

**COMMITTEE ON MUNICIPALITIES AND REGIONAL GOVERNMENT
COMMITTEE REDRAFT OF S.2571-SECTION BY SECTION SUMMARY**

SECTION 1: Public Health Council Membership

Amends Section 3(d) of Chapter 17 of the General Laws by adding a non-provider member to the Public Health Council who shall be appointed by the Governor from a list of 3 candidates nominated by the Coalition for Local Public Health.

A non-provider member is defined in the General Laws as a person who is qualified by background and experience to act in the public interest and whose spouse, parents, siblings, or children have no financial interest in a health care facility, a nonprofit service corporation established under the General Laws, or corporation authorized to insure the health of individuals and neither they nor their spouse are licensed to practice medicine.

SECTIONS 6A-15, 84 and 87: Municipal Procurement

Section 6A makes a technical correction in Chapter 30B by correcting a statutory reference in Section 1 of Chapter 30B relating to the Design Selection Board.

Section 6B makes a stylistic correction in Ch. 30B, Section 1 (b)(5) by replacing "state department of highways" with "Massachusetts Department of Transportation" and substituting numerals when referencing statutes.

Section 6C makes a technical correction in Ch. 30B, Section 1 relating to exemption for energy contracts by substituting correct statutory reference.

Section 7 increases the threshold for a procurement officer to obtain at least 3 written quotations for a supply or service, from an amount greater than \$10,000 to not more than \$100,000, up from the current limit.

Section 8 states that contracts for municipal or regional school districts worth more than \$100,000 shall conform to competitive sealed bidding procedures. This is an increase from the current \$50,000 threshold.

Section 9 removes the requirement that invitations for bids be published on the state's COMMBUYS system, as well as in a newspaper. The information would be published through unspecified additional means reasonably calculated to notify the public of the opportunity

Section 10 increases from \$50,000 to \$100,000 the amount above which the procurement officer would publish notice for the advertisement of such procurements in a publication approved by the state secretary

Section 10A makes a technical correction in Ch. 30B, Section 5 (competitive sealed bidding procedures) by substituting the correct statutory reference to the Open Meeting Law.

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Section 11 amends the procurement law to allow a chief procurement officer to enter into procurement contracts in the amount of more than \$100,000 rather than \$50,000

Section 12 amends the provision relating to reverse auctions for the acquisition of supplies and services, by increasing from \$50,000 to \$100,000 the threshold whereby the procurement officer may enter into procurement contracts. Currently the \$100,000 threshold only applies to contracts for municipal or regional school districts.

Section 13 amends the section on sole source procurements by authorizing a procurement officer to award a contract in an amount of not more than \$100,000 when the officer determines that only one practicable source for the required supply or service exists. The current limit is \$50,000 unless it is for a municipal or regional school district.

Section 13A makes a corrective change in Ch. 30B, Section 16 (e)(2) by updating the chapter and section reference for financial disclosure statements.

Section 13B makes corrective/style changes in Ch. 30B, Section 18 in the definition of "Disadvantaged vendor" to correct statutory reference and use numerals.

Section 14 amends Section 22 of Chapter 30B of the General Laws, concerning cooperative purchasing agreements, by having the law apply to services as well as supplies. In addition, this section would allow a public procurement unit to award contracts to multiple offerors through a single request for proposals if the officer determines that doing so is in the best interests of the parties to the cooperative purchasing agreement

Section 15 strikes out Section 23 of Chapter 30B, which included identical language to the current Section 22 of Chapter 30B and replaces it with language that authorizes the joint procurement of electric school buses and charging stations. This section also includes a requirement that the prevailing wage apply to any contract entered into in this section as it would under the General Laws concerning the procurement of charging infrastructure.

Section 84 inserts a sunset clause so that the language facilitating the procurement of electric school buses and charging stations would expire

Section 87 establishes the date of the sunset clause for Section 84 as June 30, 2029.

SECTION 17: Technical Correction for OPEB Liability Trust Fund

Makes a technical change in Section 20 of Chapter 32B of the General Laws concerning the Other Post Employment Benefits Liability Trust Fund by replacing the term “governing boards” with “governing body”.

SECTION 19: Eliminate Requirement to Print Annual Town Reports

Adds language to Section 49 of Chapter 40 of the General Laws that allows towns to provide the reports or information listed in this section in an electronic format but requires a town to make at least one physical copy available for public viewing during normal business hours at the town hall.

SECTION 20: Cybersecurity Incident Reporting

Adds a new section to Chapter 40 of MGL that requires cities, towns, and districts to report cybersecurity incidents to the Executive Office of Technology Services and Security (EOTSS) in a manner prescribed by EOTSS. These reports shall not include any information that would jeopardize attorney-client privilege nor any information that would have a demonstrated impact on the defense and management of any liability claims. EOTSS shall promulgate the regulations to implement this section.

SECTION X: Associate Members of Planning Boards

This new section would delete language from the Massachusetts Zoning Act (Section 9 of Chapter 40A of the General Laws) that currently restricts the powers of associate members of planning boards to only act with respect to a special permit application.

SECTION 24: Appointed and Combined Treasurer-Collector Position

Adds a provision to Section 1B of Chapter 41 of MGL that enables cities and towns to combine the appointed positions of collector of taxes and treasurer to a single appointed treasurer-collector position. An incumbent holding office at the time of the acceptance of this provision shall continue to hold office and perform the assigned duties until the expiration of the term for which they were appointed. This language is a local option not a mandate.

SECTION 25: Town Administrator Contracts

Amends Section 23A of Chapter 41 of the General Laws by increasing the allowable term for an executive secretary or town administrator to serve, up to five years, resolving a discrepancy in current law. This increases the allowable term of office from a term of 1 or 3 years to a term of a maximum of 5 years.

SECTION X: Associate Members of Planning Boards

This new section inserts language in Section 81A of Chapter 41 of the General Laws, which concerns planning boards, that allows cities and towns to provide by ordinance or by-law for associate members to sit on planning boards in the case of absence, inability to act, or conflict of interest on the part of any member of the planning board, or if a vacancy exists on the board. The chair of the board could designate an associate member to sit on the board for the purposes of acting on any matter under the board's jurisdiction including Chapters 40A and 41A of the General Laws or under home-rule powers.

SECTIONS 28-30: Borrowing for Acquisition of Interests in Land

Adds language to Section 7 of Chapter 44 of MGL that clarifies municipal borrowing authority for the acquisition of interests in land, construction or renovation of improvements to real estate, and improvements to waterways. The new language requires that the property interest, waterways, improvements to real estate, or projects for renovation or construction for which borrowing is undertaken under authority of subsection (1) of section 7 of Chapter 44 be municipally owned or leased.

SECTION 31: Borrowing for School Projects

Adds language to Section 7 of Chapter 44 of MGL that increases the maximum bond term for school projects from 30 years to 40 years so that the costs are realized in a manner that more closely reflects the life expectancy of the project.

SECTION 32-34: Technical Correction for Refunding Bonds for Regional School Districts

These sections make the same technical change in Section 21A of Chapter 44 by adding regional school districts to the list of government entities that are authorized to issue refunding bonds.

SECTION 35: Amortization of Emergency Deficit Spending

Inserts new language into Section 31 of Chapter 44 concerning prohibitions and exceptions for municipalities having liabilities in excess of appropriations that authorizes municipalities to pay off over the subsequent 3 fiscal years, in equal installments or more rapidly, the amount of its current fiscal year major disaster related deficit. This language requires the local appropriating authority to adopt a deficit amortization schedule before setting the municipality's next fiscal year tax rate. The commissioner of revenue may issue guidelines or instructions for reporting the amortization of deficits authorized by this new language.

SECTION 36: Continuing City Budgets

Inserts a sentence in Section 32 of Chapter 44 of the General Laws that clarifies that a continuing city budget shall be implemented without further approval by the legislative body (including the inability to reduce or reject any provisions) and shall not include any new initiatives.

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SECTION 79: Double Poles Commission

This section establishes a special commission to investigate and study the use of so-called double poles. This commission shall consider identifying how many double poles exist the length of time each been in place, reasons for why such double poles have been in place for such time, and the process and timeline by which existing utility poles are removed following the transfer of attached services to a new pole. This commission shall also consider and make recommendations on how best to enforce the provisions of Section 34B of Chapter 164 of the General Laws concerning the timely removal of double poles, investigate how to address barriers to remove such poles, investigate increasing utilization, improving functionality of attachment management systems, and identifying solutions to resolve communication issues among all parties, unlicensed attachments on utility poles and requirements that providers promptly register such attachments, the legal liability and potential use of indemnification agreements to facilitate the removal of abandoned attachments, whether or not certain costs may be recovered from ratepayers, and the promulgation of regulations by the Department of Public Utilities and the Department of Telecommunications and Cable.

SECTION 80: Municipal Shared Employees

Inserts new language in Section 17 of Chapter 268A of the General Laws that creates a limited exemption to the conflict-of-interest law to address potential violations of the law that arise when cities and towns share employees under-intermunicipal agreements or other regional arrangements. It allows employees of one city or town to take actions consistent with the shared goals of the agreement. This section authorizes a municipal employee to be paid from more than one governmental unit if they are performing work as part of an intermunicipal agreement within the scope of their duties.

SECTION 81: Bond and Note Premiums

Amends Section 20 of Chapter 44 of the General Laws, the Municipal Finance Law, relating to bond and note premiums to address an accounting and budgeting issue for communities who used Prop 2 ½ debt-excluded premium on capital prior to a recent amendment to the law. This section amends Section 20 of Chapter 44 of the General Laws by inserting language that requires communities to report the premium without adjusting the debt exclusion.

The previous amendment to Section 20 of Chapter 44 of the General Laws required premiums received on borrowing for which a Prop 2 ½ debt exclusion had been approved at the time of sale to be used for project costs and to reduce the borrowed amount. This eliminated the need for the community to adjust the debt exclusion to reflect the true interests costs of the borrowing, which is still required by laws.

**Municipalities and Regional Government Committee Section by Section Summary of Redraft of
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SECTION 82: Election Cost Reimbursement

Allows state reimbursement for Early Voting and Extended Polling Hours to both be accounted for in a special revenue fund, simplifying the budgeting process for elections. Currently, Early Voting funds are treated as General Fund revenue, while money for Extended Polling Hours is kept in a special revenue fund. This section authorizes a city or town, with the approval of the chief executive officer, to establish a special fund to keep monies received for election expense purposes under Chapter 54 (which governs elections). The money could then be spent by the chief executive officer for election purposes without further appropriation.

SECTION 83: Other Post Employment Benefit Commission

Establishes a commission to investigate and study retiree healthcare and other-non pension benefits. This commission shall examine and make recommendations concerning the range of benefits, the anticipated costs of providing benefits, the services and processes utilized to procure and implement those benefits, and strategies to divide the costs between the commonwealth and its employees and between the commonwealth's municipalities and their employees.

The changes to this section include adding a representative of the Health Policy Commission to this commission to investigate and study retiree healthcare and other non-pension benefits and expanding the scope of the commission to include a requirement that the commission study and make recommendations for municipal procurement for health insurance.

The most recent review of retiree healthcare and other non-pension benefits was done by a special commission established by Chapter 176 of the Acts of 2011 during Governor Patrick's Administration. At the time, the Health Policy Commission did not yet exist. These changes are to add the Health Policy Commission as a member of a commission that reviews retiree healthcare and other non-pension benefits now that the Health Policy Commission exists and to ensure that municipal procurement for health insurance is included in the scope of the commission to develop a better understanding of the needs of municipalities and their retired employees.

ADDENDUM: Language for Special Commission for Double Poles

SECTION 79-Special Commission on Double Utility Poles

A special commission would be established to investigate and study the use of so-called double poles. The commission shall identify how many double poles exist and the length of time each has been in place, the reasons why such double poles have been in place for such time, and the process and timeline by which existing utility poles are removed following the transfer of attached services to a new pole. The commission shall also consider and make recommendations on how best to enforce the provisions of Section 34B of Chapter 164 of the General Laws concerning the timely removal of double poles, investigate how to address barriers to remove such poles, investigate the use of the National Joint Utilities Notification System, unlicensed attachments on utility poles and requirements that providers promptly register such attachments, the legal liability and potential use of indemnification agreements to facility the removal of abandoned attachments, whether or not certain costs may be recovered from ratepayers, and the promulgation of regulations by the Department of Public Utilities and the Department of Telecommunications and Cable to effectively regulate double utility poles. The commission shall file a report with its recommendations and any proposed legislation to the General Court by June 30, 2026.

The commission shall consist of 17 members and shall include: the secretary of administration and finance, or the secretary's designee; the chair of the department of public utilities or the chair's designee; the commissioner of the department of telecommunications and cable or the commissioner's designee; a representative of a municipal light board of commissioner or their designee; the house and senate chairs of the joint committee on municipalities and regional government; 2 members of the house of representatives, 1 of whom shall be appointed by the minority leader; 2 members of the senate, 1 of whom shall be appointed by the minority leader; 3 municipal officials selected by the governor; 1 utility pole owner; 1 utility pole attacher; the executive director of the Massachusetts Municipal Association or their designee; and 1 private citizen, appointed by the governor, who shall serve as the chair of the commission and who shall not be an employee of any electric or telecommunications utility operating in the commonwealth.