

**HOUSE . . . . . No. 5240**

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The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, January 5, 2021.

The committee on Ways and Means, to whom was referred the Bill relative to the Hampshire Council of Governments (Senate, No. 2744), reports recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5240; and by inserting before the enacting clause an emergency preamble.

For the committee,

AARON MICHLEWITZ.

**HOUSE . . . . . No. 5240**

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**The Commonwealth of Massachusetts**

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

By striking out all after the enacting clause and inserting in place thereof the following:—

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

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

11           SECTION 2.

12           EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

13           Human Resources Division

14           1750-0119 Former County Employees Workers' Compensation..... \$46,515

**CORRECTED**

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

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

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

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

24           There shall be in the county of Hampshire a public body politic and corporate to be  
25 known as the Hampshire County Regional Housing Authority. The authority shall be managed,  
26 controlled and governed by 5 members, 3 of whom shall constitute a quorum. One member shall  
27 be appointed by the department of housing and community development and 4 members shall be  
28 jointly appointed by the select boards of the towns of Cummington and Huntington pursuant to  
29 this section; provided, however, that not more than 1 member shall be chosen from any 1 city or  
30 town within Hampshire county; and provided further, that at least 1 member shall be a tenant in a  
31 building owned and operated by or on behalf of the authority. Members shall be appointed for 5-  
32 year terms. Vacancies, other than by reason of expiration of terms, shall be filled for the balance  
33 of the unexpired term.

34           If a vacancy arises within the authority, the remaining authority members shall inform the  
35 select boards of the towns of Cummington and Huntington of the vacancy. If the vacant member  
36 is a member appointed by the select boards of the towns of Cummington and Huntington or a

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

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

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

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

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

53 SECTION 11. Item 1750-0119 of section 2 of chapter 227 of the acts of 2020 is hereby  
54 amended by inserting after the word “counties” the following words:- and the Hampshire council  
55 of governments.

56 SECTION 12. Notwithstanding section 1 of chapter 419 of the acts of 1976, the  
57 incumbent members of the Hampshire County Regional Housing Authority shall continue to

58 hold their positions and perform the duties of their offices until the expiration of the terms for  
59 which they were appointed; provided, however, that if an incumbent vacates their position prior  
60 to the expiration of the incumbent's term of office, the vacancy shall be filled pursuant to section  
61 1 of said chapter 419.

62 SECTION 13. (a) Notwithstanding chapter 48 of the acts of 1997, as most recently  
63 amended by chapter 127 of the acts of 1999 or any other general or special law to the contrary,  
64 the Hampshire council of governments is hereby dissolved.

65 (b) The liabilities of the council shall be transferred or assumed according to this act. All  
66 other liabilities shall be assumed by the commonwealth; provided, that for any liabilities or other  
67 debts of the council that have not been transferred or assumed according to this act or chapter 67  
68 of the acts of 2019 or chapter 125 of the acts of 2019, and are identified and assigned to the  
69 commonwealth within 10 years of the effective date of this act, the director of accounts within  
70 the division of local services of the department of revenue shall establish a plan to recover  
71 amounts so identified and implement an assessment of municipal members of the council to  
72 repay the commonwealth.

73 (1) The director shall determine the assessment amount and the amortization period;  
74 provided, that said period may be for a duration longer than 10 years but shall not be for a  
75 duration of more than 30 years and shall be set forth in the specific terms of the assessment.

76 (i) When developing the assessment, the director shall consider factors including: a  
77 member municipality's ability to pay the assessment; that any assessment amount shall not  
78 prevent the member municipality's ability to provide core services; the value and benefit  
79 provided to a specific member municipality for the service or asset that the liability derived

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80 from; if the member municipality was a member of the council when the final vote was made to  
81 incur the specified liability; and the duration of the municipality's membership as the liability  
82 was incurred.

83 (ii) The director shall notify a member municipality not less than 8 months before the  
84 start of the fiscal year in which the assessment shall first be implemented in order for the local  
85 budget process to be completed to account for the assessment. After the notice of assessment is  
86 sent to the member municipalities to be assessed, 1 or more of the member municipalities may  
87 appeal the assessment in writing to the secretary of administration and finance within 1 month of  
88 the notice of assessment. Within 1 month of receipt of the appeal, the secretary shall modify the  
89 assessment or reject the appeal and provide the reasons for doing so in writing.

90 (2) The director shall certify to the commissioner of revenue the total outstanding liability  
91 to be deducted over the term of years set forth in paragraph (1) of this subsection, and the annual  
92 liability shall appear on the assessed municipality's cherry sheet. Deductions shall be made  
93 monthly from local aid disbursements from the commonwealth to the assessed municipalities.

94 (3) Nothing in this section shall be interpreted as preventing or limiting the General Court  
95 from providing an appropriation to be apportioned between the member municipalities to  
96 decrease an assessment for the outstanding liability.

97 (c) The assets of the council shall be transferred in the following order:

98 (1) The amount to be transferred to the town of Goshen pursuant to subsection (b) of  
99 section 15 of this act;

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100           (2) The remaining balance of cash on hand to the department of energy resources and the  
101 department of environmental protection towards the outstanding amounts for payments related to  
102 the Renewable Energy Portfolio Standard, Clean Energy Standard and Alternative Energy  
103 Portfolio Standard. Any additional assets identified shall be transferred in this manner until the  
104 associated liabilities are paid off; and

105           (3) Once the obligations set forth in paragraphs (1) and (2) are satisfied, any remaining  
106 assets shall be transferred to the General Fund of the commonwealth.

107           SECTION 14. (a) Notwithstanding any general or special law to the contrary and as  
108 further specified in this act, persons who are active members of the Hampshire County  
109 Retirement System as of the effective date of this act, persons who are inactive members of the  
110 Hampshire County Retirement System as of the effective date of this act who were last employed  
111 by the Hampshire council of governments and persons who are receiving a retirement or survivor  
112 benefit from the Hampshire County Retirement System as of the effective date of this act, who  
113 were last employed by and retired from the Hampshire council of governments and who are  
114 otherwise eligible for membership in the state employees' retirement system, shall be transferred  
115 to the state employees' retirement system as of the effective date of this section and shall be  
116 subject to the rules and regulations of the state employees' retirement system.

117           (b) The retirement accounts of persons transferred under this act, including the annuity  
118 savings accounts, including interest, annuity reserve and the investment earnings of the  
119 Hampshire County Retirement System attributable to the value of these member's accounts, shall  
120 be transferred to the state employees' retirement system. The state employees' retirement system  
121 shall accept all liability of those accounts transferred by this act. The public employee retirement

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122 administration commission shall certify to the state board of retirement that the amounts  
123 transferred under this section are accurate.

124 (c) The state employees' retirement system and the Hampshire County Retirement  
125 System shall consult with the public employee retirement administration commission to  
126 determine to the best of their ability the investment earnings of the Hampshire County  
127 Retirement System attributable to the value of these members' accounts. The Hampshire County  
128 Retirement System shall make a payment to the state employees' retirement system in the agreed  
129 upon amount.

130 (d) The public employee retirement administration commission shall conduct an actuarial  
131 analysis of the impact to the commonwealth's unfunded pension liability attributable to the  
132 transfers provided by this section. The analysis shall be filed with the house and senate  
133 committees on ways and means, the executive office for administration and finance and the state  
134 board of retirement not later than September 1, 2021.

135 (e) The Hampshire council of governments and the Hampshire County Retirement  
136 System shall transfer to the state board of retirement in a format specified by the state board of  
137 retirement as soon as administratively feasible, but no later than April 1, 2021, all employment  
138 records and retirement account data related to the persons affected by this section and related to  
139 their membership in the Hampshire County Retirement System.

140 (f) For any person transferred under this section, determinations related to the  
141 membership, group classifications and retirement benefits, including, but not limited to,  
142 eligibility for benefits, creditable service amounts, survivor benefits, retiree cost of living



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143 adjustments and accumulated retirement deductions and interest, shall be made solely by the  
144 state board of retirement.

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

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

156 (i) Nothing in this section shall require the state employees' retirement system to make  
157 any payment to a person transferred under this section before July 1, 2021.

158 SECTION 15. (a) Notwithstanding any general or special law to the contrary, the cellular  
159 radio communications tower and associated structural equipment owned by the Hampshire  
160 council of governments in the town of Goshen shall be conveyed to the town of Goshen and the  
161 public safety radio equipment, systems, antennas and cabling owned by the Hampshire council  
162 of governments in the towns of Goshen, Cummington and Plainfield shall be conveyed to the  
163 department of state police; provided, however, that the department of state police or any state  
164 agency or designee of the commonwealth shall retain the right to use and have unrestricted

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165 access to the cellular radio communications tower and associated structural equipment in the  
166 town of Goshen, the radio equipment shelter and associated rights-of-way at no cost and to  
167 maintain equipment on the tower for as long as the department of state police requires the site to  
168 continue to be used for public safety dispatch purposes or for any other purpose required by a  
169 state agency or designee of the commonwealth. The town of Goshen shall assume the rights of  
170 the Hampshire council of governments under any agreements among the Hampshire council of  
171 governments and cities and towns in the county of Hampshire for the maintenance of the tower  
172 and all such agreements shall remain in force.

173 (b) Within 90 days of the effective date of this act, the Hampshire council of governments  
174 shall transfer to the town of Goshen an amount equal to the amount of any funds that can be  
175 substantiated as having been received by the Hampshire council of governments for maintaining  
176 insurance or for the maintenance or other costs associated with owning the tower.

177 (c) No sooner than 90 days from the effective date of this act, the town of Goshen may  
178 assess cities and towns in the county of Hampshire for the ongoing cost of maintenance of the  
179 tower; provided, however, that the amounts assessed shall not exceed amounts last assessed by  
180 the Hampshire council of governments plus inflation unless a higher amount is agreed to by the  
181 city or town.

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

183 SECTION 17. All transfers to the state employees' retirement system under section 14  
184 shall be completed not later than July 1, 2021; provided, however, that all records and data  
185 under subsection (e) of section 14 shall be transferred not later than April 1, 2021.”; and by  
186 inserting before the enacting clause the following emergency preamble:

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