

# HOUSE . . . . . No. 4181

By Mr. Murphy of Burlington, for the committee on Ways and Means, on House, No. 4155, in part, a Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4181). July 29, 2009.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

### AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2010 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

*Whereas*, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2010 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

- 1 SECTION 1. To provide for supplementing certain items in the general appropriation act and other
- 2 appropriation acts for fiscal year 2010, the sums set forth in section 2 are hereby appropriated from the
- 3 General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the
- 4 several purposes and subject to the conditions specified in this act or in those appropriation acts, and
- 5 subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2010.
- 6 These sums shall be in addition to any amounts previously appropriated and made available for the
- 7 purposes of those items

8 SECTION 2.

9 JUDICIARY

10 *Board of Bar Examiners*

11 0321-0100 ..... \$75,000

12 *Trial Court*

13 0330-0300 ..... \$3,350,000

14 0330-3337 ..... \$950,000

15 0333-0002 ..... \$500,000

16 0335-0001 ..... \$150,000

17 0339-1001 ..... \$4,170,000

18 0339-1003 ..... \$300,000

19

20 ATTORNEY GENERAL

21 *Office of the Attorney General*

22 0810-0045 ..... \$200,000

23

24 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

25 *Appellate Tax Board*

26 1310-1000 ..... \$300,000

27

28 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

29 *Department of Agricultural Resources*

30 2511-0105 ..... \$1,000,000

31

32 *Department of Conservation and Recreation*

33 2800-0501 ..... \$25,000

34 2810-0100 ..... \$25,000

35

36 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

37 *Office of the Secretary*

38 4000-0265 ..... \$250,000

39 4000-0500 ..... \$160,000

40

41 *Executive Office of Elder Affairs*

42 4000-0600 ..... \$13,100,000

43

44 *Executive Office of Health and Human Services*

45 4000-0700 ..... \$5,800,000

46 4000-0950 ..... \$300,000

47

48 *Department of Youth Services*

49 4200-0200 ..... \$500,000

50

51 *Department of Public Health*

52 4510-0715 ..... \$100,000

53 4510-0810 ..... \$300,000

54 4512-0202 ..... \$800,000

55 4512-0203 ..... \$500,000

56 4513-1000 ..... \$50,000

57 4513-1111 ..... \$350,000

58 *Department of Children and Families*

59 4800-0038 ..... \$1,000,000

60

61

*Department of Mental Health*

62 5046-0000 ..... \$275,000

63

64

EXECUTIVE OFFICE OF TRANSPORTATION

65

*Office of the Secretary*

66 6005-0015 ..... \$435,854

67

68

BOARD OF LIBRARY COMMISSIONERS

69

*Board of Library Commissioners*

70 7000-9401 ..... \$1,290,000

71

72

EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

73

*Department of Workforce Development*

74 7003-0605 ..... \$350,000

75

76

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

77

*Office of the Secretary*

78 7004-9005 ..... \$1,000,000

79 7004-9316 ..... \$1,000,000

80

81

*Department of Business Development*

82 7007-0500 ..... \$50,000

83 7007-0951 ..... \$2,500,000

84 7007-1000 ..... \$950,000

85

86

EXECUTIVE OFFICE OF EDUCATION

87

*Department of Elementary and Secondary Education*

88 7030-1002 ..... \$200,000

89 7061-0012 ..... \$200,000

90 7061-9604 ..... \$50,000

91 7061-9634 ..... \$100,000

92

93

*Department of Higher Education*

94 7066-0009 ..... \$67,500

95

96

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

97

*Military Division*

98 8700-0001 ..... \$100,000

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*Sheriffs*

101 8910-0105 ..... \$1,029,114

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103

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

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*Department of Elder Affairs*

105 9110-1633 ..... \$200,000

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LEGISLATURE

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*Senate*

109 9500-0000 ..... \$568,921

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*House*

9600-0000 ..... \$1,009,726

*Joint Legislative Expenses*

9700-0000 ..... \$158,808

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2010. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

*Reserves*

1599-1702 For a reserve for the 75 per cent state share of costs to the department of conservation and recreation as identified for reimbursement by the Federal Emergency Management Agency for Emergency Declaration 3296 relating to the December 2008 severe winter storm, for the counties of Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Suffolk and Worcester ..... \$4,700,000

1599-6425 For a reserve to support municipal regionalization; provided, that the funds in this item shall be used to provide grants and technical assistance to districts and municipalities, including councils on government, counties and regional planning

135 authorities that are applying on behalf of 2 or more municipal entities, in the areas of  
136 planning, feasibility, transitional costs and related subject areas to promote cost  
137 effective and efficient delivery of local services by regionalization of services  
138 including, but not limited to, equipment, hardware, facilities, staff and operations;  
139 provided further, that the secretary of administration and finance shall promulgate  
140 regulations to implement this item not later than September 1, 2009; and provided  
141 further, that grants and technical assistance shall only be provided to support  
142 regionalization of services that results in cost savings ..... \$500,000  
143

144 1599-9003 For a reserve for the implementation of transportation reform..... \$1,000,000  
145

146 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

147 *Department of Public Health*

148 4510-0716 For the operation of an evidence-based outreach and education program designed to  
149 provide information and education on the therapeutic and cost-effective utilization of  
150 prescription drugs to physicians, pharmacists and other health care professionals  
151 authorized to prescribe and dispense prescription drugs ..... \$200,000  
152

153 *Department of Children and Families*

154 4800-0016 For the department of children and families which may expend for the operation of  
155 the transitional employment program an amount not to exceed \$2,000,000 from  
156 revenues collected from various state, county and municipal government entities, as  
157 well as state authorities, for the costs related to the provision of services by the  
158 participants and the overhead costs and expenses incurred by the not-for-profit  
159 managing agent selected by the commissioner for administering the program;  
160 provided, that notwithstanding any general or special law to the contrary, the

161 commissioner of the department of children and families may enter into a contract  
162 with Roca, Inc., a not-for-profit community-based agency, to manage the transitional  
163 employment program and to provide services to participants from the aging out  
164 population, parolees, probationers, youth service releases, or other community  
165 residents considered to have employment needs..... \$1,500,000  
166

167 7061-0011 For a reserve to: (1) meet extraordinary increases in the minimum required local  
168 contribution of a municipality pursuant to the requirements of section 3 of this act;  
169 provided, that a municipality seeking funds hereunder shall apply for a waiver from  
170 the department of revenue pursuant to section 114 of this act; provided further, that  
171 the commissioner shall issue a finding concerning such waiver applications within 30  
172 days of the receipt thereof, after consulting with the commissioner of elementary and  
173 secondary education regarding the merits of such application; (2) assist regional  
174 school districts which, prior to fiscal year 2010, have assessed member towns using  
175 the provisions of their regional agreement, and which, in fiscal year 2010, will assess  
176 member towns using the required contributions calculated pursuant to said section 3;  
177 (3) assist towns impacted by stresses in the commercial agricultural, fishing or lobster  
178 industry whose required local contribution exceeds 75 per cent of their foundation  
179 budget; (4) assist towns negatively impacted by shortfalls in federal impact aid for  
180 the education of children in families employed by the federal government on military  
181 reservations located within the town's limits; provided, that any grants provided  
182 under this item shall be expended by a school committee without further  
183 appropriation; (5) assist regional school districts in rural areas which meet each of the  
184 following: (a) they have fewer than 30 full-time enrollment students per square mile;  
185 and (b) they have experienced more than 7 per cent enrollment decline between fiscal  
186 year 2004 and fiscal year 2009; provided further, that preference shall be given to



187 those districts that have joined the group insurance commission before July 1, 2009;  
188 (6) meet extraordinary increases of greater than 10 per cent in a municipality's total  
189 required contribution in municipalities whose target required local contribution  
190 exceeds 70 per cent of their foundation budget; (7) assist towns in which in excess of  
191 one-third of the total land mass of the town is owned and controlled by the  
192 commonwealth and which receive payment in lieu of taxes on less than 25 per cent of  
193 said land; (8) assist operating districts in which the chapter 70 aid, so-called,  
194 distributed in fiscal year 2010 is less than the chapter 70 aid distributed in fiscal year  
195 2002; and (9) assist towns which host a campus of the University of Massachusetts,  
196 but which have a target aid percentage of only 17.5 per cent; provided further, that  
197 any grants provided to school districts from this item shall be expended by a school  
198 committee without further appropriation; provided further, that the department shall  
199 make not less than 80 per cent of the awards from this item no later than October 15,  
200 2009; and provided further, that no funds distributed from this item shall be  
201 considered prior year chapter 70 aid nor shall they be used in the calculation of the  
202 minimum required local contribution for fiscal year 2011 ..... \$2,000,000  
203

204 7061-9634 For a transfer of this item to the Massachusetts Service Alliance, which shall be  
205 responsible for administering a competitive statewide grant program for public and  
206 private agencies to start or expand youth mentoring programs according to current  
207 best practices and for purposes including advancing academic performance, self-  
208 esteem, social competence and workforce development; provided, that the  
209 department of elementary and secondary education shall transfer the amount  
210 appropriated in this item to the Massachusetts Service Alliance for the purpose of  
211 these grants; provided further, that in order to be eligible to receive funds from this  
212 item, each public or private agency shall provide a matching amount equal to \$1 for

213 every \$1 disbursed from this item; and provided further, that the Massachusetts  
214 Service Alliance shall submit a report detailing the impact of grants, expenditure of  
215 funds and the amount and source of matching funds raised to the department of  
216 elementary and secondary education..... \$100,000  
217

218 SECTION 2B. To provide for supplementing certain intragovernmental chargeback authorizations  
219 in the general appropriation act and other appropriation acts for fiscal year 2010, to provide for certain  
220 unanticipated intragovernmental chargeback authorizations, to provide for an alteration of purpose for  
221 current intragovernmental chargeback authorizations, and to meet certain requirements of law, the sums  
222 set forth in this section are hereby authorized from the Intragovernmental Service Fund for the several  
223 purposes specified in this section or in the appropriation acts, and subject to the provisions of law  
224 regulating the disbursement of public funds for the fiscal year ending June 30, 2010. These sums shall be  
225 in addition to any amounts previously authorized and made available for the purposes of those items.

226 JUDICIARY

227 *Supreme Judicial Court*

228 0321-2215 For the expenses of the social law library located in Suffolk county ..... \$506,704  
229

230

231 SECTION 3. The second paragraph of section 196 of chapter 6 of the General Laws, as appearing in the  
232 2008 Official Edition, is hereby amended by inserting after the second sentence the following sentence:-  
233 The commission may charge a fee where so required by the commission's regulations for the cost of  
234 maintaining an emergency referral service, but no part of such fee shall be assessed to a hearing-impaired  
235 individual.

236

237 SECTION 4. Section 29E of chapter 29, as so appearing, is hereby amended by striking out the first  
238 sentence and inserting in place thereof the following sentence:-

239 Notwithstanding any general or special law to the contrary, the comptroller may enter into contracts or  
240 interdepartmental service agreements for the purpose of identifying and pursuing increased revenue  
241 collection, cost avoidance, the maximum reimbursement opportunities for certain federally assisted and  
242 other programs of the commonwealth and any other reimbursements of overpayments or other revenues.  
243 The contractor payments, or oversight costs or fees related to this section shall be paid from the revenues  
244 or reimbursements collected, or as otherwise considered appropriate by the comptroller, without further  
245 appropriation, and the comptroller shall establish accounts and procedures within the affected  
246 departments as he considers appropriate and necessary to accomplish the revenue generation purposes of  
247 this section.

248 SECTION 5. Section 11C of chapter 85 of the General Laws is hereby repealed.

249

250 SECTION 6. Chapter 85 of the General Laws is hereby amended by inserting after section 11D the  
251 following section:-

252

253 Section 11E. A police officer who observes a traffic law violation committed by a bicyclist may request  
254 the offender to state his true name and address. Whoever, upon such request, refuses to state his name  
255 and address or whoever states a false name and address or a name and address which is not his name and  
256 address in ordinary use, shall be punished by a fine of not less than \$20 nor more than \$50. An offender  
257 who refuses to state his true name and address may be arrested without a warrant for such refusal but no  
258 person shall be arrested without a warrant for any other traffic law violation committed while operating a  
259 bicycle. A police officer shall use the ticketing procedure described in chapter 90C to cite a bicyclist for a  
260 traffic law violation but the violation shall not affect the status of the bicyclist's license to operate a motor

261 vehicle nor shall it affect the bicyclist's status in the safe driver insurance plan. When a citation is issued  
262 to a bicyclist, it shall be clearly indicated on the ticket that the violator is a bicyclist, and failure to do so  
263 shall be a defense to the violation.

264 The parent or guardian of a person under 18 years of age shall not authorize or knowingly permit  
265 that person to violate this section. A violation of this section by a person under 18 years of age shall not  
266 affect any civil right or liability nor shall the violation be a criminal offense. If the offender is under 16  
267 years of age, the officer may give the notice to the parent or guardian of the offender.

268 All fines collected by a city or town pursuant to this section shall be used by the city or town for  
269 the development and implementation of bicycle safety programs.

270

271 SECTION 7. Section 1 of chapter 90C of the General Laws, as appearing in the 2008 Official Edition, is  
272 hereby amended by striking out the definition of "Civil Motor Vehicle Infraction" and inserting in place  
273 thereof the following definition:-

274 "Civil Motor Vehicle Infraction", an automobile law violation for which the maximum penalty does not  
275 provide for imprisonment, excepting: (a) operation of a motor vehicle in violation of the first paragraph of  
276 section 10 of chapter 90; (b) a violation of sections 23, 25, or 34J of chapter 90; and (c) any automobile  
277 law violation committed by a juvenile under the age of 17 who does not hold a valid operators license.

278

279 SECTION 8. Section 3 of chapter 111M of the General Laws, as so appearing, is hereby amended by  
280 adding the following sentence:-

281 The department of revenue and the division of health care finance and policy may conduct data matches  
282 for purposes of administering this section. The division may disclose to the department whether a health

283 care provider has submitted data indicating that it has provided health care services during the relevant tax  
284 year to an individual claiming an exemption under this section.

285

286 SECTION 9. Section 6C of chapter 118G of the General Laws, as so appearing, is hereby amended by  
287 striking the first sentence of subsection (c) and inserting in place thereof the following:- Information that  
288 is collected pursuant to subsection (a) or that identifies individual employees by name or health insurance  
289 status shall not be a public record, but the information may be exchanged with the department of revenue,  
290 the commonwealth health insurance connector authority and the health care access bureau in the division  
291 of insurance under an interagency service agreement for the purposes of enforcing this section and  
292 sections 6B and 11B and section 3 of chapter 118H.

293

294 SECTION 10. Subsection (c) of section 46 of chapter 151A of the General Laws, as so appearing, is  
295 hereby amended by inserting after paragraph (7) the following paragraph:- (8) to the commonwealth  
296 health insurance connector authority, information under an interagency agreement for the administration  
297 and enforcement of chapter 118H.

298

299 SECTION 11. Section 3 of chapter 176Q of the General Laws, as so appearing, is hereby amended by  
300 striking subsection (m) and inserting in place thereof the following:-

301 (m) to enter into interdepartmental agreements with the department of revenue, the executive office of  
302 health and human services, the division of insurance, the division of unemployment assistance and any  
303 other state agencies the board deems necessary to implement chapter 111M, chapter 118G and chapter  
304 118H.

305

306 SECTION 12. Item 7066-0115 of section 2A of chapter 122 of the acts of 2006 is hereby amended by  
307 inserting after the word “campuses”, in line 12, the following words:- ; provided, however, that those  
308 funds may be expended by the university for the Edward M. Kennedy Institute to be established at the  
309 University of Massachusetts, at Boston”.

310

311 SECTION 13. Section 22 of chapter 21 of the acts of 2009 is hereby amended by striking out the word  
312 “September” and inserting in place thereof the following word:- November.

313

314 SECTION 14. Said section 2 of chapter 27 of the acts of 2009 is hereby amended by striking out item  
315 0610-0050 and inserting in place thereof the following item:-

316 0610-0050.. For the administration of the alcoholic beverages control commission in its efforts to  
317 regulate and control the conduct and condition of traffic in alcoholic beverages;  
318 provided, that said commission shall maintain at least 1 chief investigator and other  
319 investigators for the purpose of regulating and controlling the traffic of alcoholic  
320 beverages; provided further, that said commission shall work and cooperate with the  
321 Alcohol, Tobacco, and Firearms division of the United States Department of Justice  
322 and other relevant federal agencies to assist in its efforts to regulate and control the  
323 traffic of alcoholic beverages; provided further, that \$100,000 shall be expended for  
324 the investigation and enforcement division of the alcoholic beverages control  
325 commission’s implementation of the enhanced liquor enforcement programs; and  
326 provided further, that the commission is directed to seek out matching federal dollars  
327 and to apply for federal grants that may be available to assist in the enforcement of  
328 laws pertaining to the traffic of alcoholic beverages..... \$2,157,305  
329

330

331 SECTION 15. Item 4000-0600 of said section 2 of chapter said 27 is hereby amended by inserting after  
332 the words “federal poverty level” the following words:- provided further, that notwithstanding any  
333 general or special law to the contrary, funds shall be expended from this item for the purpose of  
334 maintaining a personal needs allowance of \$69.68 per month for individuals residing in nursing homes  
335 and rest homes who are eligible for MassHealth, Emergency Aid to the Elderly Disabled and Children  
336 program or Supplemental Security Income;

337

338 SECTION 16. Item 4000-0700 of said section 2 of said chapter 27 is hereby amended by inserting after  
339 the word “goals” the following words:- provided further, that the executive office shall not, in fiscal year  
340 2010, fund programs relating to case management with the intention of reducing length of stay for  
341 neonatal intensive care unit cases; provided further, that the division of health care finance and policy and  
342 the executive office of health and human services shall establish a new rate methodology to cover the cost  
343 of care provided by any facility licensed by the department of public health as a chronic disease hospital  
344 providing services solely to children and adolescents as follows: (1) the rate of reimbursement for any  
345 such facility shall be developed collaboratively through an agreement among the office of Medicaid, the  
346 division of health care finance and policy and any such facility; (2) the reimbursement rate for any such  
347 facility shall incorporate the following components: (a) utilization of the reimbursement methodology  
348 used by the division and the executive office of health and human services to determine payments for  
349 Medicaid disproportionate share pediatric hospitals in effect in 2007 utilizing the most recently filed 403  
350 cost report with the division and the payments received from Medicaid-eligible patients for the base  
351 period; (b) a per-diem rate for inpatient and a payment on account factor for outpatient shall be  
352 established which reimburses the full unrecovered cost, including capital; and (c) the rates shall be  
353 inflated over the base period by the applicable Medicare market basket inflation factors; and (3)

354 notwithstanding any general or special law to the contrary, in no event shall the rates of payment be lower  
355 than the rates in effect for such facility in the prior fiscal year;

356

357 SECTION 17. Said item 4000-0700 of said section 2 of said chapter 27 is hereby further amended by  
358 striking out the figure “\$20,000,000” and inserting in place thereof the following figure:- \$22,500,000.

359

360 SECTION 18. Said section 2 of said chapter 27 is hereby amended by striking out item 4200-0300 and  
361 inserting in place thereof the following item:-

362 4200-0300 For secure facilities, including purchase-of-service and state operated programs  
363 incidental to the operations of the facilities; provided, that funds shall be expended to  
364 address the needs of the female population; provided further, that funds shall be  
365 expended to address suicide prevention; provided further, that all pharmacy services  
366 shall be paid through the state office of pharmacy services chargeback, item 4510-  
367 0108 of section 2B; provided further, that no charge or contract shall be made with  
368 alternate vendors to provide pharmacy services other than the state office of  
369 pharmacy services; provided further, that the commissioner may transfer up to 7 per  
370 cent of the amount appropriated in this item to items 4200-0100 and 4200-0200; and  
371 provided further, that 30 days before any such transfer is made, the commissioner  
372 shall file with the secretary of administration and finance and the house and senate  
373 committees on ways and means a plan showing the amounts to be transferred and the  
374 reason for the proposed transfer..... \$99,676,675  
375

376 SECTION 19. Item 6030-7201 of said section 2 of said chapter 27 is hereby amended by adding the  
377 following words:- ; provided, that notwithstanding any general or special law to the contrary, for the



378 purpose of accommodating timing discrepancies between the receipt of supplemental funds and related  
379 expenditures for snow and ice control, the department may incur expenses in excess of the appropriation  
380 in an amount not to exceed \$50,000,000, after notification to the executive office for administration and  
381 finance and the office of the comptroller that a projection of deficiency exists.

382

383 SECTION 20. Item 7007-0900 of said section 2 of said chapter 27 is hereby amended by adding the  
384 following words:- and the Pioneer Valley Visitors and Tourist Information Center in the town of  
385 Greenfield.

386

387 SECTION 21. Item 8000-0125 of said section 2 of said chapter 27 of the acts of 2009 is hereby amended  
388 by inserting the following words:- provided, that the \$75 registration fee paid by convicted sex  
389 offenders shall be directed from the General Fund to the Sex Offender Registry Board.

390

391 SECTION 22. Item 8000-0125 of said section 2 of said chapter 27 of the acts of 2009 is hereby amended  
392 by striking out the words “Massachusetts office for victim assistance” and inserting in place thereof the  
393 following words:- Sex Offender Registry Board.

394

395 SECTION 23. Said section 2 of said chapter 27 is hereby amended by striking out item 8324-0000 and  
396 inserting in place thereof the following item:-

397 8324-0000.. For the administration of the department of fire services, including the state fire  
398 marshal’s office, the hazardous materials emergency response program, the board of  
399 fire prevention regulations, established in section 4 of chapter 22D of the General

400 Laws, the expenses of the fire safety commission and the Massachusetts firefighting  
401 academy, including the Massachusetts fire training council certification program,  
402 municipal and non-municipal fire training and expenses of the council; provided, that  
403 the fire training program shall use the split days option; provided further, that not less  
404 than \$1,200,000 shall be expended for the SAFE program, which shall include  
405 information about the fire risks caused by smoking; provided further, that not less  
406 than \$1,750,000 shall be provided for the Boston fire department training academy;  
407 provided further, that \$100,000 shall be expended to Norfolk county to maintain and  
408 improve services of the Norfolk county regional fire and rescue dispatch center;  
409 provided further, that \$1,296,000 shall be provided for the commonwealth's  
410 hazardous material response teams; provided further, that \$500,000 shall be provided  
411 for the Boston, Cambridge and Everett fire department hazardous material response  
412 teams; provided further, that not less than \$100,000 shall be expended for critical  
413 incident stress intervention for the fire departments of the cities, towns and the fire  
414 districts of the commonwealth, including but not limited to consultant services,  
415 training, equipment and supplies; provided further, that notwithstanding any general  
416 or special law to the contrary, 100 per cent of the amount appropriated in this item for  
417 the administration of the department of fire services, the state fire marshal's office,  
418 the Massachusetts firefighting academy, the Boston fire department training academy  
419 and the Norfolk county regional fire and rescue dispatch center shall be assessed  
420 upon insurance companies writing fire, homeowners multiple peril or commercial  
421 multiple peril policies on property situated in the commonwealth and paid within 30  
422 days after receipt of notice of such assessment from the commissioner of insurance;  
423 provided further, that notwithstanding any general or special law to the contrary, 100  
424 per cent of the amount appropriated in this item for the operation of the hazardous  
425 materials emergency response program shall be assessed upon insurance companies  
426 writing commercial multiple peril, non-liability portion, policies on property situated

427 in the commonwealth and commercial auto liability policies as referenced in line 5.1  
428 and line 19.4, respectively, in the most recent annual statement on file with the  
429 commissioner of insurance; and provided further, that not more than 10 per cent of  
430 the amount designated for the arson prevention program shall be expended for the  
431 administrative cost of the program..... \$16,909,693  
432

433

434 SECTION 24. Section 2B of said chapter 27 is hereby amended by striking out the preamble and inserting  
435 in place thereof the following preamble:-

436 Notwithstanding any general or special law to the contrary, the agencies listed in this section may  
437 expend the amounts listed in this section for the provision of services to agencies listed in section 2. All  
438 expenditures made pursuant to this section shall be accompanied by a corresponding transfer of funds  
439 from an account listed in section 2 to the Intragovernmental Service Fund, established by section 2Q of  
440 chapter 29 of the General Laws. All revenues and other inflows shall be based on rates published by the  
441 seller agency that are developed in accordance with cost principles established by the United States Office  
442 of Management and Budget Circular A-87, "Cost Principles for State, Local and Indian Tribal  
443 Governments." All rates shall be published within 30 days of the enactment of this section. No  
444 expenditures shall be made from the Intragovernmental Service Fund which would cause that fund to be  
445 in deficit at the close of fiscal year 2010. All authorizations in this section shall be charged to the  
446 Intragovernmental Service Fund and shall not be subject to section 5D of chapter 29 of the General Laws.  
447 Any balance remaining in that fund at the close of fiscal year 2010 shall be transferred to the General  
448 Fund.

449

450 SECTION 25. Section 3 of said chapter 27 is hereby amended by striking out in the column “Unrestricted  
451 General Government Aid” for the town of Northfield the figure “278,906” and inserting in place thereof  
452 the following figure:- 318,327.

453

454 SECTION 26. Said section 3 of said chapter 27 is hereby further amended by striking out in the column  
455 “Unrestricted General Government Aid” for the town of West Brookfield the figure “418,419” and  
456 inserting in place thereof the following figure:- 429,141.

457

458 SECTION 27. Said section 3 of said chapter 27 is hereby further amended by striking out in the column  
459 “Unrestricted General Government Aid” for the town of West Tisbury the figure “161,061” and inserting  
460 in place thereof the following figure:- 163,654.

461

462 SECTION 28. Said section 3 of said chapter 27 is hereby further amended by striking out in the column  
463 “Unrestricted General Government Aid” for the town of Westminster the figure “567,847” and inserting  
464 in place thereof the following figure:- 576,774.

465

466 SECTION 29. Section 119 of said chapter 27 is hereby amended by striking out subsection (b) and  
467 inserting in place thereof the following subsection:-

468 (b) Notwithstanding any general or special law to the contrary, the comptroller shall, in  
469 consultation with the state treasurer, the secretary of administration and finance and the secretary of  
470 health and human services, develop a schedule for transferring funds among the General Fund, the  
471 Commonwealth Care Trust Fund, established pursuant to section 2000 of chapter 29 of the General

472 Laws, and the Health Safety Net Trust Fund, established pursuant to section 57 of chapter 118E of the  
473 General Laws. An amount up to \$631,685,136 shall be transferred from the General Fund to the  
474 Commonwealth Care Trust Fund. The hospital fiscal year 2010 payment amount to each hospital shall be  
475 funded by the Health Safety Net Trust Fund. Payments may be made either as safety net care payments  
476 under the commonwealth's 1115 waiver, or as an adjustment to Title XIX service rate payments, or a  
477 combination thereof. The executive office of health and human services and the health safety net office  
478 may use other federally permissible funding mechanisms available for public service hospitals, as defined  
479 in 114.1 CMR 36.02, to reimburse up to \$70,000,000 of uncompensated care at the hospitals using  
480 sources distinct from the funding made available to the Health Safety Net Trust Fund. The schedule shall  
481 provide for transfers in increments considered appropriate to meet the cash flow needs of these funds. The  
482 transfers shall not begin before July 1, 2009 and shall be completed on or before June 30, 2010. The  
483 secretary of administration and finance, in consultation with the secretary of health and human services  
484 and the executive director of the commonwealth health insurance connector, shall on a quarterly basis  
485 evaluate the revenue needs of the health safety net program funded by the Health Safety Net Trust Fund  
486 and the Commonwealth Care subsidized health insurance program funded from the Commonwealth Care  
487 Trust Fund, and if necessary, transfer monies between these funds for the purpose of ensuring that  
488 sufficient revenues are available to support projected program expenditures. The secretary of health and  
489 human services in consultation with the secretary of administration and finance and the executive director  
490 of the commonwealth health insurance connector, shall submit a quarterly report to the house and senate  
491 committees on ways and means and joint committee on healthcare financing which shall include, but not  
492 be limited to, the projected and actual expenditures and revenues for the Commonwealth Care Trust Fund  
493 and any transfers made between the Health Safety Net Trust Fund and the Commonwealth Care Trust  
494 Fund. Notwithstanding any general or special law to the contrary, if the secretary of administration and  
495 finance determines that amounts transferred from the General Fund to the Commonwealth Care Trust  
496 Fund under this subsection are not needed to support programs funded through the Commonwealth Care  
497 Trust Fund, the secretary of administration and finance shall notify the comptroller of this determination

498 and the comptroller shall transfer such amounts from the Commonwealth Care Trust Fund to the General  
499 Fund.

500

501 SECTION 30. (a) (1) Notwithstanding chapter 32 of the General Laws or any other general or special  
502 law to the contrary, the state board of retirement shall establish and implement a retirement program  
503 for public employees, in this section called the healthcare contribution program. In order to be  
504 considered eligible by the board for the benefit established under this program, an employee: (i) shall  
505 be an employee of the commonwealth on the effective date of this section; (ii) shall be a member in  
506 active service of the state retirement system on the effective date of this section; (iii) shall be eligible  
507 to receive a superannuation retirement under subdivision (1) of section 5 of said chapter 32 or  
508 subdivision (1) of section 10 of said chapter 32 upon the date of retirement requested in the  
509 employee's written application for retirement with the board; (iv) shall have received pay advices via  
510 the commonwealth's human resources compensation management system or the University of  
511 Massachusetts' human resources management information system or whose regular compensation is  
512 funded from federal, trust or capital accounts under chapter 29 of the General Laws; and (v) shall have  
513 filed a written application with the board in accordance with subsection(b).

514 (2) Words used in this section shall have the same meaning assigned to them in chapter 32  
515 unless otherwise expressly provided or unless the context clearly requires otherwise. An employee  
516 who retires and receives an additional benefit in accordance with this section shall be considered to be  
517 retired for superannuation under said chapter 32 and shall be subject to all of said chapter 32.

518 (3) Elected officials and anyone serving as a chief justice or an associate justice of the  
519 supreme judicial court, a chief justice or an associate justice of the appeals court or a justice of the trial  
520 court shall not be eligible to participate in the healthcare contribution program.

521 (b) An eligible employee shall file an application for retirement with the state board of  
522 retirement after the effective date of this section and not later than October 1, 2009. The retirement  
523 date requested shall be not later than January 31, 2010. The application filed for retirement under this  
524 section may be delivered in person or by mail to the state board of retirement.

525 (c) Notwithstanding chapter 32 or 32A of the General Laws or any other general or special  
526 law to the contrary, the commonwealth's share of the group insurance premium for any state employee  
527 who files an application for retirement after the effective date of this section and before October 1,  
528 2009 for a retirement date not later than January 31, 2010 shall be 85 per cent. The commonwealth's  
529 share of the group insurance premium for any state employee who files an application for retirement  
530 after October 1, 2009 shall be 80 per cent until a different contribution rate is established under section  
531 8 of chapter 32A of the General Laws. The revised contribution rate shall take effect no earlier than  
532 the first day of the first month that begins at least 90 days after the effective date of this act.

533 (d) An executive branch position vacated as a result of an employee's participation in the  
534 healthcare contribution program may only be filled if the secretary of administration and finance  
535 determines that the position is vital to the public health, public safety or other critical operations of the  
536 commonwealth. The total annualized cost of regular compensation paid out by the commonwealth in  
537 fiscal year 2010 for refilled positions in the executive branch shall not exceed 30 per cent of the total  
538 annualized cost of regular compensation which would have been paid out by the commonwealth  
539 during fiscal year 2010 for the positions vacated in the executive branch under the healthcare  
540 contribution program had those positions not been vacated, and the total annualized cost of regular  
541 compensation paid out by the commonwealth in fiscal year 2011 for refilled positions in the executive  
542 branch shall not exceed 30 per cent of the total annualized cost of regular compensation which would  
543 have been paid out by the commonwealth during fiscal year 2011 for the positions vacated in the  
544 executive branch under this program had those positions not been vacated.

545 (e) The refilling of positions vacated by employees from federal and trust accounts under the  
546 healthcare contribution program shall not be subject to the limitations set forth in subsection(d), but  
547 agencies with positions vacated from federal and trust accounts shall first fill these positions with  
548 qualified persons currently employed by the commonwealth and paid with state funds. If no such  
549 qualified personnel are currently employed by the commonwealth, agencies may hire new employees  
550 to fill those positions vacated from federal and trust accounts.

551 (f) Notwithstanding any general or special law to the contrary, no person shall be hired or  
552 appointed by the trial court on a permanent or temporary basis to fill a position made vacant by the  
553 retirement of an employee participating in the healthcare contribution program under this section  
554 unless the chief justice for administration and management determines that the position is critical and  
555 essential to the operations of or services provided by the commonwealth. The total annualized cost of  
556 regular compensation paid out by the commonwealth in fiscal year 2010 for refilled positions in the  
557 trial court shall not exceed 30 per cent of the total annualized cost of regular compensation which  
558 would have been paid out by the commonwealth during fiscal year 2010 for the positions vacated in  
559 the trial court under this program had such positions not been vacated. The total annualized cost of  
560 regular compensation paid out by the commonwealth in fiscal year 2011 for refilled positions in the  
561 trial court shall not exceed 30 per cent of the total annualized cost of regular compensation which  
562 would have been paid out by the commonwealth during fiscal year 2011 for the positions vacated in  
563 the trial court under this program had those positions not been vacated.

564 (g) Notwithstanding any general or special law to the contrary, no person shall be hired by a  
565 state or community college in the system of public institutions of higher education, as defined in  
566 section 5 of chapter 15A of the General Laws, but excluding the University of Massachusetts at  
567 Amherst, Boston, Dartmouth, Lowell and Worcester, on a permanent or temporary basis to fill any  
568 position made vacant by the retirement of an employee participating in the healthcare contribution  
569 program under this section unless the secretary of education determines that the position is critical and



570 essential to the operations of or services provided by the commonwealth. The total annualized cost of  
571 regular compensation paid out by the commonwealth in fiscal year 2010 for refilled positions in the  
572 state and community colleges shall not exceed 30 per cent of the total annualized cost of regular  
573 compensation which would have been paid out by the commonwealth during fiscal year 2010 for the  
574 positions vacated in the state and community colleges under this program had such positions not been  
575 vacated. The total annualized cost of regular compensation paid out by the commonwealth in fiscal  
576 year 2011 for refilled positions in the state and community colleges shall not exceed 30 per cent of the  
577 total annualized cost of regular compensation which would have been paid out by the commonwealth  
578 during fiscal year 2011 for the positions vacated in the state and community colleges under this  
579 program had those positions not been vacated.

580 (h) Notwithstanding any general or special law to the contrary, no person shall be hired by a  
581 division of the University of Massachusetts on a permanent or temporary basis to fill any position  
582 made vacant by the retirement of an employee participating in the healthcare contribution program  
583 under this section unless the secretary of education determines that the position is critical and essential  
584 to the operations of or services provided by the commonwealth. The total annualized cost of regular  
585 compensation paid out by the commonwealth in fiscal year 2010 for refilled positions in the  
586 University of Massachusetts shall not exceed 30 per cent of the total annualized cost of regular  
587 compensation which would have been paid out by the commonwealth during fiscal year 2010 for the  
588 positions vacated in the University of Massachusetts under this program had such positions not been  
589 vacated. The total annualized cost of regular compensation paid out by the commonwealth in fiscal  
590 year 2011 for refilled positions in the University of Massachusetts shall not exceed 30 per cent of the  
591 total annualized cost of regular compensation which would have been paid out by the commonwealth  
592 during fiscal year 2011 for the positions vacated in the University of Massachusetts under this  
593 program had those positions not been vacated.

594 (i) Notwithstanding any general or special law or any collective bargaining agreement or other  
595 employment contract to the contrary and in consideration of the benefits conferred in this section, an  
596 employee who elects to retire under this section and is eligible to receive a payment in lieu of accrued  
597 vacation time, unused sick leave or other benefit under such agreement or contract shall waive the  
598 required remittance of that payment within 30 days and shall receive 1/4 of such payment on January  
599 31, 2010, 1/4 of such payment on July 1, 2010, 1/4 of such payment on July 1, 2011 and 1/4 of such  
600 payment on July 1, 2012. Each such employee shall sign a statement that he has agreed to receive 1/4  
601 of such payment on January 1, 2010, 1/4 of such payment on July 1, 2010, 1/4 of such payment on  
602 July 1, 2011 and 1/4 of such payment on July 1, 2012 prior to the approval by the state board of  
603 retirement of the employee's application for superannuation benefits and participation in the healthcare  
604 contribution program established under this section. The state board of retirement shall deny an  
605 application for participation in this program by an employee who belongs to a bargaining unit for  
606 which a collective bargaining agreement inconsistent with this section is in effect at the time of that  
607 application, unless the employee organization representing that employee has filed with the board and  
608 with the secretary of administration and finance a statement waiving any inconsistent provision of the  
609 agreement on behalf of all members of the bargaining unit who file applications under this section.

610 (j) A state authority, as defined in section 1 of chapter 29 of the General Laws, whose  
611 employees are not members of the state retirement system may elect to allow its employees to  
612 participate in the healthcare contribution program by a majority vote of its board of directors. If the  
613 authority makes this election, the program shall be administered by its retirement system. Eligibility  
614 for the healthcare contribution program shall not exceed that provided in subsection(a) of this section  
615 as applied to the circumstances at the particular authority. Employees of each authority that elects to  
616 participate in this program shall only be eligible if they file for retirement as provided in  
617 subsection(b), and the contribution ratio received by a retiree shall be the same as that provided in  
618 subsection(c).

619 (k) On or before March 15, 2010, the secretary of administration and finance shall file with  
620 the joint committee on public service and the house and senate committees on ways and means a  
621 report detailing for each state department, including each campus of the University of Massachusetts  
622 and each state and community college, the number of employees participating in the healthcare  
623 contribution program, the estimated salary savings in fiscal years 2010 and 2011 as a result of those  
624 employees' participation, the number of positions vacated or expected to be vacated as a result of those  
625 employees' participation that have been or are expected to be refilled and the estimated salary costs in  
626 fiscal years 2010 and 2011 on account of the refilled positions.

627  
628 SECTION 31. Notwithstanding any general or special law to the contrary, during fiscal year 2010, the  
629 comptroller shall transfer from the Health Care Security Trust, established pursuant to section 1 of chapter  
630 29D of the General Laws, to the General Fund an amount equal to 100 per cent of the total of all  
631 payments received by the commonwealth in fiscal year 2010 pursuant to the master settlement agreement  
632 in the action known as Commonwealth of Massachusetts v. Phillip Morris, Inc. et. al., Middlesex Superior  
633 Court, No. 95-7378 and 100 per cent of the earnings generated in fiscal year 2010 from the Health Care  
634 Security Trust as certified by the comptroller pursuant to paragraph (f) of section 3 of chapter 29D of the  
635 General Laws for certain health care expenditures appropriated in said section 2 of said chapter 27.

636  
637 SECTION 32. (a) Except as provided in subsection (b), notwithstanding any general or special law to the  
638 contrary, an eligible individual pursuant to section 3 of chapter 118H of the General Laws shall not  
639 include persons who cannot receive federally-funded benefits under sections 401, 402 and 403 of the  
640 Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, as  
641 amended, for fiscal year 2010.

642 (b) Notwithstanding any general or special law to the contrary, the secretary of administration and  
643 finance, the secretary of health and human services and the executive director of the Commonwealth  
644 Health Insurance Connector Authority, in their full discretion and subject only to the terms and conditions  
645 in this subsection, may establish or designate a health insurance plan in which a person who cannot  
646 receive federally-funded benefits as of July 1, 2009 under sections 401, 402 and 403 of the Personal  
647 Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, as amended, and  
648 who is also an eligible individual pursuant to section 3 of chapter 118H of the General Laws, may enroll  
649 effective September 1, 2009 through June 30, 2010. This plan may be contracted for selectively from the  
650 health plans that are contracting in fiscal year 2010 to provide insurance coverage to Commonwealth Care  
651 or MassHealth enrollees. Total state costs of providing coverage to all such persons, net of enrollee  
652 contributions and any federal financial participation, shall not exceed \$40,000,000 for fiscal year 2010.  
653 To the extent additional federal financial participation becomes available for paying the costs of such  
654 coverage, the secretary of administration and finance may direct the comptroller to make such amounts  
655 available from the General Fund for the purpose of paying the costs of such coverage. If the secretary of  
656 administration and finance, the secretary of health and human services and the executive director of the  
657 Commonwealth Health Insurance Connector Authority determine that the projected costs of enrolling  
658 eligible individuals in such coverage in fiscal year 2010 will exceed net state costs of \$40,000,000, they  
659 may limit enrollment in such coverage. If the secretary of administration and finance, the secretary of  
660 health and human services and the executive director of the Commonwealth Health Insurance Connector  
661 Authority are unable to establish or designate a health insurance plan under this section, the secretary of  
662 administration and finance may direct the comptroller to transfer up to \$40,000,000 from the  
663 Commonwealth Care Trust Fund to the Health Safety Net Trust Fund for the cost of health safety net  
664 claims of said individuals.

665

666 SECTION 33. Notwithstanding any general or special law to the contrary, in order to meet federal  
667 matching fund requirements, the comptroller shall transfer \$251,735 from item 0521-0000 of section 2 of  
668 chapter 182 of the acts of 2008 to trust account 0521-0700.

669

670 SECTION 34. Section 6 shall take effect on January 1, 2011.

671