**FY11 Conference Committee Outside Sections**

**Section-by-Section Summary**

**SECTION 4. Legislative Document Room Elimination**

Eliminates the General Court’s Legislative Document Room, which is no longer funded.

**SECTION 5. Legal Holidays**

Amends the definition of “legal holiday” in MGL 4:7 to require all state and municipal agencies, authorities, quasi-public entities or other offices located in Suffolk County to remain open for business and appropriately staffed on Evacuation Day, on March 17, and Bunker Hill Day, on June 17.

**SECTION 6. Shared Services**

Adds a section to MGL 6A to allow agencies to consolidate information technology related activities and supporting financial functions within the secretariat or any agency department.

**SECTION 7. Bureau of Special Education Appeals I**

Amends MGL 7:4H to require the Division of Administrative Law Appeals (DALA), through the Bureau of Special Education Appeals, to provide adjudicatory hearings and mediation for the resolution of disputes concerning the education of a child with a disability. The Department of Elementary and Secondary Education would be responsible for DALA’s costs.

**SECTION 8, 193. Budget Transparency Website**

Requires the Secretary of Administration and Finance to develop a searchable website including the name and location of a recipient or agency receiving a state award, including appropriations, grants, loans and infrastructure assistance; the annual revenues of the state, compensation for the purchase or lease of state-owned property; and state audit reports for 10 fiscal years. Requires the database to be accessible to the public by January 1, 2011 and to contain data for FY10.

**SECTION 9. Child of Deceased Veterans Tuition Waiver**

Adds a new section to MGL 15A to entitle a surviving child of a veteran who died serving overseas after 1989 to a full waiver of tuition, fees, room and board during the period of attendance at a public institution of higher education, who maintains satisfactory academic progress.

**SECTIONS 10, 72. Recovery of Accident Payments by State Agencies**

Amends MGL 18:5G and 118E:22 by clarifying which agency is to receive reimbursement when a claimant receives payment from a liability or workers compensation insurer or any other third party in an accident.

**SECTIONS 11, 139, 140. Cash Assistance Fraud**

Adds two new sections to MGL 18: (1) to prohibit recipients of direct cash assistance from using it to purchase alcoholic beverages or tobacco products, and subjects anyone who accepts such fraudulent cash assistance to up to 2½ years imprisonment, a $1,000 fine, or both; and (2) to subjects any person who embezzles or obtains by fraud more than $100 worth of Department of Transitional Assistance property or knowingly accepts such property to a $25,000 fine, up to 5 years imprisonment, or both.

**SECTIONS 12, 13. Ocean Advisory Commission Membership**

Amends MGL 21A:4C to increase the membership of the ocean advisory commission by one member, to include a representative of the Nantucket Planning and Economic Development Commission.

**SECTION 14. Voiceover Internet Protocol Service**

Amends MGL 25C by providing that voiceover internet protocol service and internet protocol enabled service cannot be regulated by any state agency, department, commission or political subdivision.

**SECTION 15. Auto Damage Appraiser Licensing Board**

Amends MGL 26:8G to require a vacancy on the Auto Damage Appraiser Licensing Board to be filled within 60 days from the date of such vacancy.

**SECTION 16. Substance Abuse Treatment Fund**

Establishes the Commonwealth Substance Abuse Prevention and Treatment Fund, which will be credited with sales tax revenues from the sale of alcoholic beverages not otherwise dedicated. Amounts credited to the fund will be expended to support substance abuse prevention and treatment services.

**SECTIONS 17 - 19. Capital Gains Revenue**

Requires that, when capital gains income tax revenue exceeds $1 billion in any fiscal year, the excess will be transferred quarterly to the Commonwealth Stabilization Fund. Five percent of that excess amount will then be transferred to the State Retiree Benefits Trust Fund.

**SECTION 20. Debarment of Employers in Violation of Federal Immigration Laws**

Amends MGL 29: 29F by excluding from public contracting or subcontracting employers who violate federal immigration laws.

**SECTION 21. No Lobbyists for State Entities**

Adds a new section to MGL 29 to prohibit state agencies and authorities from using state funds to hire executive or legislative agents.

**SECTION 22. Open Meeting Notices**

Requires, for meetings of a state public body, a duplicate meeting notice to be filed with the regulations division of the Office of the Secretary of the Commonwealth in addition to notice that must be posted with the Office of the Attorney General.

**SECTION 23, 200. Pension Reform I**

Amends the definition of “regular compensation” in MGL 32: 1 by imposing a cap on the amount of a retirement allowance at 64% of the annual limitation that may be imposed under federal law, or $156,800, on the amount of compensation that is taken into account when calculating benefits for a defined benefit plan. This section will apply to employees who become members of a retirement system after January 1, 2011.

**SECTION 24. Pension Reform II**

Amends the definition of “retirement system funding schedule” in MGL 32: 1 by providing that the Public Employee Retirement Administration Commission actuary shall (rather than may) require retirement boards to revise funding schedules after each actuarial valuation to reflect any increase or decrease in the projected actuarial liability.

**SECTION 25. Pension Reform III**

Amends MGL 32: 11 by providing that when a member voluntarily withdraws from service with less than 120 months of creditable service, the member is entitled to a return of his accumulated total deductions with a rate of regular interest calculated at 3%.

**SECTION 26. Pension Reform IV**

Amends MGL 32: 16 by providing that at the election of a party that is before the Contributory Retirement Appeal Board for a claim involving involuntary retirement the hearing would be a full evidentiary hearing.

**SECTIONS 27, 28, 201. Pension Reform V**

Amends MGL 32: 101 by establishing a process that allows a retirement system to increase the minimum benefit available to widows of disabled retirees who are unable to provide a survivor benefit at the time of retirement from $6K to $9K. This increase will take effect in the State Employees Retirement System and the Teachers Retirement System on January 1, 2011, and will take effect in other retirement systems upon local approval.

**SECTION 29, 200. Pension Reform VI**

Amends MGL 32B to require a governmental unit that contributes fully to a retired employee’s healthcare premium to be reimbursed by other governmental units for the portion of the premium contributions that corresponds to the percentage of the retiree’s creditable service that is attributable to each governmental unit. This section will apply to employees who are members of retirement systems who retire after January 1, 2011.

**SECTION 30, 197. Retirement Contributions for Supreme Judicial Court Justices**

Amends MGL 32: 65D by requiring the chief justice and any associate justice of the Supreme Judicial Court to make retirement contributions. This section will apply to members who are appointed after the effective date of this act.

**SECTIONS 31 – 33, 112, 127. Essex Pension Retirement Board**

Establishes a new retirement board for the Essex County retirement system and allows the Public Employee Retirement Administration Commission to appoint a receiver if it finds that the retirement board violated or neglected to comply with chapter 32 of the General Laws.

**SECTION 34. Corporate Election Advertising**

Adds a new section to MGL 55 to require an election advertisement on the radio, television or internet to disclose the name of the individual or corporation paying for it, and creating a penalty for a violation of this section of 1 year in the house of correction or a fine of up to $100,000, or both.

**SECTIONS 35, 48. Extending the Massachusetts Historic Rehabilitation Tax Credit**

Amends MGL 62: 6J and MGL 63: 38R by extending the historic rehabilitation tax credit program to December 31, 2017.

**SECTION 36. DOR Administrative Provisions to Facilitate Collections I**

Amends MGL 62: 17 to clarify how a partner’s distributive share of income and other tax items are determined if the partnership agreement does not have substantial economic effect or does not provide for the determination of the distributive share.

**SECTIONS 37, 38, 39, 47, 196. Tax Credit Transparency**

Requires the disclosure of the results of certain tax credit programs by the state agencies that administer the programs and specifically calls for the disclosure of a taxpayer’s identity. These sections will take effect on January 1, 2011.

**SECTION 40. DOR Administrative Provisions to Facilitate Collections II**

Amends MGL 62C to allow the Commissioner of the Department of Revenue to establish by regulation unified audit procedures which would allow DOR to audit a pass-through entity in a unified proceeding.

**SECTION 41. DOR Administrative Provisions to Facilitate Collections III**

Amends MGL 62C: 30 by striking the penalty of $100 for failing to report a federal tax change and setting the penalty at 10% of the additional tax due.

**SECTION 42. DOR Administrative Provisions to Facilitate Collections IV**

Amends MGL 62C: 30A by striking the penalty of $100 for failing to report other state tax changes and setting the penalty at 10% of the additional tax due.

**SECTION 43. DOR Administrative Provisions to Facilitate Collections V**

Amends MGL 62C: 31A to assist the Department of Revenue, in conjunction with section 44, in the collection of unpaid tobacco taxes by expanding the persons responsible to pay the unpaid tobacco taxes to include an officer or employee of a corporation or a member or employee of a partnership or limited liability company who fails to pay such taxes.

**SECTION 44. DOR Administrative Provisions to Facilitate Collections VI**

Amends MGL 62C: 32 by shortening the period of time for appealing a state tax assessment from 90 days to 60 days.

**SECTION 45. DOR Administrative Provisions to Facilitate Collections VII**

Amends MGL 62C: 32 by providing that the date of a decision by the Appellate Tax Board must be determined without reference to any later issuance of finding of facts and report by the Board or to any request for a finding of facts and report.

**SECTION 46, 194. DOR Administrative Provisions to Facilitate Collections VIII**

Amends MGL 62C to provide for an interest charge on certain taxpayers who defer payment of income tax through the use of installment sales. This section will take effect for tax years beginning on or after January 1, 2010, with respect to installment obligations as of the close of the tax year.

**SECTION 49. DOR Administrative Provisions to Facilitate Collections IX**

Assists the Department of Revenue, in conjunction with section 38, in the collection of unpaid tobacco taxes by expanding the persons responsible to pay the unpaid tobacco taxes to include an officer or employee of a corporation or a member or employee of a partnership or limited liability company who fails to pay such taxes.

**SECTION 50. Vendor Absorption of Sales Tax**

Repeals MGL 64H: 23 which prohibits a vendor from advertising to the public that the sales tax will be assumed or absorbed by the vendor.

**SECTION 51. Charter Tuition Calculation**

Amends MGL 71:89 by providing that in the event of a charter school closing or eliminating grade levels, the school district shall retain chapter 70 allotments for the students who attended those grade levels in the previous year.

**SECTION 52. Recovery High School**

Amends MGL 71:91 to require a school district to transfer the state average foundation budget per pupil, rather than the chapter 70 per pupil allotment, to a Recovery High School for a student meeting the necessary criteria.

**SECTION 53, 54. Bureau of Special Education Appeals II, III**

Adds a new section to MGL 71B to create a Bureau of Special Education Appeals, in the Division of Administrative Law Appeals, to provide adjudicatory hearings and mediation for the resolution of disputes concerning the education of a child with a disability. The Bureau would be operated as a separate subdivision of DALA and would be independent of the Department of Elementary and Secondary Education.

**SECTION 55. Worcester Campus Appointment to Board of Trustees**

Amends MGL 75:44 to eliminate the mandate that the chancellor of the UMass Worcester campus appoint at least one student representative to a corporate board if more than one vacancy is available.

**SECTION 56. Regional Reference Center Libraries**

Eliminates the requirement that the Board of Library Commissioners fund regional reference center libraries, thereby offsetting a large funding cut funding for regional library systems.

**SECTION 57. Civil Motor Vehicle Infraction Hearing Fee**

Amends MGL 90C: 3 by imposing the $25 filing fee for a civil motor vehicle infraction hearing at the time the hearing is requested, instead of imposing the fee at the commencement of the hearing.

**SECTION 58. Emergency Stockpile Trust Fund**

Adds a new section to MGL 111 to create the emergency stockpile trust fund to facilitate emergency management and pandemic preparedness by purchasing health care products and supplies on behalf of municipal donors.

**SECTION 59. Nuclear Radiation Monitoring**

Amends MGL 111: 5K by increasing the assessment imposed on operators of nuclear reactors from $90K to $180K to fund the nuclear monitoring program run by the Department of Public Health.

**SECTION 60. Immunization Registry**

Adds a new section to MGL 111 to require the Department of Public Health to establish an immunization registry to record immunizations and identifying information, subject to strict privacy security, upon discussions by licensed health care providers administering immunizations with patients, parents and guardians.

**SECTION 61. Trustees of Massachusetts Hospital School**

Amends MGL 111:62K to redefine the powers and duties of the trustees of the Massachusetts Hospital School.

**SECTION 62. Expedited Treatment of Sexual Partners**

Adds a new section to MGL 111 to require the Department of Public Health to promulgate regulations authorizing physicians who diagnose Chlamydia in a patient to prescribe medication to the patient’s sexual partners to treat the infection without an examination of the partner.

**SECTION 63-66. Solid Waste I-IV**

Amends MGL 111:150A to eliminate the requirement that the Department of Public Health issue a preliminary report stating whether a solid waste disposal site meets public health and safety requirements, and to require small refuse transfer stations to submit necessary documentation to the local board of health rather than DPH.

**SECTION 67. Chronic Lyme Disease Treatment**

Adds a section to MGL 112 to define long-term antibiotic therapy and Lyme disease, and allow a licensed physician to prescribe long-term antibiotics to a patient diagnosed with Lyme disease.

**SECTION 68-70, 86. Funeral Costs I-IV**

Amends MGL 117A:9-10 and 118A:7 to modify the procedure for and payment of the burial of indigent deceased persons, including mandating the right of reimbursement to the Commonwealth from estate resources and next of kin.

**SECTION 71. Continuing Eligibility for Child Healthcare Programs**

Adds a new section to MGL 118E to extend the period of eligibility for medical benefits for up to 1 year after ineligibility is determined under three pilot programs for infants to age 1 and pregnant women whose income does not exceed 133 percent of the federal poverty level, and children from birth to 18 years whose income is between 133 percent and 300 percent of the federal poverty level.

**SECTION 73. MassHealth and Commonwealth Care Immigration Verification**

Adds a new section to chapter 118E to limit certain health benefits to eligible adults who provide satisfactory documentation that they are lawfully present in the United States, including persons permanently residing in the United States under color of law, or to individuals who meet applicable federal requirements to qualify for reimbursable benefits.

**SECTIONS 74, 75, 78, 81. Health Safety Net Services**

Amends MGL 118G by allowing acute hospitals to provide primary care services to Health Safety Net patients in an attempt to increase access to primary care services.

**SECTION 76. Health Care Provider Pricing Website**

Amends MGL 118G: 2 to require the Division of Health Care Finance and Policy to make the costs of providers’ health care services conspicuously available on its website.

**SECTION 77. DHCFP – Penalty Assessment for Failure to Report Healthcare Data**

Amends MGL 118G: 6 by requiring the Division of Health Care Finance and Policy to provide written notice to a private health care payer that fails to submit required data to the Division in a timely manner and imposes a penalty of $1,000 per week, up to $50,000 per year, for a payer’s failure to submit the data after notice.

**SECTION 79, 80, 82 - 85. Assessments on Managed Care Organizations I-VI**

Amends MGL 118G: 34, 36 and 38 to define managed care organizations as surcharge payors for purposes of subsidizing acute care hospitals and community health centers through the Health Safety Net Trust Fund, which may collect up to $160M in surcharges per year before the balance is transferred to the General Fund to support a portion of the cost of Medicaid.

**SECTIONS 87, 88. Child Support Enforcement Division: Spending from Penalties Account**

Amends MGL 119A to authorize the Child Support Enforcement Division to spend from the Child Support Penalties Account on child support enforcement activities.

**SECTION 89, 104, 165. Interstate Compact on Juveniles I-III**

Repeals the current Interstate Compact for Juveniles and replaces it with a new compact, which the Governor would be required to execute on behalf of the Commonwealth, and on which the Commissioner of the Department of Youth Services would be required to serve as compact administrator.

**SECTION 90. Prohibit Saturday Inmate Release**

Amends MGL 127: 150 to include Saturdays to the days on which prisoners cannot be discharged.

**SECTION 91. Clarification of Regulatory Intent**

Amends MGL 132A:15 by requiring regional planning agencies to define and review offshore renewable energy facilities and allowing applicants to seek review of the agency’s development of regional impact determination.

**SECTIONS 92, 93. Sale of Alcohol in Restaurants on Sundays**

Amends MGL 138 to allow restaurants to begin selling alcohol on Sundays at 10 a.m. instead of noon. This is currently permitted in Suffolk County only.

**SECTION 94 - 97. Early Intervention Services I-IV**

Amends the General Laws to require insurance provider reimbursement of costs for early intervention services as part of a basic benefits package without a copayment, co-insurance or deductible.

**SECTION 98. Legal Notice Publications**

Amends MGL 211B by providing that when a trial court department is required to publish a legal notice in a newspaper, such department will be deemed to have met all notice requirements by publishing in a newspaper which by its title page purports to be circulated in the city, town, or county.

**SECTION 99. Protecting the Rights of Victims and Witnesses of Crimes I**

Amends MGL 258B: 3 by requiring the trial court department to offer a secure waiting room in each courthouse to victims, family members and witnesses that is separate from the waiting area for the defendant or the defendant’s family.

**SECTION 100. Protecting the Rights of Victims and Witnesses of Crimes II**

Amends MGL 258B: 3 by requiring a summary of the rights of victims and witnesses of crimes to be posted in all courthouses and police stations.

**SECTION 101. Defacing Veterans Grave Markers I**

Amends MGL 266:126A by doubling the fine for the crime of defacing real or personal property and increasing the community service requirement to at least 500 hours when the injured property is a war or veterans’ memorial, monument or gravestone.

**SECTION 102. Cigar Bars**

Amends MGL 270:22 by allowing a local board of health to make reasonable restrictions and requirements for the licensed operation of a smoking bar without prohibiting the operation of a smoking bar that otherwise complies with the chapter.

**SECTION 103, 198. Probation Administration**

Amends MGL 276: 98 to provide that the Commissioner of Probation will be appointed by the Chief Justice for Administration and Management for a term of 5 years. This section will apply to a person appointed as Commissioner of Probation after the effective date of this action.

**SECTION 105. UMass Building Authority Indemnification**

Adds a section to chapter 773 of the acts of 1960 to require the UMass Building Authority to indemnify present and past members, officers and employees against liabilities arising by any act or omission within the scope of their employment, other than malicious or unlawful acts.

**SECTION 106. Joint Labor Management Committee Membership**

Amends the membership of the Joint Labor Management Committee by including the New England PBA, IUPA, and AFL-CIO within the group of unions that nominate 3 police officers to sit on the Committee.

**SECTION 107. CDFC Sunset Date**

Extends the sunset date for the Community Development Finance Corporation.

**SECTION 108 – 110, 129, 199. Out-of-State Tuition Retention**

Allows all state colleges, community colleges and campuses of the University of Massachusetts to retain all tuition for out-of-state students.

**SECTION 111. Natural Heritage and Endangered Species Fund Waiver**

Amends section 144 of chapter 122 of the acts of 2006 to eliminate the necessity for the written approval of the Secretary of Administration and Finance when the Comptroller grants a waiver or exemption from any and all applicable charges or assessments against the Natural Heritage and Endangered Species Fund.

**SECTION 113. RTA Forward Funding**

Allows regional transit authorities to use toll credits during FY11 to support capital improvement projects before such authorities have moved to a forward funded budget.

**SECTION 114. Homeowner Heating Oil Compliance Deadline**

Extends the deadline by which homeowners must be in compliance with the safety requirements for fuel supply lines for residential heating oil tanks from July 1, 2010 to September 30, 2011.

**SECTION 115. Renegotiate or Terminate Leases I**

Extends the current legislative authority for the Division of Capital Asset Management to terminate state agency and court facility leases for insufficient funding.

**SECTION 116. Amending the Definition of Wages for Retirement Purposes**

Provides that the retirement allowance of a retired member that includes amounts paid as a clothing allowance cannot be reduced, modified or changed because of the inclusion of such clothing allowance payments and any amounts paid to an active member for a clothing allowance upon which contributions were made and included in a collective bargaining agreement in effect on May 1, 2009 will continue to be included in the definition of “regular compensation” during the term of the collective bargaining agreement.

**SECTION 117-124. The Templeton Visioning Committee**

Amend chapter 59 of the acts of 2009 to assure that the plan for reuse of the Templeton Monson development centers is also a visioning plan and to require such plan to be created by the Division of Capital Asset Management and Maintenance with the input of the town development agencies, rather than being created by the town agencies themselves.

**SECTION 125. Farm Raised Oysters**

Requires the Division of Marine Fisheries to adopt size regulations relative to the possession and sale of oysters produced under an aquaculture permit, taking into account market needs and economic opportunities, by December 31, 2010.

**SECTION 126. Combined Purchasing**

Requires state agencies to go through the Operational Services Division to purchase drug testing equipment and through the Commissioner of Probation to purchase electronic monitoring devices.

**SECTION 128. High Speed Rail Plan**

Requires the Massachusetts Department of Transportation to prepare and issue a plan for an intercity high speed rail network that includes recommendations for development and construction of the rail system.

**SECTION 130. Hospital Facility Use Designation**

Allows the use of the Norwood Hospital as a medical care facility, rather than limiting the use to an intermediate care facility for the treatment of alcoholism and related conditions, as originally authorized upon conveyance by the Department of Mental Health. In exchange for the release of these reversionary interests it requires that services for the treatment of alcoholism and related conditions shall be maintained in Norwood.

**SECTION 131. Continuation of Programs**

Requires certain quasi-public authorities to contribute funding for specific programs.

**SECTION 132. ARRA Indirect Fringe**

Provides that federal American Reinvestment and Recovery grant funds in items 7061-0004 and 7061-0005 that are distributed to school districts shall be used as if such funds were Chapter 70 funding.

**SECTION 133. Chronic Disease Management for MassHealth PCC Members**

Requires the Executive Office of Health and Human Services to establish a disease management program for MassHealth members with chronic conditions enrolled in the Primary Care Clinician program.

**SECTION 134. Protecting the Rights of Victims and Witnesses of Crimes**

Establishes a task force to conduct a court by court assessment and develop an implementation plan for the designation or creation of separate and secure waiting areas in courthouses for victims and witnesses of crimes.

**SECTION 135. DCAM Lease Renegotiation**

Requires the Division of Capital Asset Management to submit a report by October 15, 2011 that includes the following information: the total number of lease renegotiation requests received by DCAM from state agencies in FY08, FY09 and FY10; the number of leases that were renegotiated by DCAM that resulted in a tangible benefit to the Commonwealth; the amount saved due to lease renegotiations; the reasons that leases could not be renegotiated; and recommendations for improving the lease renegotiation process.

**SECTION 136. Commonwealth Care Bridge Program Reauthorization**

In the event that FMAP funds are received, this section allows the designation of a health insurance plan allowing enrollment, between July 1, 2010 and June 30, 2011, by a person who is eligible for Commonwealth Care, but not eligible to receive federally-funded benefits under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, at a maximum net cost to the Commonwealth of $60M.

**SECTION 137. Springfield Promise Transfer**

Requires the Comptroller to transfer $34.5M from the Springfield Promise Program Expendable Trust to the General Fund and establishes a new expendable trust for the balance, which is to be used exclusively for the Springfield Promise Program.

**SECTION 138. Account Balances**

Requires the Comptroller to transfer to the General Fund the unexpended balance of a fund, trust fund or other separate account upon receiving a written request from the Secretary of Administration and Finance.

**SECTION 141. Tobacco Settlement Payments**

Requires the FY11 tobacco settlement payments and interest to be transferred to the General Fund.

**SECTION 142. Life Sciences Transfer from FY10 Surplus**

Transfers $10M of any FY10 surplus to the Massachusetts Life Sciences Investment Fund.

**SECTION 143. Stabilization Fund Transfer of Interest to the General Fund**

Requires the Comptroller to transfer the interest earned from the Stabilization Fund during FY11 to the General Fund.

**SECTION 144, 195. Renegotiate or Terminate Leases II**

Authorizes the Division of Capital Asset Management to renegotiate a lease in return for extending the term of lease up to 15 years. This section will expire on June 30, 2011.

**SECTION 145. MassHealth and Commonwealth Care Dental Services**

Allows the Executive Office of Health and Human Services, for FY11, to determine the extent to which to include within its covered services for adults certain federally-optional dental services and the dental services covered by the MassHealth basic program. Requires coverage through the Connector Authority of preventative dental procedures, but not services that MassHealth does not provide.

**SECTION 146. UMass/EOHHS Interagency Services Agreements**

Allows the Executive Office of Health and Human Services to enter into interdepartmental services agreements with UMass Medical School to perform activities that the Secretary of HHS determines appropriate, including medical expertise to determine disability eligibility, quality assurance consulting services, and cost avoidance.

**SECTION 147. Initial Gross Payments to Qualifying Acute Care Hospitals**

Requires the Comptroller, by October 1, 2010, to transfer from the General Fund to the Health Safety Net Trust Fund the greater of $45M or ½ of the total expenditures to hospitals and community health centers for the purpose of making initial gross payments to qualifying acute care hospitals at the beginning of the hospital fiscal year.

**SECTION 148. Nursing and Resident Care Facility Base Year**

Allows the use of cost reports from 2005 to set the rates for nursing and resident care facilities for fiscal year 2011.

**SECTION 149, 191, 192. Cancel Statutory Carry-Forward**

Cancels for FY11 the statutory carry forward of 0.5% of total tax revenues, however, if the state receives FMAP funds, this money will be carried forward into the next fiscal year.

**SECTION 150. Suspension of Tourism Formula**

Suspends the statutory tourism formula for fiscal year 2011.

**SECTION 151. Nursing Home Assessment**

Establishes the amount of revenue to be obtained from the nursing home assessment in fiscal year 2011.

**SECTION 152. Inspector General’s Health Safety Net Audit**

Allows the Office of the Inspector General to continue to audit the Health Safety Net Trust Fund, including oversight of the care of the uninsured and the resulting free care charges.

**SECTION 153. UMass School of Pharmacy Commission**

Creates a special commission to convene by September 1, 2010 to study the joint establishment of a public school of pharmacy by UMass Amherst and UMass Lowell and file a report by April 1, 2011.

**SECTION 154. MassHealth Pediatric Asthma Program**

Requires the Executive Office of Health and Human Services to develop a global or bundled payment pilot program for high-risk pediatric asthma patients enrolled in MassHealth to prevent hospitalization and emergency room care by reimbursing expenses necessary to manage pediatric asthma.

**SECTION 155. Outreach Enrollment Grant Continuation of Programs**

Requires the Health Connector Authority to transfer $2.5M to the Executive Office of Health and Human Services to fund enrollment and outreach grants.

**SECTION 156. State and Community College Borrowing**

Authorizes state and community colleges to borrow up to $50M total through the Health and Educational Facilities Authority to fund projects authorized in the 2008 higher education bond bill that have been approved through the Division of Capital Asset Management and Maintenance’s project study.

**SECTION 157. Chapter 70 Minimum Local Contribution**

Allows municipalities to apply to the Department of Revenue for waivers to account for accounting mistakes, or changes to their revenue growth, if they meet certain criteria.

**SECTION 158. Cancel Statutory Transfer to the Stabilization Fund**

Cancels for FY11 the automatic transfer of .05% of the total revenue from taxes into the Stabilization Fund.

**SECTION 159. TANF Contingency Funds**

Requires that $27.2M be expended from the TANF Contingency Fund to be used to fund supplemental nursing home rate payments if FMAP funds are received.

**SECTION 160. Acquired and Traumatic Brain Injury Commission**

Creates a special commission to study support services for persons with acquired and traumatic brain injury.

**SECTION 161. Social Law Library Chargeback**

Allows the Social Law Library to charge for access to the library and its services provided to all executive, legislative and judicial branch officers and constitutional officers of the Commonwealth

SECTION 162. In-State Tuition Retention Commission

Creates a special commission to study higher education in-state tuition retention, including the feasibility of implementing cost-neutral tuition retention programs, permitting higher education institution to set tuition and fee levels, and the cost of such retention programs, fringe benefits and fee waivers.

**SECTION 163. Municipal Bond Bank**

Requires the Treasurer to report by October 31, 2010 on the potential cost savings to municipalities of a municipal infrastructure bond bank.

**SECTION 164. DESE Plan for Displaced Students**

Requires the Department of Elementary and Secondary Education to develop a plan for any city or town that has enrolled more than 25 students displaced by an earthquake since January 2010, including the per pupil cost of enrollment, counseling and interpretive services, by December 31, 2010.

**SECTION 166. Public Safety Vehicle Study**

Requires the Secretary of Public Safety to conduct an audit and inventory of the Commonwealth’s public safety vehicles and equipment, including vehicles in the Department of State Police, sheriff’s offices, Department of Corrections, MBTA police department and any law enforcement council.

**SECTION 167. Commission to Study Distribution of ARRA Through Non-Domestic Entities**

Establishes a special commission to investigate and study the possibility that funds received through the American Reinvestment and Recovery Act were spent on or through non-domestic entities.

**SECTION 168. Study of Capital and Operating Funds**

Establishes a special commission for the purpose of studying and providing recommendations for the transfer of personnel that are currently funded from the capital budget to the operating budget and transferring capital projects funded from the operating budget to the capital budget.

**SECTION 169. Massachusetts Department of Transportation Parking Study**

Requires Mass DOT to conduct a study of the availability of public parking in coastal cities and towns within Essex County that have a history of flooding and then submit a report which includes recommendations to improve and increase access to public parking in such cities and towns.

**SECTION 170. Human Service Providers Salary Reserve Study**

Requires the Executive Office of Health and Human Services to report on the implementation of chapter 257 of the acts of 2008, relative to rates for human and social services programs, including methods of compliance and calculation of inflation, the steps the agency is taking to set adequate rates, and what regulatory changes have been or could be made.

**SECTION 171. Durable Medical Equipment Study**

Requires the Secretaries of Administration and Finance and Health and Human Services to study the feasibility of recycling durable medical equipment purchased through medical assistance programs. Allows the Secretaries to implement a proposal after an RFP if they determine that it would result in substantial cost savings for the Commonwealth.

**SECTION 172. Procurement of Publicly Subsidized Healthcare Services**

Requires the Inspector General to review and comment, within 30 days of the effective date of this act, to private vendors or state departments on any award, transfer or procurement by the Executive Office of Health and Human Services of any service currently being provided under the customer service contract responsible for the provision of key operations services to MassHealth member and provider communities.

**SECTION 173. Encrypted Digital Tax Stamping for Cigarettes**

Requires the Department of Revenue to submit a report on the planned encrypted digital tax stamp system, which must include an analysis of DOR’s financing plan for the system, the estimated costs for acquisition and installation of the new tax stamping equipment, and the estimated net revenue increase projected to be realized as a result of the new tax system.

**SECTION 174. Bureau of Special Education Appeals III**

Transfers the Bureau of Special Education Appeals from the Department of Elementary and Secondary Education to the Division of Administrative Law Appeals, including any employee operating under a collective bargaining agreement, employees with tenure and the assistant director of special education appeals.

**SECTION 175. Special Education Appeals Advisory Council First Meeting**

Establishes a Bureau of Special Education Appeals advisory council to provide advice and feedback regarding the bureau’s provision of fair and timely resolution of disputes, compliance data, mechanisms for improving access to pro se parents and outreach to non-English speaking families. Requires the council to hold its first meeting within 45 days of the effective date of this act.

**SECTION 176. Massachusetts Department of Transportation Water Study**

Requires Mass DOT to conduct a study to determine the effects of the storage of de-icing chemicals and de-icing operations on the groundwater aquifers and bedrock fissures in the town of Boxford.

**SECTION 177. Inmate Fee Study**

Establishes a special commission to study the feasibility of establishing inmate fees within the correctional system in the Commonwealth. The study must include: the types and amount of fees to be charged; the cost of administering the fees; the impact on the affected population; methods and sources of collecting the fees; impact on the prisoner work programs; waiver of the fees for indigents; exemptions from the fees for certain medical services; and forgiveness of the balance due for good behavior.

SECTION 178. Medicaid Delivery Model Advisory Committee

Creates an advisory committee to study the comparative costs and benefits of different care delivery models for the Medicaid program, including all-managed care, a state-contracted chronic disease management program, and patient-centered medical homes.

SECTION 179. Judiciary Special Commission

Establishes a special commission to investigate and study the organizational structure, function and operation of the judiciary. The commission must include in its study the feasibility of transferring authority over the Office of Probation, Office of Community Corrections and the Parole Board to either the Chief Justice for Administration and Management or the Executive Office of Public Safety and Security.

**SECTION 180. Homelessness in Hotels/ Motels Study**

Requires the Department of Housing and Community Development to file a report recommending the end of housing homeless residents in hotels and motels and detailing the cost associated with such practice.

**SECTION 181. Trial Court Transferability**

Allows the Chief Justice for Administration and Management to transfer funds from one line item within the trial court to another line item, provided that not more than 5% is transferred from certain probation and community corrections line items.

**SECTION 182. DTA Immigration Verification**

Codifies several practices that the Department of Transitional Assistance relating to eligibility verification of immigration status; there is a period of presumptive eligibility until citizenship or required immigration status can be verified; requires the use of the Systematic Alien Verification for Entitlements (SAVE) system in certain cases; and requires DTA to report on the amount of money recovered from fraudulent recipients and the number of disqualifications issued.

**SECTION 182A. COLA**

Provides a 3% cost of living increase to the first $12,000 in pension benefits paid to retired state employees.

**SECTION 183. MassHealth Immigration Verification**

Requires MassHealth to expedite verification of U.S. citizenship through a data match program with the Social Security Administration. Requires the Executive Office of Health and Human Services to use the SAVE system to verify immigration status, unless HHS reports by January 1, 2011 that the system would not be cost effective. Requires HHS to report on the amount of money recovered from recipients, providers and vendors who fraudulently received benefits.

**SECTION 184. Unemployment Immigration Verification**

Provides that the Division of Unemployment Assistance must require non-citizen claimants to provide their alien registration number or other verification documents if an alien registration number cannot be provided; maintain agreements with the US Social Security Administration and the US Department of Homeland Security to utilize a primary verification system to determine citizenship or work authorization; and institute a secondary verification process for non-citizen claimants who do not have an alien registration number or if the primary verification does not establish satisfactory status.

**SECTION 185. MassGrant Immigration Verification**

Requires an applicant for the MassGrant scholarship program at state colleges and universities to complete a Free Application for Federal Student Aid or other federal loan program that verifies both financial and citizenship eligibility.

**SECTION 186. Public Housing Immigration Verification**

This section codifies current practices in DHCD’s regulations regarding verification of eligibility for housing assistance. Requires the EOHED to direct local housing authorities to require an applicant to provide documentation to verify application information, require an applicant to provide information relating to an applicant’s landlords and references for the preceding 5 years, and to obtain criminal offender records for each applicant, credit reports and conduct home visits. Requires DHCD to report on the amount of money recovered from recipients of fraudulent assistance and the number of disqualifications issued.

**SECTION 187. Stabilization Fund Transfer**

Requires the Comptroller to transfer $100M to the General Fund from the Stabilization Fund.

**SECTION 188. Distressed Community Provider Trust Fund**

Creates the Distressed Community Provider Trust Fund, to be administered by the Secretary of Health and Human Services and initially funded at $10M, to assist acute care hospitals that are in extreme financial distress.

**SECTION 189. Telehealth Treatment Review**

Requires the Massachusetts Technology Collaborative to conduct a review and evaluation of the feasibility and efficacy of treating patients with specified chronic medication conditions using the delivery of health care services and information via telecommunication, known as telehealth.

**SECTION 190. FMAP Budget Relief Fund**

Establishes the FMAP Budget Relief Fund in which any enhanced federal medical assistance percentage funds (FMAP funds) shall be deposited. The fund will be expended in accordance with the percentages set forth in the fund splits in section 2 upon certification by the Secretary of Administration and Finance to the Comptroller that the President has signed into law or that the federal government has otherwise obligated itself to release additional FMAP funding not available as of June 1, 2010 to the commonwealth.

**SECTION 202. Effective Date**

This act will take effect on July 1, 2010, unless otherwise specified.