The Commonwealth of Massachusetts
Department of the State Treasurer
State House
Boston, Massachusetts 02133

Steven Grossman
Treasurer and Receiver General

November 7, 2014

The Honorable Steven James
Clerk of the House of Representatives
State House, Room 145
Boston, Massachusetts 02133

Dear Clerk James:

On behalf of the State Treasury and in accordance with G.L. c. 30, s. 33, I am transmitting nine recommendations for legislative consideration during the 2015-16 legislative session. The proposals are as follows:

- An Act Relative to Explosive Bonds.
  - Amends Chapter 149, Sections 19 and 20A of the General Laws
- An Act Relative to Motor Vehicles and Aircraft
  - Amends Chapter 90, Sections 34A and 34D of the General Laws
- An Act Relative to Unclaimed Property and Life Insurance Proceeds
  - Amends Chapter 200A of the General Laws
- An Act Relative to Enhancing Consumer Protection with Respect to Unclaimed Property
  - Amends Chapter 200A of the General Laws
- An Act Relative to the Massachusetts State Employees Retirement System
  - Amends Section 139 of Chapter 25 of the Acts of 2009
- An Act Relative to Retirement Benefits
  - Section 19 of Chapter 32 of the General Laws
- An Act Relative to the Massachusetts State Lottery Commission
  - Amends Chapter 10 of the General Laws.

Phone: 617.367.6900 • Office: State House, Room 227, Boston, MA 02133 • Web: www.mass.gov/treasury

Printed on Recycled Paper

- An Act Authorizing Lottery Pilot Projects
    - Amends Section 24 of chapter 10

- An Act Relative to Lottery Compliance Investigations.
    - Amends Section 31 of chapter 10

Thank you for your attention to this matter.

Sincerely yours,

Steven Grossman
Treasurer and Receiver General
Commonwealth of Massachusetts

An Act relative to explosive bonds.

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

Notwithstanding any provision of the general or special laws to the contrary, in Chapter 148, Section 19 of the General Laws, strike the words “approved by the treasurer thereof, for such penal sum, not exceeding ten thousand dollars,”;

And in said Chapter 148, Section 20A, strike the words “state treasurer in the penal sum of twenty thousand dollars, running to the commonwealth, with sureties approved by the state treasurer,” and substitute in lieu thereof “state fire marshal”.

Section 19. Before the issue of a permit to use an explosive in the blasting of rock or any other substance as prescribed by the department, the applicant for the permit shall file with the clerk of the city or town where the blasting is to be done a bond running to the city or town, with sureties as the marshal or the officer granting the permit shall determine to be necessary in order to cover the risk of damage that might ensue from the blasting or its keeping therefor; provided, that the marshal or the officer granting the permit may determine that a single and blanket bond in a penal sum not exceeding fifteen thousand dollars is sufficient to cover the risk of damage from all blasting operations of the applicant, either under the permit so issued or under future permits to use explosives in blasting operations. The bond shall be conditioned upon the payment of any loss, damage or injury resulting to persons or property by reason of such blasting or keeping. Such applicant shall pay to said clerk at the time of filing of the said bond the fee provided by clause (15) of section thirty-four of chapter two hundred and sixty-two.

Section 20A. If the applicant for a permit to use an explosive in the blasting of rock or any other substance desires to conduct blasting operations in more than one city or town in the commonwealth he may, instead of filing a bond with the clerk of each city or town in which such operations are to be conducted, file a bond with the state fire marshal and for such additional penal sum as the marshal shall determine to be necessary to cover the losses, damages or injuries that might ensue to persons or property by reason thereof. The provisions of sections nineteen and twenty shall apply to said bond and actions thereon so far as applicable.

An Act relative to motor vehicles and aircraft.

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

Notwithstanding any provision of the general or special laws to the contrary, In Chapter 90, Section 34A strike the words "; or the certificate of the state treasurer stating that cash or securities have been deposited with said treasurer as provided in section thirty-four D"

And in said Chapter 90, strike Section 34D in its entirety.

CHAPTER 90

MOTOR VEHICLES AND AIRCRAFT

Section 34ADefinitions

Section 34A. The following words, as used in sections thirty-four A to thirty-four N, inclusive, shall have the following meanings:—

"Certificate", the certificate of an insurance company authorized to issue in the commonwealth a motor vehicle liability policy, stating that it has or will insure the applicant for registration of a motor vehicle with respect to such motor vehicle for a period at least coterminous with that of such registration under such a motor vehicle liability policy or a renewal or extension of such a policy, which conforms to the provisions of section one hundred and thirteen A of chapter one hundred and seventy-five or that it has executed a binder, as defined in said section one hundred and thirteen A, under and in conformity with said section covering such motor vehicle pending the issue of a motor vehicle liability policy; or the certificate of a surety company authorized to transact business in the commonwealth under section one hundred and five of said chapter one hundred and seventy-five as surety, stating that it has or will guarantee performance by the applicant for registration of a motor vehicle with respect to such motor vehicle for a period at least coterminous with that of such registration under a motor vehicle liability bond or renewal or extension thereof, payable to the commonwealth, which conforms to the provisions of said section one hundred and thirteen A and has been executed by such applicant as principal and by such surety company as surety; or the certificate of the state treasurer stating that cash or securities have been deposited with said treasurer as provided in section thirty-four D.

"Guest occupant" or "guest occupant of such motor vehicle", any person, other than an employee of the owner or registrant of a motor vehicle or of a person responsible for its operation with the owner's or registrant's express or implied consent, being in or upon,

entering or leaving the same, except a passenger for hire in the case of a motor vehicle registered as a taxicab or otherwise for carrying passengers for hire.

"Motor vehicle", shall, in addition to the meaning prescribed by section one, include a trailer, as defined by said section one.

"Motor vehicle liability bond", a bond conditioned that the obligor shall within thirty days after the rendition thereof satisfy all judgments rendered against him or against any person responsible for the operation of the obligor's motor vehicle with his express or implied consent in actions to recover damages for bodily injuries, including death at any time resulting therefrom, and judgments rendered as aforesaid for consequential damages consisting of expenses incurred by a husband, wife, parent or guardian for medical, nursing, hospital or surgical services, or for indemnity, in connection with or on account of such bodily injuries or death, and judgments rendered as aforesaid for contribution as a joint tortfeasor in connection with or on account of such bodily injuries, sustained during the term of said bond by any person, other than a guest occupant of such motor vehicle or any employee of the owner or registrant of such vehicle or of such other person responsible as aforesaid who is entitled to payments or benefits under the provisions of chapter one hundred and fifty-two, and arising out of the ownership, operation, maintenance, control or use of such motor vehicle upon the ways of the commonwealth or in any place therein to which the public has a right of access, other than by an employee of the federal government while acting within the scope of his office or employment and covered by the provisions of section 2679 of Title 28, United States Code, to the amount or limit of at least twenty thousand dollars on account of injury to or death of any one person, and, subject to such limits as respects injury to or death of one person, of at least forty thousand dollars on account of any one accident resulting in injury to or death of more than one person; provided, however, that in the case of a person who is engaged in the business of leasing motor vehicles under any system referred to in section thirty-two C, the words "motor vehicle liability bond" shall mean a bond as described herein but conditioned further, except in the case of vehicles leased for a term of more than thirty days, that the obligor shall within thirty days after the rendition thereof satisfy all judgments rendered against him or against any person responsible for the operation of the obligor's motor vehicle with his express or implied consent, including such consent imputed under section thirty-two E, in actions to recover damages for injury to property, and judgments rendered as aforesaid for indemnity, or for contribution as a joint tortfeasor, in connection with or on account of such injury to property, sustained during the term of said bond by any person, and arising out of the ownership, operation, maintenance, control or use upon the ways of the commonwealth of such motor vehicle, other than by an employee of the federal government while acting within the scope of his office or employment and covered by the provisions of section 2679 of Title 28, United States Code, to the amount or limit of at least one thousand dollars on account of any such injury to property.

"Motor vehicle liability policy", a policy of liability insurance which provides indemnity for or protection to the insured and any person responsible for the operation of the insured's motor vehicle with his express or implied consent against loss by reason of the liability to pay

damages to others for bodily injuries, including death at any time resulting therefrom, or consequential damages consisting of expenses incurred by a husband, wife, parent or guardian for medical, nursing, hospital or surgical services, or for indemnity, in connection with or on account of such bodily injuries or death, or by reason of the liability for contribution as a joint tortfeasor, in connection with or on account of such bodily injuries, sustained during the term of said policy by any person, other than a guest occupant of such motor vehicle or of any employee of the owner or registrant of such vehicle or of such other person responsible as aforesaid who is entitled to payments or benefits under the provisions of chapter one hundred and fifty-two, and arising out of the ownership, operation, maintenance, control or use of such motor vehicle upon the ways of the commonwealth or in any place therein to which the public has a right of access, other than by an employee of the federal government while acting within the scope of his office or employment and covered by the provisions of section 2679 of Title 28, United States Code, to the amount or limit of at least twenty thousand dollars on account of injury to or death of any one person, and, subject to such limits as respects injury to or death of one person, of at least forty thousand dollars on account of any one accident resulting in injury to or death of more than one person, or a binder as defined in section one hundred and thirteen A of said chapter one hundred and seventy-five providing indemnity or protection as aforesaid pending the issue of such a policy; provided, however, that in the case of a person who is engaged in the business of leasing motor vehicles under any system referred to in section thirty-two C, the words “motor vehicle liability policy” shall mean a policy of liability insurance as described herein and providing, in addition, except in the case of vehicles leased for a term of more than thirty days, indemnity for or protection to the insured and any person responsible for the operation of the insured’s motor vehicle with his express or implied consent, including such consent imputed under section thirty-two E, against loss by reason of the liability to pay damages to others for injury to property or by reason of the liability for indemnity, or for contribution as a joint tortfeasor, in connection with or on account of such injury to property, other than by an employee of the federal government while acting within the scope of his office or employment and covered by the provisions of section 2679 of Title 28, United States Code, sustained during the term of the policy by any person, and arising out of the ownership, operation, maintenance, control or use upon the ways of the commonwealth of such motor vehicle, to the amount or limit of at least one thousand dollars on account of any such injury to property.

“Personal injury protection,” provisions of a motor vehicle liability policy or motor vehicle liability bond which provide for payment to the named insured in any such motor vehicle liability policy, the obligor of any motor vehicle liability bond, members of the insured’s or obligor’s household, any authorized operator or passenger of the insured’s or obligor’s motor vehicle including a guest occupant, and any pedestrian struck by the insured’s or obligor’s motor vehicle, unless any of the aforesaid is a person entitled to payments or benefits under the provisions of chapter one hundred and fifty-two, of all reasonable expenses incurred within two years from the date of accident for necessary medical, surgical, x-ray, and dental services, including prosthetic devices and necessary ambulance, hospital, professional nursing and funeral services, and in the case of persons employed or self-employed at the time of an accident of any amounts actually lost by reason of inability to work and earn wages or salary or

their equivalent, but not other income, that would otherwise have been earned in the normal course of an injured person's employment, and for payments in fact made to others, not members of the injured person's household and reasonably incurred in obtaining from those others ordinary and necessary services in lieu of those that, had he not been injured, the injured person would have performed not for income but for the benefit of himself and/or members of his household, and in the case of persons not employed or self-employed at the time of an accident of any loss by reason of diminution of earning power and for payments in fact made to others, not members of the injured person's household and reasonably incurred in obtaining from those others ordinary and necessary services in lieu of those that, had he not been injured, the injured person would have performed not for income but for the benefit of himself and/or members of his household, as a result of bodily injury, sickness or disease, including death at any time resulting therefrom, caused by accident and not suffered intentionally while in or upon, or while entering into or alighting from, or being struck as a pedestrian by, the insured's or obligor's motor vehicle, without regard to negligence or gross negligence or fault of any kind, to the amount or limit of at least eight thousand dollars on account of injury to or death of any one person, except that payments for loss of wages or salary or their equivalent or, in the case of persons not employed, loss by reason of diminution of earning power, shall be limited to amounts actually lost by reason of the accident and further limited (1) in the case of persons entitled to wages or salary of their equivalent under any program for continuation of said wages or salary or their equivalent to an amount that, together with any payments due under such a program, will provide seventy-five per cent of any such person's average weekly wage or salary or its equivalent for the year immediately preceding the accident, provided that the insurer shall reimburse those wage continuation programs or their equivalent which provide for accumulated benefits which can be converted into either cash or additional retirement credit for the amount said program or its equivalent actually pays to the insured, not to exceed seventy-five per cent of the insured's average weekly wages or salary or its equivalent for the year immediately preceding the accident, or (2) in the case of persons not entitled to wages or salary or their equivalent under any program for continuation of said wages or salary or their equivalent to an amount that will provide seventy-five per cent of any such person's average weekly wage or salary or its equivalent for the year immediately preceding the accident. In any case where amounts paid for loss of wage, salary or their equivalent are reduced as a result of any program for continuation of the same and such reduction produces a subsequent loss, as when the limit of any such program for continuation of wage or salary or their equivalent is exhausted with the result that an injured person cannot recover for a later injury or illness as he would have been entitled to but for such a reduction, such subsequent loss to an amount equalling the reduction in personal injury protection made in accordance with this section shall, if incurred within one year after the receipt of the last benefit provided under this section, be treated as a loss of wages, salary or their equivalent incurred as a result of the injury to which personal injury protection applied. In all cases where an insured is compensated under such a wage continuation program and also recovers these benefits from another source, he shall be entitled to reimburse the wage continuation program with no loss in standing under such a program.

Personal injury protection shall also provide for payment, to the named insured or obligor and members of their households, all amounts defined in this section in any case where such persons incur such expense or loss as a result of such injury while in, upon, entering into or alighting from, or by being struck as a pedestrian by, a motor vehicle not insured by a policy or bond providing personal injury protection unless such person recovers such expenses or loss in an action of tort. Insurers may exclude a person from personal injury protection benefits if such person's conduct contributed to his injury in any of the following ways while operating a motor vehicle in the commonwealth:

(1) while under the influence of alcohol or a narcotic drug as defined in section one hundred and ninety-seven of chapter ninety-four;

(2) while committing a felony or seeking to avoid lawful apprehension or arrest by a police officer; or

(3) with the specific intent of causing injury or damage to himself or others.

The term "pedestrian" shall include persons operating bicycles, tricycles and similar vehicles and persons upon horseback or in vehicles drawn by horses or other draft animals.

Notwithstanding the foregoing, personal injury protection provisions shall not provide for payment of more than two thousand dollars of expenses incurred within two years from the date of accident for medical, surgical, X-ray and dental services, including prosthetic devices and necessary ambulance, hospital, professional nursing and funeral services if, and to the extent that, such expenses have been or will be compensated, paid or indemnified pursuant to any policy of health, sickness or disability insurance or any contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services. No policy of health, sickness or disability insurance and no contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services, shall deny coverage for said expenses because of the existence of personal injury protection benefits. Notwithstanding the provisions of section seventy A of chapter one hundred and eleven of the General Laws, no entity which is the source of the provision, payment or reimbursement of said expenses shall recover any amount against the claimant nor shall it be subrogated to the rights of the claimant for more than two thousand dollars of personal injury protection benefits, nor shall it have a lien against the claimant's personal injury protection benefits on account of its provision payment of reimbursement of said expenses. Within two years from the date of the accident, if the claimant has a policy of insurance which provides health benefits or income disability coverage, and the claimant is unwilling or unable to pay the costs of renewing or continuing that policy of insurance in force, the insurer providing personal injury protection coverage to the claimant may tender to the claimant the cost of maintaining the said policy in force for the two year period. Upon receipt of such tender, the claimant shall continue such policy of insurance; or an equivalent policy in force for the two year period. Nothing in this subsection shall be construed to compel a claimant to renew or

maintain any policy of insurance in force prior to receipt of the said tender, or to interfere in any way with the claimant's choice of physician or course of medical treatment.

CHAPTER 90MOTOR VEHICLES AND AIRCRAFT

Section 34DRegistration application; cash deposit in lieu of liability bond or policy; satisfaction of judgment

Section 34D. The applicant for registration may, in lieu of procuring a motor vehicle liability bond or policy, deposit with the state treasurer cash in the amount of ten thousand dollars or bonds, stocks or other evidences of indebtedness satisfactory to said treasurer of a market value of not less than ten thousand dollars as security for the payment by such applicant or by any person responsible for the operation of such applicant's motor vehicle with his express or implied consent of all judgments rendered against such applicant or against such person in actions to recover damages for bodily injuries, including death at any time resulting therefrom, judgments rendered as aforesaid for consequential damages consisting of expenses incurred by a husband, wife, parent or guardian for medical, nursing, hospital or surgical services, or for indemnity, in connection with or on account of such bodily injuries or death, and judgments rendered as aforesaid for contribution as a joint tortfeasor in connection with or on account of such bodily injuries, sustained during the term of registration by any person other than a guest occupant of such motor vehicle or any employee of the owner or registrant of such motor vehicle or of such other person responsible as aforesaid who is entitled to payments or benefits under the provisions of chapter one hundred and fifty-two, and arising out of the ownership, operation, maintenance, control or use of such motor vehicle upon the ways of the commonwealth or in any place therein to which the public has a right of access, to the amount or limit of at least ten thousand dollars on account of any such judgment; provided, however, that if the applicant for registration is engaged in the business of leasing motor vehicles under any system referred to in section thirty-two C, such applicant shall deposit with said treasurer additional security in the amount or value of at least one thousand dollars for the payment by such applicant or by any person responsible for the operation of such applicant's motor vehicle with his express or implied consent, including such consent imputed under section thirty-two E, of all judgments rendered against such applicant or against such person in actions to recover damages for injury to property and judgments rendered as aforesaid for indemnity, or for contribution as a joint tortfeasor, sustained during the term of registration by any person, and arising out of the ownership, operation, maintenance, control or use upon the ways of the commonwealth of such motor vehicle, to the amount or limit of at least one thousand dollars on account of any such judgment and provided further that no such deposit shall be required in the case of vehicles leased for a term of more than thirty days and the depositor shall in writing authorize the state treasurer to pay over to the insurer assigned a claim under section thirty-four N any and all amounts, including without limitation the reasonable costs of investigating and settling any such claim and such other reasonable expenses expended by it to satisfy a claim for personal injury protection made against it by any person, other than the depositor or members of his household, who is entitled to such payments as a result of the unavailability of personal injury protection benefits on said depositor's motor vehicle. The depositor shall be

entitled to the interest accruing on his deposit and to the income payable on the securities deposited and may from time to time with the consent of the state treasurer change such securities. Upon presentation to the state treasurer by an officer qualified to serve civil process or an execution issued on any such judgment against the registrant or other person responsible as aforesaid, said treasurer shall pay, out of the cash deposited by the registrant as herein provided, the amount of the execution, including costs and interest, up to but not in excess of ten thousand dollars. If the registrant has deposited bonds, stocks or other evidences of indebtedness, the state treasurer shall, on presentation of an execution as aforesaid, cause the said securities or such part thereof as may be necessary to satisfy the judgment to be sold at public auction, giving the registrant three days' notice in writing of the time and place of said sale, and from the proceeds of said sale the state treasurer shall, after paying the expenses thereof, satisfy the execution as hereinbefore provided when a cash deposit has been made. Any payment upon an execution by the state treasurer in accordance with the provisions of this section shall discharge him from all official and personal liability whatever to the registrant to the extent of such payment. The state treasurer shall, whenever the amount of such deposit from any cause falls below the amount required by this section, require, at the option of the registrants, the deposit of additional cash or securities up to the amount required by this section or a motor vehicle liability bond or policy as provided in this chapter. Money or securities deposited with the state treasurer under the provisions of this section shall not be subject to attachment or execution except as provided in this section. The state treasurer shall deposit any cash received under the provisions of this section in a savings bank or the savings department of a trust company or of a national bank within the commonwealth, or on paid-up shares and accounts of and in co-operative banks, or shall use such cash to purchase share accounts in federal savings and loan associations located in the commonwealth.

An Act relative to unclaimed property and life insurance proceeds.

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

Chapter 200A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by placing after section 5B the following new section:-

Section 5C Life insurance proceeds, death match index

(1) As used in this section:

(a) "Contract" means annuity contract. The term "contract" shall not include any annuity used to fund an employment-based retirement plan or program where the insurer is not committed by terms of the annuity contract to pay death benefits to the beneficiaries of specific plan participants.

(b) "Death Master File" means United States Social Security Administration's Death Master File or any other database or service that is at least as comprehensive as the United States Social Security Administration's Death Master File for determining that person has reportedly died;

(c) "Death Master File Match" means a search of the Death Master File that results in a match of the Social Security number or the name and date of birth of an insured, annuity owner, or retained asset account holder; and

(d) "Policy" means any policy or certificate of life insurance that provides a death benefit. The term "policy" should not include;

(1) Any policy or certificate of life insurance that provides a death benefit under;

(a) An employee benefit plan, subject to Employee Retirement Income Security Act of 1974, as defined by 29 U.S.C. sec 1002(3)

(b) A governmental plan as defined by 29 U.S.C. sec 1002(32);

(c) A church plan as defined by 29 U.S.C. sec 1002(33); or

(d) Any federal employee benefit program;

(2) Any policies or certificates of insurance on the life of a debtor pursuant to or in

connection with a specific loan or other credit transaction, or any group policy issued to a creditor to insure the lives of the debtors and any certificates issued under such policies.

All other terms used in this section shall be interpreted in a manner consistent with all the definitions used in M.G.L. Chapter 200A.

(2) (a) An insurer shall preform a comparison of its insured's' in-force life insurance policies and retained asset accounts against a Death Master File , on at least a semi-annual basis, to identify potential matches of its insureds.

(b) For those potential matches identified as a result of a Death Master File match, the insured shall:

(1) Within ninety (90) days of a Death Master File Match:

(a) Complete a good faith effort, which shall be documented by the insurer, to confirm the death of the insured or retain asset account holder against other available records and information; and

(b) Determine whether benefits are due in accordance with the applicable policy or contract, and if benefits are due in accordance with the applicable policy or contract:

i. Use good faith efforts, which shall be documented by the insurer, to locate the beneficiaries; and

ii. Provide the appropriate claims forms or instructions to each beneficiary to make a claim, including the need to provide an official death certificate if applicable under the policy contract.

(c) With respect to group life insurance, insurers are required only to confirm the possible death of an insured when the insurers provide full record- keeping services under the group policy holder,

(d) To the extent permitted by law, the insurer may disclose minimum necessary personal information about the insured to beneficiary to a person who the insurer reasonably believes may be able to assist the insurer to locate the beneficiary or a person otherwise entitled to payment of the claims proceeds.

(3) An insurer shall not charge insureds, account holders or beneficiaries for any fees or costs associated with a search or verification conducted pursuant to this section.

(4) The benefits from a life insurance policy or retained asset account, plus any applicable accrued interest , shall first be payable to the designated beneficiaries or owners and in the event those beneficiaries or owners cannot be found, shall escheat to the state as unclaimed property pursuant to M.G.L. Chapter 200A. For purposes of this section, the dormancy period shall be the date of death of the insured.

(5) The insurer shall submit the unclaimed life insurance benefits or unclaimed retained asset accounts, plus any applicable accrued interest, to the State Treasurer.

An Act relative to enhancing consumer protection with respect to unclaimed property.

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

Section 13 of chapter 200A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out the current section and replacing with the following:-

Section 13. Agreements covered by this section shall be agreements by which the owner or rightful heir of a property contracts with a third-party for the primary purpose to locate, deliver, recover, or assist in the recovery of property that is distributable to the owner or presumed abandoned.

(a)Void Agreements: An agreement covered by this section is void and unenforceable if it was entered into during the period commencing on the date the property was distributable to the over and extending to a time that is 24 months after the date the property is paid or delivered to the Office of the State Treasurer.

(b)Criteria for Agreements: An agreement covered by this section is enforceable only if it meets all of the following criteria:

(1) Is in writing and clearly sets forth the nature and underlying value of the property.

(2) Clearly identifies the services which will be rendered and performed by the contracting parties.

(3) Is signed by the owner, with signature notarized.

(4) Describes the property, and must include the type of property, the original holder of the property, the property ID assigned by the State Treasurer as well as the value or amount of the property.

(5) State clearly the fees and costs for services which shall not exceed ten per cent (10%) of the value of the property which is recovered.

(6) Discloses that the property is being held by the Massachusetts State Treasurer's Unclaimed Property Division.

(c)Registration: Any person who enters into an agreement covered by this section with an owner, or any individual who requests owner information for property from the State Treasurer's Office for the purpose of locating and contracting for a fee to assist an individual or

business entity in the recovery of said property, shall register each calendar year with the Unclaimed Property Division. The information required under this section shall include the individual's name, address, telephone number, state of incorporation along with supporting documents from the government agency of the incorporated state which oversee such activity, the individuals federal identification number, a signed and notarized affidavit attesting to the understanding of the laws governing fee for service locators in the Commonwealth of Massachusetts as well as any other requirement determined by the Treasurer in the Code of Massachusetts Regulation. A registration fee of one hundred dollars ($100) shall be paid to the Treasurer at the time of each annual filing. Fees received under this section shall be credited to the Unclaimed Property Trust Fund.

(d) This section shall not apply property subject to M.G.L. ch. 29 s. 32.

An Act relative to the Massachusetts State Employees Retirement System.

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

Section 139 of Chapter 25 of the Acts of 2009 is hereby amended by striking it in its entirety and inserting in place thereof the following:

SECTION 139. Notwithstanding the provisions of any general or special law to the contrary, employees of the Massachusetts Department of Transportation as defined in Section 8 of this Act who are hired after the effective date of this act shall become members of the Massachusetts State Employees' retirement system, and notwithstanding the provisions of any general or special law to the contrary including, but not limited to, paragraph (c) of subdivision (8) of section 3 of chapter 32 of the General Laws, said system shall be responsible for all liability attributable to said service of such employees. The liabilities attributable to any other service of such employees shall be recoverable by the commonwealth pursuant to the terms of paragraph (c) of subdivision (8) of section 3 of chapter 32 of the General Laws .

(This section shall take effect on January 1, 2010)

Section 159 of Chapter 25 of the Acts of 2009 is hereby amended by striking it in its entirety and inserting in place thereof the following:

SECTION 159. (a) Effective upon the date of dissolution of the Massachusetts Turnpike Authority: (1) the Massachusetts Turnpike Authority Employees' Retirement System shall be dissolved ; (2) all members of the Massachusetts Turnpike Authority Employees' Retirement System shall become members of the Massachusetts State Employees' Retirement System; (3) the management of benefits of the dissolved Massachusetts Turnpike Authority employees' retirement system shall be transferred to the state board of retirement in section 18 of chapter 10 of the General Laws which board shall have with respect thereto the general powers and duties set forth in subdivision (5) of section 20 of said chapter 32, including the reimbursement for liabilities attributable to the service of such members with other governmental units recoverable pursuant to the terms of paragraph (c) of subdivision (8) of section 3 of chapter 32 of the General Laws; (4) all data, files, papers and records and other materials of the Massachusetts Turnpike Authority retirement board provided for in paragraph (b) of subdivision (41/2) of said section 20 of said chapter 32 shall be transferred to and held by the state board of retirement; (5) ownership and control of all the assets of the dissolved Massachusetts Turnpike Authority Employees' Retirement System in the custody of the secretary-treasurer of the authority shall be transferred to the Pension Reserves Investment Management Board and be made assets of the Massachusetts State Employees' Retirement System; and (6) the Massachusetts Turnpike Authority retirement board in said paragraph (b) of

subdivision (4 1/2) of said section 20 of said chapter 43 shall be abolished; provided, however, that the members and officers thereof shall be authorized to do all such things and take all such action as may be necessary or desirable to be done or taken by them to effectuate the transfers to be made pursuant to this section.

(b) Effective upon the date of dissolution of the Massachusetts Turnpike Authority, the payment of all annuities, pensions, retirement allowances and refunds of accumulated total deductions and of any other benefits granted under the sections 1 to 28, inclusive, of said chapter 32 are hereby made obligations of the commonwealth.

(This section shall take effect on July 1, 2009)

An Act relative to retirement benefits.

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

Section 19 of Chapter 32 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the second paragraph the following as sub-sections:

(2)(a) Any member's accumulated total retirement deductions, including interest, or annuity pension or retirement allowance, or any portion thereof, may be transferred by a retirement board to reimburse an employer for loss resulting from the member's criminal taking or misappropriation of funds or property of a governmental unit if a board receives adequate proof of the loss. The loss resulting from the member's misappropriation or criminal taking of funds or property of a governmental unit must be proven by a felony or misdemeanor final conviction.

(b) A board may withhold payment, including a refund or rollover, of any member's accumulated total retirement deductions, including interest, if the employer of the member notifies the board that felony or misdemeanor charges accusing the member of misappropriation or criminal taking of the employer's funds or property have been filed.

(c) A board may withhold payment of any member's accumulated total retirement deductions and interest under subsection (b), including a refund or rollover, until the final resolution of the criminal charges.

(3)(a) A board may withhold the processing of any application for any retirement benefits, pension or allowance, the payment, refund or rollover of total retirement deductions, including interest, or the transfer of a member’s retirement account if a member has been charged crimes pursuant to G.L. c.32, §15.

(b) A board may withhold the processing of any application for retirement benefits, pension, or allowance, refund or rollover of accumulated retirement deductions, including interest, or the transfer of a member’s retirement account under subsection (a) until the final resolution of the criminal charges.

An Act relative to the Massachusetts State Lottery Commission.

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

SECTION 1

This legislation will amend Massachusetts General Laws, c. 10, by inserting after Massachusetts General Laws c. 10, §28B a new section numbered §28C which shall read as follows:

Section 28C Disbursement of Prizes; Frequent cashers.

Prior to disbursement of a prize equal to or in excess of six hundred dollars, the Commission shall review information furnished by the Department of Revenue indicating that certain individuals have been determined to be engaging in the presentment of Lottery ticket(s) for the payment of prize(s) on the behalf of another person or persons with the intent to allow any person or entity to evade the payment of a tax obligation or other legal obligation to either to the Commonwealth or the government of the United States. If the name of the person presenting a Lottery ticket for a prize appears in any information described above, the Commission shall withhold the payment of the prize to the person presenting the ticket and notify the Department of Revenue or other appropriate government agency that the person has presented a Lottery ticket that is eligible for a prize. The Commission will withhold payment of the prize until such time that the Department of Revenue or other appropriate government agency provides further instruction on the disbursement of the prize(s) to the Commission, including, but not limited to, in the form of an appropriate judicial order instructing the Commission to pay the prize to an individual or an entity other than the person presenting the ticket.

An Act relative to lottery pilot projects.

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

Notwithstanding any general or special law to the contrary:

SECTION 1. Section 24 of chapter 10 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: -

The commission is hereby authorized to conduct a state lottery, including a lottery or lotteries conducted online or over the internet, and shall determine the types of lottery or lotteries to be conducted, the price, or prices, of tickets or shares in the lottery, the numbers and sizes of the prizes on the winning tickets or shares, the manner of selecting the winning tickets or shares, the manner of payment of prizes to the holders of winning tickets or shares, the frequency of the drawings or selections of winning tickets or shares and the type or types of locations at which tickets or shares may be sold, the method to be used in selling tickets or shares, the licensing of agents to sell tickets or shares; provided, however, that no person under the age of eighteen shall be licensed as an agent, the manner and amount of compensation, if any, to be paid licensed sales agents, and such other matters necessary or desirable for the efficient and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares; provided, however, that the amount of compensation, if any, to be paid to licensed sales agents as a commission pursuant to this section shall be calculated on the total face value of each ticket or share sold and not on any discounted price of any such ticket or share sold. The commission is authorized to operate the daily numbers game seven days a week. Each state lottery ticket or share shall have imprinted thereon the state seal and a serial number. The commission may establish, and from time to time revise, such rules and regulations as it deems necessary or desirable and shall file the same with the office of the state secretary. With respect to a lottery or lotteries conducted online or over the internet, such rules and regulations shall, at a minimum, provide that (i) age verification measures be reasonably designed to block access to and prevent sales of lottery tickets or shares online or over the internet to persons under the age of eighteen and (ii) sales of lottery tickets or shares online or over the internet are limited to transactions initiated and received or otherwise made within the Commonwealth. The commission shall advise and make recommendations to the director regarding the operation and administration of the lottery. The commission shall report monthly to the governor, the attorney general and the general court, the total lottery revenues, prize disbursements and other expenses for the preceding month, and shall make an annual report to the same which shall include a full and complete statement of lottery revenues, prize disbursements and other expenses, including such recommendations as it may deem necessary or advisable. The

commission shall report immediately to the governor and the general court any matters which require immediate changes in the laws of the commonwealth in order to prevent abuses and evasions of the lottery law or rules and regulations promulgated thereunder or to rectify undesirable conditions in connection with the administration or operation of the state lottery.

SECTION 2. Section 24A of chapter 10 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting in line 8, after the words “creating and maintaining multi-jurisdictional lottery games”, the following words: - , including such multi-jurisdictional lottery games to be conducted online or over the internet, provided that any such lottery or lotteries conducted online or over the internet has been properly authorized by each state or other jurisdiction that is part of the group

SECTION 3. Section 3 of chapter 137 of the General Laws, as most recently amended by chapter 194, section 44 of the Acts of 2011, is hereby amended by inserting, after the words “but not including gaming conducted pursuant to chapter 23K”, the following words: - and chapter 10.

An Act relative to lottery compliance investigations.

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

SECTION 1. Section 31 of chapter 10 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the words “any member or employee of the commission", in line 3, the following words:- except as authorized by the director for investigative purposes,