

**HOUSE . . . . . No. 5321**

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**The Commonwealth of Massachusetts**

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HOUSE OF REPRESENTATIVES, April 2, 2026.

The committee on Public Service, to whom was referred so much of the message from Her Excellency the Governor recommending legislation relative to empowering municipalities and local governments [for message, see House, No. 56] as relates to sections 18, 19, 83, 84 and 88, reports recommending that the accompanying bill (House, No. 5321) ought to be pass [Senator Dooner of Taunton dissents].

For the committee,

DANIEL J. RYAN.

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act empowering municipalities and local 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 [18]. Section 91 of chapter 32 of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by adding the following subsection:-

3           (f) Notwithstanding the provisions of paragraphs (a) to (d), inclusive, in any period  
4 during which there is a critical shortage of qualified applicants for a specific job title or class of  
5 job titles, an executive agency, department, county, city, town, district or authority may, upon  
6 approval from the secretary of administration and finance, or the secretary’s designee, create one  
7 or more critical shortage positions in the job title or class of job titles. The agency, department,  
8 county, city, town, district or authority shall submit to the secretary or their designee any  
9 documentation that the secretary or their designee shall require to determine the existence of a  
10 critical shortage of qualified applicants for a job title or class of job titles. The secretary or the  
11 secretary’s designee shall set the maximum number of critical shortage positions that may be  
12 created by the requesting entity in the job title or class of job titles.

13           A critical shortage position authorized under this subsection shall exist and be active for a  
14 period not to exceed 24 months; provided, however, that the position may be extended with the  
15 approval of the secretary, or the secretary’s designee if, at the end of the 24 month period, a  
16 critical shortage still exists for the job title or class of job titles. In addition to and  
17 notwithstanding subsections (a) to (d), inclusive, or similar provision of any special law, and  
18 notwithstanding section 181 of chapter 25 of the acts of 2009, as amended by section 11 of  
19 chapter 42 of the acts of 2022, any person who has been retired and who is receiving a pension or  
20 retirement allowance under the provisions of this chapter or any other general or special law  
21 from the commonwealth, county, city, town, district or authority may, subject to all laws, rules  
22 and regulations governing the employment of persons in the commonwealth, county, city, town,  
23 district or authority, be employed in a critical shortage position. Provided, however, that any  
24 such retired person in a critical shortage position under this subsection shall not be deemed to  
25 have resumed active membership in any relevant retirement system and said service shall not be  
26 counted as creditable service toward retirement and provided, further, that in the first 6 months  
27 immediately following the effective date of retirement, the earnings received by such retired  
28 person when added to any pension or retirement allowance they are receiving shall not exceed  
29 the salary that is being paid for the position from which they retired or in which their  
30 employment was terminated.

31           SECTION 2 [19]. Subsection (k) of section 20 of chapter 32B of the General Laws, as  
32 appearing in 2022 Official Edition, is hereby amended by striking out, in line 158, the words  
33 “governing boards” and inserting in place thereof the followings words:- governing body.

34           SECTION 3 [83]. Notwithstanding any general or special law to the contrary, there shall  
35 be a special commission to investigate and study retiree healthcare and other non-pension

36 benefits. The commission shall consider the range of benefits that are or should be provided as  
37 well as the current and anticipated future cost of providing them. The commission shall consider  
38 and may make recommendations on how best to divide the costs between the commonwealth and  
39 its employees and between the commonwealth's municipalities and their employees. Upon  
40 appropriation of sufficient funds, the commission shall engage professional advisors as needed to  
41 accomplish its purposes.

42         The commission shall consist of the following members: 1 of whom shall be the secretary  
43 of administration and finance, or the secretary's designee; 1 of whom shall be the treasurer, or  
44 the treasurer's designee; 1 of whom shall be the executive director of the group insurance  
45 commission, or the director's designee; 1 of whom shall be a private citizen, appointed by the  
46 governor, who shall serve as chair of the commission and shall not be a member of any of the  
47 105 contributory retirement systems; 2 of whom shall be members of the house of  
48 representatives, 1 of whom shall be appointed by the minority leader; 2 of whom shall be  
49 members of the senate, 1 of whom shall be appointed by the minority leader; 1 of whom shall be  
50 selected by the governor from a list of 3 candidates submitted by the president of the  
51 Massachusetts AFL-CIO; 2 of whom shall be members of the Massachusetts Municipal  
52 Association, 1 of whom shall represent a rural community; and 1 of whom shall be a member of  
53 the Retired State, County and Municipal Employees Association of Massachusetts.

54         The commission shall file a report of its recommendations and proposed legislation, if  
55 any, with the clerks of the house and senate, the chairs of the house and senate committee on  
56 ways and means and the chairs of the joint committee on public service not later than June 30,  
57 2026.

58           SECTION 4 [84]. Subsection (f) of section 91 of chapter 32, as inserted by section 18 of  
59 this act, is hereby repealed.

60           SECTION 5 [88]. Section 84 shall take effect on January 1, 2028.