

shall also cause to be printed ballots for the nineteen hundred and ninety-two general election containing the names of all unenrolled candidates for representative in congress who shall have obtained in the aggregate, two thousand signatures. In making said aggregation, the state secretary shall count all certified signatures on nomination papers, regardless of the congressional district in which said signatures were obtained, and regardless of the congressional district from which the candidate seeks election.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, local registrars of voters shall not refuse to certify resident signatures on nomination papers of candidates for congress in the nineteen hundred and ninety-two primary or general election solely on the basis that the district designation on said nomination papers is omitted or incorrect.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, candidates for representative in congress in the nineteen hundred and ninety-two primary or general election shall make an irrevocable declaration of the congressional district from which they seek election, or an intention to have their name withdrawn from nomination, in writing, to the state secretary by five o'clock post meridian on or before the seventh day following the enactment of a congressional redistricting plan which reflects accurately the total number of representatives in congress to which the state is entitled by federal law, as determined by the supreme court of the United States in the case of *Commonwealth of Massachusetts v. Mosbacher*, or June fifth, nineteen hundred and ninety-two, whichever is later.

SECTION 4. Except as provided in section three, all election calendar deadlines prescribed by law for the submission, processing and filing of nomination papers, or for the withdrawal of nomination for offices other than representative in congress, shall remain in full force and effect.

Approved April 29, 1992.

Chapter 26. AN ACT RELATIVE TO RESTORING SOLVENCY TO THE UNEMPLOYMENT INSURANCE TRUST FUND.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately restore solvency to the Unemployment Insurance Trust Fund, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 12 of chapter 62E of the General Laws, as appearing in the

1990 Official Edition, is hereby amended by adding the following paragraph:-

Notwithstanding the provisions of any law to the contrary, data gathered as part of the wage reporting system may be used for purposes of evaluating employment and earnings outcomes of programs within the Massachusetts workforce development system. The department of revenue shall be permitted to share wage reporting data with the department of employment and training and the department of education in the performance of their official duties.

SECTION 2. Section 8 of chapter 118F of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Except as provided in section nine A, the department shall not operate as an insurance company, but shall make health insurance plans available to such residents of the commonwealth through the purchase of health insurance plans, including managed health care plans, from private health insurance companies, a hospital service corporation, a medical service corporation, or health maintenance organizations, and through the brokering of health insurance for employers and consumers of health care services.

SECTION 3. The first paragraph of section 9 of said chapter 118F, as so appearing, is hereby amended by striking out clause (1) and inserting in place thereof the following clause:- (1) residents of the commonwealth, and their dependents, who are not enrolled in any health insurance plans, self-insurance health plans, or medical assistance programs and who are receiving unemployment compensation benefits under the provisions of chapter one hundred and fifty-one A, including extended benefits under the provisions of section thirty A of said chapter one hundred and fifty-one A or extended unemployment compensation benefits under the federal Emergency Unemployment Compensation Act of 1991 or any other federal act.

SECTION 4. Said section 9 of said chapter 118F, as so appearing, is hereby further amended by striking out the fourth paragraph.

SECTION 5. Said chapter 118F is hereby further amended by inserting after section 9 the following two sections:-

Section 9A. The department shall establish and may operate a health insurance program for the benefit of persons who meet both of the following criteria: (1) the person is receiving or is eligible to receive unemployment compensation benefits under the provisions of chapter one hundred and fifty-one A, including extended benefits under the provisions of section thirty A of said chapter one hundred and fifty-one A or extended unemployment compensation benefits, hereinafter referred to as EUC benefits, under the federal Emergency Unemployment Compensation Act of 1991 or any other federal act; and (2) the gross income of the person and the person's spouse, if any, including any income received from unemployment benefits, extended benefits or EUC benefits as provided in clause (1), is less than or equal to four times the non-farm poverty guidelines of the United States

Office of Management and Budget.

The department shall establish a schedule of co-payments or deductibles, which shall be less than or equal to any co-payments or deductibles of the indemnity health insurance plan offered to state employees through the group insurance commission established under the authority of chapter thirty-two A.

The department shall establish procedures for the calculation of the gross income of an applicant or the applicant's spouse, if any, for the purposes of determining eligibility under a health insurance plan established under this section. Such procedures shall provide that in determining the income of the applicant or the applicant's spouse, if any, the department shall examine the gross income of the applicant and the applicant's spouse, if any, in the six months prior to application, and a projection of the gross income of the applicant and the applicant's spouse, if any, including a calculation of the maximum benefits payable to the applicant and the applicant's spouse, if any, from unemployment benefits, extended benefits or EUC benefits, for the six months after application. Such procedures shall also make provisions for the redetermination of eligibility for an enrollee or the enrollee's family.

The department shall establish grievance procedures under which any decision, action or inaction of the department which directly affects an enrollee or the enrollee's family, and is related to the receipt of benefits under this section.

The department shall establish appeal procedures under which an applicant may appeal a denial of benefits in whole or in part or may appeal a determination of income, or under which an enrollee may appeal termination from the program.

For the purposes of this section the term "family members" of the applicant or enrollee shall include the applicant or enrollee, a spouse, and any legal dependents.

The department shall prepare reports on the status of the program established in this section, and submit such reports annually on the first Wednesday in January, April, July, and October to the joint committee on health care and the house and senate committees on ways and means. Such report shall include, but not be limited to, the number of enrollees in the program for the previous quarter, the amount of benefits paid out in the previous quarter, and the end of quarter balance in the medical security trust fund established in section sixteen.

Section 9B. The department shall insure that all service and plans offered under this chapter shall be accessible to persons for whom English is not their primary language.

The department shall assist the department of employment and training in developing appropriate notices under the provisions of subsection (k) of section fourteen G of chapter one hundred and fifty-one A. The department shall establish procedures for assuring that such notices are delivered to persons who may be eligible for benefits under section nine A, which may include direct mailing of

notices to potential beneficiaries, at the discretion of the department.

SECTION 6. Section 1 of chapter 151A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out clause (a) and inserting in place thereof the following clause:-

(a) "Base period", with respect to benefit years beginning on or after January first, nineteen hundred and ninety-three shall mean the first four of the last five completed calendar quarters immediately preceding an individual's benefit year; except that, if as a result of the above provision an individual does not meet the requirement of clause (a) of section twenty-four, the term "base period" shall mean the period of fifty-two consecutive calendar weeks ending with the day immediately preceding the first day of a claimant's benefit year; provided, however, that if a claimant received weekly compensation for temporary total disability under the provisions of chapter one hundred and fifty-two or under a similar law of the United States, not including payments for certain specified injuries under section thirty-six of said chapter one hundred and fifty-two or payments for similar specified injuries under workmen's compensation laws of any other state or under any similar law of the United States, for more than seven weeks within the base period, as heretofore defined, his base period shall be lengthened by the number of such weeks, but not to exceed fifty-two weeks, for which he received such payments; provided, further, that no extended base period shall include wages upon which benefits were established and paid with respect to a prior benefit year claim.

SECTION 7. Section 14 of said chapter 151A, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Each employer shall make contributions for each year after nineteen hundred and ninety-one at the applicable rate or rates as set forth in this section on so much of its payroll as is subject to this chapter. For the purposes of this section, the term "wages" shall not include that part of remuneration which, after remuneration equal to the unemployment insurance taxable wage base with respect to employment with such employer has been paid to an individual during any calendar year, is paid to such individual during such year; provided, however, if the amount specified in the definition of "wages" in the federal Unemployment Tax Act is higher with respect to a calendar year than the amount hereinbefore specified, such higher amount shall apply to such calendar year. For the purposes of this section, remuneration shall include any wages earned in another state upon which contributions were required and paid under a similar law.

SECTION 8. Subsection (a) of said section 14 of said chapter 151A, as so appearing, is hereby amended by striking out, in line 34, the word "seven" and inserting in place thereof the word:- fourteen.

SECTION 9. Said subsection (a) of said section 14 of said chapter 151A, as so appearing, is hereby further amended by adding the following paragraph:-

(4) "Unemployment insurance taxable wage base", with respect to calendar years nineteen hundred and ninety-two and nineteen hundred and ninety-three, the term "unemployment insurance taxable wage base" shall mean ten thousand eight hundred dollars. For each subsequent calendar year, the term "unemployment insurance taxable wage base" shall mean thirteen thousand dollars.

SECTION 10. Subsection (e) of said section 14 of said chapter 151A, as so appearing, is hereby amended by striking out paragraph (1) and inserting in place thereof the following paragraph:-

(1) An amount equal to all interest earnings or other revenue received by the fund which is not credited to employers' accounts shall be credited as received to the solvency account.

SECTION 11. Paragraph (5) of said subsection (e) of said section 14 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 131 and 133, the word "fifteen" and inserting in place thereof, in each instance, the word-twenty-five.

SECTION 12. Paragraph (6) of said subsection (e) of said section 14 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 138 and 140, the word "thirty" and inserting in place thereof, in each instance, the word-fifty.

SECTION 13. Subsection (h) of said section 14 of said chapter 151A, as so appearing, is hereby amended by striking out paragraph (3) and inserting in place thereof the following paragraph:-

(3) For the purpose of determining the contribution rate schedule provided for in subsection (i), the Unemployment Compensation Fund available for benefits as of any computation date shall include the amount of any federal reimbursable benefits due, but not credited, to the fund.

SECTION 14. Said section 14 of said chapter 151A, as so appearing, is hereby further amended by striking out subsection (i) and inserting in place thereof the following subsection:-

(i) The contribution rate of each employer shall be five and four-tenths percent of that part of its payroll subject to this chapter, except as follows:

(1) With respect to calendar years beginning on or after January first, nineteen hundred and ninety-two, the experience rate of an employer qualifying therefor under subsection (b) shall be the rate which appears in the column headed by the unemployment compensation fund reserve percentage as of the applicable computation date and on the line with the applicable employer account reserve percentage as set forth in the experience rate table:

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**EXPERIENCE RATE TABLE
UNEMPLOYMENT COMPENSATION FUND RESERVE PERCENTAGE**

	AA 3.0% and over	A 2.6% or more but less than 3.0%	B 2.2% or more but less than 2.6%	C 1.7% or more but less than 2.2%	D 1.4% or more but less than 1.7%	E 1.1% or more but less than 1.4%	F 0.8% or more but less than 1.1%	G less than 0.8%
Employer Account Reserve Percentages								
Negative Percentage								
14 or more	6.5	6.9	7.3	7.7	8.1	8.5	8.9	9.3
13.0 but less than 14.0	6.3	6.7	7.1	7.5	7.9	8.3	8.7	9.1
12.0 but less than 13.0	6.1	6.5	6.9	7.3	7.7	8.1	8.5	8.9
11.0 but less than 12.0	5.9	6.3	6.7	7.1	7.5	7.9	8.3	8.7
10.0 but less than 11.0	5.7	6.1	6.5	6.9	7.3	7.7	8.1	8.5
9.0 but less than 10.0	5.5	5.9	6.3	6.7	7.1	7.5	7.9	8.3
8.0 but less than 9.0	5.3	5.7	6.1	6.5	6.9	7.3	7.7	8.1
7.0 but less than 8.0	5.1	5.5	5.9	6.3	6.7	7.1	7.5	7.9
6.0 but less than 7.0	4.9	5.3	5.7	6.1	6.5	6.9	7.3	7.7
5.0 but less than 6.0	4.7	5.1	5.5	5.9	6.3	6.7	7.1	7.5
4.0 but less than 5.0	4.5	4.9	5.3	5.7	6.1	6.5	6.9	7.3
3.0 but less than 4.0	4.3	4.7	5.1	5.5	5.9	6.3	6.7	7.1
2.0 but less than 3.0	4.1	4.5	4.9	5.3	5.7	6.1	6.5	6.9
1.0 but less than 2.0	3.9	4.3	4.7	5.1	5.5	5.9	6.3	6.7
0.0 but less than 1.0	3.7	4.1	4.5	4.9	5.3	5.7	6.1	6.5
Positive Percentage								
0.0 but less than 0.5	3.5	3.9	4.3	4.7	5.1	5.5	5.9	6.3
0.5 but less than 1.0	3.4	3.8	4.2	4.6	5.0	5.4	5.8	6.2
1.0 but less than 1.5	3.3	3.7	4.1	4.5	4.9	5.3	5.7	6.1
1.5 but less than 2.0	3.2	3.6	4.0	4.4	4.8	5.2	5.6	6.0
2.0 but less than 2.5	3.1	3.5	3.9	4.3	4.7	5.1	5.5	5.9
2.5 but less than 3.0	3.0	3.4	3.8	4.2	4.6	5.0	5.4	5.8
3.0 but less than 3.5	2.9	3.3	3.7	4.1	4.5	4.9	5.3	5.7
3.5 but less than 4.0	2.8	3.2	3.6	4.0	4.4	4.8	5.2	5.6
4.0 but less than 4.5	2.7	3.1	3.5	3.9	4.3	4.7	5.1	5.5
4.5 but less than 5.0	2.6	3.0	3.4	3.8	4.2	4.6	5.0	5.4
5.0 but less than 5.5	2.5	2.9	3.3	3.7	4.1	4.5	4.9	5.3
5.5 but less than 6.0	2.4	2.8	3.2	3.6	4.0	4.4	4.8	5.2
6.0 but less than 6.5	2.3	2.7	3.1	3.5	3.9	4.3	4.7	5.1
6.5 but less than 7.0	2.2	2.6	3.0	3.4	3.8	4.2	4.6	5.0
7.0 but less than 7.5	2.1	2.5	2.9	3.3	3.7	4.1	4.5	4.9
7.5 but less than 8.0	2.0	2.4	2.8	3.2	3.6	4.0	4.4	4.8

8.0 but less than 8.5	1.9	2.3	2.7	3.1	3.5	3.9	4.3	4.7
8.5 but less than 9.0	1.8	2.2	2.6	3.0	3.4	3.8	4.2	4.6
9.0 but less than 9.5	1.7	2.1	2.5	2.9	3.3	3.7	4.1	4.5
9.5 but less than 10.0	1.6	2.0	2.4	2.8	3.2	3.6	4.0	4.4
10.0 but less than 10.5	1.5	1.9	2.3	2.7	3.1	3.5	3.9	4.3
10.5 but less than 11.0	1.4	1.8	2.2	2.6	3.0	3.4	3.8	4.2
11.0 but less than 11.5	1.3	1.7	2.1	2.5	2.9	3.3	3.7	4.1
11.5 but less than 12.0	1.2	1.6	2.0	2.4	2.8	3.2	3.6	4.0
12.0 but less than 12.5	1.1	1.5	1.9	2.3	2.7	3.1	3.5	3.9
12.5 but less than 13.0	1.0	1.4	1.8	2.2	2.6	3.0	3.4	3.8
13.0 but less than 13.5	0.9	1.3	1.7	2.1	2.5	2.9	3.3	3.7
13.5 but less than 14.0	0.8	1.2	1.6	2.0	2.4	2.8	3.2	3.6
14.0 but less than 14.5	0.7	1.1	1.5	1.9	2.3	2.7	3.1	3.5

(2) Except as otherwise provided in this paragraph, each employer newly subject to this chapter shall pay contributions at the rate which appears in the column headed by the unemployment compensation fund reserve percentage as of the applicable computation date and on the line with an employer account reserve percentage of 10.5 but less than 11.0 positive as set forth in the experience rate table hereinabove until it has been an employer for not less than the twelve consecutive month period specified in paragraph (1) of subsection (b); thereafter, its contribution rate shall be determined in accordance with the preceding provisions of this subsection.

(3) Any newly subject employer classified by the commissioner in a two digit Standard Industrial Classification code fifteen, sixteen or seventeen shall pay contributions at a rate equal to the average rate as of the most recent computation date paid by employers classified in the applicable two digit Standard Industrial Classification code. Said employer shall pay at such average rate until it has been an employer for not less than the twelve consecutive month period specified in paragraph (1) of subsection (b); thereafter, its contribution rate shall be determined in accordance with the preceding provision of this subsection.

(4) Any nonprofit organization which has given notice in accordance with paragraph (3) of subsection (a) of section fourteen A to terminate its election shall pay contributions from the effective date of such election at the rate which appears in the column headed by the unemployment compensation fund reserve percentage as of the applicable computation date and on the line with an employer account reserve percentage of 0.0 but less than 0.5 positive as set forth in the experience rate table of subsection (i), or 5.4 percent, whichever is the lesser, until it has been an employer subject to such contributions for not less than a twelve consecutive month period specified in paragraph (1) of subsection (b); thereafter, its contributions rate shall be determined in accordance with the preceding provisions of this subsection.

SECTION 15. Section 14G of said chapter 151A, as so appearing, is hereby

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amended by adding the following subsection:-

(k) The department shall provide written information to every individual who is eligible for unemployment benefits, including extended benefits under section thirty A or extended unemployment compensation benefits under the federal Emergency Unemployment Compensation Act of 1991 or any other federal act, that such individual may be eligible for health insurance coverage pursuant to this section and the provisions of section nine of chapter one hundred and eighteen F. In addition, the department shall post in their local offices a clear and conspicuous notice advising such individuals of their rights under this section, which notice shall be in English, Spanish, and any other language which the department determines appropriate for the area office in which the notice is posted. In devising such information and notice the department shall seek assistance from the department of medical security.

SECTION 16. Said chapter 151A is hereby further amended by inserting after section 14I the following two sections:-

Section 14J. For the period from January first, nineteen hundred and ninety-two until December thirty-first, nineteen hundred and ninety-three, each employer required to make contributions pursuant to section fourteen shall pay, at the same time as the required contributions are due, an excise on the wages paid its employees in accordance with the following table:

Employer Account Reserve Percentage	Rate
--	------

Negative Percentage

7.0 or more	0.9
3.0 but less than 7.0	0.8
0.0 but less than 3.0	0.7

Positive Percentage

0.0 but less than 4.0	0.6
4.0 but less than 9.0	0.5
9.0 but less than 13.5	0.4
13.5 or more	0.3

For the purpose of this section, the term "wages" shall include only that part of remuneration on which the employer is required to make contributions pursuant to section fourteen. Such excise shall be paid to the commissioner in accordance with the procedures prescribed by the commissioner. The commissioner shall deposit the receipts or such excise into the Federal Loan Interest Fund established

by section fourteen K. Such receipts shall not be subject to the allowable state tax revenue limitations established by chapter twenty-nine B or chapter sixty-two F. Prior to the depositing of the receipts, the commissioner may deduct all administrative costs incurred as a result of this section, including an amount as determined by the United States Secretary of Labor in accordance with federal cost rules, if applicable.

Except where inconsistent with the terms of this section, the terms and conditions of this chapter which are applicable to the payment of and the collection of contributions shall apply to the same extent to the payment of and the collection of said excise; provided, however, that said excise shall not be credited to the employer's account or to the solvency account established pursuant to section fourteen except as otherwise provided in section fourteen K.

The commissioner, after providing at least thirty days notice to the joint committee on commerce and labor, may adjust the excise rate specified in this section to pay the appropriate amount of interest required to be paid to the Federal Loan Interest Fund.

Section 14K. There is hereby established a separate fund to be known as the Federal Loan Interest Fund which shall be administered by the commissioner, without liability on the part of the commonwealth beyond the amount credited to and earned by the fund. Said fund shall consist of all amounts received under section fourteen J which shall be credited to such fund, except as otherwise provided in said section fourteen J and any other monies authorized by law to be credited to said fund. Money in the fund shall be used only for the payment of interest required to be paid under section 1202(b) of the Social Security Act. The monies in said fund shall be continuously available to the commissioner for the payment of said interest and shall not lapse at any time or be transferred to any other fund or account except as herein provided. On September thirtieth of each calendar year, the commissioner shall transfer from the Federal Loan Interest Fund to the Unemployment Compensation Fund any amounts paid pursuant to section fourteen J prior to the immediately preceding twenty-four month period which have not been expended for the payment of interest. The commissioner shall credit such amounts transferred to the solvency account pursuant to paragraph (1) of subsection (e) of section fourteen as of October first of said calendar year.

SECTION 17. Section fourteen J of said chapter one hundred and fifty-one A, inserted by section sixteen, is hereby repealed.

SECTION 18. Section 24 of said chapter 151A, as appearing in the 1990 Official Edition, is hereby amended by striking out clauses (a) and (b) and inserting in place thereof the following two clauses:-

(a) Have been paid wages in the base period amounting to at least thirty times the weekly benefit rate; provided that (1) for the period beginning on April first, nineteen hundred and ninety-two and ending on December thirty-first, nineteen

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hundred and ninety-three, the individual has been paid wages of at least eighteen hundred dollars during said base period, and (2) for the period beginning on January first, nineteen hundred and ninety-four and continuing thereafter until amended, the individual has been paid wages of at least twenty-four hundred dollars during said base period;

(b) Be capable of, available, and actively seeking work in his usual occupation or any other occupation for which he is reasonably fitted; and.

SECTION 19. Subsection (e) of section 25 of said chapter 151A, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

For the period of unemployment next ensuing and until the individual has had at least eight weeks of work and in each of said weeks has earned an amount equivalent to or in excess of the individual's weekly benefit amount after the individual has left work (1) voluntarily unless the employee establishes by substantial and credible evidence that he had good cause for leaving attributable to the employing unit or its agent, (2) by discharge shown to the satisfaction of the commissioner by substantial and credible evidence to be attributable to deliberate misconduct in wilful disregard of the employing unit's interest, or to a knowing violation of a reasonable and uniformly enforced rule or policy of the employer, provided that such violation is not shown to be as a result of the employee's incompetence, or (3) because of conviction of a felony or misdemeanor.

SECTION 20. Said subsection (e) of said section 25 of said chapter 151A, as so appearing, is hereby further amended by adding the following paragraph:-

Notwithstanding the provisions of this subsection, no waiting period shall be allowed and no benefits shall be paid to an individual under this chapter for the period of unemployment next ensuing and until the individual has had at least eight weeks of work and in each of said weeks has earned an amount equivalent to or in excess of the individual's weekly benefit amount after having left work to accompany or join one's spouse or another person at a new locality.

SECTION 21. Subsection (b) of section 29 of said chapter 151A, as so appearing, is hereby amended by striking out the first and second sentences and inserting in place thereof the following two sentences:- An individual in partial unemployment and otherwise eligible for benefits shall be paid the difference between his aggregate remuneration with respect to each week of partial unemployment and the weekly benefit rate to which he would have been entitled if totally unemployed; provided, however, that earnings up to one-third of his weekly benefit rate shall be disregarded. In no case shall the amount of earnings so disregarded plus the weekly benefit rate equal or exceed the individual's average weekly wage.

SECTION 22. Subsection (c) of said section 29 of said chapter 151A, as so appearing, is hereby amended by adding the following sentence:- No dependency

benefits shall be paid unless the individual submits documentation satisfactory to the commissioner establishing the existence of the claimed dependent.

SECTION 23. Section twenty-nine C of said chapter one hundred and fifty-one A is hereby repealed.

SECTION 24. Section 30 of said chapter 151A, as amended by section 2 of chapter 9 of the acts of 1991, is hereby further amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) Notwithstanding the provisions of subsection (a), an individual's rights to receive regular benefits under this chapter for any week in excess of twenty-six times the individual's weekly benefit amount, plus dependency benefits payable under section twenty-nine, shall cease for the remainder of the benefit year if such week of unemployment falls in an extended benefit period as defined in paragraph (a) of subsection (1) of section thirty A, or as defined in the Emergency Unemployment Compensation Act of 1991, or any other federal extended unemployment compensation act, as applicable.

SECTION 25. Paragraph (a) of subsection (3) of section 30A of said chapter 151A, as appearing in the 1990 Official Edition, is hereby amended by striking out clause (3) and inserting in place thereof the following clause:- (3) said individual has had twenty weeks of full time insured employment, or the equivalent in insured wages. For the purposes of this subsection, insured wages are wages paid during the base period of the current benefit year in an amount which exceeds forty times the most recent weekly benefit amount or one and one-half times the wages of the individual's highest quarterly earnings. The commissioner shall prescribe by regulation which one of the foregoing methods of measuring employment and earnings shall be used to effectuate the purposes of this chapter and to provide the greatest coverage to individuals in need of extended benefits.

SECTION 25A. Section 47 of said chapter 151A, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following two paragraphs:-

Any person who knowingly makes any false or misleading statement, representation or submission or knowingly assists, abets, solicits or conspires in the making of any false or misleading statement, representation or submission in order to maintain, obtain, or increase benefits under this chapter for himself or any other individual, or who knowingly conceals or fails to disclose a material fact in order to maintain, obtain or increase benefits under this chapter for himself or for any other individual shall be punished by imprisonment in the state prison for not more than five years or by imprisonment in jail for not less than six months nor more than two and one-half years or by a fine of not less than one thousand nor more than ten thousand dollars, or by both such fine and imprisonment. Each false or misleading statement, representation, or submission and each failure to disclose or concealment shall constitute a separate offense.

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Any person who provides the department with a false identification or misrepresents his identity in connection with any claim or attempt to make a claim for benefits under this chapter for himself or any other individual shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment for not more than six months, or both.

SECTION 26. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of the department of employment and training shall deposit any receipts from the excise collected pursuant to section sixty-seven of chapter two hundred and thirty-three of the acts of nineteen hundred and eighty-three and section two of chapter nineteen of the acts of nineteen hundred and eighty-nine into the treasury of the commonwealth. Such receipts shall be credited to the Federal Loan Interest Fund established by section fourteen K of chapter one hundred and fifty-one A of the General Laws.

SECTION 27. Notwithstanding the provisions of section fourteen of chapter one hundred and fifty-one A of the General Laws, with respect to the calendar year beginning on January first, nineteen hundred and ninety-two, the experience rate of an employer qualifying therefor under subsection (b) of said section fourteen of said chapter one hundred and fifty-one A shall be the rate which appears in the column designated "F" and on the line with the applicable employer account reserve percentage as set forth in the table in clause (1) of subsection (i) of said section fourteen.

SECTION 28. (a) Notwithstanding the provisions of section thirteen of chapter one hundred and fifty-one A of the General Laws, 430 CMR 5.03 or any other general or special law or Massachusetts regulation to the contrary, the department of employment and training shall amend their ordinary procedure for billing employers, as set forth in 430 CMR 5.03, as follows:

(1) In billing employers for the first calendar quarter contributions, the department shall permit employers to defer without interest or penalty up to one-third of contributions ordinarily due and payable to the second calendar quarter; provided, however, that contributions due under section fourteen J of said chapter one hundred and fifty-one A may not be deferred.

(2) In billing employers for the second calendar quarter contributions, the department shall permit employers to defer without interest or penalty up to one-third of contributions ordinarily due and payable, including the amounts of any contributions deferred from the first calendar quarter, to the third calendar quarter; provided, however, that contributions due under said section fourteen J of said chapter one hundred and fifty-one A may not be deferred.

(b) In no case shall employers be permitted to defer any contributions ordinarily due and payable in the first or second calendar quarter beyond the third calendar quarter.

(c) The department shall be required to promulgate rules and regulations on

or before July first, nineteen hundred and ninety-two and to submit drafts of such rules and regulations to the joint committee on commerce and labor and the house and senate committees on ways and means. The department shall finalize rules and regulations on or before August first, nineteen hundred and ninety-two.

(d) With respect to billing for the first calendar quarter of nineteen hundred and ninety-two, the department is hereby authorized to operate under temporary emergency procedures for the purpose of complying with the requirements of this section.

(e) For the purposes of this section, the first calendar quarter shall be the period between January first and March thirty-first; the second calendar quarter shall be the period between April first and June thirtieth; the third calendar quarter shall be the period between July first and September thirtieth; and the fourth calendar quarter shall be the period between October first and December thirty-first.

SECTION 29. (a) The executive office of economic affairs is hereby authorized and directed, subject to appropriation, to establish a temporary loan program for certain businesses disproportionately impacted by increases in the unemployment compensation contributions authorized under chapter one hundred and fifty-one A. Under the program the secretary will be authorized to make loans to qualifying businesses for the period from July first, nineteen hundred and ninety-two through June thirtieth, nineteen hundred and ninety-four.

(b) The secretary of economic affairs shall establish criteria with respect to eligibility and benefits under the program, provided that program criteria shall include the following particulars:

(1) the program shall be limited to businesses with fifty or fewer full time equivalent employees or businesses primarily engaged in the temporary help industry;

(2) the program shall provide that loans be made at the same rate of interest that the commonwealth borrows from the Unemployment Trust Fund in the United States Treasury in order to pay for deficits in the Unemployment Compensation Fund established in section forty-eight of chapter one hundred and fifty-one A;

(3) the program shall provide that loans be made for a period not exceeding three years, although loans may be made for a shorter period of time;

(4) eligibility criteria shall include, but need not be limited to, an evaluation of the cost increases to individual employers resulting from charges in the taxable wage base and in the experience rate table set forth in section fourteen of chapter one hundred and fifty-one A;

(5) the program shall provide that once eligibility criteria are established, employers seeking admission into the program will be accepted on a first-come, first-served basis;

(6) no more than three million dollars in loans shall be made available in the aggregate in any one fiscal year; and

(7) the executive office of economic affairs shall be required to promulgate rules and regulations that establish a hardship provision whereby businesses that can demonstrate a significant job loss effect may be eligible.

(c) The executive office of economic affairs shall be required to promulgate rules and regulations within sixty days of the effective date of this section and to submit drafts of such rules and regulations to the joint committee on commerce and labor and the house and senate committees on ways and means. Said executive office shall finalize rules and regulations within ninety days of the effective date of this section.

(d) For the purposes of this section, the "temporary help industry" is defined as that group of employers who recruit and train their own employees and subsequently assign them for a profit to specific customers for a limited period of time.

SECTION 30. There is hereby established a special commission to consist of three members of the senate, one of whom shall be the senate chairman of the joint committee on commerce and labor, five members of the house of representatives, one of whom shall be the house chairman of the committee on commerce and labor, and nine persons to be appointed by the governor, one of whom shall be the secretary of economic affairs, one of whom shall be the commissioner of the department of employment and training, one of whom shall be a representative of the Associated Industries of Massachusetts, one of whom shall be a representative of the Massachusetts AFL-CIO State Labor Council, one of whom shall be a representative of the National Federation of Independent Business, one of whom shall be a representative of the Retailers Association of Massachusetts, one of whom shall be a representative of the Massachusetts Building Trades Council, one of whom shall be an owner of a temporary service company, and one of whom shall be an economist who is familiar with unemployment issues, for the purpose of making an investigation and study relative to improving the equity and efficiency of the unemployment system. Said investigation shall include but need not be limited to an examination of overall benefit levels, including therein an examination of benefits for seasonal employees, for employees receiving cash separation payments, and for certain low-wage workers.

Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday in September, nineteen hundred and ninety-two.

SECTION 31. The commissioner of the department of employment and training shall determine the range of employment and training programs which are available to unemployed individuals on a local level. He shall investigate and study flexible and innovative programs which can be implemented statewide and which

reflect the employment opportunities that are available in the local area.

The commissioner shall report the results of his investigation and study, and his recommendations, if any, together with drafts of legislation to carry his recommendations into effect, by filing the same with the clerks of the house of representatives and the senate and the joint committee on commerce and labor on or before October first, nineteen hundred and ninety-two.

SECTION 32. The commissioner of the department of employment and training shall study and evaluate the effect of this act on temporary technical placement or contract firms and make recommendations on ameliorating the impact of this act on such firms. The commissioner shall consider implementation of job credits, requiring contributions based on the total full time equivalent employment rather than individual employees, or any other proposals in conformity with federal law. The commissioner shall report the results of his study, and his recommendations, if any, together with drafts of legislation necessary to carry his recommendations into effect by filing the same with the joint committee on commerce and labor and the house and senate ways and means committees no later than sixty days following the effective date of this section.

SECTION 33. The commissioner of the department of employment and training shall promulgate the regulations required by paragraph (a) of subsection (3) of section thirty A of chapter one hundred and fifty-one A of the General Laws, as amended by section twenty-five of this act, within one hundred and eighty days of the effective date of said section twenty-five.

SECTION 33A. During calendar year nineteen hundred and ninety-two, any additional contributions that are required by this act and payable during the first quarter shall be collected by the commissioner when the second quarter payments are due, subject to the provisions of section twenty-eight of this act.

SECTION 34. Sections eight, eleven, twelve and thirteen of this act shall be applicable with respect to computations occurring on or after September thirtieth, nineteen hundred and ninety-one.

SECTION 35. Sections seven, nine and twenty-eight of this act shall take effect as of January first, nineteen hundred and ninety-two.

SECTION 36. Sections eighteen, nineteen, twenty, twenty-one, twenty-three, twenty-four and twenty-five of this act shall be applicable only with respect to new and additional claims filed on or after April first, nineteen hundred and ninety-two.

SECTION 37. Section six of this act shall take effect on January first, nineteen hundred and ninety-three and shall be applicable to benefit years beginning on or after January first, nineteen hundred and ninety-three.

SECTION 38. Section seventeen of this act shall take effect on January first, nineteen hundred and ninety-four.

This Bill, was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House

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on April 27, 1992 and in concurrence by the Senate on April 27, 1992, the objections of the Governor notwithstanding in the manner prescribed by the Constitution and thereby has the "force of law".

Chapter 27. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO LEASE THE FORMER HOWARD STREET ARMORY TO THE SOUTH END COMMUNITY CENTER OF SPRINGFIELD, INC.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of Springfield, acting by and through its mayor, is hereby authorized to execute and deliver in the name and on behalf of said city, a lease of the former Howard Street Armory building located in said city, to the South End Community Center of Springfield, Inc., a nonprofit corporation. The leased premises shall be used by said South End Community Center for the purpose of conducting therein a nonprofit community center and to operate civic programs for the residents of the city of Springfield.

Said lease shall be for a period of ten years and may provide for an extension of said lease for a further term of up to ten years upon expiration of the original term.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1992.

Chapter 28. AN ACT ESTABLISHING A SICK LEAVE BANK FOR AN EMPLOYEE OF THE DEPARTMENT OF SOCIAL SERVICES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately establish a sick leave bank for a certain employee of the department of social services, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the department of social services is hereby authorized and directed to establish a sick leave bank for Area Program Manager Leonard J. Baxendale. Any employee of the department of social services may voluntarily contribute one or