

**HOUSE . . . . . No. 4877**

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**The Commonwealth of Massachusetts**

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The committee of conference on the disagreeing votes of the two branches with reference to the Senate amendments (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2436) of the House Bill relative to municipal relief (House, No. 4631), reports recommending passage of the accompanying bill (House, No. 4877).

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FOR THE COMMITTEE:

On the part of the House:  
PAUL J. DONATO  
CHARLES A. MURPHY

On the part of the Senate:  
STEVEN C. PANAGIOTAKOS  
JAMES B. ELDRIDGE

# The Commonwealth of Massachusetts

In the Year Two Thousand and 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           **SECTION 1.** Section 22N of chapter 7 of the General Laws, as appearing in the 2008  
2 Official Edition, is hereby amended by striking out, in lines 60 and 61, and in line 63, the word  
3 “December” and inserting in place thereof, in each instance, the following word:- October.

4           **SECTION 2.** Section 52 of chapter 10 of the General Laws, as so appearing, is hereby  
5 amended by striking out, in line 3, the words “fifty-three to fifty-eight” and inserting in place  
6 thereof the following words:- 53 to 58A.

7           **SECTION 3.** Said chapter 10 is hereby further amended by inserting after section 58 the  
8 following section:-

9           Section 58A. (a) The council shall establish criteria and guidelines for state-designated  
10 cultural districts. A cultural district shall be a geographical area of a city or town with a  
11 concentration of cultural facilities located within it. Cultural districts shall attract artists and  
12 cultural enterprises to a community, encourage business and job development, establish tourist  
13 destinations, preserve and reuse historic buildings, enhance property values and foster local  
14 cultural development. The council shall assist a city or town if the city or town wishes to develop

15 or foster a cultural district. The council shall develop an application process, with specific  
16 guidelines and criteria, for a city or town that wishes to develop or foster a cultural district.  
17 Executive branch agencies, constitutional offices and quasi-governmental agencies shall identify  
18 programs and services that support and enhance the development of cultural districts and ensure  
19 that those programs and services are accessible to such districts. The council shall consult with  
20 the Massachusetts historical commission in developing and establishing criteria and guidelines  
21 regarding preservation and reuse of historic buildings.

22 (b) Notwithstanding any general or special law to the contrary, executive branch  
23 agencies, constitutional offices and quasi-governmental agencies including, but not limited to,  
24 the council and historic preservation programs, shall review and revise regulations and other  
25 economic development tools, including the evaluative criteria of such historic preservation  
26 programs, in order to support and encourage the development and success of state-designated  
27 cultural districts.

28 **SECTION 4.** Section 1 of chapter 30B of the General Laws is hereby amended by  
29 inserting after the word “section”, in line 6, as appearing in the 2008 Official Edition, the  
30 following word:- 11C or section.

31 **SECTION 5.** Said section 1 of said chapter 30B is hereby further amended by inserting  
32 after the word “commonwealth”, in line 12, as so appearing, the following words:- , except as  
33 pertains to subsection (i) of section 16.

34 **SECTION 6.** Said section 1 of said chapter 30B, as most recently amended by section  
35 41 of chapter 25 of the acts of 2009, is hereby further amended by adding the following  
36 subsection:-

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

40 **SECTION 7.** Section 2 of said chapter 30B is hereby amended by inserting after the  
41 definition of “Contractor”, as so appearing, the following 2 definitions:-

42 “Cooperative purchasing”, procurement conducted by, or on behalf of, more than 1  
43 public procurement unit or by a public procurement unit with an external procurement activity.

44 “Electronic bidding”, the electronic solicitation and receipt of offers to contract for  
45 supplies and services; provided, however, that offers may be accepted and contracts may be  
46 entered into by use of electronic bidding.

47 **SECTION 8.** Said section 2 of said chapter 30B is hereby further amended by inserting  
48 after the definition of “Employment agreement”, as so appearing, the following definition:-

49 “External procurement activity”, (a) a public agency not located in the commonwealth  
50 which would qualify as a public procurement unit; (b) buying by the United States government.

51 **SECTION 9.** Said section 2 of said chapter 30B is hereby further amended by inserting  
52 after the definition of “Labor relations representative”, as so appearing, the following definition:-

53 “Local public procurement unit”, a political subdivision or unit thereof which expends  
54 public funds for the procurement of supplies.

55 **SECTION 10.** Said section 2 of said chapter 30B is hereby further amended by inserting  
56 after the definition of “Proposal”, as so appearing, the following definition:-

57 “Public procurement unit”, a local public procurement unit or a state public procurement  
58 unit.

59           **SECTION 11.** Said section 2 of said chapter 30B is hereby further amended by inserting  
60 after the definition of “Request for proposals”, as so appearing, the following definition:-

61           “Reverse auction”, an internet-based process used to buy supplies and services whereby  
62 the sellers of the supplies or services being auctioned anonymously bid against each other until  
63 time expires and until the governmental body determines from which sellers it will buy based on  
64 the pricing obtained during the process.

65           **SECTION 12.** Said section 2 of said chapter 30B is hereby further amended by inserting  
66 after the definition of “Services”, as so appearing, the following 2 definitions:-

67           “Sound business practices”, ensuring the receipt of favorable prices by periodically  
68 soliciting price lists or quotes.

69           “State public procurement unit”, the offices of the chief procurement officers and any  
70 other purchasing agency of the commonwealth or any other state.

71           **SECTION 13.** Section 4 of said chapter 30B, as so appearing, is hereby amended by  
72 striking out, in line 24, the words “generally accepted” and inserting in place thereof the  
73 following word:- sound.

74           **SECTION 14.** Said chapter 30B is hereby further amended by inserting after section 6,  
75 as so appearing, the following section:-

76           Section 6A. (a) A chief procurement officer may enter into procurement contracts for  
77 \$25,000 or more, utilizing reverse auctions for the acquisition of supplies and services. The  
78 reverse auction process shall include a specification of an opening date and time when real-time  
79 electronic bids shall be accepted and shall provide that the procedure remain open until the  
80 designated closing date and time.

81 (b) All bids on reverse auctions shall be posted electronically on the internet and updated  
82 on a real-time basis and shall allow for registered bidders to lower the price of their bid below  
83 the lowest bid on the internet.

84 (c) The chief procurement officer shall require vendors to register before the reverse  
85 auction opening date and time and, as part of the registration, agree to any terms and conditions  
86 and other requirements of the solicitation.

87 (d) Any mechanism including, but not limited to, software, developed by the operational  
88 services division to conduct reverse auctions by the commonwealth, shall provide for the  
89 utilization of that mechanism by municipalities.

90 (e) The operational services division may assess a municipality utilizing the reverse  
91 auction mechanism a reasonable fee, calculated to compensate for any increased cost attributable  
92 to such utilization, which shall be credited to the General Fund.

93 (f) Reverse auctions shall not be subject to clause (1) of subsection (b) or subsection (d)  
94 of section 5 but shall be subject to all other provisions of said section 5.

95 **SECTION 15.** Said chapter 30B is hereby further amended by adding the following  
96 section:-

97 Section 22. A public procurement unit may participate in, sponsor, conduct or administer  
98 a cooperative purchasing agreement for the procurement of supplies with public procurement  
99 units or external procurement activities in accordance with an agreement entered into between  
100 the participants. The public procurement unit conducting the procurement of supplies shall do so  
101 in a manner that constitutes a full and open competition.

102           **SECTION 16.** Paragraph (f) of subdivision (3) of section 21 of chapter 32 of the  
103 General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the  
104 second paragraph and inserting in place thereof the following paragraph:-

105           An actuarial valuation of each system shall be conducted biennially and experience  
106 investigations shall be conducted every 6 years. Actuarial valuation reports and experience  
107 studies shall be conducted in such manner as the commissioner of administration, upon advice of  
108 the actuary, shall consider appropriate.

109           **SECTION 17.** The first paragraph of subdivision (1) of section 22D of said chapter 32,  
110 as amended by section 18 of chapter 21 of the acts of 2009, is hereby further amended by  
111 inserting after the first sentence, as so appearing, the following sentence:- A funding schedule  
112 established under this section shall provide that the payment in any year of the schedule is not  
113 less than 95 per cent of the amount appropriated in the previous fiscal year.

114           **SECTION 18.** Said chapter 32 is hereby further amended by inserting after section 22E  
115 the following section:-

116           Section 22F. (a) A system, other than the state employees' retirement system and the  
117 teachers' retirement system, which conducts an actuarial valuation of the retirement system as of  
118 January 1, 2009, or later, may establish a revised retirement system funding schedule, subject to  
119 the approval of the actuary, which reduces the unfunded actuarial liability of the system to zero  
120 not later than June 30, 2040, as long as: (1) the payment in a year under the revised schedule or a  
121 subsequent schedule is not less than the payment in a prior fiscal year under the then current  
122 schedule until the system is fully funded; and (2) the increase in the amortization component of  
123 the appropriations required by the schedule from year to year does not exceed 4 per cent and is

124 so designed that the funding schedule and any updates to it reduce the unfunded actuarial  
125 liability of the system to zero on or before June 30, 2040.

126 (b) If an updated actuarial valuation allows for the development of a revised schedule  
127 with reduced payments, the revised schedule shall be adjusted to reduce the unfunded liability of  
128 the system to zero by an earlier date to the extent required to ensure that the appropriation  
129 required for a particular year under the new schedule shall not be less than the amount identified  
130 for that year under the prior schedule established under this section.

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

135 (d) Systems may establish a schedule under this section that provides for an increase in  
136 the maximum base amount on which the cost-of-living adjustment is calculated pursuant to  
137 section 103, in multiples of \$1,000. Acceptance of this subsection shall be in accordance with  
138 paragraph (j) of section 103.

139 **SECTION 19.** Section 103 of said chapter 32, as so appearing, is hereby amended by  
140 adding the following paragraph: -

141 (j) Notwithstanding paragraph (a), the board of any system that establishes a schedule  
142 pursuant to section 22D or 22F, may increase the maximum base amount on which the cost-of-  
143 living adjustment is calculated, in multiples of \$1,000. Each increase in the maximum base  
144 amount shall be accepted by a majority vote of the board of such system, subject to the approval  
145 of the legislative body. For the purpose of this section, “legislative body” shall mean, in the case  
146 of a city, the city council in accordance with its charter, in the case of a town, the town meeting,

147 in the case of a district, the district members, and, in the case of an authority, the governing  
148 body. In the case of a county or region, acceptance shall be by the county or regional retirement  
149 board advisory council at a meeting called for that purpose by the county or regional retirement  
150 board that shall notify council members at least 60 days before the meeting. Upon receiving  
151 notice, the treasurer of a town belonging to the county or regional retirement system shall make a  
152 presentation to the town's chief executive officer, as defined in paragraph (c) of subdivision (8)  
153 of section 22, regarding the impact of the increase in the cost-of-living adjustment base, the  
154 failure of which by a treasurer shall not impede or otherwise nullify the vote by the advisory  
155 council. Acceptance of an increase in the maximum base amount shall be deemed to have  
156 occurred upon the filing of the certification of such vote with the commission. A decision to  
157 accept an increase in the maximum base amount may not be revoked.

158           **SECTION 20.** Section 11A of chapter 32B of the General Laws, as so appearing, is  
159 hereby amended by striking out the first paragraph and inserting in place thereof the following  
160 paragraph:-

161           Each employee insured for the minimum amounts of group life and group accidental  
162 death and dismemberment insurance provided in section 5, subject to such conditions as the  
163 appropriate public authority shall approve, may be insured for amounts of group life insurance  
164 and group accidental death and dismemberment insurance in addition to the minimum amounts  
165 provided for in said section 5 in an amount not greater than \$150,000.

166           **SECTION 21.** Said section 11A of said chapter 32B, as so appearing, is hereby further  
167 amended by striking out, in line 60, the words "outlined in the above schedule".

168           **SECTION 22.** Section 3 of chapter 40 of the General Laws, as so appearing, is hereby  
169 amended by striking out, in line 4, the word "ten" and inserting in place thereof the following  
170 figure:- 30.

171           **SECTION 23.** The second paragraph of section 4A of said chapter 40, as so appearing,  
172 is hereby amended by adding the following sentence: A decision to enter into an intermunicipal  
173 agreement under this section, or to join a regional entity, shall be solely subject to the approval  
174 process of the towns' elected bodies.

175           **SECTION 24.** Said chapter 40 is hereby further amended by inserting after section 4I  
176 the following 2 sections:-

177           Section 4J. (a) As used in this section, the following words shall have the following  
178 meanings unless the context clearly requires otherwise:

179           "Agency", the Massachusetts emergency management agency.

180           "Agreement", the statewide public safety mutual aid agreement established in subsection  
181 (b).

182           "Authorized representative", in the case of a city or town, the mayor, city manager, town  
183 manager, town administrator, executive secretary, police chief or on-duty shift commander of the  
184 police department, fire chief or on-duty shift commander of the fire department, health director  
185 or chairperson of the board of health and the emergency management director and, in the case of  
186 a governmental unit that is not a city or town, the chief executive officer or his designee.

187           "Employee", a person employed full-time or part-time by a governmental unit, a  
188 volunteer officially operating under a governmental unit, or a person contractually providing  
189 services to a governmental unit.

190 "Governmental unit", a city, town, county, regional transit authority established under  
191 chapter 161B, water or sewer commission or district established under chapter 40N or by special  
192 law, fire district, regional health district established under chapter 111, a regional school district  
193 or a law enforcement council.

194 "Incident command system", the standardized national incident management system that  
195 establishes an on-scene management system of procedures for controlling personnel, facilities,  
196 equipment and communications from different agencies at the scene of an emergency or other  
197 event for which mutual aid assistance is provided.

198 "Law enforcement council", a nonprofit corporation comprised of municipal police chiefs  
199 and other law enforcement agencies established to provide: (i) mutual aid to its members  
200 pursuant to mutual aid agreements; (ii) mutual aid or requisitions for aid to non-members  
201 consistent with section 8G of this chapter or section 99 of chapter 41; and (iii) enhanced public  
202 safety by otherwise sharing resources and personnel.

203 "Mutual aid assistance", the cross-jurisdictional provision of emergency services,  
204 materials or facilities from 1 party to another when existing resources are, or may be, inadequate.

205 "Party", a governmental unit that has joined the agreement.

206 "Public safety incident", an event, emergency or natural or man-made disaster, that  
207 threatens or causes harm to public health, safety or welfare and that exceeds, or reasonably may  
208 be expected to exceed, the response or recovery capabilities of a governmental unit including,  
209 but not limited to, a technological hazard, planned event, civil unrest, health-related event and an  
210 emergency, act of terrorism and training and exercise that tests and simulates the ability to  
211 manage, respond to or recover from any such event.

212 "Requesting party", a party that requests aid or assistance from another party pursuant to  
213 the agreement.

214 "Sending party", a party that renders aid or assistance to another party under the  
215 agreement.

216 (b) There shall be a statewide public safety mutual aid agreement to create a framework  
217 for the provision of mutual aid assistance among the parties to the agreement in the case of a  
218 public safety incident. The assistance to be provided under the agreement shall include, but not  
219 be limited to, fire service, law enforcement, emergency medical services, transportation,  
220 communications, public works, engineering, building inspection, planning and information  
221 assistance, resource support, public health, health and medical services, search and rescue  
222 assistance and any other resource, equipment or personnel that a party to the agreement may  
223 request or provide in anticipation of, or in response to, a public safety incident.

224 (c) (1) If a city or town wishes to join the agreement, the mayor in the case of a city, the  
225 city manager in the case of a Plan D or Plan E city, or the town manager, town administrator or  
226 chairman of the board of selectmen with the approval of the board of selectmen, may act on  
227 behalf of the city or town to join the agreement by notifying the director of the agency in writing.  
228 The municipality shall be a party to the agreement 30 days after receipt by the agency of the  
229 written notification.

230 A city or town that has joined the agreement may opt out of the agreement in the same  
231 manner as provided for joining the agreement and by notifying the agency in writing of its  
232 intention to opt out. The removal of the municipality from the agreement shall take effect 10  
233 days after receipt by the agency of the written notification.

234 (2) If a governmental unit that is not a city or town wishes to join the agreement, the chief  
235 executive officer of the governmental unit may act on its behalf to join the agreement by  
236 notifying the director of the agency in writing. The governmental unit shall be a party to the  
237 agreement 30 days after receipt by the agency of the written notification.

238 If a governmental unit that is not a city or town has joined the agreement but wishes to  
239 opt out of the agreement, the chief executive officer of the governmental unit may act on its  
240 behalf to opt out of the agreement by notifying the agency in writing. The removal of the  
241 municipality from the agreement shall take effect 10 days after receipt by the agency of the  
242 written notification.

243 (d)(1) A request by a party to receive mutual aid assistance under the agreement shall be  
244 made, either orally or in writing, by an authorized representative of the requesting party and shall  
245 be communicated to an authorized representative of the sending party or to the agency; provided,  
246 however, that if the request is communicated orally, the requesting party shall reduce the request  
247 to writing and deliver it to the sending party or to the agency at the earliest possible date, but not  
248 later than 72 hours after making the oral request. A party to the agreement may request mutual  
249 aid assistance during, in anticipation of or as a result of a public safety incident.

250 (2) An oral or written request for mutual aid assistance under the agreement shall include  
251 the following information:

252 (i) a description of the public safety incident;

253 (ii) the nature, type and amount of personnel, equipment, materials, supplies or other  
254 resources being requested;

255 (iii) the manner in which the resources shall be used and deployed;

256 (iv) a reasonable estimate of the length of time for which the resources shall be needed;

257 (v) the location to which the resources shall be deployed; and

258 (vi) the requesting party's point of contact.

259 (3) A party that receives a request for mutual aid assistance shall provide and make  
260 available, to the extent reasonable and practicable under the circumstances, the resources  
261 requested; provided, however, that a sending party may withhold requested resources to the  
262 extent necessary to provide reasonable protection and coverage for its own jurisdiction.

263 (e) The requesting party shall be responsible for the overall operation, assignment and  
264 deployment of resources and personnel provided by a sending party consistent with the incident  
265 command system. The sending party shall retain direct supervision, command and control of  
266 personnel, equipment and resources provided by the sending party unless otherwise agreed to by  
267 the requesting party and the sending party. During the course of rendering mutual aid assistance  
268 under the agreement, the sending party shall be responsible for the operation of its equipment  
269 and for any damage thereto unless the sending party and the requesting party agree otherwise.

270 (f)(1) All expenses incurred by the sending party in rendering mutual aid assistance  
271 pursuant to the agreement shall be paid by the sending party; provided, however, that a  
272 requesting party and a sending party may enter into supplementary agreements for  
273 reimbursement of costs associated with providing mutual aid assistance incurred by a sending  
274 party.

275 (2) A sending party shall document its costs of providing mutual aid assistance under the  
276 agreement, including direct and indirect payroll and employee benefit costs, travel costs, repair  
277 costs and the costs of materials and supplies. A sending party shall also document the use of its  
278 equipment and the quantities of materials and supplies used while providing mutual aid  
279 assistance under the agreement.

280 (3) Except as otherwise agreed to by the parties, the requesting party shall seek  
281 reimbursement under any applicable federal and state disaster assistance programs for the costs  
282 of responding to the public safety incident. The requesting party and each sending party shall  
283 receive, based on the documented costs of providing mutual aid assistance, its pro rata share of  
284 the disaster assistance reimbursement provided to the requesting party.

285 (g) While providing mutual aid assistance under the agreement, employees of a sending  
286 party shall: (i) be afforded the same powers, duties, rights and privileges as they are afforded in  
287 the sending party's geographical jurisdiction or location; and (ii) receive the same salary,  
288 including overtime, that they would be entitled to receive if they were operating in their own  
289 governmental unit. In the absence of an agreement to the contrary, the sending party shall be  
290 responsible for all such salary expenses, including overtime.

291 (h)(1) While in transit to, returning from and providing mutual aid assistance under the  
292 agreement, employees of a sending party shall have the same rights of defense, immunity and  
293 indemnification that they otherwise would have under the law if they were acting within the  
294 scope of their employment under the direction of their employer. A sending party shall provide  
295 to, and maintain for, each of its employees who provide mutual aid assistance under the  
296 agreement the same indemnification, defense, right to immunity, employee benefits, death  
297 benefits, workers' compensation or similar protection and insurance coverage that would be  
298 provided to those employees if they were performing similar services in the sending party's  
299 jurisdiction.

300 (2) Each party to the agreement shall waive all claims and causes of action against each  
301 other party to the agreement that may arise out of their activities while rendering or receiving  
302 mutual aid assistance under the agreement, including travel outside of its jurisdiction.

303 (3) Each requesting party shall defend, indemnify and hold harmless each sending party  
304 from all claims by third parties for property damage or personal injury which may arise out of  
305 the activities of the sending party or its employees, including travel, while providing mutual aid  
306 assistance under the agreement.

307 (i) This section shall not affect, supersede or invalidate any other statutory or contractual  
308 mutual aid or assistance agreements involving parties to the agreement including, but not limited  
309 to, those established pursuant to section 4A or 8G. A party may enter into supplementary mutual  
310 aid agreements with other parties or jurisdictions.

311 Section 4K. (a) As used in this section, the following words shall, unless the context  
312 clearly requires otherwise, have the following meanings:-

313 “Advisory committee”, the statewide public works municipal mutual aid advisory  
314 committee established in subsection (d).

315 “Agreement”, the statewide public works municipal mutual aid agreement established in  
316 subsection (b).

317 “Employee”, a person employed full-time or part-time by a governmental unit, a  
318 volunteer officially operating under a governmental unit, or a person contractually providing  
319 services to a governmental unit.

320 “Governmental unit”, a city, town, county or district, however constituted, or water or  
321 sewer commission established under the provisions of chapter 40N or any other general or  
322 special law.

323 “Mutual aid assistance”, cross-jurisdictional provision of services, materials or facilities  
324 from 1 party to another when existing resources are, or may be, inadequate.

325 “Party”, a governmental unit that has joined the agreement.

326 "Public works incident", a foreseeable or unforeseeable event, emergency or natural or  
327 manmade disaster that affects or threatens to affect the public works operations of a  
328 governmental unit.

329 "Requesting party", a party that requests aid or assistance from another party pursuant to  
330 the agreement.

331 "Sending party", a party that renders aid or assistance to another party under the  
332 agreement.

333 (b) There shall be a statewide public works municipal mutual aid agreement to facilitate  
334 the provision of public works resources across jurisdictional lines in the case of a public works  
335 incident that requires mutual aid assistance from 1 or more municipalities. The mutual aid  
336 assistance to be provided under the agreement shall include, but not be limited to, services  
337 related to public works, personnel, equipment, supplies and facilities to prepare for, prevent,  
338 mitigate, respond to and recover from public works incidents.

339 (c) (1) If a city or town wishes to join the agreement, the mayor in the case of a city, the  
340 city manager in the case of a Plan D or Plan E city, or the town manager, town administrator or  
341 chair of the board of selectmen upon approval by a majority vote of the board of selectmen, may  
342 act on behalf of the city or town to join the agreement by notifying the advisory committee in  
343 writing. The municipality shall be a party to the agreement 30 days after receipt by the advisory  
344 committee of the written notification.

345 If a city or town has joined the agreement but wishes to opt out of the agreement, the  
346 mayor in the case of a city, the city manager in the case of a Plan D or Plan E city, or the town  
347 manager, town administrator or chair of the board of selectmen upon approval by a majority vote  
348 of the board of selectmen in the case of a town, may act on behalf of the city or town to opt out

349 of the agreement by notifying the advisory committee in writing. The removal of the  
350 municipality from the agreement shall take effect 10 days after receipt by the advisory committee  
351 of the written notification.

352 (2) If a governmental unit that is not a city or town wishes to join the agreement, the chief  
353 executive officer of the governmental unit may act on its behalf to join the agreement by  
354 notifying the advisory committee in writing. The governmental unit shall be a party to the  
355 agreement 30 days after receipt by the advisory committee of the written notification.

356 If a governmental unit that is not a city or town has joined the agreement but wishes to  
357 opt out of the agreement, the chief executive officer of the governmental unit may act on its  
358 behalf to opt out of the agreement by notifying the advisory committee in writing. The removal  
359 of the governmental unit that is not a city or town from the agreement shall take effect 10 days  
360 after receipt by the advisory committee of the written notification.

361 (3) If a governmental unit in a state contiguous to the commonwealth wishes to join the  
362 agreement, the governmental unit may join the agreement by notifying the advisory committee in  
363 writing. The governmental unit shall be a party to the agreement 30 days after receipt by the  
364 advisory committee of the written notification.

365 If a governmental unit in a state contiguous to the commonwealth has joined the  
366 agreement but wishes to opt out of the agreement, the governmental unit may opt out of the  
367 agreement by notifying the advisory committee in writing. The removal of the governmental  
368 unit from the agreement shall take effect 10 days after receipt by the advisory committee of the  
369 written notification.

370 (d) There shall be a statewide public works municipal mutual aid advisory committee to  
371 consist of the secretary of public safety and security or his designee, who shall serve as chair of

372 the committee; and 1 member appointed by the secretary of public safety and security from each  
373 of the following: the Massachusetts Highway Association; the New England Chapter of the  
374 American Public Works Association, who shall be a resident of the commonwealth; the New  
375 England Water Environment Association, who shall be a resident of the commonwealth; the  
376 Massachusetts Tree Wardens' and Foresters' Association; the Massachusetts Water Works  
377 Association; and the Massachusetts Municipal Association.

378 The advisory committee shall develop procedural plans, protocols and programs for  
379 intrastate and interstate cooperation to be used by public works agencies in response to a public  
380 works incident. The advisory committee shall be responsible for the administration and  
381 coordination of the statewide mutual aid agreement. The advisory committee shall develop and  
382 make available to parties forms to facilitate requests for aid, including a form to track the  
383 movement of public works equipment and personnel.

384 (e) Each party shall identify not more than 3 points of contact to serve as the primary  
385 liaison for all issues relating to the agreement.

386 (f)(1) A request by a party to receive mutual aid assistance shall be made, either orally or  
387 in writing, by the chief executive officer of the requesting party or by 1 of its designated points  
388 of contact and shall be communicated to the chief executive officer or 1 its designated points of  
389 contact from the sending party; provided, however, that if the request is communicated orally,  
390 the requesting party shall reduce the request to writing and deliver it to the sending party at the  
391 earliest possible date, but not later than 72 hours after making the oral request. (2) A requesting  
392 party may request the assistance of 1 or more parties to assist with or manage a public works  
393 incident, including recovery-related exercises, testing or training.

394 (2) An oral or written request for mutual aid assistance under the agreement shall include  
395 the following information:

396 (i) a description of the public works incident response and recovery functions for which  
397 assistance is needed;

398 (ii) the nature, type and amount of public works services, personnel, equipment,  
399 materials, supplies or other resources being requested;

400 (iii) the manner in which the resources shall be used and deployed;

401 (iv) a reasonable estimate of the length of time for which the resources shall be needed;

402 (v) the location to which the resources shall be deployed; and

403 (vi) the requesting party's point of contact.

404 (3) A party that receives a request for mutual aid assistance shall provide and make  
405 available, to the extent reasonable and practicable under the circumstances, the resources  
406 requested by the requesting party; provided, however, that a sending party may withhold  
407 requested resources to the extent necessary to provide reasonable protection and coverage for its  
408 own jurisdiction.

409 (g) The requesting party shall be responsible for the overall operation, assignment and  
410 deployment of resources, equipment and personnel provided by a sending party. The sending  
411 party shall retain direct supervision, command and control of personnel, equipment and resources  
412 provided by the sending party unless otherwise agreed to by the requesting party and the sending  
413 party. During the course of rendering mutual aid assistance under the agreement, the sending  
414 party shall be responsible for the operation of its equipment and for any damage thereto unless  
415 the sending party and the requesting party agree otherwise.

416 (h)(1) All expenses incurred by the sending party in rendering mutual aid assistance  
417 pursuant to the agreement shall be paid by the sending party; provided, however, that a  
418 requesting party and a sending party may enter into supplementary agreements for  
419 reimbursement of costs associated with providing mutual aid assistance incurred by a sending  
420 party.

421 (2) A sending party shall document its costs of providing mutual aid assistance under the  
422 agreement, including direct and indirect payroll and employee benefit costs, travel costs, repair  
423 costs and the costs of materials and supplies. A sending party shall also document the use of its  
424 equipment and the quantities of materials and supplies used while providing mutual aid  
425 assistance under the agreement.

426 (3) Except as otherwise agreed to by the parties, the requesting party shall seek  
427 reimbursement under any applicable federal and state disaster assistance programs for the costs  
428 of responding to the public works incident. The requesting party and each sending party shall  
429 receive, based on the documented costs of providing mutual aid assistance, its pro rata share of  
430 the disaster assistance reimbursement provided to the requesting party.

431 (4) While providing mutual aid assistance under the agreement, employees of a sending  
432 party shall: (i) be afforded the same powers, duties, rights and privileges as they are afforded in  
433 the sending party's geographical jurisdiction or location; (ii) be considered similarly licensed,  
434 certified or permitted in the requesting party's jurisdiction if the employee holds a valid license,  
435 certificate or permit issued by the employee's governmental unit; and (iii) receive the same  
436 salary, including overtime, that they would be entitled to receive if they were operating in their  
437 own governmental unit. In the absence of an agreement to the contrary, the sending party shall  
438 be responsible for all such salary expenses, including overtime.

439 (j)(1) While in transit to, returning from and providing mutual aid assistance under the  
440 agreement, employees of a sending party shall have the same rights of defense, immunity and  
441 indemnification that they otherwise would have under the law if they were acting within the  
442 scope of their employment under the direction of their employer. A sending party shall provide  
443 to, and maintain for, each of its employees who provide mutual aid assistance under the  
444 agreement the same indemnification, defense, right to immunity, employee benefits, death  
445 benefits, workers' compensation or similar protection and insurance coverage that would be  
446 provided to those employees if they were performing similar services in the sending party's  
447 jurisdiction.

448 (2) Each party to the agreement shall waive all claims and causes of action against all  
449 other parties that may arise out of their activities while rendering or receiving mutual aid  
450 assistance under the agreement, including travel outside of its jurisdiction.

451 (3) Each requesting party shall defend, indemnify and hold harmless each sending party  
452 from all claims by third parties for property damage or personal injury which may arise out of  
453 the activities of the sending party or its employees, including travel, while providing mutual aid  
454 assistance under the agreement.

455 (4) All equipment requested and deployed pursuant to the statewide municipal mutual  
456 assistance agreement shall be insured by the sending party.

457 (k) This section shall not affect, supersede or invalidate any other statutory or contractual  
458 mutual aid or assistance agreements involving parties to the agreement including, but not limited  
459 to, those established pursuant to section 4A. A party may enter into supplementary mutual aid  
460 agreements with other parties or jurisdictions.

461           **SECTION 25.** Section 56 of said chapter 40, as appearing in the 2008 Official Edition,  
462 is hereby amended by adding the following paragraph:-

463           Notwithstanding the first paragraph, the commissioner may, from time to time, issue a  
464 revised schedule for the year in which the commissioner shall certify whether the board of  
465 assessors is assessing property at full and fair cash valuation. After the schedule is issued, a city  
466 or town may classify in the manner set forth in this section for any year before the next year of  
467 certification established in the schedule for the city or town. In arranging the schedule, the  
468 commissioner shall, so far as is practicable and appropriate, consider at least the following goals:  
469 balancing the number of certification reviews conducted in each year of the triennial period;  
470 facilitating and implementing joint or cooperative assessing agreements or districts; assisting the  
471 boards of assessors to comply with minimum standards of assessment performance established  
472 under section 1 of chapter 58; and producing uniformity in the valuation, classification and  
473 assessment of property within each city or town and throughout the commonwealth.

474           **SECTION 26.** Chapter 41 of the General Laws is hereby amended by striking out  
475 section 30B, as so appearing, and inserting in place thereof the following section:-

476           Section 30B. (a) Notwithstanding any general or special law or municipal charter, vote,  
477 by-law or ordinance, 2 or more cities and towns, by vote of their legislative bodies, may enter  
478 into an agreement, for a term not to exceed 25 years, for joint or cooperative assessing,  
479 classification and valuation of property. The agreement shall provide for:

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

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

483 (3) the rights and responsibilities of the parties with respect to the direction and  
484 supervision of the work to be performed and with respect to the administration of the assessing  
485 office, including the receipt and disbursement of funds, the maintenance of accounts and records  
486 and the auditing of accounts;

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

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

490 (6) any other necessary or appropriate matter.

491 (b) An agreement under this section may also provide for the formation of a single  
492 assessing department for the purpose of employing assistant assessors and necessary staff and for  
493 performing all administrative functions. An agreement may also vest in 1 person, the board of  
494 assessors of 1 of the parties or a regional board of assessors comprised of at least 1 representative  
495 from each of the parties and selected in the manner set forth in the agreement all of the powers  
496 and duties of the boards of assessors and assessing departments of the parties. In that case, the  
497 existing boards of assessors of the other parties, or of all the parties if their assessors' powers and  
498 duties are vested in 1 person, shall terminate in accordance with section 2 for the duration of the  
499 agreement. Unless the agreement provides for the board of assessors of 1 of the parties to serve  
500 as the assessors for all of the parties, or for 1 city or town to act on behalf of all parties, the  
501 agreement shall designate an appointing authority representing all of the parties. That appointing  
502 authority shall be responsible for the appointment of an assessor, assistant assessors, and other  
503 staff, and in the case of withdrawal or termination of the agreement, shall determine the  
504 employment of any employee of 1 of the parties that became part of a single assessing  
505 department. Subject to the rules and regulations established by the commissioner of revenue

506 pursuant to section 1 of chapter 58, the agreement shall provide for qualifications, terms and  
507 conditions of employment for the assessor and employees of the assessor's office. The agreement  
508 may provide for inclusion of the assessor and the assessor's employees in insurance, retirement  
509 programs and other benefit programs of 1 of the constituent parties, but all parties to the  
510 agreement shall be pay a proportionate share of the current and future costs of benefits associated  
511 with the appointment or employment of all persons performing services for them during the  
512 duration of the agreement. A city or town party to such an agreement shall include employees  
513 under the joint assessing agreement in such programs in accordance with the terms of the  
514 agreement.

515 (c) A city or town may become a party to an existing agreement with the approval of the  
516 other parties.

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

520 **SECTION 27.** Section 7 of chapter 44 of the General Laws, as so appearing, is hereby  
521 amended by inserting after the word "specified", in line 3, the following words:- or, except for  
522 clauses (3C), (11), (16), (18), (19), (21) and (22), within such longer period not to exceed 30  
523 years based upon the maximum useful life of the public work, improvement or asset being  
524 financed, as determined in accordance with guidelines established by the division of local  
525 services within the department of revenue.

526 **SECTION 28.** The first paragraph of said section 7 of said chapter 44, as so appearing,  
527 is hereby amended by inserting after clause (3B) the following clause:-

528 (3C) For a revolving loan fund established under section 53E¾ to assist in the  
529 development of renewable energy and energy conservation projects on privately-held buildings,  
530 property or facilities within the city or town, 20 years.

531 **SECTION 29.** Said first paragraph of said section 7 of said chapter 44, as so appearing,  
532 is hereby further amended by striking out clause (9) and inserting in place thereof the following  
533 clause:-

534 (9) For the cost of equipment, 5 years.

535 **SECTION 30.** Said first paragraph of said section 7 of said chapter 44, as so appearing,  
536 is hereby further amended by inserting after clause (17) the following clause:-

537 (17A) For dredging of tidal and nontidal rivers and streams, harbors, channels and  
538 tidewaters, 10 years.

539 **SECTION 31.** Said first paragraph of said section 7 of said chapter 44, as so appearing,  
540 is hereby further amended by adding following 3 clauses:-

541 (32) For the cost of cleaning up or preventing pollution caused by existing or closed  
542 municipal facilities not referenced in clause (21) of section 8, including cleanup or prevention  
543 activities taken pursuant to chapter 21E or chapter 21H, 10 years; provided, however, that no  
544 indebtedness shall be incurred hereunder until plans relating to the project shall have been  
545 submitted to and approved by the department of environmental protection.

546 (33) For the construction or reconstruction of seawalls, riprap, revetments, breakwaters,  
547 bulkheads, jetties and groins, stairways, ramps and other related structures, 20 years.

548 (34) For any other public work, improvement or asset not specified in this section, with a  
549 maximum useful life of at least 5 years, determined as provided in this paragraph, 5 years.

550           **SECTION 32.** Section 8 of said chapter 44, as so appearing, is hereby amended by  
551 inserting after the word “specified”, in line 3, the following words:- or except with respect to  
552 clauses (1), (2), (3A), (5), (6), (7), (9) and (19), within such longer period not to exceed 30 years  
553 based upon the maximum useful life of the public work, improvement or asset being financed, as  
554 determined in accordance with guidelines established by the division of local services within the  
555 department of revenue.

556           **SECTION 33.** Said section 8 of said chapter 44, as so appearing, is hereby further  
557 amended by striking out, in lines 77 and 78, the words “a board composed of the attorney  
558 general, the state treasurer and the director” and inserting in place thereof the following words: -  
559 the municipal finance oversight board.

560           **SECTION 34.** Said chapter 44 is hereby further amended by striking out section 19, as  
561 so appearing, and inserting in place thereof the following section:-

562           Section 19. Cities, towns and districts shall not issue any notes payable on demand, but  
563 shall provide for the payment of all debts, except temporary loans incurred under sections 4, 6,  
564 6A, 8C, and 17 or under section 3 of chapter 74 of the acts of 1945, by annual payments that will  
565 extinguish the same at maturity, and so that the first of these annual payments on account of any  
566 serial loan shall be made not later than the end of the next complete fiscal year commencing after  
567 the date of the bonds or notes issued for the serial loan, and shall be arranged so that for each  
568 issue the amounts payable in the several years for principal and interest combined shall be as  
569 nearly equal as practicable in the opinion of the officers authorized to issue the bonds or notes or,  
570 in the alternative, in accordance with a schedule providing a more rapid amortization of  
571 principal; and these annual amounts, together with the interest on all debts, shall, without further  
572 vote, be assessed until the debt is extinguished.

573           **SECTION 35.** Section 26 of said chapter 44 is hereby repealed.

574           **SECTION 36.** Said chapter 44 is hereby further amended by inserting after section  
575 53E<sup>1</sup>/<sub>2</sub> the following section:-

576           Section 53E<sup>3</sup>/<sub>4</sub>. (a) Notwithstanding section 53 to the contrary, a city or town may  
577 establish an Energy Revolving Loan Fund to provide loans to owners of privately-held real  
578 property in the city or town for energy conservation and renewable energy projects on their  
579 properties so as to prioritize energy efficiency as the first step toward reducing greenhouse gas  
580 emissions associated with buildings.

581           (b) The fund shall be established by ordinance or by-law. Before adoption of the  
582 ordinance or by-law, the board of selectmen, town council or the city council, as the case may  
583 be, shall conduct a public hearing on the question of its adoption. The ordinance or by-law shall  
584 designate an administrator for the fund and may provide for rules, regulations and procedures for  
585 administration of the fund and eligibility for loans the city or town considers necessary or proper  
586 to carry out this section. The administrator may consult with the division of green communities  
587 established in section 10 of chapter 25A in developing such regulations, rules and procedures for  
588 administration of the fund. The fund administrator may be a board, department or officer, or  
589 may consist of 1 or more members from 1 or more boards, departments or officers, of the city or  
590 town. A city or town which is a member of a regional planning commission may enter into a  
591 cooperative agreement with that commission to perform as administrator for the fund. A regional  
592 governmental entity or county, if the county may incur debt under chapter 35 or any other  
593 general or special law extending a county's debt limit, may establish a fund subject to this  
594 section and may appoint a person to be the administrator of the fund.

595 (c) As authorized by section 4A of chapter 40, 2 or more municipalities may, in a city by  
596 vote of the city council, or, in a town by vote of the board of selectmen, enter into an agreement  
597 to jointly establish and administer a common fund.

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

599 (1) to make loans to owners of real property to finance or refinance the costs of energy  
600 conservation and renewable energy projects on their properties; provided, however, that no loan  
601 shall be made unless an energy audit of the property has been conducted on or after July 2, 2008,  
602 and any energy conservation measures established by the fund administrator for participation in  
603 the program have been implemented;

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

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

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

609 (5) to exercise any other powers or perform any other duties that the city or town may  
610 grant by ordinance or by-law to carry out this section.

611 (e) The city or town treasurer shall be the custodian of the fund, which shall be  
612 maintained as a separate account and into which shall be deposited:

613 (1) all monies appropriated and all proceeds from bonds issued under clause (3C) of the  
614 first paragraph of section 7 for purpose of providing loans to private property owners for energy  
615 conservation and renewable energy projects;

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

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

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

620 The city or town treasurer may invest the monies in the manner authorized in section 55  
621 and any interest earned thereon shall be credited to and become part of the fund.

622 The city or town treasurer shall annually certify, not later than June 30, in writing to the  
623 fund administrator and auditor or similar officer in cities or the town accountant in towns having  
624 a town accountant, the principal and interest due in the next fiscal year on any bonds issued  
625 under clause (3C) of the first paragraph of section 7 and not otherwise provided for, and the  
626 amount certified shall be reserved for payment of that debt service without further appropriation.

627 Loans may be made from the fund by the fund administrator without further appropriation,  
628 subject to this section; provided, however, that no loans shall be made or liabilities incurred in  
629 excess of the unreserved fund balance and unless approved in accordance with sections 52 and  
630 56 of chapter 41.

631 (f) Whenever a city or town enters into a loan agreement with a property owner under this  
632 section, a notice of the agreement shall be recorded as a betterment and shall be subject to  
633 chapter 80 relative to the apportionment, division, reassessment and collection of assessment,  
634 abatement and collections of assessments, and to interest; provided, however, that for purposes  
635 of this section, the lien shall take effect by operation of law on the day immediately following the  
636 due date of the assessment or apportioned part of the assessment and the assessment may bear  
637 interest at a rate determined by the city or town treasurer by agreement with the owner at the  
638 time the agreement is entered into between the city or town and the property owner. In addition  
639 to remedies available under said chapter 80, the property owner shall be personally liable for the

640 repayment of the total costs incurred by the city or town under this section; provided, however,  
641 that upon assumption of the personal obligation by a purchaser or other transferee of all of the  
642 original owner's interest in the property at the time of conveyance and the recording of the  
643 assumption, the owner shall be relieved of the personal liability.

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

647 Notwithstanding any provision of chapter 183A to the contrary, the organization of unit  
648 owners of a condominium may enter into a betterment loan agreement under this section to  
649 finance an energy conservation and renewable energy project, provided that the project  
650 comprises part of the common areas and facilities; provided, however, that section 18 of said  
651 chapter 183A shall not apply to any improvements undertaken pursuant to an agreement entered  
652 into under this section. Such agreement shall: (i) be approved by a majority of the unit owners  
653 benefited by the project; (ii) include an identification of the units and unit owners subject to the  
654 agreement and the percentages, as set forth in the master deed, of the undivided interests of the  
655 respective units in the common area and facilities; and (iii) include a statement by an officer or  
656 trustee of the organization of unit owners certifying that the required number of unit owners have  
657 approved the agreement. As between the affected unit owners and the city or town, the  
658 certification shall be conclusive evidence of the authority of the organization of unit owners to  
659 enter into the agreement. A notice of the agreement shall be recorded as a betterment in the  
660 registry of deeds or registry district of the land court wherein the master deed is recorded and  
661 shall be otherwise subject to chapter 80 as provided in this section. The assessment under the  
662 agreement shall be charged or assessed directly to the benefited unit owners and if unpaid shall

663 be added to the annual tax bill for their units in accordance with section 13 of said chapter 80.  
664 The allocable share of the assessment, prorated on the basis of the percentage interests of the  
665 benefited units in the common areas and facilities, shall attach as a lien only to the units  
666 identified in the recorded notice and benefited by the project and the owners of those units shall  
667 also be personally liable for their allocable share of the assessment as provided for in this  
668 section. For the purposes of this paragraph, the terms “common areas and facilities”, “common  
669 expenses”, “condominium”, “master deed”, “organization of unit owners”, “units” and “unit  
670 owners” shall have the same meanings as ascribed to them in section 1 of said chapter 183A.

671 (g) The fund administrator shall file annually, not later than June 30, a report detailing the  
672 amount of money in the fund, loans made and repayments received, and shall also include the  
673 types of projects financed. The report shall be filed with the chief executive officer of the city or  
674 town, the executive office of administration and finance, the joint committee on municipalities  
675 and regional government, the senate and house committees on ways and means and the clerks of  
676 the senate and the house of representatives.

677 **SECTION 37.** Chapter 53 of the General Laws is hereby amended by inserting after  
678 section 18A the following section:-

679 Section 18B. (a) As used in this section “governing body” shall mean, in a city, the city  
680 council or board of aldermen acting with the approval of the mayor subject to the charter of the  
681 city, in a town having a town council, the town council, in every other town, the board of  
682 selectmen and in a district as provided in sections 113 to 119, inclusive, of chapter 41, the  
683 prudential committee, if any, otherwise the commissioners of the district.

684 (b) The governing body of a city, town or district which accepts this section in the  
685 manner provided in section 4 of chapter 4 shall print information relating to each question that

686 shall appear on the city, town or district ballot. The information shall include: (1) the full text of  
687 each question; (2) a fair and concise summary of each question, including a 1 sentence statement  
688 describing the effect of a yes or no vote, which shall be prepared by the city solicitor, town  
689 counsel or counsel for the city, town or district; and (3) arguments for and against each question  
690 as provided in subsections (d) and (e). Not later than 7 days before an election at which the  
691 question shall be submitted to the voters in a city, town or district, the information in this  
692 subsection shall be sent to each household wherein a person whose name appears on the current  
693 voting list for the city, town or district resides.

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

697 (d) Not later than 7 days after the determination that a question shall appear on the ballot,  
698 the city solicitor or town or district counsel, as applicable, shall seek written arguments from the  
699 principal proponents and opponents of the question. For the purposes of this section, the  
700 principal proponents and opponents of a question shall be those persons determined by the  
701 solicitor or counsel to be best able to present the arguments for and against the question. The  
702 solicitor or counsel shall provide not less than 7 days' written notice to the opponents and  
703 proponents of the date on which the written arguments shall be received. Proponents and  
704 opponents shall submit their arguments, which shall be not more than 150 words, to the solicitor  
705 or counsel, together with a copy thereof to the city or town clerk or, in a district, to the clerk of  
706 each city and town within the district. The arguments and summary shall be submitted by the  
707 solicitor or counsel to the governing body not more than 20 days before the election for

708 distribution to voters in accordance with subsection (b). A copy of the arguments and summary  
709 shall also be submitted by the solicitor or counsel to the city, town or district clerk.

710 (e) In determining the principal proponents and opponents of a ballot question, the  
711 solicitor or counsel shall contact each ballot question committee, if any, as defined in section 1 of  
712 chapter 55. The principal proponents or opponents of a ballot question may include officers of a  
713 ballot question committee or officers of a city, town or district office or committee including, but  
714 not limited to, a finance committee or a school committee. In addition, the principal proponents  
715 or opponents may include the first 10 signers or a majority of the first 10 signers of a petition  
716 initiating the placement of such question on the ballot. The solicitor or counsel shall determine,  
717 based on a review of arguments received, the person or group best able to present arguments for  
718 and against a question. If no argument is received by the solicitor or counsel within the time  
719 specified by the solicitor or counsel, the solicitor or counsel shall prepare an argument and  
720 submit the argument to the governing body and to the city or town clerk or, in a district, to the  
721 clerk of each city and town within the district within the time specified in subsection (d).

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

727 **SECTION 38.** Section 8 of chapter 58 of the General Laws, as appearing in the 2008  
728 Official Edition, is hereby amended by striking out the second and third paragraphs and inserting  
729 in place thereof the following paragraph:-

730           The commissioner shall make and from time to time revise, rules, regulations and  
731 guidelines necessary for establishing an expedited procedure for granting authority to abate  
732 taxes, assessments, rates, charges, costs or interest under this section in such cases as the  
733 commissioner determines are in the public interest and shall from time to time for such periods  
734 as the commissioner considers appropriate authorize the assessors or the board or officer  
735 assessing the tax, assessment, rate or charge to grant these abatements. No abatement authorized  
736 by these procedures shall be granted unless the assessors or board or officer shall certify, in  
737 writing, under pains and penalties of perjury that the procedures have been followed. The  
738 commissioner shall require yearly reports and audits of these abatements by assessors or boards  
739 or officers that the commissioner considers necessary to ensure that any authority granted under  
740 this paragraph has been properly exercised and shall withdraw this grant of authority to the  
741 particular assessors, board or officer upon his written determination that the authority has been  
742 improperly exercised. The commissioner may make and from time to time revise, reasonable  
743 rules, regulations and guidelines that he considers necessary to carry out this paragraph.

744           **SECTION 39.** Section 5 of chapter 59 of the General Laws is hereby amended by  
745 inserting after the word “annum”, in line 452, as so appearing, the following words:- or such  
746 lesser rate as may be determined by the legislative body of the city or town, subject to its charter,  
747 not later than the beginning of the fiscal year to which the tax relates.

748           **SECTION 40.** Said section 5 of said chapter 59 is hereby further amended by striking  
749 out in line 754, as so appearing, the words “and are incapable of working”.

750           **SECTION 41.** Said section 5 of said chapter 59 is hereby further amended by inserting  
751 after the word “years”, in line 1267, as so appearing, the following words:- ; and (4) utilizing

752 income limits on a household basis rather than on a single applicant basis for real estate tax  
753 exemptions.

754 **SECTION 42.** Said section 5 of said chapter 59, as amended by section 66 of chapter 25  
755 of the acts of 2009, is hereby further amended by adding the following 2 clauses:-

756 Fifty-sixth. Upon the acceptance of this section by a city or town, the board of assessors  
757 may grant, real and personal property tax abatement up to 100 per cent of the total tax assessed  
758 to members of the Massachusetts National Guard and to reservists on active duty in foreign  
759 countries for the fiscal year they performed such service subject to eligibility criteria to be  
760 established by the board of assessors.

761 The authority to grant abatements under this section shall expire after 2 years of  
762 acceptance unless extended by a vote of the city or town.

763 Fifty-seventh. Upon the acceptance of this section by a city or town, the board of  
764 assessors may appropriate monies for and grant property tax rebates in an amount not to exceed  
765 annually the amount of the income tax credit set forth under subsection (k) of section 6 of  
766 chapter 62.

767 **SECTION 43.** Section 5K of said chapter 59, as amended by section 24 of chapter 27 of  
768 the acts of 2009, is hereby further amended by adding the following paragraph:-

769 A city or town, by vote of its legislative body, subject to its charter, may adjust the  
770 exemption in this clause by: (1) allowing an approved representative, for persons physically  
771 unable, to provide such services to the city or town; or (2) allowing the maximum reduction of  
772 the real property tax bill to be based on 125 volunteer service hours in a given tax year, rather  
773 than \$1,000.

774           **SECTION 44.** Section 29 of said chapter 59, as appearing in the 2008 Official Edition,  
775 is hereby amended by striking out, in line 20, the words “thirty days after the mailing of the tax  
776 bills” and inserting in place thereof the following words:- the last day for filing an application for  
777 abatement of the tax.

778           **SECTION 45.** Said chapter 59 is hereby further amended by inserting after section 31  
779 the following section:-

780           Section 31A. For the purpose of verifying that a person required to file a true list of  
781 taxable personal property under section 29 has made a complete and accurate accounting of that  
782 property, the assessors may at any time within 3 years after the date the list was due, or within 3  
783 years after the date the list was filed, whichever is later, examine the books, papers, records and  
784 other data of the person required to file the list. The assessors may compel production of books,  
785 papers, records and other data of the person through issuance of a summons served in the same  
786 manner as summonses for witnesses in criminal cases issued on behalf of the commonwealth,  
787 and all provisions of law relative to summonses in such cases shall, so far as applicable, apply to  
788 summonses issued under this section. A justice of the supreme judicial court or of the superior  
789 court may, upon the application of the assessors, compel the production of books, papers, records  
790 and other data in the same manner and to the same extent as before those courts.

791           **SECTION 46.** Section 32 of said chapter 59, as appearing in the 2008 Official Edition,  
792 is hereby amended by striking out the first sentence and inserting in place thereof the following 2  
793 sentences:- Lists filed under section 29 and books, papers, records and other data obtained  
794 under section 31A shall be open to the inspection of the assessors, the commissioner, the  
795 deputies, clerks and assistants of either the assessors or the commissioner and any designated  
796 private auditor of the commissioner or the assessors as may have occasion to inspect the lists,

797 books, papers, records and other data in the performance of their official, contractual or  
798 designated duties, but so much of the lists, books, papers, records and other data as shows the  
799 details of the personal estate shall not be open to any other person except by order of a court.  
800 For purposes of this section, a “designated private auditor” shall be an individual, corporation or  
801 other legal entity selected by the commissioner or a city or town to value personal property or  
802 perform an audit which includes the assessing department of a city or town under any legal  
803 authority, including the examination of records under said section 31A, an audit under sections  
804 40 or 42A of chapter 44 or an investigation under section 46A of said chapter 44 but only if the  
805 individual, corporation or other legal entity shall be compensated for the audit work pursuant to  
806 an arrangement under which neither the payment nor the amount of their fees and expenses for  
807 the work are contingent on either the results of the audit or whether the results withstand any  
808 appeal by a taxpayer.

809         **SECTION 47.** The second paragraph of section 38D of said chapter 59, as so appearing,  
810 is hereby amended by striking out the first sentence and inserting in place thereof the following 2  
811 sentences:- Failure of an owner or lessee of real property to comply with such request within 60  
812 days after it has been made by the board of assessors shall be automatic grounds for dismissal of  
813 a filing at the appellate tax board. The appellate tax board and the county commissioners shall  
814 not grant extensions for the purposes of extending the filing requirements unless the applicant  
815 was unable to comply with such request for reasons beyond his control or unless he attempted to  
816 comply in good faith.

817         **SECTION 48.** Said section 38D of said chapter 59, as so appearing, is hereby further  
818 amended by striking out the third paragraph and inserting in place thereof the following 2  
819 paragraphs:-

820 If an owner or lessee of Class one, residential property fails to submit the information  
821 within the time and in the form prescribed, the owner shall be assessed an additional penalty for  
822 the next ensuing tax year in the amount of \$50 but only if the board of assessors informed the  
823 owner or lessee that failure to submit such information would result in the penalty.

824 If an owner or lessee of Class three, commercial or Class four, industrial property fails to  
825 submit the information within the time and in the form prescribed, the owner or lessee shall be  
826 assessed an additional penalty for the next ensuing tax year in the amount of \$250 but only if the  
827 board of assessors informed the owner or lessee that failure to so submit such information would  
828 result in the penalty.

829 **SECTION 49.** Said chapter 59 is hereby further amended by inserting after section 42  
830 the following section:-

831 Section 42A. For the purpose of verifying that an owner of a pipeline or a telephone or  
832 telegraph company required to make a return under section 38A or section 41 has made a  
833 complete and accurate accounting of the property required to be returned, the commissioner shall  
834 have all the powers and remedies provided by said section 31A to assessors of cities and towns.  
835 If the commissioner reasonably believes, as a result of an examination of the books, papers,  
836 records and other data or otherwise, that taxable personal property for a fiscal year was not  
837 valued or was incorrectly valued, the commissioner may, not later than 3 years and 6 months  
838 after the date the return was due or 3 years and 6 months after the date the return was filed,  
839 whichever is later, certify an amended valuation to the owner of the pipeline or telephone or  
840 telegraph company and to the boards of assessors of the cities and towns wherein the property  
841 was subject to taxation for that year. Not later than 2 months after the date of the amended  
842 certification, the assessors shall assess and commit to the collector with their warrant for

843 collection an additional tax to the owner of the pipeline or telephone or telegraph company. An  
844 owner or company aggrieved by the assessment of the additional tax may, within 1 month after  
845 the bill or notice of the additional assessment is first sent, appeal the valuation to the appellate  
846 tax board. The appeal shall name as appellees the commissioner and the board of assessors.  
847 Except as otherwise provided in this section, the hearing and appeal before the appellate tax  
848 board shall proceed in the same manner as an appeal of the valuations originally certified by the  
849 commissioner.

850           **SECTION 50.** Section 61 of said chapter 59, as appearing in the 2008 Official Edition,  
851 is hereby amended by striking out, in line 4, the word "twenty-nine", and inserting in place  
852 thereof the following words:- 29 and complied with any requests by the assessors to examine  
853 books, papers, records and other data under section 31A.

854           **SECTION 51.** Said section 61 of said chapter 59, as so appearing, is hereby further  
855 amended by striking out, in line 6, the word "twenty-nine", and inserting in place thereof the  
856 following words:- 29 or the person has not complied with any requests by the assessors to  
857 examine books, papers, records and other data under said section 31A.

858           **SECTION 52.** Section 75 of said chapter 59, as so appearing, is hereby amended by  
859 striking the first sentence and inserting in place thereof the following 3 sentences:- If a parcel of  
860 real property or the personal property of a person has been unintentionally omitted from the  
861 annual assessment of taxes due to a clerical or data processing error or some other good faith  
862 reason or, if the personal property of a person was omitted from the annual assessment of taxes  
863 but discovered upon an examination of the books, papers, records and other data under section  
864 31A, the assessors shall, in accordance with any rules, regulations and guidelines as the  
865 commissioner may prescribe, assess such person for such property. Except for personal property

866 found after an examination under said section 31A which shall be made not later than 3 years  
867 and 6 months after the date the true list in which such property should have been returned was  
868 due or not later than 3 years and 6 months after the date the return was filed, whichever is later,  
869 no such assessment shall be made later than June 20 of the taxable year or 90 days after the date  
870 on which the tax bills were mailed, whichever is later. The assessors shall annually, not later  
871 than June 30 of the taxable year or 100 days after the date on which the tax bills were mailed if  
872 mailed after March 22, return to the commissioner a statement showing the amounts of  
873 additional taxes so assessed.

874 **SECTION 53.** Section 76 of said chapter 59, as so appearing, is hereby amended by  
875 inserting after the word “reason”, in line 3, the following words:- or due to discovery upon an  
876 examination of the books, papers, records and other data under section 31A that the property was  
877 not accurately or properly reported.

878 **SECTION 54.** Chapter 60 of the General Laws is hereby amended by striking out  
879 section 3A, as so appearing, and inserting in place thereof the following section:-

880 Section 3A. (a) Each bill or notice shall be in a form approved by the commissioner and  
881 shall summarize the deadlines under section 59 of chapter 59 for applying for abatements and  
882 exemptions. Each bill or notice shall also have printed on it the last date for the assessed owner  
883 to apply for abatement and for exemptions under clauses other than those specifically listed in  
884 said section 59 of said chapter 59. Except in the case of a bill or notice for reassessed taxes  
885 under section 77 of said chapter 59, each bill shall also have printed on it the last date on which  
886 payment can be made without interest being due. If a bill or notice contains an erroneous  
887 payment or abatement application date that is later than the date established under said chapter  
888 59, the date printed on the bill or notice shall be the deadline for payment or for applying for

889 abatement or exemption, but if the error in the date is the wrong year, the due date shall be the  
890 day and month as printed on the bill but for the current year. The commissioner may require,  
891 with respect to a city or town, that the tax bill or notice include such information as the  
892 commissioner may determine to be necessary to notify taxpayers of changes in the assessed  
893 valuation of the property. Each bill or notice for real or personal property tax shall have printed  
894 thereon in a conspicuous place the tax rate for each class within the town, as determined by the  
895 assessors. In addition, each bill or notice for a tax upon real property shall identify each parcel  
896 separately assessed by street and number or, if no street number has been assigned, by lot  
897 number, name of property or otherwise, shall describe the land, buildings and other things  
898 erected on or affixed to the property and shall state for each such parcel the assessed full and fair  
899 cash valuation, the classification, the residential or commercial exemption, if applicable, the total  
900 taxable valuation and the tax due and payable on such property. If the assessors have granted the  
901 owner an exemption under any clause specifically listed in said section 59 of said chapter 59, the  
902 bill or notice of such owner may also show the exemption and the tax, as exempted, that is due  
903 and payable on such property.

904 (b) The collector may issue the bill or notice required by section 3 in electronic form,  
905 provided that the electronic bill or notice meets the standards set forth in subsection (a). An  
906 electronic bill or notice issued shall be under voluntary programs established by the collector,  
907 with the approval of the board of selectmen or mayor, as the case may be. No political  
908 subdivision shall require a taxpayer to take part in an electronic billing system or program.

909 (c) The collector may include in the envelope or electronic message in which a property  
910 tax bill is sent those bills or notices for rates, fees and charges assessed by the city or town for  
911 water or sewer use, solid waste disposal or collection or electric, gas or other utility services as

912 may be authorized by ordinance or by-law; provided, however, that the bills or notices shall be  
913 separate and distinct from the property tax bills. The ordinance or by-law may authorize the  
914 collector, upon vote of any municipal water and sewer commission established by the city or  
915 town under chapter 40N or by special act, to include bills or notices for rates, fees or charges  
916 assessed by the commission for water or sewer use.

917 (d) The collector may, with the approval of the board of selectmen or mayor, as the case  
918 may be, include in the envelope or electronic message in which a property tax bill is sent  
919 nonpolitical municipal informational material; provided, however, that if such nonpolitical  
920 municipal informational material is mailed, it shall not be included if the material causes an  
921 increase in the postage required to mail the tax bill.

922 **SECTION 55.** Section 2 of chapter 60A of the General Laws, as so appearing, is hereby  
923 amended by inserting after the word “section”, in line 42, the following words:- and the due date  
924 shall be clearly indicated on the tax notice.

925 **SECTION 56.** Section 6 of chapter 70B of the General Laws is hereby amended by  
926 inserting after the word “dates”, in line 66, as so appearing, the following words:- or up to 30  
927 years if consistent with the guidelines established in section 7 of chapter 44.

928 **SECTION 57.** Clause (d) of section 16 of chapter 71 of the General Laws, as so  
929 appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the  
930 following paragraph: -

931 To incur debt for the purpose of acquiring land and constructing, reconstructing, adding  
932 to and equipping a school building or for the purpose of remodeling and making extraordinary  
933 repairs to a school building and for the construction of sewerage systems and sewerage treatment  
934 and disposal facilities, or for the purchase or use of such systems with municipalities, and for the

935 purpose of purchasing department equipment; or for the purpose of constructing, reconstructing  
936 or making improvements to outdoor playground, athletic or recreational facilities; or for the  
937 purpose of constructing, reconstructing or resurfacing roadways and parking lots; or for the  
938 purpose of any other public work or improvement of a permanent nature required by the district;  
939 or for the purpose of any planning, architectural or engineering costs relating to any of the above  
940 purposes; provided, however, that written notice of the amount of the debt and of the general  
941 purposes for which it was authorized shall be given to the board of selectmen in each of the  
942 towns comprising the district not later than 7 days after the date on which the debt was  
943 authorized by the district committee; provided further, that no debt may be incurred until the  
944 expiration of 60 days after the date on which the debt was authorized; and provided further, that  
945 before the expiration of this period any member town of the regional school district may hold a  
946 town meeting for the purpose of expressing disapproval of the amount of debt authorized by the  
947 district committee, and if at that meeting a majority of the voters present and voting express  
948 disapproval of the amount authorized by the district committee, the debt shall not be incurred and  
949 the district school committee shall prepare another proposal which may be the same as any prior  
950 proposal and an authorization to incur debt therefor. Debt incurred under this section shall be  
951 payable within 30 years, but no such debt shall be issued for a period longer than the maximum  
952 useful life of the project being financed as determined in accordance with guidelines established  
953 by the division of local services of the department of revenue.

954           **SECTION 58.** Section 16G½ of said chapter 71, as so appearing, is hereby amended by  
955 striking out the third paragraph and inserting in place thereof the following paragraph:-

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

959           **SECTION 59.** Section 37 of said chapter 71, as so appearing, is hereby amended by  
960 adding the following sentence:- The school committee in each city, town and regional school  
961 district may select a superintendent jointly with other school committees and the superintendent  
962 shall serve as the superintendent of all of the districts that selected him.

963           **SECTION 60.** Section 8 of chapter 71B of the General Laws, as so appearing, is hereby  
964 amended by adding the following paragraph:-

965           A school committee may adopt a program to reimburse parents who voluntarily choose to  
966 transport their disabled child to a school approved by the department that is located outside of the  
967 city or town of residence of the parent or guardian. The reimbursement program may utilize rates  
968 in excess of the standard state mileage reimbursement amounts and may be based on a mileage,  
969 daily or weekly rate. Committees choosing to utilize this option shall be able to demonstrate that  
970 parental reimbursements represent a cost savings compared to other modes of available  
971 transportation. An eligible parent shall not be required to participate in the program.

972           **SECTION 61.** Chapter 111C of the General Laws is hereby amended by adding the  
973 following section:-

974           Section 25. When a class I, II or V ambulance transports a patient receiving care at the  
975 paramedic level of advanced life support the ambulance shall be staffed in accordance with  
976 regulations promulgated by the department, with a minimum of 2 emergency medical  
977 technicians, only 1 of whom shall be certified at the EMT-Paramedic level; provided, however,

978 that the service staffing a class I, II or V ambulance may staff the ambulance with more than 1  
979 emergency medical technician certified at the EMT-Paramedic level.

980           **SECTION 62.** Section 29 of chapter 149 of the General Laws, as appearing in the 2008  
981 Official Edition, is hereby amended by striking out, in lines 6 and 7, the words “in the case of the  
982 commonwealth is more than five thousand dollars, and in any other case is more than two  
983 thousand dollars,” and inserting in place thereof the following words:- is more than \$25,000.

984           **SECTION 63.** Subsection (2) of section 44A of said chapter 149, as amended by section  
985 30 of chapter 166 of the acts of 2009, is hereby further amended by striking out paragraphs (A)  
986 and (B) and inserting in place thereof the following 2 paragraphs:-

987           (A) Every contract or procurement for the construction, reconstruction, installation,  
988 demolition, maintenance or repair of a building by a public agency estimated to cost less than  
989 \$10,000, shall be obtained through the exercise of sound business practices; provided, however,  
990 that the public agency shall make and keep a record of each such procurement; and provided  
991 further, that the record shall, at a minimum, include the name and address of the person from  
992 whom the services were procured.

993           (B) Every contract for the construction, reconstruction, installation, demolition,  
994 maintenance or repair of any building estimated to cost not less than \$10,000 but not more than  
995 \$25,000 shall be awarded to the responsible person offering to perform the contract at the lowest  
996 price. The public agency shall make public notification of the contract and shall seek written  
997 responses from persons who customarily perform such work. The public notification shall  
998 include a scope-of-work statement that defines the work to be performed and provides potential  
999 responders with sufficient information regarding the objectives and requirements of the public

1000 agency and the time period within which the work shall be completed. For the purposes of this  
1001 paragraph, “public notification” shall include, but need not be limited to, posting at least 2 weeks  
1002 before the time specified in the notification for the receipt of responses, the contract and scope-  
1003 of- work statement on the website of the public agency, on the COMPASS system or in the  
1004 central register published pursuant to section 20A of chapter 9 and in a conspicuous place in or  
1005 near the primary office of the public agency.

1006           **SECTION 64.** Section 14 of chapter 183A of the General Laws, as appearing in the  
1007 2008 Official Edition, is hereby amended by inserting after the word “section”, in line 5, the  
1008 following words:- 53E¾ of chapter 44 and section.

1009           **SECTION 65.** Chapter 200A of the General Laws is hereby amended by striking out  
1010 section 9A, as so appearing, and inserting in place thereof the following section:-

1011           Section 9A. (a) In any city, town or district that accepts this section in the manner  
1012 provided in section 4 of chapter 4, there shall be an alternative procedure for disposing of  
1013 abandoned funds held in the custody of the city, town or district as provided in this section.

1014           (b) Any funds held in the custody of a city, town or district may be presumed by the city,  
1015 town or district treasurer to be abandoned unless claimed by the corporation, organization,  
1016 beneficiary or person entitled thereto within 1 year after the date prescribed for payment or  
1017 delivery; provided, however, that the last instrument intended as payment shall bear upon its face  
1018 the statement “void if not cashed within 1 year from date of issue”. After the expiration of 1 year  
1019 after the date of issue, the treasurer of a city, town or district may cause the financial institution  
1020 upon which the instrument was drawn to stop payment on the instrument or otherwise cause the  
1021 financial institution to decline payment on the instrument and any claims made beyond that date  
1022 shall only be paid by the city, town or district through the issuance of a new instrument. The

1023 city, town or district and the financial institution shall not be liable for damages, consequential or  
1024 otherwise, resulting from a refusal to honor an instrument of a city, town or district submitted for  
1025 payment more than a year after its issuance.

1026 (c) The treasurer of a city, town or district holding funds owed to a corporation,  
1027 organization, beneficiary or person entitled thereto that are presumed to be abandoned under this  
1028 section shall post a notice entitled “Notice of names of persons appearing to be owners of funds  
1029 held by (insert city, town or district name), and deemed abandoned”. The notice shall specify the  
1030 names of those persons who appear from available information to be entitled to such funds, shall  
1031 provide a description of the appropriate method for claiming the funds and shall state a deadline  
1032 for those funds to be claimed; provided, however, that the deadline shall not be less than 60 days  
1033 after the date the notice was either postmarked or first posted on a website as provided in this  
1034 section. The treasurer of the city, town or district may post such notice using either of the  
1035 following methods: (1) by mailing the notice by first class mail, postage prepaid, to the last  
1036 known address of the beneficiary or person entitled thereto; or (2) if the city, town or district  
1037 maintains an official website, by posting the notice conspicuously on the website for not less  
1038 than 60 days. If the apparent owner fails to respond within 60 days after the mailing or posting  
1039 of the notice, the treasurer shall cause a notice of the check to be published in a newspaper of  
1040 general circulation, printed in English, in the county in which the city or town is located.

1041 (d) In the event that funds appearing to be owed to a corporation, organization,  
1042 beneficiary or person is \$100 or more and the deadline as provided in the notice has passed and  
1043 no claim for the funds has been made, the treasurer shall cause an additional notice, in  
1044 substantially the same form as the aforementioned notice, to be published in a newspaper of  
1045 general circulation in the county in which the city, town or district is located; provided, however,

1046 that the notice shall provide an extended deadline beyond which funds shall not be claimed and  
1047 such deadline shall be at least 1 year from the date of publication of the notice.

1048 (e) Once the final deadline has passed under subsection (d), the funds owed to the  
1049 corporation, organization, beneficiary or person entitled thereto shall escheat to the city, town or  
1050 district and the treasurer thereof shall record the funds as revenue in the General Fund of the city,  
1051 town or district and the city, town or district shall not be liable to the corporation, organization,  
1052 beneficiary or person for payment of those funds or for the underlying liability for which the  
1053 funds were originally intended. Upon escheat, the funds shall be available to the city, town or  
1054 district's appropriating authority for appropriation for any other public purpose. In addition to  
1055 the notices required in this section, the treasurer of the city, town or district may initiate any  
1056 other notices or communications that are directed in good faith toward making final  
1057 disbursement of the funds to the corporation, organization, beneficiary or person entitled thereto.

1058 Prior to escheat of the funds, the treasurer of the city, town or district shall hear all claims  
1059 on funds that may arise and if it is clear, based on a preponderance of the evidence available to  
1060 the treasurer at the time the claim is made, that the claimant is entitled to disbursement of the  
1061 funds, the treasurer shall disburse funds to the claimant upon receipt by the treasurer of a written  
1062 indemnification agreement from the claimant wherein the claimant agrees to hold the city, town  
1063 or district and the treasurer of the city, town or district harmless in the event it is later determined  
1064 that the claimant was not entitled to receipt of the funds. If it is not clear, based on a  
1065 preponderance of the evidence before the treasurer at the time of the claim that the claimant is  
1066 entitled to disbursement of the funds, the treasurer shall segregate the funds into a separate,  
1067 interest-bearing account and shall notify the claimant of such action within 10 days. A claimant  
1068 affected by this action may appeal within 20 days after receiving notice thereof to the district,

1069 municipal or superior court in the county in which the city, town or district is located. The  
1070 claimant shall have a trial de novo. A party adversely affected by a decree or order of the district,  
1071 municipal or superior court may appeal to the appeals court or the supreme judicial court within  
1072 20 days from the date of the decree.

1073         If the validity of the claim shall be determined in favor of the claimant or another party,  
1074 the treasurer shall disburse funds in accordance with the order of the court, including interest  
1075 accrued. If the validity of the claim is determined to be not in favor of the claimant or another  
1076 party or if the treasurer does not receive notice that an appeal has been filed within 1 year from  
1077 the date the claimant was notified that funds were being withheld, then the funds, plus accrued  
1078 interest, shall escheat to the city, town or district in the manner provided in this section.

1079         If the claimant is domiciled in another state or country and the city, town or district  
1080 determines that there is no reasonable assurance that the claimant will actually receive the  
1081 payment provided for in this section in substantially full value, the superior court, in its  
1082 discretion or upon a petition by the city, town or district, may order that the city, town or district  
1083 retain the funds.

1084         **SECTION 66.** (a) Notwithstanding chapter 32 of the General Laws or any other general  
1085 or special law to the contrary, a municipality which accepts this section may establish and  
1086 implement an early retirement incentive program for its employees in accordance with this  
1087 section.

1088         (b) The chief executive officer of the municipality shall limit the total number of  
1089 participating employees, with preference given to those with greater years of creditable service,  
1090 and shall have the authority to determine which eligible municipal employees may participate

1091 and to approve early retirement benefits for each employee in order to avoid adverse impacts on  
1092 municipal operations and services.

1093 (c) In order to be eligible to participate in a program established under this section, in  
1094 addition to any other requirements imposed by the municipality, an employee must be an active  
1095 member of a municipal, regional or county retirement system with at least 20 years of service  
1096 whose salary is paid from the operating budget and not from federal, trust or other capital funds.

1097 (d) An employee who is eligible for the early retirement incentive program may request  
1098 in an application for retirement that the retirement board credit the employee with an additional  
1099 retirement benefit of a combination of years of creditable service and years of age, in full year  
1100 increments, the sum of which shall not be greater than 3 years, or a lesser amount established by  
1101 the municipality, for the purposes of determining the employee's superannuation retirement  
1102 allowance under paragraph (a) of subdivision (2) of section 5 of chapter 32 of the General Laws.  
1103 Notwithstanding the credit, the total normal yearly amount of the retirement allowance, as  
1104 determined in accordance with said section 5 of said chapter 32, of any employee who retires and  
1105 receives the retirement incentive program benefit shall not exceed 80 per cent of the average  
1106 annual rate of the employee's regular compensation as determined in accordance with said  
1107 section 5 of said chapter 32. All participants shall forego the right to accrued sick and vacation  
1108 time, and the amount that would have been paid to a retiree for accrued sick and vacation time  
1109 shall be paid into the municipal, regional or county retirement system to reduce the additional  
1110 pension liability resulting from this program.

1111 (e) In filling positions which have been vacated by employees who participate in an early  
1112 retirement incentive program under this section, the chief executive officer of the municipality  
1113 shall be limited to paying compensation, contract and professional services in an amount that

1114 does not exceed the following percentage of the total annual salary of all participants in the  
1115 program calculated as of their respective retirement dates: 30 per cent in fiscal year 2011, 45 per  
1116 cent in fiscal year 2012 and 60 per cent in fiscal year 2013.

1117 (f) A municipality that establishes an early retirement incentive program under this  
1118 section shall provide the public employee retirement administration commission with  
1119 information demonstrating the value of the plan and any information requested by the public  
1120 employee retirement administration commission in order to allow it to evaluate the plan and  
1121 confirm the analysis, including historic data upon which the plan is based, the elements of the  
1122 municipal plan including the total number of participants, the types of eligible employees, the  
1123 salaries of participating employees, the benefits to be received and the limits on refilling vacated  
1124 positions. In addition, the municipality shall certify to the public employee retirement  
1125 administration commission that the present value cost of its plan is estimated to be less than the  
1126 present value savings and provide the commission with all information it requests to evaluate the  
1127 plan and confirm a cost analysis.

1128 (g) In order to establish an early retirement incentive program under this section, a  
1129 municipality shall:

1130 (i) require the chief executive officer of a municipality that chooses to participate to  
1131 submit its plan to the public employee retirement administration commission for approval within  
1132 2 months after the effective date of this act;

1133 (ii) once the plan has been approved, submit to the legislative body of the municipality  
1134 for acceptance not later than the next meeting of the legislative body at which the plan can  
1135 practicably be submitted;

1136 (iii) publish and make available to employees the approved plan within 1 month after its  
1137 acceptance by the legislative body;

1138 (iv) require employees to participate within 2 months of the plan's publication;

1139 (v) determine which applicants shall be allowed to participate in the program and notify  
1140 them within 1 month of the application deadline; and

1141 (vi) require that participating employees retire within 2 months of notification of  
1142 acceptance.

1143 (h) The chief executive officer of a municipality that establishes a program under this  
1144 section shall submit an annual report to the public employee retirement administration  
1145 commission, the executive office for administration and finance and the municipal legislative  
1146 body. The report shall include the salaries and positions of participants, the amount of sick and  
1147 vacation time being contributed by participants, the salaries and positions of those being hired as  
1148 replacements and whether the positions of participants have been permanently eliminated.

1149 (i) A municipality's increased pension liability resulting from participation in a program  
1150 established under this section shall be amortized over 10 years, starting in the next fiscal year  
1151 after all participating employees retire, in equal installments, and shall be separately identified in  
1152 the municipal, regional or county retirement system's pension funding schedule.

1153 (j) For purposes of sections (a) to (i), inclusive, the powers and duties of the chief  
1154 executive officer shall be vested in the manager of the municipal lighting plant for all matters  
1155 affecting municipal lighting plant employees.

1156 **SECTION 67.** (a) Notwithstanding subsection (d) of section 8 of chapter 372 of the acts  
1157 of 1984 or any other general or special law to the contrary, each of the towns of Chicopee and  
1158 Wilbraham and the South Hadley Fire District #1, each having the responsibility for providing

1159 potable water in their respective service areas and each presently receiving its wholesale supply  
1160 of potable water from the Massachusetts Water Resources Authority through the Chicopee  
1161 Valley Aqueduct may furnish water to new service connections to properties located in other  
1162 communities when, in the exercise of discretion by the community furnishing the water, such  
1163 service is deemed necessary exclusively for the public health, safety or welfare.

1164 (b) Each of the towns of Chicopee and Wilbraham and the South Hadley Fire District #1  
1165 may provide water for new single service connections upon such reasonable terms as may be  
1166 agreeable to the municipality providing water service and may extend their respective water  
1167 supply systems to properties contiguous to, or in the vicinity of, their respective local  
1168 community-owned water supply pipelines that extend from the Chicopee Valley Aqueduct. For  
1169 the purposes of this section, the term single service connection shall refer to either a single,  
1170 individual new customer connection or to a distinct water service expansion project involving  
1171 multiple new customers. Each such connection or each such water service expansion project  
1172 shall be regarded as a single service connection so long as additional demand upon safe yield  
1173 from the sources of water available to the authority, per connection or per project, does not  
1174 exceed 100,000 gallons per day. The prior consent of the authority shall not be required for new  
1175 single service connections, but advance written notification to the authority shall be required.  
1176 Notification to, and the approval of, the chief executive officer in the municipality to which the  
1177 single service connection is located is required. An entrance fee shall be paid to the Authority  
1178 unless waived by all 3 of the aqueduct municipalities. If not waived, the entrance fee shall be in  
1179 an amount equal to the new service connection's proportional share of the net asset value of the  
1180 Chicopee Valley aqueduct system. The entrance fee shall be collected by the municipality of the

1181 aqueduct which shall extend its system and which shall provide the water supply  
1182 connection. The entrance fee shall inure to the benefit of the aqueduct system.

1183 (c) For all new service connections that do not qualify as single service connections, as  
1184 defined in subsection (b), the recipient municipality, on behalf of its residents, businesses or  
1185 other customers, shall follow the procedures and requirements and obtain each of the applicable  
1186 approvals, as set forth in subsection (d) of section 8 of chapter 372 of the acts of 1984 as are  
1187 required of a new member community or water district seeking admission to the authority service  
1188 area. Compliance with said subsection (d) of said section 8 of said chapter 372 shall remain the  
1189 sole means for approval of any proposed new service connection which is either intended to  
1190 provide and extend water service to any significant additional segment of the population of a  
1191 municipality not now served by the authority or which is otherwise beyond the scope of the  
1192 requirements established in subsection (b). All authority entrance fees for additional wholesale  
1193 and retail connections to municipalities served through the aqueduct shall inure to the benefit of  
1194 the aqueduct municipalities.

1195 **SECTION 68.** (a) The terms used in this section shall have the following meanings  
1196 unless the context clearly requires otherwise:

1197 “Amnesty period”, a period of time commencing not earlier than the date a local  
1198 legislative body establishes a municipal tax amnesty program according to this act and expiring  
1199 not later than June 30 2011, as the local legislative body might determine, during which the  
1200 municipal tax amnesty program established by the local legislative body shall be in effect in that  
1201 city or town.

1202 “Collector”, a person receiving a tax list and a warrant to collect the same.

1203           “Covered amount”, the aggregate of all penalties, fees, charges and accrued interest  
1204 assessed by the collector or treasurer for the failure of a certain taxpayer to timely pay a subject  
1205 liability; provided, however, that the covered amount shall not include the subject liability itself  
1206 or any fees and charges authorized or incurred for the collection of a past due subject liability for  
1207 which notice has been issued; and provided further, that nothing in this section shall authorize  
1208 the waiver of penalties, fees, charges and accrued interest resulting from the violation of any law,  
1209 municipal by-law or ordinance.

1210           “Municipal tax amnesty program”, a temporary policy by a city or town to forever waive  
1211 its right to collect all or any uniform proportion of the covered amount, as determined by the  
1212 local legislative body, then due from any person who, prior to the expiration of the amnesty  
1213 period, voluntarily pays the collector or treasurer the full amount of the subject liability that  
1214 serves as the basis for the covered amount; provided, however, that a municipal tax amnesty  
1215 program shall not include a policy that enables or requires a city or town to waive its right to  
1216 collect the covered amount from a person who, at the time of commencement of the amnesty  
1217 period is or was the subject of a criminal investigation or prosecution for failure to pay the city or  
1218 town any subject liability or covered amount.

1219           “Subject liability”, the principal amount of a particular tax or excise liability payable by a  
1220 taxpayer under chapter 59, 60, 60A or 60B of the General Laws, as determined by the local  
1221 legislative body.

1222           “Treasurer”, as described in chapter 41 of the General Laws.

1223           (b) Notwithstanding any general or special law to the contrary, the local legislative body  
1224 in any city or town may vote to establish a municipal tax amnesty program according to the  
1225 provisions of this section and shall, at the same time as such vote, determine the amnesty period.

1226 Tax amnesty periods shall not extend beyond June 30, 2011. The commissioner of revenue may  
1227 issue such guidelines as he deems appropriate to carry out this section.

1228         **SECTION 69.** The department of elementary and secondary education shall review and  
1229 revise reporting requirements imposed on local school districts. Wherever possible, the  
1230 department shall consolidate and eliminate the reporting requirements. The department shall file  
1231 a report not more than 6 months after the effective date of this act to the clerks of the house of  
1232 representatives and senate and the joint committee on education detailing the number of  
1233 requirements that were eliminated and consolidated, as well as reasons for why certain reports  
1234 could not be consolidated or eliminated.

1235         **SECTION 70.** The Massachusetts cultural council, in cooperation with the executive  
1236 branch, constitutional offices, quasi-governmental agencies and the joint committee on tourism,  
1237 arts and cultural development, shall identify state incentives and resources to enhance cultural  
1238 districts pursuant to section 52A of chapter 10 of the General Laws and shall report its findings  
1239 and recommendations, if any, together with drafts of legislation necessary to carry those  
1240 recommendations into effect by filing the same with the clerk of the senate and house of  
1241 representatives not later than January 1, 2011.

1242         **SECTION 71.** The first actuarial valuation to be conducted pursuant to the second  
1243 paragraph of paragraph (f) of subdivision (3) of section 21 chapter 32 of the General Laws, as  
1244 appearing in section 16, shall be completed by January 1, 2011, or by January 1 of the third year  
1245 following the last actuarial valuation of the system, whichever first occurs.

1246         **SECTION 72.** There shall be a special commission to examine efficient and effective  
1247 strategies to implement school district collaboration and regionalization. The commission shall  
1248 consist of the senate and house chairs of the joint committee on education, who shall serve as co-

1249 chairs of the commission; the secretary of education or his designee; the commissioner of  
1250 elementary and secondary education or his designee; the executive director of the Massachusetts  
1251 School Building Authority or her designee; 1 member of the house of representatives to be  
1252 appointed by the minority leader, 1 member of the senate to be appointed by the minority leader;  
1253 and 9 persons to be appointed by the secretary of education, 1 of whom shall be from a list of 3  
1254 persons nominated by the Massachusetts Association of School Superintendents, 1 of whom  
1255 shall be selected from a list of 3 persons nominated by the Massachusetts Association of School  
1256 Committees, 1 of whom shall be selected from a list of 3 persons nominated by the  
1257 Massachusetts Association of Regional Schools, 1 of whom shall be selected from a list of 3  
1258 persons nominated by the Massachusetts Teachers Association, 1 of whom shall be selected from  
1259 a list of 3 persons nominated by the American Federation of Teachers, Massachusetts, 1 of  
1260 whom shall be selected from a list of 3 persons nominated by the Massachusetts Association of  
1261 School Business Officials, 1 of whom shall be selected from a list of 3 persons nominated by the  
1262 Massachusetts Business Alliance for Education, 1 of whom shall be selected from a list of 3  
1263 persons nominated by the Massachusetts Municipal Association and 1 of whom shall be selected  
1264 from a list of 3 persons nominated by the Massachusetts Organization of Educational  
1265 Collaboratives.

1266         The commission shall examine and make recommendations on model approaches  
1267 regarding, but not limited to, the following areas: (1) identifying indicators for assessing the  
1268 academic and programmatic quality, overall district capacity, including the effectiveness of the  
1269 central office and the fiscal viability, efficiency and long-term sustainability of school districts;  
1270 (2) cooperative purchasing of materials and services; (3) interdistrict academic and  
1271 extracurricular programs; (4) merger of school district central office buildings, staff and

1272 operational systems; (5) merger of collective bargaining agreements; (6) merger of debt  
1273 obligations, including for school building projects; (7) the effect of school district regionalization  
1274 on educational and instructional outcomes; (8) the effect of school district regionalization on  
1275 school funding allocations; (9) school consolidation; (10) transitional costs associated with  
1276 school district regionalization; (11) appropriate time frames for implementing school district  
1277 regionalization; (12) incentives for school districts to increase collaboration and/or regionalize;  
1278 (13) revisions of chapter 71 of the General Laws to facilitate the effective implementation of  
1279 existing and future regional school district agreements; (14) school building capacity and  
1280 facilities; (15) the feasibility of adopting a regional district finance structure in which the local  
1281 contribution of the member cities or towns that the regional district serves is assessed on the  
1282 basis of a uniformly measured fiscal capacity; and (16) in-district collaborations between  
1283 schools, including consolidating buildings, programs, school and central office administration,  
1284 special education and food service.

1285           The commission shall conduct its first meeting not less than 45 days after the effective  
1286 date of this act and shall issue its final report to the general court on the results of its study and  
1287 its recommendations, if any, together with drafts of legislation necessary to carry out such  
1288 recommendations, by filing the same with the clerk of the senate and house of representatives not  
1289 later than March 31, 2011, and the clerks shall forward the same to the senate and house chairs of  
1290 the joint committee on education and the chairs of the senate and house committees on ways and  
1291 means.