

HOUSE No. 4526

The Commonwealth of Massachusetts

In the Year Two Thousand 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:

1 as follows:-- 5 chiefs of police to be appointed by the governor from nominations
2 submitted by the Massachusetts Chiefs of Police Association, 1 of whom shall be from the
3 western Massachusetts region, 1 of whom shall be from the central Massachusetts region, 1 of
4 whom shall be from the southeastern Massachusetts region, 1 of whom shall be from the
5 northeastern Massachusetts region and 1 of whom shall be from the Massachusetts Bay
6 Transportation Authority, 1 chief of police selected by the Massachusetts Chiefs of Police
7 Association, 1 police officer to be appointed by the governor from nominations submitted by the
8 Massachusetts Police Association executive board and the Massachusetts Police Training
9 Officers Association executive board, the commissioner of police of the city of Boston, the
10 colonel of state police, the attorney general and 1 person to be designated by the secretary of
11 public safety, or their respective designees. All such appointments shall be for terms of 3 years
12 with their successors appointed in a like manner. The following persons shall be advisory,
13 nonvoting members of the committee: the personnel administrator, the commissioner of
14 correction, the commissioner of youth services, the commissioner of probation, the chairman of

15 the parole board, the executive director of the committee on criminal justice, the chief
16 administrative justice for the trial court, the chief justice of the district court department, the
17 commissioner of education, the chairman of the criminal law committee of the Massachusetts
18 Bar Association, or their respective designees, and the special agent in charge of the Boston
19 office of the Federal Bureau of Investigation, if consent is given by the director of said bureau, or
20 his designee. The governor shall appoint 5 additional advisory, nonvoting members of the
21 committee, 1 of whom shall be an administrator of a city or town, 1 of whom shall be a clerk of
22 the superior court, 1 of whom shall be a member of the committee for public counsel services, 1
23 of whom shall be a sheriff of a county or a former county, and 1 of whom shall be a district
24 attorney of a district, or their respective designees.

25 The committee shall elect a chairperson annually, and shall advise the secretary on the
26 appointment and termination of the executive director of the agency. The committee shall make
27 recommendations relative to the policies and standards for the training of municipal police
28 officers in accordance with applicable laws and regulations, including the training mandated by
29 sections 116A to 116D, inclusive, of this chapter, section 36B of chapter 40, sections 96B and
30 97B of chapter 41 and section 24M of chapter 90. The committee shall advise the agency on the
31 establishment of a policy directed toward the annual certification that each officer has met the
32 minimum training requirements, as established by the agency.

33 (c) The agency has the authority to promulgate regulations, with the advice of the
34 committee, regarding the certification that each police officer has met the minimum training
35 requirements set forth by the secretary. The certification shall be conducted on annual basis and
36 shall be considered a prerequisite to exercising police powers. The agency shall certify training
37 programs offered by other entities and organizations, including recruit training programs, and

38 only certified programs will be considered in determining whether a police officer shall be
39 certified.

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

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

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

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

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

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

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

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

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

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

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

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

78 State Cultural Districts

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

81 Section 52A. (a)The council shall establish criteria and guidelines for state designated
82 cultural districts. A cultural district shall be a recognized, labeled, mixed-use, compact area of a
83 city or town which a high concentration of cultural facilities serves as an anchor. The goals of a
84 cultural district shall include attracting artists and cultural enterprises to a community,
85 encouraging business and job development, establishing tourist destinations, preserving, and
86 reusing historic buildings, enhancing property values and fostering local cultural development.
87 The council shall develop a program to prepare a city or town to become home to a state
88 designated cultural district, create an application process and develop qualifying criteria and
89 guidelines. Agencies of the executive branch, constitutional offices and quasi governmental
90 agencies shall identify programs and services that support and enhance the development of
91 cultural districts and assure that they are accessible to such districts. The council shall consult
92 with the Massachusetts Historical Commission in developing and establishing criteria and
93 guidelines regarding preservation and reuse of historic buildings.

94 (b) Notwithstanding any general or special law to the contrary the executive branch,
95 constitutional offices, quasi governmental agencies including but not limited to the executive
96 office of housing and economic development and its departments, the Massachusetts cultural
97 council, historic preservation programs, shall review and revise the following including but not
98 limited to regulations, grants, loans, technical assistance, feasibility assistance, affordable
99 housing assistance, and other economic development tools, including the evaluative criteria of

100 such programs, in order to support and encourage the development and success of state cultural
101 districts as established in Section 1.

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

108 Sound Business Practices in Bidding and Procurement

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

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

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

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

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

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

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

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

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

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

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

138 "Public procurement unit" means either a local public procurement unit or a state public
139 procurement unit.

140 “State public procurement unit” means the offices of the chief procurement officers and
141 any other purchasing agency of this or any other State.

142 SECTION 20. Subsection (d) of section 4 of said chapter 30B, as so appearing, is hereby
143 amended, by striking out the words “generally accepted”, in line 24, and inserting in place
144 thereof the following: sound

145 SECTION 21. Chapter 30B of the General Laws, as so appearing, is hereby amended by
146 adding after Section 6 the following new section:-

147 6A. (a) A chief procurement officer may enter into procurement contracts in the amount
148 of \$25,000 or more utilizing reverse auctions for the acquisition of supplies and services. The
149 reverse auction process shall include a specification of an opening date and time when real-time
150 electronic bids may be accepted, and provide that the procedure shall remain open until the
151 designated closing date and time.

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

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

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

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

166 SECTION 22. Section 20 of Chapter 30B of the General Laws is hereby amended by
167 inserting at the end thereof the following -

168 “Any public procurement unit may participate in, sponsor, conduct, or administer a
169 cooperative purchasing agreement for the procurement of any supplies with one or more public
170 procurement units or external procurement activities in accordance with an agreement entered
171 into between the participants. The public procurement unit conducting the procurement of any
172 supplies shall do so in a manner that constitutes a full and open competition. ”

173 Civil Service Maximum Age

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

180 SECTION 24. Section 58A of said chapter 31, as so appearing, is hereby further
181 amended by adding the following 3 sentences: - Appointing authorities that seek to waive the

182 maximum age requirement for certain individuals shall submit a written application to the
183 administrator. The administrator may waive this requirement based on extenuating
184 circumstances, consistent with the fundamental purposes of the requirement. The administrator
185 may adopt regulations for reviewing these applications.

186 Municipal Early Retirement Incentive Program

187 SECTION 25. (a) Notwithstanding chapter 32 of the General Laws or any other general
188 or special law to the contrary, a municipality which accepts this section may establish and
189 implement an early retirement incentive program for its employees in accordance with this
190 section.

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

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

200 (d) An employee who is eligible for the early retirement incentive program may request
201 in an application for retirement that the retirement board credit the employee with an additional
202 retirement benefit of a combination of years of creditable service and years of age, in full year
203 increments, the sum of which shall not be greater than 3 years, or a lesser amount established by

204 the municipality, for the purposes of determining the employee's superannuation retirement
205 allowance under paragraph (a) of subdivision (2) of section 5 of chapter 32 of the General Laws.
206 Notwithstanding the credit, the total normal yearly amount of the retirement allowance, as
207 determined in accordance with section 5 of chapter 32 of the General Laws, of any employee
208 who retires and receives the retirement incentive program benefit shall not exceed 80 per cent of
209 the average annual rate of the employee's regular compensation as determined in accordance
210 with said section 5 of said chapter 32. All participants must forego right to any accrued sick and
211 vacation time, and such amounts shall be paid into the municipality's pension system to reduce
212 the additional pension liability resulting from this program.

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

219 (f) A municipality that establishes an early retirement incentive program under this
220 section shall provide the public employee retirement administration commission with
221 information demonstrating the value of the plan and any information requested by the public
222 employee retirement administration in order to allow it to evaluate the plan and confirm the
223 analysis, including historic data upon which the plan is based, the elements of the municipal plan
224 including the total number of participants, the types of eligible employees, the salaries of
225 participating employees, the benefits to be received, and the limits on refilling vacated positions.
226 In addition, the municipality shall certify to the public employee retirement administration

227 commission that the present value cost of its plan is estimated to be less than the present value
228 savings and provide the commission with all information it requests to evaluate the plan and
229 confirm a cost analysis.

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

232 Within 2 months after the effective date of this section, the chief executive officer of a
233 municipality that chooses to participate shall submit its plan to the public employee retirement
234 administration commission for approval.

235 Once the plan has been approved, it shall be submitted to the legislative body of the
236 municipality for acceptance not later than the next regular meeting of the legislative body at
237 which the plan can practicably be submitted.

238 The approved plan shall be published and made available to employees within one month
239 after it has been accepted.

240 Employees must apply to participate within 2 months of the plan's publication.

241 The municipality shall determine which applicants shall be allowed to participate in the
242 program and notify them within one month of the application deadline.

243 Participating employees must retire within 2 months of notification of acceptance.

244 (h) A municipality that establishes a program under this section shall submit an annual
245 report to the public employee retirement administration commission, the executive office for
246 administration and finance and the municipal legislative body. The report shall include the
247 salaries and positions of participants, the amount of sick and vacation time being contributed by

248 participants, the salaries and positions of those being hired as replacements and whether the
249 positions of participants have been permanently eliminated.

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

254 Retirement System Funding Relief

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

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

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

270 SECTION 28. Subdivision (1) of section 22D of said chapter 32, as amended by section
271 18 of chapter 21 of the acts of 2009, is hereby further amended by inserting after the first
272 sentence the following sentence: - A funding schedule established under this section shall
273 provide that the payment in any year of the schedule is no less than 95 per cent of the amount
274 appropriated in the previous fiscal year.

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

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

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

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

289 (b) If an updated actuarial valuation allows for the development of a revised schedule
290 with reduced payments, the revised schedule shall be adjusted to reduce the unfunded liability of
291 the system to zero by an earlier date to the extent required to ensure that the appropriation

292 required for a particular year under the new schedule shall not be less than the amount identified
293 for that year under the prior schedule established under this section.

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

298 Revised Provisions for Transfer of Municipal Retirement Systems into PRIT

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

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

308 A system ordered by the commission to transfer its assets under this paragraph may
309 appeal to the commission for an exemption by filing written notice of its appeal with the
310 commission not later than 30 days after receiving the commission’s order to transfer its assets.
311 The commission may grant an exemption from the transfer requirement of this paragraph if the
312 system’s rate of return has exceeded the PRIT Fund rate of return for the previous 2 years or if
313 the system’s rate of return was affected by other extenuating circumstances. The commission

314 may also consider the system's management costs, its risk return ratio and any other factors it
315 considers appropriate. A system may seek judicial review of the commission's decision to deny
316 an exemption in the manner provided in section 14 of chapter 30A. An exemption granted by the
317 commission under this paragraph shall take effect only upon the approval of a majority of the
318 local governing body as follows: in a county, by the county commissioners, in a city having a
319 Plan D or Plan E charter, by the city council and the manager, in any other city the city council
320 and the mayor, in a town shall, by the board of selectmen, in a regional retirement system by the
321 regional retirement board advisory council and in all other districts, by the governing board. The
322 local governing body shall vote whether or not to approve the commission's grant of exemption
323 within 30 days after the commission's decision to provide an exemption.

324 Prorating of Insurance for Part Time Employees

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

328 For an employee hired after the effective date of this act and regularly employed for
329 fewer than 37.5 hours per week, the governmental unit may contribute an amount of that
330 employee's premium that is the same proportion of the amount paid for a full-time employee's
331 premium as that employee's regular weekly hours is of 37.5 hours.

332 Prorating of Insurance for Retired Part Time Employees

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

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

340 Municipal Life Insurance

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

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

350 Transfer of Eligible Municipal Retirees into Medicare

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

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

355 Section 18B. (a) All retirees, their spouses and dependents insured or eligible to be
356 insured under this chapter, if enrolled in Medicare Part A at no cost to the retiree, spouse or
357 dependents or eligible for coverage there under at no cost to the retiree, spouse or dependents,
358 shall be required to transfer to a Medicare health plan offered by the governmental unit under
359 section 11C or section 16, if the benefits under the plan and Medicare Part A and Part B together
360 shall be of comparable actuarial value to those under the retiree's existing coverage, but a retiree
361 or spouse who has a dependent who is not enrolled or eligible to be enrolled in Medicare Part A
362 at no cost shall not be required to transfer to a Medicare health plan if a transfer requires the
363 retiree or spouse to continue the existing family coverage for the dependent in a plan other than a
364 Medicare health plan offered by the governmental unit.

365 (b) Each retiree shall provide the governmental unit, in such form as the governmental
366 unit shall prescribe such information as is necessary to transfer to a Medicare health plan. If a
367 retiree does not submit the information required, he shall no longer be eligible for his existing
368 health coverage. The governmental unit may from time to time request from a retiree, a retiree's
369 spouse or a retiree's dependent, proof, certified by the federal government, of eligibility or
370 ineligibility for Medicare Part A and Part B coverage.

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

374 Health Care Spending Accounts and Dependent Care Assistance Accounts

375 SECTION 38. Employees of a governmental unit which accepts chapter 32B shall be
376 eligible for benefits including health care spending accounts and dependent care assistance

377 accounts as offered by the group insurance commission; provided that there shall be withheld
378 from each payment of salary or wages of such employee the premium for such coverage and the
379 commonwealth shall make no contribution to said premium. Regulations shall be promulgated
380 providing for the implementation of this additional coverage.

381 Validation of Local Elections by Secretary of State

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

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

390 Long Term Municipal Leases

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

394 Collective Bargaining and Regional Entities

395 SECTION 41. The second paragraph of section 4A of chapter 40 of the General Laws, as
396 appearing in the 2006 Official Edition, is hereby amended by adding the following paragraph: -

397 A decision to enter into an inter-municipal agreement under this section, or to join any regional
398 entity, shall not be subject to collective bargaining under chapter 150E.

399 Collective Purchasing by Educational Collaboratives

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

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

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

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

419 Public Safety Mutual Aid Agreement

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

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

431 Article I. DEFINITIONS

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

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

434 "Authorized representative", in the case of a city or town, the mayor, city manager, town
435 manager, town administrator, executive secretary, police chief or on-duty shift commander of the
436 police department, fire chief or on-duty shift commander of the fire department, health director
437 or chair person of the board of health, and the emergency management director. In the case of a
438 governmental unit that is not a city or town, the chief executive officer or on-duty shift
439 supervisor.

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

443 "Employee", a person employed full time or part time by a governmental unit, a volunteer
444 officially operating under a governmental unit, or a person contractually providing services to a
445 governmental unit.

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

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

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

460 "Law Enforcement Council", a non-profit corporation organized under chapter 180 whose
461 directorate includes municipal police chiefs and whose membership includes (a) municipalities

462 whose participation in the council has been authorized by their principal executives, and (b)
463 other law enforcement agencies; and whose purpose is to provide:

464 (1) mutual aid to its members pursuant to mutual aid agreements;

465 (2) mutual aid or requisitions for aid to non-members consistent with section 8G of this
466 chapter or section 99 of chapter 41; and,

467 (3) enhanced public safety by otherwise sharing resources and personnel.

468 "MEMA", the Massachusetts emergency management agency.

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

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

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

479 "Requesting party", a party that requests aid or assistance from another party pursuant to
480 the Agreement.

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

483 Article II. PARTIES TO THE AGREEMENT

484 A. Cities and Towns

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

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

497 B. Other Governmental Units

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

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

506 C. Cities and Towns in Adjoining States

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

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

516 Article III. REQUESTS FOR MUTUAL AID ASSISTANCE

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

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

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

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

535 Article IV. SUPERVISION; CONTROL; OPERATION OF EQUIPMENT

536 The requesting party shall be responsible for the overall operation, assignment and
537 deployment of resources and personnel provided by a sending party consistent with the NIMS
538 and the Incident Command System. The sending party shall retain direct supervision and
539 command and control of personnel, equipment and resources provided by the sending party
540 unless otherwise agreed to by the requesting party and sending party.

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

544 Article V. COSTS AND REIMBURSEMENT

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

548 A sending party shall document its costs of providing mutual aid assistance under the
549 Agreement, including direct and indirect payroll and employee benefit costs, travel costs, repair
550 costs, and the costs of materials and supplies. A sending party also shall document the use of its
551 equipment, and the quantities of materials and supplies used while providing mutual aid
552 assistance under the Agreement. A sending party shall cooperate with a requesting party in
553 documenting costs associated with providing mutual aid assistance under the Agreement and
554 seeking reimbursement for such costs.

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

559 Except as otherwise agreed to by the requesting and sending parties, the requesting party
560 shall seek reimbursement under any applicable federal and state disaster assistance programs for
561 the costs of responding to and dealing with the public safety incident, including the mutual aid
562 assistance costs incurred by all sending parties. The requesting party and each sending party
563 shall receive, based on the documented costs of providing mutual aid assistance, its pro rata
564 share of the disaster assistance compensation and reimbursement provided to the requesting
565 party.

566 Article VI. OTHER MUTUAL AID AGREEMENTS

567 This section shall not affect, supersede or invalidate any other statutory or contractual
568 mutual aid or assistance agreements involving parties to the Agreement.

569 A party may enter into supplementary mutual aid agreements with other parties or
570 jurisdictions.

571 In the event of a conflict between the Agreement and any lawful supplementary or
572 preexisting statutory or contractual mutual aid assistance agreement, the supplementary or
573 preexisting agreement shall take precedence over the Agreement.

574 Article VII. POWERS, LICENSES, PERMITS

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

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

584 Article VIII. WAGES & COMPENSATION

585 Employees of a sending party, while providing mutual aid assistance under this
586 Agreement, shall receive the same salary, including overtime, that they would be entitled to

587 receive if they were operating in their own geographical jurisdiction. In the absence of an
588 agreement to the contrary, the sending party shall be responsible for, and pay, all such salary
589 expenses, including overtime.

590 Article IX. LIABILITY

591 In transit to, returning from, and while providing mutual aid assistance under the
592 Agreement in the requesting party's jurisdiction or location, employees of a sending party shall
593 have the same rights of defense, immunity and indemnification that they otherwise would have
594 under the law if they were acting within the scope of their employment under the direction of
595 their employer. A sending party shall provide to, and maintain for, each of its employees who
596 provide mutual aid assistance under the Agreement the same indemnification, defense, right to
597 immunity, employee benefits, death benefits, worker's compensation or similar protection, and
598 insurance coverage that would be provided to such employees if they were performing similar
599 services in the sending party's jurisdiction.

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

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

607 Article X. EMERGENCY MANAGEMENT ASSISTANCE COMPACTS

608 The director of MEMA or the director's designee shall be the person authorized under
609 EMAC and IEMAC to (i) receive, coordinate, and answer all requests to the commonwealth to
610 provide mutual aid assistance to another state or country pursuant to EMAC and IEMAC, and (ii)
611 make and coordinate all requests on behalf of the commonwealth to another state or country to
612 receive mutual aid assistance pursuant to EMAC and IEMAC.

613 MEMA shall be the agency of the commonwealth authorized to dispatch resources of the
614 commonwealth or of a governmental unit to another state or country to provide mutual aid
615 assistance pursuant to EMAC and IEMAC. Employees of a governmental unit who, at the
616 request and with the approval of MEMA, render mutual aid assistance to another state or country
617 pursuant to EMAC or IEMAC shall be considered to be emergency forces and officers of the
618 commonwealth for the limited purpose of effectuating the purposes of EMAC and IEMAC.

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

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

628 Statewide Public Works Municipal Mutual Assistance Program

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

632 (a)(i) “The statewide municipal mutual assistance agreement for public works” is defined
633 as a comprehensive statewide agreement entered into by participating governmental units for the
634 facilitation and provision of sharing of public works resources across jurisdictional lines in the
635 case of public works incidents and maintenance that require assistance from one or more
636 additional municipalities.

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

641 (b) There shall be a statewide mutual assistance agreement developed for Public
642 Works activities, by the Statewide Municipal Mutual Assistance Advisory Committee
643 that covers Public Works services, personnel, equipment, supplies and facilities to prepare for,
644 prevent, mitigate, respond to and recover from incidents that require assistance from additional
645 municipalities, consistent with the provisions herein. Nothing in this section shall establish or
646 apply to mutual aid agreements among local public safety agencies. All 351 municipalities of the
647 commonwealth shall be eligible to opt into the statewide municipal mutual assistance agreement.
648 The chief executive officer of a city or town, or as otherwise specified by statute or charter must
649 sign the mutual assistance agreement. If a community does not execute the agreement, it is
650 assumed that the community will not be a participant. Participation shall exist for a period of ten

651 years. Other governmental units not under the direction and control of a commonwealth
652 municipality shall be authorized to sign on to the statewide mutual aid agreement on a form filed
653 with and prescribed by the Statewide Municipal Mutual Assistance Advisory Committee. In
654 addition, governmental units from a municipality directly adjacent to a commonwealth
655 municipality, but in another state, shall be able to sign on to the statewide mutual aid agreement
656 if duly authorized on a form prescribed by the Statewide Municipal Mutual Assistance Advisory
657 Committee.

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

666 (d) There shall be a Statewide Municipal Mutual Assistance Advisory Committee that
667 shall consist of one appointee made by the following parties" the Massachusetts Highway
668 Association, the New England Chapter of the American Public Works Association
669 (Massachusetts Representative), the New England Water Environment Association
670 (Massachusetts Representative), the Massachusetts Tree Wardens Association, the Mass Water
671 Works Association, and the Massachusetts Municipal Association. One appointee from the
672 Executive Office of Public Safety shall serve as both an Ex-officio member and chair of the
673 committee.

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

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

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

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

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

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

690 The request must include the following information:

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

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

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

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

700 (j) The dispatch of public works resources under the statewide mutual assistance
701 agreement shall operate under the direction of their parent government unit. Tactical operational
702 control of resources shall be under the direction and control of the requesting government unit.
703 The administration and coordination of the statewide mutual aid agreement shall be the
704 responsibility of the Statewide Municipal Mutual Assistance Advisory Committee.

705 (k) Reimbursement for any and all public works services performed under the statewide
706 municipal mutual assistance agreement is presumed, but may be waived in writing by a
707 participating government unit prior or subsequent to responding to an incident and/or
708 maintenance matter through a supplemental agreement. This section shall not provide for
709 reimbursement of any kind outside of what is agreed to by the individual governmental units.

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

715 (m) While in transit to, returning from, and during a mutual assistance response for
716 another governmental unit, a participating public works employee of a governmental unit, or

717 volunteer acting officially under the authorization of the governmental unit, that is a party to the
718 statewide municipal mutual assistance agreement shall maintain the right of indemnification
719 granted by law, or by his home governmental unit, should it exist, for all claims arising out of
720 any action within the scope of employment in accordance with the statewide municipal mutual
721 assistance agreement pursuant to this section.

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

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

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

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

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

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

749 Municipal Police Training

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

753 Review of Assessment Certification Schedule

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

756 Notwithstanding the first paragraph or any other general or special law, the commissioner
757 may, from time to time, issue a revised schedule for the year in which he shall certify whether
758 the board of assessors is assessing property at full and fair cash valuation. After the schedule is
759 issued, a city or town may classify in the manner set forth in this section for any year before the

760 next year of certification established in the schedule for the city or town. In arranging the
761 schedule the commissioner shall, so far as practicable and appropriate, consider but not be
762 limited to the following goals: balancing the number of certification reviews conducted in each
763 year of the triennial period, facilitating and implementing joint or cooperative assessing
764 agreements or districts, assisting boards of assessors to comply with any minimum standards of
765 assessment performance established under section 1 of chapter 58 and producing uniformity in
766 the valuation, classification and assessment of property within each city or town and throughout
767 the commonwealth.

768 Tax Increment Financing

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

772 (iii) Authorize tax increment exemptions from property taxes, in accordance with clause
773 Fifty-first of section 5 of chapter 59, for a specified term not to exceed 20 years, for any parcel of
774 real property which is located in the TIF zone and for which an agreement has been executed
775 with the owner thereof in accordance with paragraph (v). The TIF plan shall specify the level of
776 exemptions expressed as exemption percentages, not to exceed 100 per cent, to be used in
777 calculating the exemptions for the parcel, and for personal property situated on that parcel, as
778 provided under said clause Fifty-first of said section 5 of said chapter 59. The exemption for
779 each parcel of real property shall be calculated using an adjustment factor for each fiscal year of
780 the specified term equal to the product of the inflation factors for each fiscal year since the parcel

781 first became eligible for such exemption pursuant to this paragraph. The inflation factor for each
782 fiscal year shall be a ratio:

783 (a) the numerator of which shall be the total assessed value of all parcels of all
784 commercial and industrial real estate that is assessed at full and fair cash value for the current
785 fiscal year minus the new growth adjustment for the current fiscal year attributable to the
786 commercial and industrial real estate as determined by the commissioner of revenue under
787 paragraph (f) of section 21C of said chapter 59; and

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

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

793 (iii) authorize tax increment exemptions from property taxes, in accordance with clause
794 Fifty-first of section 5 of chapter 59, for a specified term not to exceed 20 years, for any parcel of
795 real property which is located in the UCH-TIF zone and for which an agreement has been
796 executed with the owner thereof in accordance with paragraph (v). The UCH-TIF plan shall
797 specify the level of exemptions expressed as exemption percentages, not to exceed 100 per cent,
798 to be used in calculating the exemptions for the parcel, and for personal property situated on that
799 parcel, as provided under said clause Fifty-first of said section 5 of said chapter 59. The
800 exemption for each parcel of real property shall be calculated using an adjustment factor for each
801 fiscal year of the specified term equal to the product of the inflation factors for each fiscal year

802 since the parcel first became eligible for such exemption pursuant to this paragraph. The inflation
803 factor for each fiscal year shall be a ratio:

804 (1) the numerator of which shall be the total assessed value of all parcels of residential
805 real estate that are assessed at full and fair cash value for the current fiscal year minus the new
806 growth adjustment for the current fiscal year attributable to the residential real estate as
807 determined by the commissioner of revenue under paragraph (f) of section 21C of said chapter
808 59; or

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

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

817 SECTION 49. Section 60A of chapter 40 of the General Laws, as appearing in the 2008
818 Official Edition, is hereby amended by striking out the second and third sentences of paragraph
819 (iii) of subsection (a) and inserting in place thereof the following sentences:-

820 The MWF-TIF plan shall specify the level of exemptions expressed as exemption
821 percentages, not to exceed 100 per cent, to be used in calculating the exemptions for the parcel,
822 and for personal property situated on that parcel, as provided under said clause Fifty-first of said
823 section 5 of said chapter 59. The exemption for each parcel of real property shall be calculated

824 using an adjustment factor for each fiscal year of the specified term equal to the product of the
825 inflation factors for each fiscal year since the parcel first became eligible for such exemption
826 pursuant to this paragraph.

827 Affordable Housing Excess Profits

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

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

834 Joint or Regional Assessing Agreements

835 SECTION 51. Chapter 41 of the General Laws is hereby amended by striking out section
836 30B, as appearing in the 2006 Official Edition, and inserting in place thereof the following
837 section:-

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

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

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

845 (3) the rights and responsibilities of the parties with respect to the direction and
846 supervision of the work to be performed and with respect to the administration of the assessing
847 office including the receipt and disbursement of funds, the maintenance of accounts and records
848 and the auditing of accounts;

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

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

852 (6) any other necessary or appropriate matter.

853 (b) An agreement under this section may also provide for the formation of a single
854 assessing department for the purpose of employing assistant assessors and necessary staff and
855 performing all administrative functions. An agreement may also vest in 1 person, the board of
856 assessors of 1 of the parties or a regional board of assessors comprised of at least 1 representative
857 from each of the parties and selected in the manner set forth in the agreement all the powers and
858 duties of the boards of assessors and assessing departments of the parties. In that case, upon the
859 effective date of the agreement, the existing boards of assessors of the other parties, or of all the
860 parties if their assessors' powers and duties are vested in 1 person, shall terminate for the
861 duration of the agreement. Unless the agreement provides for the board of assessors of 1 of the
862 parties to serve as the assessors for all parties, or 1 city or town to act on behalf of all parties, the
863 agreement shall designate an appointing authority representing all of the parties, which shall be
864 responsible for the appointment of an assessor, designate to the extent required by the agreement,
865 the appointing authority for any assistant assessors and other staff, and in the case of withdrawal
866 or termination of the agreement, determine the employment of any employee of one of the

867 parties that became part of a single assessing department. Subject to the rules and regulations
868 established by the commissioner of revenue pursuant to section 1 of chapter 58, the agreement
869 shall provide for qualifications, terms and conditions of employment for the assessor and
870 employees of his office. The agreement may provide for inclusion of the assessor and said
871 employees in insurance, retirement programs and other benefit programs of one of the
872 constituent parties, but all parties to the agreement shall be responsible for paying a
873 proportionate share of the current and future costs of benefits associated with the appointment or
874 employment of all persons performing services for them during the duration of the agreement.
875 Any city or town party to such an agreement shall include employees under the joint assessing
876 agreement in such programs in accordance with the terms of the agreement.

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

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

882 Municipal Police Training

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

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

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

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

896 Renewable Energy Revolving Fund

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

899 (3C) For a revolving loan fund established under section 53E $\frac{3}{4}$ to assist in development
900 of renewable energy and energy conservation projects on privately held buildings, property or
901 facilities within the city or town, 20 years.

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

904 Section 53E $\frac{3}{4}$. (a) Notwithstanding the provisions of section fifty-three or any other
905 general or special law to the contrary, a city or town may establish a revolving fund to be known
906 as the Energy Revolving Loan Fund, in this section called the fund. The purpose of the fund is
907 to provide loans to owners of privately held real property in the city or town for energy

908 conservation and renewable energy projects on their properties so as to prioritize energy
909 efficiency as the first step toward reducing greenhouse gas emissions associated with buildings.

910 (b) The fund shall be established by ordinance or by-law. Before adoption of the
911 ordinance or by-law, the select board, town council or the city council, as the case may be, shall
912 conduct a public hearing on the question of its adoption. The ordinance or by-law shall
913 designate an administrator for the fund and may provide for any rules, regulations and
914 procedures for administration of the fund and eligibility for loans the city or town considers
915 necessary or proper to carry out the purposes of this section. The administrator may consult with
916 the green communities division, established in section 10 of chapter 25A in developing such
917 regulations, rules, and procedures for administration of the fund. The fund administrator may be
918 a board, department or officer, or may consist of 1 or more members from 1 or more boards,
919 departments or officers, of the city or town. Any city or town which is a member of a regional
920 planning commission may enter into a cooperative agreement with said commission to perform
921 as administrator for the fund.

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

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

926 (1) to make loans to owners of real estate to finance or refinance the costs of energy
927 conservation and renewable energy projects on their properties; provided no loan shall be made
928 unless an energy audit of the property has been conducted on or after July 2, 2008] and any

929 energy conservation measures established by the fund administrator for participation in the
930 program have been implemented;

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

933 (3) to record the notice of the agreement required by subsection (f) and any other loan
934 instruments;

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

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

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

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

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

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

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

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

949 The treasurer shall, not later than June 30 of each year, certify in writing to the fund
950 administrator and auditor or similar officer in cities, or the town accountant in towns having that
951 officer, the principal and interest due in the next fiscal year on any bonds issued under paragraph
952 (3C) of section 7 and not otherwise provided for, and the amount certified shall be reserved for
953 payment of that debt service without further appropriation. Loans may be made from the fund
954 by the fund administrator without further appropriation, subject to this section; provided,
955 however, that no loans shall be made or liabilities incurred in excess of the unreserved fund
956 balance, nor made unless approved in accordance with sections 52 and 56 of chapter 41.

957 (f) Whenever the city or town enters into a loan agreement with a property owner under
958 this section, a notice of the agreement shall be recorded as a betterment and be subject to the
959 provisions of chapter 80 relative to the apportionment, division, reassessment and collection of
960 assessment, abatement and collections of assessments, and to interest; provided, however, that
961 for purposes of this section, the lien shall take effect by operation of law on the day immediately
962 following the due date of the assessment or apportioned part of the assessment and the
963 assessment may bear interest at a rate determined by the city or town treasurer by agreement with
964 the owner at the time the agreement is entered into between the city or town and the property
965 owner. In addition to remedies available under chapter 80, the property owner shall be personally
966 liable for the repayment of the total costs incurred by the city or town under this section;
967 provided, however, that upon assumption of the personal obligation by a purchaser or other
968 transferee of all of the original owner's interest in the property at the time of conveyance and the
969 recording of the assumption, the owner shall be relieved of the personal liability.

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

973 Notwithstanding any provision of chapter 183A to the contrary, the organization of unit
974 owners of a condominium may enter into a betterment loan agreement under this section to
975 finance an energy conservation and renewable energy project provided that the project comprises
976 part of the common areas and facilities. The agreement shall: (i) be approved by a majority of the
977 unit owners benefited by the project; (ii) include an identification of the units and unit owners
978 subject to the agreement and the percentages, as set forth in the master deed, of the undivided
979 interests of the respective units in the common area and facilities; and (iii) include a statement by
980 an officer or trustee of the organization of unit owners certifying that the required number of unit
981 owners have approved the agreement. As between the affected unit owners and the city or town,
982 the certification shall be conclusive evidence of the authority of the organization of unit owners
983 to enter into the agreement. A notice of the agreement shall be recorded as a betterment in the
984 registry of deeds or registry district of the land court where the master deed is recorded and shall
985 be otherwise subject to the provisions of chapter 80 as provided for in this section. The
986 assessment under the agreement may be charged or assessed to the organization of units owners
987 but shall not constitute an assessment of common expenses. Instead, the allocable share of the
988 assessment, prorated on the basis of the percentage interests of the benefited units in the common
989 areas and facilities, shall attach as a lien only to the units identified in the recorded notice and
990 benefited by the project and the owners of those units shall also be personally liable for their
991 allocable share of the assessment as provided for in this section. Words defined in section 1 of

992 said chapter 183A and used in this paragraph have the same meanings as appearing in said
993 chapter 183A.

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

1000 Bonding: Dredging of Tidal and Non Tidal Waters

1001 SECTION 58. Section 7 of chapter 44 of the General Laws is hereby amended by
1002 inserting after clause 17 the following new clause: - (17A) For dredging of tidal and non-tidal
1003 rivers and streams, harbors, channels and tide waters, ten years.

1004 Bonding: Environmental Cleanup

1005 SECTION 59. Section 7 of chapter 44 of the General Laws is hereby amended by
1006 inserting at the end thereof the following new clause: - (32) For the cost of cleaning up or
1007 preventing pollution caused by existing or closed municipal facilities not defined in clause 21 of
1008 Section 8 of Chapter 44 including clean up or prevention activities taken pursuant to chapter 21E
1009 or chapter 21H, twenty years; provided, however, that no indebtedness shall be incurred
1010 hereunder until plans relating to the project shall have been submitted to the department of
1011 environmental protection and the approval of said department has been granted therefore, ten
1012 years.

1013 Additional Flexibility in Municipal and Regional School District Borrowing

1014 SECTION 60. Section 7 of chapter 44 of the General Laws, as so appearing, is hereby
1015 amended by inserting after the word "specified", in line 3, the following words: - or, except with
1016 respect to clauses (11), (16), (18), (21) and (22), within such longer period not to exceed 30 years
1017 based upon the maximum useful life of the public work, improvement or asset being financed, as
1018 determined in accordance with guidelines established by the division of local services of the
1019 department of revenue.

1020 SECTION 61. Said section 7 of said chapter 44, as so appearing, is hereby further
1021 amended by striking out in lines 50 to 53 the words "or for such maximum term, not exceeding
1022 15 years, based upon the maximum useful life of the equipment as determined by the board of
1023 selectmen or the mayor or city manager of the city or town".

1024 SECTION 62. Said section 7 of said chapter 44, as so appearing, is hereby further
1025 amended by inserting after clause (31) the following clause:-

1026 (32) For any other public work, improvement or asset not specified in any of the above
1027 clauses, with a maximum useful life of at least 5 years, determined as provided in the first
1028 sentence of this section, 5 years.

1029 SECTION 63. Section 8 of said chapter 44, as so appearing, is hereby amended by
1030 inserting after the word "specified", in line 3, the following words: - or except with respect to
1031 clauses (1), (2), (3A), (5), (6), (7), (9) and (19), within such longer period not to exceed 30 years
1032 based upon the maximum useful life of the public work, improvement or asset being financed as
1033 determined in accordance with guidelines established by the division of local services of the
1034 department of revenue.

1035 SECTION 64. Said section 8 of said chapter 44, as so appearing, is hereby further
1036 amended by striking out, in lines 77 and 78, the words "a board composed of the attorney
1037 general, the state treasurer and the director" and inserting in place thereof the following words: -
1038 the municipal finance oversight board.

1039 SECTION 65. Said section 8 of said chapter 44, as so appearing, is hereby further
1040 amended by inserting after the word "vote", in line 190, the following words: - , provided,
1041 however, that debt under clause (9) of this section may be authorized by the treasurer of a city,
1042 with the approval of the official whose approval is required by the city charter in the borrowing
1043 of money, the treasurer of a town with a town council form of government, with the approval of
1044 the official whose approval is required by the town charter in the borrowing of money, the
1045 treasurer of a town without a town council form of government, with the approval of the board of
1046 selectmen, and the treasurer of a district, with the approval of the prudential committee, if any,
1047 otherwise of the commissioners.

1048 SECTION 66. Said chapter 44 is hereby further amended by striking out section 19, as so
1049 appearing, and inserting in place thereof the following section:-

1050 Section 19. Cities, towns and districts shall not issue any notes payable on demand, and
1051 they shall provide for the payment of all debts, except temporary loans incurred under sections 4,
1052 6, 6A, 8C, and 17, or under section 3 of chapter 74 of the acts of 1945, by annual payments that
1053 will extinguish the same at maturity, and so that the first of these annual payments on account of
1054 any serial loan shall be made not later than the end of the next complete fiscal year commencing
1055 after the date of the bonds or notes issued for the serial loan, and shall be arranged so that for
1056 each issue the amounts payable in the several years for principal and interest combined shall be

1057 as nearly equal as practicable in the opinion of the officers authorized to issue the bonds or notes,
1058 or in the alternative, in accordance with a schedule providing a more rapid amortization of
1059 principal; and these annual amounts, together with the interest on all debts, shall, without further
1060 vote, be assessed until the debt is extinguished.

1061 SECTION 67. Section 21A of said chapter 44, as so appearing, is hereby amended by
1062 inserting after the word "law", in line 10, the following words: - , and provided further that no
1063 order or vote authorizing the issuance of refunding bonds or notes shall be subject to any
1064 referendum provisions contained in any general or special law, any city or town charter, any city
1065 ordinance or town by-law, or other provision.

1066 SECTION 68. Section 22 of said chapter 44, as so appearing, is hereby amended by
1067 adding the following sentence: - Notwithstanding the above, the selectmen may delegate to the
1068 town treasurer the approval of the rate or rates of interest with any limitations that the selectmen
1069 determine to be in the best interests of the town.

1070 SECTION 69. Section 22A of said chapter 44, as so appearing, is hereby amended by
1071 striking out the first sentence and inserting in place thereof the following sentence: - Bonds or
1072 notes issued by a city may be secured in whole or in part by insurance or by letters or lines of
1073 credit or other credit facilities, provided that the city treasurer and mayor or city manager, as
1074 applicable, determine that issuing bonds or notes on this basis is in the best interests of the city.

1075 SECTION 70. Section 22B of said chapter 44 is hereby repealed.

1076 State House Notes

1077 SECTION 71. Section 26 of said chapter 44 is hereby repealed.

1078 Voter information

1079 SECTION 72. Chapter 53 of the General Laws is hereby amended by inserting, after
1080 section 18A the following section:-

1081

1082 SECTION 18B. (a) As used in this section “governing body” shall mean, in a city, the
1083 city council or board of aldermen acting with the approval of the mayor subject to the charter of
1084 the city, in a town having a town council, the town council, in every other town the board of
1085 selectmen, and in a district as provided in sections 113 to 119, inclusive, of chapter 41, the
1086 prudential committee, if any, otherwise the commissioners of the district. (b) The governing
1087 body of a city, town or district which accepts this section in the manner provided in section 4 of
1088 chapter 4 shall print information relating to each question that will appear on the city, town or
1089 district ballot. The information shall include: (1) the full text of each question; (2) a fair and
1090 concise summary of each question, including a 1-sentence statement describing the effect of a
1091 yes or no vote, which shall be prepared by the city solicitor, town counsel or counsel for the city,
1092 town or district; and (3) arguments for and against each question as provided in subsections (d)
1093 and (e). Not later than 7 days before an election at which the question will be submitted to the
1094 voters in a city, town or district, the information in this subsection shall be sent to each
1095 household wherein a person whose name appears on the current voting list for the city, town or
1096 district resides.

1097 (c) Not later than the day following the date of the determination that a question will
1098 appear on the ballot in an election, the governing body shall provide written notification to the
1099 city solicitor or town or district counsel and to the city or town clerk. (d) Not later than 7

1100 days after the determination that a question shall appear on the ballot, the city, town or district
1101 solicitor or counsel, as applicable, shall seek written arguments from the principal proponents
1102 and opponents of the question. For the purposes of this section, the principal proponents and
1103 opponents of a question shall be those persons determined by the solicitor or counsel to be best
1104 able to present the arguments for and against the question. The solicitor or counsel shall provide
1105 not less than 7 days' written notice to the opponents and proponents of the date on which the
1106 written arguments shall be received. Proponents and opponents shall submit their arguments,
1107 which shall be not more than 150 words, to the solicitor or counsel, together with a copy thereof
1108 to the city or town clerk or, in a district, to the clerk of each city and town within the district.
1109 The arguments and summary shall be submitted by the solicitor or counsel to the governing body
1110 not more than 20 days before the election for distribution to voters in accordance with subsection
1111 (b) of this section. A copy of the arguments and summary shall also be submitted by the solicitor
1112 or counsel to the city, town or district clerk.

1113 (e) In determining the principal proponents and opponents of a ballot question, the
1114 solicitor or counsel shall contact each ballot question committee, if any, as defined in section 1 of
1115 chapter 55. The principal proponents or opponents of a ballot question may include officers of a
1116 ballot question committee or officers of a city, town or district office or committee including, but
1117 not limited to, a finance committee or a school committee. In addition, the principal proponents
1118 or opponents may include the first 10 signers or a majority of the first 10 signers of any petition
1119 initiating the placement of such question on the ballot. The solicitor or counsel shall determine,
1120 based on a review of arguments received, the person or group best able to present arguments for
1121 and against a question. If no argument is received by the solicitor or counsel within the time
1122 specified by the solicitor or counsel, the solicitor or counsel shall prepare an argument and

1123 submit the argument to the governing body, and to the city or town clerk or, in a district, to the
1124 clerk of each city and town within the district, within the time specified in subsection (d).

1125 (f) All arguments filed or prepared pursuant to this section, and the information prepared
1126 pursuant to subsection (b), shall be open to public inspection at the office of city or town clerk
1127 or, in a district, at the office of the clerk of each city and town within the district. In addition,
1128 each city or town clerk shall make such information available to the voters at all polling places
1129 within the city, town or district.

1130 Election Officers

1131 SECTION 73. Section 11 of Chapter 54 of the General Laws is hereby amended by
1132 striking the words “one warden, one deputy warden, one clerk, one deputy clerk, four inspectors
1133 and four deputy inspectors” and replacing it with “one warden, one clerk, at least two inspectors
1134 and a ballot box inspector.”

1135 SECTION 74. Section 12 of Chapter 54 of the General Laws is hereby amended by
1136 striking the words “one warden, one deputy warden, one clerk, one deputy clerk, two inspectors
1137 and two deputy inspectors” and replacing it with “one warden, one clerk, at least two inspectors
1138 and a ballot box inspector”

1139 Streamlined Abatement Process

1140 SECTION 75. Section 8 of chapter 58 of the General Laws, as so appearing, is hereby
1141 amended by striking out the second and third paragraphs and inserting in place thereof the
1142 following paragraph:-

1143 The commissioner shall make, and from time to time revise, rules, regulations and
1144 guidelines necessary for establishing an expedited procedure for granting authority to abate
1145 taxes, assessments, rates, charges, costs or interest under this section in such cases as he
1146 determines are in the public interest and shall from time to time for such periods as he considers
1147 appropriate authorize the assessors or the board or officer assessing the tax, assessment, rate or
1148 charge, to grant these abatements. No abatement authorized by these procedures shall be granted
1149 unless the assessors or board or officer shall certify, in writing, under pains and penalties of
1150 perjury that the procedures have been followed. The commissioner shall require yearly reports
1151 and audits of these abatements by assessors or boards or officers that the commissioner considers
1152 necessary to ensure that any authority granted under this paragraph has been properly exercised,
1153 and shall withdraw this grant of authority to any particular assessors, board or officer upon his
1154 written determination that the authority has been improperly exercised. The commissioner may
1155 make, and from time to time revise, reasonable rules, regulations, and guidelines that he
1156 considers necessary to carry out this paragraph.

1157 Tax Increment Financing

1158 SECTION 76. Section 5 of chapter 59 of the General Laws, as appearing in the 2008
1159 Official Edition, is hereby amended by striking clause fifty-first in its entirety and inserting in
1160 place thereof the following:-

1161 Fifty-first, the value of a parcel of real property which is included within an executed
1162 agreement under paragraph (v) of section 59, paragraph (v) of subsection (a) of section 60 or
1163 paragraph (iv) of subsection (a) of section 60A of chapter 40, and the value of personal property
1164 situated on that parcel, but taxes on real and personal property eligible for exemption under this

1165 clause shall be assessed only on that portion of the value of the property that is not exempt under
1166 section 59, section 60 or section 60A of chapter 40, and this exemption shall be for a term not
1167 longer than the period specified for the exemption in the agreement. The amount of the
1168 exemption under this clause for any parcel of real property shall be the exemption percentage
1169 adopted under paragraph (iii) of section 59, of subsection (a) of section 60 or of section 60A of
1170 said chapter 40 multiplied by the amount by which the parcel's value exceeds the product of its
1171 assessed value for the last fiscal year before it became eligible for exemption under this clause
1172 multiplied by the adjustment factor determined in accordance with said section 59, section 60 or
1173 section 60A of said chapter 40. The amount of the exemption under this clause for personal
1174 property shall be the exemption percentage adopted under paragraph (iii) of section 59,
1175 subsection (a) of section 60 or of section 60A of said chapter 40 multiplied by the fair cash
1176 valuation of the personal property. Taxes on property eligible for exemption under this clause
1177 shall be assessed only on that portion of the value of the property that is not exempt under this
1178 clause.

1179 Amortization of F2009 Snow and Ice Deficit

1180 SECTION 77. Notwithstanding section 23 of chapter 59 of the General Laws, section
1181 31D of chapter 44 of the General Laws, or any other special or general law, any city or town may
1182 amortize over the 2 fiscal years 2011 and 2012, in equal installments or more rapidly, an amount
1183 of its fiscal year 2010 snow and ice deficit. The local appropriating authority as defined in
1184 section 21C of chapter 59 of the General Laws shall adopt a deficit amortization schedule before
1185 the setting of the FY2011 municipal tax rate, consistent with the first sentence of this section.
1186 The commissioner of revenue may issue guidelines or instructions for reporting the amortization
1187 of deficits authorized by this section.

1188 Overlay Accounts

1189 SECTION 78. Section 23 of chapter 59, as appearing in the 2008 Official Edition, is
1190 hereby amended by striking out, in line 9, the words “of that year”.

1191 SECTION 79. Section 25 of chapter 59 of the General Laws, as so appearing, is hereby
1192 amended by striking out section 25, as so appearing, and inserting in place thereof the following
1193 section:-

1194 Section 25. The assessors of each city, town and district shall annually raise by taxation
1195 such reasonable amount of overlay as the commissioner may approve. The overlay account may
1196 be used only for avoiding fractional divisions of the amount to be assessed and to fund
1197 abatements granted on account of taxes assessed for any fiscal year. The amount of such overlay
1198 approved by the commissioner shall not be included in calculating the "total taxes assessed" in
1199 paragraph (a) or the maximum levy limit in paragraph (f) of section 21C.

1200 Audit of Personal Property Returns

1201 SECTION 80. Section 29 of chapter 59 of the General Laws, as so appearing, is hereby
1202 amended by striking out, in line 20, the words “”thirty days after the mailing of the tax bills” and
1203 inserting in place thereof the following words”- the last day for filing an application for
1204 abatement of the tax.

1205 SECTION 81. Said chapter 59 is hereby further amended by inserting after section 31 the
1206 following section:-

1207 Section 31A. For the purpose of verifying that any person required to file a true list of
1208 taxable personal property under section 29 has made a complete and accurate accounting of that

1209 property, the assessors may at any time within 3 years after the date the list was due, or the date
1210 the list was filed, whichever is later, examine the books, papers, records and other data of the
1211 person required to file the list. The assessors may compel production of books, papers, records
1212 and other data of the person through issuance of a summons served in the same manner as
1213 summonses for witnesses in criminal cases issued on behalf of the commonwealth, and all
1214 provisions of law relative to summonses in such cases shall, so far as applicable, apply to
1215 summonses issued under this section. Any justice of the supreme judicial court or of the superior
1216 court may, upon the application of the assessors, compel the production of books, papers,
1217 records, and other data in the same manner and to the same extent as before the said courts.

1218 SECTION 82. Section 32 of said chapter 59, as so appearing, is hereby amended by
1219 striking out the first sentence and inserting in place thereof the following 2 sentences:-

1220 Lists filed under section 29 and books, papers, records and other data obtained under
1221 section 31A, shall be open to the inspection of the assessors, the commissioner, the deputies,
1222 clerks and assistants of either the assessors or the commissioner and any designated private
1223 auditor of the commissioner or the assessors as may have occasion to inspect the lists, books,
1224 papers, records and other data in the performance of their official, contractual or designated
1225 duties, but so much of the lists, books, papers, records and other data as shows the details of the
1226 personal estate shall not be open to any other person except by order of a court. For purposes of
1227 this section, a designated private auditor shall be an individual, corporation or other legal entity
1228 selected by the commissioner or any city or town to value personal property or perform an audit
1229 which includes the assessing department of a city or town under any legal authority, including
1230 the examination of records under section 31A, an audit under sections 40 or 42A of chapter 44 or
1231 an investigation under section 46A of chapter 44.

1232 Assessors Penalty Fee

1233 SECTION 83. Section 38D of chapter 59 of the General Laws, as appearing in the 2006
1234 Official Edition, is hereby amended by striking out, in lines 13 through 19 inclusive, the
1235 wording:-

1236 “If an owner or lessee of real property fails to submit such information within the time
1237 and in the form prescribed, in addition to any other penalties, there shall be added to the real
1238 property tax levied upon the property in question for the next ensuing tax year the amount of
1239 fifty dollars; provided, however, that the board of assessors informed said owner or lessee that
1240 failure to so submit such information would result in said penalty.”

1241 and inserting in place thereof, the following:-

1242 “If an owner or lessee of Class one, residential, real property, as defined by this chapter
1243 fails to submit such information within the time and in the form prescribed, in addition to any
1244 other penalties, there shall be added to the real property tax levied upon the property in question
1245 for the next ensuing tax year the amount of fifty dollars; provided, however, that the board of
1246 assessors informed said owner or lessee that failure to so submit such information would result in
1247 said penalty.”

1248 “If an owner or lessee of Class three, or four real property, as defined by this chapter fails
1249 to submit such information within the time and in the form prescribed, in addition to any other
1250 penalties, there shall be added to the real property tax levied upon the property in question for the
1251 next ensuing tax year in the amount of \$500 provided, however, that the board of assessors
1252 informed said owner or lessee that failure to so submit such information would result in said
1253 penalty.”

1254 Extension Request for Filing with Assessors

1255

1256 SECTION 84. Section 38D of Chapter 59 is hereby amended in paragraph two by
1257 striking the first sentence and inserting in place thereof the following sentence:-

1258 Failure of an owner or lessee of real property to comply with such request within 60 days
1259 after it has been made by the Board of Assessors shall be automatic grounds for dismissal of a
1260 filing at the Appellate Tax Board. The Appellate Tax Board and the County Commissioners
1261 shall be prohibited from granting extensions for the purposes of extending the filing
1262 requirements unless the applicant was unable to comply with such request for reasons beyond his
1263 control or unless he attempted to comply in good faith.

1264 Overlay Accounts

1265 SECTION 85. Section 70A of chapter 59, as so appearing, is hereby amended by striking
1266 out, in line 28, the words “of the year of such tax”.

1267 SECTION 86. Any overlay amounts raised under the provisions of section 25 of chapter
1268 59 of the General Laws in effect before the effective date of this act shall continue to be subject
1269 to those provisions and the provisions of section 70A of chapter 59 of the General Laws in effect
1270 before the effective date of this act.

1271 Audit of Personal Property Returns

1272 SECTION 87. Said chapter 59 of the General Laws, as so appearing, is hereby further
1273 amended by inserting after section 42 the following section:-

1274 Section 42A. For the purpose of verifying that any owner of a pipeline or a telephone or
1275 telegraph company required to make a return under section 38A or 41 has made a complete and
1276 accurate accounting of the property required to be returned, the commissioner shall have all the
1277 powers and remedies provided by section 31A to assessors of cities and towns. If the
1278 commissioner reasonably believes, as a result of an examination of books, papers, records, and
1279 other data or otherwise, that taxable personal property for a fiscal year was not valued or was
1280 incorrectly valued, the commissioner may, not later than 3 years and 6 months after the date the
1281 return was due, or the date the return was filed, whichever is later, certify an amended valuation
1282 to the owner of the pipeline or telephone or telegraph company and boards of assessors of the
1283 cities and towns where the property was subject to taxation for that year. Not later than 2 months
1284 after the date of the amended certification, the assessors shall assess and commit to the collector
1285 with their warrant for collection an additional tax to the owner of the pipeline or telephone or
1286 telegraph company. Any owner or company aggrieved by the assessment of the additional tax
1287 may, within 1 month after the bill or notice of the additional assessment is first sent, appeal the
1288 valuation to the appellate tax board. The appeal shall name as appellees the commissioner and
1289 board of assessors. Except as otherwise provided in this section, the hearing and appeal before
1290 the appellate tax board shall proceed in the same manner as an appeal of the valuations originally
1291 certified by the commissioner.

1292 SECTION 88. Section 61 of said chapter 59, as so appearing, is hereby amended by
1293 inserting after the word “twenty-nine”, in line 4, the following words:- , and complied with any
1294 requests by the assessors to examine books, papers, records, and other data under section 31A.

1295 SECTION 89. Said section 61 of chapter 59, as so appearing, is hereby further amended
1296 by inserting after the word “twenty-nine”, in line 6, the following words:- , or the person has not

1297 complied with any requests by the assessors to examine books, papers, records, and other data
1298 under section 31A.

1299 SECTION 90. Section 75 of said chapter 59, as so appearing, is hereby amended by
1300 striking the first sentence and inserting in place thereof the following 3 sentences:-

1301 If any parcel of real property or the personal property of a person has been
1302 unintentionally omitted from the annual assessment of taxes due to clerical or data processing
1303 error or other good faith reason, or if the personal property of a person was omitted from the
1304 annual assessment of taxes but discovered upon an examination of books, papers, records, and
1305 other data under section 31A, the assessors shall in accordance with any rules, regulations and
1306 guidelines as the commissioner may prescribe, assess such person for such property. Except for
1307 personal property found after an examination under section 31A which shall be made no later
1308 than 3 years and 6 months after the date the true list in which such property should have been
1309 returned was due, or the date the return was filed, whichever is later, no such assessment shall be
1310 made later than June 20 of the taxable year, or 90 days after the date on which the tax bills are
1311 mailed, whichever is later. The assessors shall annually, not later than June 30 of the taxable
1312 year, or 100 days after the date on which the tax bills are mailed, if mailed after March 22, return
1313 to the commissioner a statement showing the amounts of additional taxes so assessed.

1314 SECTION 91. Section 76 of said chapter 59, as so appearing, is hereby amended by
1315 inserting after the word “reason”, in line 3, the following words:- , or due to discovery upon an
1316 examination of books, papers, records, and other data under section 31A that the property was
1317 not accurately or properly reported.

1318 Municipal Electronic Billing

1319 SECTION 92. Chapter 60 of the General Laws is amended by striking out section 3A, as
1320 appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

1321 Section 3A. (a) Every bill or notice shall be in a form approved by the commissioner and
1322 shall summarize the deadlines under section 59 of chapter 59 for applying for abatements and
1323 exemptions. Every bill or notice shall also have printed on it the last date for the assessed owner
1324 to apply for abatement and for exemptions under clauses other than those specifically listed in
1325 said section 59 of said chapter 59. Except in the case of a bill or notice for reassessed taxes under
1326 section 77 of said chapter 59, every bill shall also have printed on it the last date on which
1327 payment can be made without interest being due. If a bill or notice contains an erroneous
1328 payment or abatement application date that is later than the date established under said chapter
1329 59, the date printed on the bill or notice shall be the deadline for payment or for applying for
1330 abatement or exemption, but if the error in the date is the wrong year, the due date shall be the
1331 day and month as printed on the bill but for the current year. The commissioner may require,
1332 with respect to any city or town, that the tax bill or notice include such information as he may
1333 determine to be necessary to notify taxpayers of changes in the assessed valuation of the
1334 property. Every bill or notice for real or personal property tax shall have printed thereon in a
1335 conspicuous place the tax rate for each class within the town, as determined by the assessors. In
1336 addition, every bill or notice for a tax upon real property shall identify each parcel separately
1337 assessed by street and number or, if no street number has been assigned, by lot number, name of
1338 property or otherwise, shall describe the land, buildings and other things erected on or affixed to
1339 the property and shall state for each such parcel the assessed full and fair cash valuation, the
1340 classification, the residential or commercial exemption, if applicable, the total taxable valuation
1341 and the tax due and payable on such property. If the assessors have granted the owner an

1342 exemption under any clause specifically listed in said section 59 of said chapter 59, the bill or
1343 notice of such owner may also show the exemption and the tax, as exempted, that is due and
1344 payable on such property.

1345 (b) The collector may issue the bill or notice required by section 3 in electronic form,
1346 provided that the electronic bills or notices meet the standards set forth in sub clause (a) of this
1347 section. Any electronic bills or notices issued shall be under voluntary programs established by
1348 the collector with the approval of the board of selectmen, or mayor, as the case may be. No
1349 political subdivision of the Commonwealth may require its taxpayers to take part in an electronic
1350 billing system or program.

1351 (c) The collector may include in the envelope or electronic message in which property tax
1352 bills are sent those bills or notices for rates, fees and charges assessed by the city or town for
1353 water or sewer use, solid waste disposal or collection, or electric, gas or other utility services as
1354 may be authorized by ordinance or by-law, provided that the bills or notices shall be separate and
1355 distinct from the property tax bills. The ordinance or by-law may authorize the collector, upon
1356 vote of any municipal water and sewer commission established by the city or town under chapter
1357 40N or a special act, to include bills or notices for rates, fees or charges assessed by the
1358 commission for water or sewer use.

1359 (d) The collector may, with the approval of the board of selectmen, or mayor, as the case
1360 may be, include in the envelope or electronic message in which property tax bills are sent
1361 nonpolitical municipal informational material so long as including that material does not cause
1362 an increase in the postage required to mail the tax bill.

1363 Separate Taxation of Condo Development Rights/Other interests -1 -(Sections 93-95,
1364 112, 122)

1365 SECTION 93. Section 45 of Chapter 60 of the General Laws is hereby amended by
1366 adding after the third sentence the following sentence:-

1367 Covenants and agreements running with the land shall mean obligations and interests in
1368 the real estate created by recorded instruments and agreements, and shall not include obligations
1369 and liens arising under statutes

1370 SECTION 94. Section 54 of Chapter 60 of the General Laws is hereby amended by
1371 adding at the end thereof the following sentence:

1372 Covenants and agreements running with the land shall mean obligations and interests in
1373 the real estate created by recorded instruments and agreements, and shall not include obligations
1374 and liens arising under statutes.

1375 SECTION 95. Section 77 of Chapter 60 of the General Laws is hereby amended by
1376 adding at the end thereof the following sentence:-

1377 A city or town shall not be deemed to receive any benefit from such covenant or
1378 agreement unless it collects rent from property in tax title under section fifty-three, or occupies
1379 or rents the property after foreclosure.

1380 Motor Vehicle Excise Tax Bill Due Dates

1381 SECTION 96. Section 2 of chapter 60A of the General Laws, as appearing in the 2006
1382 Official Edition, is hereby amended by striking out, in lines 35 through 45 inclusive, the
1383 wording:-

1384 “All tax notices sent to owners of vehicles notifying said owners of the amount of the
1385 excise tax due and the due date shall indicate the owner’s license to operate number as appearing
1386 on the registration application, renewal application or amended registration as provided in
1387 section 2 of chapter 90.”

1388 and inserting in place thereof, the following words:-

1389 “All tax notices sent to owners of vehicles or trailers notifying said owners of the excise
1390 tax due, shall have printed on such notice, the amount of excise tax due, the last day, month and
1391 year for receipt of payment without interest being due and the owner’s license to operate number
1392 as appearing on the registration application, renewal application or amended registration as
1393 provided in section 2 of chapter 90.

1394 Boat Excise Taxes

1395 SECTION 97. Section 4 of Chapter 60B of the General Laws, as appearing in the 2006
1396 official edition, is hereby amended in the second paragraph by inserting after the third sentence,
1397 the following sentences:- "In addition, at least annually, municipal collectors of taxes shall
1398 notify the state Office of Boat Recreational Vehicle and Snowmobile Registration Bureau of all
1399 unpaid excise taxes remaining unpaid on at least vessels registered in the Commonwealth of
1400 Massachusetts, with notice of the amount unpaid and outstanding sent to the last known vessel
1401 owner. Said vessels shall not be registered or renewed for registration by said office until
1402 all sums due are remitted to the municipality. Upon receipt of all sums due hereunder on any
1403 particular vessel, the municipal collector of taxes shall promptly issue a registration release
1404 notice, permitting registration or renewal to proceed.”

1405 Flexibility in Regional School District Borrowing

1406 SECTION 98. Section 16 of chapter 71 of the General Laws, as so appearing, is hereby
1407 amended by striking out the first paragraph of clause (d) and inserting in place thereof the
1408 following paragraph: -

1409 (d) To incur debt for the purpose of acquiring land and constructing, reconstructing,
1410 adding to, and equipping a school building or buildings or for the purpose of remodeling and
1411 making extraordinary repairs to a school building or buildings and for the construction of
1412 sewerage systems and sewerage treatment and disposal facilities, or for the purchase or use of
1413 such systems with municipalities, and for the purpose of purchasing department equipment; or
1414 for the purpose of constructing, reconstructing or making improvements to outdoor playground,
1415 athletic or recreational facilities; or for the purpose of constructing, reconstructing or resurfacing
1416 roadways and parking lots; or for the purpose of any other public work or improvement of a
1417 permanent nature required by the district; or for the purpose of any planning, architectural or
1418 engineering costs relating to any of the above purposes; provided, however that written notice of
1419 the amount of the debt and of the general purposes for which it was authorized shall be given to
1420 the board of selectmen in each of the towns comprising the district not later than 7 days after the
1421 date on which the debt was authorized by the district committee; and no debt may be incurred
1422 until the expiration of 60 days after the date on which the debt was authorized; and before the
1423 expiration of this period any member town of the regional school district may hold a town
1424 meeting for the purpose of expressing disapproval of the amount of debt authorized by the
1425 district committee, and if at that meeting a majority of the voters present and voting express
1426 disapproval of the amount authorized by the district committee, the debt shall not be incurred and
1427 the district school committee shall prepare another proposal which may be the same as any prior
1428 proposal and an authorization to incur debt therefore. Debt incurred under this section shall be

1429 payable within 30 years, but no such debt shall be issued for a period longer than the maximum
1430 useful life of the project being financed as determined in accordance with guidelines established
1431 by the division of local services of the department of revenue.

1432 Streamlined Procedures for Regional School Districts Stabilization Funds

1433 SECTION 99. Section 16G½ of chapter 71 of the General Laws, as appearing in the
1434 2008 Official Edition, is hereby amended by striking out the third paragraph and inserting in
1435 place thereof the following paragraph:-

1436 The stabilization fund may be appropriated by vote of two-thirds of all the members of
1437 the regional district school committee for any purpose for which regional school districts may
1438 borrow money or for such other district purpose as the director of accounts may approve.

1439 School and Municipal Budget Cooperation

1440 SECTION 100. Chapter 71 of the General Laws is hereby amended by inserting after
1441 Section 37M the following section:-

1442 Section 37M 1/2. (a) For any city or town accepting the provisions of this section, not
1443 earlier than December first of each alternating year beginning in 2009, and not later than January
1444 thirty-first of every other year, the superintendent of schools for each school district serving such
1445 municipality shall meet with the mayor, town manager, or chief municipal officer or his designee
1446 for that municipality to review the fiscal status of the school district budget and to identify
1447 opportunities for cost savings and efficiencies and any potential methodologies, including, but
1448 not limited to, joint procurement or consolidation of redundant functions. The results of each

1449 meeting shall be transmitted to the local legislative body and the local school committee not later
1450 than 30 days after the meeting."

1451 Sharing of Superintendents among Regional School Districts

1452 SECTION 101. Section 61 of said chapter 71, as so appearing, is hereby amended by
1453 adding the following sentence: - Notwithstanding any provision of this chapter to the contrary,
1454 the school committee of a regional school district may participate in a superintendency union on
1455 the same terms and conditions as a school committee of a town

1456 SPED Tuition Rates Set Annually

1457 SECTION 102. Chapter 71B of the General Laws as so appearing is hereby amended by
1458 inserting after Section 5A the following new section:-

1459 Section 5B. Special education standard tuition and rates for services provided through
1460 approved private day or residential schools set by the Operational Services Division shall take
1461 effect on July 1 of each fiscal year.

1462 Parental Reimbursement for SPED

1463 SECTION 103. Section 8 of Chapter 71B of the General Laws as so appearing is hereby
1464 amended by inserting the following new subsection after line 8:-

1465 (a) As a cost saving measure, school districts may choose to adopt a program of parental
1466 reimbursement for parents who voluntarily chose to transport their disabled child, as defined by
1467 the Department of Elementary and Secondary Education, to an approved private day program
1468 outside of the city or town of residence of the parent or guardian. Such programs may utilize
1469 rates in excess of the standard state mileage reimbursement amounts and agreements may be

1470 based on a mileage, daily, or weekly rate. Departments choosing to utilize this option shall be
1471 able to demonstrate that parental reimbursements represent a cost savings compared to other
1472 modes of available transportation. Such agreements shall be entered into voluntarily on the part
1473 of both the municipality and the parent or guardian.

1474 Trench Law

1475 Section 104. Notwithstanding the provisions of chapters 82 and 82A of the General
1476 Laws, or any other law, rule or regulation to the contrary, a contractor need not apply for a
1477 permit if the sole reason for requiring the permit is to ensure that no trench is left open at the
1478 conclusion of the contractor's work day, provided the contractor excavates, completes
1479 construction, and back fills and grades the premises on the same day. Any violation of this
1480 provision shall be punishable by a fine not to exceed \$2500 per day that the violation continues
1481 and payable to commonwealth department of public works or the municipality's department of
1482 public works, as applicable.

1483 Motor Vehicle Registration compliance

1484 SECTION 105. Section 3 of chapter 90 of the General Laws, as appearing in the 2006
1485 Official Edition, is hereby amended by adding the following paragraph:-

1486 A non-resident who has become a resident of the commonwealth and operates a motor
1487 vehicle or trailer, shall, within thirty days, register said vehicle or trailer in the commonwealth
1488 according to this chapter. A vehicle or trailer not registered accordingly shall not be operated on
1489 the ways of the commonwealth. Whoever operates, or allows to be operated, a motor vehicle or
1490 trailer in violation of this paragraph shall be punished by a fine of not less than \$250 and not

1491 more than \$500. Half of all revenue generated in conjunction with the stated violation shall be
1492 retained by the municipality in which the violation occurs.

1493 Motor Vehicle Inspection Fee Increase

1494 SECTION 106. Section 7A of chapter 90 of the General Laws, as so appearing, is hereby
1495 amended by inserting after the figure “111”, in line 60, the following proviso:- ; provided further,
1496 that, notwithstanding any general or special law or regulation to the contrary, the secretary of
1497 administration and finance shall increase, by \$6, the fee charged for inspections and, which shall
1498 be deposited into the General Fund for distribution to cities and towns for municipal police
1499 training and community policing and to the department of state police for training and
1500 community policing; provided, however, that money distributed for basic police training
1501 established by the municipal police training committee shall be contingent upon a match of not
1502 less than \$1 in municipal contributions for every \$1 in state funding; and provided further, that
1503 state matching funds shall not exceed the amount available for appropriation.

1504 Motor Vehicle Registration Compliance

1505 SECTION 107. Chapter 90 of the General Laws, as so appearing, is hereby amended by
1506 inserting after section 9D the following section:-

1507 Section 9E. A motor vehicle or trailer that has been in operation for more than 60 days in
1508 the aggregate in any 1 year, and whose owner qualifies as a resident under section 3 ½, shall be
1509 registered according to this chapter. Whoever operates, or allows to be operated, a motor vehicle
1510 or trailer in violation of this section shall be punished by a fine of not more than \$250 for the first
1511 offense and not more than \$1000 for any subsequent offense. Half of all revenue generated in

1512 conjunction with the stated violation shall be retained by the municipality in which the violation
1513 occurs.

1514 Municipal Police Training

1515 SECTION 108. Section 24M of chapter 90 of the General Laws, as so appearing, is
1516 hereby amended by striking out, in line 5, the words "municipal police training committee" and
1517 inserting in place thereof the following words:- municipal police training agency.

1518 SECTION 109. Section 131 of chapter 140 of the General Laws, as so appearing, is
1519 hereby amended by striking out, in clause (i) of subsection (o) the following words "municipal
1520 police training committee" and inserting in place thereof the following words:- municipal police
1521 training agency.

1522 SECTION 110. Section 31 of chapter 147 of the General Laws, as so appearing, is
1523 hereby amended by striking out, in lines 3 and 6, the words "municipal police training
1524 committee" and inserting in place thereof, in each instance, the following words:- municipal
1525 police training agency.

1526 Sound Business Practices (Sections 16-22, 111)

1527 SECTION 111. Section 29 of chapter 149 of the General Laws, as so appearing, is
1528 hereby amended by striking out, in lines 6 to 7, the words "in the case of the commonwealth is
1529 more than five thousand dollars, and in any other case is more than two thousand dollars" and
1530 inserting in place thereof the following words:- is more than \$25,000.

1531 Separate Taxation of Condo Development Rights/Other interests -2-(Sections 93-95, 112,
1532 122)

1533 SECTION 112. Section 14 of Chapter 183A of the General Laws is hereby amended
1534 inserting after the first sentence the following:-

1535 Any reserved development right or other interest in those areas and facilities that are
1536 adverse to the interests of unit owners in the areas and facilities shall be separately assessed and
1537 taxed to the owner of the adverse interest. The lien for those taxes shall attach to the interest so
1538 assessed and, to the extent the interest expires or is otherwise extinguished, to units in the
1539 condominium created after the assessment of the interest, but not to units against which property
1540 taxes were separately assessed in the same fiscal year the interest was assessed.

1541 Abandoned and Unclaimed Checks

1542 SECTION 113. Section 9A of chapter 200A of the General Laws, as so appearing, is
1543 hereby amended by striking it out in its entirety and inserting in place thereof the following:—

1544 (a) This section shall apply to abandoned funds, as determined herein, held in the custody
1545 of cities, towns or districts that have accepted the provisions of this section pursuant to section 4
1546 of chapter 4 of the general laws. In the case of such cities, towns or districts accepting the
1547 provisions of this section there shall be an alternative procedure for disposing of abandoned
1548 funds held in the custody of such cities, towns or districts as provided in this section, and only
1549 this section shall apply to the disposition of such funds.

1550 (b) Any funds held in the custody of a city, town or district that has accepted this section
1551 may be presumed by the city, town or district treasurer to be abandoned unless claimed by the
1552 corporation, organization, beneficiary or person entitled thereto within one year after the date
1553 prescribed for payment or delivery, provided the last instrument intended as payment bears upon
1554 its face the statement “void if not cashed within one year from date of issue.” Once a period of

1555 one year has elapsed from the date of any such instrument, the treasurer of any such city, town or
1556 district may cause the financial institution upon which the instrument was drawn to stop payment
1557 on the instrument, or otherwise cause the financial institution to decline payment on the
1558 instrument, and any claims made beyond this date may only be paid by the city, town or district
1559 through the issuance of a new instrument. Neither the city, town, district nor financial institution
1560 shall be liable for damages, consequential or otherwise, resulting from a refusal to honor an
1561 instrument of a city, town or district submitted for payment more than one year from its issuance.

1562 (c) The treasurer of a city, town or district holding funds owed to a corporation,
1563 organization, beneficiary or person entitled thereto, that are presumed to be abandoned as
1564 aforementioned, shall post a notice, which notice shall be entitled "Notice of Names of Persons
1565 appearing to be Owners of funds held by (insert city, town or district name), and deemed
1566 abandoned." The notice shall specify those who appear from available information to be entitled
1567 to such funds, shall provide a description of the appropriate method for claiming such funds, and
1568 shall state a deadline beyond which funds may no longer be claimed, provided such deadline is
1569 no earlier than 60 days from the date such notice was either postmarked or first posted on a
1570 website as herein provided. The treasurer of such city, town or district may post such notice
1571 using the following methods: (1) by mailing such notice postpaid to the last known address of the
1572 beneficiary or person entitled thereto, sent via first class mail, and (2) if the city, town or district
1573 maintains an official website the said treasurer may, post the notice conspicuously on said
1574 website for a period of not less than 60 days. After 60 days from the mailing or posting of the
1575 notice, if the apparent owner fails to respond, the treasurer shall cause a notice of the check to be
1576 published in a newspaper of general circulation which is printed in English in the county in
1577 which the city or town is located.

1578 (d) In the event funds appearing to be owed to a corporation, organization, beneficiary or
1579 person amount to \$100 or more, and the deadline as provided in the aforementioned notice has
1580 passed, and no claim for the funds has been made, the treasurer shall cause an additional notice,
1581 in substantially the same form as the aforementioned notice, to be published in a newspaper of
1582 general circulation in the county (or counties) in which the city, town or district is located, except
1583 that this notice shall provide an extended deadline beyond which funds cannot be claimed, which
1584 shall be no earlier than one year from the date of publication of such notice.

1585 (e) Once the final deadline of the aforementioned notice(s) has passed, the funds owed to
1586 such corporation, organization, beneficiary or person entitled thereto shall escheat to the city,
1587 town or district and the treasurer thereof shall record the funds as revenue in the general fund of
1588 the city, town or district, and the city, town or district shall not thereafter be liable to the
1589 corporation, organization, beneficiary or person for payment of those funds, nor for the
1590 underlying liability for which the funds were originally intended. These funds shall then be
1591 available to the city, town or district's appropriating authority for appropriation for any other
1592 public purpose. In addition to the notices herein provided for, the treasurer of the city, town or
1593 district may initiate any other notices or communications that are directed in good faith toward
1594 making final disbursement of the funds to the corporation, organization, beneficiary or person
1595 entitled thereto.

1596 Prior to escheatment of the funds, the treasurer of the city, town or district shall hear all
1597 claims on funds that may arise, and if it is clear, based on a preponderance of the evidence
1598 available to the treasurer at the time the claim is made that the claimant is entitled to
1599 disbursement of the funds, the treasurer shall disburse funds to the claimant upon receipt by the
1600 treasurer of a written indemnification agreement from the claimant wherein the claimant agrees

1601 to hold the city, town or district and the treasurer of the city, town or district harmless in the
1602 event it is later determined that the claimant was not entitled to receipt of the funds. If it is not
1603 clear, based on a preponderance of the evidence before the treasurer at the time of the claim that
1604 the claimant is entitled to disbursement of the funds, the treasurer shall segregate the funds into a
1605 separate, interest bearing, bank account and shall notify the claimant of such action within 10
1606 days. A claimant affected by this action may appeal within 20 days to the district, municipal or
1607 superior court of the county in which the city, town or district is located. The claimant shall have
1608 a trial de novo. An appeal shall be perfected by the claimant within 20 days after receiving notice
1609 of this action by the city, town or district treasurer. A party adversely affected by a decree or
1610 order of the district, municipal or superior court may appeal to the appeals court or the supreme
1611 judicial court within 20 days from the date of the decree.

1612 If the validity of the claim shall be determined in favor of the claimant or another party,
1613 the treasurer shall disburse funds to the claimant in accordance with the order of the court,
1614 including interest accrued. If the validity of the claim is determined to be not in favor of the
1615 claimant or any other party, or if the treasurer does not receive notice that an appeal has been
1616 filed within one year from the date the claimant was notified that funds were being withheld,
1617 then the funds, plus accrued interest, shall escheat to the city, town or district in the manner
1618 herein provided.

1619 If the claimant is domiciled in a country or state outside the United States or its territories
1620 and the city, town or district determines that there is no reasonable assurance that the claimant
1621 will actually receive the payment provided for in this section in substantially full value, the
1622 superior court, in its discretion or upon a petition by the city, town or district may order that the
1623 city, town or district retain such payment.

1624 Municipal Police Training

1625 SECTION 114. Section 10A of chapter 269 of the General Laws, as so appearing, is
1626 hereby amended by striking out, in lines 2, 3, 16, and 17 the words "municipal police training
1627 committee" and inserting in place thereof, in each instance, the following words:- municipal
1628 police training agency.

1629 Local Option Tax Amnesty Program

1630 SECTION 115. (a) The terms used in this section shall have the following meanings
1631 unless the context clearly requires otherwise:

1632 "Amnesty period", a period of time commencing not earlier than the date a municipal
1633 legislative body establishes a municipal tax amnesty program according to this act and expiring
1634 on June 30 2011 or on such earlier date as the municipal legislative body might determine,
1635 during which the municipal tax amnesty program established by the municipal legislative body
1636 shall be in effect in that city or town.

1637 "Collector", as defined in section 1 of chapter 60 of the General Laws.

1638 "Covered amount", the aggregate of all penalties, fees, charges and accrued interest
1639 assessed by the collector or treasurer for the failure of a certain taxpayer to timely pay a subject
1640 liability; provided, that the covered amount shall not include the subject liability itself.

1641 "Municipal legislative body", the legislative body of a municipality, subject to its charter.

1642 "Municipal tax amnesty program", a temporary policy whereby a city or town forever
1643 waives its right to collect all or any uniform proportion of the covered amount, as determined by
1644 the local enacting authority, then due from any person who, prior to the expiration of the amnesty

1645 period, voluntarily pays the collector or treasurer the full amount of the subject liability that
1646 serves as the basis for said covered amount; provided, that a municipal tax amnesty program
1647 shall not include any policy that enables or requires a city or town to waive its right to collect the
1648 covered amount from any person who, as of the time the amnesty period commences, is or was
1649 the subject of a criminal investigation or prosecution for failure to pay the city or town any
1650 subject liability or covered amount.

1651 "Subject liability", the principal amount of a particular tax or excise liability payable by a
1652 taxpayer under chapter 59, 60, 60A, or 60B of the General Laws, as determined by the municipal
1653 legislative body.

1654 "Treasurer", as defined in chapter 41 of the General Laws.

1655 (b) Notwithstanding any general or special law to the contrary, the municipal legislative
1656 body in any city or town may vote to establish a municipal tax amnesty program according to the
1657 provisions of this section and shall, at the same time as such vote, determine the amnesty
1658 period. Tax amnesty periods shall not extend beyond June 30, 2011. The commissioner of
1659 revenue may issue such guidelines as he deems appropriate to carry out this section.

1660 Commission to Evaluate Local Aid Formulas

1661 SECTION 116. There shall be a special commission to evaluate local aid formulas
1662 consisting of the following members: the secretary of administration and finance, or his
1663 designee; the president of the Massachusetts Municipal Association or his designee; the president
1664 of the MetroMayors Coalition or his designee; 4 members of the general court, 1 of whom shall
1665 be appointed by the speaker of the house, 1 of whom shall be appointed by the house minority
1666 leader; 1 of whom shall be appointed by the senate president and 1 of whom shall be appointed

1667 by the senate minority leader; and 5 members to be appointed by the governor, 1 of whom shall
1668 be a private citizen who shall serve as chair of the commission, 2 of whom shall have
1669 professional experience in local government economics and policy and 2 of whom shall be local
1670 officials. Each member shall serve without compensation.

1671 The commission shall review the general government unrestricted local aid formula and
1672 make recommendations for any changes or new formula approaches, beginning with the
1673 “Partnership Aid” proposal of the Hamill Commission’s Municipal Finance Task Force.

1674 The commission shall report in writing to the clerks of the senate and House of
1675 Representatives, including its recommendations for legislation, not later than November 15,
1676 2010.

1677 Study on Collaborative Purchase of Fuel

1678 SECTION 117. There shall be established special commission to study the collaborative
1679 purchase of fuel, to consist of the house and senate chairs of the joint committee on
1680 telecommunications, utilities, and energy, who shall serve as co-chairs of the commission; 1
1681 member to be appointed by the senate president; 1 member to be appointed by the speaker of the
1682 house of representatives; 1 member to be appointed by the senate minority leader; 1 member to
1683 be appointed by the house minority leader; the secretary of energy and environmental affairs or
1684 his designee; and 1 member to be appointed by the governor is hereby established for the
1685 purpose of making an investigation study relative to reducing the fuel costs of cities and towns.

1686 The commission shall investigate and study the establishment of a statewide heating fuel
1687 collaborative, whose purpose will be to purchase heating fuel in bulk to sell to the local public
1688 school departments in the commonwealth, and to other municipal departments, at a lower cost

1689 than said school departments and municipal departments might be able to purchase it for
1690 individually.

1691 The commission's study shall include analysis of the potential reduction in fuel costs to
1692 the local public school departments, and to municipalities, and also to the commonwealth as a
1693 whole.

1694 The commission shall consider the need for local school departments and to
1695 municipalities to purchase heating fuel and the potential savings that local school departments
1696 and municipalities might realize if the state is permitted to purchase fuel in bulk at a reduced cost
1697 and sell it to the cities and towns of the commonwealth.

1698 The commission shall also make recommendations about procedures for the operation of
1699 such a collaborative, including a procedure and time line for the ordering and purchasing of fuel
1700 by the local school departments and cities and towns, for the storage and distribution of said fuel
1701 by the commonwealth and for the procurement of said fuel by the commonwealth. The
1702 commission shall also evaluate any existing state statutes or regulations that might need to be
1703 amended for this collaborative to operate.

1704 The commission shall report to the general court the results of its investigation and study,
1705 and its recommendations, if any, together with drafts of legislation necessary to carry such
1706 recommendations into effect by filing them with the clerk of the senate and the clerk of the
1707 House of Representatives within nine months after the passage of this act. The commission may
1708 issue preliminary or interim reports to the general court before that date.

1709 Study on County Funding

1710 SECTION 118. There shall be established a special commission to study the financing of
1711 county governments in the Commonwealth, and to recommend to the Legislature any proposals
1712 for revenue sources that may be necessary to meet the obligations of the counties, including
1713 proposed changes in fees, rates, assessments, leases, or permits. In coming to its
1714 recommendations, the commission shall examine the current expenses, statutory obligations, and
1715 revenue sources of all extant county governments. The Commission shall consist of the House
1716 and Senate Chairs of the Joint Committee on Municipalities and Regional Government or a
1717 committee designee, the House and Senate Chairs of the Joint Committee on Revenue or a
1718 committee designee, the secretary of administration and finance or her designee, the
1719 commissioner of revenue or his designee, three county commissioners selected by the
1720 Massachusetts Association of County Commissioners and the state auditor or his designee. The
1721 secretary of revenue or his designee shall serve as chairperson of the board. The Commission
1722 shall report its findings and recommendations to the House and Senate 9 months after this act
1723 shall take effect.

1724 Education Department Reporting Requirements

1725 SECTION 119. The Department Elementary and Secondary Education is directed to
1726 review and revise reporting requirements imposed on local school districts. Wherever possible,
1727 the Department shall consolidate and eliminate said reporting requirements. The Department
1728 shall file a report not more than six months after the passage of this act to the Clerks of the
1729 House and Senate and the Joint Committee on Education detailing the number of requirements
1730 that were eliminated and consolidated, as well as reasons for why certain reports could not be
1731 consolidated or eliminated.

1732 Regionalization Incentives

1733 SECTION 120. Notwithstanding any general or special law to the contrary, any
1734 executive agency which administers a program through which funding may be provided to a
1735 municipality, shall encourage municipal efficiencies by prioritizing those applications for funds
1736 which come from cities or towns that have developed a way to jointly and more efficiently utilize
1737 the funding.

1738 Municipal Police Training

1739 SECTION 121. Notwithstanding any general or special law or rule or regulation to the
1740 contrary, if a municipality provides payment for a police officer or a police officer recruit to
1741 attend a course of basic training established by the municipal police training committee, such
1742 officer or recruit shall remain in the service of such municipality's police department for a
1743 minimum number of consecutive years, which minimum number of years shall be determined by
1744 the secretary of public safety and security by regulation, otherwise such officer or recruit shall be
1745 required to reimburse such municipality for the cost of the basic training costs; provided,
1746 however, that the amount required to be reimbursed shall be pro-rated, based upon the proportion
1747 of required service that such officer or recruit shall have served; and provided further, that such
1748 officer's or recruit's failure to serve such municipality's police department for the required
1749 period was voluntary.

1750 (Condo development rights effective date)

1751 Section 122. Section 112 shall take effect on January 1, 2010.

1752 Municipal Police Training effective date

1753 SECTION 123. The secretary of public safety and security shall adopt regulations
1754 consistent with Section 121 on or before January 30, 2011.

1755 Municipal Fines

1756 SECTION 124. Section 12 of chapter 40U of the General Laws is hereby amended by
1757 striking out all after the fifth sentence and inserting in place thereof the following 3 sentences:-

1758 Thereafter, any fine and additional penalties and interest that may be attached and which
1759 remain unpaid shall, to the extent provided by the procedures adopted under section 3, become a
1760 lien on the property to which the violation relates and be collected in the manner provided by
1761 section 58 of chapter 40. A municipality's determination of whether to place a lien on the
1762 property may involve the number of and the dollar amount of the violations on the property.
1763 After the lien takes effect, the property owner of record shall be notified by certified mail of the
1764 lien on the property.