

**HOUSE . . . . . No. 4155**

Message from His Excellency the Governor recommending legislation relative to making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects. June 29, 2009.

**The Commonwealth of Massachusetts**



EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

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DEVAL L. PATRICK  
GOVERNOR

TIMOTHY P. MURRAY  
LIEUTENANT GOVERNOR

June 29, 2009

To the Honorable Senate and House of Representatives:

I am filing for your consideration “An Act Making Appropriations for the Fiscal Year 2010 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects”.

This legislation recommends Fiscal Year 2010 supplemental appropriations totaling \$269.4 million to address immediate exposures identified for the upcoming fiscal year.

Today, I filed a Fiscal Year 2010 budget that preserves my Administration's commitment to education, health care, worker training and the Life Sciences. At a time of unprecedented global economic challenges, we were able to submit an on-time balanced budget that we can be proud of. Tough times require difficult decisions, however, and so I have issued \$147 million in vetoes that constitute line-item spending reductions. A portion of these vetoes is being used to pay for the supplemental appropriations that I am proposing in order to fund pressing Commonwealth priorities that were not adequately addressed in the conference committee report.

The supplemental items to fund existing obligations include:

- \$70 million to preserve state-subsidized health insurance coverage for approximately 30,000 legal immigrants who do not currently qualify for federal reimbursement. This will help ensure that our state continues to lead the nation in offering high-quality, affordable health care to all;
- \$11 million for the Workforce Training Fund which ensures that the assessments paid by businesses into the fund are spent for appropriate workforce related purposes;
- \$8 million for the Department of Correction to meet their anticipated need for fixed costs including health care, prescriptions, food and clothing costs;
- \$4.7 million for the Department of Conservation and Recreation for amounts reimbursed by FEMA related to the December Ice Storm;
- \$600,000 in total to preserve the Governor's Development Coordinating Council, Springfield, and Washington DC offices. I have worked closely with the Obama Administration to secure federal funding for the Commonwealth through the American Recovery and Reinvestment Act, and our DC office will allow us to continue to secure important federal support;
- \$175,000 to maintain the Affirmative Market Program housed within the Operational Services Division;
- Line items for the County Sheriffs that provides funding for their individual line items assuming that the transition legislation before the Legislature will be effective as of 10/1/09. These items were vetoed at a total \$217.3 million from the FY10 GAA because without the legislation signed into law, revenues are not available to support the line items;
- Funding for MWRA and Recycling and Solid Waste programs from revenues associated with the enactment of outside section 24 for the expanded Bottle Bill;

- An intergovernmental services account that allows for some consolidation of energy costs within our state agencies. Work toward this consolidation will help to identify efficiencies and cost savings.

In addition, I am urging the Legislature to fund a collective bargaining reserve that I have proposed funding twice this year. As a result of the cautious collective bargaining approach our Administration took shortly after taking office, we positioned ourselves to effectively respond to the extraordinary fiscal challenges the Commonwealth is now facing by securing collective bargaining agreements that limit wage increases for nearly all executive branch union employees to 0% in the first year of the contract (fiscal 2009 for most) and 1% in the second year of the contract (fiscal 2010 for most).

Additionally, this legislation includes outside sections that address both immediate and long-term solutions which will allow us to continue to address the Commonwealth's needs in challenging fiscal circumstances.

The outside sections include the following:

- Various management tools to allow for agencies to flexibly manage with less including –
  - Line item transferability
  - Deficit Spending for the state for emergency and snow and ice needs
  - Shared Services
  - Re-negotiating leases
  - Temporary Cash Flow Loans
  - Expanded 9C Powers
  - Transfers between operating and capital
  - Cash Flow management
- **Payment of extended unemployment benefits to individuals whose benefits are about to expire. The Division of Unemployment Assistance estimates that this will result in approximately \$650 million in additional benefit payments, the vast majority of which will be paid by the federal government;**
- Bottle Bill expansion to fund MWRA and Recycling and Solid Waste Programs;
- Police training insurance surcharge to fund regular police training for both municipal and state police;
- Commonwealth Wellness fund that dedicates revenues from the elimination of the sales tax exemption on alcohol to public health programs;
- A study of the current police career incentive program and a successor program.

Sufficient revenues are estimated to be available to finance these appropriations. I urge your prompt and favorable consideration of this bill.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deval Patrick", written over a horizontal line.

DEVAL L. PATRICK,  
*Governor.*

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine.

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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:*

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

8  
9 SECTION 2.

10 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

11 *Department of Housing and Economic Development*

12 7004-9024 ..... \$2,300,000  
13

14 *Department of Business Development*

15 7007-0900 ..... \$2,500,000  
16

17 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

18 *Department of Workforce Development*

19 7003-0701 ..... \$11,000,000  
20

21 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

22 *Office of the Secretary of Public Safety and Security*

23 8910-0000 ..... \$46,010,366  
24

25 *Department of Correction*

26 8900-0001 ..... \$8,000,000  
27

28  
29 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide  
30 for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums

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31 set forth in this section are hereby appropriated from the General Fund unless specifically designated  
32 otherwise in this section, for the several purposes and subject to the conditions specified in this section,  
33 and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30,  
34 2010. These sums shall be in addition to any amounts previously appropriated and made available for the  
35 purposes of those items.

36 SHERIFFS

37 *Barnstable Sheriff's Department*

38 8910-8200 For the operation of the Barnstable sheriff's department; provided, that funds shall  
39 not be expended from this item until the secretary of administration and finance  
40 certifies in writing to the comptroller that legislation has transferred the sheriffs'  
41 department to the commonwealth..... \$15,882,525

42 8910-8210 The Barnstable sheriff's department may expend for the operation of the department  
43 an amount not to exceed \$250,000 from federal inmate reimbursements; provided,  
44 that notwithstanding any general or special law to the contrary, for the purpose of  
45 accommodating timing discrepancies between the receipt of retained revenues and  
46 related expenditures, the department may incur expenses and the comptroller may  
47 certify for payment amounts not to exceed the lower of this authorization or the  
48 most recent revenue estimate, as reported in the state accounting system ..... \$250,000  
49

50 *Bristol Sheriff's Department*

51 8910-8300 For the operation of the Bristol sheriff's department; provided, that funds shall not  
52 be expended from this item until the secretary of administration and finance certifies  
53 in writing to the comptroller that legislation has transferred the sheriffs' department  
54 to the commonwealth..... \$20,442,251

55 8910-8310 The Bristol sheriff's department may expend for the operation of the department an  
56 amount not to exceed \$6,500,000 from federal inmate reimbursements; provided,  
57 that notwithstanding any general or special law to the contrary, for the purpose of

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58 accommodating timing discrepancies between the receipt of retained revenues and  
59 related expenditures, the department may incur expenses and the comptroller may  
60 certify for payment amounts not to exceed the lower of this authorization or the  
61 most recent revenue estimate, as reported in the state accounting system ..... \$6,500,000  
62

63 *Dukes Sheriff's Department*

64 8910-8400 For the operation of the Dukes sheriff's department; provided, that funds shall not  
65 be expended from this item until the secretary of administration and finance certifies  
66 in writing to the comptroller that legislation has transferred the sheriffs' department  
67 to the commonwealth..... \$1,925,824  
68

69 *Nantucket Sheriff's Department*

70 8910-8500 For the operation of the Nantucket sheriff's department; provided, that funds shall  
71 not be expended from this item until the secretary of administration and finance  
72 certifies in writing to the comptroller that legislation has transferred the sheriffs'  
73 department to the commonwealth..... \$586,945  
74

75 *Norfolk Sheriff's Department*

76 8910-8600 For the operation of the Norfolk sheriff's department; provided, that funds shall not  
77 be expended from this item until the secretary of administration and finance certifies  
78 in writing to the comptroller that legislation has transferred the sheriffs' department  
79 to the commonwealth..... \$17,153,969

80 8910-8610 The Norfolk sheriff's department may expend for the operation of the department an  
81 amount not to exceed \$2,500,000 from federal inmate reimbursements; provided,  
82 that notwithstanding any general or special law to the contrary, for the purpose of  
83 accommodating timing discrepancies between the receipt of retained revenues and  
84 related expenditures, the department may incur expenses and the comptroller may

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85 certify for payment amounts not to exceed the lower of this authorization or the  
86 most recent revenue estimate, as reported in the state accounting system ..... \$2,500,000  
87

88 *Plymouth Sheriff's Department*

89 8910-8700 For the operation of the Plymouth sheriff's department; provided, that funds shall  
90 not be expended from this item until the secretary of administration and finance  
91 certifies in writing to the comptroller that legislation has transferred the sheriffs'  
92 department to the commonwealth..... \$17,957,534

93 8910-8710 The Plymouth sheriff's department may expend for the operation of the department  
94 an amount not to exceed \$16,000,000 from federal inmate reimbursements;  
95 provided, that notwithstanding any general or special law to the contrary, for the  
96 purpose of accommodating timing discrepancies between the receipt of retained  
97 revenues and related expenditures, the department may incur expenses and the  
98 comptroller may certify for payment amounts not to exceed the lower of this  
99 authorization or the most recent revenue estimate, as reported in the state accounting  
100 system ..... \$16,000,000  
101

102 *Suffolk Sheriff's Department*

103 8910-8800 For the operation of the Suffolk sheriff's department; provided, that funds shall not  
104 be expended from this item until the secretary of administration and finance certifies  
105 in writing to the comptroller that legislation has transferred the sheriffs' department  
106 to the commonwealth..... \$64,082,051

107 8910-8810 The Suffolk sheriff's department may expend for the operation of the department an  
108 amount not to exceed \$8,000,000 from federal inmate reimbursements; provided,  
109 that notwithstanding any general or special law to the contrary, for the purpose of  
110 accommodating timing discrepancies between the receipt of retained revenues and  
111 related expenditures, the department may incur expenses and the comptroller may

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112 certify for payment amounts not to exceed the lower of this authorization or the  
113 most recent revenue estimate, as reported in the state accounting system ..... \$8,000,000  
114

115 EXECUTIVE OFFICE

116 *Executive Office*

117 0411-1001 For the operation of the development coordinating council ..... \$200,000  
118 0411-1003 For the operation of the commonwealth's Washington, D.C. office..... \$400,000  
119

120 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

121 *Department of Revenue*

122 1231-1000 For the Commonwealth Sewer Rate Relief Fund established in section 2Z of chapter  
123 29 of the General Laws; provided, that sums appropriated in this line item shall be  
124 funded by revenues collected under section 321 of chapter 94 of the General Laws,  
125 as amended by section 24 ..... \$5,500,000  
126

127 *Reserves*

128 1599-1702 For a reserve for the 75 per cent state share of costs to the department of  
129 conservation and recreation as identified for reimbursement by the Federal  
130 Emergency Management Agency for Emergency Declaration 3296 relating to the  
131 December 2008 severe winter storm, for the counties of Berkshire, Bristol, Essex,  
132 Franklin, Hampden, Hampshire, Middlesex, Suffolk and Worcester ..... \$4,700,000

133 1599-5050 The executive office for administration and finance may expend for a single point of  
134 contact unit within the executive office to monitor and track federal assistance an  
135 amount not to exceed \$300,000 in revenues received from fringe benefit  
136 assessments; provided, that the items monitored may include grants, federal medical  
137 assistance percentages reimbursements, other reimbursements, entitlement programs  
138 and any economic recovery stimulus funds, should they be received, under section  
139 6B of chapter 29 of the General Laws; provided further, that the unit shall

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140 coordinate with the state comptroller and the treasurer and receiver-general; provide  
141 further, that the unit shall coordinate with agencies to draw down all available funds  
142 to support programs and services and to further ensure compliance with the federal  
143 Cash Management Improvement Act, that all draws of federal grant funds must be  
144 processed through the commonwealth's automated central draw process, under the  
145 supervision of the comptroller ..... \$300,000  
146

147 *Operational Services Division*

148 1775-1101 For the operation of the affirmative market program ..... \$175,000  
149

150 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

151 *Office of the Secretary of Energy and Environmental Affairs*

152 2010-0100 For technical assistance, grants and support of efforts consistent with the  
153 Massachusetts solid waste master plan and climate protection plan; provided, that  
154 sums appropriated in this item shall be funded by revenues collected under section  
155 321 of chapter 94 of the General Laws, as amended by section 24..... \$2,986,000  
156

157 *Department of Environmental Protection*

158 2200-0107 For the operation of a redemption center program in pursuit of the commonwealth's  
159 recycling goals consistent with section 323 of chapter 94 of the General Laws;  
160 provided, that sums appropriated in this item shall be funded by revenues collected  
161 under section 321 of chapter 94 of the General Laws, as amended by section 24... \$2,225,000  
162

163 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

164 *Department of Children and Families*

165 4800-0016 For the department of children and families which may expend for the operation of  
166 the transitional employment program an amount not to exceed \$2,000,000 from  
167 revenues collected from various state, county and municipal government entities, as

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168 well as state authorities, for the costs related to the provision of services by the  
 169 participants and the overhead costs and expenses incurred by the not-for-profit  
 170 managing agent selected by the commissioner for administering the program;  
 171 provided, that notwithstanding any general or special law to the contrary, the  
 172 commissioner of the department of children and families may enter into a contract  
 173 with Roca, Inc., a not-for-profit community-based agency, to manage the  
 174 transitional employment program and to provide services to participants from the  
 175 aging out population, parolees, probationers, youth service releases, or other  
 176 community residents considered to have employment needs ..... \$1,500,000  
 177

EXECUTIVE OFFICE OF EDUCATION

*Department of Elementary and Secondary Education*

180 7061-9010 For tuition payment reimbursements calculated under subsection (oo) of section 89  
 181 of chapter 71 of the General Laws; provided, that notwithstanding said subsection  
 182 (oo), this item shall only fund reimbursements of 60 per cent of the amount by  
 183 which a district's charter school tuition amounts in fiscal year 2009 were greater  
 184 than its total charter school tuition amount for fiscal year 2008, and 40 per cent of  
 185 the amount by which the district's charter school tuition amounts for fiscal year 2008  
 186 were greater than its total charter school tuition amount for fiscal year 2007; and  
 187 provided further, that any excess funds in this account after payments have been  
 188 made in full shall be transferred to item 7061-9020 if that item does not have  
 189 sufficient funds to reimburse the tuition amounts required by said section 89..... \$29,865,079

190 7061-9020 For fiscal year 2010 payments to charters schools for facilities aid and fiscal year  
 191 2010 tuition increases; provided, that notwithstanding subsections (nn) and (oo) of  
 192 section 89 of chapter 71 of the General Laws, or any other general or special law to  
 193 the contrary, the total tuition amount owed by a sending district to a charter school  
 194 shall be the per pupil tuition amount for fiscal year 2009 as defined in said

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195 subsection (nn) multiplied by the total number of students attending the charter  
196 school from that district in fiscal year 2009; provided further, that the  
197 commonwealth shall provide payments directly to charter schools for the per pupil  
198 capital needs component, which in FY2010 shall be \$893; provided further, that  
199 notwithstanding said subsection (oo), or any other general or special law to the  
200 contrary, the commonwealth shall provide payments directly to charter schools for  
201 the amount by which the district's charter school tuition amounts for fiscal year 2010  
202 are greater than its total charter school tuition amount for fiscal year 2009; and  
203 provided further, that if the amount appropriated is insufficient to fully fund all  
204 reimbursements required by said section 89, the department shall fully reimburse the  
205 cost of the per pupil capital needs component and shall pro-rate the tuition  
206 reimbursements calculated under said subsection (oo)..... \$49,886,500  
207

208 *Board of Higher Education*

209 7070-0031 For the McNair component of the financial assistance program to increase access to  
210 public and independent institutions of higher education for students who meet  
211 certain income eligibility standards developed by the commissioner of higher  
212 education and for students with serious physical impairments, known as the Ronald  
213 E. McNair education opportunity program..... \$1,000,000  
214

215 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

216 *Office of the Secretary of Housing and Economic Development*

217 7002-0013 For the operation of expedited permitting at the executive office of housing and  
218 economic development, and related regional and local planning grants ..... \$1,100,000  
219

220 *Department of Housing and Community Development*

221 7004-2475 For the soft second loans program..... \$500,000  
222

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223 *Department of Business Development*

224 7007-0334 For the operation of the office of small business and entrepreneurship and for grants  
225 to community development corporations, community development financial  
226 institutions or non-profit community-based organizations for the purpose of  
227 providing technical assistance or training programs to businesses with 20 employees  
228 or fewer..... \$750,000  
229

230 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

231 *Department of State Police*

232 8100-0515 For the estimated expenses of hiring, equipping and training state police recruits to  
233 maintain the strength of the state police; provided, that 100 per cent of the amount  
234 appropriated in this item shall be imposed as a policy surcharge and collected and  
235 remitted to the commissioner of insurance in accordance with section 116E of  
236 chapter 6 of the General Laws ..... \$3,200,000  
237

238 *Municipal Police Training Committee*

239 8200-0212 For the expanded annual training programs for veteran and reserve municipal police  
240 officers and expanded recruit training conducted by the municipal police training  
241 committee, including development and delivery of distance learning programs for  
242 municipal police officers, and development and execution of a standards and  
243 evaluations program for training courses and instructors of or certified by the  
244 committee; provided, that notwithstanding any general or special law to the  
245 contrary, the training fee for new recruits of municipal police departments and those  
246 law enforcement officers employed by agencies of the commonwealth who exercise  
247 police powers, including but not limited to environmental police officers and  
248 campus police officers of the University of Massachusetts and state colleges who  
249 exercise police powers, shall be covered by this item; and provided further, that 100

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250 per cent of the amount appropriated in this item, including fringe benefit charges,  
251 shall be imposed as a policy surcharge and collected and remitted to the  
252 commissioner of insurance in accordance with section 116E of chapter 6 of the  
253 General Laws..... \$3,100,000  
254  
255

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

264 JUDICIARY

265 *Supreme Judicial Court*

266 0321-2215 For the expenses of the social law library located in Suffolk county ..... \$506,704  
267

268 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

269 *Department of Capital Asset Management and Maintenance*

270 1102-3225 For the cost of utilities and management services provided by the division of capital  
271 asset management, including the payment of electrical, fuel oil and natural gas  
272 purchases that are centrally billed to the commonwealth and the purchase, delivery,  
273 handling of and contracting for supplies, postage and related equipment and other  
274 incidental expenses provided under section 51 of chapter 30 of the General Laws;  
275 provided, that any unspent balance at the close of fiscal year 2010 in an amount not  
276 to exceed 5 per cent of the amount authorized shall remain in the Intergovernmental

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277 Service Fund and may be expended for this item in fiscal year 2011 for the purposes  
278 of energy efficiency projects; and provided further, that the division in consultation  
279 with the department of energy resources, the operational services division and the  
280 executive office for administration and finance shall implement a program for  
281 centralized energy management by July 1, 2010..... \$130,000,000  
282

283  
284 **Police Training Surcharge**

285  
286 **SECTION 3.** Chapter 6 of the General Laws is hereby amended by inserting after section 116D  
287 the following section:-

288 Section 116E. (a) Sums for the estimated expenses of providing annual in-service specialized  
289 and statutorily-mandated training programs conducted by the municipal police training  
290 committee for veteran and reserve municipal police officers and for those officers employed by  
291 agencies of the commonwealth who exercise police powers and receive this training from the  
292 municipal police training committee, including but not limited to environmental police officers  
293 and campus police officers of the University of Massachusetts and state colleges who exercise  
294 police powers, shall be paid to the commissioner of insurance by property and casualty insurance  
295 companies writing motor vehicle insurance policies in the commonwealth by means of a policy  
296 surcharge imposed upon the policyholder of any private passenger automobile policy issued by  
297 any property and casualty insurance company writing motor vehicle insurance policies in the  
298 commonwealth. These programs shall include new recruit training provided by the municipal  
299 police training committee; development and delivery of distance learning programs by the  
300 municipal police training committee; a standards and evaluations program for training courses

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301 and instructors of or certified by the municipal police training committee; the development and  
302 updating of training programs including curricula by the municipal police training committee,  
303 hiring, equipping, and training new state police recruits; and the development and operation of a  
304 state police cadet program including the hiring, equipping, and training of state police cadets,  
305 subject to appropriation, and the estimated cost of fringe benefits associated with this training  
306 hiring and employment. The amount of any surcharge shall be separately stated on either a  
307 billing or policy declaration sent to an insured. The rate of the policy surcharge shall be  
308 determined and adjusted annually by the commissioner of insurance to a rate sufficient to  
309 generate a surcharge to fund the expenses estimated by the secretary of public safety and security  
310 for the purposes described above.

311 (b) The policy surcharge shall be collected and remitted to the commissioner of insurance  
312 by the property and casualty insurance companies writing motor vehicle insurance policies in the  
313 commonwealth on a quarterly basis on or before the 25th day of the month succeeding the end of  
314 the quarter in which it is collected. Any company failing or refusing to collect and remit to the  
315 commissioner of insurance any policy surcharge or whose surcharge payments are not  
316 postmarked by the due dates for quarterly filing shall be liable for a penalty of up to \$100 for  
317 each day of delinquency, to be assessed by the commissioner of insurance. The estimated costs  
318 shall include an amount equal to the cost of fringe benefits as established by the secretary of  
319 administration and finance under section 6B of chapter 29. Any surcharge collected in a fiscal  
320 year but not expended by the municipal police training committee or department of state police  
321 for the purposes set forth in this section shall be retained by the commonwealth for use by the  
322 municipal police training committee or department of state police. The retained surcharge shall

323 be credited against the amounts required to be collected under this section in the following year,  
324 and those required payments shall be reduced by the amount of this credit.

325

326

**MCDHH Fee Generation**

327

328 **SECTION 4.** The second paragraph of section 196 of chapter 6 of the General Laws, as  
329 appearing in the 2008 Official Edition, is hereby amended by inserting after the second sentence  
330 the following sentence:- The commission may charge a fee where so required by the  
331 commission's regulations for the cost of maintaining an emergency referral service, but no part  
332 of such fee shall be assessed to a hearing-impaired individual.

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**Shared Services**

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336 **SECTION 5.** Chapter 6A of the General Laws is hereby amended by inserting after section 7 the  
337 following section:-

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Section 7A. Each secretary may, notwithstanding any general or special law to the contrary, identify administrative processing activities and functions common to the state agencies within the executive office and may designate such functions as core administrative processing functions. To improve administrative efficiency and preserve fiscal resources, the secretary may direct that core administrative processing functions be performed by the executive office or by one or more state agencies designated by the secretary to perform those functions. Common activities and functions that may be designated as core administrative processing functions include without limitation human resource functions including payroll processing; information

346 technology services; leasing and facility management services; financial management services,  
347 such as budgeting, procurement, contract management, and accounts payable/receivable  
348 functions; and other administrative processing functions. Upon designation of a function as a  
349 core administrative processing function, the secretary may direct that employees of each state  
350 agency who perform those functions be transferred to the executive office or to any state agency  
351 designated by the secretary to perform core administrative processing functions. Nothing in this  
352 section shall waive the responsibility of each agency head to certify obligations and expenditures  
353 for appropriations and other legally available funds of the agency pursuant to section 3 of chapter  
354 7A, the responsibilities of an agency head pursuant to state finance law including but not limited  
355 to sections 19, 20, 24, 26 and 27 of chapter 29, and the responsibility of an agency head to certify  
356 work by employees of the agency pursuant to section 31 of chapter 29. An agency head may not  
357 delegate agency head signature authorization to any individual who is not an employee of the  
358 agency. The executive office or any state agencies designated to perform core administrative  
359 processing functions may charge the state agencies that receive such services for the reasonable  
360 costs of providing the services. Any employee transfers that occur in connection with the  
361 consolidation of core administrative processing functions within the executive office or state  
362 agencies shall not: (a) impair the civil service status of any such transferred employee who  
363 immediately before the effective date of this act either holds a permanent appointment in a  
364 position classified under chapter 31 or has tenure in a position by reason of section 9A of chapter  
365 30; or (b) impair or change an employee's status, rights, or benefits under chapter 150E.

366

367

**Designer Selection Board Quorum Requirements**

368 **SECTION 6.** Section 38F of chapter 7 of the General Laws, as appearing in the 2008 Official  
369 Edition, is hereby amended by striking out paragraph (d), and inserting in place thereof the  
370 following subsection:

371 (d) The board may delegate its powers and duties under paragraph (b) of section 38D,  
372 paragraphs (c) and (d) of section 38E, paragraphs (a) and (b) of section 38G, section 38H and  
373 section 38I to panels of less than all the board members. A panel of not less than 6 members shall  
374 be required for selection of designers under this section, 4 of whom shall be architects or  
375 engineers, including at least 1 architect and 1 engineer on that panel.

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**Modification to DCAM’s Delegation Authority**

378 **SECTION 7.** Section 40B of said chapter 7, as so appearing, is hereby amended by striking out,  
379 in line 9, the figure "\$1,000,000" and inserting in place thereof the following figure:- \$2,000,000.

380 **SECTION 8.** Section 40B of said chapter 7, as so appearing, is hereby further amended by  
381 striking out, in line 13, the words “one hundred thousand dollars” and inserting in place thereof  
382 the following figure:- \$250,000.

383 **Repeal Duplicate Transportation Trust Fund**

384

385 **SECTION 9.** Section 35MM of chapter 10 of the General Laws, inserted by section 9 of the  
386 general appropriation act for fiscal year 2010, is hereby repealed.

387 **Commonwealth Wellness Fund -1**

388

389 **SECTION 10.** Chapter 29 of the General Laws is hereby amended by inserting after section  
390 2YYY the following section:-

391 Section 2ZZZ. There shall be established and set up on the books of the commonwealth  
392 a separate fund to be known as the Commonwealth Wellness Fund. The fund shall be credited  
393 with all sales tax revenues collected from the sale of alcoholic beverages under chapter  
394 64H. Amounts credited to the fund shall be expended, subject to appropriation, to support  
395 alcohol and tobacco addiction services, health promotion, school-based health programs,  
396 teenage pregnancy prevention, domestic violence and sexual assault prevention, work force  
397 expansion services and other critical programs that support the wellness of residents of the  
398 commonwealth.

399 **Funding Unfunded Liability for Retiree Health and Other Benefits-1**

400 **SECTION 11.** Section 5C of chapter 29 of the General Laws is hereby amended by striking  
401 out clause (b), as appearing in the 2008 Official Edition, and inserting in place thereof the  
402 following clause:-

403 (b) of the remaining amount of the consolidated net surplus after amounts made  
404 available in clause (a), half shall be transferred to the State Retiree Benefits Trust Fund, and  
405 half shall be transferred to the Commonwealth Stabilization Fund; and.

406 **Comptroller Cost Avoidance**

407  
408 **SECTION 12.** Section 29E of said chapter 29, as so appearing, is hereby amended by striking  
409 out the first sentence and inserting in place thereof the following sentence:-

410 Notwithstanding any general or special law to the contrary, the comptroller may enter into  
411 contracts or interdepartmental service agreements for the purpose of identifying and pursuing

412 increased revenue collection, cost avoidance, the maximum reimbursement opportunities for  
413 certain federally assisted and other programs of the commonwealth, and any other  
414 reimbursements of overpayments or other revenues. The contractor payments, or oversight costs  
415 or fees related to this section shall be paid from the revenues or reimbursements collected, or as  
416 otherwise considered appropriate by the comptroller, without further appropriation, and the  
417 comptroller shall establish accounts and procedures within the affected departments as he  
418 considers appropriate and necessary to accomplish the revenue generation purposes of this  
419 section.

420

421

**No Lobbyists for State Entities**

422 **SECTION 13.** Chapter 29 of the General Laws is hereby amended by inserting after section 30  
423 the following section:-

424 Section 30A. Except for its full-time employee, a state agency or state authority shall not  
425 use public funds to pay for an executive or legislative agent, as defined in section 39 of chapter 3,  
426 notwithstanding section 50 of chapter 3.

427

428

**HRCMS Upgrade**

429

430 **SECTION 14.** The third paragraph of section 31 of chapter 29, as so appearing, is hereby  
431 amended by inserting after the second sentence the following sentence:-

432 Notwithstanding any other general or special law to the contrary, and in accordance with section  
433 148 of chapter 149, to ensure the timely payment of wages and related payroll charges for work  
434 authorized by a spending authority and performed by employees, the comptroller shall have full

435 authority to mandate the payment of such wages and payroll charges and prescribe, regulate and  
436 direct any spending authority to take the appropriate actions necessary to properly account for  
437 payroll charges, to ensure that payroll accounts are not in deficit at the close of the fiscal year,  
438 and any other actions necessary to support sound fiscal management including but not limited to  
439 the termination, suspension or reduction of work of employees and contractors to support  
440 appropriation, allotment or other funding limits.

441

442

**Emergency Spending Authority**

443 **SECTION 15.** Chapter 29 of the General Laws is hereby amended by adding the following  
444 section:-

445 Section 72. (a) In addition to other emergency powers allowed by law, the governor may  
446 declare a state of emergency whenever a catastrophic event, natural disaster, pandemic  
447 outbreak, terrorist threat or other occurrence or imminent danger threatens the health, safety  
448 or welfare of the people, or the fiscal or economic stability of the commonwealth. In such an  
449 emergency, the governor may direct any agency, authority, or political subdivision of the  
450 commonwealth to take appropriate action to eliminate the immediate threat or danger and to  
451 aid its citizens, including but not limited to temporary re-deployment of personnel,  
452 contractors or other resources. Upon notice in writing of the declaration of emergency to the  
453 comptroller and the clerks of the senate and the house of representative, there shall be  
454 appropriated an amount requested by the governor not to exceed \$25,000,000 from the  
455 Commonwealth Stabilization Fund, and the comptroller shall transfer that amount into a  
456 separate emergency account for the costs incurred under this section.

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457 (b) Agencies, authorities and political subdivisions directed by the governor to act  
458 under this section need not comply with procurement and personnel restrictions for  
459 obligations incurred in performance of directives under this section for the period of the  
460 emergency, but shall consult with the operational services division to use, to the greatest  
461 extent possible, existing state contractors and certified small, minority or women-owned  
462 businesses, to provide necessary goods or services under this section to obtain the most cost  
463 effective prices and quality services available. The comptroller may take whatever actions are  
464 necessary to enable obligations and payments under this section, shall advise agencies about  
465 the most efficient payment processes, including electronic payment options, and shall direct  
466 agencies in the proper accounting for all encumbrances and payments under this section in the  
467 state accounting system. Expenditures may be charged to other items of appropriation and to  
468 other subsidiaries as directed by the secretary of administration and finance in consultation  
469 with the comptroller. Every 60 days after an emergency is declared under this section, and  
470 until the governor declares that the emergency has terminated, the governor shall report in  
471 writing the specific amounts and purposes of expenditures under this section to the house and  
472 senate committees on ways and means.

473 (c) Any funds remaining in the emergency account at the conclusion of the fiscal year  
474 in which the emergency arises shall not revert at the end of the fiscal year, unless the  
475 emergency has terminated, but shall remain available for expenditure without further  
476 appropriation until the emergency ceases and all payments for all costs incurred under this  
477 section, at which time any remaining funds shall be transferred to the Commonwealth  
478 Stabilization Fund.

479 **Pension Reform Correction**

480

481 **SECTION 16** .The definition of "Wages" in section 1 of chapter 32 of the General Laws, added  
482 by section 3 of chapter 21 of the acts of 2009, is hereby amended by adding the following  
483 sentence:- "Wages" shall also mean compensation received by any member who made an  
484 election to accrue creditable service and receive regular compensation after attaining the age of  
485 70, including an election under section 90G3/4.

486

487 **Permitting Commonwealth Corporation and Economic Stabilization Trust employees to**  
488 **join GIC**

489

490 **SECTION 17.** Section 2 of chapter 32A of the General Laws, as appearing in the 2008 Official  
491 Edition, is hereby amended by inserting after the word "Center", in line 13, the following  
492 words:- ,Commonwealth Corporation, Economic Stabilization Trust,

493

494 **Funding Unfunded Liability for Retiree Health and Other Benefits-2**

495 **SECTION 18.** Section 24 of chapter 32A of the General Laws, as appearing in the 2008 Official  
496 Edition, is hereby amended by inserting after subsection (b) the following subsection:-

497 (b 1/2) Notwithstanding chapter 29D or any other general or special law to the contrary,  
498 90 per cent of the monies received in any fiscal year as a result of any claim or action undertaken  
499 by the attorney general against a manufacturer of cigarettes to recover the amount of medical  
500 assistance provided pursuant to chapter 118E or any other claim or action undertaken by the  
501 attorney general against a manufacturer of cigarettes including, but not limited to, the action  
502 known as Commonwealth of Massachusetts v. Philip Morris, Inc., et al., Middlesex Superior

503 Court, No. 95-7378, shall be deposited in the fund. The remaining 10 per cent of these monies  
504 shall be deposited in the General Fund, to be used subject to appropriation for tobacco control  
505 and other health care programs.

506 **Funding Unfunded Liability for Retiree Health and Other Benefits-3**

507 **SECTION 19.** Said section 24 of said chapter 32A, as so appearing, is hereby further amended  
508 by striking out subsection (d) and inserting in place thereof the following subsection:-

509 (d) Upon authorization by the board, any other political subdivision, authority, board or  
510 instrumentality of the commonwealth may participate in the fund using the same procedures  
511 required for participation in the PRIT Fund pursuant to section 22 of chapter 32. The trustees of  
512 the fund shall adopt regulations for participation in the fund after consulting the public employee  
513 retirement administration commission.

514 **Funding Unfunded Liability for Retiree Health and Other Benefits-4**

515 **SECTION 20.** Said chapter 32A is hereby further amended by adding the following section:-

516 Section 25. (a) In each fiscal year the comptroller, without further appropriation, shall  
517 transfer, in addition to the amounts required by subsection (b 1/2) of section 24, an additional  
518 amount from the General Fund to the State Retiree Benefits Trust Fund necessary to fully fund  
519 the system as determined by the schedule set forth in this section. The comptroller may make  
520 such transfer in increments during the fiscal year as he considers appropriate to meet the cash  
521 flow needs of the commonwealth. The secretary of administration and finance shall file the first  
522 such funding schedule not later than March 1, 2010 and shall file subsequent schedules  
523 triennially on or before January 15. The secretary shall establish the funding schedule and update

524 it from time to time after reviewing the periodic actuarial valuation reports required by  
525 subsection (g) of section 24, and shall notify the house and senate committees on ways and  
526 means regarding the actuarial, economic, and demographic assumptions upon which the actuarial  
527 valuation reports and such other reports are based, and the manner and methodology used in the  
528 development of the actuarial reports and recommendations. The secretary shall establish the  
529 schedule such that the increase in the amortization component of the appropriations or transfers  
530 required by this section from year to year shall not exceed the increase in the commonwealth's  
531 payroll expense and benefits for the prior fiscal year or 4.5 percent, whichever is greater. The  
532 transfers from the General Fund required by this subsection shall not be made until the unfunded  
533 pension liability is reduced to zero in accordance with the second paragraph of section 22C of  
534 chapter 32.

535 (b) The secretary shall design this funding schedule, and any updates, to reduce the  
536 unfunded actuarial liability attributable to the commonwealth's post-employment benefits to zero  
537 as of June 30, 2038, to meet the normal cost of all future benefits for which the commonwealth is  
538 obligated, and to meet any other component of the commonwealth's post employment benefits  
539 liability, as defined in subsection (g) of section 24. Updates of the funding schedule required by  
540 changes in the projected unfunded actuarial liability as determined by any periodic actuarial  
541 valuation report pursuant to this section, may reflect the further amortization time periods  
542 authorized by said subsection (g).

543

544

#### **Tax Credit Bond Legislation**

545 **SECTION 21.** Chapter 44 of the General Laws is hereby amended by adding the following new  
546 section:-

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547 Section 21B. Tax Credit Bonds or Notes.  
548 The mayor of a city, the board of selectmen of a town, the school committee of a regional school  
549 district and the prudential committee, if any, otherwise, the commissioners of a district may  
550 designate any duly authorized issue of bonds or notes as tax credit bonds, to the extent that any  
551 such issue of bonds or notes is otherwise permitted to be issued in the form of federally taxable  
552 bonds or notes with federal tax or other subsidies for all or any portion of their borrowing costs.  
553 Any borrowing designated as tax credit bonds shall have a final maturity of not more than 30  
554 years from its date of issuance, and may be payable without regard to any limitation as to  
555 maturities or amounts of annual installments for bonds provided in any other law.  
556 Notwithstanding section 47 or any other general or special law to the contrary, the mayor of a  
557 city, the board of selectmen of a town, the school committee of a regional school district and the  
558 prudential committee, if any, otherwise, the commissioners of a district may establish a separate  
559 sinking fund to be held in trust solely for the payment of principal, redemption premium, and  
560 interest on any tax credit bonds. Amounts held in any such sinking fund may be invested under  
561 section 55, and the income derived from such investment may be expended by the treasurer to  
562 pay the principal, redemption premium, if any, and interest on such tax credit bonds until they  
563 are paid, or otherwise redeemed; provided, however, that notwithstanding the limitations on the  
564 maturity of investments under section 55, any such investment may have a maturity not later than  
565 the date fixed for the payment or redemption of such tax credit bonds. Any earnings on  
566 proceeds of tax credit bonds shall be applied, without the necessity of further appropriation, for  
567 any purpose or purposes for which the city, town or district may incur debt for a period of 5  
568 years or more. To the extent that any such earnings are applied to any purpose for which the  
569 city, town or district has authorized, but unissued indebtedness, the amount of any such  
570 indebtedness shall be reduced accordingly.

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**Used Car Values**

**SECTION 22.** Section 4 of Chapter 64I of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Notwithstanding this section, the excise imposed by section 2 upon the storage, use or other consumption of motor vehicles or trailers shall be paid by the purchaser to the registrar of motor vehicles in the manner prescribed by the commissioner. The vendor thereof shall not add the tax to the sales price and shall not collect the tax from the purchaser. The vendor thereof shall, however, furnish to the purchaser, the registrar and the commissioner a sworn statement of the sale upon a form prescribed by the commissioner, giving such information as the commissioner may require for the determination of such tax. For purposes of such determination, the sales price of any motor vehicle, except a motor vehicle purchased from a vendor registered under this chapter who is regularly engaged in the business of making sales at retail of such motor vehicles, shall be the actual amount paid by the purchaser to the vendor for said motor vehicle or the clean trade-in value of said motor vehicle, whichever is greater regardless of the actual condition of the vehicle. “Clean trade-in value” for a motor vehicle shall mean the clean trade-in value or equivalent or successor values listed in the National Automobile Dealers Association used car guide or other value guides whether published in print or electronically or default values as determined jointly by the commissioner and registrar. The commissioner may establish rules and regulations for accepting values below these values based on the condition of the vehicle at the time of sale or other factors as may be appropriate.

**Expansion of RMV Services**

593           **SECTION 23.** Chapter 90 of the General Laws, as appearing in the 2008 Official  
594 Edition, is hereby amended by inserting after section 30A the following new section:-

595           Section 30A 1/2. (a)Notwithstanding section 30A or any other general or special law to  
596 the contrary, the registrar may, in the interest of seeking cost efficiencies, avoiding disruptions  
597 and continuing to provide registry services, enter into agreements with third-party entities based  
598 in the commonwealth, to perform functions on behalf of the registry of motor vehicles. The  
599 registrar shall enter into agreements only with an existing entity that provides automobile-related  
600 services to the general public, or to its own members if an automobile-related association, and  
601 that maintains business offices that are open to the public during hours and at locations  
602 considered to be convenient for registry customers and in areas where a continuing need exists to  
603 provide registry services.

604           (b) The registrar may provide necessary inventories, equipment, electronic connections  
605 and training in regard to such agreements to provide for the provision of registry-related services  
606 by the third party. The registrar may help to defray the expenses of the third party as part of the  
607 agreement if necessary to provide such services, but only if the overall effect of such agreement  
608 results in cost efficiencies to the registry. The registrar shall not enter into an agreement that  
609 results in the loss of employment with the commonwealth of any person who was performing  
610 services related to the agreement as a registry employee within the 30 days before the effective  
611 date of the agreement.

612           (c) The registrar shall, on an annual basis or more frequently if required by the  
613 agreement, review the third party's most recent performance under the agreement. If the cost  
614 efficiencies and other purposes for which the agreement has been entered into are not being  
615 realized, the registrar may terminate the agreement and recover all inventories, equipment,

616 monies due and other items provided to the third-party. An agreement may be amended from  
617 time to time.

618 (d) All employees of a third party performing registry-related functions or having access  
619 to registry data or equipment shall be subject to all state and federal laws and regulations  
620 governing the protection of personal information. Fees collected by the third party on behalf of  
621 the registrar shall be deposited in the treasury of the commonwealth pursuant to section 34. An  
622 agreement shall ensure that the third party's performance of registry-related functions is subject  
623 to periodic audits by registry staff and the state auditor.

624

625 **Expand Bottle Bill**

626

627 **SECTION 24.** Section 321 of chapter 94 of the General Laws, as appearing in the 2008 Official  
628 Edition, is hereby amended by striking out the definitions of "Beverage" and "Beverage  
629 container" and inserting in place thereof the following 2 definitions:--

630 "Beverage", soda water or similar carbonated soft drinks; beer and other malt  
631 beverages; non-carbonated soft drinks including but not limited to mineral water,  
632 flavored and unflavored water, spring water, fruit drinks, juice, sports drinks and other  
633 water beverages, coffee and coffee-based drinks; and all other non-alcoholic carbonated  
634 and noncarbonated drinks in liquid form intended for human consumption except milk  
635 and beverages that are primarily derived from dairy products, infant formula, and FDA-  
636 approved medicines; but shall not include alcoholic beverages other than beer and malt  
637 beverages, as defined in chapter 138, or wine.

638 "Beverage container", any sealable bottle, can, jar or carton which is primarily  
639 composed of glass, metal, plastic or any combination of those materials and is produced  
640 for the purpose of containing a beverage, including containers of two gallons capacity or  
641 less for carbonated and malt beverages and less than one gallon for noncarbonated  
642 beverages. This definition shall not include containers made of biodegradable material.

643

644 **DOR/Religious Exemption language**

645 **SECTION 25.** Section 3 of chapter 111M of the General Laws, as so appearing, is hereby  
646 amended by adding the following sentence:-

647 The department of revenue and the division of health care finance and policy may conduct data  
648 matches for purposes of administering this section. The division may disclose to the department  
649 whether a health care provider has submitted data indicating that it has provided health care  
650 services during the relevant tax year to an individual claiming an exemption under this section.

651

652 **GIC Municipal Enrollment Date Correction**

653 **SECTION 26.** Section 10 of chapter 377 of the acts of 2008 is hereby amended by striking out  
654 the date "January 1, 2012" and inserting in place thereof the following date:- July 1, 2009.

655 **Mass Cultural Council Line Item Language Change**

656

657 **SECTION 27.** Item 0640-0300 of section 2 of the general appropriation act for fiscal year 2010  
658 is hereby amended by striking out the words "and provided further, that the Local Cultural

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659 Council Grant Program shall provide a minimum grant of no less than the amount detailed in  
660 item 0640-0300 in section 2 of chapter 182 of the acts of 2008 per municipality".

661

662

**Commonwealth Wellness Fund -2**

663

664 **SECTION 28.** Item 4512-0200 of section 2 of the general appropriation act for fiscal year 2010  
665 is hereby amended by adding the following words:-

666

Commonwealth Wellness Fund ..... 88.2%

667

General Fund ..... 11.8%

668

669

**DCF Line Item Language Change**

670

671 **SECTION 29.** Item 4800-0015 of section 2 of the general appropriation act for fiscal year 2010  
672 is hereby amended by striking out the words "; provided further, the department shall employ not  
673 less than 1 full-time board certified physician; provided further, that the department shall employ  
674 four to five full-time board certified or board eligible child psychiatrists to serve the area offices;  
675 provided further, that hiring and supervision shall be done in conjunction with the department of  
676 mental health; provided further, that such physicians shall collaborate with the department's  
677 social workers".

678

679

680

**Department of Highways Line Item Language Change**

681

682 **SECTION 30.** Item 6010-0001 of section 2 of the general appropriation act for fiscal year 2010  
683 is hereby amended by striking out the words "; provided, that no expenditures shall be made  
684 from the AA object code".

685

686

**Snow and Ice Deficit**

687

688 **SECTION 31.** Item 6030-7201 of section 2 of the general appropriation act for fiscal year 2010  
689 is hereby amended by adding the following words:- ; provided, that notwithstanding any general  
690 or special law to the contrary, for the purpose of accommodating timing discrepancies between  
691 the receipt of supplemental funds and related expenditures for snow and ice control, the  
692 department may incur expenses in deficiency after notification to the executive office for  
693 administration and finance and the office of the comptroller that a projection of deficiency exists.

694

695

**MOTT line item language change**

696 **SECTION 32.** Item 7007-0900 of section 2 of the general appropriation act for fiscal year 2010  
697 is hereby amended by adding the following words:- and the Pioneer Valley Visitors and Tourist  
698 Information Center in Greenfield.

699

700

**Scholarship line item language**

701 **SECTION 33.** Item 7070-0065 of section 2 of the general appropriation act for fiscal year 2010  
702 is hereby amended by striking out the words "; provided, that all scholarship programs receiving

703 funding through this item shall follow the same guidelines as detailed in item 7070-0065 in  
704 section 2 of chapter 182 of the acts of 2008".

705

706

**Quinn Bill -1**

707 **SECTION 34.** Item 8000-0040 of section 2 of the general appropriation act for fiscal year 2010  
708 is hereby amended by adding the following words:-; and **provided further, that any certified**  
709 **enrollee in a municipal police academy on active duty in the armed forces of the United**  
710 **States in Afghanistan or Iraq shall be eligible to participate in the career incentive pay**  
711 **program established pursuant to section 108L of chapter 41 of the General Laws**

712

**Redirecting Sex Offender Registry Board Fee**

713 **SECTION 35.** Item 8000-0125 of section 2 of the general appropriation act for fiscal year 2010  
714 is hereby amended by striking out the words “Massachusetts office for victim assistance” and  
715 inserting in place thereof the following words:- Sex Offender Registry Board”.

716

**Correct FY10 GAA Section 2B preamble**

717 **SECTION 36.** Section 2B of the general appropriation act for fiscal year 2010 is hereby  
718 amended by striking out the preamble and inserting in place thereof the following preamble:-

719 Notwithstanding any general or special law to the contrary, the agencies listed in this  
720 section may expend the amounts listed in this section for the provision of services to agencies  
721 listed in section 2. All expenditures made pursuant to this section shall be accompanied by a  
722 corresponding transfer of funds from an account listed in section 2 to the Intragovernmental  
723 Service Fund, established by section 2Q of chapter 29 of the General Laws. All revenues and

724 other inflows shall be based on rates published by the seller agency that are developed in  
725 accordance with cost principles established by the United States Office of Management and  
726 Budget Circular A-87, “Cost Principles for State, Local and Indian Tribal Governments.” All  
727 rates shall be published within 30 days of the enactment of this section. No expenditures shall be  
728 made from the Intragovernmental Service Fund which would cause that fund to be in deficit at  
729 the close of fiscal year 2010. All authorizations in this section shall be charged to the  
730 Intragovernmental Service Fund and shall not be subject to section 5D of chapter 29 of the  
731 General Laws. Any balance remaining in that fund at the close of fiscal year 2010 shall be  
732 transferred to the General Fund.

733

734

**Change to CCTF Transfer Amount**

735

736 **SECTION 37.** Section 119 of the general appropriation act for fiscal year 2010 is hereby  
737 amended by striking out subsection (b) and inserting in place thereof the following subsection:-

738 (b) Notwithstanding any general or special law to the contrary, the comptroller shall, in  
739 consultation with the state treasurer, the secretary of administration and finance and the secretary  
740 of health and human services, develop a schedule for transferring funds among the General Fund,  
741 the Commonwealth Care Trust Fund established pursuant to section 2000 of chapter 29 of the  
742 General Laws, and the Health Safety Net Trust Fund. An amount up to \$661,685,136 shall be  
743 transferred from the General Fund to the Commonwealth Care Trust Fund. The hospital fiscal  
744 year 2010 payment amount to each hospital shall be funded by the Health Safety Net Trust Fund.  
745 Payments may be made either as safety net care payments under the commonwealth's 1115  
746 waiver, or as an adjustment to Title XIX service rate payments, or a combination thereof. The

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747 executive office of health and human services and the health safety net office may use other  
748 federally permissible funding mechanisms available for public service hospitals, as defined in  
749 114.1 CMR 36.02, to reimburse up to \$70,000,000 of uncompensated care at the hospitals using  
750 sources distinct from the funding made available to the Health Safety Net Trust Fund. The  
751 schedule shall provide for transfers in increments considered appropriate to meet the cash flow  
752 needs of these funds. The transfers shall not begin before July 1, 2009 and shall be completed on  
753 or before June 30, 2010. The secretary of administration and finance, in consultation with the  
754 secretary of health and human services and the executive director of the commonwealth health  
755 insurance connector, shall on a quarterly basis evaluate the revenue needs of the health safety net  
756 program funded by the Health Safety Net Trust Fund and the Commonwealth Care subsidized  
757 health insurance program funded from the Commonwealth Care Trust Fund, and if necessary,  
758 transfer monies between these funds for the purpose of ensuring that sufficient revenues are  
759 available to support projected program expenditures. The secretary of health and human services  
760 in consultation with the secretary of administration and finance and the executive director of the  
761 commonwealth health insurance connector, shall submit a quarterly report to the house and  
762 senate committees on ways and means and joint committee on healthcare financing which shall  
763 include, but not be limited to, the projected and actual expenditures and revenues for the  
764 Commonwealth Care Trust Fund and any transfers made between the Health Safety Net Trust  
765 Fund and the Commonwealth Care Trust Fund. Notwithstanding any general or special law to  
766 the contrary, if the secretary of administration and finance determines that amounts transferred  
767 from the General Fund to the Commonwealth Care Trust Fund under this subsection are not  
768 needed to support programs funded through the Commonwealth Care Trust Fund, the secretary  
769 of administration and finance shall notify the comptroller of this determination and the

770 comptroller shall transfer such amounts from the Commonwealth Care Trust Fund to the General  
771 Fund.

772 **Funding Unfunded Liability for Retiree Health and Other Benefits-5**

773 **SECTION 38.** Notwithstanding subsection (b 1/2) of section 24 of chapter 32A of the General  
774 Laws, inserted by section 16, for fiscal years 2010 to 2013, inclusive, of the 90 per cent of the  
775 monies received in that fiscal year as a result of any claim or action undertaken by the attorney  
776 general against a manufacturer of cigarettes to recover the amount of medical assistance provided  
777 pursuant to chapter 118E or any other claim or action undertaken by the attorney general against  
778 a manufacturer of cigarettes including, but not limited to, the action known as Commonwealth of  
779 Massachusetts v. Philip Morris, Inc., et al., Middlesex Superior Court, No. 95-7378, the  
780 following portions shall not be deposited in the State Retiree Benefits Trust Fund but rather shall  
781 be deposited in the General Fund:

782 (a) for fiscal year 2010, all of the 90 per cent of those monies;

783 (b) for fiscal year 2011, 3/4 of the 90 per cent of those monies;

784 (c) for fiscal year 2012, half of the 90 per cent of those monies;

785 (d) for fiscal year 2013, 1/4 of the 90 per cent of those monies.

786 In each such fiscal year, the remainder of the 90 per cent of those monies shall be deposited  
787 in the State Retiree Benefits Trust Fund.

788 **Funding Unfunded Liability for Retiree Health and Other Benefits-6**

789 **SECTION 39.** Notwithstanding any general or special law to the contrary, during fiscal year  
790 2010, the comptroller shall, according to a schedule developed in consultation with the state  
791 treasurer and the secretary of administration and finance, transfer \$394,320,000 from the  
792 General Fund to the State Retiree Benefits Trust Fund.

793 **Funding Unfunded Liability for Retiree Health and Other Benefits-7**

794 **SECTION 40.** There shall be a special commission to study further changes to health care  
795 benefits provided to employees and retirees of the commonwealth, its political subdivisions,  
796 authorities, boards and instrumentalities. The commission shall consist of the trustees of the State  
797 Retiree Benefit Trust Fund, the chairs of the joint committee on public service, the chairs of the  
798 house and senate committees on ways and means, the house and senate minority leaders, the  
799 personnel administrator, the director of the office of employee relations, the executive director of  
800 the Massachusetts Municipal Association and the president of the Massachusetts AFL-CIO or  
801 their designees. The commission shall take into account fiscal sustainability, benefit changes,  
802 eligibility, structure of benefits, contribution changes and other items that address employee and  
803 retiree needs and fiscal impact. The comprehensive evaluation of total compensation for state  
804 employees shall also at least review salaries, health care benefits, sick time, vacation, holidays,  
805 life insurance, dental and vision benefits, short and long-term disability, workers compensation.  
806 The commission shall explore further funding options, including but not limited to consolidation  
807 of non-commonwealth systems of retiree health care funding under the State Retiree Benefits  
808 Trust Fund, establishment of health savings and health retirement accounts, and establishment of  
809 a voluntary employee benefits association. The commission shall study existing pension benefits  
810 as they relate to federal Social Security Administration benefits and the structure and stability of  
811 that system. The commission shall analyze contribution levels, vesting periods, eligibility criteria

812 related to the age of the retirees. The commission shall study salary levels for public employees,  
813 particularly a comparison between public service and private sector hourly wages and benefits  
814 for similar job responsibilities. The commission shall engage professional advisors as needed to  
815 accomplish its purposes. The commission shall file its report with the clerks of the senate and  
816 house of representatives, including any recommendations for legislation, not later than December  
817 1, 2009.

818

819

### **CIO Transfer Authority**

820

821 **SECTION 41.** Notwithstanding any general or special law to the contrary, the secretary of  
822 administration and finance may authorize the transfer of funds between 1100-1700, 2000-1700,  
823 4000-1700, 6000-1700, 7002-0017, 7002-0170, 7009-1700, 8000-1700 and any item of  
824 appropriation within the same secretariat in order to facilitate the smooth transition of  
825 information technology consolidation. The transfer may be made only with the written approval  
826 of the heads of the sending and receiving agencies, and the secretary and secretariat chief  
827 information officer of their executive office.

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### **Line Item Transferability**

830 **SECTION 42.** Notwithstanding any general or special law to the contrary, the secretary of  
831 administration and finance may authorize the transfer of funds from any item of appropriation for  
832 fiscal year 2010 for any executive branch agency to any other item of appropriation for that  
833 agency or within its executive office. No transfer authorized by this section shall exceed 5 per  
834 cent of the amount appropriated for an item. The secretary of administration and finance shall

835 notify the house and senate committees on ways and means 15 days before a transfer pursuant to  
836 this section.

837 **Lease Terminations for Insufficient Funds**

838 **SECTION 43.** Notwithstanding any general or special law to the contrary, the  
839 commissioner of capital asset management and maintenance, after consulting with the head of  
840 the leasing state agency or the chief justice for administration and management, may exercise  
841 any contractual right to terminate a lease for nonappropriation or nonallotment if, in the  
842 determination of the agency head or the chief justice for administration and management,  
843 insufficient funds are available within the agency's or the court's appropriation or allotment to  
844 maintain the lease consistent with maintaining core governmental functions. This section shall  
845 expire on June 30, 2010.

846 **Allotment reductions to reflect surplus appropriations**

847 **SECTION 44.** During fiscal year 2010, the secretary of administration and finance may  
848 reduce allotments under any item of appropriation to reflect surplus funds under that item as  
849 determined by the secretary on the fiscal year 2010 balance sheet published in the governor's  
850 budget for fiscal year 2011 or subsequent revisions of that balance sheet. The secretary shall  
851 promptly notify in writing the house and senate committees on ways and means of every such  
852 reduction.

853 **Transfers between operating and capital**

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855 **SECTION 45.** (a) Whenever the commonwealth has borrowed funds as authorized by law to  
856 fund the acquisition of equipment that would have otherwise been funded under an item of

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857 appropriation in section 2 of the general appropriation act for fiscal year 2010, the secretary of  
858 administration and finance may authorize the transfer of funds from the item of appropriation in  
859 section 2 from which the equipment acquisition would have been funded to any other item of  
860 appropriation for the purpose of funding personnel or other operating-related expenses that  
861 would have otherwise been funded in the fiscal year 2010 capital budget from the proceeds of  
862 bonds. The secretary may establish an appropriation account to receive this transfer if none exists  
863 under section 2. Any amount transferred under this section shall not exceed the cost of the  
864 related equipment acquisition, and the aggregate amount of all such transfers shall not exceed  
865 \$50,000,000.

866 (b) Before making any transfer authorized by this section, the secretary of administration  
867 and finance shall submit a transfer report and certification to the house and senate committees on  
868 ways and means. The report and certification shall include the following:

869 (1) a schedule showing the cost of equipment acquisition that would have been funded  
870 from an item of appropriation in section 2, the item of appropriation from which the equipment  
871 would have been funded and the bond authorization against which bonds may be issued to fund  
872 the acquisition of the equipment;

873 (2) a schedule showing the cost of all personnel and other operating expenses that would  
874 have been funded from the fiscal year 2010 capital budget, identification of each of the agencies  
875 that pay the related expenses, the item in the capital budget and the bond authorization from  
876 which the personnel or operating expenses would have been funded, and the item of  
877 appropriation in section 2 from which the personnel or operating expenses will be funded;

878 (3) a schedule of each amount that will be transferred from one item of appropriation in  
879 section 2 to another under subsection (a) in order to effectuate the transactions described in  
880 clauses (1) and (2); and

881 (4) a certification of the secretary confirming that the equipment will be acquired in fiscal  
882 year 2010 with bond proceeds from the fiscal year 2010 capital budget and the bond  
883 authorization identified in clause (1).

884 **Commission on Maintenance**

885 **SECTION 46.** (a) There shall be a special commission to investigate and study the maintenance  
886 of state facilities.

887 (b) The commission shall consist of the secretary of administration and finance, or her designee,  
888 who shall chair the commission; the commissioner of capital asset management and  
889 maintenance, or his designee; the chairs of the house and senate committees on ways and means,  
890 or their designees; the house and senate chairs of the joint committee on bonding, capital  
891 expenditures and state assets, or their designees; the minority leaders of the senate and house of  
892 representatives, or their designees; a representative of the International Facility Management  
893 Association; and 3 other persons appointed by the governor. The division of capital asset  
894 management and maintenance shall provide staff assistance to the commission and shall conduct  
895 a facilities maintenance review to assist in the commission's study.

896 (c) The commission shall study opportunities to improve maintenance of state facilities,  
897 including, but not limited to, more efficiently allocating resources and responsibility for facility  
898 maintenance, implementing best practices in assessing and addressing facility maintenance  
899 needs, and more effectively funding facility maintenance needs.

900 (d) The commission shall report its findings and recommendations, including any  
901 proposed legislation, to the clerks of the senate and house of representatives on or before March  
902 31, 2010.

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**Cash Flow Management Tool**

905 **SECTION 47.** Notwithstanding any general or special law to the contrary, in fiscal year 2010,  
906 the comptroller, in consultation with the secretary of administration and finance and the state  
907 treasurer, may transfer more funds from the Commonwealth Stabilization Fund to the General  
908 Fund than the amount authorized in section 124 of the general appropriation act for fiscal year  
909 2010 for the purposes of increasing the non-segregated cash available for state expenditures and  
910 related purposes. Transfers in an amount above that authorized in said section 124 shall be  
911 considered to be a temporary loan from the Commonwealth Stabilization Fund to the General  
912 Fund and shall be repaid in full plus interest calculated and charged by the state treasurer at the  
913 Massachusetts Municipal Depository Trust rate on or before June 30, 2010.

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**Healthcare Contribution Program**

916 **SECTION 48.** (a) (1) Notwithstanding chapter 32 of the General Laws or any other general  
917 or special law to the contrary, the state board of retirement shall establish and implement a  
918 retirement for public employees, in this section called the healthcare contribution program. In  
919 order to be considered eligible by the board for the benefit established under this program, an  
920 employee: (i) shall be an employee of the commonwealth on the effective date of this section;  
921 (ii) shall be a member in active service of the state retirement system on the effective date of  
922 this section; (iii) shall be eligible to receive a superannuation retirement under subdivision (1)

923 of section 5 of said chapter 32 or subdivision (1) of section 10 of said chapter 32 upon the  
924 date of retirement requested in the employee's written application for retirement with the  
925 board; (iv) shall have received pay advices via the commonwealth's human resources  
926 compensation management system or the University of Massachusetts' human resources  
927 management information system or whose regular compensation is funded from federal, trust  
928 or capital accounts, under chapter 29 of the General Laws; and (v) shall have filed a written  
929 application with the board in accordance with sub(b).

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

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

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

943 (c) Notwithstanding chapter 32 or 32A of the General Laws or any other general or  
944 special law to the contrary, the commonwealth's share of the group insurance premium for

945 any state employee who files an application for retirement after the effective date of this  
946 section and before October 1, 2009 for a retirement date not later than January 31, 2010 shall  
947 be 85 per cent. The commonwealth's share of the group insurance premium for any state  
948 employee who files an application for retirement after October 1, 2009 shall be 80 per cent  
949 until a different contribution rate is established under section 8 of chapter 32A of the General  
950 Laws. The revised contribution rate shall take effect no earlier than the first day of the first  
951 month that begins at least 90 days after the effective date of this act.

952 (d) An executive branch position vacated as a result of an employee's participation in  
953 the healthcare contribution program may only be filled if the secretary of administration and  
954 finance determines that the position is vital to the public health, public safety or other critical  
955 operations of the commonwealth. The total annualized cost of regular compensation paid out  
956 by the commonwealth in fiscal year 2010 for refilled positions in the executive branch shall  
957 not exceed 30 per cent of the total annualized cost of regular compensation which would have  
958 been paid out by the commonwealth during fiscal year 2010 for the positions vacated in the  
959 executive branch under the healthcare contribution program had those positions not been  
960 vacated, and the total annualized cost of regular compensation paid out by the commonwealth  
961 in fiscal year 2011 for refilled positions in the executive branch shall not exceed 30 per cent  
962 of the total annualized cost of regular compensation which would have been paid out by the  
963 commonwealth during fiscal year 2011 for the positions vacated in the executive branch  
964 under this program had those positions not been vacated.

965 (e) The refilling of positions vacated by employees from federal and trust accounts  
966 under the healthcare contribution program shall not be subject to the limitations set forth in  
967 sub(d), but agencies with positions vacated from federal and trust accounts shall first fill these

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968 positions with qualified persons currently employed by the commonwealth and paid with state  
969 funds. If no such qualified personnel are currently employed by the commonwealth, agencies  
970 may hire new employees to fill those positions vacated from federal and trust accounts.

971 (f) Notwithstanding any general or special law to the contrary, no person shall be hired  
972 or appointed by the trial court on a permanent or temporary basis to fill a position made  
973 vacant by the retirement of an employee participating in the healthcare contribution program  
974 under this section unless the chief justice for administration and management determines that  
975 the position is critical and essential to the operations of or services provided by the  
976 commonwealth. The total annualized cost of regular compensation paid out by the  
977 commonwealth in fiscal year 2010 for refilled positions in the trial court shall not exceed 30  
978 per cent of the total annualized cost of regular compensation which would have been paid out  
979 by the commonwealth during fiscal year 2010 for the positions vacated in the trial court under  
980 this program had such positions not been vacated. The total annualized cost of regular  
981 compensation paid out by the commonwealth in fiscal year 2011 for refilled positions in the  
982 trial court shall not exceed 30 per cent of the total annualized cost of regular compensation  
983 which would have been paid out by the commonwealth during fiscal year 2011 for the  
984 positions vacated in the trial court under this program had those positions not been vacated.

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

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991 education determines that the position is critical and essential to the operations of or services  
992 provided by the commonwealth. The total annualized cost of regular compensation paid out  
993 by the commonwealth in fiscal year 2010 for refilled positions in the state and community  
994 colleges shall not exceed 30 per cent of the total annualized cost of regular compensation  
995 which would have been paid out by the commonwealth during fiscal year 2010 for the  
996 positions vacated in the state and community colleges under this program had such positions  
997 not been vacated. The total annualized cost of regular compensation paid out by the  
998 commonwealth in fiscal year 2011 for refilled positions in the state and community colleges  
999 shall not exceed 30 per cent of the total annualized cost of regular compensation which would  
1000 have been paid out by the commonwealth during fiscal year 2011 for the positions vacated in  
1001 the state and community colleges under this program had those positions not been vacated.

1002 (h) Notwithstanding any general or special law to the contrary, no person shall be  
1003 hired by a division of the University of Massachusetts on a permanent or temporary basis to  
1004 fill any position made vacant by the retirement of an employee participating in the healthcare  
1005 contribution program under this section unless the secretary of education determines that the  
1006 position is critical and essential to the operations of or services provided by the  
1007 commonwealth. The total annualized cost of regular compensation paid out by the  
1008 commonwealth in fiscal year 2010 for refilled positions in the University of Massachusetts  
1009 shall not exceed 30 per cent of the total annualized cost of regular compensation which would  
1010 have been paid out by the commonwealth during fiscal year 2010 for the positions vacated in  
1011 the University of Massachusetts under this program had such positions not been vacated. The  
1012 total annualized cost of regular compensation paid out by the commonwealth in fiscal year  
1013 2011 for refilled positions in the University of Massachusetts shall not exceed 30 per cent of

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1014 the total annualized cost of regular compensation which would have been paid out by the  
1015 commonwealth during fiscal year 2011 for the positions vacated in the University of  
1016 Massachusetts under this program had those positions not been vacated.

1017 (i) Notwithstanding any general or special law or any collective bargaining agreement  
1018 or other employment contract to the contrary and in consideration of the benefits conferred in  
1019 this section, an employee who elects to retire under this section and is eligible to receive a  
1020 payment in lieu of accrued vacation time, unused sick leave or other benefit under such  
1021 agreement or contract shall waive the required remittance of that payment within 30 days and  
1022 shall receive 1/4 of such payment on January 31, 2010, 1/4 of such payment on July 1, 2010,  
1023 1/4 of such payment on July 1, 2011, and 1/4 of such payment on July 1, 2012. Each such  
1024 employee shall sign a statement that he has agreed to receive 1/4 of such payment on October  
1025 1, 2009, 1/4 of such payment on July 1, 2010, 1/4 of such payment on July 1, 2011, and 1/4 of  
1026 such payment on July 1, 2012 prior to the approval by the state board of retirement of the  
1027 employee's application for superannuation benefits and participation in the healthcare  
1028 contribution program established under this section. The state board of retirement shall deny  
1029 an application for participation in this program by an employee who belongs to a bargaining  
1030 unit for which a collective bargaining agreement inconsistent with this section is in effect at  
1031 the time of that application, unless the employee organization representing that employee has  
1032 filed with the board and with the secretary of administration and finance a statement waiving  
1033 any inconsistent provision of the agreement on behalf of all members of the bargaining unit  
1034 who file applications under this section.

1035 (j) A state authority, as defined in section 1 of chapter 29 of the General Laws, whose  
1036 employees are not members of the state retirement system may elect to allow its employees to

1037 participate in the healthcare contribution program by a majority vote of its board of  
1038 directors. If the authority makes this election, the program shall be administered by its  
1039 retirement system. Eligibility for the healthcare contribution program shall not exceed that  
1040 provided in sub(a) of this section as applied to the circumstances at the particular  
1041 authority. Employees of each authority that elects to participate in this program shall only be  
1042 eligible if they file for retirement as provided in sub(b), and the contribution ratio received by  
1043 a retiree shall be the same as that provided in sub(c).

1044 (k) On or before March 15, 2010, the secretary of administration and finance shall file  
1045 with the joint committee on public service and the house and senate committees on ways and  
1046 means a report detailing for each state department, including each campus of the University of  
1047 Massachusetts and each state and community college, the number of employees participating  
1048 in the healthcare contribution program, the estimated salary savings in fiscal years 2010 and  
1049 2011 as a result of those employees' participation, the number of positions vacated or  
1050 expected to be vacated as a result of those employees' participation that have been or are  
1051 expected to be refilled and the estimated salary costs in fiscal years 2010 and 2011 on account  
1052 of the refilled positions.

1053 **MassHealth Transferability**

1054 **SECTION 49.** Notwithstanding any general or special law to the contrary, the secretary of  
1055 administration and finance may authorize transfers between 4000-0430, 4000-0500, 4000-0600,  
1056 4000-0700, 4000-0860, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0891, 4000-0895,  
1057 4000-0990, 4000-1400 and 4000-1405 of section 2 of chapter 182 of the acts of 2008 for the  
1058 purpose of reducing any deficiency in any of the above line items, but any such transfer shall  
1059 take place not later than August 31, 2010.

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**Quinn Bill - 2**

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1063 **SECTION 50.** (a) The executive office for administration and finance, the executive office of  
1064 public safety and the executive office of education shall conduct a study of the current police  
1065 career incentive program and shall provide the result of this study by March 31, 2010.

1066 (b) The study shall evaluate the status of the current career incentive pay program  
1067 established in section 108L of chapter 41 of the General Laws including, but not limited to: (1)  
1068 an assessment of the number of police officers with higher education degrees; (2) an  
1069 investigation of salaries paid to officers utilizing the incentive program as compared with  
1070 neighboring states' salaries and incentive programs; (3) an assessment on the impact said  
1071 program has had on decreasing the number of lawsuits against police officers and municipalities;  
1072 (4) the cumulative cost to state and local governments in terms of increased operating costs for  
1073 wages and impact on state and municipal pension liability; (5) an assessment on the current  
1074 incentives provided to officers and a determination of how wages for officers with higher  
1075 education degrees would be affected without the incentive program; (6) the impact of requiring a  
1076 higher education degree for all police officers as a job requirement; (7) a comparison of the wage  
1077 benefits conferred by the incentive program with the increase in earning power expected to be  
1078 experienced by all persons in the commonwealth as a result of higher educational attainment; (8)  
1079 an appropriate role for the commonwealth in the future of the career incentive pay program; and  
1080 (9) any other matters that the commission considers relevant to its purpose.

1081 (c) The study shall also consider options for a successor program and evaluate the cost  
1082 and benefits of providing for such incentives in a different manner than currently offered.

**Extended Unemployment Benefits**

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**SECTION 51.** (a) The provisions and definitions of terms in the *Federal-State Extended Unemployment Compensation Act of 1970* apply to this section.

(b) *To the extent that the provisions and definitions of terms in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) are in conflict with, or supplement, the provisions and definitions applicable pursuant to subsection (a) above, the provisions and definitions of the American Recovery and Reinvestment Act of 2009 shall apply to this section.*

(c) *With respect to weeks of unemployment beginning on or after February 22, 2009, and continuing until the week ending prior to the last week for which 100 per cent federal sharing is authorized by subdivision (a) of Section 2005 of Public Law 111-5 for all claims except for entities described in Section 3306(c)(7) of the Internal Revenue Code, the following shall apply:*

(1) *In addition to the “state ‘on’ indicator” set forth in paragraph (d) of subsection (1) of section 30A of chapter 151A of the General Laws, there shall be a “state ‘on’ indicator” for the commonwealth for a week if the director determines, in accordance with the regulations of the United States Secretary of Labor, that:*

(A) *the rate of insured unemployment for the period consisting of such week and the immediately preceding 12 weeks equaled or exceeded 6 per cent, regardless of the rate of insured unemployment in the 2 previous years; or*

(B) (i) *the average rate of total unemployment (seasonally adjusted) for the period consisting of the most recent 3 months for which data for all states are published before the close of such week equals or exceeds 6.5 per cent; and*

1105 (ii) the average rate of total unemployment (seasonally adjusted) for the three-  
1106 month period referred to in clause (i) equals or exceeds 110 per cent of such average rate  
1107 for either or both of the corresponding three-month periods ending in the 2 preceding  
1108 calendar years.

1109 (2) There shall be a state “off” indicator for the commonwealth for any week if none  
1110 of the requirements specified in paragraph (1) and in paragraph (d) of subsection (1) of section  
1111 30A of chapter 151A are satisfied.

1112 (3) (A) For purposes of this subparagraph, the term “high unemployment period”  
1113 means any period during which an extended benefit period would be in effect if clause (i) of  
1114 subparagraph (B) of paragraph (1) were applied by substituting “8 per cent” for “6.5 per cent.”

1115 (B) Effective with respect to weeks beginning in a high unemployment period,  
1116 subsection (5) of section 30A of chapter 151A shall be applied by substituting – (1) “80 per cent”  
1117 for “fifty per cent” in paragraph (a), (2) “20” for “thirteen” in paragraph (b), and (3) “46” for  
1118 “thirty-nine” in paragraph (c) of said subsection.

1119 (d) *The indicators specified in subsection (c) above shall be operative only if*  
1120 *mandated or permitted by federal law.*

1121 (e) *Notwithstanding any other provision of this section, the governor may, if*  
1122 *permitted by federal law, suspend the payment of extended unemployment benefits under this*  
1123 *section, to the extent necessary to ensure that otherwise eligible individuals are not denied, in*  
1124 *whole or in part, the receipt of emergency unemployment compensation benefits authorized by*  
1125 *the federal Supplemental Appropriations Act of 2008 (Public Law 110-252), the Unemployment*  
1126 *Compensation Extension Act of 2008 (Public Law 110-449), and the American Recovery and*

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1127 *Reinvestment Act of 2009 (Public Law 111-5), and that the state receives maximum*  
1128 *reimbursement from the federal government for the payment of those emergency benefits.*

1129 (f) This section shall not be implemented unless the director of the department of  
1130 workforce development determines that these provisions have been approved by the United  
1131 States Department of Labor. The director shall immediately provide a copy of this section to the  
1132 United States Department of Labor for review.