987 education.
988

989

990 Joint or Regional Assessing Agreements

991
992 SECTION 51. Chapter 41 of the General Laws is hereby amended by striking out section
993 30B, as appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

994 Section 30B. (a) Notwithstanding any general or special law, or any municipal charter, vote,
995 bylaw, or ordinance, any 2 or more cities and towns may by vote of their legislative bodies enter
996 into an agreement for joint or cooperative assessing, classification and valuation of property. Such
997 agreement shall be for a term not to exceed 25 years and provide for:

998 (1) the division, merger or consolidation of administrative functions between or among the
999 parties, or the performances thereof by one city or town on behalf of all the parties;

1000 (2) the financing of the joint or cooperative undertaking;

1001 (3) the rights and responsibilities of the parties with respect to the direction and
1002 supervision of the work to be performed and with respect to the administration of the assessing
1003 office including the receipt and disbursement of funds, the maintenance of accounts and records
1004 and the auditing of accounts;

1005 (4) annual reports of the assessor to the constituent parties;

1006 (5) the duration of the agreement and procedures for amendment, withdrawal or
1007 termination thereof; and

1008 (6) any other necessary or appropriate matter.

1009 (b) An agreement under this section may also provide for the formation of a single assessing
1010 department for the purpose of employing assistant assessors and necessary staff and performing all
1011 administrative functions. An agreement may also vest in 1 person, the board of assessors of 1 of the
1012 parties or a regional board of assessors comprised of at least 1 representative from each of the
1013 parties and selected in the manner set forth in the agreement all the powers and duties of the
1014 boards of assessors and assessing departments of the parties. In that case, upon the effective date
1015 of the agreement, the existing boards of assessors of the other parties, or of all the parties if their
1016 assessors' powers and duties are vested in 1 person, shall terminate for the duration of the
1017 agreement. Unless the agreement provides for the board of assessors of 1 of the parties to serve as
1018 the assessors for all parties, or 1 city or town to act on behalf of all parties, the agreement shall
1019 designate an appointing authority representing all of the parties, which shall be responsible for the
1020 appointment of an assessor, designate to the extent required by the agreement, the appointing
1021 authority for any assistant assessors and other staff, and in the case of withdrawal or termination of
1022 the agreement, determine the employment of any employee of one of the parties that became part
1023 of a single assessing department. Subject to the rules and regulations established by the
1024 commissioner of revenue pursuant to section 1 of chapter 58, the agreement shall provide for
1025 qualifications, terms and conditions of employment for the assessor and employees of his office.
1026 The agreement may provide for inclusion of the assessor and said employees in insurance,
1027 retirement programs and other benefit programs of one of the constituent parties, but all parties to
1028 the agreement shall be responsible for paying a proportionate share of the current and future costs
1029 of benefits associated with the appointment or employment of all persons performing services for
1030 them during the duration of the agreement. Any city or town party to such an agreement shall
1031 include employees under the joint assessing agreement in such programs in accordance with the
1032 terms of the agreement.

1033 (c) Cities and towns may become parties to any existing agreement with the approval of the
1034 other parties.

1035 (d) No agreement or amendment to an agreement for joint or cooperative assessing made
1036 pursuant to this section shall take effect until it has been approved in writing by the commissioner
1037 of revenue.

1038
1039

1040 Municipal Police Training

1041
1042 SECTION 52. Section 96B of chapter 41 of the General Laws, as so appearing, is hereby
1043 amended by striking out, in lines 5 and 17, the words "municipal police training committee" and
1044 inserting in place thereof, in each instance, the following words:- municipal police training agency.

1045
1046 SECTION 53. Said section 96B of said chapter 41, as so appearing, is hereby further
1047 amended by striking out, in lines 21, 27, 31, 34 and 38, the word "committee" and inserting in place
1048 thereof, in each instance, the following word:- agency.

1049
1050 SECTION 54. Section 97B of said chapter 41, as so appearing, is hereby amended by striking
1051 out, in lines 8 and 9, the words "municipal police training committee" and inserting in place thereof
1052 the following words:- municipal police training agency.

1053
1054 SECTION 55. Said section 97B of said chapter 41, as so appearing, is hereby further
1055 amended by striking out, in lines 19 and 20, the words "municipal police training committee" and
1056 inserting in place thereof the following words:- municipal police training agency.

1057
1058
1059 Renewable Energy Revolving Fund

1060 SECTION 56. Section 7 of chapter 44 of the General Laws, as appearing in the 2008 Official
1061 Edition, is hereby amended by inserting after paragraph (3B) the following paragraph:-

1062
1063 (3C) For a revolving loan fund established under section 53E $\frac{3}{4}$ to assist in development of
1064 renewable energy and energy conservation projects on privately held buildings, property or
1065 facilities within the city or town, 20 years.

1066
1067 SECTION 57. Said chapter 44, as so appearing, is hereby further amended by inserting after
1068 section 53E $\frac{1}{2}$ the following section:-

1069
1070 Section 53E $\frac{3}{4}$. (a) Notwithstanding the provisions of section fifty-three or any other general or
1071 special law to the contrary, a city or town may establish a revolving fund to be known as the Energy
1072 Revolving Loan Fund, in this section called the fund. The purpose of the fund is to provide loans to
1073 owners of privately held real property in the city or town for energy conservation and renewable
1074 energy projects on their properties so as to prioritize energy efficiency as the first step toward
1075 reducing greenhouse gas emissions associated with buildings.

1076
1077 (b) The fund shall be established by ordinance or by-law. Before adoption of the ordinance or by-
1078 law, the select board, town council or the city council, as the case may be, shall conduct a public
1079 hearing on the question of its adoption. The ordinance or by-law shall designate an administrator
1080 for the fund and may provide for any rules, regulations and procedures for administration of the
1081 fund and eligibility for loans the city or town considers necessary or proper to carry out the
1082 purposes of this section. The administrator may consult with the green communities division,
1083 established in section 10 of chapter 25A in developing such regulations, rules, and procedures for
1084 administration of the fund. The fund administrator may be a board, department or officer, or may
1085 consist of 1 or more members from 1 or more boards, departments or officers, of the city or town.
1086 Any city or town which is a member of a regional planning commission may enter into a
1087 cooperative agreement with said commission to perform as administrator for the fund.

1088

1089 (c) As authorized by section 4A of chapter 40, two or more municipalities may, in a city by vote of
1090 the city council thereof, and in a town by vote of the board of selectmen thereof, enter into an
1091 agreement to jointly establish and administer a common fund.
1092

1093 (d) The fund administrator shall have the following duties and powers:-
1094

1095 (1) to make loans to owners of real estate to finance or refinance the costs of energy conservation
1096 and renewable energy projects on their properties; provided no loan shall be made unless an
1097 energy audit of the property has been conducted on or after July 2, 2008] and any energy
1098 conservation measures established by the fund administrator for participation in the program have
1099 been implemented;
1100

1101 (2) to execute and deliver on behalf of the city or town all loan agreements and other instruments
1102 necessary or proper to make the loan and secure its repayment;
1103

1104 (3) to record the notice of the agreement required by subsection (f) and any other loan
1105 instruments;
1106

1107 (4) to apply for and accept grants or gifts for purposes of the fund; and
1108

1109 (5) to exercise any other powers or perform any other duties the city or town may grant by
1110 ordinance or by-law to carry out the purposes of the section.
1111

1112 (e) The treasurer shall be the custodian of the fund, which shall be maintained as a separate
1113 account, and into which shall be placed:-
1114

1115 (1) all monies appropriated and proceeds from bonds issued under paragraph (3C) of section 7 for
1116 purposes of providing loans to private property owners for energy conservation and renewable
1117 energy projects;
1118

1119 (2) all funds received from the commonwealth or any other source for those purposes;
1120

1121 (3) all repayments of the loans made to property owners under this section, and any reserve or
1122 other required payments made by the owners in connection with the loans; and
1123

1124 (4) any other amounts required to be credited to the fund by any law.
1125

1126 The treasurer may invest the monies in the manner authorized by section 55, and any interest earned
1127 thereon shall be credited to and become part of the fund.
1128

1129 The treasurer shall, not later than June 30 of each year, certify in writing to the fund administrator
1130 and auditor or similar officer in cities, or the town accountant in towns having that officer, the
1131 principal and interest due in the next fiscal year on any bonds issued under paragraph (3C) of section
1132 7 and not otherwise provided for, and the amount certified shall be reserved for payment of that debt
1133 service without further appropriation. Loans may be made from the fund by the fund administrator
1134 without further appropriation, subject to this section; provided, however, that no loans shall be made
1135 or liabilities incurred in excess of the unreserved fund balance, nor made unless approved in
1136 accordance with sections 52 and 56 of chapter 41.
1137

1138 (f) Whenever the city or town enters into a loan agreement with a property owner under this section,
1139 a notice of the agreement shall be recorded as a betterment and be subject to the provisions of
1140 chapter 80 relative to the apportionment, division, reassessment and collection of assessment,
1141 abatement and collections of assessments, and to interest; provided, however, that for purposes of
1142 this section, the lien shall take effect by operation of law on the day immediately following the due
1143 date of the assessment or apportioned part of the assessment and the assessment may bear interest
1144 at a rate determined by the city or town treasurer by agreement with the owner at the time the
1145 agreement is entered into between the city or town and the property owner. In addition to remedies
1146 available under chapter 80, the property owner shall be personally liable for the repayment of the
1147 total costs incurred by the city or town under this section; provided, however, that upon assumption
1148 of the personal obligation by a purchaser or other transferee of all of the original owner's interest in
1149 the property at the time of conveyance and the recording of the assumption, the owner shall be
1150 relieved of the personal liability.

1151
1152 A betterment loan agreement between an owner and a city or town under this section shall not be
1153 considered a breach of limitation or prohibition contained in a note, mortgage or contract on the
1154 transfer of an interest in property.

1155
1156 Notwithstanding any provision of chapter 183A to the contrary, the organization of unit owners of a
1157 condominium may enter into a betterment loan agreement under this section to finance an energy
1158 conservation and renewable energy project provided that the project comprises part of the
1159 common areas and facilities. The agreement shall: (i) be approved by a majority of the unit owners
1160 benefited by the project; (ii) include an identification of the units and unit owners subject to the
1161 agreement and the percentages, as set forth in the master deed, of the undivided interests of the
1162 respective units in the common area and facilities; and (iii) include a statement by an officer or
1163 trustee of the organization of unit owners certifying that the required number of unit owners have
1164 approved the agreement. As between the affected unit owners and the city or town, the certification
1165 shall be conclusive evidence of the authority of the organization of unit owners to enter into the
1166 agreement. A notice of the agreement shall be recorded as a betterment in the registry of deeds or
1167 registry district of the land court where the master deed is recorded and shall be otherwise subject
1168 to the provisions of chapter 80 as provided for in this section. The assessment under the agreement
1169 may be charged or assessed to the organization of units owners but shall not constitute an
1170 assessment of common expenses. Instead, the allocable share of the assessment, prorated on the
1171 basis of the percentage interests of the benefited units in the common areas and facilities, shall
1172 attach as a lien only to the units identified in the recorded notice and benefited by the project and
1173 the owners of those units shall also be personally liable for their allocable share of the assessment
1174 as provided for in this section. Words defined in section 1 of said chapter 183A and used in this
1175 paragraph have the same meanings as appearing in said chapter 183A.

1176
1177 (g) The fund administrator shall file annually no later than June 30 a report detailing the amount of
1178 money in the fund, loans made, and repayments received, and shall also include the types of
1179 projects financed. The report shall be filed with the chief executive officer of the city or town, the
1180 executive office of administration and finance, the joint committee on municipalities and regional
1181 government, the senate and house committees on ways and means, and the clerks of the senate and
1182 the House of Representatives.

1183
1184

1185 Bonding: Dredging of Tidal and Non Tidal Waters

1186

1187 SECTION 58. Section 7 of chapter 44 of the General Laws is hereby amended by inserting
1188 after clause 17 the following new clause: - (17A) For dredging of tidal and non-tidal rivers and
1189 streams, harbors, channels and tide waters, ten years.

1190
1191
1192 Bonding: Environmental Cleanup

1193
1194 SECTION 59. Section 7 of chapter 44 of the General Laws is hereby amended by inserting at
1195 the end thereof the following new clause: - (32) For the cost of cleaning up or preventing pollution
1196 caused by existing or closed municipal facilities not defined in clause 21 of Section 8 of Chapter 44
1197 including clean up or prevention activities taken pursuant to chapter 21E or chapter 21H, twenty
1198 years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to
1199 the project shall have been submitted to the department of environmental protection and the
1200 approval of said department has been granted therefore, ten years.

1201
1202 Additional Flexibility in Municipal and Regional School District Borrowing

1203
1204 SECTION 60. Section 7 of chapter 44 of the General Laws, as so appearing, is hereby
1205 amended by inserting after the word "specified", in line 3, the following words: - or, except with
1206 respect to clauses (11), (16), (18), (21) and (22), within such longer period not to exceed 30 years
1207 based upon the maximum useful life of the public work, improvement or asset being financed, as
1208 determined in accordance with guidelines established by the division of local services of the
1209 department of revenue.

1210
1211 SECTION 61. Said section 7 of said chapter 44, as so appearing, is hereby further amended
1212 by striking out in lines 50 to 53 the words "or for such maximum term, not exceeding 15 years,
1213 based upon the maximum useful life of the equipment as determined by the board of selectmen or
1214 the mayor or city manager of the city or town".

1215
1216 SECTION 62. Said section 7 of said chapter 44, as so appearing, is hereby further amended
1217 by inserting after clause (31) the following clause:-

1218 (32) For any other public work, improvement or asset not specified in any of the above
1219 clauses, with a maximum useful life of at least 5 years, determined as provided in the first sentence
1220 of this section, 5 years.

1221
1222 SECTION 63. Section 8 of said chapter 44, as so appearing, is hereby amended by inserting
1223 after the word "specified", in line 3, the following words: - or except with respect to clauses (1), (2),
1224 (3A), (5), (6), (7), (9) and (19), within such longer period not to exceed 30 years based upon the
1225 maximum useful life of the public work, improvement or asset being financed as determined in
1226 accordance with guidelines established by the division of local services of the department of
1227 revenue.

1228
1229 SECTION 64. Said section 8 of said chapter 44, as so appearing, is hereby further amended
1230 by striking out, in lines 77 and 78, the words "a board composed of the attorney general, the state
1231 treasurer and the director" and inserting in place thereof the following words: - the municipal
1232 finance oversight board.

1233
1234 SECTION 65. Said section 8 of said chapter 44, as so appearing, is hereby further amended
1235 by inserting after the word "vote", in line 190, the following words: - , provided, however, that debt
1236 under clause (9) of this section may be authorized by the treasurer of a city, with the approval of

1237 the official whose approval is required by the city charter in the borrowing of money, the treasurer
1238 of a town with a town council form of government, with the approval of the official whose approval
1239 is required by the town charter in the borrowing of money, the treasurer of a town without a town
1240 council form of government, with the approval of the board of selectmen, and the treasurer of a
1241 district, with the approval of the prudential committee, if any, otherwise of the commissioners.
1242

1243 SECTION 66. Said chapter 44 is hereby further amended by striking out section 19, as so
1244 appearing, and inserting in place thereof the following section:-

1245 Section 19. Cities, towns and districts shall not issue any notes payable on demand, and they
1246 shall provide for the payment of all debts, except temporary loans incurred under sections 4, 6, 6A,
1247 8C, and 17, or under section 3 of chapter 74 of the acts of 1945, by annual payments that will
1248 extinguish the same at maturity, and so that the first of these annual payments on account of any
1249 serial loan shall be made not later than the end of the next complete fiscal year commencing after
1250 the date of the bonds or notes issued for the serial loan, and shall be arranged so that for each issue
1251 the amounts payable in the several years for principal and interest combined shall be as nearly
1252 equal as practicable in the opinion of the officers authorized to issue the bonds or notes, or in the
1253 alternative, in accordance with a schedule providing a more rapid amortization of principal; and
1254 these annual amounts, together with the interest on all debts, shall, without further vote, be
1255 assessed until the debt is extinguished.
1256

1257 SECTION 67. Section 21A of said chapter 44, as so appearing, is hereby amended by
1258 inserting after the word "law", in line 10, the following words: - , and provided further that no order
1259 or vote authorizing the issuance of refunding bonds or notes shall be subject to any referendum
1260 provisions contained in any general or special law, any city or town charter, any city ordinance or
1261 town by-law, or other provision.
1262

1263 SECTION 68. Section 22 of said chapter 44, as so appearing, is hereby amended by adding
1264 the following sentence: - Notwithstanding the above, the selectmen may delegate to the town
1265 treasurer the approval of the rate or rates of interest with any limitations that the selectmen
1266 determine to be in the best interests of the town.
1267

1268 SECTION 69. Section 22A of said chapter 44, as so appearing, is hereby amended by striking
1269 out the first sentence and inserting in place thereof the following sentence: - Bonds or notes issued
1270 by a city may be secured in whole or in part by insurance or by letters or lines of credit or other
1271 credit facilities, provided that the city treasurer and mayor or city manager, as applicable,
1272 determine that issuing bonds or notes on this basis is in the best interests of the city.
1273

1274 SECTION 70. Section 22B of said chapter 44 is hereby repealed.
1275
1276

1277 State House Notes

1278
1279 SECTION 71. Section 26 of said chapter 44 is hereby repealed.
1280
1281

1282 Voter information

1283
1284 SECTION 72. Chapter 53 of the General Laws is hereby amended by inserting, after section
1285 18A the following section:-
1286

1287 SECTION 18B. (a) As used in this section “governing body” shall mean, in a city, the city
1288 council or board of aldermen acting with the approval of the mayor subject to the charter of the
1289 city, in a town having a town council, the town council, in every other town the board of selectmen,
1290 and in a district as provided in sections 113 to 119, inclusive, of chapter 41, the prudential
1291 committee, if any, otherwise the commissioners of the district.

1292 (b) The governing body of a city, town or district which accepts this section in the manner
1293 provided in section 4 of chapter 4 shall print information relating to each question that will appear
1294 on the city, town or district ballot. The information shall include: (1) the full text of each question;
1295 (2) a fair and concise summary of each question, including a 1-sentence statement describing the
1296 effect of a yes or no vote, which shall be prepared by the city solicitor, town counsel or counsel for
1297 the city, town or district; and (3) arguments for and against each question as provided in
1298 subsections (d) and (e). Not later than 7 days before an election at which the question will be
1299 submitted to the voters in a city, town or district, the information in this subsection shall be sent to
1300 each household wherein a person whose name appears on the current voting list for the city, town
1301 or district resides.

1302 (c) Not later than the day following the date of the determination that a question will appear
1303 on the ballot in an election, the governing body shall provide written notification to the city solicitor
1304 or town or district counsel and to the city or town clerk.

1305 (d) Not later than 7 days after the determination that a question shall appear on the ballot,
1306 the city, town or district solicitor or counsel, as applicable, shall seek written arguments from the
1307 principal proponents and opponents of the question. For the purposes of this section, the principal
1308 proponents and opponents of a question shall be those persons determined by the solicitor or
1309 counsel to be best able to present the arguments for and against the question. The solicitor or
1310 counsel shall provide not less than 7 days’ written notice to the opponents and proponents of the
1311 date on which the written arguments shall be received. Proponents and opponents shall submit
1312 their arguments, which shall be not more than 150 words, to the solicitor or counsel, together with
1313 a copy thereof to the city or town clerk or, in a district, to the clerk of each city and town within the
1314 district. The arguments and summary shall be submitted by the solicitor or counsel to the
1315 governing body not more than 20 days before the election for distribution to voters in accordance
1316 with subsection (b) of this section. A copy of the arguments and summary shall also be submitted
1317 by the solicitor or counsel to the city, town or district clerk.

1318 (e) In determining the principal proponents and opponents of a ballot question, the solicitor
1319 or counsel shall contact each ballot question committee, if any, as defined in section 1 of chapter
1320 55. The principal proponents or opponents of a ballot question may include officers of a ballot
1321 question committee or officers of a city, town or district office or committee including, but not
1322 limited to, a finance committee or a school committee. In addition, the principal proponents or
1323 opponents may include the first 10 signers or a majority of the first 10 signers of any petition
1324 initiating the placement of such question on the ballot. The solicitor or counsel shall determine,
1325 based on a review of arguments received, the person or group best able to present arguments for
1326 and against a question. If no argument is received by the solicitor or counsel within the time
1327 specified by the solicitor or counsel, the solicitor or counsel shall prepare an argument and submit
1328 the argument to the governing body, and to the city or town clerk or, in a district, to the clerk of
1329 each city and town within the district, within the time specified in subsection (d).

1330 (f) All arguments filed or prepared pursuant to this section, and the information prepared
1331 pursuant to subsection (b), shall be open to public inspection at the office of city or town clerk or, in
1332 a district, at the office of the clerk of each city and town within the district. In addition, each city or
1333 town clerk shall make such information available to the voters at all polling places within the city,
1334 town or district.

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1336

1337 Election Officers

1338

1339 SECTION 73. Section 11 of Chapter 54 of the General Laws is hereby amended by striking
1340 the words “one warden, one deputy warden, one clerk, one deputy clerk, four inspectors and four
1341 deputy inspectors” and replacing it with “one warden, one clerk, at least two inspectors and a ballot
1342 box inspector.”

1343

1344 SECTION 74. Section 12 of Chapter 54 of the General Laws is hereby amended by striking
1345 the words “one warden, one deputy warden, one clerk, one deputy clerk, two inspectors and two
1346 deputy inspectors” and replacing it with “one warden, one clerk, at least two inspectors and a ballot
1347 box inspector”

1348

1349

1350 Streamlined Abatement Process

1351

1352 SECTION 75. Section 8 of chapter 58 of the General Laws, as so appearing, is hereby
1353 amended by striking out the second and third paragraphs and inserting in place thereof the
1354 following paragraph:-

1355 The commissioner shall make, and from time to time revise, rules, regulations and
1356 guidelines necessary for establishing an expedited procedure for granting authority to abate taxes,
1357 assessments, rates, charges, costs or interest under this section in such cases as he determines are
1358 in the public interest and shall from time to time for such periods as he considers appropriate
1359 authorize the assessors or the board or officer assessing the tax, assessment, rate or charge, to
1360 grant these abatements. No abatement authorized by these procedures shall be granted unless the
1361 assessors or board or officer shall certify, in writing, under pains and penalties of perjury that the
1362 procedures have been followed. The commissioner shall require yearly reports and audits of these
1363 abatements by assessors or boards or officers that the commissioner considers necessary to ensure
1364 that any authority granted under this paragraph has been properly exercised, and shall withdraw
1365 this grant of authority to any particular assessors, board or officer upon his written determination
1366 that the authority has been improperly exercised. The commissioner may make, and from time to
1367 time revise, reasonable rules, regulations, and guidelines that he considers necessary to carry out
1368 this paragraph.

1369

1370

1371 Tax Increment Financing

1372 SECTION 76. Section 5 of chapter 59 of the General Laws, as appearing in the 2008 Official
1373 Edition, is hereby amended by striking clause fifty-first in its entirety and inserting in place thereof
1374 the following:-

1375 Fifty-first, the value of a parcel of real property which is included within an executed agreement
1376 under paragraph (v) of section 59, paragraph (v) of subsection (a) of section 60 or paragraph (iv) of
1377 subsection (a) of section 60A of chapter 40, and the value of personal property situated on that
1378 parcel, but taxes on real and personal property eligible for exemption under this clause shall be
1379 assessed only on that portion of the value of the property that is not exempt under section 59,
1380 section 60 or section 60A of chapter 40, and this exemption shall be for a term not longer than the
1381 period specified for the exemption in the agreement. The amount of the exemption under this
1382 clause for any parcel of real property shall be the exemption percentage adopted under paragraph
1383 (iii) of section 59, of subsection (a) of section 60 or of section 60A of said chapter 40 multiplied by
1384 the amount by which the parcel’s value exceeds the product of its assessed value for the last fiscal

1385 year before it became eligible for exemption under this clause multiplied by the adjustment factor
1386 determined in accordance with said section 59, section 60 or section 60A of said chapter 40. The
1387 amount of the exemption under this clause for personal property shall be the exemption percentage
1388 adopted under paragraph (iii) of section 59, subsection (a) of section 60 or of section 60A of said
1389 chapter 40 multiplied by the fair cash valuation of the personal property. Taxes on property
1390 eligible for exemption under this clause shall be assessed only on that portion of the value of the
1391 property that is not exempt under this clause.

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1393
1394

Amortization of F2009 Snow and Ice Deficit

1395 SECTION 77. Notwithstanding section 23 of chapter 59 of the General Laws, section 31D of
1396 chapter 44 of the General Laws, or any other special or general law, any city or town may amortize
1397 over the 2 fiscal years 2011 and 2012, in equal installments or more rapidly, an amount of its fiscal
1398 year 2010 snow and ice deficit. The local appropriating authority as defined in section 21C of
1399 chapter 59 of the General Laws shall adopt a deficit amortization schedule before the setting of the
1400 FY2011 municipal tax rate, consistent with the first sentence of this section. The commissioner of
1401 revenue may issue guidelines or instructions for reporting the amortization of deficits authorized
1402 by this section.

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1404

Overlay Accounts

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SECTION 78. Section 23 of chapter 59, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 9, the words "of that year".

1410 SECTION 79. Section 25 of chapter 59 of the General Laws, as so appearing, is hereby
1411 amended by striking out section 25, as so appearing, and inserting in place thereof the following
1412 section:-

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Section 25. The assessors of each city, town and district shall annually raise by taxation such reasonable amount of overlay as the commissioner may approve. The overlay account may be used only for avoiding fractional divisions of the amount to be assessed and to fund abatements granted on account of taxes assessed for any fiscal year. The amount of such overlay approved by the commissioner shall not be included in calculating the "total taxes assessed" in paragraph (a) or the maximum levy limit in paragraph (f) of section 21C.

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Audit of Personal Property Returns

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1426

SECTION 80. Section 29 of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out, in line 20, the words ""thirty days after the mailing of the tax bills" and inserting in place thereof the following words"- the last day for filing an application for abatement of the tax.

1427 SECTION 81. Said chapter 59 is hereby further amended by inserting after section 31 the
1428 following section:-

1429 Section 31A. For the purpose of verifying that any person required to file a true list of taxable
1430 personal property under section 29 has made a complete and accurate accounting of that property,

1431 the assessors may at any time within 3 years after the date the list was due, or the date the list was
1432 filed, whichever is later, examine the books, papers, records and other data of the person required
1433 to file the list. The assessors may compel production of books, papers, records and other data of the
1434 person through issuance of a summons served in the same manner as summonses for witnesses in
1435 criminal cases issued on behalf of the commonwealth, and all provisions of law relative to
1436 summonses in such cases shall, so far as applicable, apply to summonses issued under this section.
1437 Any justice of the supreme judicial court or of the superior court may, upon the application of the
1438 assessors, compel the production of books, papers, records, and other data in the same manner and
1439 to the same extent as before the said courts.

1440 SECTION 82. Section 32 of said chapter 59, as so appearing, is hereby amended by striking
1441 out the first sentence and inserting in place thereof the following 2 sentences:-

1442 Lists filed under section 29 and books, papers, records and other data obtained under section 31A,
1443 shall be open to the inspection of the assessors, the commissioner, the deputies, clerks and
1444 assistants of either the assessors or the commissioner and any designated private auditor of the
1445 commissioner or the assessors as may have occasion to inspect the lists, books, papers, records and
1446 other data in the performance of their official, contractual or designated duties, but so much of the
1447 lists, books, papers, records and other data as shows the details of the personal estate shall not be
1448 open to any other person except by order of a court. For purposes of this section, a designated
1449 private auditor shall be an individual, corporation or other legal entity selected by the
1450 commissioner or any city or town to value personal property or perform an audit which includes
1451 the assessing department of a city or town under any legal authority, including the examination of
1452 records under section 31A, an audit under sections 40 or 42A of chapter 44 or an investigation
1453 under section 46A of chapter 44.

1454
1455 Assessors Penalty Fee

1456 SECTION 83. Section 38D of chapter 59 of the General Laws, as appearing in the 2006
1457 Official Edition, is hereby amended by striking out, in lines 13 through 19 inclusive, the wording:-
1458 "If an owner or lessee of real property fails to submit such information within the time and
1459 in the form prescribed, in addition to any other penalties, there shall be added to the real property
1460 tax levied upon the property in question for the next ensuing tax year the amount of fifty dollars;
1461 provided, however, that the board of assessors informed said owner or lessee that failure to so
1462 submit such information would result in said penalty."
1463

1464 and inserting in place thereof, the following:-

1465 "If an owner or lessee of Class one, residential, real property, as defined by this chapter fails to
1466 submit such information within the time and in the form prescribed, in addition to any other
1467 penalties, there shall be added to the real property tax levied upon the property in question for the
1468 next ensuing tax year the amount of fifty dollars; provided, however, that the board of assessors
1469 informed said owner or lessee that failure to so submit such information would result in said
1470 penalty."

1471
1472 "If an owner or lessee of Class three, or four real property, as defined by this chapter fails to submit
1473 such information within the time and in the form prescribed, in addition to any other penalties,
1474 there shall be added to the real property tax levied upon the property in question for the next
1475 ensuing tax year in the amount of \$500 provided, however, that the board of assessors informed
1476 said owner or lessee that failure to so submit such information would result in said penalty."

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Extension Request for Filing with Assessors

SECTION 84. Section 38D of Chapter 59 is hereby amended in paragraph two by striking the first sentence and inserting in place thereof the following sentence:-

Failure of an owner or lessee of real property to comply with such request within 60 days after it has been made by the Board of Assessors shall be automatic grounds for dismissal of a filing at the Appellate Tax Board. The Appellate Tax Board and the County Commissioners shall be prohibited from granting extensions for the purposes of extending the filing requirements unless the applicant was unable to comply with such request for reasons beyond his control or unless he attempted to comply in good faith.

1490 Overlay Accounts

1491 SECTION 85. Section 70A of chapter 59, as so appearing, is hereby amended by striking out,
1492 in line 28, the words "of the year of such tax".

1493 SECTION 86. Any overlay amounts raised under the provisions of section 25 of chapter 59
1494 of the General Laws in effect before the effective date of this act shall continue to be subject to those
1495 provisions and the provisions of section 70A of chapter 59 of the General Laws in effect before the
1496 effective date of this act.

1497
1498 Audit of Personal Property Returns

1499 SECTION 87. Said chapter 59 of the General Laws, as so appearing, is hereby further
1500 amended by inserting after section 42 the following section:-

1501 Section 42A. For the purpose of verifying that any owner of a pipeline or a telephone or telegraph
1502 company required to make a return under section 38A or 41 has made a complete and accurate
1503 accounting of the property required to be returned, the commissioner shall have all the powers and
1504 remedies provided by section 31A to assessors of cities and towns. If the commissioner reasonably
1505 believes, as a result of an examination of books, papers, records, and other data or otherwise, that
1506 taxable personal property for a fiscal year was not valued or was incorrectly valued, the
1507 commissioner may, not later than 3 years and 6 months after the date the return was due, or the
1508 date the return was filed, whichever is later, certify an amended valuation to the owner of the
1509 pipeline or telephone or telegraph company and boards of assessors of the cities and towns where
1510 the property was subject to taxation for that year. Not later than 2 months after the date of the
1511 amended certification, the assessors shall assess and commit to the collector with their warrant for
1512 collection an additional tax to the owner of the pipeline or telephone or telegraph company. Any
1513 owner or company aggrieved by the assessment of the additional tax may, within 1 month after the
1514 bill or notice of the additional assessment is first sent, appeal the valuation to the appellate tax
1515 board. The appeal shall name as appellees the commissioner and board of assessors. Except as
1516 otherwise provided in this section, the hearing and appeal before the appellate tax board shall
1517 proceed in the same manner as an appeal of the valuations originally certified by the commissioner.

1518 SECTION 88. Section 61 of said chapter 59, as so appearing, is hereby amended by inserting
1519 after the word "twenty-nine", in line 4, the following words:- , and complied with any requests by
1520 the assessors to examine books, papers, records, and other data under section 31A.

1521 SECTION 89. Said section 61 of chapter 59, as so appearing, is hereby further amended by
1522 inserting after the word "twenty-nine", in line 6, the following words:- , or the person has not
1523 complied with any requests by the assessors to examine books, papers, records, and other data
1524 under section 31A.

1525 SECTION 90. Section 75 of said chapter 59, as so appearing, is hereby amended by striking
1526 the first sentence and inserting in place thereof the following 3 sentences:-

1527 If any parcel of real property or the personal property of a person has been unintentionally omitted
1528 from the annual assessment of taxes due to clerical or data processing error or other good faith
1529 reason, or if the personal property of a person was omitted from the annual assessment of taxes but
1530 discovered upon an examination of books, papers, records, and other data under section 31A, the
1531 assessors shall in accordance with any rules, regulations and guidelines as the commissioner may
1532 prescribe, assess such person for such property. Except for personal property found after an
1533 examination under section 31A which shall be made no later than 3 years and 6 months after the
1534 date the true list in which such property should have been returned was due, or the date the return
1535 was filed, whichever is later, no such assessment shall be made later than June 20 of the taxable
1536 year, or 90 days after the date on which the tax bills are mailed, whichever is later. The assessors
1537 shall annually, not later than June 30 of the taxable year, or 100 days after the date on which the tax
1538 bills are mailed, if mailed after March 22, return to the commissioner a statement showing the
1539 amounts of additional taxes so assessed.

1540 SECTION 91. Section 76 of said chapter 59, as so appearing, is hereby amended by inserting
1541 after the word "reason", in line 3, the following words:- , or due to discovery upon an examination
1542 of books, papers, records, and other data under section 31A that the property was not accurately or
1543 properly reported.

1544
1545 Municipal Electronic Billing
1546

1547 SECTION 92. Chapter 60 of the General Laws is amended by striking out section 3A, as
1548 appearing in the 2008 Official Edition, and inserting in place thereof the following section:-
1549

1550 Section 3A. (a) Every bill or notice shall be in a form approved by the commissioner and shall
1551 summarize the deadlines under section 59 of chapter 59 for applying for abatements and
1552 exemptions. Every bill or notice shall also have printed on it the last date for the assessed owner to
1553 apply for abatement and for exemptions under clauses other than those specifically listed in said
1554 section 59 of said chapter 59. Except in the case of a bill or notice for reassessed taxes under section
1555 77 of said chapter 59, every bill shall also have printed on it the last date on which payment can be
1556 made without interest being due. If a bill or notice contains an erroneous payment or abatement
1557 application date that is later than the date established under said chapter 59, the date printed on
1558 the bill or notice shall be the deadline for payment or for applying for abatement or exemption, but
1559 if the error in the date is the wrong year, the due date shall be the day and month as printed on the
1560 bill but for the current year. The commissioner may require, with respect to any city or town, that
1561 the tax bill or notice include such information as he may determine to be necessary to notify
1562 taxpayers of changes in the assessed valuation of the property. Every bill or notice for real or
1563 personal property tax shall have printed thereon in a conspicuous place the tax rate for each class

1564 within the town, as determined by the assessors. In addition, every bill or notice for a tax upon real
1565 property shall identify each parcel separately assessed by street and number or, if no street number
1566 has been assigned, by lot number, name of property or otherwise, shall describe the land, buildings
1567 and other things erected on or affixed to the property and shall state for each such parcel the
1568 assessed full and fair cash valuation, the classification, the residential or commercial exemption, if
1569 applicable, the total taxable valuation and the tax due and payable on such property. If the assessors
1570 have granted the owner an exemption under any clause specifically listed in said section 59 of said
1571 chapter 59, the bill or notice of such owner may also show the exemption and the tax, as exempted,
1572 that is due and payable on such property.

1573
1574 (b) The collector may issue the bill or notice required by section 3 in electronic form, provided that
1575 the electronic bills or notices meet the standards set forth in sub clause (a) of this section. Any
1576 electronic bills or notices issued shall be under voluntary programs established by the collector
1577 with the approval of the board of selectmen, or mayor, as the case may be. No political subdivision
1578 of the Commonwealth may require its taxpayers to take part in an electronic billing system or
1579 program.

1580
1581 (c) The collector may include in the envelope or electronic message in which property tax bills are
1582 sent those bills or notices for rates, fees and charges assessed by the city or town for water or sewer
1583 use, solid waste disposal or collection, or electric, gas or other utility services as may be authorized
1584 by ordinance or by-law, provided that the bills or notices shall be separate and distinct from the
1585 property tax bills. The ordinance or by-law may authorize the collector, upon vote of any municipal
1586 water and sewer commission established by the city or town under chapter 40N or a special act, to
1587 include bills or notices for rates, fees or charges assessed by the commission for water or sewer use.
1588

1589 (d) The collector may, with the approval of the board of selectmen, or mayor, as the case may be,
1590 include in the envelope or electronic message in which property tax bills are sent nonpolitical
1591 municipal informational material so long as including that material does not cause an increase in
1592 the postage required to mail the tax bill.

1593
1594
1595 Separate Taxation of Condo Development Rights/Other interests -1 -(Sections 93-95, 112, 122)

1596
1597 SECTION 93. Section 45 of Chapter 60 of the General Laws is hereby amended by adding
1598 after the third sentence the following sentence:-
1599 Covenants and agreements running with the land shall mean obligations and interests in the real
1600 estate created by recorded instruments and agreements, and shall not include obligations and liens
1601 arising under statutes

1602
1603 SECTION 94. Section 54 of Chapter 60 of the General Laws is hereby amended by adding at
1604 the end thereof the following sentence:-
1605 Covenants and agreements running with the land shall mean obligations and interests in the
1606 real estate created by recorded instruments and agreements, and shall not include obligations and
1607 liens arising under statutes.

1608
1609 SECTION 95. Section 77 of Chapter 60 of the General Laws is hereby amended by adding at
1610 the end thereof the following sentence:-

1611 A city or town shall not be deemed to receive any benefit from such covenant or agreement
1612 unless it collects rent from property in tax title under section fifty-three, or occupies or rents the
1613 property after foreclosure.

1614
1615
1616 Motor Vehicle Excise Tax Bill Due Dates
1617

1618 SECTION 96. Section 2 of chapter 60A of the General Laws, as appearing in the 2006 Official
1619 Edition, is hereby amended by striking out, in lines 35 through 45 inclusive, the wording:-

1620 "All tax notices sent to owners of vehicles notifying said owners of the amount of the excise
1621 tax due and the due date shall indicate the owner's license to operate number as appearing on the
1622 registration application, renewal application or amended registration as provided in section 2 of
1623 chapter 90."

1624
1625 and inserting in place thereof, the following words:-

1626
1627 "All tax notices sent to owners of vehicles or trailers notifying said owners of the excise tax
1628 due, shall have printed on such notice, the amount of excise tax due, the last day, month and year
1629 for receipt of payment without interest being due and the owner's license to operate number as
1630 appearing on the registration application, renewal application or amended registration as provided
1631 in section 2 of chapter 90.

1632
1633
1634 Boat Excise Taxes
1635

1636 SECTION 97. Section 4 of Chapter 60B of the General Laws, as appearing in the 2006 official
1637 edition, is hereby amended in the second paragraph by inserting after the third sentence, the
1638 following sentences:- "In addition, at least annually, municipal collectors of taxes shall notify the
1639 state Office of Boat Recreational Vehicle and Snowmobile Registration Bureau of all unpaid excise
1640 taxes remaining unpaid on at least vessels registered in the Commonwealth of Massachusetts, with
1641 notice of the amount unpaid and outstanding sent to the last known vessel owner. Said
1642 vessels shall not be registered or renewed for registration by said office until all sums due are
1643 remitted to the municipality. Upon receipt of all sums due hereunder on any particular vessel, the
1644 municipal collector of taxes shall promptly issue a registration release notice, permitting
1645 registration or renewal to proceed."

1646
1647
1648 Flexibility in Regional School District Borrowing
1649

1650 SECTION 98. Section 16 of chapter 71 of the General Laws, as so appearing, is hereby
1651 amended by striking out the first paragraph of clause (d) and inserting in place thereof the
1652 following paragraph: -

1653 (d) To incur debt for the purpose of acquiring land and constructing, reconstructing, adding
1654 to, and equipping a school building or buildings or for the purpose of remodeling and making
1655 extraordinary repairs to a school building or buildings and for the construction of sewerage
1656 systems and sewerage treatment and disposal facilities, or for the purchase or use of such systems
1657 with municipalities, and for the purpose of purchasing department equipment; or for the purpose of
1658 constructing, reconstructing or making improvements to outdoor playground, athletic or
1659 recreational facilities; or for the purpose of constructing, reconstructing or resurfacing roadways
1660 and parking lots; or for the purpose of any other public work or improvement of a permanent

1661 nature required by the district; or for the purpose of any planning, architectural or engineering
1662 costs relating to any of the above purposes; provided, however that written notice of the amount of
1663 the debt and of the general purposes for which it was authorized shall be given to the board of
1664 selectmen in each of the towns comprising the district not later than 7 days after the date on which
1665 the debt was authorized by the district committee; and no debt may be incurred until the expiration
1666 of 60 days after the date on which the debt was authorized; and before the expiration of this period
1667 any member town of the regional school district may hold a town meeting for the purpose of
1668 expressing disapproval of the amount of debt authorized by the district committee, and if at that
1669 meeting a majority of the voters present and voting express disapproval of the amount authorized
1670 by the district committee, the debt shall not be incurred and the district school committee shall
1671 prepare another proposal which may be the same as any prior proposal and an authorization to
1672 incur debt therefore. Debt incurred under this section shall be payable within 30 years, but no such
1673 debt shall be issued for a period longer than the maximum useful life of the project being financed
1674 as determined in accordance with guidelines established by the division of local services of the
1675 department of revenue.

1676
1677

1678 Streamlined Procedures for Regional School Districts Stabilization Funds

1679

1680 SECTION 99. Section 16G½ of chapter 71 of the General Laws, as appearing in the 2008
1681 Official Edition, is hereby amended by striking out the third paragraph and inserting in place
1682 thereof the following paragraph:-

1683 The stabilization fund may be appropriated by vote of two-thirds of all the members of the regional
1684 district school committee for any purpose for which regional school districts may borrow money or
1685 for such other district purpose as the director of accounts may approve.

1686

1687

1688 School and Municipal Budget Cooperation

1689

1690 SECTION 100. Chapter 71 of the General Laws is hereby amended by inserting after Section
1691 37M the following section:-

1692 Section 37M 1/2. (a) For any city or town accepting the provisions of this section, not earlier than
1693 December first of each alternating year beginning in 2009, and not later than January thirty-first of
1694 every other year, the superintendent of schools for each school district serving such municipality
1695 shall meet with the mayor, town manager, or chief municipal officer or his designee for that
1696 municipality to review the fiscal status of the school district budget and to identify opportunities for
1697 cost savings and efficiencies and any potential methodologies, including, but not limited to, joint
1698 procurement or consolidation of redundant functions. The results of each meeting shall be
1699 transmitted to the local legislative body and the local school committee not later than 30 days after
1700 the meeting."

1701

1702 Sharing of Superintendents among Regional School Districts

1703 SECTION 101. Section 61 of said chapter 71, as so appearing, is hereby amended by adding
1704 the following sentence: - Notwithstanding any provision of this chapter to the contrary, the school
1705 committee of a regional school district may participate in a superintendency union on the same
1706 terms and conditions as a school committee of a town

1707

1708
1709 SPED Tuition Rates Set Annually

1710
1711 SECTION 102. Chapter 71B of the General Laws as so appearing is hereby amended by
1712 inserting after Section 5A the following new section:-

1713 Section 5B. Special education standard tuition and rates for services provided through
1714 approved private day or residential schools set by the Operational Services Division shall take effect
1715 on July 1 of each fiscal year.

1716
1717
1718 Parental Reimbursement for SPED

1719
1720 SECTION 103. Section 8 of Chapter 71B of the General Laws as so appearing is hereby
1721 amended by inserting the following new subsection after line 8:-

1722 (a) As a cost saving measure, school districts may choose to adopt a program of parental
1723 reimbursement for parents who voluntarily chose to transport their disabled child, as defined by
1724 the Department of Elementary and Secondary Education, to an approved private day program
1725 outside of the city or town of residence of the parent or guardian. Such programs may utilize rates
1726 in excess of the standard state mileage reimbursement amounts and agreements may be based on a
1727 mileage, daily, or weekly rate. Departments choosing to utilize this option shall be able to
1728 demonstrate that parental reimbursements represent a cost savings compared to other modes of
1729 available transportation. Such agreements shall be entered into voluntarily on the part of both the
1730 municipality and the parent or guardian.

1731
1732
1733 Trench Law

1734 Section 104. Notwithstanding the provisions of chapters 82 and 82A of the General Laws, or
1735 any other law, rule or regulation to the contrary, a contractor need not apply for a permit if the sole
1736 reason for requiring the permit is to ensure that no trench is left open at the conclusion of the
1737 contractor's work day, provided the contractor excavates, completes construction, and back fills
1738 and grades the premises on the same day. Any violation of this provision shall be punishable by a
1739 fine not to exceed \$2500 per day that the violation continues and payable to commonwealth
1740 department of public works or the municipality's department of public works, as applicable.

1741
1742 Motor Vehicle Registration compliance

1743
1744 SECTION 105. Section 3 of chapter 90 of the General Laws, as appearing in the 2006 Official
1745 Edition, is hereby amended by adding the following paragraph:-

1746 A non-resident who has become a resident of the commonwealth and operates a motor
1747 vehicle or trailer, shall, within thirty days, register said vehicle or trailer in the commonwealth
1748 according to this chapter. A vehicle or trailer not registered accordingly shall not be operated on
1749 the ways of the commonwealth. Whoever operates, or allows to be operated, a motor vehicle or
1750 trailer in violation of this paragraph shall be punished by a fine of not less than \$250 and not more
1751 than \$500. Half of all revenue generated in conjunction with the stated violation shall be retained
1752 by the municipality in which the violation occurs.

1753
1754
1755 Motor Vehicle Inspection Fee Increase

1756
1757 SECTION 106. Section 7A of chapter 90 of the General Laws, as so appearing, is hereby
1758 amended by inserting after the figure "111", in line 60, the following proviso:- ; provided further,
1759 that, notwithstanding any general or special law or regulation to the contrary, the secretary of
1760 administration and finance shall increase, by \$6, the fee charged for inspections and, which shall be
1761 deposited into the General Fund for distribution to cities and towns for municipal police training
1762 and community policing and to the department of state police for training and community policing;
1763 provided, however, that money distributed for basic police training established by the municipal
1764 police training committee shall be contingent upon a match of not less than \$1 in municipal
1765 contributions for every \$1 in state funding; and provided further, that state matching funds shall
1766 not exceed the amount available for appropriation.

1767
1768
1769 Motor Vehicle Registration Compliance

1770
1771 SECTION 107. Chapter 90 of the General Laws, as so appearing, is hereby amended by
1772 inserting after section 9D the following section:-
1773 Section 9E. A motor vehicle or trailer that has been in operation for more than 60 days in
1774 the aggregate in any 1 year, and whose owner qualifies as a resident under section 3 ½, shall be
1775 registered according to this chapter. Whoever operates, or allows to be operated, a motor vehicle
1776 or trailer in violation of this section shall be punished by a fine of not more than \$250 for the first
1777 offense and not more than \$1000 for any subsequent offense. Half of all revenue generated in
1778 conjunction with the stated violation shall be retained by the municipality in which the violation
1779 occurs.

1780
1781
1782 Municipal Police Training

1783
1784 SECTION 108. Section 24M of chapter 90 of the General Laws, as so appearing, is hereby
1785 amended by striking out, in line 5, the words "municipal police training committee" and inserting in
1786 place thereof the following words:- municipal police training agency.

1787
1788 SECTION 109. Section 131 of chapter 140 of the General Laws, as so appearing, is hereby
1789 amended by striking out, in clause (i) of subsection (o) the following words "municipal police
1790 training committee" and inserting in place thereof the following words:- municipal police training
1791 agency.

1792
1793 SECTION 110. Section 31 of chapter 147 of the General Laws, as so appearing, is hereby
1794 amended by striking out, in lines 3 and 6, the words "municipal police training committee" and
1795 inserting in place thereof, in each instance, the following words:- municipal police training agency.

1796
1797
1798 Sound Business Practices (Sections 16-22, 111)

1799
1800 SECTION 111. Section 29 of chapter 149 of the General Laws, as so appearing, is hereby
1801 amended by striking out, in lines 6 to 7, the words "in the case of the commonwealth is more than
1802 five thousand dollars, and in any other case is more than two thousand dollars" and inserting in
1803 place thereof the following words:- is more than \$25,000.

1804
1805

1806 Separate Taxation of Condo Development Rights/Other interests -2-(Sections 93-95, 112, 122)
1807

1808 SECTION 112. Section 14 of Chapter 183A of the General Laws is hereby amended inserting
1809 after the first sentence the following:-
1810

1811 Any reserved development right or other interest in those areas and facilities that are adverse to
1812 the interests of unit owners in the areas and facilities shall be separately assessed and taxed to the
1813 owner of the adverse interest. The lien for those taxes shall attach to the interest so assessed and,
1814 to the extent the interest expires or is otherwise extinguished, to units in the condominium created
1815 after the assessment of the interest, but not to units against which property taxes were separately
1816 assessed in the same fiscal year the interest was assessed.
1817

1818
1819 Abandoned and Unclaimed Checks
1820

1821 SECTION 113. Section 9A of chapter 200A of the General Laws, as so appearing, is hereby
1822 amended by striking it out in its entirety and inserting in place thereof the following:—
1823

1824 (a) This section shall apply to abandoned funds, as determined herein, held in the custody of cities,
1825 towns or districts that have accepted the provisions of this section pursuant to section 4 of chapter
1826 4 of the general laws. In the case of such cities, towns or districts accepting the provisions of this
1827 section there shall be an alternative procedure for disposing of abandoned funds held in the
1828 custody of such cities, towns or districts as provided in this section, and only this section shall apply
1829 to the disposition of such funds.
1830

1831 (b) Any funds held in the custody of a city, town or district that has accepted this section may be
1832 presumed by the city, town or district treasurer to be abandoned unless claimed by the corporation,
1833 organization, beneficiary or person entitled thereto within one year after the date prescribed for
1834 payment or delivery, provided the last instrument intended as payment bears upon its face the
1835 statement “void if not cashed within one year from date of issue.” Once a period of one year has
1836 elapsed from the date of any such instrument, the treasurer of any such city, town or district may
1837 cause the financial institution upon which the instrument was drawn to stop payment on the
1838 instrument, or otherwise cause the financial institution to decline payment on the instrument, and
1839 any claims made beyond this date may only be paid by the city, town or district through the
1840 issuance of a new instrument. Neither the city, town, district nor financial institution shall be liable
1841 for damages, consequential or otherwise, resulting from a refusal to honor an instrument of a city,
1842 town or district submitted for payment more than one year from its issuance.
1843

1844 (c) The treasurer of a city, town or district holding funds owed to a corporation, organization,
1845 beneficiary or person entitled thereto, that are presumed to be abandoned as aforementioned, shall
1846 post a notice, which notice shall be entitled “Notice of Names of Persons appearing to be Owners of
1847 funds held by (insert city, town or district name), and deemed abandoned.” The notice shall specify
1848 those who appear from available information to be entitled to such funds, shall provide a
1849 description of the appropriate method for claiming such funds, and shall state a deadline beyond
1850 which funds may no longer be claimed, provided such deadline is no earlier than 60 days from the
1851 date such notice was either postmarked or first posted on a website as herein provided. The
1852 treasurer of such city, town or district may post such notice using the following methods: (1) by
1853 mailing such notice postpaid to the last known address of the beneficiary or person entitled thereto,
1854 sent via first class mail, and (2) if the city, town or district maintains an official website the said
1855 treasurer may, post the notice conspicuously on said website for a period of not less than 60

1856 days. After 60 days from the mailing or posting of the notice, if the apparent owner fails to respond,
1857 the treasurer shall cause a notice of the check to be published in a newspaper of general circulation
1858 which is printed in English in the county in which the city or town is located.
1859

1860 (d) In the event funds appearing to be owed to a corporation, organization, beneficiary or person
1861 amount to \$100 or more, and the deadline as provided in the aforementioned notice has passed,
1862 and no claim for the funds has been made, the treasurer shall cause an additional notice, in
1863 substantially the same form as the aforementioned notice, to be published in a newspaper of
1864 general circulation in the county (or counties) in which the city, town or district is located, except
1865 that this notice shall provide an extended deadline beyond which funds cannot be claimed, which
1866 shall be no earlier than one year from the date of publication of such notice.
1867

1868 (e) Once the final deadline of the aforementioned notice(s) has passed, the funds owed to such
1869 corporation, organization, beneficiary or person entitled thereto shall escheat to the city, town or
1870 district and the treasurer thereof shall record the funds as revenue in the general fund of the city,
1871 town or district, and the city, town or district shall not thereafter be liable to the corporation,
1872 organization, beneficiary or person for payment of those funds, nor for the underlying liability for
1873 which the funds were originally intended. These funds shall then be available to the city, town or
1874 district's appropriating authority for appropriation for any other public purpose. In addition to the
1875 notices herein provided for, the treasurer of the city, town or district may initiate any other notices
1876 or communications that are directed in good faith toward making final disbursement of the funds to
1877 the corporation, organization, beneficiary or person entitled thereto.
1878

1879 Prior to escheatment of the funds, the treasurer of the city, town or district shall hear all claims on
1880 funds that may arise, and if it is clear, based on a preponderance of the evidence available to the
1881 treasurer at the time the claim is made that the claimant is entitled to disbursement of the funds,
1882 the treasurer shall disburse funds to the claimant upon receipt by the treasurer of a written
1883 indemnification agreement from the claimant wherein the claimant agrees to hold the city, town or
1884 district and the treasurer of the city, town or district harmless in the event it is later determined
1885 that the claimant was not entitled to receipt of the funds. If it is not clear, based on a
1886 preponderance of the evidence before the treasurer at the time of the claim that the claimant is
1887 entitled to disbursement of the funds, the treasurer shall segregate the funds into a separate,
1888 interest bearing, bank account and shall notify the claimant of such action within 10 days. A
1889 claimant affected by this action may appeal within 20 days to the district, municipal or superior
1890 court of the county in which the city, town or district is located. The claimant shall have a trial de
1891 novo. An appeal shall be perfected by the claimant within 20 days after receiving notice of this
1892 action by the city, town or district treasurer. A party adversely affected by a decree or order of the
1893 district, municipal or superior court may appeal to the appeals court or the supreme judicial court
1894 within 20 days from the date of the decree.
1895

1896 If the validity of the claim shall be determined in favor of the claimant or another party, the
1897 treasurer shall disburse funds to the claimant in accordance with the order of the court, including
1898 interest accrued. If the validity of the claim is determined to be not in favor of the claimant or any
1899 other party, or if the treasurer does not receive notice that an appeal has been filed within one year
1900 from the date the claimant was notified that funds were being withheld, then the funds, plus
1901 accrued interest, shall escheat to the city, town or district in the manner herein provided.
1902

1903 If the claimant is domiciled in a country or state outside the United States or its territories and the
1904 city, town or district determines that there is no reasonable assurance that the claimant will
1905 actually receive the payment provided for in this section in substantially full value, the superior

1906 court, in its discretion or upon a petition by the city, town or district may order that the city, town
1907 or district retain such payment.

1908

1909

1910 Municipal Police Training

1911

1912 SECTION 114. Section 10A of chapter 269 of the General Laws, as so appearing, is hereby
1913 amended by striking out, in lines 2, 3, 16, and 17 the words "municipal police training committee"
1914 and inserting in place thereof, in each instance, the following words:- municipal police training
1915 agency.

1916

1917

1918 Local Option Tax Amnesty Program

1919

1920 SECTION 115. (a) The terms used in this section shall have the following meanings unless
1921 the context clearly requires otherwise:

1922

1923 "Amnesty period", a period of time commencing not earlier than the date a municipal legislative
1924 body establishes a municipal tax amnesty program according to this act and expiring on **June 30**
1925 **2011** or on such earlier date as the municipal legislative body might determine, during which the
1926 municipal tax amnesty program established by the municipal legislative body shall be in effect in
1927 that city or town.

1928

1929 "Collector", as defined in section 1 of chapter 60 of the General Laws.

1930

1931 "Covered amount", the aggregate of all penalties, fees, charges and accrued interest assessed by the
1932 collector or treasurer for the failure of a certain taxpayer to timely pay a subject liability; provided,
1933 that the covered amount shall not include the subject liability itself.

1934

1935 "Municipal legislative body", the legislative body of a municipality, subject to its charter.

1936

1937 "Municipal tax amnesty program", a temporary policy whereby a city or town forever waives its
1938 right to collect all or any uniform proportion of the covered amount, as determined by the local
1939 enacting authority, then due from any person who, prior to the expiration of the amnesty period,
1940 voluntarily pays the collector or treasurer the full amount of the subject liability that serves as the
1941 basis for said covered amount; provided, that a municipal tax amnesty program shall not include
1942 any policy that enables or requires a city or town to waive its right to collect the covered amount
1943 from any person who, as of the time the amnesty period commences, is or was the subject of a
1944 criminal investigation or prosecution for failure to pay the city or town any subject liability or
1945 covered amount.

1946

1947 "Subject liability", the principal amount of a particular tax or excise liability payable by a taxpayer
1948 under chapter 59, 60, 60A, or 60B of the General Laws, as determined by the municipal legislative
1949 body.

1950

1951 "Treasurer", as defined in chapter 41 of the General Laws.

1952

1953 (b) Notwithstanding any general or special law to the contrary, the municipal legislative body in
1954 any city or town may vote to establish a municipal tax amnesty program according to the provisions
1955 of this section and shall, at the same time as such vote, determine the amnesty period. Tax amnesty

1956 periods shall not extend beyond June 30, 2011. The commissioner of revenue may issue such
1957 guidelines as he deems appropriate to carry out this section.

1958
1959

1960 Commission to Evaluate Local Aid Formulas

1961

1962 SECTION 116. There shall be a special commission to evaluate local aid formulas consisting
1963 of the following members: the secretary of administration and finance, or his designee; the
1964 president of the Massachusetts Municipal Association or his designee; the president of the
1965 MetroMayors Coalition or his designee; 4 members of the general court, 1 of whom shall be
1966 appointed by the speaker of the house, 1 of whom shall be appointed by the house minority leader;
1967 1 of whom shall be appointed by the senate president and 1 of whom shall be appointed by the
1968 senate minority leader; and 5 members to be appointed by the governor, 1 of whom shall be a
1969 private citizen who shall serve as chair of the commission, 2 of whom shall have professional
1970 experience in local government economics and policy and 2 of whom shall be local officials. Each
1971 member shall serve without compensation.

1972

1973 The commission shall review the general government unrestricted local aid formula and make
1974 recommendations for any changes or new formula approaches, beginning with the "Partnership
1975 Aid" proposal of the Hamill Commission's Municipal Finance Task Force.

1976

1977 The commission shall report in writing to the clerks of the senate and House of Representatives,
1978 including its recommendations for legislation, not later than November 15, 2010.

1979

1980

1981 Study on Collaborative Purchase of Fuel

1982 SECTION 117. There shall be established special commission to study the collaborative
1983 purchase of fuel, to consist of the house and senate chairs of the joint committee on
1984 telecommunications, utilities, and energy, who shall serve as co-chairs of the commission; 1
1985 member to be appointed by the senate president; 1 member to be appointed by the speaker of the
1986 house of representatives; 1 member to be appointed by the senate minority leader; 1 member to be
1987 appointed by the house minority leader; the secretary of energy and environmental affairs or his
1988 designee; and 1 member to be appointed by the governor is hereby established for the purpose of
1989 making an investigation study relative to reducing the fuel costs of cities and towns.

1990

1991 The commission shall investigate and study the establishment of a statewide heating fuel
1992 collaborative, whose purpose will be to purchase heating fuel in bulk to sell to the local public
1993 school departments in the commonwealth, and to other municipal departments, at a lower cost
1994 than said school departments and municipal departments might be able to purchase it for
1995 individually.

1996

1997 The commission's study shall include analysis of the potential reduction in fuel costs to the local
1998 public school departments, and to municipalities, and also to the commonwealth as a whole.

1999

2000 The commission shall consider the need for local school departments and to municipalities to
2001 purchase heating fuel and the potential savings that local school departments and municipalities
2002 might realize if the state is permitted to purchase fuel in bulk at a reduced cost and sell it to the
2003 cities and towns of the commonwealth.

2004

2005 The commission shall also make recommendations about procedures for the operation of such a
2006 collaborative, including a procedure and time line for the ordering and purchasing of fuel by the
2007 local school departments and cities and towns, for the storage and distribution of said fuel by the
2008 commonwealth and for the procurement of said fuel by the commonwealth. The commission shall
2009 also evaluate any existing state statutes or regulations that might need to be amended for this
2010 collaborative to operate.

2011
2012 The commission shall report to the general court the results of its investigation and study, and its
2013 recommendations, if any, together with drafts of legislation necessary to carry such
2014 recommendations into effect by filing them with the clerk of the senate and the clerk of the House of
2015 Representatives within nine months after the passage of this act. The commission may issue
2016 preliminary or interim reports to the general court before that date.

2017
2018

2019 Study on County Funding

2020

2021 SECTION 118. There shall be established a special commission to study the financing of
2022 county governments in the Commonwealth, and to recommend to the Legislature any proposals for
2023 revenue sources that may be necessary to meet the obligations of the counties, including proposed
2024 changes in fees, rates, assessments, leases, or permits. In coming to its recommendations, the
2025 commission shall examine the current expenses, statutory obligations, and revenue sources of all
2026 extant county governments. The Commission shall consist of the House and Senate Chairs of the
2027 Joint Committee on Municipalities and Regional Government or a committee designee, the House
2028 and Senate Chairs of the Joint Committee on Revenue or a committee designee, the secretary of
2029 administration and finance or her designee, the commissioner of revenue or his designee, three
2030 county commissioners selected by the Massachusetts Association of County Commissioners and the
2031 state auditor or his designee. The secretary of revenue or his designee shall serve as chairperson of
2032 the board. The Commission shall report its findings and recommendations to the House and Senate
2033 9 months after this act shall take effect.

2034

2035 Education Department Reporting Requirements

2036

2037 SECTION 119. The Department Elementary and Secondary Education is directed to review
2038 and revise reporting requirements imposed on local school districts. Wherever possible, the
2039 Department shall consolidate and eliminate said reporting requirements. The Department shall file
2040 a report not more than six months after the passage of this act to the Clerks of the House and Senate
2041 and the Joint Committee on Education detailing the number of requirements that were eliminated
2042 and consolidated, as well as reasons for why certain reports could not be consolidated or
2043 eliminated.

2044

2045 Regionalization Incentives

2046 SECTION 120. Notwithstanding any general or special law to the contrary, any executive
2047 agency which administers a program through which funding may be provided to a municipality,
2048 shall encourage municipal efficiencies by prioritizing those applications for funds which come from
2049 cities or towns that have developed a way to jointly and more efficiently utilize the funding.

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Municipal Police Training

SECTION 121. Notwithstanding any general or special law or rule or regulation to the contrary, if a municipality provides payment for a police officer or a police officer recruit to attend a course of basic training established by the municipal police training committee, such officer or recruit shall remain in the service of such municipality's police department for a minimum number of consecutive years, which minimum number of years shall be determined by the secretary of public safety and security by regulation, otherwise such officer or recruit shall be required to reimburse such municipality for the cost of the basic training costs; provided, however, that the amount required to be reimbursed shall be pro-rated, based upon the proportion of required service that such officer or recruit shall have served; and provided further, that such officer's or recruit's failure to serve such municipality's police department for the required period was voluntary.

(Condo development rights effective date)
Section 122. Section 112 shall take effect on January 1, 2010.

Municipal Police Training effective date
SECTION 123. The secretary of public safety and security shall adopt regulations consistent with Section 121 on or before January 30, 2011.

Municipal Fines

SECTION 124. Section 12 of chapter 40U of the General Laws is hereby amended by striking out all after the fifth sentence and inserting in place thereof the following 3 sentences:-
Thereafter, any fine and additional penalties and interest that may be attached and which remain unpaid shall, to the extent provided by the procedures adopted under section 3, become a lien on the property to which the violation relates and be collected in the manner provided by section 58 of chapter 40. A municipality's determination of whether to place a lien on the property may involve the number of and the dollar amount of the violations on the property. After the lien takes effect, the property owner of record shall be notified by certified mail of the lien on the property.