

HOUSE No. 1153

The Commonwealth of Massachusetts

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill transferring county sheriffs to the Commonwealth (Senate, No. 2045) ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 1153. June 25, 2009.

FOR THE COMMITTEE:

NAME:	DISTRICT/ADDRESS:
Charles Murphy	21st Middlesex

Text of an amendment recommended by the committee on Ways and Means, as changed by the committee on Bills in the Third Reading and as amended by the House, to the Senate Bill transferring county sheriffs to the Commonwealth (Senate, No. 2045). June 25, 2009.

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

By striking out all after the enacting clause and inserting in place thereof the following:

1 “SECTION 1. Section 17 of chapter 37 of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the
3 following paragraph:-

4

5 The sheriffs of the counties of Barnstable, Bristol, Norfolk, Plymouth and Suffolk and of the former
6 counties of Berkshire, Essex, Franklin, Hampden, Hampshire, Middlesex and Worcester shall each
7 receive a salary of \$123,209. The sheriff of the county of Dukes shall receive a salary of \$97,271. The
8 sheriff of the county of Nantucket shall receive a salary of \$71,332.

9

10 SECTION 2. Chapter 64D of the General Laws is hereby amended by striking out sections 11 to 13,
11 inclusive, and inserting in place thereof the following 2 sections:-

12

13 Section 11. Except for Barnstable and Suffolk counties, there shall be established upon the books of each
14 county of a transferred sheriff, the government of which county has not been abolished by chapter 34B or
15 other law, a fund, maintained separate and apart from all other funds and accounts of each county, to be
16 known as the Deeds Excise Fund.

17

18 Except for Barnstable and Suffolk counties, on the first day of each month, 15 per cent of the taxes
19 collected in the county of a transferred sheriff under this chapter shall be transmitted to the Deeds Excise
20 Fund for each county; provided, however, that an additional 30.552 per cent of said taxes collected in
21 Nantucket county shall be transmitted to the Deeds Excise Fund on the first day of each month for said
22 county through June 1, 2029; and, provided further that if in a fiscal year the dollar amount that equals
23 30.552 per cent of said taxes collected in Nantucket county exceeds \$250,000, the amount in excess shall
24 be transmitted to the General Fund. The remaining percentage of taxes collected under this chapter,
25 including all taxes collected under this chapter in Barnstable and Suffolk counties and all counties the
26 government of which has been abolished by chapter 34B or other law, but not including the additional
27 excise authorized in section 2 of chapter 163 of the acts of 1988, shall be transmitted to and retained by
28 the General Fund in accordance with section 10.

29

30 Section 12. (a) There shall be within the executive office for administration and finance a county
31 government finance review board to consist of the secretary of administration and finance or his designee;
32 the commissioner of revenue or his designee; a county treasurer annually selected by the Massachusetts
33 Collectors and Treasurers Association; and the state auditor or his designee. The secretary of
34 administration and finance or his designee shall serve as chairperson of the board.

35

36 (b) The annual or supplementary budget of a county shall not take effect until reviewed and approved by
37 the board. Except for Barnstable and Suffolk counties, the board shall not approve a budget of a county
38 unless it is satisfied that:

39

40 (1) the estimates of revenue are reasonable and adequate funding has been provided for all necessary
41 county expenditures;

42

43 (2) of the 15 per cent deposited in the Deeds Excise Fund for each county from revenues derived under
44 this chapter: (i) not more than 60 per cent of the deposits shall be disbursed and expended for meeting the
45 costs of the operation and maintenance of the county; and (ii) not less than 40 per cent shall be disbursed
46 and expended for the automation, modernization and operation of the registries of deeds; and

47

48 (3) with respect to funds appropriated for the purpose designated in subclause (ii) of clause (2) and which
49 are not dedicated to the Deeds Excise Fund in each county under section 11, the submitted proposed
50 budget shall provide a continuing amount of expenditure of not less than 102.5 per cent of the amount
51 expended for that purpose in the preceding fiscal year.

52

53 In the case of Barnstable county, the board shall not approve a budget unless it is satisfied that the
54 estimates of revenue are reasonable and that adequate funding has been provided for all necessary county
55 expenditures.

56

57 (c) If a proposed budget is disapproved by the board, the county commissioners or a successor body shall,
58 with the approval of the county advisory board, if applicable, and within 30 days of notification of
59 disapproval of the proposed budget, resubmit a revised proposed budget to the board which addresses the
60 board's concerns.

61

62 (d) The board shall develop guidelines for implementing this section.

63 (e) Every 36 months the board shall examine, study and certify that the percentage of taxes collected in
64 the county of a transferred sheriff that is transmitted to the Deeds Excise Fund, established by section 11,
65 is sufficient to sustain county operations.

66 SECTION 3. Notwithstanding any general or special law to the contrary, the offices of the Barnstable,
67 Bristol, Dukes, Nantucket, Norfolk, Plymouth and Suffolk county sheriffs are hereby transferred to the
68 commonwealth as provided in this act.

69

70 SECTION 4. Notwithstanding any general or special law to the contrary, all functions, duties and
71 responsibilities of the office of a transferred sheriff pursuant to this act including, but not limited to, the
72 operation and management of the county jail and house of correction, and any other statutorily authorized
73 functions of that office, are hereby transferred from the county to the commonwealth.

74

75 SECTION 5. Notwithstanding any general or special law to the contrary, the government of Barnstable,
76 Bristol, Dukes, Nantucket, Norfolk, Plymouth and Suffolk counties, except the office of county sheriff,
77 shall retain all existing authority, functions and activities for all purposes including, but not limited to, the
78 purposes established in chapters 34, 34A, 35 and 36 of the General Laws or as otherwise authorized by
79 this act. This act shall not affect the existing county boundaries.

80

81 SECTION 6. Notwithstanding any general or special law to the contrary, all valid liabilities and debts of
82 the office of a transferred sheriff which are in force on the effective date of this act shall be obligations of
83 the commonwealth as of that date, except as may be otherwise provided in this act. All assets of the

84 offices of a transferred sheriff on the effective date of this act shall become assets of the commonwealth,
85 except as otherwise provided in this act.

86

87 SECTION 7. (a) Notwithstanding any general or special law to the contrary, all rights, title and interest in
88 real and personal property, including those real property improved upon through construction overseen by
89 the division of capital asset management and maintenance and paid with commonwealth funds and which
90 are controlled by the office of a transferred sheriff on the effective date of this act including, without
91 limitation, all correctional facilities and other buildings and improvements, the land on which they are
92 situated and any fixtures, wind turbines, antennae, communication towers and associated structures and
93 other communication devices located thereon or appurtenant thereto, shall be transferred to the
94 commonwealth, except as otherwise provided in this act. This transfer of all buildings, lands, facilities,
95 fixtures and improvements shall be subject to chapter 7 of the General Laws and the jurisdiction of the
96 commissioner of capital asset management and maintenance as provided therein, except as otherwise
97 provided in this act. The commonwealth shall take all necessary steps to ensure continued access,
98 availability and service to any assets transferred to the commonwealth under this subsection, to a local or
99 regional organization that currently uses such assets.

100

101 (b) Notwithstanding any general or special law to the contrary, if a transferred sheriff occupies part of a
102 building or structure owned by a county, the county shall lease that part of the building or structure to the
103 commonwealth under reasonable terms determined by the commissioner of the capital asset management
104 and maintenance.

105

106 (c) Notwithstanding any general or special law to the contrary, the transfer under this section shall be
107 effective and shall bind all persons, with or without notice, without any further action or documentation.
108 Without derogating from the foregoing, the commissioner of capital asset management and maintenance
109 may, from time to time, execute and record and file for registration with any registry of deeds or the land
110 court, a certificate confirming the commonwealth's ownership of any interest in real property formerly
111 controlled by the office of a transferred sheriff pursuant to this section.

112

113 (d) Notwithstanding the provisions of this section or sections 40E to 40I, inclusive, of chapter 7 of the
114 General Laws to the contrary, in the event that the Dukes county jail and house of correction located at
115 149 Main Street in the town of Edgartown ceases to be used for public safety purposes and the
116 commissioner of capital asset management and maintenance intends to sell said property, Dukes county
117 shall first be offered to purchase said property for nominal consideration, and shall hold such first refusal
118 option for the first 60 days after receipt of the commissioner's notice of intent to sell said property, and
119 upon the non-acceptance by Dukes county of any such offer, said property shall then be offered for sale
120 by the commissioner pursuant to the provisions of said sections 40E to 40I, inclusive, of said chapter 7.

121

122 (e) This section shall not apply to the Plymouth County Farm located at Obery Street in the town of
123 Plymouth, the land located at 24 Long Pond Road owned by Plymouth county and the so-called Wood
124 Lot in the town of Plymouth.

125 (f) Notwithstanding any general or special law to the contrary, any correctional facility which is
126 transferred under this section or transferred under section 6 of chapter 34B shall be deemed to be a state
127 facility for the purpose of payment in lieu of taxes to the host municipality.

128

129 SECTION 8. Notwithstanding any general or special law to the contrary, once the commonwealth has
130 refinanced any outstanding bonds of the Plymouth County Correctional Facility Corporation, said
131 corporation shall be dissolved and its assets shall be transferred to the commonwealth; provided, however,
132 that prior to said dissolution the commonwealth shall transfer from the reserve fund created pursuant to
133 the trust agreement executed on February 16, 1999 between the Plymouth County Correctional Facility
134 Corporation and the State Street Bank and Trust Company to the county any balance remaining in the
135 reserve fund to which the county is entitled pursuant to section 3.5 of said trust agreement. The criminal
136 detention facility constructed under chapter 425 of the acts of 1991 shall be transferred to the
137 commonwealth. The revenue held by the corporation in the Repair and Replacement and Capital
138 Improvement Accounts shall be transferred to the Plymouth sheriff's Facility Maintenance Trust Account.
139 The Plymouth sheriff shall make expenditures from this account only for the maintenance, repair and
140 replacement of the sheriff's facilities subject to approval by the commissioner of the department of capital
141 asset management and maintenance.

142

143 SECTION 9. Notwithstanding any general or special law to the contrary, all leases and contracts of the
144 office of a transferred sheriff which are in force on the effective date of this act shall be obligations of the
145 commonwealth and the commonwealth shall have authority to exercise all rights and enjoy all interests
146 conferred upon the county by those leases and contracts except as may be otherwise provided in this act.

147

148 SECTION 10. Notwithstanding any general or special law to the contrary, beginning in fiscal year 2010
149 and thereafter until terminated, Barnstable, Bristol, Dukes, Nantucket, Norfolk, and Plymouth counties
150 shall appropriate and pay to their respective county retirement boards, and any other entities due
151 payments, amounts equal to the minimum obligations to fund from their own revenues in fiscal year 2009
152 the operations of the office of the sheriff for the purpose of covering the unfunded county pension
153 liabilities and other benefit liabilities of the retired sheriff's office employees that remain in the county
154 retirement systems, as determined by the actuary of the public employee retirement administration
155 commission. Pursuant to section 20 of chapter 59 of the General Laws, the state treasurer shall assess the
156 city of Boston and remit to the State-Boston retirement system an amount equal to the minimum
157 obligation of Suffolk county to fund from its own revenues in fiscal year 2009 the operations of the office

158 of the sheriff. The secretary of administration and finance shall establish a plan for county governments to
159 pay off these unfunded county pension liabilities and shall establish an amortization schedule to
160 accomplish this task. These payments shall remain in effect for the duration of that amortization schedule,
161 which shall not exceed the funding schedule established by the respective county retirement board. If the
162 unfunded pension liability of retirees exceeds any county's minimum obligation to fund operations from
163 its own revenues as set forth in this section, the retirement system for such county may extend its pension
164 funding schedule to the extent necessary to eliminate that excess unfunded pension liability. In the case of
165 any such county, when the county has paid such unfunded pension liabilities in full, or the county has
166 completed the amortization schedule as established under this section, whichever occurs first, the
167 county's obligation to make payments of its minimum obligations to fund its sheriff's office operations,
168 as determined under this section, shall terminate.

169

170 SECTION 11. Notwithstanding any general or special law to the contrary, any funds including, but not
171 limited to county correctional funds and other sources of income and revenue, to the credit of the office of
172 a transferred sheriff on June 30, 2009, shall be paid to the state treasurer, but the county treasurer may pay
173 appropriate fiscal year 2009 sheriff's department obligations after June 30, 2009. Payment of obligations
174 to be charged to the sheriff's fiscal year 2009 budget as approved by the county government finance
175 review board shall be within that budget or shall be approved by the secretary of administration and
176 finance.

177

178 SECTION 12. (a) Notwithstanding any general or special law to the contrary and except for all counties
179 the governments of which have been abolished by chapter 34B or other law, revenues of the office of
180 sheriff in Barnstable, Bristol, Dukes, Nantucket, Norfolk, Plymouth and Suffolk counties for civil
181 process, inmate telephone and commissary funds, shall remain with the office of sheriff.

182

183 (b) Notwithstanding any general or special law to the contrary, in order to encourage innovation and
184 enterprise, each sheriff's office shall annually confer with the house and senate committees on ways and
185 means regarding that sheriff's efforts to maximize and maintain grants, dedicated revenue accounts,
186 revolving accounts, fee for service accounts and fees and payments from the federal, state and local
187 governments and other such accounts and regarding which revenues shall remain with the sheriff's office.

188

189 (c) Notwithstanding any general or special law to the contrary, any sheriff who has developed a revenue
190 source derived apart from the state treasury may retain that funding to address the needs of the citizens
191 within that county.

192

193 (d) Notwithstanding any general or special law to the contrary, any unencumbered carry-forward deeds
194 excise or other funds to the credit of the sheriff on June 30, 2009 shall be paid to the state treasurer.

195

196 (e) Notwithstanding any general or special law or county charter to the contrary, regional services and
197 contracts for such services, including, but not limited to, regional communication centers and law
198 enforcement support, shall continue until expired, terminated or revoked under the terms of the agreement
199 or contract for such services.

200

201 SECTION 13 (a) Notwithstanding any general or special law to the contrary, all employees of the office
202 of transferred sheriff, including those who on the effective date of this act hold permanent appointment in
203 positions classified under chapter 31 of the General Laws or those who have tenure in their positions by
204 reason of section 9A of chapter 30 of the General Laws or do not hold such tenure, are hereby transferred
205 to that transferred sheriff as employees of the commonwealth, without interruption of service within the
206 meaning of said section 9A of said chapter 30 or said chapter 31 and without reduction in compensation
207 or salary grade.

208

209 (b) Notwithstanding any general or special law to the contrary, employees of the office of a transferred
210 sheriff shall continue to retain their right to collectively bargain pursuant to chapter 150E of the General
211 Laws and shall be considered sheriff's office employees for the purposes of said chapter 150E.

212

213 (c) Notwithstanding any general or special law to the contrary, all petitions, requests, investigations and
214 other proceedings duly brought before the office of a transferred sheriff or duly begun by that sheriff and
215 pending on the effective date of this act, shall continue unabated and remain in force, but shall be
216 assumed and completed by the office of a transferred sheriff.

217

218 (d) Notwithstanding any general or special law to the contrary, all orders, rules and regulations duly made
219 and all approvals duly granted by a transferred sheriff which are in force on the effective date of this act,
220 shall continue in force and shall thereafter be enforced until superseded, revised, rescinded or canceled in
221 accordance with law by that sheriff.

222

223 (e) Notwithstanding any general or special law to the contrary, all books, papers, records, documents and
224 equipment which, on the effective date of this act, are in the custody of a transferred sheriff shall be
225 transferred to that sheriff.

226

227 (f) Notwithstanding any general or special law to the contrary, all duly existing contracts, leases and
228 obligations of a transferred sheriff shall continue in effect. An existing right or remedy of any character
229 shall not be lost or affected by this act.

230

231 SECTION 14. Notwithstanding any general or special law to the contrary, the rights of all employees of
232 each office of a transferred sheriff shall continue to be governed by the terms of collective bargaining
233 agreements, as applicable, subject to the exception provided for in section 19 of this act. If a collective
234 bargaining agreement has expired on the transfer date, the terms and conditions of such agreement shall
235 remain in effect until a successor agreement is ratified and funded. Notwithstanding the provisions of
236 chapter 150E of the General Laws or any other general or special law or regulation to the contrary,
237 employees of the office of a transferred sheriff without a collective bargaining agreement in effect on the
238 transfer date shall not be transferred to the state retirement system until a successor collective bargaining
239 agreement is ratified.

Comment [A1]: BTR

240

241 SECTION 15. Notwithstanding any general or special law to the contrary, a transferred sheriff in office
242 on the effective date of this act shall become an employee of the commonwealth with salary to be paid by
243 the commonwealth. The sheriff shall remain an elected official for the purposes of section 159 of chapter
244 54 of the General Laws. The sheriff shall operate pursuant to chapter 37 of the General Laws. The sheriff
245 shall retain administrative and operational control over the office of the sheriff, the jail, the house of
246 correction and any other occupied buildings controlled by a transferred sheriff upon the effective date of
247 this act. The sheriff and sheriff's office shall retain and operate under all established common law power
248 and authority and consistent with chapters 126 and 127 of the General Laws and any other relevant
249 General Laws.

250

251 SECTION 16. Notwithstanding any general or special law to the contrary, a transferred sheriff shall be
252 considered an "employer" as that term is defined in section 1 of chapter 150E of the General Laws for the
253 purposes of said chapter 150E. The sheriff shall also have power and authority as employer in all matters
254 including, but not limited to, hiring, firing, promotion, discipline, work-related injuries and internal
255 organization of the department.

256

257 SECTION 17. (a) Notwithstanding any general or special law or rule or regulation to the contrary, the
258 sheriff, special sheriff, deputies, jailers, superintendents, deputy superintendents, assistant deputy
259 superintendents, keepers, officers, assistants and other employees of the office of a transferred sheriff,
260 employed on the effective date of this act in the discharge of their responsibilities set forth in section 24
261 of chapter 37 of the General Laws and section 16 of chapter 126 of the General Laws, shall be transferred

262 to the commonwealth with no impairment of employment rights held on the effective date of this act,
263 without interruption of service, without impairment of seniority, retirement or other rights of employees,
264 without reduction in compensation or salary grade and without change in union representation. Any
265 collective bargaining agreement in effect on the effective date of this act shall continue in effect and the
266 terms and conditions of employment therein shall continue as if the employees had not been so
267 transferred. Nothing in this section shall confer upon any employee any right not held on the effective
268 date of this act or prohibit any reduction of salary, grade, transfer, reassignment, suspension, discharge
269 layoff or abolition of position not prohibited before the effective date of this act. Such employees shall not
270 be considered new employees for salary, wage, tax, health insurance, Medicare or any other federal or
271 state purposes, but shall retain their existing start and hiring date, seniority and any other relevant
272 employment status through the transfer.

273

274 (b) Notwithstanding any general or special law to the contrary, all demands, notices, citations, writs and
275 precepts given by a sheriff, special sheriff, deputy, jailer, superintendent, deputy superintendent, assistant
276 deputy superintendent, keeper, officer, assistant or other employee of the office of a transferred sheriff, as
277 the case may be, on or before the effective date of this act, shall be valid and effective for all purposes
278 unless otherwise revoked, suspended, rescinded, canceled or terminated.

279

280 (c) Notwithstanding any general or special law to the contrary, any enforcement activity imposed by a
281 sheriff or special sheriff or by any deputies, jailers, superintendents, deputy superintendents, assistant
282 deputy superintendents, keepers, officers, assistants or other employees of the office of a transferred
283 sheriff before the effective date of this act shall be valid, effective and continuing in force according to
284 the terms thereof for all purposes unless superseded, revised, rescinded or canceled.

285

286 (d) Notwithstanding any general or special law to the contrary, all petitions, hearings appeals, suits and
287 other proceedings duly brought against and all petitions, hearings, appeals, suits, prosecutions and other
288 legal proceedings begun by a sheriff, special sheriff, deputy, jailer, superintendent, deputy superintendent,
289 assistant deputy superintendent, keeper, officer, assistant or the employee of the office of a transferred
290 sheriff, as the case may be, which are pending on the effective date of this act, shall continue unabated
291 and remain in force notwithstanding the passage of this act.

292

293 (e) Notwithstanding any general or special law to the contrary, all records maintained by a sheriff or
294 special sheriff or by any deputies, jailers, superintendents, deputy superintendents, assistant deputy
295 superintendents, keepers, officers, assistants and other employees of the office of a transferred sheriff on
296 the effective date of this act shall continue to enjoy the same status in a court or administrative
297 proceeding, whether pending on that date or commenced thereafter, as they would have enjoyed in the
298 absence of the passage of this act.

299

300 SECTION 18. Notwithstanding any general or special law to the contrary, all officers and employees of
301 the office of a transferred sheriff transferred to the service of the commonwealth shall be transferred with
302 no impairment of seniority, retirement or other rights of employees, without reduction in compensation or
303 salary grade and without change in union representation, except as otherwise provided in this act. Any
304 collective bargaining agreement in effect for transferred employees on the effective date of this act shall
305 continue as if the employees had not been so transferred until the expiration date of the collective
306 bargaining agreement. Nothing in this section shall confer upon any employee any right not held on the
307 effective date of this act, prohibit any reduction of salary, grade, transfer, reassignment, suspension,
308 discharge, layoff or abolition of position not prohibited before that date.

309

310 SECTION 19. (a) Notwithstanding any general or special law to the contrary, employees or retired
311 employees of the office of a transferred sheriff and the surviving spouses of retired employees of the
312 office of a transferred sheriff who are eligible for group insurance coverage as provided in chapter 32B of
313 the General Laws or who are insured under said chapter 32B, shall have that eligibility and coverage
314 transferred to the group insurance commission effective 4 months after the effective date of this act and
315 those employees shall cease to be eligible or insured under said chapter 32B; provided, however, that,
316 notwithstanding the provisions of chapter 150E of the General Laws or any other law or regulation to the
317 contrary, employees, retired employees and the surviving spouses of retired employees of the office of a
318 transferred sheriff without a collective bargaining agreement in effect shall not be transferred to the group
319 insurance commission until a successor collective bargaining agreement is ratified and funded. These
320 employees shall not be considered to be new employees. The group insurance commission shall provide
321 uninterrupted coverage for group life and accidental death and dismemberment insurance and group
322 general or blanket insurance providing hospital, surgical, medical, dental and other health insurance
323 benefits to the extent authorized under chapter 32A of the General Laws. Employees who were covered
324 by a collective bargaining agreement on the effective date of this act shall continue to receive the group
325 insurance benefits required by their respective collective bargaining agreements until a successor
326 agreement is ratified and funded.

327

328 (b) Notwithstanding any general or special law to the contrary, the human resources division of the
329 executive office for administration and finance shall assume the obligations of the office of a transferred
330 sheriff to employees who become state employees and who are covered under a health and welfare trust
331 fund agreement established under section 15 of chapter 32B of the General Laws pursuant to a collective
332 bargaining agreement until the expiration date of the collective bargaining agreement.

333

334

335 SECTION 20. Notwithstanding chapter 32 of the General Laws or any other general or special law to the
336 contrary, the retirement system in the county of a transferred sheriff shall continue pursuant to this section
337 and shall be managed by the retirement board as provided in this section. Employees of a transferred
338 sheriff who retired on or before the effective date of this act shall be members of the county retirement
339 system, which shall pay the cost of benefits annually to such retired county employees and their survivors.
340 The annuity savings funds of the employees of transferred sheriffs who become state employees pursuant
341 to this act shall be transferred from that county retirement system to the state retirement system, which
342 shall thereafter be responsible for those employees, subject to the laws applicable to employees whose
343 transfer from one governmental unit to another results in the transfer from one retirement system to
344 another, except for paragraph (c) of subdivision (8) of section 3 of said chapter 32. The value of said
345 annuity savings funds shall be determined based on January 1, 2009 valuations. All other provisions
346 governing the retirement systems of the counties of Barnstable, Bristol, Dukes, Nantucket, Norfolk,
347 Plymouth and Suffolk shall remain in effect.

348

349 SECTION 21. Notwithstanding any general or special law to the contrary, county commissioners, county
350 sheriffs, county treasurers, county retirement systems, the State-Boston retirement system and all
351 executive branch agencies and officers shall cooperate with the secretary of administration and finance in
352 effecting the orderly transfer of the county sheriffs to the commonwealth. The secretary may establish
353 working groups as considered appropriate to assist in the implementation of the transfer.

354

355 SECTION 22. Notwithstanding any general or special law to the contrary, there shall be a special
356 commission to consist of 10 members: 1 of whom shall be a member of the Massachusetts Sheriffs
357 Association; 1 of whom shall be a county treasurer as appointed by the Massachusetts Collectors and
358 Treasurers Association; 2 of whom shall be appointed by the speaker of the house of representatives; 1 of
359 whom shall be appointed by the minority leader of the house of representatives; 2 of whom shall be
360 appointed by the president of the senate; 1 of whom shall be appointed by the minority leader of the
361 senate; and 2 of whom shall be appointed by the governor for the purpose of making an investigation and
362 study relative to the reorganization or consolidation of sheriffs' offices, to make formal recommendations
363 regarding such reorganization or consolidation and to recommend legislation, if any, to effectuate such
364 recommendations relating to the reorganization, consolidation, operation, administration, regulation,
365 governance and finances of sheriffs' offices.

366

367 The chairman of the commission shall be selected by its members. Section 2A of chapter 4 of the
368 General Laws shall not apply to said commission. So long as a member of the commission discloses, in
369 writing, to the state ethics commission any financial interest as described in sections 6, 7 or 23 of chapter
370 268A of the General Laws which may affect the member's work on the commission, the member shall not
371 be deemed to have violated said sections 6, 7 or 23 of said chapter 268A. Four members of the
372 commission shall constitute a quorum and a majority of all members present and voting shall be required

373 for any action voted by the commission including, but not limited to, voting on formal recommendations
374 or recommended legislation.

375

376 The commission, as part of its review, analysis and study and in making such recommendations
377 regarding the reorganization, consolidation, operation, administration, regulation, governance and
378 finances of sheriffs' offices, shall focus on and consider the following issues, proposals and impacts:

379

380 (1) the possible consolidation, elimination or realignment of certain sheriffs' offices and the potential
381 cost savings and other efficiencies that may be achieved by eliminating, consolidating and realigning
382 certain sheriffs' offices to achieve pay parity;

383

384 (2) any constitutional, statutory or regulatory changes or amendments that may be required in order to
385 effectuate any such consolidation or reorganization;

386

387 (3) the reallocation of duties and responsibilities of sheriffs' offices as a consequence of any such
388 consolidation or reorganization;

389

390 (4) the best management practices associated with the current use of civil process funds, including the
391 amount of civil process funds collected by each county sheriff and the actual disposition of said funds
392 currently, and, in the event of consolidation, realignment, elimination or reorganization, the collection and
393 use of civil process fees in the future; and

394

395 (5) the consideration of any other issues, studies, proposals or impacts that, in the judgment of the
396 commission, may be relevant, pertinent or material to the study, analysis and review of the commission.

397

398 6) The need for appropriate placements and services for female detainees and prisoners, including
399 pre-release services, job placement services, family connection services, and re-entry opportunities; and,
400 shall consider the need and present adequacy of placement of female prisoners and detainees in each
401 country. All departments, divisions, commissions, public bodies, authorities, boards, bureaus or agencies
402 of the commonwealth shall cooperate with the commission for the purpose of providing information or
403 professional expertise and skill relevant to the responsibilities of the commission subject to considerations
404 of privilege or the public records law.

405

406 The commission shall submit a copy of a final report of its findings resulting from its study,
407 review, analysis and consideration, including legislative recommendations, if any, to the governor,
408 president of the senate, speaker of the house of representatives, the chairs of the house and senate
409 committees on ways and means and the chairs of the joint committee on state administration and
410 regulatory oversight and the clerk of the house of representatives not later than December 31, 2010.

411

412

413 SECTION 24. Not less than 90 days after the effective date of this act, a sheriff transferred under this act
414 shall provide to the secretary of administration and finance a detailed inventory of all property in the
415 sheriff's possession which shall include, but not be limited to vehicles, weapons, office supplies and other
416 equipment.

417

418 SECTION 25. Notwithstanding any general or special law to the contrary, a state employee from the
419 office of a transferred sheriff shall not be prohibited from having a financial interest in a contract made by
420 a state agency, if such financial interest occurred prior to the enactment of this act.

421 SECTION 25A. Notwithstanding any general or special law to the contrary, the department of the state
422 auditor shall conduct an independent audit of the total assets, liabilities and potential litigation of each
423 sheriff's office transferred under this act; provided further that any audit undertaken under this section
424 shall include an audit of any accounts, programs, activities, functions and inventory of all property of a
425 sheriff's office. The state auditor shall file a report with the secretary of administration and finance and
426 the chairs of the house and senate committees on ways and means no later than April 30, 2010 which shall
427 include, but not be limited to: (i) a summary of the findings under each audit; and (ii) the cost of each
428 audit.

429 SECTION 26. This act shall take effect on July 1, 2009.”; and by inserting before the enacting clause the
430 following emergency preamble:

431 *“Whereas, the deferred operation of this act would tend to defeat its purpose, which is to transfer*
432 *forthwith county sheriffs to the commonwealth, therefore it is hereby declared to be an emergency law,*
433 *necessary for the immediate preservation of the public convenience.”.*