



April 22, 2024

The Honorable
State House, Room
Boston, MA 02133

RE: Proposed Amendments to H 4600, An Act making appropriations for the fiscal year 2025 for the maintenance of the departments, boards, commissions, institutions, and certain activities of the commonwealth, for interest, sinking fund, and serial bond requirements, and for certain permanent improvements

Dear Representative:

On behalf of the Massachusetts Bankers Association's (MBA) more than 120 commercial, savings and cooperative banks and federal savings institution members with 72,000 employees located throughout the Commonwealth and New England, we are writing to express our views on several amendments to H 4600, An Act making appropriations for the fiscal year 2025 for the maintenance of the departments, boards, commissions, institutions, and certain activities of the commonwealth, for interest, sinking fund, and serial bond requirements, and for certain permanent improvements.

Our views on these amendments are detailed below:

Support Amendment #694 & #696: Check Washing Enhanced Penalties & Commission

Amendments #694 & #696, filed by Rep. Jones, provide two distinct ways to attempt to address the growing problem of check washing in the Commonwealth. Check washing, which is a scam involving changing the payee names and often the dollar amounts on checks and fraudulently depositing them, is, unfortunately, on a meteoric rise causing angst and financial distress for residents throughout the state. Our members are also directly affected by these fraudulent schemes through added customer service resolution work, customer reassurance efforts, as well as additional compliance and due diligence that is required once the fraud is identified.

Amendment #694, which would create a new criminal penalty for those accused of participating in a check washing scheme, is strongly supported by MBA and its members. Additionally, MBA is also strongly supportive of Amendment #696, which would create a commission to study the issue of check washing and appreciates being named as sitting member of said commission if passed.

Finally, the Association would be remiss if it did not offer language that has been filed on MBA's behalf aimed at tacking the jurisdictional issues of check fraud. The language, which is currently filed as part of H 1419 & S 1117, seeks to facilitate the consolidation of check fraud that occurs in multiple court jurisdictions to a single jurisdiction to show the full scope of these scams. It is provided below for your consideration for inclusion in H 4600 if deemed appropriate.

“SECTION XX. Section 30 of Chapter 266 of the General Laws, as so appearing, is further amended by adding to the end of paragraph (1) the following new sentence:– If the larceny involved monies received through the uttering of a forged, altered or counterfeit check, draft or order for the payment

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of money from any bank or other depository, action may be taken before either the court having jurisdiction where the uttering took place or where the payee bank or other depository's main office is located.

SECTION XX. Section 37 of said chapter 266 of the General Laws, as so appearing, is hereby amended by adding the following sentence to the end of said section:– Action taken under this jurisdiction where the crime was committed or where the main office of the bank or other depository are located.”

MBA respectfully asks that you support these amendments as well as our offered language during debate on H 4600 this week.

Support Amendment #1167: Crumbling Foundation Testing

Amendment #1167, filed by Rep. Ferguson, provides \$50,000 in funding for the Department of Professional Licensure to manage a program reimbursing homeowners for a portion of the cost of having their foundations tested for pyrrhotite. This funding is vital to assisting homeowners in the affected areas get their foundations tested.

MBA respectfully asks that you support this amendment during debate on H 4600 this week.

Conclusion

Thank you for considering our views on these proposed amendments to H 4600, An Act making appropriations for the fiscal year 2025 for the maintenance of the departments, boards, commissions, institutions, and certain activities of the commonwealth, for interest, sinking fund, and serial bond requirements, and for certain permanent improvements. If you have any questions or need additional information, please contact us at any time.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Papalardo', with a long horizontal line extending to the right.

Brad S. Papalardo, Esq.
Senior Vice President,
Chief of Government Affairs
& Counsel