

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the revenues of commonwealth.

PETITION OF:

NAME:

Bruce E. Tarr

DISTRICT/ADDRESS:

First Essex and Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE REVENUES OF COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 14 of the General Laws is hereby amended by adding at the end the
2 following section:-

3

4 “SECTION 12. Non-earned income in excess of \$1.5 billion; transfer to Stabilization Fund

5

6 Section 12. The commissioner of revenue shall certify to the secretary of the executive office of
7 administration and finance not later than the fifth day of each month his best estimate of the
8 amount of tax revenue from non-earned income received by the Commonwealth in the previous
9 month, and the total amount of tax revenue from non-earned income received by the
10 Commonwealth in the current fiscal year. Any tax revenue from non-earned income in excess of
11 \$1,500,000,000, as so certified, shall be transferred to the Stabilization Fund.”

12

13 SECTION 2. Section 29 of Chapter 2H is hereby amended by adding at the end the following
14 paragraph:- “No appropriation shall be made from this fund unless approved either by two-thirds
15 of the members in both branches of the legislature voting thereon or by unanimous consent in
16 each branch of the legislature.”

17

18 SECTION 3. Section 19(a) of Chapter 32B of the General Laws is hereby amended in the fourth
19 paragraph by striking out the phrase “70 per cent” and inserting in place thereof the phrase “a
20 majority”; and in the fifth paragraph by striking out the phrase “70 per cent” and inserting in
21 place thereof the phrase “a majority”.

22

23 SECTION 4. Section 2H of Chapter 29 of the General Laws is hereby amended by adding at the
24 end of the first paragraph the following sentence:- “Not less than 10 per cent of the funds in the
25 Stabilization Fund shall be set aside for the fiscal stability of local governmental units.”

26

27 SECTION 5. The Secretary of Administration and Finance and the Secretary of Health and
28 Human services are hereby authorized and directed to evaluate the feasibility of contracting for
29 recycling durable medical equipment purchased and issued by the Commonwealth through any
30 and all of its medical assistance programs.

31 Said evaluation shall include but not be limited to a request for qualifications and/or proposals
32 for entities capable of developing, implementing and operating a system of recycling whereby an
33 inventory of such equipment is developed and managed so as to maximize the quality of service

34 delivery to equipment recipients and to minimize costs and losses attributable to waste, fraud
35 and/or abuse.

36 The Secretary of Administration and Finance shall report the findings of said evaluation, together
37 with cost estimates for the operation of a recycling program, estimates of the savings it would
38 generate, and legislative recommendations, no later than October 31, 2009.

39

40 SECTION 6. (A) Definitions – For the purposes of this section, the terms below shall be defined
41 as follows:

42 (1) Entity – whether for-profit or not for profit,

43 (a) a corporation

44 (b) an association

45 (c) a partnership

46 (d) a limited liability corporation

47 (e) a limited liability partnership

48 (f) a sole proprietorship

49 (g) any other legal business entity

50 (h) a political subdivision of the Commonwealth

51

52 provided that an employee of the Commonwealth or an individual recipient of assistance shall
53 not be considered an entity.

54 (2) State expenditure – an expenditure of state funds including grants, subgrants,
55 loans, awards, cooperative agreements, financial assistance, contracts,
56 subcontracts, purchase order, task orders and delivery orders, and excluding
57 transactions below \$25,000.

58 (a) Searchable website – a website which allows the public to:

- 59 i. Search and aggregate state expenditures by any item
60 identified in the definition of website contained
61 herein
- 62 ii. Ascertain through a single search the total amount
63 of state funding awarded to an entity by fiscal year,
64 and
- 65 iii. Download information, including the results of
66 searches.

67 (3) Website – a searchable website which includes for each state expenditure:

68 (a) The name of the receiving entity

69 (b) The amount of the expenditure

70 (c) Information describing the expenditure such as transaction
71 type, funding agency or program, and title descriptive of the
72 purpose of the expenditure

73 (d) The location of the entity receiving the expenditure and the
74 primary location of performance pursuant to the expenditure,
75 including the city, state, country and legislative district

- 76 (e) A unique identifier of the entity receiving the award and of any
77 parent entity of the recipient
78 (f) Any other relevant information specified by the Operational
79 Services Division.

80
81 (B) The Secretary of Administration and Finance, the Comptroller, the Treasurer and the
82 Operational Services Division are hereby authorized and directed to develop a single searchable
83 website, accessible by the public without cost, to enable the public to research and examine state
84 expenditures as defined herein. Said website shall be designed so as to maximize utility,
85 minimize cost and promote accessibility of information, and shall build upon resources currently
86 existing, including, but not limited to, the "EASI" website, so-called, administered by the
87 Executive Office of Administration and Finance, and the Comm-Pass system, so-called,
88 administered by the Operational Services Division of the Executive Office of Administration and
89 Finance.

90

91 In developing said website, the Secretary shall seek to obtain the use of coding and other
92 information management infrastructure developed by the federal government pursuant to the
93 "Federal Funding Accountability and Transparency Act of 2006".

94

95 Said website shall seek to provide information for Fiscal Year 2009 and subsequent
96 years.

97

98 A plan for the development and implementation of said website, together with any
99 estimates for funding required and other legislative recommendations, shall be filed with the
100 clerks of the House and Senate not later than November 30, 2009.

101

102 SECTION 7. (A) Section 1 of Chapter 32 of the General Laws, as appearing in the 2004 official
103 edition, is hereby amended by inserting in the definition of “regular compensation” after the first
104 paragraph the following new paragraph: -

105 “Regular compensation,” during any period subsequent to January 1, 2009, shall mean the full
106 salary, wages or other compensation in whatever form, lawfully determined for the individual
107 service of the employee by the employing authority, not including bonus, overtime, allowances
108 for housing, transportation, travel, any and all employment related expense reimbursements,
109 severance pay for any and all unused sick leave, or any other payments made as a result of giving
110 notice of retirement, and any other such compensation in excess of salary or wages or as
111 reasonably determined by the board.

112 (B) Section 1 of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting
113 following the definition of the words “Annuity savings fund” the following: - “Average annual
114 rate of regular compensation”, shall be the average of the rate of regular compensation for any
115 qualifying year of credible service received during each pay period during the qualifying year.

116

117 (C) Paragraph (b) of subdivision (1) of section 5 of chapter 32, of the General Laws, as so
118 appearing, is hereby amended at the end thereof by adding following: - In the event that eighty
119 per cent or greater of his regular compensation is in payment for duties in the group having the
120 higher maximum age limit, such member shall not be considered to have achieved the maximum
121 age for superannuation until he has attained the maximum age limit in the group having the
122 higher maximum age limit, said member shall be limited to the performance of such later duties
123 as prescribed in this paragraph.

124

125 (D) Subdivision (2) of section 5 of chapter 32, of the General Laws, as so appearing, is hereby
126 amended at the end thereof by adding the following sentences: - Provided that in any given year,
127 no retirement allowance, as provided for by this chapter, shall exceed four hundred per cent of
128 the average retirement allowance in the Commonwealth. The board shall determine the average
129 retirement allowance in the Commonwealth as of January 1 of each year.