

HOUSE No. 4513

The Commonwealth of Massachusetts

PRESENTED BY:

Sarah K. Peake

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

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

An Act relative to the unfunded pension liability for retired sheriff's department employees in Barnstable county.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|----------------------------|--|
| <i>Sarah K. Peake</i> | <i>4th Barnstable</i> |
| <i>Timothy R. Madden</i> | <i>Barnstable, Dukes and Nantucket</i> |
| <i>David T. Vieira</i> | <i>3rd Barnstable</i> |
| <i>Timothy R. Whelan</i> | <i>1st Barnstable</i> |
| <i>Viriato M. deMacedo</i> | <i>Plymouth and Barnstable</i> |
| <i>Randy Hunt</i> | <i>5th Barnstable</i> |
| <i>Daniel A. Wolf</i> | <i>Cape and Islands</i> |
| <i>Brian R. Mannel</i> | <i>2nd Barnstable</i> |

HOUSE No. 4513

By Ms. Peake of Provincetown, a petition (subject to Joint Rule 12) of Sarah K. Peake and others that Barnstable County be authorized to establish a deeds excise fund. Municipalities and Regional Government.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to the unfunded pension liability for retired sheriff’s department employees in Barnstable county.

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

1 SECTION 1. Chapter 64D of the General Laws, as appearing in the 2014 official edition,
2 is hereby amended by inserting the following new section:

3 Section 11A. There shall be established upon the books of Barnstable county, being a
4 county of a transferred sheriff, the government of which county has not been abolished by
5 chapter 34B or other law, a fund, maintained separate and apart from all other funds and
6 accounts of each county, to be known as the Deeds Excise Fund.

7 [Second paragraph effective until July 1, 2014. For text effective July 1, 2024 see below.]

8 Notwithstanding any general or special law to the contrary, in Barnstable county, in any
9 year in which its minimum obligation to fund from its own revenues the operation of the sheriff’s
10 office is insufficient to satisfy the unfunded county pension liabilities and other benefit liabilities
11 of retired employees of the sheriff’s office, as determined by agreement of the secretary of

12 administration and finance, the actuary of the Public Employee Retirement Administration
13 Commission, the retirement association and their actuary and the county treasurer, beginning in
14 fiscal year 2017, the county shall retain and shall transfer to the Deeds Excise Fund in which it
15 shall be held separate and apart from all other funds and from which it shall be appropriated
16 solely for this purpose, an amount of the State deeds excise collected in that county necessary as
17 determined by agreement of the secretary of administration and finance, the actuary of the Public
18 Employee Retirement Administration Commission, the retirement associations and their actuary
19 and the county treasurer to meet its annual retirement assessment, which shall include the
20 county's required maintenance of effort for the fiscal year and to satisfy the unfunded county
21 pension liabilities and other benefit liabilities of retired employees of the sheriff's office until the
22 minimum obligation is sufficient or until the county has paid such unfunded liability in full.

23 [Third paragraph effective July 1, 2024. For text effective until July 1, 2024 see above.]

24 Notwithstanding any general or special law to the contrary, in Barnstable county, in any
25 year in which its minimum obligation to fund from its own revenues the operation of the sheriff's
26 office is insufficient to satisfy the unfunded county pension liabilities and other benefit liabilities
27 of retired employees of the sheriff's office, as determined by agreement of the secretary of
28 administration and finance, the actuary of the Public Employee Retirement Administration
29 Commission, the retirement association and their actuary and the county treasurer, beginning in
30 fiscal year 2017, the county shall retain and shall transfer to the Deeds Excise Fund in which it
31 shall be held separate and apart from all other funds and from which it shall be appropriated
32 solely for this purpose, an amount of the State deeds excise collected in that county necessary as
33 determined by agreement of the secretary of administration and finance, the actuary of the Public
34 Employee Retirement Administration Commission, the retirement associations and their actuary

35 and the county treasurer to meet its annual retirement assessment, which shall include the
36 county's required maintenance of effort for the fiscal year plus an additional 10 percent of the
37 combined maintenance of effort for fiscal year 2010 to fiscal year 2016 and to satisfy the
38 unfunded county pension liabilities and other benefit liabilities of retired employees of the
39 sheriff's office until the minimum obligation is sufficient or until the county has paid such
40 unfunded liability in full.

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