

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Walter F. Timilty

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 County Government Finance.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William C. Galvin	6th Norfolk
Paul McMurtry	11th Norfolk
James E. Timilty	Bristol and Norfolk
Walter F. Timilty	7th Norfolk
Lida E. Harkins	13th Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO COUNTY GOVERNMENT FINANCE.

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 64D of the General Laws is amended by striking out sections 11,
2 12, and 13, and inserting in place thereof the following three sections:

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4 Section 11. There shall be established upon the books of each county that has not been
5 abolished pursuant to the provisions of chapter 34B a separate fund, maintained
6 separate and apart from all other funds and accounts of each county, to be known in
7 each case as the Deed's Excise Fund.

8 Notwithstanding the provisions of any general or special law and of this chapter to the
9 contrary, and except for Nantucket County and all counties that have been abolished
10 pursuant to the provisions of chapter 34B or other applicable provision of law, on the
11 first day of each month, 20 per cent of the taxes collected pursuant to the provisions of
12 this chapter, but not including the additional excise authorized under the provisions of
13 section 2 of chapter 163 of the acts of 1988 for Barnstable County, shall be transmitted
14 to the Deed's Excise Fund for each county. In Nantucket County, 42.5 per cent of the
15 taxes collected pursuant to the provisions of this chapter shall be transmitted to the
16 Deed's Excise Fund for Nantucket County. The additional excise authorized under the
17 provisions of section 2 of chapter 163 of the acts of 1988 shall be retained by
18 Barnstable County. The remaining percentage of taxes collected under the provisions of
19 this chapter, including all taxes collected under the provisions of this chapter in all
20 counties that have been abolished pursuant to the provisions of chapter 34B or other
21 applicable provision of law shall be transmitted to and retained by the general fund of
22 the Commonwealth in accordance with the provisions of section 10.

23 Section 12. There shall be established within the executive office for administration and
24 finance a county government finance review board, hereinafter referred to as the
25 "board", consisting of the secretary for administration and finance or his designee, the
26 commissioner of revenue or his designee, the secretary of public safety or his designee,
27 the state auditor or his designee and a former Massachusetts sheriff, as appointed by
28 majority vote of the Massachusetts Sheriff's Association. The secretary of administration
29 and finance or his designee shall serve as chairperson of the board.

30 Notwithstanding the provisions of any general or special law or county charter to the
31 contrary, no annual or supplementary budget of any county shall take effect until
32 reviewed and approved by the board.

33 The board shall not approve any budget of any county unless it is satisfied:

34 (1) that the estimates of revenue are reasonable and that adequate funding has been
35 provided for all necessary county expenditures;

36 (2) that of the amounts deposited in the Deed's Excise Fund for each county from
37 revenues derived under the provisions of this chapter after providing from such fund for
38 the cost of meeting county loan obligations incurred for the purpose of operating and
39 maintaining the county, (a) not more than 60 percent is to be disbursed and expended
40 for meeting the costs of the operation and maintenance of the county; and, (b) not more
41 than 40 percent is to be disbursed and expended for the automation, modernization and
42 operation of the registries of deeds of the county; and,

43 (3) that with respect to funds appropriated for the purposes designated in subclauses
44 (b) of clause (2) and which are not dedicated to the Deed's Excise Fund in each county
45 under the provisions of section eleven, the submitted proposed budget shall provide a
46 continuing amount of expenditure of not less than one hundred two and one-half
47 percent of the amount expended for each such purpose in the preceding fiscal year.

48 If a proposed budget is disapproved by the board, the county commissioners or any
49 successor body shall, with the approval of the county advisory board, if applicable, and
50 within thirty days of notification of disapproval of the proposed budget, resubmit a
51 revised proposed budget to the board, which addresses the board's concerns.

52 The board shall develop guidelines for implementing the provisions of this section.

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55 Section 13. Each fiscal year operating budget of the Commonwealth shall include a separate
56 line item appropriation for each sheriff's department of a county that has not been abolished
57 pursuant to the provisions of chapter 34B, including as necessary, line item appropriations in
58 supplementary and deficiency budgets. Each such fiscal year operating budget line item shall

59 be in amount necessary to fund the full anticipated operating costs of such department for that
60 year.

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62 Funds appropriated in such line items shall be paid to the treasurer of each county who shall
63 place the funds in a separate account within the treasury of each such county. The treasurer
64 may authorize temporary transfers into this account for operation and maintenance of jails and
65 houses of correction in advance of receipt of the amount distributed by the commonwealth
66 under this section. Upon receipt of the state distribution, the treasurer may transfer out of such
67 account an amount equal to the funds so advanced. All funds deposited in such accounts and
68 any interest accruing thereto shall be used solely for the functions of the sheriffs' departments of
69 the various counties including, but not limited to, maintenance and operation of jails and houses
70 of correction, without further appropriation; provided further, that the sheriff's department of
71 each county shall reimburse the county treasurer of each county for personnel-related
72 expenses, with the exception of salaries, attributable to the operations of the sheriff's
73 department of each county heretofore paid by the county including, but not limited to, the cost of
74 employee benefits.

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76 Each sheriff shall submit to the County Government Finance Review Board a proposed
77 spending plan with respect to such appropriated funds and no such plan shall take effect until
78 reviewed and approved by the board. Plans may be submitted in anticipation of such
79 appropriations.

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81 On or before September 15 of each fiscal year the county government finance review board
82 shall have approved final county correction budgets for that fiscal year. Not later than October 15
83 of each fiscal year the county government finance review board shall provide the executive
84 office of public safety and the house and senate committees on ways and means with copies of
85 such approved budgets for that fiscal year.