

SENATE No. 1348

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the revenues of commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	First Essex and Middlesex
Richard R. Tisei	Middlesex and Essex
Michael R. Knapik	Second Hampden and Hampshire
Robert L. Hedlund	Plymouth and Norfolk
Scott P. Brown	Norfolk, Bristol and Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE REVENUES OF COMMONWEALTH.

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

1 **SECTION 1.** Chapter 14 of the General Laws is hereby amended by adding at the end
2 the following section:-

3 “SECTION 12. Non-earned income in excess of \$1.5 billion; transfer to Stabilization Fund
4 Section 12. The commissioner of revenue shall certify to the secretary of the executive office of
5 administration and finance not later than the fifth day of each month his best estimate of the
6 amount of tax revenue from non-earned income received by the Commonwealth in the previous
7 month, and the total amount of tax revenue from non-earned income received by the
8 Commonwealth in the current fiscal year. Any tax revenue from non-earned income in excess of
9 \$1,500,000,000, as so certified, shall be transferred to the Stabilization Fund.”

10 **SECTION 2.** Section 29 of Chapter 2H is hereby amended by adding at the end the
11 following paragraph:- “No appropriation shall be made from this fund unless approved either by
12 two-thirds of the members in both branches of the legislature voting thereon or by unanimous
13 consent in each branch of the legislature.”

14 **SECTION 3.** Section 19(a) of Chapter 32B of the General Laws is hereby amended in
15 the fourth paragraph by striking out the phrase “70 per cent” and inserting in place thereof the
16 phrase “a majority”; and in the fifth paragraph by striking out the phrase “70 per cent” and
17 inserting in place thereof the phrase “a majority”.

18 **SECTION 4.** Section 2H of Chapter 29 of the General Laws is hereby amended by
19 adding at the end of the first paragraph the following sentence:- “Not less than 10 per cent of the
20 funds in the Stabilization Fund shall be set aside for the fiscal stability of local governmental
21 units.”

22 **SECTION 5.** The Secretary of Administration and Finance and the Secretary of Health
23 and Human services are hereby authorized and directed to evaluate the feasibility of contracting
24 for recycling durable medical equipment purchased and issued by the Commonwealth through
25 any and all of its medical assistance programs.

26 Said evaluation shall include but not be limited to a request for qualifications and/or proposals
27 for entities capable of developing, implementing and operating a system of recycling whereby an
28 inventory of such equipment is developed and managed so as to maximize the quality of service
29 delivery to equipment recipients and to minimize costs and losses attributable to waste, fraud
30 and/or abuse.

31 The Secretary of Administration and Finance shall report the findings of said evaluation, together
32 with cost estimates for the operation of a recycling program, estimates of the savings it would
33 generate, and legislative recommendations, no later than October 31, 2009.

78 existing, including, but not limited to, the “EASI” website, so-called, administered by the
79 Executive Office of Administration and Finance, and the Comm-Pass system, so-called,
80 administered by the Operational Services Division of the Executive Office of Administration and
81 Finance.

82 In developing said website, the Secretary shall seek to obtain the use of coding and other
83 information management infrastructure developed by the federal government pursuant to the
84 “Federal Funding Accountability and Transparency Act of 2006”.

85 Said website shall seek to provide information for Fiscal Year 2009 and subsequent
86 years.

87 A plan for the development and implementation of said website, together with any
88 estimates for funding required and other legislative recommendations, shall be filed with the
89 clerks of the House and Senate not later than November 30, 2009.

90 SECTION 7. (A) Section 1 of Chapter 32 of the General Laws, as appearing in the 2004
91 official edition, is hereby amended by inserting in the definition of “regular compensation” after
92 the first paragraph the following new paragraph: -

93 “Regular compensation,” during any period subsequent to January 1, 2009, shall mean the full
94 salary, wages or other compensation in whatever form, lawfully determined for the individual
95 service of the employee by the employing authority, not including bonus, overtime, allowances
96 for housing, transportation, travel, any and all employment related expense reimbursements,
97 severance pay for any and all unused sick leave, or any other payments made as a result of giving

98 notice of retirement, and any other such compensation in excess of salary or wages or as
99 reasonably determined by the board.

100 (B) Section 1 of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting
101 following the definition of the words “Annuity savings fund” the following: - “Average annual
102 rate of regular compensation”, shall be the average of the rate of regular compensation for any
103 qualifying year of credible service received during each pay period during the qualifying year.

104 (C) Paragraph (b) of subdivision (1) of section 5 of chapter 32, of the General Laws, as so
105 appearing, is hereby amended at the end thereof by adding following: - In the event that eighty
106 per cent or greater of his regular compensation is in payment for duties in the group having the
107 higher maximum age limit, such member shall not be considered to have achieved the maximum
108 age for superannuation until he has attained the maximum age limit in the group having the
109 higher maximum age limit, said member shall be limited to the performance of such later duties
110 as prescribed in this paragraph.

111 (D) Subdivision (2) of section 5 of chapter 32, of the General Laws, as so appearing, is hereby
112 amended at the end thereof by adding the following sentences: - Provided that in any given year,
113 no retirement allowance, as provided for by this chapter, shall exceed four hundred per cent of
114 the average retirement allowance in the Commonwealth. The board shall determine the average
115 retirement allowance in the Commonwealth as of January 1 of each year.