The Commonwealth of Massachusetts

PRESENTED BY:

Tom Sannicandro

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 establishing a Massachusetts state universities’ part-time faculty health insurance trust Fund.

PETITION OF:

NAME: Tom Sannicandro
DISTRICT/ADDRESS: 7th Middlesex
An Act establishing a Massachusetts state universities' part-time faculty health insurance trust Fund.

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. Chapter 32A of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after section 27 the following sections:

Section 28. The following words and phrases as used in the next section shall have the following meanings:

“State Universities” shall mean Bridgewater State University, Fitchburg State University, Framingham State University, the Massachusetts College of Art and Design, the Massachusetts Maritime Academy, the Massachusetts College of Liberal Arts, Salem State University, Westfield State University and Worcester State University;

“Part-time Faculty Employees” shall mean part-time employees of the state universities engaged as faculty teaching one or more credit courses and who by virtue of that position are unit members of either the Massachusetts State Colleges Association’s Day Bargaining Unit or
Division of Graduate and Continuing Education Bargaining Unit and who satisfy the eligibility requirements of the federal Affordable Care Act and applicable state law requirements, if any.

For ACA purposes, the measured period, so called, for part-time faculty employees in any given semester shall be from the first day of classes until the last day of final examinations for that semester;

“Union” shall mean the Massachusetts Teachers Association/Massachusetts State Colleges Association.

“Employer” shall mean the Board of Higher Education.

Section 29. (a) Notwithstanding any general or special law to the contrary, there is hereby established and set up on the books of the commonwealth a trust fund to be known as the State Universities’ Part-Time Faculty Health Insurance Fund, the purpose of which is to deposit, invest and disburse amounts appropriated by the general court to fund all or a portion of the health insurance premium expenses determined by the group insurance commission established for the state universities’ active part-time faculty employees.

(b) There shall be credited to the fund any revenue from appropriations or other monies authorized by the general court and specifically designated to be credited to the fund for the purposes of paying, in whole or in part, the cost of health insurance premiums for part-time faculty employees of the state universities. Money remaining in the fund at the end of the fiscal year shall not revert to the General Fund.

(c) The trust fund shall be managed and overseen by the Commissioner of Higher Education as trustee.
(d) Upon request of the group insurance commission established, the trustee may expend amounts in the fund, without further appropriation, to pay the costs, in whole or in part, of health insurance premiums for part-time faculty employees of the state universities, provided however, that said group insurance commission shall remain responsible for administering the payment of, determining the terms, conditions, schedule of benefits, carriers and eligibility for health care benefits for part-time faculty employees.

(e) The trustee shall use the trust funds, including any earnings or interest accruing from the investment of the trust funds, exclusively for the purpose of funding, in whole or in part, of the health insurance premiums of part-time faculty employees, provided that the trustee may make appropriations necessary to administer the fund; including the employment of administrative, legal accounting, expert, consultative, actuarial and clerical assistance, the purchase or lease of materials, supplies and equipment the trustee determines necessary in the performance of his or her duties. In order to manage and expend funds from the trust, the trustee shall appoint a three member funding authorization committee. The trustee or the trustee’s designee shall be a member and shall act as chairperson of the committee. One member of the committee shall be appointed by the council of presidents of the state universities. One member shall be appointed by the union. Subject to the approval of the funding authorization committee, the amounts in the trust fund not needed for current disbursement may be invested and reinvested consistent with the prudent investor rule and sections 3, 4, 5, 8 and 9 of chapter 203C of the general laws. The trustee may employ any qualified bank, trust company, corporation, firm or person to advise it on the investment of the fund and may pay for this advice and other services.

(f) The trustee shall keep true and accurate books of account and records of all transactions of the fund and will cause such books to be audited by a certified public accountant.
each fiscal year. The accountant shall be available to the employer and the union and shall
submit a final audit in writing to the board. All records of the fund, including transactions of the
fund, shall be public records as defined in clause twenty-sixth of section 7 of chapter 4 of the
general laws.

(g) Any and all obligations, duties and responsibilities of the trust fund and its trustee are
subject to additional, complete and identifiable appropriation by the general court and this
section shall not become effective unless appropriation to fully fund such section has been
enacted by the general court and allocated to the trust fund and its trustee by the Governor.

(h) If a civil action is brought against the trustee, the trustee shall be indemnified for all
expenses incurred in the defense of the action and shall be indemnified for damages if the claim
arose out of acts performed by the trustee while acting within the scope of the trustee’s official
duties; provided, however, that the trustee shall not be indemnified for expenses incurred in the
defense of an action, or damages awarded in an action, in which there is shown to be a breach of
fiduciary duty, an act of willful dishonesty or an intentional violation of law by the trustee.

SECTION 2. This act shall take effect January 1, 2016.