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HOUSE . . . . . No. 1153

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Text of an amendment recommended by the committee on Ways and Means to the Senate Bill transferring county sheriffs to the Commonwealth (Senate, No. 2045).

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

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

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

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

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

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

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

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

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

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

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

44 (3) with respect to funds appropriated for the purpose designated in subclause (ii) of
45 clause (2) and which are not dedicated to the Deeds Excise Fund in each county under section
46 11, the submitted proposed budget shall provide a continuing amount of expenditure of not less
47 than 102.5 per cent of the amount expended for that purpose in the preceding fiscal year.

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

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

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

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

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

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

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

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

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

78

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

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

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

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

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

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

119 SECTION 8. Notwithstanding any general or special law to the contrary, once the
120 commonwealth has refinanced any outstanding bonds of the Plymouth County Correctional
121 Facility Corporation, said corporation shall be dissolved and its assets shall be transferred to the
122 commonwealth; provided, however, that prior to said dissolution the commonwealth shall
123 transfer from the reserve fund created pursuant to the trust agreement executed on February 16,
124 1999 between the Plymouth County Correctional Facility Corporation and the State Street Bank
125 and Trust Company to the county any balance remaining in the reserve fund to which the county
126 is entitled pursuant to section 3.5 of said trust agreement. The criminal detention facility
127 constructed under chapter 425 of the acts of 1991 shall be transferred to the commonwealth. The
128 revenue held by the corporation in the Repair and Replacement and Capital Improvement
129 Accounts shall be transferred to the Plymouth sheriff's Facility Maintenance Trust Account. The
130 Plymouth sheriff shall make expenditures from this account only for the maintenance, repair and
131 replacement of the sheriff's facilities subject to approval by the commissioner of the department
132 of capital asset management and maintenance.

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

138 SECTION 10. Notwithstanding any general or special law to the contrary, beginning in
139 fiscal year 2010 and thereafter until terminated, Barnstable, Bristol, Dukes, Nantucket, Norfolk,
140 and Plymouth counties shall appropriate and pay to their respective county retirement boards,
141 and any other entities due payments, amounts equal to the minimum obligations to fund from

142 their own revenues in fiscal year 2009 the operations of the office of the sheriff for the purpose
143 of covering the unfunded county pension liabilities and other benefit liabilities of the retired
144 sheriff's office employees that remain in the county retirement systems, as determined by the
145 actuary of the public employee retirement administration commission. Pursuant to section 20 of
146 chapter 59 of the General Laws, the state treasurer shall assess the city of Boston and remit to the
147 State-Boston retirement system an amount equal to the minimum obligation of Suffolk county to
148 fund from its own revenues in fiscal year 2009 the operations of the office of the sheriff. The
149 secretary of administration and finance shall establish a plan for county governments to pay off
150 these unfunded county pension liabilities and shall establish an amortization schedule to
151 accomplish this task. These payments shall remain in effect for the duration of that amortization
152 schedule, which shall not exceed the funding schedule established by the respective county
153 retirement board. If the unfunded pension liability of retirees exceeds any county's minimum
154 obligation to fund operations from its own revenues as set forth in this section, the retirement
155 system for such county may extend its pension funding schedule to the extent necessary to
156 eliminate that excess unfunded pension liability. In the case of any such county, when the county
157 has paid such unfunded pension liabilities in full, or the county has completed the amortization
158 schedule as established under this section, whichever occurs first, the county's obligation to
159 make payments of its minimum obligations to fund its sheriff's office operations, as determined
160 under this section, shall terminate.

161 SECTION 11. Notwithstanding any general or special law to the contrary, any funds
162 including, but not limited to county correctional funds and other sources of income and revenue,
163 to the credit of the office of a transferred sheriff on June 30, 2009, shall be paid to the state
164 treasurer, but the county treasurer may pay appropriate fiscal year 2009 sheriff's department

165 obligations after June 30, 2009. Payment of obligations to be charged to the sheriff's fiscal year
166 2009 budget as approved by the county government finance review board shall be within that
167 budget or shall be approved by the secretary of administration and finance.

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

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

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

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

185 (e) Notwithstanding any general or special law or county charter to the contrary, regional
186 services and contracts for such services, including, but not limited to, regional communication

187 centers and law enforcement support, shall continue until expired, terminated or revoked under
188 the terms of the agreement or contract for such services.

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

196 (b) Notwithstanding any general or special law to the contrary, employees of the office of
197 a transferred sheriff shall continue to retain their right to collectively bargain pursuant to chapter
198 150E of the General Laws and shall be considered sheriff's office employees for the purposes of
199 said chapter 150E.

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

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

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

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

214 SECTION 14. Notwithstanding any general or special law to the contrary, the rights of all
215 employees of each office of a transferred sheriff shall continue to be governed by the terms of
216 collective bargaining agreements, as applicable, subject to the exception provided for in section
217 19 of this act. If a collective bargaining agreement has expired on the transfer date, the terms and
218 conditions of such agreement shall remain in effect until a successor agreement is ratified and
219 funded. Notwithstanding the provisions of chapter 150E of the General Laws or any other
220 general or special law or regulation to the contrary, employees of the office of a transferred
221 sheriff without a collective bargaining agreement in effect on the transfer date shall not be
222 transferred to the state retirement system until a successor collective bargaining agreement is
223 ratified.

224 SECTION 15. Notwithstanding any general or special law to the contrary, a transferred
225 sheriff in office on the effective date of this act shall become an employee of the commonwealth
226 with salary to be paid by the commonwealth. The sheriff shall remain an elected official for the
227 purposes of section 159 of chapter 54 of the General Laws. The sheriff shall operate pursuant to
228 chapter 37 of the General Laws. The sheriff shall retain administrative and operational control
229 over the office of the sheriff, the jail, the house of correction and any other occupied buildings

230 controlled by a transferred sheriff upon the effective date of this act. The sheriff and sheriff's
231 office shall retain and operate under all established common law power and authority and
232 consistent with chapters 126 and 127 of the General Laws and any other relevant General Laws.

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

238 SECTION 17. (a) Notwithstanding any general or special law or rule or regulation to the
239 contrary, the sheriff, special sheriff, deputies, jailers, superintendents, deputy superintendents,
240 assistant deputy superintendents, keepers, officers, assistants and other employees of the office
241 of a transferred sheriff, employed on the effective date of this act in the discharge of their
242 responsibilities set forth in section 24 of chapter 37 of the General Laws and section 16 of
243 chapter 126 of the General Laws, shall be transferred to the commonwealth with no impairment
244 of employment rights held on the effective date of this act, without interruption of service,
245 without impairment of seniority, retirement or other rights of employees, without reduction in
246 compensation or salary grade and without change in union representation. Any collective
247 bargaining agreement in effect on the effective date of this act shall continue in effect and the
248 terms and conditions of employment therein shall continue as if the employees had not been so
249 transferred. Nothing in this section shall confer upon any employee any right not held on the
250 effective date of this act or prohibit any reduction of salary, grade, transfer, reassignment,
251 suspension, discharge layoff or abolition of position not prohibited before the effective date of
252 this act. Such employees shall not be considered new employees for salary, wage, tax, health

253 insurance, Medicare or any other federal or state purposes, but shall retain their existing start and
254 hiring date, seniority and any other relevant employment status through the transfer.

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

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

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

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

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

290 SECTION 19. (a) Notwithstanding any general or special law to the contrary, employees
291 or retired employees of the office of a transferred sheriff and the surviving spouses of retired
292 employees of the office of a transferred sheriff who are eligible for group insurance coverage as
293 provided in chapter 32B of the General Laws or who are insured under said chapter 32B, shall
294 have that eligibility and coverage transferred to the group insurance commission effective 4
295 months after the effective date of this act and those employees shall cease to be eligible or
296 insured under said chapter 32B; provided, however, that, notwithstanding the provisions of

297 chapter 150E of the General Laws or any other law or regulation to the contrary, employees,
298 retired employees and the surviving spouses of retired employees of the office of a transferred
299 sheriff without a collective bargaining agreement in effect shall not be transferred to the group
300 insurance commission until a successor collective bargaining agreement is ratified and funded.
301 These employees shall not be considered to be new employees. The group insurance commission
302 shall provide uninterrupted coverage for group life and accidental death and dismemberment
303 insurance and group general or blanket insurance providing hospital, surgical, medical, dental
304 and other health insurance benefits to the extent authorized under chapter 32A of the General
305 Laws. Employees who were covered by a collective bargaining agreement on the effective date
306 of this act shall continue to receive the group insurance benefits required by their respective
307 collective bargaining agreements until a successor agreement is ratified and funded.

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

314 SECTION 20. Notwithstanding chapter 32 of the General Laws or any other general or
315 special law to the contrary, the retirement system in the county of a transferred sheriff shall
316 continue pursuant to this section and shall be managed by the retirement board as provided in
317 this section. Employees of a transferred sheriff who retired on or before the effective date of this
318 act shall be members of the county retirement system, which shall pay the cost of benefits
319 annually to such retired county employees and their survivors. The annuity savings funds of the

320 employees of transferred sheriffs who become state employees pursuant to this act shall be
321 transferred from that county retirement system to the state retirement system, which shall
322 thereafter be responsible for those employees, subject to the laws applicable to employees whose
323 transfer from one governmental unit to another results in the transfer from one retirement system
324 to another, except for paragraph (c) of subdivision (8) of section 3 of said chapter 32. The value
325 of said annuity savings funds shall be determined based on January 1, 2009 valuations. All other
326 provisions governing the retirement systems of the counties of Barnstable, Bristol, Dukes,
327 Nantucket, Norfolk, Plymouth and Suffolk shall remain in effect.

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

334

335 SECTION 22. Notwithstanding any general or special law to the contrary, there shall be a
336 special commission to consist of 10 members: 1 of whom shall be a member of the
337 Massachusetts Sheriffs Association; 1 of whom shall be a county treasurer as appointed by the
338 Massachusetts Collectors and Treasurers Association; 2 of whom shall be appointed by the
339 speaker of the house of representatives; 1 of whom shall be appointed by the minority leader of
340 the house of representatives; 2 of whom shall be appointed by the president of the senate; 1 of
341 whom shall be appointed by the minority leader of the senate; and 2 of whom shall be appointed

342 by the governor for the purpose of making an investigation and study relative to the
343 reorganization or consolidation of sheriffs' offices, to make formal recommendations regarding
344 such reorganization or consolidation and to recommend legislation, if any, to effectuate such
345 recommendations relating to the reorganization, consolidation, operation, administration,
346 regulation, governance and finances of sheriffs' offices.

347

348 The chairman of the commission shall be selected by its members. Section 2A of chapter
349 4 of the General Laws shall not apply to said commission. So long as a member of the
350 commission discloses, in writing, to the state ethics commission any financial interest as
351 described in sections 6, 7 or 23 of chapter 268A of the General Laws which may affect the
352 member's work on the commission, the member shall not be deemed to have violated said
353 sections 6, 7 or 23 of said chapter 268A. Four members of the commission shall constitute a
354 quorum and a majority of all members present and voting shall be required for any action voted
355 by the commission including, but not limited to, voting on formal recommendations or
356 recommended legislation.

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

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

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

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

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

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