SENATE DOCKET, NO. FILED ON: 1/16/2009

**SENATE . . . . . . . . . . . . . . No.**

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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:

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| --- | --- |
| Name: | District/Address: |
| Bruce E. Tarr | 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:*

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

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

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

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

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

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

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

Said evaluation shall include but not be limited to a request for qualifications and/or proposals for entities capable of developing, implementing and operating a system of recycling whereby an inventory of such equipment is developed and managed so as to maximize the quality of service delivery to equipment recipients and to minimize costs and losses attributable to waste, fraud and/or abuse.

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

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

1. Entity – whether for-profit or not for profit,
2. a corporation
3. an association
4. a partnership
5. a limited liability corporation
6. a limited liability partnership
7. a sole proprietorship
8. any other legal business entity
9. a political subdivision of the Commonwealth

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

1. State expenditure – an expenditure of state funds including grants, subgrants, loans, awards, cooperative agreements, financial assistance, contracts, subcontracts, purchase order, task orders and delivery orders, and excluding transactions below $25,000.
2. Searchable website – a website which allows the public to:
   * 1. Search and aggregate state expenditures by any item identified in the definition of website contained herein
     2. Ascertain through a single search the total amount of state funding awarded to an entity by fiscal year, and
     3. Download information, including the results of searches.
3. Website – a searchable website which includes for each state expenditure:
4. The name of the receiving entity
5. The amount of the expenditure
6. Information describing the expenditure such as transaction type, funding agency or program, and title descriptive of the purpose of the expenditure
7. The location of the entity receiving the expenditure and the primary location of performance pursuant to the expenditure, including the city, state, country and legislative district
8. A unique identifier of the entity receiving the award and of any parent entity of the recipient
9. Any other relevant information specified by the Operational Services Division.

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

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

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

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

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

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

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

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

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