

SENATE No. 2302

The Commonwealth of Massachusetts

PRESENTED BY:

Joanne M. Comerford

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

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

An Act relative to the Hampshire Council of Governments.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	
<i>Daniel R. Carey</i>	<i>2nd Hampshire</i>	
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>7/18/2019</i>

SENATE No. 2302

By Ms. Comerford, a petition (accompanied by bill, Senate, No. 2302) (subject to Joint Rule 12) of Joanne M. Comerford, Natalie M. Blais, Daniel R. Carey, Mindy Domb and other members of the General Court for legislation relative to the Hampshire Council of Governments. Municipalities and Regional Government.

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 SECTION 1. To provide for the expenses necessitated by the dissolution of the
2 Hampshire council of governments and to provide for payment of outstanding liabilities owed by
3 the council and for certain unanticipated obligations of the commonwealth, and to meet certain
4 requirements of law, the sums set forth herein shall be appropriated from the general fund, and
5 shall be for the several purposes and subject to the conditions specified herein and subject to the
6 provisions of law regulating the disbursement of public funds, and the conditions pertaining to
7 appropriations in the general appropriation act or other appropriations acts for the fiscal year
8 ending June 30, 2020. The sums so appropriated shall be in addition to any amounts available for
9 said purposes.

10 xxxx-xxxx For a reserve to fund expenses related to the dissolution of the Hampshire
11 council of governments; provided that up to \$5,900,000 of this amount may be transferred to the
12 Hampshire regional retirement system to satisfy the Hampshire council of governments retiree

13 pension liability; provided further that funds may be transferred to the Hampshire county group
14 insurance trust to ensure continued health care coverage for retirees whose employer contribution
15 had previously been made by the Hampshire council of governments; provided further that funds
16 may be transferred to the group insurance commission for the provision of health care benefits
17 retirees whose employer contribution had previously been made by the Hampshire council of
18 governments; and provided further that funds may be expended by the executive office for other
19 costs associated with the dissolution of the of the Hampshire council of governments and the
20 disposition of its assets \$ 6,500,000

21 SECTION 2. (a) Notwithstanding subsection (b) of section 20 of chapter 34B of the
22 General Laws and chapter 48 of the acts of 1997, the Hampshire council of governments is
23 hereby dissolved. All valid leases and contracts of the council that are in force on the effective
24 date of this act shall be obligations of the commonwealth and the commonwealth may exercise
25 all rights and enjoy all interests conferred upon the council by those leases and contracts except
26 as otherwise provided in this act. All cities and towns in Hampshire county are hereby
27 indemnified from any liability or cost in relation to their participation in the council and shall be
28 held harmless from any suit, settlement, judgement or demand for payment in relation to the
29 council.

30 (b)(1) The liabilities of the Hampshire council of governments shall be transferred or
31 assumed pursuant to this subsection.

32 (2) The pension liability of the council, derived from the council's share of the
33 Hampshire county retirement system's unfunded liability, shall be an obligation of the
34 Hampshire regional retirement system.

35 (3) The group insurance commission shall provide uninterrupted health benefits coverage
36 for any employee and retired employee of the council receiving health benefits through the
37 council as of the effective date of this act, and any former employee of the council who has been
38 guaranteed health benefits upon retirement. The transfer of responsibility for these benefits shall
39 be implemented consistent with the provisions of section 18 of chapter 48 of the acts of 1997 to
40 the extent not inconsistent with this act.

41 (4) Notwithstanding section 65 of chapter 152 of the General Laws or any other special
42 or general law to the contrary, the liability of the council for a workers' compensation claim of a
43 former employee of the Hampshire Care Nursing Home shall be an obligation of the Workers
44 Compensation Trust Fund under said section 65 of said chapter 152. The council may settle,
45 annuitize or take other action with regard to the claim prior to its assumption by the fund, with
46 the agreement of the secretary of administration and finance.

47 (5) All other valid liabilities of the council shall be obligations of the commonwealth and
48 all other titles, rights and interests in real or personal property of the council shall be transferred
49 to the commonwealth, except as otherwise provided in this act.

50 (c) Notwithstanding subsection (c) of section 6 of chapter 34B of the General Laws, the
51 council shall convey the historic courthouse at 99 Main street in the city of Northampton, which
52 was granted to the county of Hampshire by a deed recorded in the Hampshire registry of deeds in
53 book 341, page 361 and retained by the Hampshire council of governments under said subsection
54 (c) of said section 6 of said chapter 34B, the land on which it is situated as currently platted, and
55 the fixtures and improvements located there, to the division of capital asset management and
56 maintenance. The deed conveying the property to the commonwealth and all subsequent

57 conveyances of the property shall provide that the courthouse grounds shall remain open to the
58 public and that historic items located in the courthouse shall remain in the Northampton region
59 and available to the public. The property so transferred shall be controlled by the commissioner
60 of the division on behalf of the commonwealth and shall be disposed of by sale or rental pursuant
61 to sections 33 to 35, inclusive, of chapter 7C of the General Laws; provided, however, that
62 before any such disposition the division shall offer the property to the City of Northampton for
63 nominal consideration.

64 (d) The cellular radio communications tower and associated equipment owned by the
65 council in the town of Goshen shall be conveyed to the division of capital asset management and
66 maintenance for use by the department of state police.

67 (e)(1) The rights, title and interest in real property that were held by counties for county
68 road purposes and that were transferred to the council under subsection (d) of section 6 of
69 chapter 34B of the General Laws shall be transferred to the Massachusetts Department of
70 Transportation.

71 (2) Records of county roads held by the council under subsection (f) of section 6 of said
72 chapter 34B shall be transferred to the Hampshire district registry of deeds.

73 (3) All powers and duties held by the council relative to the operation and maintenance of
74 county roads under of subsection (b) of section 20 of chapter 34B of the General Laws shall be
75 transferred to the Massachusetts Department of Transportation.

76 (f) The authority of the council to appoint members of the Hampshire County Regional
77 Housing Authority established in section 1 of chapter 419 of the acts of 1976 shall be transferred
78 to the select board of the town where the Hampshire County Regional Housing Authority is

79 headquartered. In making appointments, the select board shall consult with local governments of
80 the cities and towns in Hampshire county and others in the county concerned with affordable
81 housing.

82 SECTION 3. Notwithstanding any general or special law to the contrary, the Hampshire
83 County Group Insurance Trust, upon a vote of the district board, may accept the applicable
84 provisions of chapter 32 of the General Laws and thereby cause all eligible employees of the
85 district to become members of the Hampshire regional retirement system, effective July 1, 2019.

86 SECTION 4. Section 2 shall take effect on August 31, 2019.