

BIENNIAL REPORT 2009-2010

JOINT COMMITTEE ON STATE ADMINISTRATION AND
REGULATORY OVERSIGHT



Senator Brian A. Joyce, Senate Chair
Representative Steven M. Walsh, House Chair

A Message from the Chairmen

To the Honorable Members of the 186th General Court:

This report will detail the session accomplishments of the Joint Committee on State Administration and Regulatory Oversight. We hope this report will be a useful source for legislators and other parties interested in the policy issues of the Committee. We were a very busy Committee this session hearing over 300 bills and reporting out favorably 130 of those which included a number of important cost saving initiatives and land bills that were beneficial to both the Commonwealth and the cities and towns where the state owned land was located.

We would like to thank the members of the Administration, agency heads, their staff, the legislative sponsors and all of those who testified for making all of our public hearings a success. The information shared was greatly beneficial to all members of the Committee. We would also like to thank all of the members of the Joint Committee on State Administration and Regulatory Oversight for their active participation.

If you have any questions about the information contained in this report please do not hesitate to contact us or our staff. Thank you.

Sincerely,

Senator Brian A. Joyce, Chair

Representative Steven M. Walsh, Chair

*Joint Committee on State Administration and Regulatory Oversight
2009 - 2010 Members*

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Representative Steven M. Walsh, House Chairman*

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Responsibilities of the Committee:

It shall be the duty of the Committee on State Administration and Regulatory Oversight to consider all matters concerning competitive bidding on public contracts, public construction, open meeting laws, state regulations, state agencies, lobbyists' reporting laws and such other matters as may be referred.

The Committee also considers all matters concerning dispositions of state land and interests in state land.

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Chapter One

Overview

The Committee on State Administration and Regulatory Oversight heard and considered 301 bills during the 2009-2010 legislative session. The bills cover a range of subject areas including state land dispositions, ethics, open meeting law, public contracts, government regulations, public records and government reorganization.

One of the early major pieces of legislation reported by the committee and enacted into law is the bill that transferred the remaining county sheriffs' offices to the state.¹ Other county sheriffs' offices had been transferred to state government earlier as part of the ongoing process of dissolving county governments and transferring county facilities to state control.

Another major piece of legislation provided for reform of ethics and campaign rules and amended the state's open meeting laws.² This legislation included a number of provisions that were also contained in other bills before the committee.

The first piece of legislation reported by the committee that was enacted into law was chapter 4 of the acts of 2009, which provided for the reorganization of certain government departments under the provisions of Article 87 of the Amendments to the Massachusetts Constitution. This legislation accomplished the transfer of the supervision and management of a number of programs and responsibilities to different agencies that were deemed more appropriate to oversee such programs and responsibilities.

In January 2010, the Governor filed another Article 87 bill³ to transfer other agency responsibilities, including the transfer of special education appeals from the Department of Elementary and Secondary Education to the Division of Administrative Law Appeals and certain changes to the Civil Service Commission. Since these portions of the bill presented some issues and garnered significant controversy, the administration subsequently filed a modified Article 87 bill that omitted the Bureau of Special Education Appeals and Civil Service Commission provisions.⁴ The second Article 87 reorganization bill was enacted as Acts of 2010, chapter 56.

¹ Acts of 2009, chapter 61

² Acts of 2009, chapter 28

³ H4447

⁴ H4541

The Committee reported a number of bills providing for dispositions of state land. Several of these bills provided for dispositions of land to facilitate the development of, variously, veterans, senior and affordable housing.⁵ Other bills effected dispositions to municipalities for the development of municipal facilities and economic development projects.⁶ Yet others authorized leases to non-profit organizations and municipalities for camp and other recreational and educational purposes.⁷ A bill to lease highway land in Uxbridge permitted the private development of two problem rest areas.⁸ A bill to lease land in Hingham allowed the construction of a ferry terminal and regional intermodal transportation center to proceed.⁹ The lease of certain parcels of state property in Boston provided necessary space for the construction of a community health center.¹⁰

The Committee reported a bill that would reform the state surplus land disposition process to make it easier for the state to sell surplus land while at the same time ensuring adequate municipal participation in the disposition process.¹¹ A number of bills, including a House and a Senate bill filed by the Governor, were filed that would reform the surplus land disposition process. Current law¹² makes it very cumbersome and difficult for the state to dispose of surplus land. Thus, the state continues to own some parcels of land that are a liability to the state and which, if sold, could produce needed revenues.¹³ Versions of this legislation were engrossed in the House and Senate in 2006¹⁴ but expired at the end of the 2005-2006 legislative session.

Other bills reported by the Committee include several concerning procurement. Some of these bills provided for cooperative purchasing by municipalities to reduce costs. The Committee also reported a bill to enhance government transparency by establishing a searchable database of state finances and spending that could be accessed by the public without charge.

Some of the public construction bills reported include a bill to make technical corrections to the 2004 construction reform law,¹⁵ to allow interior designers to bid on

⁵ S2136, H3507, H2956/S1417

⁶ H634, S2573, S2481

⁷ Acts of 2010, chapter 244; Acts of 2010, chapter 266; Acts of 2010, chapter 263

⁸ H3838, enacted as Acts of 2009, chapter 156

⁹ Acts of 2010, chapter 280

¹⁰ Acts of 2010, chapter 18

¹¹ H4790

¹² M.G.L., c.7, §§40E through 40J

¹³ For this reason, the state has twice in recent years authorized the expedited disposition of surplus state properties. The fiscal year 2004 budget provided for a two year program for the expedited disposition of surplus land that expired on June 30, 2005 (see Acts of 2003, chapter 26, §548). Chapter 153 of the acts of 2010 authorized the expedited disposition of a number of specified parcels of surplus state land.

¹⁴ H4491 and S2521

¹⁵ Acts of 2004, chapter 193

state contracts,¹⁶ to provide for payment of interest on retained contract amounts¹⁷ and adjustment for changes in materials prices.¹⁸

In the area of government regulation, the Committee reported a bill to make a large number of technical corrections to the state's new business corporations statute, chapter 156D.¹⁹ Another bill provided for the simplification of trademark applications.²⁰

Reported legislation relative to public records laws included a bill that would make public the reports of campus police at private higher educational institutions.²¹

Among other significant pieces of legislation reported by the Committee are a bill relative to collection and use of traffic stop data and the capital spending and borrowing portion of the legislation to promote growth of small businesses.²²

The Committee issued reports on 130 of the bills it heard during the past session. Of the bills reported favorably, 48 have been signed into law. The provisions of another 10 reported bills have been included in other enacted legislation. Thus, nearly half of the bills reported by the Committee have been enacted or included in other enacted legislation.

¹⁶ H2999

¹⁷ H2964, reported as new draft, H4507

¹⁸ H2968, reported as new draft, H4508

¹⁹ H3033

²⁰ S1467/H2977, reported as H4521

²¹ S1421, now S2487

²² H4490.

Chapter Two

Legislation Reported During the 2009-2010 Session

A. Transfer of county sheriffs' offices to the commonwealth.

The Committee reported the 2009 legislation to transfer seven county sheriffs' offices to state jurisdiction, enacted as chapter 61 of the acts of 2009. Although other sheriffs' offices had been previously transferred to state control as part of the process of county government dissolution, the seven sheriff's offices in Barnstable, Bristol, Dukes, Nantucket, Norfolk, Plymouth and Suffolk Counties had remained under county government. Chapter 61 accomplished the transfer of these seven offices to the state effective on January 1, 2010.

As part of the transfer, all assets of the county sheriffs' office were transferred subject to certain exceptions for specified pieces of real property. The legislation also made changes to the Deeds Excise Fund ("DEF") statute,²³ which provides for the deposit of a percentage of deeds excise taxes to each county's Deeds Excise Fund (the taxes not deposited to the DEF go to the state's General Fund). The amendments reduced the amount of the percentages going to each county's DEF to reflect the reduced expense to the counties resulting from the transfer of the sheriffs' offices to the state. If, however, a county's "Maintenance of Efforts" ("MOE") payments, which the county is allowed to apply to unfunded pension liabilities, are insufficient to meet such liabilities, the amended law allows an additional 3% of the deed excise to go the county's DEF annually until the MOE payments are sufficient to meet the pension liabilities

The legislation allows the transferred sheriffs' offices to retain civil process and certain other revenues and encourages them to develop new revenue sources that, likewise, would be retained by the sheriffs' offices.

Section 22 of chapter 61 established a nine member special commission "for the purpose of making an investigation and study relative to the reorganization or consolidation of sheriffs' offices, to make formal recommendations regarding such reorganization or consolidation and to recommend legislation, if any, to effectuate such recommendations relating to the reorganization, consolidation, operation, administration, regulation,

²³ The deeds excise fund was governed by sections 11 through 13 of chapter 64D of the General Laws. Chapter 61 replaced these sections with new sections 11 and 12 of chapter 64D.

governance and finances of sheriffs' offices." The members of the commission have been appointed but the commission has not yet convened. An initial meeting of the commission has been scheduled for February 9, 2011.

Chapter 61 also required the Office of the State Auditor to conduct an audit of the assets, liabilities and potential litigation of each sheriff's office and to submit the audit to the legislature by April 30, 2010. The State Auditor timely submitted his report as required.²⁴ The report begins with a caveat that the Auditor did not conduct the review in accordance with the usual audit standards due to the insufficient amount of time allowed to complete the report.²⁵ The report says that current financial data was not available for the audits in a timely manner because information had not yet been entered on the state accounting system database.²⁶ In addition, the Auditor had to learn two different information systems, requiring additional time. As a consequence, the Auditor's report said that the scope of the audit was limited to "determine the status of the Sheriffs' Offices transition to the Commonwealth, identify and report any issues preventing compliance with Chapter 61 of the Acts of 2009 and all other applicable legislation related to the transition, and make recommendations for improvements or corrective action."²⁷

The Auditor, however, did make some recommendations for continued review of the transition including: (i) discussing with the seven sheriffs the current operations of their offices, the successes and problems attendant upon the transition; (ii) conducting additional follow up discussions with the seven sheriffs about current office operations and the successful implementation or challenges encountered during the transition; (iii) examining results of prior audits of previously transferred sheriff's offices and the current transition audits to identify inconsistent or obsolete laws and regulations; (iv) identifying areas of ineffective or inefficient operations and reviewing methods of electronic communication; (v) identifying areas of inadequate or excess funding; (vi) identifying areas of overlapping or duplicative operations between the sheriffs' offices, other state correctional agencies and other state and local law enforcement agencies; (vii) determining which areas lack adequate internal controls; (viii) assessing any existing or proposed plans for consolidating, expanding or eliminating the sheriffs' offices or their functions; and (ix) exploring with other public and private corrections entities current development trends, best practices and resource sharing possibilities.²⁸

²⁴ "Independent state auditor's report on the January 1, 2010 transfer of county sheriff's offices to the commonwealth in accordance with chapter 61 of the acts of 2009," dated April 30, 2010.

²⁵ *Id.* at p. 3.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

B. Government reorganization

The administration filed, in each year of the 2009-2010 session, an executive agency reorganization plan pursuant to Article 87 of the Amendments to the Massachusetts Constitution.

2009 Article 87 legislation

The Governor's first Article 87 legislation was filed at the beginning of the legislative session and was enacted as chapter 4 of the acts of 2009. This legislation placed the State Racing Commission within the Division of Professional Licensure, combined housing and shelter services under the Department Housing and Community Development, transferred wage reporting from the Department of Revenue to the Division of Unemployment Assistance, moved well driller registration from the Department of Conservation and Recreation to the Department of Environmental Protection ("DEP"), transferred the Underground Storage Tank Program from the Department of Fire Services ("DFS") to the Department of Environmental Protection and moved the Home Improvement Contractor Program from the Department of Public Safety to the Office of Consumer Affairs and Business Regulation.

Of these changes, that affecting the underground storage tank program generated the most controversy after it was implemented. Organizations of fuel wholesalers and retailers objected to having to, in their view, being subject to two different regulatory agencies, DEP and DFS, with respect to underground storage tank regulation. The industry organizations also felt there was need for more prompt implementation of new regulations and revised and simplified forms, all with greater input from the industry. They argued that compliance was unduly complicated by having multiple forms where fewer forms would suffice. Industry representatives also contended that revised forms should not be issued until after new regulations were adopted.

DEP focused on developing revised forms before working on regulatory changes. Funding is available through the end of fiscal year 2011 for the form revisions and, therefore, needs to be done before addressing the regulatory revisions. Proposed new forms recently have been finished and submitted to industry stakeholders for review.

DEP presented its schedule for the release of the revised regulations at a meeting of regulators and industry representatives on January 4, 2011. DEP will conduct a series of additional monthly meetings with industry stakeholders and other regulators through August 2011. Each meeting will focus on a different subject area of the regulations. The subject of January 4th meeting was operator training. Other meetings will cover inspections, removal from service and closing of USTs, enforcement and appeals, financial responsibility and general provisions and definitions. Prior to the January

meeting, DEP had covered the areas of design, construction and installation, general operating requirements and applicability.

The DEP timeline presented in January provides for completion of the initial draft of regulatory changes by October 2011 and conducting public hearings on the regulations by the spring of 2012.

2010 Article 87 legislation

The Governor filed another Article 87 reorganization bill in January of 2010.²⁹ The plan combined the State Office of Minority and Women Business Assistance (SOMWBA) and the Affirmative Market Program within the Operational Services Division (OSD) to create a department within OSD known as the Supplier Diversity Office. The Supplier Diversity Office would provide a single portal for certification, technical assistance and capacity-building services.

The proposal transferred the Office of Geographic and Environmental Information (MassGIS) from the Executive Office of Energy and Environmental Affairs to the Information Technology Division within the Executive Office for Administration and Finance. The reorganization also made changes to the structure of the Fiscal Affairs Division and restructured of the Civil Service Commission. Finally, the proposal would have consolidated of the Bureau of Special Education Appeals (BSEA) within the Department of Elementary and Secondary Education into the Division of Administration Law Appeals (DALA).

The proposals to move the BSEA and restructure the Civil Service Commission aroused significant controversy causing the administration to file a second Article 87 proposal in March 2010 that omitted these provisions.³⁰ Except for these two plans, the second 2010 reorganization plan included all of the other provisions and proposals that appeared in the first plan. The second reorganization plan was enacted as chapter 56 of the acts of 2010.

Federal law required the move of special education appeals out of the Department of Elementary and Secondary Education. The transfer of special education appeals to the division of administrative law appeals was subsequently accomplished by including provisions for the transfer in outside sections of the fiscal year 2011 budget.³¹ The modified approach to the transfer contained in these outside sections addressed the objections raised in connection with the earlier proposal in the January 2010 reorganization plan.

²⁹ H4447

³⁰ H4541

³¹ Acts of 2010, chapter 131, §§7, 53, 54, 55, 174 and 175

C. State Land Dispositions

Another responsibility of the State Administration Committee is to review all legislation filed that provides for any kind of disposition of state land or any interest in state land. This includes outright sales in fee, leases, agricultural preservation restrictions, easements and conservation restrictions.

During the 2009-2010 legislative session, the Committee considered a wide variety of proposed transfers of interests in state land. Many land transfers promote important public interests. Some of the land transfers will enable the development of affordable housing,³² senior housing,³³ veterans' housing³⁴ and a community health center.³⁵ Others will serve to promote economic development.³⁶

The Committee reported a bill, enacted in 2010, that would provide for the lease of state land in Allston/Brighton to the Joseph M. Smith Community Health Center.³⁷ This legislation allows the health center to construct a new community health center building.

The Committee reported a bill, now signed into law,³⁸ allowing the state to convey six acres of unused state land in Agawam to a non-profit organization that will use the property to build veterans' housing. The Committee reported another bill, also signed into law,³⁹ providing for the transfer of Department of Corrections land in Concord to the Concord Housing Development Corporation for the construction of affordable housing in an area that lacks enough such housing. The project would also provide for preservation of open space in an otherwise densely developed area. Other housing-related bills include one providing for the transfer of land in Somerville to the Somerville Housing Authority to enable the Authority to proceed with development of new senior affordable housing,⁴⁰ and another bill authorizing the state to convey land in Dartmouth to the Dartmouth Housing Authority for the development of veterans' affordable housing.⁴¹

Other land transfer bills have facilitated the development of state highway facilities (the Uxbridge bill providing for development of neglected rest areas into full facility rest

³² H2956/S1417, enacted as acts of 2010, chapter 117

³³ S2136, enacted as acts of 2010, chapter 245

³⁴ H3507, enacted as acts of 2010, chapter 200 and S2198, enacted as acts of 2010, chapter 249

³⁵ S1468, enacted as acts of 2010, chapter 18

³⁶ S2573, H634, enacted as acts of 2010, chapter 286

³⁷ Acts of 2010, chapter 18

³⁸ Acts of 2010, chapter 200

³⁹ Acts of 2010, chapter 117

⁴⁰ Acts of 2010, chapter 245

⁴¹ Acts of 2010, chapter 249

areas on Route 146),⁴² the renewal of an expired lease of land in Spencer long used by the Worcester County 4H Center as a summer camp,⁴³ the renewal of a lease to the federal government of facilities at the former Grafton State Hospital used for the Job Corps program,⁴⁴ and the correction of an incomplete 1967 transfer of land in Tewksbury used for town playing fields and other recreational facilities.⁴⁵

The Committee reported two bills, each of which was needed to allow public transportation improvements to go forward. One bill authorized a ground lease of DCR land at the Hingham Shipyard in Hingham to the MBTA which allowed a project to develop a new ferry terminal and intermodal transportation center to proceed.⁴⁶ Another bill provided for the transfer of a small parcel of land at the Science Park MBTA station that enabled the construction of two elevators providing disabled access to the station.⁴⁷

A bill to convey a parcel of state land and release the state's reversionary interest in an adjoining parcel previously conveyed to the town of Salisbury gave the town the opportunity to embark on a commercial development project to benefit the local economy.⁴⁸

The Committee reported H4510, a new draft of H3616, which provides for a 20 year lease to Plimoth Plantation of a small parcel of DCR parkland adjacent to Plimoth Plantation. Plimoth Plantation had been leasing the property under a five year lease and operates a visitors' information kiosk on the site. In return for the lease of the parcel, Plimoth Plantation provides services in lieu of monetary rent such as security and trash removal for the area. The redrafted legislation also added a provision that Plimoth Plantation is to provide educational services to the public as additional consideration for the lease. The bill was enacted as chapter 263 of the acts of 2010.

The Committee reported S.2149, *An act releasing certain land in Brimfield from the operation of an agricultural preservation restriction*, which provided for the exchange of agricultural preservation restrictions (APRs) on certain parcels of land in the town of Brimfield. This legislation was enacted as chapter 224 of the acts of 2010. The bill provides for the release of an APR on one parcel of land in exchange for the grant by the landowners of a new APR on another parcel of land. As part of the agreement with the state, the landowner is required to spend a specified percentage of annual gross revenues from the commercial use of the 7.7 acre parcel to be released to enhance the agricultural

⁴² Acts of 2009, chapter 156

⁴³ Acts of 2010, chapter 266

⁴⁴ Acts of 2010, chapter 213

⁴⁵ Acts of 2010, chapter 244

⁴⁶ Acts of 2010, chapter 280

⁴⁷ Acts of 2010, chapter 268

⁴⁸ Acts of 2010, chapter 286

productivity of the remaining APR land. The legislation specifies six types of enhancements that would be proposed by the landowner and approved by the Department of Agricultural Resources. If the landowner does not make a proposal, the DAR would designate the productivity enhancement.

Other bills will facilitate the build out, reuse and leasing of unoccupied town library buildings in Watertown,⁴⁹ allow the development and use of property in Greenfield as a youth and community center,⁵⁰ enable the development of a bicycle and pedestrian path in Watertown and Cambridge,⁵¹ and provide for the return of certain water resources to the town of Sherborn.⁵²

The committee reported a resolve, enacted as chapter 1 of the resolves of 2010, that established a special commission to study and make recommendations regarding the reuse of the former Westborough State Hospital campus in Westborough and Northborough. The commission consists of 15 members including representatives of the Division of Capital Asset Management and Maintenance, the Executive Office of Housing and Economic Development, the Department of Mental Health, the Department of Youth Services, the Department of Fish and Game, the Department of Highways, the Department of Agricultural Resources and the Massachusetts Historical Commission. The commission also includes as members three representatives of each of the towns of Northborough and Westborough. The commission has, in addition, as *ex officio* members, House and Senate members whose districts include the hospital land and a representative of the 495/Metrowest Corridor Partnership.

The resolve required the commission to hold its first meeting within 45 days of the effective date of chapter 1. So far, the commission has met several times, most recently for a tour of the Westborough State Hospital site. The commission also has employed an outside consultant who will present findings and recommendations to the commission. DCAMM expects that the commission will complete a reuse plan by the spring of 2011.

The legislation requires the commission to file its report within one year of the date when the property is determined to be surplus under the provisions of chapter 7 of the General Laws. DCAMM has not yet made such a determination.

In addition to these land disposition bills, the administration included a provision in its proposed FY11 budget providing for the expedited disposition of specified properties. The provisions for the disposition of these properties were enacted in a separate piece of legislation, chapter 153 of the acts of 2010. Section 4 of that legislation included a list of 16 properties to be sold under that statute. Similar to the provision in the FY2004

⁴⁹ H4667

⁵⁰ S2481, enacted as acts of 2010, chapter 290

⁵¹ H4874, enacted as acts of 2010, chapter 269 and H4875, enacted as acts of 2010, chapter 270

⁵² H3006, enacted as acts of 2010, chapter 279

budget providing for expedited disposition of state surplus land, this bill provides for a streamlined disposition process enabling the state to realize additional state revenues within a relatively short time frame.

Of the 16 properties included in chapter 153, DCAMM auctioned three in October and expected to close these sales in December. A second auction was delayed because the City of Lawrence asserted a claim to one of the properties to be auctioned, the former Essex North Registry of Deeds building; the auction was rescheduled for January 2011. DCAMM expects to complete sales of all 16 properties by the end of fiscal year 2011.

D. Ethics reform

Ethics reform was a major area of legislative concern during this past session. For this reason, a number of bills were filed relative to ethics, campaign finance and lobbying reforms and referred to the State Administration Committee. One of these bills, H95, *An act improving the laws relating to ethics and lobbying*, was filed by the Governor and contained provisions for a comprehensive overhaul of the state's ethics, campaign finance and lobbying rules. This bill was referred to the Committee on State Administration. Subsequently, however, another comprehensive ethics reform bill was filed by the Chairman of the Ethics Committee.⁵³ The Ethics Committee reported this bill, which was subsequently enacted as chapter 28 of the acts of 2009.

The subject matter of many of the bills before the State Administration Committee regarding ethics, campaign finance and lobbying were covered in chapter 28. Because chapter 28 had already provided a comprehensive treatment of ethics and lobbying laws, the Committee referred the bills covering these matters to a study.⁵⁴

The Committee did report, however, several bills addressing some specific situations affected by ethics laws. H1126, *An act exempting the harbor and shellfish advisory board membership from conflict of interest regarding discussion of shellfish licensing*⁵⁵, would amend the statute that established the Nantucket Harbor and Shellfish Advisory Board by adding a provision exempting Board members from the conflict of interest provisions of Mass. Gen. Laws, c. 268A, §§17(a) and (c) and 19 (a). The exemption would allow Board members to provide advice and recommendations to the Nantucket Board of Selectmen regarding shellfish fishing, harvesting, licensing and fishery standards. The law currently would not allow those who obtain income from shellfish harvesting to participate, as Board members, in advising the Board of Selectmen on matters relating to shell fish harvesting.

⁵³ See H3853, which was later enacted as chapter 28 of the acts of 2009. The State Administration Committee subsequently referred H95 to a study.

⁵⁴ House bills 10, 95, 346, 347, 1119, 3495, 3498, 3499, 3500, 3501, 3502, 3503, 3508, 3509, 3510, 3620, 3976, 3978, 3979, 3980 and 3981; Senate bills 1403, 1405, 1414, 1415, 1461 and 1833.

⁵⁵ H1126 was engrossed in the House in March 2010 and is currently in third reading in the Senate.

The Committee reported H3757, *An act relative to the Bayswater mitigation program*, which amends state employee conflict of interest provisions in chapter 286A, section 7 and the MassPort enabling statutes to allow MassPort employees and family members residing in the Bayswater area of East Boston to participate in the Bayswater environmental program. This program provides cash mitigation payments to residents of the Bayswater neighborhood. The amendment adds to the existing exemption for the MassPort sound insulation programs. The legislation was enacted as chapter 264 of the Acts of 2010.

E. Open meeting laws

As in the case of ethics and lobbying laws, the statutes governing the conduct of meetings of public bodies were amended by chapter 28 of the acts of 2009. Section 17 of chapter 28 repealed sections 11A and 11A½ of chapter 30A of the General Laws and section 18 of chapter 28 added new sections 18 through 25 to chapter 30A, which sets forth a comprehensive revision of the state's open meeting law. As in the case of the ethics and lobbying bills, the other open meeting bills before the committee covered subjects already addressed in chapter 28 and, therefore, were referred to a study.

F. Public Construction

The Committee reported a number of bills dealing with public construction.

H4185⁵⁶ would make a number of technical corrections to the 2004 public construction reform law.⁵⁷ Although the Committee reported this bill in July of 2009, it remained with the House Committee on Ways and Means at the close of the 2009-10 session.

Another bill⁵⁸ would provide for price adjustments for the cost of certain materials, including steel, concrete, fuel and asphalt that are subject to frequent price fluctuations. Prices could either be increased or decreased according to the direction of the price movement. This bill is substantially identical to a provision included in the second Transportation Bond Bill of 2008 that applied to highway projects funded under that legislation.⁵⁹ The bill remained in the Senate Committee on Ways and Means without further action.

Other bills would render void contract provisions conditioning payment to a contractor on receipt of payment from a third party,⁶⁰ provide for payment of interest on sums retained by the state from payment requisitions in connection with construction contracts,⁶¹ require completion of health and safety training by employees of a

⁵⁶ This bill was originally filed as H2971.

⁵⁷ Acts of 2004, chapter 193

⁵⁸ H4508, originally filed as H2968.

⁵⁹ Acts of 2008, chapter 303, section 60

⁶⁰ H4429

⁶¹ H4507

contractor bidding on state contracts,⁶² authorize interior designers to independently bid on state construction contracts,⁶³ establish new provisions for resolution of issues arising with utility companies under the "Dig Safe" law,⁶⁴ amend procedures for the determination of the lowest eligible and responsible bidder on state contracts,⁶⁵ allow municipalities to accept payment of sums in escrow in lieu of obtaining a performance bond from a contractor,⁶⁶ prohibit contract indemnity provisions imposing liability in excess of the actual negligence of a contractor or subcontractor in a construction contract⁶⁷ and require awarding authorities to issue written decisions in response to contractor submissions within a specified period of time.⁶⁸

Some bills remain with House or Senate Ways and Means Committees. Others have progressed further. H2999 relative to interior designers was engrossed by both the House and Senate but advanced no further. S2580 concerning timely decisions by awarding authorities was engrossed by the Senate but remained with the House Ways and Means Committee. H4507, providing for interest on retainage, was released by House Ways and Means and ended in third reading.

G. Procurement

Purchasing from General Services Administration supply schedules. The Committee heard and reported favorably H9/H4506, which would make several clarifying and technical corrections to the uniform procurement statute, chapter 30B. The bill would add a provision that any purchase from a vendor pursuant to a General Services Administration supply schedule available to governmental bodies complies with the requirements of chapter 30B. The bill would also amend chapter 30B to add a definition of what constitutes "sound business practices." Although the bill was not enacted, its provisions were included, as sections 6 and 12, in chapter 188 of the acts of 2010, the 2010 municipal relief legislation.

Cooperative purchasing. The Committee considered and reported several bills relating to cooperative purchasing arrangements, that is, agreements with other governmental entities to make purchases jointly in order to obtain lower prices. While current law permits cooperative purchasing agreements between Massachusetts municipalities,⁶⁹ the bills before the Committee would allow Massachusetts municipalities to enter into such agreements with governmental entities in other states as well as with federal agencies.

⁶² H4366

⁶³ H2999

⁶⁴ H2969

⁶⁵ H2979

⁶⁶ S1398

⁶⁷ S1406, reported by the Committee with a new draft, S2496

⁶⁸ S1391

⁶⁹ M.G.L., chapter 7, §22B

H2975 would amend section 20 of chapter 30B, relative to preference for Massachusetts agricultural products, by adding language stating that a public procurement unit may participate in cooperative purchasing agreements with other public procurement units or external procurement activities. "Cooperative purchasing" is defined as purchasing by more than one public procurement unit or by a public procurement unit with an external procurement activity, which includes governmental units outside of Massachusetts or the federal government. H2991 would provide for a 2 year pilot program to allow educational collaboratives to participate in bulk purchasing programs under a vendor's contract with another state or political subdivision of another state. The inspector general would be required to review and submit reports on the bulk purchasing procedures used and the results including cost savings achieved and any effect on Massachusetts businesses.

H2980 includes amendments to sections of chapter 7 and 30B relative to sole source procurements of equipment serving a specialized need or function. The bill also would amend M.G.L., chapter 7, section 22B, which authorizes collective purchasing by political subdivisions of the commonwealth, to require the Secretary of Administration and Finance to notify all cities and towns when procurements are made on a statewide basis and provide them with a statement as to why the procurement is advantageous to the municipalities.

The Committee reported H2975 and H2980 as H4609 which provided for a 2 year pilot program, similar to that in H2991, allowing cooperative purchasing agreements by municipalities. While this bill remained with the House Committee on Ways and Means, the cooperative purchasing amendments to chapter 30B contained in the bill were enacted as part of the acts of 2010, chapter 188, *An act relative to municipal relief*.⁷⁰ Unlike the Committee's version of the bill, the enacted cooperative purchasing law is permanent; it does not include the pilot program and sunset provisions that were part of the Committee's reported bill. In addition, section 14 of chapter 188 authorizes chief procurement officers of municipalities to use reverse auctions for the purchase of supplies and services.

Massachusetts preference. The Committee reviewed a pair of bills designed to allow state entities, within certain limits, to establish a preference for the purchase of products and services provided by Massachusetts businesses. S1411 would add new sections to chapters 7 and 30B of the General Laws that would provide that, to the extent legally permissible, a state agency or authority "shall establish a preference" for products and services of businesses with a principal place of business in Massachusetts. The Senate bill is similar to H2994, which would amend procurement laws to allow a Massachusetts bidder to be considered the lowest responsible bidder if its bid is within 5%

⁷⁰ See Acts of 2010, chapter 188, §§7, 8, 9, 10, 12 and 13.

of the bid of an out-of-state bidder. The amendment would also provide that a proposal from a Massachusetts business would be considered the most advantageous proposal if the proposal is within 5% of the price submitted as part of a proposal by an out of state business.

The Massachusetts preference bills were before the House Committee on Ways and Means as of the end of the legislative session.

H. Public records

a. Traffic stop data collection

This session saw several bills relating to the collection by law enforcement officials of data regarding traffic stops. The bills are designed to ensure regular collection and transmittal to other state agencies of traffic stop data by law enforcement officials, something that earlier legislation addressing racial profiling in traffic stops did not accomplish. The prior legislation, chapter 228 of the acts of 2000, was enacted in response to a growing public concern about racial profiling engaged in by law enforcement agencies. That law required the Registry of Motor Vehicles to collect data from state uniform citations. As required by chapter 228, traffic stop data was collected and submitted to a higher educational institution, in this case, the Northeastern University Institute on Race and Justice. The Institute on Race and Justice issued a report in May 2004 that concluded that racially disparate patterns of motor vehicle citations occurred at 249 law enforcement agencies.⁷¹ Chapter 228, however, included no ongoing requirements to collect and analyze traffic stop data. The bills before the Committee were designed to institute such requirements.

Sen. Chang-Diaz filed S1409, *An act to improve the collection and analysis of data relative to traffic stops*. This bill would add a section to chapter 90C of the General Laws to establish new requirements for the collection, analysis and availability of data collected regarding motor vehicle stops. The bill, among other things, included a specific ban on racial profiling and would have established a Traffic Data Review Committee. The bill would have required law enforcement agencies to collect certain traffic stop data on an ongoing basis and required law enforcement agencies to analyze the collected data and issue a summary report annually. The secretary of public safety and security would be required to annually submit the collected data and reports to a Massachusetts university for an analysis and report. The collected data would be available to a person charged with a criminal offense based on evidence or statements obtained as a result of a traffic stop.

⁷¹ Northeastern University Institute on Race and Justice, *Massachusetts Racial and Gender Profiling Report*, May 4, 2004, p.3

The Committee reported a new draft of the bill, S2309. The Committee redraft included a number of changes from the original bill, most importantly, the addition of an automated system to ensure the collection, analysis and transmittal of the traffic stop data. S2309 would require the Motor Vehicle Insurance Merit Rating Board to develop, implement and purchase equipment for an Electronic Motor Vehicle Accident, Violation and Citation System. The bill also would require that data collection and recording commence upon the implementation of the new electronic citation system or within 180 days of the effective date, whichever occurred first (S1409 provided for 90 days). Other changes included in S2309 were the elimination of the subsection on "findings;" clarification of the kinds of law enforcement officials covered by the bill, the addition of a requirement that secretary of public safety be the chair of the Traffic Data Review Committee, the addition of requirements that the Committee be appointed within 10 days of the effective date of the legislation and that EOPS provide administrative support for the Committee, the clarification of requirements for compiling data in an electronically accessible database and transmitting the information to EOPS and the Attorney General and clarification of reporting requirements applicable to police departments.

S2309 was referred to the Senate Committee on Ways and Means where it remained until the end of the legislative session.

H3842, *An act to improve the collection and analysis of data relative to traffic stops*, filed by Rep. Byron Rushing, is identical to S1409 but was referred to the Judiciary Committee. The Judiciary Committee did not act on the bill but instead referred it to a study.

Rep. Fresolo filed two identical bills, H1376 and H1378, both titled *An act clarifying the collection of data relative to traffic stops*. These were very brief bills providing simply that the "executive office of public safety shall work with the department of state police and municipal police departments to ensure that adequate efforts are being made to identify any instances of racial and gender profiling by police officers in the performance of their official duties and the elimination of such racial and gender profiling." Like H3842, both Fresolo bills were referred to the Judiciary Committee and placed in a study.

b. Transparency in state budgeting and spending

During the 2009-2010 legislative session, a number of bills were filed that would require the establishment and maintenance of a state budget database website that would be accessible to the public free of charge. The bills are designed to increase the level of transparency in state budgeting and spending.

S1410 and H2972 are substantially identical bills that were filed in the Senate and House respectively. The bills require the secretary of administration and finance to develop a

searchable budget database website by January 1, 2011 that would be accessible by the public at no cost. The legislation lists items and categories of information that the database must include such as annual state expenditures or funding actions provided to any entity, debt service payments, local aid, annual revenues including deposits by any agency to funds within the state treasury, tax revenues collected, agency earnings, gifts, donations and federal grants, "annual bonded indebtedness" and links to any state audits or reports.⁷²

The committee favorably reported H2972 along with other similar bills. The bills remained with the House Committee on Ways and Means through the end of the session. Substantially similar provisions, however, are included in outside section 8 of the FY2011 budget, chapter 131 of the acts of 2010. That section added a new section 14C to chapter 7 of the General Laws. As in the several pending bills, that section requires the Secretary of Administration and Finance to "develop and operate a searchable website accessible by the public at no cost." The website must provide certain information about grants awarded by the state and their recipients, local aid to municipalities, annual state revenues, links to state audits and reports, annual reports on tax credit programs,⁷³ and any other "relevant information specified by the secretary."

I. Government administration

a. Corporations laws.

H3033, *An act making amendments to the Massachusetts Corporation Act – part two*, is the Secretary of State's bill to make a number of technical corrections to the revised business corporations statute, chapter 156D of the General Laws, enacted in 2003.⁷⁴ The Committee reported a redrafted version of the bill, H4509.

The bill remained in third reading in the House at the end of the session.

b. Trademark bills.

The Committee reported H4521, *An act relative to state trademarks*, designed to simplify the state trademark application process. This bill was a new draft of S1467 and H2977, which were very similar to one another. H4521 would amend the state trademark statute⁷⁵ to reduce from three to one the number of specimens of the trademark as actually used that must be submitted with the application. The bill also would amend the trademark laws by adding a provision that that construction of the federal trademark statutes would be "persuasive authority for interpreting and construing this

⁷² Other similar bills before the committee were S1455, H2959, H3617 and H3970,

⁷³ Section 14C refers to "reports required by section 88 of chapter 62C," which appears to be an error in drafting. There is no section 88 but only a new section 89, which requires the tax credit program reports.

⁷⁴ Chapter 156D was added to the General Laws by acts of 2003, chapter 127, §17.

⁷⁵ Mass. Gen. Laws, chapter 110H, §§1 *et seq.*

chapter” to the extent that similar language is used in the state and federal statutes. Finally, the bill would make corrections to erroneous statutory cross-references in Mass. Gen. Laws, c.156D, §§4.01 (b) and 15.06(b), which are part of the Massachusetts business corporations law.

The bill was third reading in the House at the session’s close.

c. Outdoor sprinkler systems, water conservation.

The Committee reported S1396, *An act providing for the regulation of landscape sprinkler systems*.⁷⁶ The bill would require the state board of building regulations and standards to amend the state building code to require system interruption devices for new or renovated outdoor landscape irrigation systems. The proposed legislation also directs the board to adopt regulations for devices designed to override programmed system operations when there is sufficient moisture present in the soil. Golf courses and agricultural land would be excluded from these requirements. The bill, of course, is designed to promote water conservation by requiring automated sprinkler systems to be equipped with mechanisms to ensure that they don’t operate when irrigation is unnecessary.

The bill was with the Senate Committee on Ways and Means when the past session ended.

J. Capital funding of the Massachusetts Growth Capital Corporation

Early in 2010, the Governor filed a jobs creation bill, H4490, *An act providing for job creation by small businesses*. Referred to the State Administration Committee were the sections of the bill relating to the capital funding of the Massachusetts Growth Capital Corporation (MGCC), which was created by the bill, and the Growth Districts Initiative administered by the executive office of housing and economic development.⁷⁷ The bill provided \$25 million for the initial funding of the new MGCC and \$50 million to recapitalize the Growth Districts Initiative (GDI). The MGCC was created as an entity into which the Commonwealth’s resources for debt and equity financing for small businesses are consolidated, providing streamlined “one stop shopping” for Massachusetts businesses seeking financing. The GDI is a grant program administered by the Executive Office of Housing and Economic Development to provide financing for commercial and residential transportation and infrastructure development, improvements and various capital investment projects.

⁷⁶ This bill was a re-file of S2742 of the 2007-2008 legislative session.

⁷⁷ Different sections of H4490 were referred to different committees depending on the subject matter of the particular provisions. Sections 1 and 2A of the bill, providing for capital funding of the Massachusetts Growth Capital Corporation and the Growth Districts Initiative, were referred to the State Administration Committee.

The Committee held a public hearing on these matters on March 4, 2010 and reported its portion of the bill on March 8, 2010. The Committee report included an amendment adding the required \$75 million bond authorization provision that had been omitted from the original bill.

Later that year, the legislation was enacted as chapter 240 of the acts of 2010. In its final form, the bill authorized \$20 million to fund the MGCC, \$50 million for the Growth Districts Initiative and \$5 million for the recapitalization of the Massachusetts Technology Development Corporation.

K. Honorary bills

Another category of bills reviewed by the Committee are those bills honoring individuals and designating certain dates or times of the year to raise awareness of certain issues. Two examples of this kind of bill are the following:

- a. *Eunice Kennedy Shriver*. This bill was reported favorably by the Committee with a new draft, H4796,⁷⁸ and signed into law as chapter 238 of the acts of 2010. It designates the fourth Saturday of September as "Eunice Kennedy Shriver Day" and specifies that this day is to be observed annually to educate the public about Eunice Kennedy Shriver's contributions on behalf of disabled individuals.
- b. *Courtroom naming bill*. Another bill, H5061, *An act designating a certain courtroom in the Marlborough District Courthouse as the Jonathan Brant Courtroom*, provides for the naming of courtroom located in the Marlborough District Courthouse for the Hon. Jonathan Brant, a district judge of the court. On December 1, 2010, this bill was signed into law as chapter 380 of the acts of 2010.

⁷⁸ The bill, *An act designating Eunice Kennedy Shriver Day*, was filed as H4731.

Chapter Three

Surplus State Land Disposition Reform

As discussed in the previous section, the Committee reported a number of bills relative to specific dispositions of state land or interests in land. Subject to exceptions provided for in these bills, dispositions of state land interests are subject to the provisions of Mass. Gen. Laws, chapter 7, §§40E through 40J, which establishes the procedures and requirements applicable to such dispositions.

The process mandated by the provisions of the current chapter 7, however, makes state real estate transfers time-consuming and cumbersome. As a consequence, the state has twice in recent years enacted special and temporary expedited land disposition procedures. The fiscal year 2004 budget provided for a two year program for the expedited disposition of surplus land that expired on June 30, 2005.⁷⁹ More recently, Chapter 153 of the acts of 2010 authorized the expedited disposition of a number of specified parcels of surplus state land.

These streamlined processes enabled the state, in times of financial difficulty, to more quickly dispose of surplus state property and thereby provide a source of additional cash revenues for the state. At the same time, the state was able to rid itself of the expense and liability of continuing to own, maintain and protect vacant properties.

Section 548 of the FY2004 budget aroused concern among the municipalities that their participation in and ability to influence the expedited disposition process had been too limited. The need for a more efficient disposition process, together with the municipalities' desire for participation in dispositions within their communities, gave rise to proposals for the reform of the chapter 7 surplus land disposition process.

In 2006, the House and the Senate each engrossed bills providing for the reform of the chapter 7 disposition procedure, respectively, H4491 and S2521. These bills, however, expired at the close of the 2005-2006 legislative session without being enacted.

A number of bills to amend chapter 7 were again filed during the 2007-2008 session by both the administration and members of the legislature but, again, no comprehensive reform bill was enacted during that session. During the 2009-2010 session as well, the

⁷⁹ Acts of 2003, chapter 26, §548

administration and various members of the House and Senate filed various legislative proposals for the reform of chapter 7. The Committee drafted and reported a bill incorporating elements from some of the other bills and adding some of its own proposals. In June of 2010, the Committee reported the bill as H.4790. The bill remained with the House Committee on Ways and Means at the session's close.

As mentioned above, legislation providing for the expedited disposition of surplus state land was enacted this year. As did outside section 548 of the fiscal year 2004 budget, chapter 153 of the acts of 2010 allows the state to promptly effect the disposition of surplus state property and thereby obtain additional revenue. As mentioned in chapter 2 of this report, the Division of Capital Asset Management and Maintenance has completed the sale of some of the specific parcels listed in chapter 153 and expects to dispose of all of the listed parcels by the end of fiscal year 2011. The need to pass special legislation to accomplish sales of surplus state land in each of these instances demonstrates the importance of enacting a reformed surplus state land disposition statute that is much less cumbersome than the present law.

Chapter Four

Appendix

A. Bills Reported By Joint Committee on State Administration
and Regulatory Oversight, 2009-2010 Legislative Session.

APPENDIX A

Bills Reported By Joint Committee on State Administration and Regulatory Oversight

2009- 2010 Legislative Session

| BILL/CHAPTER NUMBER | BILL NAME, SPONSORS AND AGENCIES | SARO COMMITTEE ACTION | COMMENTS AND CURRENT STATUS |
|---|--|--|---|
| 1. S.11 H.106 Chapter 4 of the Acts of 2009 | An act reorganizing certain agencies of the executive department. | Reported favorably | Government administration. Bill filed under Article 87 of the amendments to the Massachusetts Constitution to reorganize certain executive department agencies. Signed by the Governor 3/12/2009, Chapter 4 of the Acts of 2009 Note: S.11 was reported while H.106, the identical House version, was not. LIS indicates that there is no such bill in the system. A bill history search, however, shows H.106 as a Binienda bill concerning sick leave banks and as having been referred to SARO. A search of House bill texts nonetheless shows the text of the Governor's reorganization bill with the number H.106. |
| 2. H.2961 | Proposal for a legislative amendment to the constitution abolishing the executive council. Bosley | October 8, 2009 5/4/2009, H Committee recommended ought NOT to pass 5/4/2009, S Ought not to pass (under Joint Rule 23) and placed on file | Miscellaneous. Would amend the Massachusetts Constitution to abolish the Executive Council. Would amend all parts of the Constitution affecting or referencing the Council or Councilors by annulling provisions establishing or governing the Council and eliminating all references to the Council and Councilors. Note: See S.1457, which would, among other things, make the executive council subject to the open meeting law. |
| 3. S.7 H.109 S.2031 S.2045 S.2119 Chapter 61 of the Acts of 2009 | An act transferring county sheriffs to the commonwealth. | Reported favorably from the committee with a new draft, S.2031, on 4/13/2009 | Government administration. Provides for the transfer of seven remaining county sheriffs' offices to state jurisdiction. Signed by the Governor, Chapter 61 of the Acts of 2009 |
| 4. S1470 Chapter 68 of the Acts of 2009 | An act designating the Mary L. Girouard flagpole. (Tucker) | Public hearing, June 4, 2009 6/29/09, reported favorably by committee. | State land. Would designate the flagpole in front of the visitor center at Lawrence Heritage State Park in Lawrence as the "Mary L. Girouard flagpole," in honor of a long time park supporter and founder of the Friends of Lawrence Heritage State Park. Would direct DCR to erect and maintain a marker at the site bearing that designation. Signed by the Governor, Chapter 68 of the Acts of 2009 . |
| 5. S1468 H1158 H4356 Chapter 18 of the Acts of 2010 http://www.malegislature.gov/Laws/SessionLaws/Acts/2010/Chapter18 | An act relative to the leasing of certain land parcels in Boston. Tolman DCAMM, DCR | Public hearing, 6/4/2009. 6/29/2009, reported favorably by committee, accompanied a new draft, see H01158 | State land. Would direct DCAMM to lease, for nominal consideration, a portion of 3 parcels of DCR land on Western Avenue in Allston/Brighton. The land would be leased for a 50 year term, with options to renew for 2 additional 10 year terms. The lessee would be the Joseph M. Smith Community Health Center, which would construct a new community health center building on the site. A portion of the land would be retained by the state sufficient to construct a 12,000 square foot building for the state police. Reported from HWM as H4356, 11/18/2009. Signed by the Governor, Chapter 18 of the Acts of 2010. |

| BILL/CHAPTER NUMBER | BILL NAME, SPONSORS AND AGENCIES | SARO COMMITTEE ACTION | COMMENTS AND CURRENT STATUS |
|---|--|---|---|
| 6. H2988 Chapter 79 of the Acts of 2009 | An act relative to designating a certain area in the city of Worcester as a place of peace healing garden. Fresolo DCR | June 4, 2009 public hearing 6/ 29/2009, reported favorably by committee and referred to the House Committee On Steering, Policy and Scheduling | State land. Would designate an area in a DCR park as a "Place of Peace Healing Garden" and would direct DCR to erect a marker to that effect. August 26, 2009, signed by the Governor, Chapter 79 of the Acts of 2009 |
| 7. S1469 Chapter 71 of the Acts of 2009 | An act establishing disability history month. Tolman | September 24, 2009 public hearing 7/ 21/2009, reported favorably by committee and referred to the Senate Committee On Ethics and Rules | Honorary bills. Would require the Governor to annually issue a proclamation designating the month of October as Disability History Month. State agencies, municipalities and schools would be directed to establish educational programs to increase awareness regarding contributions of people with disabilities. 8/26/2009, signed by the Governor, Chapter 71 of the Acts of 2009 |
| 8. Chapter 164 of the Acts of 2009 | An act relative to the leasing of the lifesaving station in the town of Westport to the Westport fisherman's association. | Public hearing, 6/4/2009 7/30/2009, reported favorably by committee, accompanied a new draft, see H04184 | State land. Would direct DCAMM to lease certain DCR property in the town of Westport known as "the lifesaving station" to the Westport Fishermen's Association for a period of 25 years. Note: The bill as filed said both that the lease would be for nominal consideration <u>and</u> for fair market value. The committee re-draft provides for nominal consideration. 11/23/2009, Signed by the Governor, Chapter 164 of the Acts of 2009 http://www.malegislature.gov/Laws/SessionLaws/Acts/2009/Chapter164 |
| 9. H2971 H04185 | An act making technical corrections to the public construction reform law. | June 18, 2009, public hearing 7/30/2009, reported favorably by committee, accompanied a new draft, see H04185 . | Public construction. Makes various technical corrections to the 2004 public construction reform law chapter 193 of the acts of 2004. 7/30/2009, referred to House Ways and Means. |
| 10. H3507 H04186 H4289 Chapter 200 of the Acts of 2010 | An act authorizing the commissioner of the division of capital asset management and maintenance to convey land in Agawam to United Veterans of America, Inc. For the purpose of veterans' housing. Sandlin DCAMM | June 4, 2009 public hearing. 7/30/2009, reported favorably, accompanied a new draft, see H04186 . | State land. Would direct DCAMM to convey up to 6 acres of land in Agawam, known as the "Feeding Hills Training School" to United Veterans of America, Inc. d/b/a Soldier On. Bill lacks usual terms and conditions. 10/20/2009, HWM reported favorably, substituting a new draft, see H4289. 7/31/2010, Signed by the Governor, Chapter 200 of the Acts of 2010 |

| BILL/CHAPTER NUMBER | BILL NAME, SPONSORS AND AGENCIES | SARO COMMITTEE ACTION | COMMENTS AND CURRENT STATUS |
|---|--|--|---|
| 11. S.1437 H02107 | An act to improve public contracting with Massachusetts farmers Moore | July 16, 2009 public hearing 8/24/2009, discharged to the Joint Committee on Public Health | Procurement. Would amend section 4(d) of chapter 7 to increase from \$25,000 to \$50,000 the maximum dollar amount of a contract that a procurement officer may award for Massachusetts agricultural products without seeking quotations under subsection (a) of that section. Would amend section 23B of chapter 30B, providing for preference to be given by agencies and authorities for purchase of Massachusetts agricultural products, to also cover state colleges designated by an agency or authority. Accompanied H02107 , which was reported favorably as changed by the Public Health Committee on October 8, 2009 and referred to the House Committee On Ways and Means |
| 12. S.1446 S02135 S.2449 | An act authorizing a governmental body to enter into contracts for the inspection, maintenance, repair or modification of water storage facilities. Pacheco | June 18, 2009 public hearing 8/31/2009, reported favorably by committee accompanied a new draft, see S02135 | Public construction. Would add new sections to chapter 40 of the General Laws (powers and duties of cities and towns) relative to contracts by municipalities for inspection, maintenance, repair or installation of water storage facilities, equipment and systems. 5/20/2010, reported by Senate Committee On Ways and Means and engrossed in the Senate, see S.2449. 5/24/2010, referred to House Committee On Ways and Means. 7/31/2010, House and Senate enacted and laid before the Governor 8/11/2010, Governor returned to the Senate with veto; For message, see S2608. 8/12/2010, referred to the committee on Senate Committee on Bills in the Third Reading . |
| 13. H.3007 Chapter 124 of the acts of 2009 | An act designating the building of the state laboratory institute as the William A. Hinton Laboratory. Malia | June 4, 2009 public hearing 8/31/2009, bill reported favorably by committee and referred to the House Committee On Ways and Means | State land. Would designate the State Laboratory Institute building as the William A. Hinton Laboratory, a former head of the department of public health biology laboratory. Signed by the Governor, Chapter 124 of the Acts of 2009. |
| 14. S.747 S.2146 Chapter 168 of the acts of 2009 | An act relative to Martha's Vineyard Hospital. | Public hearing 8/4/2009 9/10/2009, reported favorably by committee accompanied by a new draft, S.2146, | State land. Provides for sale to Martha's Vineyard Hospital of 1.7 acre parcel of DMH land in the town of Oak Bluffs. Sale to be at fair market value with part of the payment to be the transfer to the state of a 0.38 acre parcel in the town of Tisbury. Other consideration may be paid by in kind goods or services, including construction and renovation services. Signed by the Governor, Chapter 168 of the Acts of 2009. |
| 15. S.2086 S2147 Chapter 165 of the Acts of 2009 http://www.malegislature.gov/Laws/SessionLaws/Acts/2009/Chapter165 | An act authorizing the department of highways and the town of Kingston to exchange certain parcels of land. | Public hearing, 8/4/2009 9/10/2009, reported favorably by committee accompanied by a new draft, S.2147, | State land. Provides for exchange of parcels of land by the town of Kingston and the state highway department in connection with construction of a state highway ramp. 11/23/2009, Signed by the Governor, Chapter 165 of the Acts of 2009 http://www.malegislature.gov/Laws/SessionLaws/Acts/2009/Chapter165 |

| BILL/CHAPTER NUMBER | BILL NAME, SPONSORS AND AGENCIES | SARO COMMITTEE ACTION | COMMENTS AND CURRENT STATUS |
|---|--|---|--|
| 16. H.3838 H04231 H.4300 Chapter 156 of the Acts of 2009 | An act authorizing the division of capital asset management to convey, lease and grant easements with respect to certain land in the town of Uxbridge. Kujawski | June 4, 2009 public hearing. 9/10/2009, reported favorably, accompanied a new draft, see H04231 . | State land. Would authorize DCAMM to lease for up to 50 year to K/G Uxbridge, LLC 2 rest areas on the north and southbound sides of Route 146 in Uxbridge. Would provide for the conveyance in fee K/G Uxbridge, LLC of another parcel of land at the intersection of Routes 16 and 146 South. The grantee would convey another parcel of land to the state. Grantee would pay fair market for the leases and the conveyed land. The value of the land conveyed to the state and the value of any construction performed at the leased rest areas would be credited to lease payment and the purchase price of the conveyed land. 11/23/2009, Signed by the Governor, Chapter 156 of the Acts of 2009 |
| 17. H.3022 H04228 | An act to limit losses of subcontractors in private construction. Rodrigues | June 18, 2009 public hearing 9/10/2009, accompanied a new draft, see H04228 ; referred to the House Committee On Steering, Policy and Scheduling | Construction. Laws. Would add a new section 29E to chapter 149. The proposed section would declare void any provision in a construction contract that seeks to require a subcontractor to continue performance if more than 45 days have elapsed since the last day of the month in which the subcontractor supplied labor or materials for which the subcontractor has not been paid. An exception would be when a subcontractor receives prior written notice of a good faith dispute regarding the labor or materials furnished. The provision would not apply to contracts for public buildings or works. September 23, 2009, House ordered to a third reading. |
| 18. H.3053 H04229 | An act to promote fair contract provisions. M. Walsh | June 18, 2009 public hearing. 9/10/2009, reported favorably, accompanied a new draft, see H04229 . | Public construction. Would add a new section 29C to M.G.L., chapter 149 that would declare as void any provision in a contract relating to construction services that makes payment to the provider of the construction services conditional upon receiving payment from a third person unless amounts are not received from such person because the provider of construction services failed to perform under its contract and failed to cure non-performance after notice provided that the person asserting the payment condition perfected a lien under chapter 254 and pursuant legal remedies to obtain payment. 9/10/2009, referred to House Ways and Means. |
| 19. H.3758 H04230 | An act to create an annual City Year day. Dorcena Forry | (DATE?) public hearing. 9/10/2009, Reported favorably, accompanied a new draft, see H04230 . | Honorary bills. Would amend M.G.L., c.6, §15 to add a requirement that the governor shall annually issue a proclamation setting apart the fourth Friday in September as City Year Day. 10/8/2009, H ordered to a third reading. |
| 20. H.3046 H04236 | An act relative to the flying of the flag of the commonwealth at half staff on state buildings and installations. Timilty | September 8, 2009 public hearing. 9/14/2009, reported favorably accompanied by a new draft, see H04236 | Honorary bills. Would add a new section to chapter 2 of the General Laws that would require that the state flag be flown at half-staff on September 11 of each year in honor of the victims of the September 11, 2001 attacks. 10/8/2009, H ordered to a third reading. |

| BILL/CHAPTER NUMBER | BILL NAME, SPONSORS AND AGENCIES | SARO COMMITTEE ACTION | COMMENTS AND CURRENT STATUS |
|--|--|---|--|
| 21. H.3035 Chapter 176 of the Acts of 2009 | An act to designate Polish American congress day. Scibak | September 24, 2009 public hearing. 9/29/2009, bill reported favorably by committee as changed and referred to the House Committee On Steering, Policy and Scheduling . | Honorary bills. Would amend chapter 6 of the General Laws, by adding a new section directing the Governor to annually issue a proclamation setting apart October 30th as Polish American Congress Day. 12/14/2009, Signed by the Governor, Chapter 176 of the Acts of 2009 |
| 22. H.2956 H04340 H.4442 Chapter 117 of the Acts of 2010 | An act authorizing the commissioner of capital asset management and maintenance to convey certain land to the town of Concord Housing Development Corporation for affordable housing and open space. Atkins | June 4, 2009, public hearing 11/16/2009, Accompanied a new draft, see H04340 . | State land. Would authorize DCAMM to convey a portion of a parcel of state land under the control of the department of correction at 965 Elm Street in Concord. The land would be conveyed to the Concord Housing Development Corporation for development of affordable housing. This bill is identical to S.1417. 6/3/2010, Signed by the Governor, Chapter 117 of the Acts of 2010 |
| 23. H.3504 H04339 H.4349 Chapter 155 of the Acts of 2009 | An act authorizing the division of capital asset management and maintenance to transfer certain land in the city of Marlborough (sic) to Michael Audette. Linsky (by request) DCAMM and MWRA | June 4, 2009 public hearing. 11/16/2009, reported favorably accompanied a new draft, see H04339 . | State land. Would authorize DCAMM to convey an easement over MWRA land in Natick to a certain individual for right of way and parking purposes. The grantee, one Michael Audette, would pay fair market value for the easement as determined by appraisal and also all costs of the transaction. Appraisals and agreements subject to review and approval by inspector general. 11/23/2009, Signed by the Governor, Chapter 155 of the Acts of 2009 |
| 24. S.2059 S02219 Resolves of 2010, chapter 1 http://www.malegislature.gov/Laws/SessionLaws/Resolves/2010/Chapter1 | Resolve establishing a special commission on the reuse of Westborough State Hospital. Eldridge DCAMM, DMH | 10/8/2009, public hearing 11/18/2009, reported favorably accompanied a new draft, see S02219 | State land. Would establish a special commission to conduct a study and make recommendations regarding the reuse of the Westborough State Hospital site. 4/9/2010, Signed by the Governor, Chapter 1 of the Resolves of 2010. http://www.malegislature.gov/Laws/SessionLaws/Resolves/2010/Chapter1 |
| 25. S.1397 | An act allowing the town of Ware to sell the old council on aging building and its property at an auction. Brewer | June 4, 2009, public hearing. 11/18/2009, reported favorably | Public land. Would authorize the Town of Ware to sell at auction the Old Council on Aging Building and land at 11 Church Street and the South Street School and land on South Street. 1/14/2010, Senate, Read second and ordered to a third reading |
| 26. S.1401 | An act relative to the disposal of obsolete materials and supplies. Brewer | June 4, 2009, public hearing 11/23/2009, reported favorably by committee and referred to the Senate Committee On Ethics and Rules | State land. Would amend section 22 of chapter 7 of the general laws to provide that items not transferred or sold to other government entities shall be advertised for sale to the general public by the state surplus property office. |

| BILL/CHAPTER NUMBER | BILL NAME, SPONSORS AND AGENCIES | SARO COMMITTEE ACTION | COMMENTS AND CURRENT STATUS |
|--|--|--|--|
| 27. S.1402 S.2571 Chapter 266 of the Acts of 2010 http://www.malegislature.gov/Laws/SessionLaws/Acts/2010/Chapter266 | An act authorizing the division of capital asset management and maintenance to lease certain land in the town of Spencer to the Worcester County 4H Center. Brewer DCAMM and DCR | June 4, 2009, public hearing 11/23/2009, reported favorably by committee and referred to the Senate Committee on Bonding, Capital Expenditures and State Assets | State land. Re-file of S.30 of 2007. Would authorize DCAMM to lease approximately 20 acres of land with buildings located in Spencer State Forest to the Worcester County 4H center for up to 25 years. The Worcester County 4H Club has operated a summer youth camp on this land for about 55 years under prior statutory authorizations (St. 1948, c. 358; St. 1971, c. 256). The prior lease expired in 2003. This bill would extend the club's lease and continue the existing use of the property. 8/7/2010, Signed by the Governor, Chapter 266 of the Acts of 2010 |
| 28. S.1435 | Resolve relative to state government accountability, economy, and efficiency. Moore | September 8, 2009, public hearing. 11/23/2009, Resolve reported favorably by committee and referred to the Joint Rules | Government administration. Would establish a 13 member special commission to study methods of improving accountability, economy and efficiency of the state government. The committee would be required to meet monthly and file annual reports, with a final report due by June 30, 2010. 11/30/2009, Resolve reported favorably by Joint Rules committee and referred to the Senate Committee On Ways and Means . |
| 29. S.1460 | An act relative to increased efficiencies in state government. Tisei | September 8, 2009, public hearing 11/23/2009, Bill reported favorably by committee and referred to the Senate Committee On Ethics and Rules | Government administration. Would require the state treasurer to provide pay advices to state employees electronically. Those wishing to continue to receive paper pay advices could do so by giving written notice to the treasurer's office. Those who could not receive advices electronically also would continue receiving paper advices. |
| 30. H.3043 H04366 | An act relative to the health and safety on public construction projects. Spellane | June 18, 2009, public hearing November 23, 2009, reported favorably accompanied a new draft, see H04366 | Public construction. Would amend several statutes relative to bids on public construction contracts by adding language to provisions for form of bids, sub-bids and certifications requiring that employees of a bidder who will be working at a worksite complete the required course in construction safety and health once every five years. 11/23/2009, referred to the House Committee On Ways and Means |
| 31. H.3837 H04357 | An act authorizing the conveyance of certain state land in the town of Sharon. Kafka | June 4, 2009 public hearing 11/18/2009, reported favorably, accompanied a new draft, see H04357 . | State land. Would require DCAMM to transfer two specified parcels of land in Sharon to Edward and Nancy Welch. In return, the Welchs would transfer to the state another parcel of land larger in area than the other 2 parcels combined. Note: Although the parcel the state would receive would be larger than the combined area of the 2 parcels to be conveyed to the Welchs, it is not necessarily of greater value. The bill should provide for appraisals of all of the involved parcels. If the appraised value of the parcel to be conveyed to the state is not at least equal to the total value of the parcels the Welchs would acquire, the bills should provide for payment of the difference to the state. 11/18/2009, Enacted and laid before the Governor - 38 YEAS to 0 NAYS (See Senate Roll Call, No. 181) 11/24/2009, Governor returned to the House with veto; For message, see H4378. 11/30/2009, Placed in the Orders of the Day for the next session |

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| 32. H.1126 | An act exempting the harbor and shellfish advisory board membership from conflict of interest regarding discussion of shellfish licensing. Madden, O'Leary | October 8, 2009 public hearing. 11/23/2009, bill reported favorably by committee and referred to the House Committee On Steering, Policy and Scheduling . | Ethics. Would amend statute that established the Nantucket Harbor and Shellfish Advisory Board by adding a provision exempting Board members from the conflict of interest provisions of Mass. Gen. Laws, c. 268A, §§17(a) and (c) and 19 (a) for the purpose of providing advice and recommendations to the Board of Selectmen regarding shellfish fishing, harvesting, licensing and fishery standards. Would allow those who obtain income from shellfish harvesting to participate, as Board members, in advising the Board of Selectmen on matters relating to shell fish harvesting. 3/18/2010, House, read third and passed to be engrossed 4/1/2010, Senate, read second and ordered to a third reading |
| 33. S.2149 S02221 Chapter 224 of the Acts of 2010 | An act releasing certain land in Brimfield from the operation of an agricultural preservation restriction. Brewer DAR | September 24, 2009 public hearing. 11/23/2009, reported favorable by committee accompanied a new draft, see S02221 | State land. Provides for the release of an APR on one parcel of land in exchange for the grant by the landowners of a new APR on another parcel of land. As part of the agreement with the state, the landowner is required to spend a specified percentage of annual gross revenues from the commercial use of the 7.7 acre parcel to be released to enhance the agricultural productivity of the remaining APR land. Specifies 6 types of enhancements that would be proposed by Weston and approved by DAR. If the landowner does not make a proposal, the DAR would designate the productivity enhancement. Specifies the percentages to be used for enhancements in various years. 8/4/2010, Signed by the Governor, Chapter 224 of the Acts of 2010 |
| 34. S.2163 Chapter 39 of the Acts of 2010 http://www.ma.gov/legislator/SessionLaws/Acts/2010/Chapter39 | An act relative to Wareham library certification. Pacheco | November 18, 2009 public hearing 12/2/2009, reported favorably by committee. | Government administration. Provides that, for the fiscal year 2010 state aid to libraries program, the Board of Library Commissioners shall consider that the town of Wareham has met the standard for minimum hours of service for fiscal year 2009. This will allow the town to apply for state library aid and thereby retain its certification. Also provides that the town must demonstrate compliance with the minimum hours requirement in fiscal year 2010 by October 16, 2009 and successfully complete the certification process for FY10. 02/26/2010, Signed by the Governor, Chapter 39 of the Acts of 2010 |
| 35. H.4364 Chapter 99 of the Acts of 2010 | An act naming the inpatient library at the Corrigan mental health center. Sullivan, Menard | 12/17/2009 public hearing 12/17/2009, Bill reported favorably by committee and referred to the House Committee On Steering, Policy and Scheduling | Honorary bills. Would provide for the designation of the inpatient library at the Corrigan Mental Health Center as the "Ralph A. Roberts Library." 04/29/2010, Enacted and laid before the Governor 05/05/2010, Signed by the Governor, Chapter 99 of the Acts of 2010 |
| 36. H.3033 H04509 | An act making amendments to the Massachusetts Corporation Act - part two. Scaccia | September 8, 2009, public hearing 2/24/2010, Reported favorably, accompanied a new draft, see H04509 | Government administration. The bill would make a number of technical corrections various sections of Mass. Gen. Laws, c. 156D, which governs business corporations. The amendments mostly make minor changes such as changing "stockholder" to "shareholder," correcting various typographical errors, clarifying language and similar changes. 03/24/2010, ordered to a third reading. |

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| 37. H.2968 H04508 | An act relative to price adjustment. Cabral | June 18, 2009, public hearing 2/24/2010, Bill reported favorably, accompanied a new draft, see H04508 | Public construction. Would amend section 39O of chapter 30 of the General Laws to add a requirement that a price adjustment clause be included in any contract for more than \$100,000 providing for adjustment of prices of fuel, both diesel and gasoline, asphalt, concrete and steel. A base price would be established by the awarding authority as part of the bid process. Adjustment of contract prices for these types of materials would be made monthly when the change in price is greater than 5%. The same provision was included in chapter 303 of the acts of 2008, the second of the transportation bond bills enacted in 2008 and governs all projects funded by chapter 303 or chapter 86, the other transportation bond bill. 07/27/2010, engrossed in House. 07/28/2010, referred to the Senate Committee on Ways and Means |
| 38. H.2964 H04507 | An act relative to interest on retainage. Bradley | June 18, 2009, public hearing 2/24/2010, Reported favorably, accompanied a new draft, see H04507 | Public construction. Would amend section 39G of chapter 30 of the General Laws by adding a provision requiring a contract awarding authority to establish an interest-bearing escrow account and deposit the retained portion of requisitions paid to contractors (known as "retainage"). Re-file of H.3181 of 2007-2008. 06/09/2010, House ordered to a third reading. |
| 39. H.9 H04506 | An act relative to Chapter 30B. Inspector General | October 8, 2009, public hearing 2/24/2010, Reported favorably, accompanied a new draft, see H04506 | Procurement. Would make several clarifying and technical corrections to the uniform procurement statute, chapter 30B. Would add a provision that any purchase from a vendor pursuant to a General Services Administration supply schedule available to governmental bodies complies with chapter 30B. Also would add a definition of "sound business practices." 02/24/2010, referred to the House Committee On Ways and Means . <u>Provision enacted</u> as section 6 of chapter 188 of the acts of 2010 (municipal relief legislation) which amended section 1 of chapter 30B to add a new subsection (f) providing that all purchases from a vendor pursuant to a GSA supply schedule are deemed to comply with chapter 30B. |
| 40. H.3757 H04511 | An act relative to the Bayswater mitigation program. Basile | June 25, 2009, public hearing 2/24/2010, Reported favorably, accompanied a new draft, see H04511 | Ethics. Would amend state employee conflict of interest provisions in chapter 286A, section 7 and the MassPort enabling statutes to allow MassPort employees to participate in the Bayswater environmental program (would add to existing exemption for sound insulation programs). 08/07/2010, Signed by the Governor, Chapter 264 of the Acts of 2010. |

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| 41. S.1393 S02285 | An act authorizing the division of capital asset management and maintenance, in consultation with the board of trustees of the Essex Independent Agricultural and Technical Institute, to sell and convey a certain parcel of land in the town of Byfield/Newbury Berry DCAMM | June 4, 2009, public hearing 2/25/2010, Reported favorably, accompanied a new draft, see S02285 | State land. Would authorize DCAMM to convey a 20 acre parcel of land in the town of Newbury. Title to the property is held jointly, pursuant to a will compromise agreement, by the state (Essex Independent Agricultural and Technical Institute) and an individual heir to an estate. Sales proceeds would be divided equally by the state and the individual heir, also pursuant to the compromise agreement. The state's share would be held in a segregated account solely for scholarships for students wishing to attend the Institute and for repair and maintenance of that part of the Institute's facilities that are primarily or exclusively devoted to agricultural studies or uses. Costs related to the sale would be divided equally between the state and the heir. 05/06/2010, Senate, read third and passed to be engrossed 05/10/10, House, read, referred to House Committee On Ways and Means |
| 42. S.1396 | An act providing for the regulation of landscape sprinkler systems Brewer | October 8, 2009, public hearing 2/25/2010, Bill reported favorably by committee, accompanied by H.3014 (see item 41 below). | Miscellaneous. Re-file of S.2742 of 2007-2008. Would require the state board of building regulations and standards to amend the state building code to require system interruption devices for new or renovated outdoor landscape irrigation systems. Directs the board to adopt regulations for devices designed to override programmed system operations when there is sufficient moisture. Golf courses and agricultural land would be excluded from these requirements. 2/25/2010, referred to the Senate Committee On Ways and Means . |
| 43. H.3014 | An act relative to landscape sprinkler systems. Quinn | October 8, 2009, public hearing 2/25/2010, Accompanied S01396 (see item 40 above) | Miscellaneous. Would require the state board of building regulations to amend the state building code to require renovated or newly installed residential landscape sprinkler systems to include rain sensor devices that are designed to suspend the operation of systems when there is rainfall. The regulations would specify how much rain would be required to override automated sprinkler systems. |
| 44. S.2136 S02286 Chapter 245 of the Acts of 2010 | An act authorizing the division of capital asset management and maintenance to convey certain land in the city of Somerville to the Somerville housing authority. Jehlen | September 24, 2009, public hearing 2/25/2010, Reported favorably, accompanied a new draft, see S02286 | State land. Would authorize DCAMM to convey a 1.39 acre parcel of land in Somerville to the Somerville Housing Authority. Certain non-exclusive easements for existing water mains would be retained by the state and the MWRA. Nothing could be placed on the easements without approval of the MWRA. Provides for payment of nominal consideration for the parcel. As additional consideration, the Somerville Housing Authority would develop and operate new affordable senior housing on the parcel. 8/5/2010, Signed by the Governor, Chapter 245 of the Acts of 2010 |
| 45. S.1467 H04521 | An act making technical corrections to the state trademarks act. Tolman | October 8, 2009, public hearing 2/24/2010, Reported favorably, accompanied a new draft of S.1467 and H.2977, see H04521 . | Government administration. Would reduce the number of specimens of the trademark as actually used that must be submitted with the application from 3 to 1 and provide that construction of the federal trademark statutes would be "persuasive authority for interpreting and construing this chapter" to the extent that similar language is used in the state and federal statutes. Would make corrections to erroneous statutory cross-references in Mass. Gen. Laws, c.156D, §§4.01 (b) and 15.06(b). Similar matter: H.2977. 03/03/2010, House ordered to a third reading. |

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| 46. H.2977 H04521 | An act relative to state trademarks. Driscoll | October 8, 2009, public hearing 2/24/2010, Reported favorably, accompanied a new draft of S.1467 and H.2977, see H04521 | Government administration. Re-file of H.3183 of 2007-2008. Similar to S.1467. Would reduce the number of specimens of the trademark as actually used that must be submitted with the application from 3 to 1 and provide that construction of the federal trademark statutes would be "persuasive authority for interpreting and construing this chapter" to the extent that similar language is used in the state and federal statutes. Would make corrections to erroneous statutory cross-references. Similar matter: S.1467 03/03/2010, House ordered to a third reading. |
| 47. H.2999 | An act recognizing the profession of interior designers to bid on state contracts. Kafka | October 8, 2009, public hearing. 2/24/2010, Bill reported favorably by committee . | Public construction/Miscellaneous. Would include interior designers to the definition of "designer" allowing interior designers to bid on contracts for design services for public building projects. Would add language providing for inclusion in published contract notices a statement of whether interior designers are eligible to apply. Interior designers could file a project application only for projects that include only "interior elements" and those elements not required to be performed by registered architects and professional engineers and surveyors. 6/28/2010, House passed to be engrossed. 7/31/2010, Senate passed to be engrossed. 09/20/2010, House, rules suspended, amendment adopted |
| 48. H.3616 H04510 Chapter 263 of the Acts of 2010 | An act relative to Plimoth Plantation. deMacedo | June 4, 2009, public hearing 2/24/2010, bill reported favorably by committee, accompanied a new draft, see H04510 | State land. Would authorize DCAMM, in consultation with DCR, to lease certain land in Plymouth to Plimoth Plantation for a term of 20 years. 8/7/2010, Signed by the Governor, Chapter 263 of the Acts of 2010 http://www.malegislature.gov/Laws/SessionLaws/Acts/2010/Chapter110 |
| 49. S.2231 Chapter 110 of the acts of 2010. | An act relative to payment for services rendered for extraordinary storm damage in the town of Templeton. Brewer | February 24, 2010, public hearing. 3/2/2010, Reported favorably by committee. | Government administration. Would authorize the town of Templeton to pay sums in excess of the original amount of the contract with a tree service for debris removal connected to the December 2008 ice storm. 5/20/2010, Signed by the Governor as Chapter 110 of the acts of 2010. |
| 50. S.1409 S02309 | An act to improve the collection and analysis of data relative to traffic stops Chang-Diaz | June 25, 2009, public hearing 3/8/2010, reported favorably accompanied a new draft, see S02309 | Public records and open meeting. Would add a new statute to chapter 90C of the general laws that would establish new requirements for the collection, analysis and availability of data collected regarding motor vehicle stops. 3/8/2010, referred to the Senate Committee On Ways and Means |

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| 51. S.1411 | An act relative to procurement in the commonwealth Downing | July 16, 2009, public hearing 3/8/2010, Reported with and carried by H.2994. | Procurement. Would add a new sections chapters 7 and 30B of the General Laws that would provide that, to the extent legally permissible, a state agency or authority "shall establish a preference" for products and services of businesses with a principal place of business in Massachusetts. Similar matter: H.2994 3/8/2010, Bill reported favorably by committee and referred to the House Committee On Ways and Means |
| 52. H.2994 | An act relative to chapter 30B. Golden | July 15, 2009, public hearing 3/8/2010, Bill reported favorably by committee and referred to the House Committee On Ways and Means | Procurement. Would amend procurement laws to allow a Massachusetts bidder to be consider the lowest responsible bidder if its bid is within 5% of the bid of an out-of-state bidder and to provide that a proposal from a Massachusetts business would be considered the most advantageous proposal if the proposal is within 5% of the price submitted as part of a proposal by an out of state business. Similar matter: S.1411 |
| 53. S.1424 S02310 S2327 | An act relative to the Max Ulin rink Joyce DCAMM and DCR | June 4, 2009, public hearing 3/8/2010, reported favorably accompanied a new draft, see S02310 | State land. Re-file of S.41 of 2007 (which was a re-file of S.45 of 2005.) (Prior bill reported favorably but remained in SWM as of the end of the last session) Would authorize DCAMM to lease the Max Ulin Rink to a third party, using a competitive bid process, for a 20 year term with a 5 year optional extension. Lessee would pay for upkeep, capital improvements, insurance and other expenses. Third party lessee would be required to retain existing employees. 3/15/2010, Senate Ways and Means Committee recommended ought to pass with an amendment, substituting therefore a new draft, see S2327 3/18/2010, House, referred to House Committee On Ways and Means |
| 54. H.4447 | An act reorganizing certain agencies of the executive department # 1 | February 24, 2010, public hearing 3/4/2010, disapproved by committee. | Government administration. Sets forth Governor's 2010 plan for reorganization of certain executive branch departments including: merger of SOMBWA and the affirmative market program within OSD to create the Supplier Diversity Office within OSD; transfer of MassGIS from EEA to ITD; consolidation of the Bureau of Special Education Appeals into the Division of Administration Law Appeals; changes to the structure of the Fiscal Affairs Division; and restructuring of the Civil Service Commission. |
| 55. H.4490 H04553 S02380 H4820 H04863 | An act providing for job creation by small businesses (sections 1 and 2A only) | March 4, 2010, public hearing 3/8/2010, reported favorably by committee accompanied by new draft (Joint Committee on State Administration and Regulatory Oversight, Sections 1 and 2A), see H04553 | Authorizes \$25 million of capital funding for the Massachusetts Growth Capital Corporation, which would be created by this act through the merger of 3 existing agencies. Also authorizes \$50 million of capital funding for the Growth Districts Initiative administered by the executive office of housing and economic development. 6/28/2010, H04553 reported favorably by HWM accompanied by S02380 8/5/2010, Signed by the Governor, Acts of 2010, Chapter 240 http://www.malegislature.gov/Laws/SessionLaws/Acts/2010/Chapter240 |

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| <p>56. H.4541</p> <p>Chapter 56 of the Acts of 2010</p> <p>http://www.ma.gov/legislator/legislation/Acts/2010/Chapter56</p> | <p>An act reorganizing certain agencies of the executive department #2</p> | <p>March 4, 2010, public hearing</p> <p>3/4/2010, approved by committee.</p> | <p>Government administration. Sets forth Governor's 2010 plan for reorganization of certain executive branch departments including: merger of SOMBWA and the affirmative market program within OSD to create the Supplier Diversity Office within OSD; transfer of MassGIS from EEA to ITD; and changes to the structure of the Fiscal Affairs Division.</p> <p>3/25/2010, Signed by the Governor, Chapter 56 of the Acts of 2010</p> |
| <p>57. H.2972</p> | <p>An act relative to the Massachusetts revenues and expenditures transparency act.</p> <p>Cabral</p> | <p>June 25, 2009, public hearing</p> <p>3/16/2010, reported favorable by committee, accompanied by S.1410, S.1455, H.2959, H.3617, and H.3970.</p> | <p>Public records/opening meeting law. S.1455 and H.2959 cover similar subject matter. This bill is nearly identical to S.1410. Requires the secretary of administration and finance to develop a searchable budget database website by January 1, 2011 that would be accessible by the public at no cost. Lists items and categories of information that the database must include such as annual state expenditures or funding actions provided to any entity, debt service payments, local aid, annual revenues including deposits by any agency to funds within the state treasury, tax revenues collected, agency earnings, and gifts, donations and federal grants, "annual bonded indebtedness," and links to any state audits or reports.</p> <p>Similar matters: S.1410, S.1455, H.2959, H.3617, and H.3970.</p> <p>4/12/2010, referred to the House Committee On Ways and Means</p> <p>Note: Outside section 8 of the FY2011 budget added a new section 14C to chapter 7 of the General Laws that requires the secretary of A&F to develop and maintain such a searchable database.</p> <p>Note: Provisions for establishing and maintaining a searchable budget database website were included in outside section 8 of the FY2011 budget, chapter 131 of the acts of 2010.</p> |
| <p>58. S.1410</p> | <p>An act relative to transparency in state revenues and expenditures</p> <p>Creem and others</p> | <p>June 25, 2009, public hearing</p> <p>3/16/2010, accompanied favorable report of H.2972.</p> <p>See item 58.</p> | <p>Public records and open meeting. Requires the secretary of administration and finance to develop a searchable budget database website by January 1, 2011 that would be accessible by the public at no cost. Lists items and categories of information that the database must include such as annual state expenditures or funding actions provided to any entity, debt service payments, local aid, annual revenues including deposits by any agency to funds within the state treasury, tax revenues collected, agency earnings, and gifts, donations and federal grants, "annual bonded indebtedness," and links to any state audits or reports. Bill is similar to S.1455 and H.2959; it is nearly identical to H.2972.</p> <p>Similar matters: S.1455, H.2959, H.2972, H.3617, and H.3970.</p> <p>Note: Provisions for establishing and maintaining a searchable budget database website were included in outside section 8 of the FY2011 budget, chapter 131 of the acts of 2010.</p> |

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| 59. S.1455 | An act to provide for accountability and transparency in the finances of the commonwealth. Tarr | June 25, 2009 3/16/2010, accompanied favorable report of H.2972. See item 58. | Public records/open meeting law. Similar to S.1410 and H.2972. Directs the secretary of A&F, the state comptroller, the state treasurer and the operational services division to develop a single, searchable website that may be accessed by the public without cost and would enable the public to research and examine state expenditures. Similar matters: S.1410, H.2959, H.2972, H.3617, H.3970 Note: Provisions for establishing and maintaining a searchable budget database website were included in outside section 8 of the FY2011 budget, chapter 131 of the acts of 2010. |
| 60. H.2959 | An act relative to establishing a searchable website of state expenditures. Binienda | June 25, 2009, public hearing 3/16/2010, accompanied favorable report of H.2972. See item 58. | Public records/open meeting law. Similar to S.1410 and S.1455. Would require the secretary of A&F to establish and maintain a website with information about state expenditures that could be accessed and searched by the public without charge. Similar matters: S.1410, S.1455, H.2972, H.3617, and H.3970. Note: Provisions for establishing and maintaining a searchable budget database website were included in outside section 8 of the FY2011 budget, chapter 131 of the acts of 2010. |
| 61. H.3617 | An act relative to a public website displaying a searchable database of state expenditures. Jones | June 25, 2009 3/16/2010, accompanied favorable report of H.2972. See item 58. | Public records and open meeting. Would amend chapter 29, section 6D by adding language requiring that specific details of the state's operating expenditures be made available to the general public on the state website. Lists some of the types of information that would be required. Similar matters: S.1410, S.1455, H.2959, H.2972, and H.3970. Note: Provisions for establishing and maintaining a searchable budget database website were included in outside section 8 of the FY2011 budget, chapter 131 of the acts of 2010. |
| 62. H.3970 | An act relative to transparency of state contracts and expenditures Callahan | June 25, 2009 3/16/2010, accompanied favorable report of H.2972. See item 58. | Public records and open meeting. Would add a new section 4R to chapter 7 of the General Laws that would require EOAF to develop "a free searchable website" with information about state contracts and expenditures. Contract information would include "the status of pending as well as awarded state contracts." Similar matters: S.1410, S.1455, H.2959, H.2972, and H.3617. Note: Provisions for establishing and maintaining a searchable budget database website were included in outside section 8 of the FY2011 budget, chapter 131 of the acts of 2010. |
| 63. S.1438 | An act providing for cooperative purchasing of renewable energy equipment Morrissey | July 16, 2009, public hearing 3/16/2010, reported favorably by committee. 4/15/2010, referred to Senate Ways and Means. | Procurement. Would amend the statute establishing the Renewable Energy Trust Fund to allow the Fund's board to institute cooperative purchasing agreements in appropriate circumstances. Similar matters: H.2975 (cooperative purchasing agreements by public procurement units); H.2991 (cooperative purchasing agreements by educational collaborative). Note: <u>Cooperative purchasing amendments to chapter 30B were enacted</u> as part of Acts of 2010, chapter 188, <i>An act relative to municipal relief.</i> |

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| 64. S.1450 | An act to promote solar hot water installations. Pacheco | October 8, 2009, public hearing 3/16/2010, reported favorably by committee. 4/15/2010, referred to Senate Ways and Means. | Government administration. Would require the State Board of Building Regulations and Standards to hold a public hearing to determine whether to amend the state building code to "address applications of solar thermal technology beyond domestic hot water applications to include swimming pool heating, space heating and industrial process heat." BCESA reported favorably in 2007-8 session; ended in HWM. |
| 65. H.2969 | An act relative to improving public safety and reducing construction costs. Cabral | June 18, 2009, public hearing 3/16/2010, reported favorably by committee. 4/12/2010, referred to House Ways and Means. | Public construction. Would amend certain provisions of sections 40 through 40C of chapter 82 and add a new section to that chapter relative to "dig safe" requirements for marking locations of underground utility lines. The amendments would clarify and expand procedures and requirements for marking utility lines and ducts, require attendance of a representative of the affected utility at pre-construction meetings upon request of the project owner or contractor, update the definition of "non-mechanical" means, allow an affirmative defense for erroneous markings, require a timely response from utilities regarding necessary repairs, define what constitutes an emergency for purposes of utility repairs and regulate the manner in which utilities may collect claims. |
| 66. H.2975 | An act relative to procurement. Costello | July 16, 2009, public hearing 3/16/2010, reported favorably by committee accompanied a new draft, see H04609 , accompanied by H.2980. | Procurement. Would amend section 20 of chapter 30B, relative to preference for Massachusetts agricultural products, by adding language stating that a public procurement unit may participate in cooperative purchasing agreements with other public procurement units or external procurement activities. "Cooperative purchasing" means purchasing by more than one public procurement unit or by a public procurement unit with an external procurement activity, which includes governmental units outside of Massachusetts or the federal government. Similar matters: H.2991 (cooperative purchasing agreements by educational collaborative); S.1438 (cooperative purchasing agreements by the Renewable Energy Trust Fund only) Note: <u>Cooperative purchasing amendments to chapter 30B were enacted</u> as part of Acts of 2010, chapter 188, <i>An act relative to municipal relief</i> . |
| 67. H.2980 | An act making certain changes to the procurement laws. Fagan | July 16, 2009, public hearing 3/16/2010, accompanied favorable report of H.2975. 4/22/2010, Accompanied a new draft, see H04609 | Procurement. Includes amendments to sections of chapter 7 and 30B relative to sole source procurements of equipment serving a specialized need or function. Also would amend M.G.L., chapter 7, section 22B, which authorizes collective purchasing by political subdivisions of the commonwealth, to require the Secretary of A&F to notify all cities and towns when procurements are made on a statewide basis and provide them with a statement as to why the procurement is advantageous to the municipalities. Note: See other bills relative to collective purchasing: H.2975, H.2991, and S.1438. |

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| 68. H.2979 | An act relative to the determination of the lowest eligible and responsible bidder for certain public construction contracts. Fagan | June 18, 2009, public hearing 3/16/2010, reported favorably by committee, referred to House Committee On Ways and Means . | Public construction. Would amend M.G.L., c. 149, section 44C with respect to the determination of the lowest eligible and responsible bidder for bids on contracts under section 44A, paragraph (2). The proposed amended provision would allow the awarding authority to consider other information and evaluations of the bidder and its work supplied to DCAMM or included in applications for certification. Would provide for rejection of the bidder based on unsatisfactory evaluations of the bidder. 4/12/2010, referred to the committee on House Committee On Ways and Means |
| 69. H.2991 | An act relative to achieving cost-saving through bulk purchasing programs. Galvin | July 16, 2009, public hearing 3/16/2010, reported favorably by committee, referred to House Committee On Ways and Means . | Procurement. Would provide for a 2 year pilot program to allow educational collaboratives to participate in bulk purchasing programs under a vendor's contract with another state or political subdivision of another state. The inspector general would be required to review and submit reports on the bulk purchasing procedures used and the results including cost savings achieved and effect on Mass. businesses. Note: Cooperative purchasing amendments to chapter 30B were enacted as part of Acts of 2010, chapter 188, <i>An act relative to municipal relief</i> . |
| 70. S.2198 S.2443 S.2553 Chapter 249 of the Acts of 2010 | An act authorizing the commonwealth of Massachusetts to convey a certain parcel of land in the town of Dartmouth. Montigny | February 24, 2010, public hearing 3/16/2010, reported favorably by committee. | State land. Would authorize DCAMM to convey a .26 acre parcel of land in Dartmouth, formerly used as a state police barracks, to the Dartmouth housing authority. The DHA would pay the fair market value of the property use it to develop affordable housing for veterans. Note: This parcel is one of the parcels included in outside section 33 of the Governor's FY11 budget recommendation. This section would authorize the expedited disposition of certain parcels of land listed in that section. 8/5/2010, Signed by the Governor, Chapter 249 of the Acts of 2010 |
| 71. H.3051 | An act to reduce paperwork in the commonwealth. S. Walsh | September 8, 2009, public hearing 3/16/2010, reported favorably by committee with a new draft , H. 4606 , accompanied by S.1463. (See item 73) | Government administration. Would amend statute governing filing with the state secretary of required annual reports by state agencies to require that such reports be submitted to the state secretary by electronic mail and provide that written copies would be available to state officers upon request. Would add a new statute to be known as the Paperwork Reduction Act, designed to minimize paperwork, improve the quality and timeliness of disseminated information, promote cooperation between agencies, achieve cost savings and reduce environmental burdens and energy consumption. Sets forth the responsibilities of state agencies with respect to maintenance and dissemination of information. Would require agencies, before disseminating public information of more than 4 pages, to provide notice that the information is available and how it may be obtained. |

| BILL/CHAPTER NUMBER | BILL NAME, SPONSORS AND AGENCIES | SARO COMMITTEE ACTION | COMMENTS AND CURRENT STATUS |
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| 72. S.1463 | An act reducing the use of paper and increasing government efficiencies. Tisei | September 8, 2009, public hearing 3/16/2010, accompanied favorable report of H.3051. 4/12/2010, accompanied new draft, see H.4606. 10/25/2010. No Further Action Taken | Government administration. Would require the secretary of A&F to increase government efficiency through various means of reducing the number of paper-based transactions in state government, including use of information technology, elimination of paper publications by use of electronic distribution, increasing the number of transactions and filings that can be conducted on-line, increasing the use and availability of electronic payment methods and eliminating duplication through implementation of file-sharing technology among state agencies. Would require A&F review and report regarding any legal impediments to use of these methods. Would establish a 25 member special commission to study and make recommendations regarding the feasibility of increasing electronic filings, records management and transactions within the judiciary. |
| 73. H.4431 | An act to include the Saugus River Watershed Commission on the citizens advisory board on the uses of land within the Rumney Marsh Reservation. Reinstein | February 24, 2010, public hearing. 5/20/10, reported favorably | State land. Would amend a 2002 statute that established a citizens' advisory board within the MDC (now DCR) relative to use of lands under DCR control within the Rumney Marsh area of critical environmental concern. The amendment would add the Saugus River Watershed Commission to those represented on the advisory board. 7.14.2010 --- H Read third (title changed) and passed to be engrossed 7.15.2010 --- S Read; and referred to the committee on Senate Committee on Ethics and Rules |
| 74. S.2411 Chapter 225 of the Acts of 2010 | An act authorizing the department of fish and game to acquire land of the town of Athol and to acquire a conservation restriction on lands of the town of Athol in exchange for grants of easements to the town of Athol. Brewer Department of Fish and Game. | May 20, 2010, public hearing. 5/20/10, reported favorably with a new draft | State land. Provides for the transfer of certain land in Athol and conservation restrictions to the state in exchange for grants of certain easements to the town of Athol. Transfers provided for in the act are contingent on the value of the conservation restrictions being equal to or greater than that of the easements. 8/4/2010, Signed by the Governor, Chapter 225 of the Acts of 2010 |
| 75. S.2435 Chapter 139 of the Acts of 2010 | An act designating a certain playground at Marine Park in the South Boston section of the city of Boston as the Michael Joyce Memorial Playground. Hart | May 20, 2010, public hearing. 5/20/10, reported favorably | Honorary bills. Provides for naming of a playground at Marine Park in South Boston. 06/30/2010. Signed by Governor, Chapter 139 of the Acts of 2010 |
| 76. H.180 | An act concerning the public records law. Scaccia | May 20, 2010, public hearing. Reported favorably with a new draft, 6/9/2010 | Public records. Would protect from disclosure as public records any records or confidential information of the office of the child advocate. |

| BILL/CHAPTER NUMBER | BILL NAME, SPONSORS AND AGENCIES | SARO COMMITTEE ACTION | COMMENTS AND CURRENT STATUS |
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| 77. H.4580 | An act to require the use of proctors as monitors for instruction and training programs administered by the Division of Apprenticeship Training within the Department of Labor and Workforce Development M. Walsh | May 20, 2010, public hearing. Reported favorably, 6/9/2010 | Government administration. Would make several amendments to the division of apprentice training statute to require the use of proctors during apprentice training. The bill is intended to promote even treatment of all contractors' apprentice training programs by ensuring that apprentices actually attend all of the classroom instruction time required for such training programs. 07/07/2010, House, Read second and ordered to a third reading |
| 78. H.12 | An act relative to public procurement. Inspector General | October 8, 2009, public hearing. Reported favorably, 6/14/2010 | Procurement. Would amend Mass. Gen. Laws, c. 266, §67A, which sets forth criminal penalties for false statements, fraudulent concealment and other fraud in procurements of supplies services or construction. Would add to the acts subject to the section the failure to provide notification to an awarding authority within 30 days of discovery of violations of criminal law or overpayments in connection with the award or performance of a procurement contract. 07/08/2010, House, Read second and ordered to a third reading |
| 79. H.13 | An act authorizing employees of the inspector general's office to participate in representative town meeting. Inspector General | October 8, 2009, public hearing. Reported favorably, 6/14/2010 07/08/2010, House, Read second and ordered to a third reading | Ethics. Would amend the provision in Mass. Gen. Laws, c. 12A, §4 that prohibits members of the inspector general council and the inspector general's office from running for or holding elective office. The amendment would add an exception that would allow such persons to be a candidate for and hold office as a town meeting member in towns with a representative town meeting form of government. |
| 80. H102 H4790 | An act providing for disposition of surplus state real property based on smart growth land use principles Governor DCAMM8 | May 7, 2009, public hearing. Reported favorably with a new draft, H.4790, 6/14/2010, carrying S6, S1416, H2962, H2987, H3004, H3025 and H4092 | State land. This bill sets forth the Governor's recommendation relative to amendment of laws governing the disposition of state surplus land. This bill includes many elements similar to those contained in other surplus land disposition bills that were filed during the 2007-2008 session. This bill is a re-file of H.4506, which the Governor filed during the previous legislative session. Would amend those sections of chapter 7 of the General Laws governing how state land is declared surplus and the procedure for disposing of land that has been determined to be surplus to state needs. Includes provisions for public hearings in host communities, smart growth review, right of first refusal to purchase at discount for host communities, share of sales proceeds to host communities and establishment of surplus state land coordinating committee. Similar matters: S.1416, H.2962, H.2987, H.3025, and H.4092. Related matter: H.3004. |

| BILL/CHAPTER NUMBER | BILL NAME, SPONSORS AND AGENCIES | SARO COMMITTEE ACTION | COMMENTS AND CURRENT STATUS |
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| 81. S1391 S2494 S2580 | An act relative to timely decisions by awarding authorities Baddour | June 18, 2009, public hearing. Reported favorably accompanied a new draft, see S2494, and referred to Senate Ways & Means, 6/14/2010 | Public construction. Would amend section 39M of chapter 30 of the General Laws. Would shorten the time within which awarding authorities must supply decisions in response to written submissions for decision by contractors. Would add requirements relative to addressing inquiries on the status of written submissions and implementation of a reporting system to track written submissions for decision and responses to such submissions. 7/30/2010, Senate Ways and Means recommended ought to pass with an amendment, substituting therefore a new draft, see S2580. 7/30/2010, Senate passed to be engrossed. 7/30/2010, referred to the committee on House Committee On Ways and Means |
| 82. S1398 | An act amending the procurement procedures Brewer | July 16, 2009, public hearing. (held from June 18 hearing) Reported favorably, 6/14/2010 | Public construction. Would amend MGL chapter 149, section 29 to allow municipalities to obtain an escrow payment of one half of the contract price as security for a contractor's performance instead of a performance bond. 6/21/2010, referred to Senate Ways & Means. |
| 83. S.1406 S2496 | An act to limit indemnity and insurance responsibility for general contractors and subcontractors in construction work Buoniconti | June 18, 2009, public hearing. Reported favorably with a new draft, S2496 , 6/14/2010 6/21/2010, Senate, reported favorably and referred to Senate Committee On Ways and Means 10/25/2010, No Further Action Taken | Public construction. Would amend chapter 29C of chapter 149 of the General Laws pertaining to indemnity provisions in construction contracts. Would expand coverage of the section to protect not only subcontractors but any party to the contract. The amended section would also clarify that it applies to contracts and subcontracts. The amended statute would declare as void any provision in a contract that would require a party to indemnify another party to a greater extent than the proportion of damages proximately caused by such party's negligence. The current statute, by comparison, declares void a provision that "requires a subcontractor to indemnify any party for injury to persons or damage to property not caused by the subcontractor." |
| 84. S.1407 S2497 | An act relative to the retention of municipal records Buoniconti | June 25, 2009, public hearing. Reported favorably with a new draft, S2497 , 6/14/2010 | Public records and open meeting. Would require the records conservation board to establish a schedule, criteria and guidelines for the transfer of municipal records to an electronic format. Would establish a goal of 3 years from the effective date of the act to complete the transfer. |
| 85. S.1419 S2498 | An act to recognize the flag of the former Republic of Vietnam Hart | September 24, 2009, public hearing. Reported favorably with a new draft, S2498 , 6/14/2010 | Honorary bills. Would provide that the only Vietnamese flag that could be displayed at any state-sponsored function or public institution of learning is the former Republic of Vietnam flag (formerly known by the common name "South Vietnam"). Thus, the proposed legislation would prohibit the display of the current flag of the Socialist Republic of Vietnam at any such venue. Re-draft instead provides for recognition of April as Vietnamese-American month. |
| 86. S.1420 S02499 | An act relative to privatization contracts Hart | July 16, 2009, public hearing. June 21, 2010, reported favorably with a new draft, see S02499 | Procurement. The bill would amend section 54 of chapter 7 relative to privatization contracts. The amendment would require an agency to provide a written statement that the services to be rendered under the contract shall not be performed outside of the U.S. A privatization contract would be required to include a prohibition against performance of any services outside of U.S. territory. |

| BILL/CHAPTER NUMBER | BILL NAME, SPONSORS AND AGENCIES | SARO COMMITTEE ACTION | COMMENTS AND CURRENT STATUS |
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| 87. S.1421 S02487 | An act to provide for the public inspection of records made or received by special state police officers at educational institutions and hospitals Jehlen | June 25, 2009, public hearing. June 18, 2010, reported favorably with a new draft, see S02487 | Public records and open meeting law. Would amend statutes relative to special state police officers at colleges, universities and hospitals and public records laws to provide for public availability and inspection of law enforcement records of such officers. Note: Not intended to apply to hospitals. Clarified in redraft. 07/27/2010 referred to the House Committee On Ways and Means |
| 88. S.1428 S02500 | An act to authorize the leasing of the Ponkapoag golf course. Joyce DCAMM DCR | June 4, 2009, public hearing. Accompanied a new draft, see S02500 07/30/2019, discharged to Senate Committee On Ways and Means | State land. Similar bill, S.514, filed in 2007, would have also authorized a lease of the Ponkapoag Golf Course, was not enacted. Instead, an outside section was included in the FY09 budget (2008, c.182, sec. 103) provides for the lease of the course to a third party, giving preference to the town or a non-profit organization within the town. This bill amends this section 103. Section 1 of the bill would shorten the time within which the town must determine whether it will submit a proposal from 180 to 45 days (town's right to do so precedes solicitation of proposals from other parties). Section 2 amends section 103 to provide for deposit of lease proceeds to the Blue Hills Reservation Trust Fund instead of the General Fund. Section 3 eliminates from the list of contractual terms and conditions to be included in any agreement a provision for a discount program for residents of Canton. This section also eliminates a provision requiring the lessee to pay the equivalent of commercial real estate taxes that would be due and substitutes language requiring, instead, a "host community agreement" between the lessee and the town. Sections 4 and 5 each amend other outside sections in the FY09 budget, sections 104 and 105, which authorized the lease of the Blue Hills Observatory and Science Center and the Blue Hills ski area, respectively. In each case, these sections would be amended to provide for deposit of lease proceeds to the Blue Hills Reservation Trust Fund instead of the General Fund. |
| 89. S.1431 S02501 | An act relative to direct payments McGee | September 8, 2009, public hearing. June 21, 2010, Reported favorably with a new draft, see S02501 | Government administration. Would amend M.G.L., c.30, §39F, which sets forth specific provisions that must be included in certain public construction contracts. Paragraph (l), which provides for a subcontractor's right to demand direct payment under certain circumstances, currently applies to contracts governed by M.G.L., c.149, §§44A to 44L but not to those governed by M.G.L., c.30, §39M. The former applies only to contracts of a state agency but not those of a municipality. The latter applies to state and municipal contracts. This amendment would extend the right to demand direct payments to subcontractors whose contracts are governed by §39M. |
| 90. S.1442 | An act providing appropriate public safety protections for security system user information. O'Leary | October 8, 2009, public hearing June 21, 2010, reported favorably with a new draft, see S02502 | Public records. Would amend M.G.L., chapter 66, section 10 by adding language that would provide that records maintained by an agency that with the name, alarm site location, security system type, mailing address, or contact information of any security or alarm system user are not public records; disclosure of such information would be prohibited. A government agency, however, would be allowed to enter into a contract containing strict confidentiality provisions enforcing this section with a third party solely for the performance of administrative functions related to enforcement of a relevant municipal ordinance. |

| BILL/CHAPTER NUMBER | BILL NAME, SPONSORS AND AGENCIES | SARO COMMITTEE ACTION | COMMENTS AND CURRENT STATUS |
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| 91. S.1447 S02503 | An act authorizing the transfer of a parcel of land in the city of Taunton. Pacheco, DCAMM | June 4, 2009, public hearing. June 21, 2010, reported favorably with a new draft, see S02503 | State land. Re-file of S.54 of 2007. Would direct the DCAMM commissioner to convey to the city of Taunton for nominal consideration a parcel of land currently used as a parking lot on Court Street in Taunton. 07/30/2019, discharged to Senate Committee On Ways and Means |
| 92. S.1448 S02504 | An act to debar employers who violate federal immigration laws from contracting with the commonwealth. Pacheco | July 16, 2009 June 21, 2010, reported favorably with a new draft, see S02504 | Procurement. Would amend M.G.L., c. 29, §29F relative to debarment from bidding on state contracts. Would make debarment automatic and mandatory for any of the reasons listed in §29F; the current language only <i>authorizes</i> debarment on these grounds except in cases where it is required by law. Would to add to the list of grounds for debarment listed in subsection (c) a violation of federal law prohibiting the employment of "unauthorized aliens." Similar matter: S.1466 |
| 93. S.1457 S02505 | An act relative to the reform of the Executive Council. Tarr | September 8, 2009, public hearing. Accompanied a new draft, see S02505 06/21/2010, reported favorably and referred to Senate Committee On Ways and Means | Government administration. Would make the executive council subject to the open meeting requirements of M.G.L., c.30A. Would require the council to issue an annual report including all votes taken, a study of the council's organization and procedures, and the results achieved by the council. Would require the executive council to maintain its own website, which would include council votes, records of meetings and annual reports. Note: See H.2961, a Bosley bill that would abolish the council. |
| 94. H.634 H.4929 Chapter 286 of the Acts of 2010 | An act conveying land to the town of Salisbury. Costello | June 4, 2009, public hearing. June 23, 2010, bill reported favorably by committee and referred to the House Committee On Ways and Means | State land. Would direct DCAMM 1) to release for nominal consideration a reversionary interest in certain land conveyed to the town of Salisbury pursuant to Acts of 1959, chapter 510; and 2) to convey to the town for nominal consideration a parcel of land located at 218 Beach Road in Salisbury. 8/9/2010, Signed by the Governor, Chapter 286 of the Acts of 2010 |
| 95. H.2962 H04790 | An act relative to the development of underused state owned property and the disposition of state owned surplus real property. Bosley | May 7, 2009, public hearing. Accompanied a new draft, see H04790 | State surplus land disposition. This bill is similar to several other pending bills that would reform the statutory procedure relative to dispositions of surplus state land. Would amend those sections of chapter 7 of the General Laws governing how state land is declared surplus and the procedure for disposing of land that has been determined to be surplus to state needs. Includes provisions for public hearings in host communities, smart growth review, right of first refusal to purchase at discount for host communities, share of sales proceeds to host communities and establishment of surplus state land coordinating committee. Similar to H.2987 (Flynn) but unlike the other bills, provides MDFA opportunity to acquire surplus land for economic development. Similar matters: S.1416, H.102/S.6, H.2987, H.3025, and H.4092. Related matter: H.3004. Reported with: S.1416, H.102/S.6, H.2987, H.3004, H.3025, and H.4092, carrying bill is H.102. |

| BILL/CHAPTER NUMBER | BILL NAME, SPONSORS AND AGENCIES | SARO COMMITTEE ACTION | COMMENTS AND CURRENT STATUS |
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| 96. H.2987 | An act relative to the development of underused state owned real property and the disposition of state owned surplus real property. Flynn | May 7, 2009, public hearing. June 21, 2010, reported favorably with a new draft, see H04790 | Surplus state land disposition. This bill is similar to several other pending bills that would reform the statutory procedure relative to dispositions of surplus state land. Would amend those sections of chapter 7 of the General Laws governing how state land is declared surplus and the procedure for disposing of land that has been determined to be surplus to state needs. Includes provisions for public hearings in host communities, smart growth review, right of first refusal to purchase at discount for host communities, share of sales proceeds to host communities and establishment of surplus state land coordinating committee. Similar to H.2962 (Bosley) but unlike the other bills, provides MDFA opportunity to acquire surplus land for economic development. Similar matters: S.1416, H.102/S.6, H.2962, H.3025, and H.4092. Related matter: H.3004. Reported with: S.1416, H.102/S.6, H.2962, H.3004, H.3025, and H.4092, carrying bill is H.102. |
| 97. H.2995 H04767 | An act relative to accessible electronic information technology for persons with disabilities. Hill | October 8, 2009, public hearing. Reported favorably with a new draft, see H04767 , referred to House Committee On Ways and Means | Government administration. Re-file of H.3203 of 2007-2008. Would require agencies to use TTY Messaging for at least one voice mail box for each office or administrative unit. Would require any "work group" that employs or may employ visually impaired persons to install "helper applications" to enable them to perform job functions requiring visual perception. Finally would require agencies employing "Interactive Voice Response self service applications" to include prompts that allow persons using TTY technology for telephone communication to access such self service applications. |
| 98. H.2997 H04768 | An act relative to the use of credit cards for payment to the commonwealth. Jones | September 8, 2009, public hearing. June 21, 2010, reported favorably with a new draft, see H04768 | Government administration. Would require that executive branch agencies, except for the department of revenue, implement a system for acceptance of credit card payments for licenses, services, fines and other transactions. |
| 99. H.3004 | An act facilitating the development of underutilized properties formerly operated by the department of mental health or the department of mental retardation for supported housing for people deemed eligible for services by the department of mental health or the department of mental retardation. Khan DCAMM | May 7, 2009, public hearing. June 23, 2010, reported favorably with a new draft, see H04790 | State surplus land disposition. Would provide that 25% of the sales proceeds from a surplus disposition of a former DMR or DMH site be used to develop affordable supported housing for former clients of these agencies. If housing is developed at such a site, the bill would require that 25% of the housing be reserved for affordable, supported housing for current or former clients of DMR or DMH. The housing would be affordable to those at or below 15% of median area income. Related to: S.1416, H.102/S.6, H.2962, H.2987, H.3025, and H.4092. Reported with: S.1416, H.102/S.6, H.2962, H.2987, H.3025, and H.4092, carrying bill is H.102. |

| BILL/CHAPTER NUMBER | BILL NAME, SPONSORS AND AGENCIES | SARO COMMITTEE ACTION | COMMENTS AND CURRENT STATUS |
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| 100 H.3005 H04782 | An act promoting responsible investment and the prevention of genocide. Koutoujian | September 8, 2009, public hearing. June 23, 2010, reported favorably with a new draft, see H04782 | Government administration. Would require the state international trade agency to annually assess trade partners in nations with a history of genocide or suspected genocide to determine whether affirmative action has been taken to acknowledge and redress prior genocidal acts and to advise the international trade organization in countries where affirmative action has been taken that the state has recognized their action and designated them as a "priority trading partner." Would prohibit the General Court from consenting to any trade agreement with any country where genocide is occurring. Would prohibit investments of funds at any financial institution that lends to companies manufacturing and selling certain military-type products for use in any country where genocide is occurring. The provision would also prohibit investment in securities of any such company. |
| 101 H.3006 H04783 Chapter 279 of the Acts of 2010 | An act to convey certain Commonwealth property consisting of the waters of Farm Pond, its tributaries, and water distribution system to the town of Sherborn. Linsky DCAMM and DMH | June 4, 2009, public hearing. June 23, 2010, reported favorably with a new draft, see H04783 . | State land. Re-file of H.43 of 2007. Would direct the DCAMM commissioner convey to the town of Sherborn all of its rights to the waters of Farm Pond in Sherborn, which the state had obtained pursuant to Chapter 251 of the Acts of 1897 and chapter 466 of the acts of 1908 for public recreation, water supply and fire protection purposes. The state would also be directed to convey an easement for a water pipe formerly used to convey water to Medfield State Hospital, which is now closed. The pond is located on the state hospital land. 8/9/2010, Signed by the Governor, Chapter 279 of the Acts of 2010 |
| 102 H.3010 H04788 | An act relative to the board of electrical examiners. Naughton | October 8, 2009, public hearing. June 23, 2010, reported favorably with a new draft, see H04788 . | Government administration. Would make several changes to section 32 of chapter 13 of the General Laws. Would increase the number of members of the board of electrical examiners from 8 to 12. All of the additional 4 members would be master electricians with A and B certificate licenses under chapter 141 of the General Laws. The amendment would also require that the board member who is a journeyman with a certificate B license under chapter 141 also be a member of a trade union or an employee of a trade union member or of a party to a contract with a trade union. |
| 103 H.3012 H04789 | An act relative to global positioning system technology and public employees. Nyman | September 8, 2009, public hearing. June 23, 2010, reported favorably with a new draft, see H04789 , referred to House Committee on Steering, Policy and Scheduling | Government administration. Would prohibit the state and its political subdivisions from using GPS or similar technology to track or monitor employees of the state or its political subdivisions unless the implementation and terms of use of such technology are agreed to in a collective bargaining agreement. The use of GPS technology would be subject to M.G.L., chapter 7, §§52 through 56, which govern privatization contracts. 07/12/2010, House, Committee reported that matter should be placed in Orders of the Day for next sitting for second reading |

| BILL/CHAPTER NUMBER | BILL NAME, SPONSORS AND AGENCIES | SARO COMMITTEE ACTION | COMMENTS AND CURRENT STATUS |
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| 104 H.3025 H04790 | An act further regulating the development of underused state owned real property and the disposition of state owned surplus real property. Sanchez DCAMM | May 7, 2009, public hearing. June 23, 2010, reported favorably with a new draft, see H04790 | State surplus land disposition. Would amend those sections of chapter 7 of the General Laws governing how state land is declared surplus and the procedure for disposing of land that has been determined to be surplus to state needs. Includes provisions for public hearings in host communities, smart growth review, right of first refusal to purchase at discount for host communities, share of sales proceeds to host communities and establishment of surplus state land coordination committee. Similar matters: S.1416, H.102/S.6, H.2962, H.2987, and H.4092. Related matter: H.3004. Reported with: S.1416, H.102/S.6, H.2962, H.2987, H.3004, and H.4092, carrying bill is H.102. |
| 105 H.3038 H04784 | An act to ensure diversity in proposal review teams. Scibak | October 8, 2009, public hearing. June 23, 2010, reported favorably with a new draft, see H04784 . | Miscellaneous. Would add a new section 6A to chapter 30B of the General Laws. The proposed section would require that state agencies or quasi-public entities that solicit proposals for state funding ensure that the composition of the group of individuals reviewing a proposal reflects the makeup of the geographic area and demographics of the population to be served by the program to be funded by the state grant. |
| 106 H.3048 H04785 | An act amending the public records law. Vallee | June 25, 2009, public hearing. June 23, 2010, reported favorably with a new draft, see H04785 | Public records/open meeting. Would add to the kinds of documents excluded from the definition of "public record" in section 7 of chapter 4 "attorney work product and attorney-client privileged material." 07/12/2010, House, Committee reported that matter should be placed in Orders of the Day for next sitting for second reading |
| 107 H.3759 H04786 | An act relative to bidding for public construction contracts. Richardson, Sannicandro | June 18, 2009, public hearing. June 23, 2010, reported favorably with a new draft, see H04786 | Public construction. Would amend provisions in section 44D of chapter 149 relative to materially false statements in an application for certificate of eligibility. Current law provides that a materially false statement gives the awarding authority discretion to terminate a contract. The amendment would make such a termination mandatory. The current statute also provides that a materially false statement constitutes cause for debarring the applicant from future work. The proposed amendment would provide that the applicant be immediately debarred from bidding or participating in any state or municipal contract for a three year period. Finally, the current section 44D states that an application is not a public record. The amendment would make the application for a certificate of eligibility a public record except for any financial information contained in the application. 07/29/2010, House, read second and ordered to a third reading |
| 108 H.3972 H04787 | An act providing for an investigation and study by a special commission relative to quasi public agencies. Callahan | June 25, 2009, public hearing. June 23, 2010, reported favorably with a new draft, see H04787 | Public records and open meeting. This resolution provides for establishment of a special commission to make an investigation and study of quasi-public agencies in the state. Commission would review such matters as governance, accounting, controls and financial practices of such agencies. |

| BILL/CHAPTER NUMBER | BILL NAME, SPONSORS AND AGENCIES | SARO COMMITTEE ACTION | COMMENTS AND CURRENT STATUS |
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| 109 H.4092 H04790 | An act clarifying surplusing of property. T. Stanley | May 7, 2009, public hearing. June 23, 2010, reported favorably with a new draft, see H04790 | Surplus land disposition. This bill is similar to several other pending bills that would reform the statutory procedure relative to dispositions of surplus state land. Would amend those sections of chapter 7 of the General Laws governing how state land is declared surplus and the procedure for disposing of land that has been determined to be surplus to state needs. Similar matters: S.1416, H.102/S.6, H.2962, H.2987, and H.3025. Related matter: H.3004. Reported with: S.1416, H.102/S.6, H.2962, H.2987, H.3004, and H.3025, carrying bill is H.102. |
| 110 H.4667 Acts of 2010, chapter 406 http://www.malegislature.gov/Laws/SessionLaws/Acts/2010/Chapter406 | An act providing for the leasing and construction of improvements to the North Branch Library and East Branch Library buildings in the town of Watertown. Hecht | June 10, 2010, public hearing. June 16, 2010, Bill reported favorably by committee and referred to the House Committee On Steering, Policy and Scheduling | Public construction. Authorizes the town of Watertown to lease two buildings that formerly housed branch libraries. Design and construction would be exempt from the Uniform Procurement statute, the design services provisions of chapter (designer selection board), the public construction bidding requirements of chapter 149, and provisions governing awards of contracts for construction and materials in public construction in chapter 30. The public employment and wage statutes (M.G.L., c.149, §§26-27H), however, would apply to contracts for the construction of improvements. Approved by the Governor, December 30, 2010; enacted as chapter 406 of the acts of 2010. |
| 111 H.4701 H04822 Chapter 244 of the Acts of 2010 | An act authorizing the commissioner of capital asset management and maintenance to convey certain land to the town of Tewksbury for recreational and open space purposes. Finegold, Miceli, Tucker | June 10, 2010, public hearing. July 1, 2010, reported favorably with a new draft, see H04822 | State land. This bill is designed to correct a defect in a 1967 transfer of state land to the town of Tewksbury. The transfer of a portion of the same parcel that is the subject of this bill was authorized by legislation and town meeting vote in 1967 but no deed transferring the land was ever recorded. The town constructed playing fields on the land and has been using these fields since the time of the original legislation. The town has entered into an agreement with DCAMM to maintain a state hospital burying ground adjacent to the property in return for the transfer of the land. 8/5/2010, Signed by the Governor, Chapter 244 of the Acts of 2010 |
| 112 S.2481 Chapter 290 of the Acts of 2010 | An act to change the use of a certain parcel of land in the town of Greenfield. Rosenberg, Donelan | June 23, 2010, public hearing. July 9, 2010, reported favorably. | State land. This bill would authorize a change in use of land conveyed to the town of Greenfield pursuant to chapter 55 of the acts of 1996. Amends chapter 55 to expand the permissible uses of land conveyed by the state to the town of Greenfield. The current statute allows the property to be leased for use as a "youth/community center." The amendment would permit the use of the property for "municipal purposes," which includes but is not limited to a youth center. 8/10/2010, Signed by the Governor, Chapter 290 of the Acts of 2010 |
| 113 H.4731 H04796 Chapter 238 of the Acts of 2010 | An act designating Eunice Kennedy Shriver Day Gregoire | June 23, 2010, public hearing. June 23, 2010, Reported favorably accompanied a new draft, see H04796 . | Honorary bills. The bill would designate the fourth Saturday of September as "Eunice Kennedy Shriver Day." This day would be observed annually to educate the public about Eunice Kennedy Shriver's contributions on behalf of disabled individuals. 8/4/2010, Signed by the Governor, Chapter 238 of the Acts of 2010 |

| BILL/CHAPTER NUMBER | BILL NAME, SPONSORS AND AGENCIES | SARO COMMITTEE ACTION | COMMENTS AND CURRENT STATUS |
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| 114 H.4757 Chapter 280 of the Acts of 2010 | An act authorizing a ground lease of land owned by the department of conservation and recreation for conservation and recreation purposes in the town of Hingham. Bradley, Hedlund | June 23, 2010, public hearing. Reported favorably with a new draft June 25 th , 2010. | State land. Authorizes the lease of certain DCR land located in the Hingham Shipyard to the MBTA for a term of up to 99 years. The lease agreement would be required to provide that the land is to be used only for the construction of a ferry terminal and intermodal transportation center at the Hingham Shipyard. Specifies other permissible uses of the terminal and transportation center with reference to an MOU between DCAMM, DCR and MBTA. Provides for termination of lease if the land ceases to be used for the designated purpose. DCR would retain the right to use a portion of the space for office space. 8/9/2010, Signed by the Governor, Chapter 280 of the Acts of 2010 |
| 115 H.180 H04764 | An act concerning public records Scaccia | May 20, 2010, public hearing. June 9, 2010, reported favorably with a new draft, see H04764 | Public records. This bill is intended to enhance the protection of information and records of the office of the child advocate. The Secretary of the Commonwealth filed this bill because the exemption currently provided under section 7 of chapter 4 is discretionary and placing the proposed provision in the child advocate office's statute would afford better protection of such information. Would eliminate the exemption of such records from the definition of public records in section 7 of chapter 4 and to add language to section 5 of chapter 18C providing that information and records acquired by the office of the child advocate under chapter 18C "shall not be public subject to disclosure" under M.G.L., chapter 66 (governing public records). 07/07/2010, read second and ordered to a third reading |
| 116 H.4580 Chapter 468 of the acts of 2010 | An act to require the use of proctors as monitors for instruction and training programs administered by the Division of Apprenticeship Training within the Department of Labor and Workforce Development. M. Walsh | May 20, 2010 public hearing June 9, 2010, Bill reported favorably by committee and referred to the House Committee On Steering, Policy and Scheduling | Government administration. Would make several amendments to the division of apprentice training statute to require the use of proctors during apprentice training. The bill is intended to promote even treatment of all contractors' apprentice training programs by ensuring that apprentices actually attend all of the classroom instruction time required for such training programs. Approved January 14, 2011, chapter 468 of the acts of 2010. |
| 117 H.4778 Chapter 268 of the Acts of 2010 | An act authorizing the division of capital asset management and maintenance to transfer care and control of certain land in Boston. Walz | June 23, 2010, public hearing. June 23, 2010, reported favorably. | State land. This bill would authorize the transfer of approximately 1,433 square feet of DCR land to the MBTA for the purpose of constructing two elevators providing access to the Science Park station. 8/9/2010, Signed by the Governor, Chapter 268 of the Acts of 2010 |

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| 118 H.1139 Chapter 5 of the Resolves of 2010 http://www.ma.gov/legislature/gov/Laws/SessionLaws/Resolves/2010/Chapter5 | Resolve declaring chapter 397 of the acts of 2008 "Darnell's Law". Binienda | November 18, 2009, public hearing June 21, 2010, order to a study. | Honorary bills. Would name a 2008 statute amending certain provisions relative to the licensing of school bus drivers "Darnell's Law." Chapter 397 of the acts of 2008 amended certain statutory provisions prohibiting the licensing of sex offenders and adding provisions relating to training of drivers in use of epinephrine auto injectors (for treatment of severe allergic reactions). STUDY ORDER MARCH 16, 2010 6/21/2010, Accompanied a new draft, see H04781 (study order 6/24/2010, Reported from the committee on Joint Committee on Rules 6/24/2010, Reported on a part of H4781 6/24/2010, Bill reported favorably by committee and referred to the House Committee On Steering, Policy and Scheduling 7/7/2010, Committee reported that the matter be placed in the Orders of the Day for the next sitting for a second reading 7/8/2010, Read second and ordered to a third reading 9/21/2010, Signed by the Governor, Chapter 5 of the Resolves of 2010 |
| 119 S.2490 | An act relative to performance guarantees for subdivision roadway winter plowing. Brewer, Alicia | June 23, 2010 public hearing. Reported favorably by committee, referred to Senate Committee On Ways and Means , July 15, 2010 | Government administration. Would amend section 81U of chapter 41 of the General Laws (approval or disapproval of subdivision plans) by adding language that would include the cost of snow removal as one of the costs for which a developer must provide security for completion of subdivision ways and installation of municipal services. |
| 120 H.4780 H04892 Chapter 213 of the Acts of 2010 | An act authorizing the leasing of land in Grafton to the United States department of labor and authorizing the conveyance or lease of surplus state-owned properties. Governor | July 15, 2010 public hearing. Reported favorably accompanied by a new draft, see H04892 , July 19, 2010. | State land. Authorizes a new lease of up to 20 years of state property at the former Grafton State Hospital campus used by the federal Job Corps program. Also authorizes disposition of several buildings at the site that are no longer used by the department of labor for the program. 8/4/2010, Signed by the Governor, Chapter 213 of the Acts of 2010 |
| 121 H.4874 Chapter 269 of the Acts of 2010 | An act authorizing the city of Cambridge to grant a permanent easement on and over certain strips of land owned by the city of Cambridge in Watertown, Massachusetts. Toomey et al. | July 15, 2010 public hearing. July 23, 2010, Bill reported favorably by committee and referred to the House Committee On Ways and Means | State land. Authorizes the city of Cambridge to grant to the state a permanent easement over land owned by the city in the town of Watertown that the city had acquired for water treatment and delivery purposes. The easement will be used in connection with a bicycle/pedestrian path being constructed between the Charles River Reservation and Fresh Pond Parkway. 8/9/2010, Signed by the Governor, Chapter 269 of the Acts of 2010 |
| 122 H.4875 Chapter 270 of the Acts of 2010 | An act authorizing the grant of easements upon land of the commonwealth of Massachusetts located in the city of Cambridge. Toomey et al. | July 15, 2010 public hearing. July 23, 2010, Bill reported favorably by committee and referred to the House Committee On Steering, Policy and Scheduling | State land. The bill provides for the grant by the state of certain easements over DCR park land to the city of Cambridge. The easements would be used by the city for storm water management and related purposes. This bill is companion legislation to H.4874, which would provide for the grant of an easement on Cambridge land in Watertown to the state, which easement is the consideration for the conveyances authorized in this bill. 8/9/2010, Signed by the Governor, Chapter 270 of the Acts of 2010 |

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| 123 H1157 H5081 Acts of 2010, chapter 423. | An act relative to the purchase of flags in the commonwealth. Haddad | July 16, 2009 public hearing Study order March 16, 2010 Discharged from rules committee, July 12, 2010. July 30, 2010, reported favorably with a new draft, H4781 | This amendment to M.G.L., chapter 2, section 6, as amended by acts of 2008, chapter 516, would eliminate language from the provision added by chapter 516 requiring that all U.S. or state flags displayed at public institutions or procured by a public agency be manufactured in the U.S. The current statute contains the qualification that that a flag is considered to be manufactured in the U.S. "if a substantial majority of the principal components are assembled into the final product in an assembly plant in the United States." The amendment would eliminate this language thus requiring that flags be completely U.S. made. 11/18/2010, HWM, new draft substituted, see H5081 12/28/2010, enacted in House. 12/30/2010, enacted in the Senate. Enacted as chapter 423 of the acts of 2010. http://www.malegislature.gov/Laws/SessionLaws/Acts/2010/Chapter423 |
| 124 H4958 Chapter 294 of the Acts of 2010 | An act authorizing the commissioner of capital asset management and maintenance to grant an easement in certain land to the town of West Boylston. O'Day | July 30, 2010 public hearing July 30, 2010, bill reported favorably by committee and referred to the House Committee On Ways and Means . | State land. Authorized DCAMM to grant the town of West Boylston an easement for water exploration and well drilling on DCR land in exchange for a grant by the town to DCR of conservation land or interests in conservation land of equal or greater value. 8/10/2010, Signed by the Governor, Chapter 294 of the Acts of 2010 |
| 125 S2573 S2612 Acts of 2010, chapter 475 | An act providing for the disposition of commonwealth owned land in the city of Boston. | August 20, 2010 public hearing. August 20, 2010, bill reported favorably by committee with a new draft, S2612, and referred to the committee on Senate Committee on Bonding, Capital Expenditures and State Assets | State land. The bill would authorize the DCAMM Commissioner to convey about five thousand square feet of land at the intersection of Centre Street and Columbus Avenue that is part of the Roxbury Community College campus. The land would be sold at fair market value to a private developer in connection with development in the Jackson Square Redevelopment Area. 1/10/11, signed by the Governor as chapter 475 of the acts of 2010. |
| 126 H5061 Acts of 2010, Chapter 380 http://www.malegislature.gov/Laws/SessionLaws/Acts/2010/Chapter380 | An act designating a certain courtroom in the Marlborough District Courthouse as the Jonathan Brant Courtroom. Kaufman, Eldridge Chapter 380 of the Acts of 2010 | 11/10/2010 public hearing 11/10/2010, Bill reported favorably by committee and referred to the committee on House Committee On Steering, Policy and Scheduling | Honorary bills. Provides for the naming of courtroom located in the Marlborough District Courthouse for the Hon. Jonathan Brant, a district judge of the court. Approved by the Governor, December 1, 2010, Chapter 380 of the Acts of 2010 http://www.malegislature.gov/Laws/SessionLaws/Acts/2010/Chapter380 |

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| 127 H5035 Acts of 2010, chapter 457 | An act designating a walkway in the Belle Isle Marsh in Winthrop as the John Kilmartin Walkway. | December 6, 2010 public hearing. 12/6/2010, reported favorably by committee. | Provides for the naming of a walkway to be constructed along Winthrop Parkway between Short Beach and Belle Isle Creek in the Belle Isle Marsh area of Winthrop. The walkway would be named for John Kilmartin, an individual active in conservation efforts in Belle Isle Marsh. Directs DCR to install and maintain a marker to this effect. 1/10/11, signed by the Governor as chapter 457 of the acts of 2010. |
| 128 S2654 | An act providing for the abandonment of a certain Wakefield sewer easement. | December 6, 2010 public hearing. 12/9/2010, reported favorably by committee. | Authorizes DCAMM to release an unused MWRA sewer easement on certain land in Wakefield. 12/13/2010, referred to Senate committee on ways and means |
| 129 H5085 | An act relative to the environmental review process for a certain parcel of developable land in the city of Cambridge. | December 6, 2010 public hearing. 12/6/2010, reported favorably by committee. | Would allow the chapter 91 and environmental review processes relating to an office building construction project in the North Point area of Cambridge to take place concurrently instead of consecutively in order to accelerate the review timetable to meet a construction deadline. 12/9/2010, referred to the committee on House Committee On Steering, Policy and Scheduling |
| 130 H5087 Acts of 2010, chapter 470 | An act authorizing the commissioner of capital asset management and maintenance to convey certain land in the city of North Adams. | December 6, 2010 public hearing. 12/9/2010, reported favorably by committee. | Would further amend section 1 of chapter 290 of the acts of 2002 by adding a provision for payment of nominal consideration for the acquisition of a certain parcel of land in North Adams. The parcel in question is a parking lot adjacent to the former National Guard armory in North Adams, which was acquired by the city pursuant to chapter 290. Chapter 400 of the acts of 2008 added the parking lot to the property to be conveyed to the city under the provisions of chapter 290. 1/10/11, signed by the Governor as chapter 470 of the acts of 2010. |

