

SENATE No. 2744

The Commonwealth of Massachusetts

—
In the One Hundred and Ninety-First General Court
(2019-2020)
—

SENATE, June 4, 2020.

The committee on Senate Ways and Means to whom was referred the Senate Bill relative to the Hampshire Council of Governments (Senate, No. 2302), - reports on the residue, a "Bill relative to Hampshire Council of Governments (Senate, No. 2744).

For the committee,
Michael J. Rodrigues

SENATE No. 2744

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to the Hampshire Council of Governments.

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

1 Whereas, The deferred operation of this act would tend to defeat its purpose, which is to
2 facilitate the dissolution of the Hampshire council of governments, therefore it is hereby declared
3 to be an emergency law, necessary for the immediate preservation of the public convenience.

4 SECTION 1. To provide for supplementing certain items in the general appropriation act
5 and other appropriation acts for fiscal year 2020, the sums set forth in section 2 are hereby
6 appropriated from the General Fund unless specifically designated otherwise in this act or in
7 those appropriation acts, for the several purposes and subject to the conditions specified in this
8 act or in those appropriation acts, and subject to the laws regulating the disbursement of public
9 funds for the fiscal year ending June 30, 2020. These sums shall be in addition to any amounts
10 previously appropriated and made available for the purposes of those items. These sums shall be
11 made available until June 30, 2021.

12 Notwithstanding any general or special law to the contrary, appropriations made in
13 section 2 shall not revert and shall be available for expenditure until June 30, 2021.

14 SECTION 2.

15 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

16 Human Resources Division

17 1750-0119 Former County Employees Workers' Compensation..... \$46,515

18 SECTION 3. Section 6 of chapter 34B of the General Laws, as appearing in the 2018
19 Official Edition, is hereby amended by striking out subsection (c).

20 SECTION 4. Section 20 of said chapter 34B, as so appearing, is hereby amended by
21 striking out subsection (b).

22 SECTION 5. Section 4A½ of chapter 40 of the General Laws, as so appearing, is hereby
23 amended by striking out, in line 6, the words “, the Hampshire council of governments”.

24 SECTION 6. Section 1 of chapter 419 of the acts of 1976 is hereby amended by striking
25 out the first paragraph, inserted by chapter 52 of the acts of 2006, and inserting in place thereof
26 the following 2 paragraphs:-

27 There shall be in the county of Hampshire a public body politic and corporate to be
28 known as the Hampshire County Regional Housing Authority. The authority shall be managed,
29 controlled and governed by 5 members, 3 of whom shall constitute a quorum. One member shall
30 be appointed by the department of housing and community development and 4 members shall be
31 appointed by the select boards of the towns of Cummington and Huntington pursuant to this
32 section; provided, however, that not more than 1 member shall be chosen from 1 city or town;
33 and provided further, that at least 1 member shall be a tenant in a building owned and operated

34 by or on behalf of the authority. Members shall be appointed for 5-year terms. Vacancies, other
35 than by reason of expiration of terms, shall be filled for the balance of the unexpired term.

36 If a vacancy arises within the authority, the remaining authority members shall inform the
37 select boards of the towns of Cummington and Huntington of the vacancy. If the vacant member
38 is a member appointed by the select boards of the towns of Cummington and Huntington or a
39 tenant, the select boards shall appoint a candidate to the authority to fill the vacancy. If the
40 vacancy is of the member appointed by the department of housing and community development
41 and the department does not fill the vacancy within 120 days from the effective date of the
42 vacancy, the select boards of the towns of Cummington and Huntington shall fill the vacancy
43 pursuant to this paragraph.

44 SECTION 7. The third paragraph of said section 1 of said chapter 419 is hereby amended
45 by striking out, in lines 1 and 2, the words “county commissioners” and inserting in place thereof
46 the following words:- the select boards of the towns of Cummington and Huntington.

47 SECTION 8. The fourth paragraph of said section 1 of said chapter 419 is hereby
48 amended by striking out, in line 1, the words “clerk of the county commissioners for Hampshire
49 county” and inserting in place thereof the following words:- chair of the Hampshire County
50 Regional Housing Authority.

51 SECTION 9. The fourth paragraph of section 2 of said chapter 419 is hereby amended by
52 striking out, in line 2, the words “the county commissioners, to”.

53 SECTION 10. Section 4 of said chapter 419 is hereby amended by striking out, in line 3,
54 the words “county treasurer” and inserting in place thereof the following words:- member towns.

55 SECTION 11. Item 1750-0119 of section 2 of chapter 41 of the acts of 2019 is hereby
56 amended by inserting after the word “counties” the following words:- and the Hampshire council
57 of governments.

58 SECTION 12. Notwithstanding section 1 of chapter 419 of the acts of 1976, the
59 incumbent members of the Hampshire County Regional Housing Authority shall continue to
60 hold their positions and perform the duties of their offices until the expiration of the terms for
61 which they were appointed; provided, however, that if an incumbent vacates their position prior
62 to the expiration of the incumbent’s term of office, the vacancy shall be filled pursuant to section
63 1 of said chapter 419.

64 SECTION 13. (a) Notwithstanding subsection (b) of section 20 of chapter 34B of the
65 General Laws, chapter 48 of the acts of 1997 or any other general or special law to the contrary,
66 the Hampshire council of governments is hereby dissolved.

67 (b) The liabilities and assets of the council shall be transferred or assumed according to
68 this act.

69 SECTION 14. (a) Notwithstanding any general or special law to the contrary and as
70 further specified in this act, persons who are active members of the Hampshire County
71 Retirement System as of the effective date of this act, persons who are inactive members of the
72 Hampshire County Retirement System as of the effective date of this act who were last employed
73 by the Hampshire council of governments and persons who are receiving a retirement or survivor
74 benefit from the Hampshire County Retirement System as of the effective date of this act, who
75 were last employed by and retired from the Hampshire council of governments and who are
76 otherwise eligible for membership in the state employees retirement system, shall be transferred

77 to the state employees' retirement system as of the effective date of this section and shall be
78 subject to the rules and regulations of the state employee retirement system.

79 (b) The retirement accounts of persons transferred under this act, including the annuity
80 savings accounts, including interest, annuity reserve and the investment earnings of the
81 Hampshire County Retirement System attributable to the value of these member's accounts, shall
82 be transferred to the state employees' retirement system. The state employees' retirement system
83 shall accept all liability of those accounts transferred by this act. The public employee retirement
84 administration commission shall certify to the state board of retirement that the amounts
85 transferred under this section are accurate.

86 (c) The state employees' retirement system and the Hampshire County Retirement
87 System shall consult with the public employee retirement administration commission to
88 determine to the best of their ability the investment earnings of the Hampshire County
89 Retirement System attributable to the value of these members' accounts. The Hampshire County
90 Retirement System shall make a payment to the state employees' retirement system in the agreed
91 upon amount.

92 (d) The public employee retirement administration commission shall conduct an actuarial
93 analysis of the impact to the commonwealth's unfunded pension liability attributable to the
94 transfers provided by this section. The analysis shall be filed with the house and senate
95 committees on ways and means, the executive office for administration and finance and the state
96 board of retirement not later than December 31, 2020.

97 (e) The Hampshire council of governments and the Hampshire County Retirement
98 System shall transfer to the state board of retirement in a format specified by the state board of

99 retirement all records related to the employment of persons affected by this section and related to
100 their membership in the Hampshire County Retirement System.

101 (f) For any person transferred under this section, determinations related to the
102 membership, group classifications and retirement benefits, including, but not limited to,
103 eligibility for benefits, creditable service amounts, survivor benefits, retiree cost of living
104 adjustments and accumulated retirement deductions and interest, shall be made solely by the
105 state board of retirement.

106 (g) Former employees of the Hampshire council of governments who are not members or
107 retirees of the Hampshire County Retirement System as of the effective date of this act shall not
108 be subject to this act. The Hampshire County Retirement System shall retain liability of such
109 former members not transferred under this act for any future obligations under paragraph (c) of
110 subdivision (8) of section 3 of chapter 32 of the General Laws if they retire from a Massachusetts
111 retirement system.

112 (h) This section shall have no effect on any: (i) other liability under paragraph (c) of
113 subdivision (8) of section 3 of chapter 32 of the General Laws that the Hampshire County
114 Retirement System may have to the state employees' retirement system or any other applicable
115 retirement system; or (ii) liability related to former employees of the Hampshire council of
116 governments not covered by this act.

117 (i) Nothing in this section shall require the state employees' retirement system to make
118 any payment to a person transferred under this section before the effective date of this section.

119 SECTION 15. Notwithstanding any general or special law to the contrary, the cellular
120 radio communications tower and associated structural equipment owned by the Hampshire

121 council of governments in the town of Goshen shall be conveyed to the town of Goshen and the
122 public safety radio equipment, systems, antennas and cabling owned by the Hampshire council
123 of governments in the towns of Goshen, Cummington and Plainfield shall be conveyed to the
124 department of state police; provided, however, that the department of state police or any state
125 agency or designee of the commonwealth shall retain the right to use and have unrestricted
126 access to the cellular radio communications tower and associated structural equipment in the
127 town of Goshen, the radio equipment shelter and associated rights-of-way and to maintain
128 equipment on the tower at no cost for as long as the department of state police requires the site to
129 continue to be used for public safety dispatch purposes or for any other purpose required by a
130 state agency or designee of the commonwealth. The town of Goshen shall assume the rights of
131 the Hampshire council of governments under any agreements among the Hampshire council of
132 governments and cities and towns in the county of Hampshire for the maintenance of the tower
133 and all such agreements shall remain in force. On or before June 1, 2020, the Hampshire council
134 of governments shall transfer to the town of Goshen an amount equal to the amount of any funds
135 that can be substantiated as having been received by the town for maintaining insurance or for
136 the maintenance or other costs associated with owning the tower. On or after June 1, 2020, the
137 town of Goshen may assess cities and towns in the county of Hampshire for the ongoing cost of
138 maintenance of the tower; provided, however, that the amounts assessed shall not exceed
139 amounts last assessed by the Hampshire council of governments plus inflation unless a higher
140 amount is agreed to by the city or town.

141 SECTION 16. Section 13 shall take effect 90 days after the effective date of this act.

142 SECTION 17. All transfers to the state employee retirement system under section 14
143 shall be completed not later than January 1, 2021.