

# SENATE . . . . . No. 2827

---

## The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court  
(2023-2024)

SENATE, June 21, 2024.

The committee on Municipalities and Regional Government to whom was referred the message from Her Excellency the Governor recommending legislation to empower municipalities and local governments (Senate, No. 2571) (insomuch as relates to Sections 1-17, 19-21, 23-25, 28-37, 76-84 and 87), report the accompanying bill (Senate, No. 2827).

For the committee,  
Jacob R. Oliveira

**SENATE . . . . . No. 2827**

---

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act empowering municipalities and local governments.

*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. Section 3 of chapter 17 of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by striking out subsection (d) and inserting in place thereof  
3 the following subsection:-

4           (d) Seven of the appointed members shall be non-providers: 1 of whom shall be  
5 appointed by the secretary of elder affairs; 1 of whom shall be appointed by the secretary of  
6 veterans' services; 1 of whom shall be appointed by the governor from a list of 3 nominated by  
7 Health Care For All, Inc.; 1 of whom shall be appointed by the governor from a list of 3  
8 nominated by the Coalition for the Prevention of Medical Errors, Inc.; 1 of whom shall be  
9 appointed by the governor from a list of 3 nominated by the Massachusetts Public Health  
10 Association; 1 of whom shall be appointed by the governor from a list of 3 nominated by the  
11 Massachusetts Community Health Worker Network; and 1 of whom shall be appointed by the  
12 governor from a list of 3 nominated by the Coalition for Local Public Health. Whenever an  
13 organization nominates a list of candidates for appointment by the governor under this

14 subsection, the organization may nominate additional candidates if the governor declines to  
15 appoint any of those originally nominated.

16 SECTION 2 Chapter 30A, Section 21 is hereby amended in subsection (a) by deleting  
17 paragraph 8 and inserting in place thereof the following:-

18 8. To consider or interview applicants, including the preparation of interview questions  
19 for employment or appointment by a preliminary screening committee if the chair declares that  
20 an open meeting will have a detrimental effect in obtaining qualified applicants; provided,  
21 however that this clause shall not apply to any meeting, including meetings of a preliminary  
22 screening committee, to consider and interview applicants who have passed a prior preliminary  
23 screening; nothing in this section shall prohibit all members of a school committee, city council,  
24 town council, select board, or board of alderman from participating as members of the  
25 preliminary screening committee meeting in executive session for the purposes of this section.

26 SECTION 3. Section 1 of chapter 30B of the General Laws, as appearing in the 2020  
27 Official Edition, is hereby amended by striking out, in lines 10 and 11, and in lines 134 and 135,  
28 the words “thirty-eight A1/2 to thirty-eight O, inclusive, of chapter seven” and inserting in place  
29 thereof, in each instance, the following words:- 44 to 57, inclusive, of chapter 7C.

30 SECTION 4. Subsection (b) of said section 1 of said chapter 30B, as so appearing, is  
31 hereby amended by striking out clause (5), as so appearing, and inserting in place thereof the  
32 following clause:-

33 (5) a contract for the purchase of materials under specifications of the division of  
34 highways in the Massachusetts Department of Transportation and at prices established by the

35 division, pursuant to advertising and bidding for such purpose, in connection with work to be  
36 performed under chapter 81 or chapter 90;

37 SECTION 5. Said section 1 of said chapter 30B, as so appearing, is hereby further  
38 amended by striking out, in line 109, as so appearing, the words “subclause (r)” and inserting in  
39 place thereof the following words:- subclause (s).

40 SECTION 6. Section 4 of chapter 30B of the General Laws, as so appearing, is amended  
41 by striking out subsection (a) and inserting in place thereof the following subsection:-

42 (a) Except as permitted pursuant to this section and section 7, for the procurement of a  
43 supply or service for a governmental body in the amount of \$15,000 or greater, but not to exceed  
44 \$100,000, a procurement officer shall seek written quotations from not fewer than 3 persons  
45 customarily providing the supply or service. The procurement officer shall record the: (i) names  
46 and addresses of all persons from whom quotations were sought; (ii) purchase description used  
47 for the procurement; (iii) names of the persons submitting quotations; and (iv) date and amount  
48 of each quotation. Such information shall be retained in the file required pursuant to section 3. A  
49 governmental body may require that any procurement for the governmental body in an amount of  
50 not more than \$100,000 shall be subject to section 5 or section 6.

51 SECTION 7. Section 4 of chapter 30B of the General Laws, as so appearing, is further  
52 amended by striking out subsection (c) and inserting in place thereof the following:-

53 (c) A procurement in the amount of less than \$15,000 shall be obtained through the  
54 exercise of sound business practices.

55 SECTION 8. Section 5 of said chapter 30B, as so appearing, is hereby amended by  
56 striking out, in lines 2 to 4, the words “\$50,000 or, in the case of a municipal or regional school  
57 district, award of procurement contracts in the amount of more than \$100,000,” and inserting in  
58 place thereof the following figure:- \$100,000.

59 SECTION 9. Said section 5 of said chapter 30B, as so appearing, is hereby further  
60 amended by striking out, in lines 37 to 39, the words “on the COMMBUYS system administered  
61 by the operational services division” and inserting in place thereof the following words:- through  
62 additional means reasonably calculated to notify the public of the opportunity.

63 SECTION 10. Said section 5 of said chapter 30B, as so appearing, is hereby further  
64 amended by striking out, in lines 40 and 41, the words “\$50,000, or, for a municipal or regional  
65 school district, more than”.

66 SECTION 11. Section 5 of said chapter 30B, as so appearing, is hereby amended by  
67 striking out, in lines 64 to 66, inclusive, as so appearing, the words “the provisions of section  
68 eleven A 1/2 of chapter thirty A, section nine G of chapter thirty-four or section twenty-three B  
69 of chapter thirty-nine” and inserting in place thereof the following words:- sections 18 to 25,  
70 inclusive, of chapter 30A.

71 SECTION 12. Section 6 of said chapter 30B, as so appearing, is hereby amended by  
72 striking out, in lines 2 and 3, the words “\$50,000, or, a municipal or regional school district,  
73 more than \$100,000” and inserting in place thereof the following figure:- \$100,000.

74 SECTION 13. Section 6A of said chapter 30B, as so appearing, is hereby amended by  
75 striking out, in lines 2 and 3, the words “\$50,000, or, a municipal or regional school district,  
76 more than \$100,000,” and inserting in place thereof the following figure:- \$100,000.

77 SECTION 14. Section 7 of said chapter 30B, as so appearing, is hereby amended by  
78 striking out, in lines 2 and 3, the words “\$50,000, or, a municipal or regional school district,  
79 more than \$100,000,” and inserting in place thereof the following figure:- \$100,000.

80 SECTION 15. Section 16 of said chapter 30B, as so appearing, is hereby amended by  
81 striking out, in line 46, the words “forty J of chapter seven” and inserting in place thereof the  
82 following words:- 38 of chapter 7C.

83 SECTION 16. Section 18 of said chapter 30B, as so appearing, is hereby amended by  
84 striking out the definition of “Disadvantaged vendor” and inserting in place thereof the following  
85 definition:-

86 “Disadvantaged vendor”, a business beneficially owned by at least 1 minority person as  
87 provided in the definition of “Minority-owned business” in subsection (b) of section 6 of chapter  
88 7C and any business beneficially owned by at least 1 woman as provided in the definition of  
89 “Women-owned business” in said subsection (b) of said section 6 of said chapter 7C.

90 SECTION 17. Said chapter 30B, as so appearing, is hereby further amended by striking  
91 out section 22 and inserting in place thereof the following section:-

92 Section 22. A public procurement unit may participate in, sponsor, conduct or administer  
93 a cooperative purchasing agreement for the procurement of supplies or services with public  
94 procurement units or external procurement activities in accordance with an agreement entered  
95 into between the participants. The public procurement unit conducting the procurement of  
96 supplies or services shall do so in a manner that constitutes a full and open competition.

97 Notwithstanding the provisions of any special or general law to the contrary, a public  
98 procurement unit that conducts a cooperative purchasing agreement pursuant to this section in a  
99 manner that constitutes full and open competition may award contracts to multiple offerors  
100 through a single request for proposals if the chief procurement officer for the awarding public  
101 unit determines that doing so is in the best interests of the parties to the cooperative purchasing  
102 agreement.

103 SECTION 18. Chapter 30B of the General Laws, as appearing in the 2022 Official  
104 Edition, is hereby amended by striking out section 23 and inserting in place thereof the following  
105 section:-

106 Section 23. Notwithstanding section 39M of chapter 30, or any general or special law to  
107 the contrary, a governmental body may procure electric school buses and the installation of  
108 charging stations for said electric school buses, under this chapter. Said electric school buses and  
109 the installation of related charging stations may be procured separately or in one procurement.  
110 For the purposes of this section, if electric school buses and charging stations and their  
111 installation are procured in a single procurement, both shall be considered supplies; otherwise,  
112 electric school buses shall be considered supplies and charging stations and their installation  
113 shall be considered services.

114 A contract under this section shall only be awarded to a bidder: (i) possessing the skill,  
115 ability and integrity necessary for the faithful performance of the work; (ii) who shall certify, that  
116 it is able to furnish labor that can work in harmony with all other elements of labor employed or  
117 to be employed in the work; (iii) who shall certify that all employees to be employed at the  
118 worksite will have successfully completed a course in construction safety and health approved by

119 the United States Occupational Safety and Health Administration that is at least 10 hours in  
120 duration at the time the employee begins work and who shall furnish documentation of  
121 successful completion of said course with the first certified payroll report for each employee; and  
122 (iv) who obtains within 10 days of the notification of contract award the security by bond  
123 required under section 29 of chapter 149; provided, that for the purposes of this section, the term  
124 “security by bond” shall mean the bond of a surety company qualified to do business under the  
125 laws of the commonwealth and satisfactory to the awarding authority; provided further, that if  
126 there is more than 1 surety company, the surety companies shall be jointly and severally liable.  
127 Sections 26 through 27D of chapter 149 shall apply to any contract entered into under this  
128 section.

129 SECTION 19. Subsection (k) of section 20 of chapter 32B of the General Laws, as so  
130 appearing, is hereby amended by striking out, in line 158, the words “governing boards” and  
131 inserting in place thereof the followings words:- governing body.

132 SECTION 20. Section 49 of said chapter 40, as so appearing, is hereby amended by  
133 adding the following sentence:- Nothing in this section shall preclude a town from providing any  
134 of the reports or information pursuant to this section in an electronic format, provided, however,  
135 that at least one physical copy shall be made available for public viewing during normal business  
136 hours at the town hall.

137 SECTION 21. Said chapter 40, as so appearing, is hereby amended by adding the  
138 following section:-

139 Section 70. Cities, towns and districts shall report a known cybersecurity incident, as  
140 defined through regulation by the secretary of technology services and security, to the



141 commonwealth security operations center, in a manner prescribed by the executive office of  
142 technology services and security. Reporting shall take place as soon as practicable, but no later  
143 than at the conclusion of the risk assessment process. Reports shall not include any information  
144 that would jeopardize attorney-client privilege nor any information that would have a  
145 demonstrated impact on the defense and management of any liability claims, including litigation  
146 or demand for damages. Nothing in this section shall satisfy a city, town or district's reporting  
147 requirements under chapter 93H. The executive office of technology services and security shall  
148 promulgate regulations to implement this section.

149 SECTION 22. Section 9 of chapter 40A of the General Laws, as appearing in the 2020  
150 Official Edition, is hereby amended by striking the eleventh paragraph.

151 SECTION 23. Section 1B of chapter 41 of the General Laws, as so appearing, is hereby  
152 amended by adding the following paragraph:-

153 In any town that accepts this paragraph, the positions of appointed town treasurer and  
154 appointed collector of taxes shall be combined into 1 position and become an appointed position  
155 in the manner provided in this section. Any incumbent of such office serving at the time of  
156 acceptance shall continue to hold said office and to perform the duties thereof until the expiration  
157 of the term for which said individual was appointed or until said individual otherwise vacates  
158 such office.

159 SECTION 24. Section 23A of said chapter 41, as so appearing, is hereby amended by  
160 striking out, in line 3, the words "one or three" and inserting in place thereof the following  
161 words:- not less than 1 year but not more than 5.

162 SECTION 25. Section 81A of chapter 41 of the General Laws, as appearing in the 2020  
163 Official Edition, is hereby amended by inserting after the first paragraph the following  
164 paragraph:-

165 Zoning ordinances or by-laws may provide for associate members of a planning board.  
166 One associate member may be authorized when the planning board consists of five members,  
167 and two associate members may be authorized when the planning board consists of more than  
168 five members. A city or town which establishes the position of associate member shall determine  
169 the procedure for filling such position. If provision for filling the position of associate member  
170 has been made, in the case of absence, inability to act, conflict of interest on the part of any  
171 member of the planning board, or in the event of a vacancy on the board the chairman of the  
172 planning board may designate an associate member to sit on the board for the purposes of acting  
173 on any matter under its jurisdiction including but not limited to this chapter, chapter 40A or  
174 under its home rule powers.

175 SECTION 26. Section 7 of chapter 44 of the General Laws, as appearing in the 2022  
176 Official Edition, is hereby amended by inserting after the word “land”, in line 21, the following  
177 words:- , improvement to real estate or waterways.

178 SECTION 27. Said section 7 of said chapter 44, as so appearing, is hereby further  
179 amended by inserting after the word “years”, in line 22, the following words:- and be owned or  
180 leased by the city or town or on property owned or leased by the city or town.

181 SECTION 28. Said section 7 of said chapter 44, as so appearing, is hereby further  
182 amended by inserting after the word “land”, in line 23, the following words:- , improvement to  
183 real estate or waterways.

184 SECTION 29. Said section 7 of said chapter 44, as so appearing, is hereby further  
185 amended by adding the following paragraph:-

186 Notwithstanding the foregoing provisions of this section and section 16 of chapter 71,  
187 indebtedness for constructing and reconstructing a school facility for the education of school  
188 children shall be payable not to exceed 40 years.

189 SECTION 30. Section 21A of said chapter 44, as so appearing, is hereby amended by  
190 inserting after the word “town”, in line 2, the following words:- , the school committee of a  
191 regional school district.

192 SECTION 31. Said section 21A of said chapter 44, as so appearing, is hereby further  
193 amended by inserting after the word “town”, in line 4, the following words:- , regional school  
194 district.

195 SECTION 32. Said section 21A of said chapter 44, as so appearing, is hereby further  
196 amended by inserting after the word “town”, in line 69, the following words:- , the school  
197 committee of a regional school district.

198 SECTION 33. Section 31 of said chapter 44, as so appearing, is hereby amended by  
199 inserting the following paragraph:-

200 Notwithstanding the foregoing provisions of this section, section 23 of chapter 59, or any  
201 other general or special law to the contrary, a city or town may amortize over the subsequent  
202 three fiscal years, in equal installments or more rapidly, the amount of its current fiscal year  
203 major disaster related deficit. The local appropriating authority as defined in section 21C of said  
204 chapter 59 shall adopt a deficit amortization schedule in accordance with the preceding sentence

205 before setting the municipality's next fiscal year tax rate. The commissioner of revenue may  
206 issue guidelines or instructions for reporting the amortization of deficits authorized by this  
207 paragraph.

208 SECTION 34. The seventh paragraph of section 32 of said chapter 44, as so appearing, is  
209 hereby amended by adding the following sentence:- The amounts in the continuing appropriation  
210 budget shall, without further action by the council, become an appropriation and be available for  
211 the purposes specified; provided that the purposes contained therein shall not include any item or  
212 undertaking not considered in the prior fiscal year.

213 SECTION 35. Notwithstanding any general or special law to the contrary, there shall be a  
214 special commission to investigate and study the use of so-called double poles. The commission  
215 shall consider identifying how many double poles exist and the length of time each has been in  
216 place, the reason why such double poles have been in place for such time, and the process and  
217 timeline by which existing utility poles are removed following the transfer of attached services to  
218 a new pole. The commission shall also consider and may make recommendations on how best to  
219 enforce the provisions of Section 34B of Chapter 164 of the General Laws concerning the timely  
220 removal of double poles, investigate how to address barriers to remove such poles, investigate  
221 increasing utilization, improving functionality of attachment management systems (e.g., the  
222 National Joint Utilities Notification System (NJUNS), and identifying solutions to resolve  
223 communication issues among all parties, unlicensed attachments on utility poles and  
224 requirements that providers promptly register such attachments, the legal liability and potential  
225 use of indemnification agreements to facilitate the removal of abandoned attachments, whether  
226 or not certain costs may be recovered from ratepayers, and the promulgation of regulations by

227 the Department of Public Utilities and Department of Telecommunications and Cable to  
228 effectively regulate double utility poles.

229 The commission shall consist of 17 members: 1 of whom shall be the secretary of  
230 administration and finance, or the secretary's designee; 1 of whom shall be the chair of the  
231 department of public utilities, or the chair's designee; 1 of whom shall be the commissioner of  
232 the department of telecommunications and cable, or the commissioner's designee; 1 of whom  
233 shall be a representative of a municipal light board of commissioners or their designee; the house  
234 and senate chairs of the joint committee on municipalities and regional government; 2 members  
235 of the house of representatives, 1 of whom shall be appointed by the minority leader; 2 members  
236 of the senate, 1 of whom shall be appointed by the minority leader; 3 municipal officials selected  
237 by the governor, 1 utility pole owner; 1 utility pole attacher; the executive director of the  
238 Massachusetts Municipal Association or their designee; and 1 private citizen, appointed by the  
239 governor, who shall serve as chair of the commission and shall not be an employee of any  
240 electric or telecommunications utility operating in the commonwealth.

241 The commission shall file a report of its recommendations and proposed legislation, if  
242 any, with the clerks of the house and senate, the chairs of the house and senate committee on  
243 ways and means and the chairs of the joint committee on municipalities and regional government  
244 not later than June 30, 2026.

245 SECTION 36. Section 17 of chapter 268A of the General Laws, as so appearing, is  
246 hereby amended by adding the following paragraph:-

247 This section shall not prevent a municipal employee from receiving or requesting  
248 compensation from, or acting as an agent or attorney for, the employee's municipality and one or

249 more other governmental units, as defined by section 4A of chapter 40, in connection with an  
250 intermunicipal agreement under said section 4A of said chapter 40; provided that the employee is  
251 acting within the scope of the employee's duties under the intermunicipal agreement.

252 SECTION 37. Notwithstanding section 20 of chapter 44 of the General Laws, or any  
253 other general or special law to the contrary, a community who reserved or used a debt excluded  
254 premium for capital shall account for said premium on the debt excluded borrowing without  
255 adjustment to the debt exclusion.

256 SECTION 38. Notwithstanding section 53 of chapter 44 of the General Laws or any other  
257 general or special law to the contrary, any city or town may, upon the approval of the chief  
258 executive officer, establish in the treasury a separate revenue account into which shall be  
259 deposited the monies received pursuant to section 25B of chapter 54 of the General Laws and  
260 chapter 111 of the acts of 2014. Said special account shall be established by the municipal  
261 treasurer in the municipal treasury and shall be kept separate and apart from other monies.  
262 Monies in any special account shall be expended at the direction of the chief executive officer  
263 without further appropriation only for the purposes for which the monies were received.

264 SECTION 39. Notwithstanding any general or special law to the contrary, there shall be a  
265 special commission to investigate and study retiree healthcare and other non-pension benefits.  
266 The commission shall consider the range of benefits that are or should be provided as well as the  
267 current and anticipated future cost of providing them. The commission shall consider and may  
268 make recommendations on how best to divide the costs between the commonwealth and its  
269 employees and between the commonwealth's municipalities and their employees. Upon

270 appropriation of sufficient funds, the commission shall engage professional advisors as needed to  
271 accomplish its purposes.

272           The commission shall consist of 12 members: 1 of whom shall be the secretary of  
273 administration and finance, or the secretary's designee; 1 of whom shall be the treasurer, or the  
274 treasurer's designee; 1 of whom shall be the executive director of the group insurance  
275 commission, or the director's designee; 1 of whom shall be a private citizen, appointed by the  
276 governor, who shall serve as chair of the commission and shall not be a member of any of the  
277 105 contributory retirement systems; 2 of whom shall be members of the house of  
278 representatives, 1 of whom shall be appointed by the minority leader; 2 of whom shall be  
279 members of the senate, 1 of whom shall be appointed by the minority leader; 1 of whom shall be  
280 selected by the governor from a list of 3 candidates submitted by the president of the  
281 Massachusetts AFL-CIO; 2 of whom shall be members of the Massachusetts Municipal  
282 Association, 1 of whom shall represent a rural community; and 1 of whom shall be a member of  
283 the Retired State, County and Municipal Employees Association of Massachusetts.

284           The commission shall file a report of its recommendations and proposed legislation, if  
285 any, with the clerks of the house and senate, the chairs of the house and senate committee on  
286 ways and means and the chairs of the joint committee on public service not later than June 30,  
287 2025.

288           SECTION 40. Section 23 of chapter 30B of the General Laws, as inserted by section 18  
289 of this act, is hereby repealed.

290           SECTION 41. Section 40 shall take effect on June 30, 2029.