

AN ACT RELATIVE TO MUNICIPAL RELIEF

Municipal Police Training (Sections 1-14, 45, 52-55,108-110,114,121,123)

SECTION 1. Section 17 of chapter 6 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 15 and 16, the words "municipal police training committee" and inserting in place thereof the following words:- municipal police training agency.

SECTION 2. Said chapter 6, as so appearing, is hereby further amended by striking out the caption preceding section 116 and inserting in place thereof the following caption:-

MUNICIPAL POLICE TRAINING AGENCY

SECTION 3. Said chapter 6 is hereby further amended by striking out section 116, as so appearing, and inserting in place thereof the following section:-

Section 116. (a) There shall be, within the executive office of public safety and security, a municipal police training agency. The secretary of public safety and security has the authority to promulgate regulations relative to the policies and standards for training municipal police officers, and those necessary to operate and maintain the agency. The secretary shall, with the advice of the committee, appoint and, subject to appropriation or funds otherwise available from other sources, fix the salary of an executive director of the agency. The position of executive director shall be classified in accordance with section 45 of chapter 30 and the salary shall be determined in accordance with section 46C of said chapter 30. The director shall be responsible for administering, directing, and managing the affairs and business of the agency. The secretary, with the advice of the committee, shall have the authority to terminate the executive director.

(b) There shall be, within the executive office of public safety and security, a municipal police training committee to provide guidance to the agency, and to advise the agency relative to its annual budget and all matters associated with the training of law enforcement officers in the commonwealth. Members of said committee shall be as follows:-- 5 chiefs of police to be appointed by the governor from nominations submitted by the Massachusetts Chiefs of Police Association, 1 of whom shall be from the western Massachusetts region, 1 of whom shall be from the central Massachusetts region, 1 of whom shall be from the southeastern Massachusetts region, 1 of whom shall be from the northeastern Massachusetts region and 1 of whom shall be from the Massachusetts Bay Transportation Authority, 1 chief of police selected by the Massachusetts Chiefs of Police Association, 1 police officer to be appointed by the governor from nominations submitted by the Massachusetts Police Association executive board and the Massachusetts Police Training Officers Association executive board, the commissioner of police of the city of Boston, the colonel of state police, the attorney general and 1 person to be designated by the secretary of public safety, or their respective designees. All such appointments shall be for terms of 3 years with their successors appointed in a like manner. The following persons shall be advisory, nonvoting members of the committee: the personnel administrator, the commissioner of correction, the commissioner of youth services, the commissioner of probation, the chairman of the parole board, the executive director of the committee on criminal justice, the chief administrative justice for the trial court, the chief justice of the district court department, the commissioner of education, the chairman of the criminal law committee of the Massachusetts Bar Association, or their respective designees, and the special agent in charge of the Boston office of the Federal Bureau of Investigation, if consent is given

by the director of said bureau, or his designee. The governor shall appoint 5 additional advisory, nonvoting members of the committee, 1 of whom shall be an administrator of a city or town, 1 of whom shall be a clerk of the superior court, 1 of whom shall be a member of the committee for public counsel services, 1 of whom shall be a sheriff of a county or a former county, and 1 of whom shall be a district attorney of a district, or their respective designees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### State Cultural Districts

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

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

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

to support and encourage the development and success of state cultural districts as established in Section 1.

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

#### Sound Business Practices in Bidding and Procurement

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

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

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

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

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

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

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

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

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

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

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

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

"State public procurement unit" means the offices of the chief procurement officers and any other purchasing agency of this or any other State.

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

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

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

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

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

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

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

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

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

Civil Service Maximum Age

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

SECTION 24. Section 58A of said chapter 31, as so appearing, is hereby further amended by adding the following 3 sentences: - Appointing authorities that seek to waive the maximum age requirement for certain individuals shall submit a written application to the administrator. The administrator may waive this requirement based on extenuating circumstances, consistent with the fundamental purposes of the requirement. The administrator may adopt regulations for reviewing these applications.

#### Municipal Early Retirement Incentive Program

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

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

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

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

(e) In filling positions which have been vacated by employees who participate in an early retirement incentive program under this section, the chief executive officer of the municipality shall

be limited to paying compensation, contract and professional services in an amount that does not exceed the following percentage of the total annual salary of all participants in the program calculated as of their respective retirement dates: 30 per cent in fiscal year 2011, 45 per cent in fiscal year 2012 and 60 per cent in fiscal year 2013.

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

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

- (1) Within 2 months after the effective date of this section, the chief executive officer of a municipality that chooses to participate shall submit its plan to the public employee retirement administration commission for approval.
- (2) Once the plan has been approved, it shall be submitted to the legislative body of the municipality for acceptance not later than the next regular meeting of the legislative body at which the plan can practicably be submitted.
- (3) The approved plan shall be published and made available to employees within one month after it has been accepted.
- (4) Employees must apply to participate within 2 months of the plan's publication.
- (5) The municipality shall determine which applicants shall be allowed to participate in the program and notify them within one month of the application deadline.
- (6) Participating employees must retire within 2 months of notification of acceptance.

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

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

#### Retirement System Funding Relief

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

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

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

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

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

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

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

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

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

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

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

#### Revised Provisions for Transfer of Municipal Retirement Systems into PRIT

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

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

A system ordered by the commission to transfer its assets under this paragraph may appeal to the commission for an exemption by filing written notice of its appeal with the commission not later than 30 days after receiving the commission's order to transfer its assets. The commission may grant an exemption from the transfer requirement of this paragraph if the system's rate of return has exceeded the PRIT Fund rate of return for the previous 2 years or if the system's rate of return was affected by other extenuating circumstances. The commission may also consider the system's management costs, its risk return ratio and any other factors it considers appropriate. A system may seek judicial review of the commission's decision to deny an exemption in the manner provided in section 14 of chapter 30A. An exemption granted by the commission under this paragraph shall take effect only upon the approval of a majority of the local governing body as follows: in a county, by the county commissioners, in a city having a Plan D or Plan E charter, by the city council and the manager, in any other city the city council and the mayor, in a town shall, by the board of selectmen, in a regional retirement system by the regional retirement board advisory council and in all other districts, by the governing board. The local governing body shall vote whether or not to approve the commission's grant of exemption within 30 days after the commission's decision to provide an exemption.

#### Prorating of Insurance for Part Time Employees

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

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

### Prorating of Insurance for Retired Part Time Employees

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

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

### Municipal Life Insurance

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

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

### Transfer of Eligible Municipal Retirees into Medicare

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

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

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

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

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

#### Health Care Spending Accounts and Dependent Care Assistance Accounts

SECTION 38. Employees of a governmental unit which accepts chapter 32B shall be eligible for benefits including health care spending accounts and dependent care assistance accounts as offered by the group insurance commission; provided that there shall be withheld from each payment of salary or wages of such employee the premium for such coverage and the commonwealth shall make no contribution to said premium. Regulations shall be promulgated providing for the implementation of this additional coverage.

#### Validation of Local Elections by Secretary of State

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

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

#### Long Term Municipal Leases

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

#### Collective Bargaining and Regional Entities

SECTION 41. The second paragraph of section 4A of chapter 40 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following paragraph: - A decision to enter into an inter-municipal agreement under this section, or to join any regional entity, shall not be subject to collective bargaining under chapter 150E.

#### Collective Purchasing by Educational Collaboratives

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

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

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

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

#### Public Safety Mutual Aid Agreement

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

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

#### Article I. DEFINITIONS

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

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

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

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

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

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

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

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

"Law Enforcement Council", a non-profit corporation organized under chapter 180 whose directorate includes municipal police chiefs and whose membership includes (a) municipalities whose participation in the council has been authorized by their principal executives, and (b) other law enforcement agencies; and whose purpose is to provide:

- (1) mutual aid to its members pursuant to mutual aid agreements;
- (2) mutual aid or requisitions for aid to non-members consistent with section 8G of this chapter or section 99 of chapter 41; and,
- (3) enhanced public safety by otherwise sharing resources and personnel.

"MEMA", the Massachusetts emergency management agency.

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

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

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

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

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

## Article II. PARTIES TO THE AGREEMENT

### A. Cities and Towns

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

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

### B. Other Governmental Units

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

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

### C. Cities and Towns in Adjoining States

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

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

## Article III. REQUESTS FOR MUTUAL AID ASSISTANCE

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

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

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

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

#### Article IV. SUPERVISION; CONTROL; OPERATION OF EQUIPMENT

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

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

#### Article V. COSTS AND REIMBURSEMENT

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

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

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

Except as otherwise agreed to by the requesting and sending parties, the requesting party shall seek reimbursement under any applicable federal and state disaster assistance programs for the costs of responding to and dealing with the public safety incident, including the mutual aid assistance costs incurred by all sending parties. The requesting party and each sending party shall

receive, based on the documented costs of providing mutual aid assistance, its pro rata share of the disaster assistance compensation and reimbursement provided to the requesting party.

#### Article VI. OTHER MUTUAL AID AGREEMENTS

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

A party may enter into supplementary mutual aid agreements with other parties or jurisdictions. In the event of a conflict between the Agreement and any lawful supplementary or preexisting statutory or contractual mutual aid assistance agreement, the supplementary or preexisting agreement shall take precedence over the Agreement.

#### Article VII. POWERS, LICENSES, PERMITS

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

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

#### Article VIII. WAGES & COMPENSATION

Employees of a sending party, while providing mutual aid assistance under this Agreement, shall receive the same salary, including overtime, that they would be entitled to receive if they were operating in their own geographical jurisdiction. In the absence of an agreement to the contrary, the sending party shall be responsible for, and pay, all such salary expenses, including overtime.

#### Article IX. LIABILITY

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

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

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

#### Article X. EMERGENCY MANAGEMENT ASSISTANCE COMPACTS

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

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

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

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

#### Statewide Public Works Municipal Mutual Assistance Program

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

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

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

(b) There shall be a statewide mutual assistance agreement developed for Public Works activities, by the Statewide Municipal Mutual Assistance Advisory Committee that covers Public Works services, personnel, equipment, supplies and facilities to prepare for, prevent, mitigate, respond to and recover from incidents that require assistance from additional municipalities, consistent with the provisions herein. Nothing in this section shall establish or apply

to mutual aid agreements among local public safety agencies. All 351 municipalities of the commonwealth shall be eligible to opt into the statewide municipal mutual assistance agreement. The chief executive officer of a city or town, or as otherwise specified by statute or charter must sign the mutual assistance agreement. If a community does not execute the agreement, it is assumed that the community will not be a participant. Participation shall exist for a period of ten years. Other governmental units not under the direction and control of a commonwealth municipality shall be authorized to sign on to the statewide mutual aid agreement on a form filed with and prescribed by the Statewide Municipal Mutual Assistance Advisory Committee. In addition, governmental units from a municipality directly adjacent to a commonwealth municipality, but in another state, shall be able to sign on to the statewide mutual aid agreement if duly authorized on a form prescribed by the Statewide Municipal Mutual Assistance Advisory Committee.

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

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

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

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

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

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

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

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

The request must include the following information:

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

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

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

- (i) The responding governmental unit shall not be required to respond to a request and may choose to do so only if responding would not jeopardize the participating municipality's own reasonable protection.
- (j) The dispatch of public works resources under the statewide mutual assistance agreement shall operate under the direction of their parent government unit. Tactical operational control of resources shall be under the direction and control of the requesting government unit. The administration and coordination of the statewide mutual aid agreement shall be the responsibility of the Statewide Municipal Mutual Assistance Advisory Committee.
- (k) Reimbursement for any and all public works services performed under the statewide municipal mutual assistance agreement is presumed, but may be waived in writing by a participating government unit prior or subsequent to responding to an incident and/or maintenance matter through a supplemental agreement. This section shall not provide for reimbursement of any kind outside of what is agreed to by the individual governmental units.
- (l) Notwithstanding section 4A of chapter 40 of the general laws, the chief executive officer of a city or town, or as otherwise specified by statute or charter, is hereby authorized to enter into supplemental agreements on behalf of such unit with other governmental units to further define the rights and responsibilities of each party for the provision of mutual aid pursuant to the statewide municipal mutual assistance agreement established herein.
- (m) While in transit to, returning from, and during a mutual assistance response for another governmental unit, a participating public works employee of a governmental unit, or volunteer acting officially under the authorization of the governmental unit, that is a party to the statewide municipal mutual assistance agreement shall maintain the right of indemnification granted by law, or by his home governmental unit, should it exist, for all claims arising out of any action within the scope of employment in accordance with the statewide municipal mutual assistance agreement pursuant to this section.
- (n) All public works employees and equipment requested and deployed pursuant to the statewide municipal mutual assistance agreement shall be covered for liability, immunity, employee benefits, worker's compensation and insurance, by their employer, as if they were in their own jurisdiction. Participating governmental units may, by supplemental agreement with one or more participating governmental units, address issues such as, but not limited to, pay and benefit for government unit employees and volunteers, insurance, indemnification, injury compensation and other operational matters related to services provided under a mutual aid response.
- (o) Barring a supplemental agreement to the contrary, public works employees shall receive the same compensation as if they were operating in their own jurisdiction while performing services under the statewide municipal mutual assistance agreement.
- (p) All activities performed under the statewide municipal mutual assistance agreement by governmental units are hereby declared to be governmental function. Neither the parties, nor, except in cases of willful misconduct, gross negligence, or bad faith, their personnel complying with or reasonable attempting to comply with the mutual aid agreement or any ordinance, rule or regulation enacted or promulgated pursuant to the provisions of this section shall not be held liable for the death or injury to persons or for damage to property as a result of any such activity.
- (q) Public works employees of a governmental unit that is a party to the statewide municipal mutual assistance agreement shall be granted recognition of their respective jurisdiction, authority, licenses or permits outside their original jurisdiction while operating under the statewide municipal mutual assistance agreement.
- (r) This section shall not affect inter-local agreements and/or practices, including but not limited to those established pursuant to section 4A of chapter 40 of the general laws, as amended by Chapter 188 of the Acts of 2008.

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

### Municipal Police Training

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

### Review of Assessment Certification Schedule

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

Notwithstanding the first paragraph or any other general or special law, the commissioner may, from time to time, issue a revised schedule for the year in which he shall certify whether the board of assessors is assessing property at full and fair cash valuation. After the schedule is issued, a city or town may classify in the manner set forth in this section for any year before the next year of certification established in the schedule for the city or town. In arranging the schedule the commissioner shall, so far as practicable and appropriate, consider but not be limited to the following goals: balancing the number of certification reviews conducted in each year of the triennial period, facilitating and implementing joint or cooperative assessing agreements or districts, assisting boards of assessors to comply with any minimum standards of assessment performance established under section 1 of chapter 58 and producing uniformity in the valuation, classification and assessment of property within each city or town and throughout the commonwealth.

### Tax Increment Financing

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

(iii) Authorize tax increment exemptions from property taxes, in accordance with clause Fifty-first of section 5 of chapter 59, for a specified term not to exceed 20 years, for any parcel of real property which is located in the TIF zone and for which an agreement has been executed with the owner thereof in accordance with paragraph (v). The TIF plan shall specify the level of exemptions expressed as exemption percentages, not to exceed 100 per cent, to be used in calculating the exemptions for the parcel, and for personal property situated on that parcel, as provided under said clause Fifty-first of said section 5 of said chapter 59. The exemption for each parcel of real property shall be calculated using an adjustment factor for each fiscal year of the specified term equal to the product of the inflation factors for each fiscal year since the parcel first became eligible for such exemption pursuant to this paragraph. The inflation factor for each fiscal year shall be a ratio: (a) the numerator of which shall be the total assessed value of all parcels of all commercial and industrial real estate that is assessed at full and fair cash value for the current fiscal year minus the

new growth adjustment for the current fiscal year attributable to the commercial and industrial real estate as determined by the commissioner of revenue under paragraph (f) of section 21C of said chapter 59; and

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

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

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

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

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

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

SECTION 49. Section 60A of chapter 40 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the second and third sentences of paragraph (iii) of subsection (a) and inserting in place thereof the following sentences:-  
The MWF-TIF plan shall specify the level of exemptions expressed as exemption percentages, not to exceed 100 per cent, to be used in calculating the exemptions for the parcel, and for personal property situated on that parcel, as provided under said clause Fifty-first of said section 5 of said chapter 59. The exemption for each parcel of real property shall be calculated using an adjustment

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

### Affordable Housing Excess Profits

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

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

### Joint or Regional Assessing Agreements

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

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

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

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

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

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

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

(6) any other necessary or appropriate matter.

(b) An agreement under this section may also provide for the formation of a single assessing department for the purpose of employing assistant assessors and necessary staff and performing all administrative functions. An agreement may also vest in 1 person, the board of assessors of 1 of the parties or a regional board of assessors comprised of at least 1 representative from each of the parties and selected in the manner set forth in the agreement all the powers and duties of the boards of assessors and assessing departments of the parties. In that case, upon the effective date of the agreement, the existing boards of assessors of the other parties, or of all the parties if their assessors' powers and duties are vested in 1 person, shall terminate for the duration of the agreement. Unless the agreement provides for the board of assessors of 1 of the parties to serve as the assessors for all parties, or 1 city or town to act on behalf of all parties, the agreement shall designate an appointing authority representing all of the parties, which shall be responsible for the appointment of an assessor, designate to the extent required by the agreement, the appointing authority for any assistant assessors and other staff, and in the case of withdrawal or termination of the agreement, determine the employment of any employee of one of the parties that became part of a single assessing department. Subject to the rules and regulations established by the commissioner of revenue pursuant to section 1 of chapter 58, the agreement shall provide for

qualifications, terms and conditions of employment for the assessor and employees of his office. The agreement may provide for inclusion of the assessor and said employees in insurance, retirement programs and other benefit programs of one of the constituent parties, but all parties to the agreement shall be responsible for paying a proportionate share of the current and future costs of benefits associated with the appointment or employment of all persons performing services for them during the duration of the agreement. Any city or town party to such an agreement shall include employees under the joint assessing agreement in such programs in accordance with the terms of the agreement.

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

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

### Municipal Police Training

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

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

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

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

### Renewable Energy Revolving Fund

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

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

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

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

owners of privately held real property in the city or town for energy conservation and renewable energy projects on their properties so as to prioritize energy efficiency as the first step toward reducing greenhouse gas emissions associated with buildings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Notwithstanding any provision of chapter 183A to the contrary, the organization of unit owners of a condominium may enter into a betterment loan agreement under this section to finance an energy conservation and renewable energy project provided that the project comprises part of the common areas and facilities. The agreement shall: (i) be approved by a majority of the unit owners benefited by the project; (ii) include an identification of the units and unit owners subject to the agreement and the percentages, as set forth in the master deed, of the undivided interests of the respective units in the common area and facilities; and (iii) include a statement by an officer or trustee of the organization of unit owners certifying that the required number of unit owners have approved the agreement. As between the affected unit owners and the city or town, the certification shall be conclusive evidence of the authority of the organization of unit owners to enter into the agreement. A notice of the agreement shall be recorded as a betterment in the registry of deeds or registry district of the land court where the master deed is recorded and shall be otherwise subject to the provisions of chapter 80 as provided for in this section. The assessment under the agreement may be charged or assessed to the organization of units owners but shall not constitute an

assessment of common expenses. Instead, the allocable share of the assessment, prorated on the basis of the percentage interests of the benefited units in the common areas and facilities, shall attach as a lien only to the units identified in the recorded notice and benefited by the project and the owners of those units shall also be personally liable for their allocable share of the assessment as provided for in this section. Words defined in section 1 of said chapter 183A and used in this paragraph have the same meanings as appearing in said chapter 183A.

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

#### Bonding: Dredging of Tidal and Non Tidal Waters

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

#### Bonding: Environmental Cleanup

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

#### Additional Flexibility in Municipal and Regional School District Borrowing

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

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

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

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

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

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

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

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

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

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

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

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

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

#### State House Notes

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

#### Voter information

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

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

(b) The governing body of a city, town or district which accepts this section in the manner provided in section 4 of chapter 4 shall print information relating to each question that will appear on the city, town or district ballot. The information shall include: (1) the full text of each question; (2) a fair and concise summary of each question, including a 1-sentence statement describing the effect of a yes or no vote, which shall be prepared by the city solicitor, town counsel or counsel for the city, town or district; and (3) arguments for and against each question as provided in subsections (d) and (e). Not later than 7 days before an election at which the question will be submitted to the voters in a city, town or district, the information in this subsection shall be sent to each household wherein a person whose name appears on the current voting list for the city, town or district resides.

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

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

with subsection (b) of this section. A copy of the arguments and summary shall also be submitted by the solicitor or counsel to the city, town or district clerk.

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

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

### Election Officers

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

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

### Streamlined Abatement Process

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

The commissioner shall make, and from time to time revise, rules, regulations and guidelines necessary for establishing an expedited procedure for granting authority to abate taxes, assessments, rates, charges, costs or interest under this section in such cases as he determines are in the public interest and shall from time to time for such periods as he considers appropriate authorize the assessors or the board or officer assessing the tax, assessment, rate or charge, to grant these abatements. No abatement authorized by these procedures shall be granted unless the assessors or board or officer shall certify, in writing, under pains and penalties of perjury that the procedures have been followed. The commissioner shall require yearly reports and audits of these abatements by assessors or boards or officers that the commissioner considers necessary to ensure that any authority granted under this paragraph has been properly exercised, and shall withdraw

this grant of authority to any particular assessors, board or officer upon his written determination that the authority has been improperly exercised. The commissioner may make, and from time to time revise, reasonable rules, regulations, and guidelines that he considers necessary to carry out this paragraph.

### Tax Increment Financing

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

Fifty-first, the value of a parcel of real property which is included within an executed agreement under paragraph (v) of section 59, paragraph (v) of subsection (a) of section 60 or paragraph (iv) of subsection (a) of section 60A of chapter 40, and the value of personal property situated on that parcel, but taxes on real and personal property eligible for exemption under this clause shall be assessed only on that portion of the value of the property that is not exempt under section 59, section 60 or section 60A of chapter 40, and this exemption shall be for a term not longer than the period specified for the exemption in the agreement. The amount of the exemption under this clause for any parcel of real property shall be the exemption percentage adopted under paragraph (iii) of section 59, of subsection (a) of section 60 or of section 60A of said chapter 40 multiplied by the amount by which the parcel's value exceeds the product of its assessed value for the last fiscal year before it became eligible for exemption under this clause multiplied by the adjustment factor determined in accordance with said section 59, section 60 or section 60A of said chapter 40. The amount of the exemption under this clause for personal property shall be the exemption percentage adopted under paragraph (iii) of section 59, subsection (a) of section 60 or of section 60A of said chapter 40 multiplied by the fair cash valuation of the personal property. Taxes on property eligible for exemption under this clause shall be assessed only on that portion of the value of the property that is not exempt under this clause.

### Amortization of F2009 Snow and Ice Deficit

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

### Overlay Accounts

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

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

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

#### Audit of Personal Property Returns

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

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

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

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

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

### Assessors Penalty Fee

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

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

and inserting in place thereof, the following:-

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

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

### Extension Request for Filing with Assessors

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

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

### Overlay Accounts

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

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

## Audit of Personal Property Returns

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

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

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

SECTION 89. Said section 61 of chapter 59, as so appearing, is hereby further amended by inserting after the word "twenty-nine", in line 6, the following words:- , or the person has not complied with any requests by the assessors to examine books, papers, records, and other data under section 31A.

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

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

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

### Municipal Electronic Billing

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

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

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

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

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

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

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

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

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

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

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

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

#### Motor Vehicle Excise Tax Bill Due Dates

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

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

and inserting in place thereof, the following words:-

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

#### Boat Excise Taxes

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

#### Flexibility in Regional School District Borrowing

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

(d) To incur debt for the purpose of acquiring land and constructing, reconstructing, adding to, and equipping a school building or buildings or for the purpose of remodeling and making extraordinary repairs to a school building or buildings and for the construction of sewerage systems and sewerage treatment and disposal facilities, or for the purchase or use of such systems with municipalities, and for the purpose of purchasing department equipment; or for the purpose of constructing, reconstructing or making improvements to outdoor playground, athletic or recreational facilities; or for the purpose of constructing, reconstructing or resurfacing roadways and parking lots; or for the purpose of any other public work or improvement of a permanent nature required by the district; or for the purpose of any planning, architectural or engineering costs relating to any of the above purposes; provided, however that written notice of the amount of the debt and of the general purposes for which it was authorized shall be given to the board of selectmen in each of the towns comprising the district not later than 7 days after the date on which the debt was authorized by the district committee; and no debt may be incurred until the expiration of 60 days after the date on which the debt was authorized; and before the expiration of this period any member town of the regional school district may hold a town meeting for the purpose of expressing disapproval of the amount of debt authorized by the district committee, and if at that meeting a majority of the voters present and voting express disapproval of the amount authorized by the district committee, the debt shall not be incurred and the district school committee shall prepare another proposal which may be the same as any prior proposal and an authorization to incur debt therefore. Debt incurred under this section shall be payable within 30 years, but no such debt shall be issued for a period longer than the maximum useful life of the project being financed as determined in accordance with guidelines established by the division of local services of the department of revenue.

#### Streamlined Procedures for Regional School Districts Stabilization Funds

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

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

#### School and Municipal Budget Cooperation

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

Section 37M 1/2. (a) For any city or town accepting the provisions of this section, not earlier than December first of each alternating year beginning in 2009, and not later than January thirty-first of every other year, the superintendent of schools for each school district serving such municipality shall meet with the mayor, town manager, or chief municipal officer or his designee for that municipality to review the fiscal status of the school district budget and to identify opportunities for cost savings and efficiencies and any potential methodologies, including, but not limited to, joint procurement or consolidation of redundant functions. The results of each meeting shall be transmitted to the local legislative body and the local school committee not later than 30 days after the meeting."

#### Sharing of Superintendents among Regional School Districts

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

#### SPED Tuition Rates Set Annually

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

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

#### Parental Reimbursement for SPED

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

(a) As a cost saving measure, school districts may choose to adopt a program of parental reimbursement for parents who voluntarily chose to transport their disabled child, as defined by the Department of Elementary and Secondary Education, to an approved private day program outside of the city or town of residence of the parent or guardian. Such programs may utilize rates in excess of the standard state mileage reimbursement amounts and agreements may be based on a mileage, daily, or weekly rate. Departments choosing to utilize this option shall be able to demonstrate that parental reimbursements represent a cost savings compared to other modes of

available transportation. Such agreements shall be entered into voluntarily on the part of both the municipality and the parent or guardian.

#### Trench Law

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

#### Motor Vehicle Registration compliance

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

A non-resident who has become a resident of the commonwealth and operates a motor vehicle or trailer, shall, within thirty days, register said vehicle or trailer in the commonwealth according to this chapter. A vehicle or trailer not registered accordingly shall not be operated on the ways of the commonwealth. Whoever operates, or allows to be operated, a motor vehicle or trailer in violation of this paragraph shall be punished by a fine of not less than \$250 and not more than \$500. Half of all revenue generated in conjunction with the stated violation shall be retained by the municipality in which the violation occurs.

#### Motor Vehicle Inspection Fee Increase

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

#### Motor Vehicle Registration Compliance

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

Section 9E. A motor vehicle or trailer that has been in operation for more than 60 days in the aggregate in any 1 year, and whose owner qualifies as a resident under section 3 ½, shall be registered according to this chapter. Whoever operates, or allows to be operated, a motor vehicle

or trailer in violation of this section shall be punished by a fine of not more than \$250 for the first offense and not more than \$1000 for any subsequent offense. Half of all revenue generated in conjunction with the stated violation shall be retained by the municipality in which the violation occurs.

### Municipal Police Training

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

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

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

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

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

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

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

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

### Abandoned and Unclaimed Checks

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

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

(b) Any funds held in the custody of a city, town or district that has accepted this section may be presumed by the city, town or district treasurer to be abandoned unless claimed by the corporation, organization, beneficiary or person entitled thereto within one year after the date prescribed for payment or delivery, provided the last instrument intended as payment bears upon its face the statement "void if not cashed within one year from date of issue." Once a period of one year has elapsed from the date of any such instrument, the treasurer of any such city, town or district may cause the financial institution upon which the instrument was drawn to stop payment on the instrument, or otherwise cause the financial institution to decline payment on the instrument, and any claims made beyond this date may only be paid by the city, town or district through the issuance of a new instrument. Neither the city, town, district nor financial institution shall be liable for damages, consequential or otherwise, resulting from a refusal to honor an instrument of a city, town or district submitted for payment more than one year from its issuance.

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

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

(e) Once the final deadline of the aforementioned notice(s) has passed, the funds owed to such corporation, organization, beneficiary or person entitled thereto shall escheat to the city, town or district and the treasurer thereof shall record the funds as revenue in the general fund of the city, town or district, and the city, town or district shall not thereafter be liable to the corporation, organization, beneficiary or person for payment of those funds, nor for the underlying liability for

which the funds were originally intended. These funds shall then be available to the city, town or district's appropriating authority for appropriation for any other public purpose. In addition to the notices herein provided for, the treasurer of the city, town or district may initiate any other notices or communications that are directed in good faith toward making final disbursement of the funds to the corporation, organization, beneficiary or person entitled thereto.

Prior to escheatment of the funds, the treasurer of the city, town or district shall hear all claims on funds that may arise, and if it is clear, based on a preponderance of the evidence available to the treasurer at the time the claim is made that the claimant is entitled to disbursement of the funds, the treasurer shall disburse funds to the claimant upon receipt by the treasurer of a written indemnification agreement from the claimant wherein the claimant agrees to hold the city, town or district and the treasurer of the city, town or district harmless in the event it is later determined that the claimant was not entitled to receipt of the funds. If it is not clear, based on a preponderance of the evidence before the treasurer at the time of the claim that the claimant is entitled to disbursement of the funds, the treasurer shall segregate the funds into a separate, interest bearing, bank account and shall notify the claimant of such action within 10 days. A claimant affected by this action may appeal within 20 days to the district, municipal or superior court of the county in which the city, town or district is located. The claimant shall have a trial de novo. An appeal shall be perfected by the claimant within 20 days after receiving notice of this action by the city, town or district treasurer. A party adversely affected by a decree or order of the district, municipal or superior court may appeal to the appeals court or the supreme judicial court within 20 days from the date of the decree.

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

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

### Municipal Police Training

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

### Local Option Tax Amnesty Program

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

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

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

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

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

"Municipal tax amnesty program", a temporary policy whereby a city or town forever waives its right to collect all or any uniform proportion of the covered amount, as determined by the local enacting authority, then due from any person who, prior to the expiration of the amnesty period, voluntarily pays the collector or treasurer the full amount of the subject liability that serves as the basis for said covered amount; provided, that a municipal tax amnesty program shall not include any policy that enables or requires a city or town to waive its right to collect the covered amount from any person who, as of the time the amnesty period commences, is or was the subject of a criminal investigation or prosecution for failure to pay the city or town any subject liability or covered amount.

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

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

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

#### Commission to Evaluate Local Aid Formulas

SECTION 116. There shall be a special commission to evaluate local aid formulas consisting of the following members: the secretary of administration and finance, or his designee; the president of the Massachusetts Municipal Association or his designee; the president of the MetroMayors Coalition or his designee; 4 members of the general court, 1 of whom shall be appointed by the speaker of the house, 1 of whom shall be appointed by the house minority leader; 1 of whom shall be appointed by the senate president and 1 of whom shall be appointed by the senate minority leader; and 5 members to be appointed by the governor, 1 of whom shall be a private citizen who shall serve as chair of the commission, 2 of whom shall have professional

experience in local government economics and policy and 2 of whom shall be local officials. Each member shall serve without compensation.

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

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

#### Study on Collaborative Purchase of Fuel

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

The commission shall investigate and study the establishment of a statewide heating fuel collaborative, whose purpose will be to purchase heating fuel in bulk to sell to the local public school departments in the commonwealth, and to other municipal departments, at a lower cost than said school departments and municipal departments might be able to purchase it for individually.

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

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

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

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

### Study on County Funding

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

### Education Department Reporting Requirements

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

### Regionalization Incentives

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

### Municipal Police Training

SECTION 121. Notwithstanding any general or special law or rule or regulation to the contrary, if a municipality provides payment for a police officer or a police officer recruit to attend a course of basic training established by the municipal police training committee, such officer or recruit shall remain in the service of such municipality's police department for a minimum number of consecutive years, which minimum number of years shall be determined by the secretary of public safety and security by regulation, otherwise such officer or recruit shall be required to reimburse such municipality for the cost of the basic training costs; provided, however, that the

amount required to be reimbursed shall be pro-rated, based upon the proportion of required service that such officer or recruit shall have served; and provided further, that such officer's or recruit's failure to serve such municipality's police department for the required period was voluntary.

(Condo development rights effective date)

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

Municipal Police Training effective date

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

### Municipal Fines

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

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