

HOUSE No. 3737

House bill No. 3735, as changed by the committee on Bills in the Third Reading and as amended and passed to be engrossed by the House. October 5, 2011

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act making appropriations for the fiscal years 2011 and 2012 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 purpose, which is to make supplemental appropriations for fiscal years 2011 and 2012 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

1 SECTION 1. To provide for supplementing certain items in the general appropriation act
2 and other appropriation acts for fiscal year 2011, the sums set forth in section 2 are hereby
3 appropriated from the General Fund unless specifically designated otherwise in this act or in
4 those appropriation acts, for the several purposes and subject to the conditions specified in this
5 act or in those appropriation acts, and subject to the laws regulating the disbursement of public
6 funds for the fiscal year ending June 30, 2011. These sums shall be in addition to any amounts
7 previously appropriated and made available for the purposes of those items. Notwithstanding
8 any general or special law to the contrary, appropriations made in section 2 shall not revert and
9 shall be available for expenditure until June 30, 2012.

10	SECTION 2.	
11	JUDICIARY	
12	Trial Court	
13	0330-0300	\$12,000,000
14	DITRICT ATTORNEY	
15	Worcester District Attorney	
16	0340-0400	\$98,066
17	Hampden District Attorney	
18	0340-0500	\$252,843
19	0340-0501	\$45,000
20	Northwestern District Attorney	
21	0340-0600	\$102,909
22	Norfolk District Attorney	
23	0340-0700	\$115,203
24	0340-0701	\$11,453
25	SECRETARY OF THE COMMONWEALTH	
26	0521-0000	\$61,501

27	0521-0012	\$1,113
28	TREASURER & RECEIVER GENERAL.	
29	Office of the Treasurer and Receiver General.	
30	0612-0105	\$200,000
31	MASSACHUSETTS CULTURAL COUNCIL.	
32	0640-0300	\$750,000
33	STATE AUDITOR	
34	Office of the State Auditor	
35	0710-0000	\$874,830
36	ATTORNEY GENERAL	
37	Office of the Attorney General	
38	0810-0000	\$671,665
39	INSPECTOR GENERAL	
40	Office of the Inspector General	
41	0910-0200	\$709,394
42	OFFICE OF THE STATE COMPTROLLER	
43	Office of the State Comptroller	

44	1599-3384	\$2,000,000
45	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE	
46	Office of the Secretary of Administration and Finance	
47	1599-4227	\$3,813,028
48	EXECUTIVE OFFICE OF EDUCATION	
49	Department of Early Education and Care	
50	3000-7050	\$200,000
51	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES	
52	Office of the Secretary of Health and Human Services	
53	4000-0300	\$3,000,000
54	4000-0500	\$6,000,000
55	Department of Transitional Assistance	
56	4403-2000	\$8,200,000
57	Department of Public Health	
58	4510-0100	\$2,313,560
59	4516-1000	\$300,000
60	4512-0103	\$500,000

61	4580-1000	\$850,000
62	Department of Children and Families	
63	4800-0015	\$1,580,000
64	4800-1100	\$650,000
65	Department of Mental Health	
66	5046-0000	\$3,000,000
67	EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT	
68	Department of Career Services	
69	7003-0605	\$800,000
70	7003-0702	\$250,000
71	EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT	
72	Massachusetts Marketing Partnership	
73	7008-0900	\$52,000
74	Massachusetts Tourism Fund.....100%	
75	EXECUTIVE OFFICE OF EDUCATION	
76	Department of Elementary and Secondary Education	
77	7035-0006	\$48,000

78 Department of Higher Education

79 7066-0021 \$500,000

80 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

81 Department of Elder Affairs

82 9110-1660 \$107,000

83 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
84 provide for an alteration of purpose for current appropriations, and to meet certain requirements
85 of law, the sums set forth in this section are hereby appropriated from the General Fund unless
86 specifically designated otherwise in this section, for the several purposes and subject to the
87 conditions specified in this section, and subject to the laws regulating the disbursement of public
88 funds for the fiscal year ending June 30, 2011. These sums shall be in addition to any amounts
89 previously appropriated and made available for the purposes of those items. Notwithstanding any
90 general or special law to the contrary, appropriations made in section 2A shall not revert and
91 shall be available for expenditure until June 30, 2012.

92 DITRICT ATTORNEY

93 Berkshire District Attorney

94 0340-1100 For costs associated with the expansion of the Berkshire District Attorney's

95 Office and relocation of the State Police Detective Unit \$194,134

96 OFFICE OF THE STATE COMPTROLLER

97 Office of the State Comptroller

98 1599-3393 For a reserve for the Hayes settlement \$5,000,000

99 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

100 Office of the Secretary of Administration and Finance

101 1599-0029 For a reserve to meet the fiscal year 2012 costs of employee training and
102 other economic benefits authorized by the collective bargaining agreement between the
103 commonwealth and service employees international union local 1199; provided, that the
104 secretary of administration and finance may transfer from the sum appropriated in this item to
105 other items of appropriation amounts that are necessary to meet these costs where the amounts
106 otherwise available are insufficient for the purpose; and provided further, that funds under this
107 item shall not revert but shall be made available for expenditure until June 30, 2012

108 \$1,000,000

109 1599-1706 For a reserve for the state share of costs to certain municipalities relating
110 to the June 1, 2011 storms; provided, that the comptroller shall transfer funds made available in
111 this item to municipalities for this purpose upon the written request of the secretary of
112 administration and finance \$10,000,000

113 1599-1707 For a reserve for the state share of costs to certain municipalities and
114 municipal lighting plants as identified by the Federal Emergency Management Agency for
115 Emergency Declaration 3296 relating to the December 2008 severe winter storm, for the counties
116 of Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Suffolk and Worcester;
117 provided, that the comptroller shall transfer funds made available in this item to municipalities
118 for this purpose upon the written request of the secretary of administration and finance

119 \$6,200,000

120 1599-1708 For a reserve for the state share of costs to certain municipalities identified
121 by the Federal Emergency Management Agency for Emergency Declaration 1895-DR relating to
122 the March 2010 severe flood, for the counties of Bristol, Essex, Middlesex, Norfolk, Plymouth,
123 Suffolk, and Worcester Counties; provided, that the comptroller shall transfer funds made
124 available in this item to municipalities for this purpose upon the written request of the secretary
125 of administration and finance \$2,783,277

126 1599-2013 For a reserve for costs associated with the Commonwealth's defense in the
127 case of Connor B., et al v. Patrick, et al, civil action No. 3:10-cv30073; provided, that the
128 secretary may transfer from the sum appropriated in this item to other items of appropriation
129 amounts that are necessary to meet these costs where the amounts otherwise available are
130 insufficient for the purpose. \$2,500,000

131 1599-3381 For a reserve to pay attorneys' fees in the lawsuit known as Hutchinson v.
132 Patrick, pending in the United States District Court. \$745,000

133 1599-4204 For a reserve to meet the fiscal year 2011 and 2012 costs of salary
134 adjustments and other economic benefits authorized by the collective bargaining agreement
135 between the Commonwealth and the State Police Association of Massachusetts \$4,509,518

136 1599-4252 For a reserve to meet the fiscal year 2011 and 2012 costs of salary
137 adjustments and other economic benefits authorized by the collective bargaining agreement
138 between the commonwealth and the Coalition for Public Safety, Unit 5 \$140,000

139 1599-4343 For a reserve to meet the fiscal year 2011 and fiscal year 2012 costs of
140 salary adjustments and other economic benefits authorized by the collective bargaining

141 agreement between the Suffolk county sheriff's department and the County Correction
142 Officers/AFSCME Local 414 \$293,950

143 1599-4421.. For a reserve to meet the fiscal year 2011 costs of salary adjustments and
144 other economic benefits authorized by the collective bargaining agreement between the Board of
145 Higher Education and the Massachusetts Teachers Association/National Education Association
146 Associated Massachusetts Community Colleges Council, and to meet the fiscal year 2011 costs
147 of salary adjustments and other economic benefits necessary to provide equal adjustments and
148 benefits to employees employed in confidential positions which otherwise would be covered by
149 this agreement; provided, that the personnel administrator, with the approval of the secretary of
150 administration and finance, shall determine these adjustments and benefits for the confidential
151 employees in accordance with the collective bargaining agreement then in effect which otherwise
152 would cover these positions; provided further, that the secretary may transfer from the sum
153 appropriated in this item to other items of appropriation and allocations thereof for fiscal year
154 2011 amounts that are necessary to meet these costs where the amounts otherwise available are
155 insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance
156 with the house and senate committees on ways and means; and provided further, that any
157 unexpended funds from this item shall not revert and shall be made available for expenditure
158 until June 30, 2012 \$3,422,000

159 1599-4430 For a reserve to meet the fiscal year 2011 and 2012 costs of salary
160 adjustments and other economic benefits authorized by the collective bargaining agreement
161 between the commonwealth and NAGE local 229 \$1,300,000

162 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

163 Office of the Secretary of Health and Human Services

164 4000-0114 For the purposes of establishing an EOHHS pilot program that would link
165 increased training to modest pay increases in order to reduce turnover rates; provided, that
166 EOHHS shall issue regulations for the administration and distribution of such funds and shall
167 submit said regulations to the House and Senate Committees on Ways and Means \$1,000,000

168 4000-0265 For a primary care workforce development grant program at community
169 health centers, for the purpose of enhancing recruitment and retention of primary care physicians
170 and other clinicians at community health centers throughout the Commonwealth; provided, the
171 grants shall be administered by a designee selected by the Secretary of Health and Human
172 Services by December 1, 2011 in consultation with the General Court; provided, that in awarding
173 such grants priority will be given to health centers serving medically underserved areas; provided
174 further, that the funds may be matched by other public and private funds; and provided, further,
175 that the designee selected by the secretary shall maximize all sources of public and private funds
176 \$1,000,000

177 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

178 Department of Housing and Community Development

179 7004-0002 For Friends of the Homeless in the city of Springfield to alleviate the
180 increased caseload resulting from the June 1, 2011, storms . \$100,000

181 EXECUTIVE OFFICE OF EDUCATION

182 Department of Elementary and Secondary Education

183 7052-0006 For grants and reimbursements to cities, towns, regional school districts and
184 counties under chapter 645 of the acts of 1948 and chapter 70B of the General Laws, for (a)
185 educational, engineering, and architectural services for school districts, (b) surveys made of
186 school building needs and conditions, (c) matching stabilization fund payments, (d) costs of
187 leasing buildings for vocational programs and originally equipping and furnishing said buildings
188 for vocational programs, and (e) payments associated with admission to a regional school district
189 \$19,076

190 SECTION 2C.I. For the purpose of making available in fiscal year 2012 balances of
191 appropriations which otherwise would revert on June 30, 2011, the unexpended balances of the
192 maintenance appropriations listed below, not to exceed the amount specified below for each
193 item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the
194 corresponding item in section 2 of the general appropriation act for fiscal year 2011. However,
195 for items which do not appear in section 2 of the general appropriation act, the amounts in this
196 section are re-appropriated for the purposes of and subject to the conditions stated for the
197 corresponding item in section 2 or 2A of this act or in prior appropriation acts. Amounts in this
198 section are re-appropriated from the fund or funds designated for the corresponding item in
199 section 2 of the general appropriation act; provided, however, that for items which do not appear
200 in section 2 of the general appropriation act, the amounts in this section are re-appropriated from
201 the fund or funds designated for the corresponding item in section 2 or 2A of this act or in prior
202 appropriation acts. The sums re-appropriated in this section shall be in addition to any amounts
203 available for said purposes including amounts appropriated in sections 2, 2A and 2E of this act.

204 JUDICIARY

205	Committee for Public Counsel Services.	
206	0321-1510	\$7,807,455
207	TREASURER AND RECEIVER-GENERAL	
208	Lottery Commission	
209	0640-0000	\$815,000
210	SHERIFFS	
211	Essex Sheriff's Department	
212	8910-0619	\$21,578
213	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE	
214	Office of the Secretary of Administration and Finance	
215	1100-1560	\$440,693
216	1599-0016	\$110,000
217	1599-4281	\$10,000
218	1599-4282	\$10,000
219	1599-4283	\$10,000
220	1599-4284	\$10,000
221	Department of Children and Families	

222	4800-0038	\$500,000
223	4800-0041	\$2,500,000
224	4800-1100	\$2,000,000
225	Massachusetts Commission for the Deaf and Hard of Hearing	
226	4125-0100	\$90,000
227	EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY	
228	Office of the Secretary of Public Safety and Security	
229	8000-0600	\$6,500
230	Department of State Police	
231	8100-1001	\$2,700,000
232	Military Division	
233	8700-0001	\$200,000
234	Parole Board	
235	8950-0001	\$500,000
236	LEGISLATURE	
237	Senate	
238	9500-0000	For the operation of the senate \$490,971

239 House of Representatives
240 9600-0000 For the operation of the house of representatives \$1,068,325
241 Joint Legislative Expenses
242 9700-0000 For the joint operations of the legislature \$234,807

243 SECTION 2C.II. For the purpose of making available in fiscal year 2012 balances of
244 retained revenue and intragovernmental chargeback authorizations which otherwise would revert
245 on June 30, 2011, the unexpended balances of the authorizations listed below, not to exceed the
246 amount specified below for each item, are hereby re-authorized for the purposes of and subject to
247 the conditions stated for the corresponding item in section 2 or 2B of the general appropriation
248 act for fiscal year 2009. However, for items which do not appear in section 2 or 2B of the
249 general appropriation act, the amounts in this section are re-authorized for the purposes of and
250 subject to the conditions stated for the corresponding item in section 2, 2A, or 2B of this act or in
251 prior appropriation acts. Amounts in this section are re-authorized from the fund or funds
252 designated for the corresponding item in section 2 or 2B of the general appropriation act;
253 however, for items which do not appear in section 2 or 2B of the general appropriation act, the
254 amounts in this section are re-authorized from the fund or funds designated for the corresponding
255 item in section 2, 2A, or 2B of this act or in prior appropriation acts. The sums re-authorized in
256 this section shall be in addition to any amounts available for those purposes.

257 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

258 Office of the Secretary of Public Safety and Security

259 8000-0004 \$3,000,000

260 Municipal Police Training Committee

261 8200-0222 \$48,000

262 SECTION 2E. The sums set forth in this section are hereby appropriated for transfer
263 from the General Fund to the trust funds named within each item unless specifically designated
264 otherwise in this section, for the purposes and subject to the conditions specified in this section
265 and subject to the laws regulating the disbursement of public funds for the fiscal year ending
266 June 30, 2011. Items in this section shall not be subject to allotment under section 9B of chapter
267 29 of the General Laws or reduction under section 9C of said chapter 29, without express
268 authorization from the general court. Notwithstanding section 19A of said chapter 29, any
269 transfer under this section shall be made by the comptroller in accordance with a transfer
270 schedule to be developed for each item by the comptroller, after consulting with the appropriate
271 agency secretary, the secretary of administration and finance and the state treasurer. The
272 schedule for each appropriation shall provide for transfers in increments considered appropriate
273 to meet the cash flow needs of each fund and all transfers under the schedule shall be completed
274 not later than June 30, 2011. Not later than 7 days after the schedules receive final approval by
275 the comptroller, they shall be reported to the house and senate committees on ways and means.
276 Notwithstanding any general or special law to the contrary, appropriations made in section 2E
277 shall not revert and shall be available for expenditure until June 30, 2012.

278 OFFICE OF THE STATE COMPTROLLER

279 Office of the State Comptroller

280 1595-6583 For an operating transfer to the Infrastructure Development Fund

281 \$37,950,000

282 1595-6585 For an operating transfer to the Low Income Housing Tax Credit Fund
283 \$9,500,000

284 EXECUTIVE OFFICE OF EDUCATION

285 Department of Higher Education

286 7066-0035 For the support of the Science, Technology, Engineering, and
287 Mathematics Grant Fund, established by section 2MMM of chapter 29 of the General Laws
288 \$500,000

289 SECTION 3. To provide for supplementing certain items in the general appropriation act
290 and other appropriation acts for fiscal year 2012, the sums set forth in section 3 are hereby
291 appropriated from the General Fund unless specifically designated otherwise in this act or in
292 those appropriation acts, for the several purposes and subject to the conditions specified in this
293 act or in those appropriation acts, and subject to the laws regulating the disbursement of public
294 funds for the fiscal year ending June 30, 2012. These sums shall be in addition to any amounts
295 previously appropriated and made available for the purposes of those items.

296 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

297 Department of Developmental Services

298 5920-2000 \$5,000,000

299 5920-3000 \$5,500,000

300 Department of Youth Services

301 4200-0300 \$1,600,000

302 EXECUTIVE OFFICE OF EDUCATION

303 Department of Elementary and Secondary Education

304 7035-0002 \$3,000,000

305 SECTION 4. Chapter 7A of the General Laws is hereby amended by adding the
306 following section: -

307 Section 19. (a) As used in this section the following words shall, unless the context
308 clearly requires otherwise, have the following meanings:

309 "Debt", a delinquent state tax or non-tax debt certified by the treasurer and receiver
310 general or a federal non-tax debt certified by a federal official including, but not limited to, fines,
311 fees, penalties and other non-tax assessments imposed by or payable to the commonwealth or
312 federal government that are finally determined to be due and owing.

313 "Federal official", a unit or official of the federal government charged with the collection
314 of non-tax liabilities payable to the federal government and with the authority to enter into the
315 offset agreement.

316 "Offset agreement", the agreement between the comptroller and the Secretary of the
317 Treasury authorized by this section.

318 "Person", an individual, vendor, contractor, partnership, society, association, joint stock
319 company, limited liability company, corporation, estate, receiver, trustee, assignee and any other
320 person acting in a fiduciary or representative capacity whether appointed by a court or otherwise,
321 or any combination of the foregoing.

322 “Refund”, an overpayment of any tax that is returned or credited to the taxpayer pursuant
323 to sections 30, 31A, 36, 36A, 37 or 39 of chapter 62C, or sections 27 or 27A of chapter 65, or
324 section 6 of chapter 65A or any other general or special law that authorizes such a return or
325 credit.

326 "State payments", refunds and any vendor or contractor payments made by the
327 commonwealth to any person, including expense reimbursements to an employee of the
328 commonwealth, provided, however, that "state payments" shall not include salary, wages,
329 pension and any other type, class or amount of payment that the comptroller determines to
330 impact health or welfare benefits of the citizens of the commonwealth.

331 (b) Notwithstanding any other general or special law to the contrary, the comptroller may
332 enter into an offset agreement with the Secretary of the Treasury to participate in a reciprocal
333 Treasury Offset Program pursuant to 31 U.S.C. section 3716 for the collection of any debts owed
334 to the commonwealth or to state agencies from federal payments to vendors, contractors and
335 taxpayers. The offset agreement may provide for the United States to submit non-tax debts owed
336 to federal agencies for offset against state payments otherwise due and owing to taxpayers,
337 vendors and contractors providing goods or services to the commonwealth, its departments,
338 agencies or institutions.

339 (c) Pursuant to the offset agreement, a federal official may: (1) provide certification to the
340 comptroller the existence of a person's delinquent, non-tax debt owed by the person to the federal
341 government by providing: (i) the full name and address of the person and any other names
342 known to be used by the person; (ii) the social security number or federal tax identification
343 number; (iii) the amount of the federal non-tax debt; (iv) a statement certifying that the debt is

344 past due, that due process has been provided and that the debt is legally enforceable in the
345 amount certified, which may be provided in procedures for certifying payments in the agreement;
346 and (v) any other information pursuant to the agreement; (2) request the comptroller to withhold
347 any state payment to which the person is entitled; and (3) retain a portion of the proceeds of any
348 federal administrative setoff authorized by the federal offset program.

349 (d) As permitted by the offset agreement, the comptroller shall: (1) determine if a person
350 for whom a certification is received is due a state payment; (2) withhold a state payment that is
351 due a person whose name has been certified by a federal official; (3) notify the person of the
352 amount withheld in satisfaction of a debt certified by a federal official; (4) pay to the federal
353 official the lesser of the entire state payment or the amount certified and pay any refund or state
354 payment in excess of the certified amount to the person less any fee pursuant to subsection (f);

355 (e) The comptroller may certify to a federal official a person's delinquent debt owed to
356 the commonwealth by providing the federal official: (1) the full name and address of the person
357 and any other names known to be used by the person; (2) the social security number or federal
358 tax identification number; (3) the amount of the liability; (4) a statement certifying that the debt
359 is past due, that due process has been provided and that the debt is legally enforceable in the
360 amount certified, which may be provided in procedures for certifying payments in the agreement;
361 and (5) Any other information required by state statute or regulation applicable to the collection
362 of the debt by offset of federal payments.

363 (f) The comptroller may request that the federal official withhold any federal vendor or
364 other federal payment pursuant to the offset agreement to which the person is entitled

365 the entire federal payment or the amount certified and pay any refund or federal payment
366 in excess of the certified amount to the person less any fee pursuant to subsection (g);

367 (g) The comptroller shall establish a reasonable administrative fee to be charged to the
368 person for the provision of the state offset of a federal debt or the federal offset of a state debt.
369 The fee is a separate debt and may be withheld from any refund, reimbursement or other monies
370 held for the person. The comptroller may charge the person who is the subject of federal offset of
371 a state debt, a fee equal to the fee authorized in this paragraph. Any state administrative fees
372 may be retained by the comptroller, without further appropriation, for the costs of the offset
373 program, including reporting, and for costs associated with other revenue generation and cost
374 savings initiatives as determined by the comptroller.

375 (h) The comptroller may enter into interagency agreements with other state agencies for
376 the purpose of protecting a person's return information pursuant to chapter 62C and regulations
377 promulgated thereunder and collecting debts, fees and penalties due the commonwealth, its
378 departments, agencies or institutions.

379 (i) If an individual filed a joint income tax return and the debt certified by a federal
380 official is not the liability of both parties to the joint income tax return, the comptroller may not
381 withhold or pay to the federal official that portion of the income tax refund attributable to the
382 individual not owing the debt. The comptroller and the commissioner of revenue shall adopt
383 procedures notifying parties to a joint income tax return of a proposed offset of a state income
384 tax refund for a debt certified by a federal official and shall allow the parties to such return 60
385 days to assert in writing that a portion of the income tax refund is attributable to the individual

386 not owing the debt. If no such assertion by a party to the joint return is made within 60 days of
387 notice, all of the income tax refund shall be deemed attributable to the individual owing the debt.

388 SECTION 5. Subsection (a) of section 2RR of chapter 29 of the General Laws, as
389 amended by section 93 of chapter 3 of the acts of 2011, is hereby further amended by adding the
390 following sentence:- For the purpose of accommodating discrepancies between the receipt of
391 revenues and related expenditures, the director of career services may incur obligations and the
392 comptroller may certify payment amounts not to exceed the most recent revenue estimate
393 submitted by the department and approved by the comptroller; provided, however, that the fund
394 shall be in balance by the close of each fiscal year.

395 SECTION 6. Section 32 of said chapter 29, as appearing in the 2010 Official Edition, is
396 hereby amended by striking out the first and second sentences and inserting in place thereof the
397 following 2 sentences:- Any check issued by the state treasurer or by any agent or agency of the
398 commonwealth, other than checks issued in payment of obligations of the state board of
399 retirement, the teachers' retirement board and the MassHealth program, which is not presented
400 for payment within 1 year after its date, shall be payable only at the office of the state treasurer.
401 Any check issued on behalf of the MassHealth program, which is not presented for payment
402 within 180 days after its date, shall be payable only at the office of the state treasurer.

403 SECTION 7. Section 2 of chapter 30A of the General Laws, as so appearing, is hereby
404 amended by striking out the fourth paragraph and inserting in place thereof the following
405 paragraph:-

406 A small business impact statement shall be filed with the state secretary on the same day
407 the notice is filed and shall accompany the notice. Notwithstanding section 6, the state secretary

408 shall include the small business impact statement on the electronic website of the state secretary,
409 and the statement may be inspected and copied in the office of the state secretary during business
410 hours.

411 SECTION 8. Section 3 of said chapter 30A of the General Laws, as so appearing, is
412 hereby amended by striking out the fourth paragraph and inserting in place thereof the following
413 paragraph:-

414 A small business impact statement shall be filed with the state secretary on the same day
415 the notice is filed and shall accompany the notice. Notwithstanding section 6, the state secretary
416 shall include the small business impact statement on the electronic website of the state secretary,
417 and the statement may be inspected and copied in the office of the state secretary during business
418 hours.

419 SECTION 9. Section 108L of chapter 41 of the General Laws, as so appearing, is hereby
420 amended by striking out, in lines 3 to 5, inclusive, the words “, uniformed members of the
421 department of state police appointed under said section ten, state police detectives appointed
422 under section ten of said chapter twenty-two C”.

423 SECTION 10. The fifth paragraph of said section 108L of said chapter 41, as so
424 appearing, is hereby amended by striking out the third sentence.

425 SECTION 11. Section 6I of chapter 62 of the General Laws, as so appearing, is hereby
426 amended by striking out, in line 54, the figure “\$10,000,000” and inserting in place thereof the
427 following figure:- \$20,000,000.

428 SECTION 12. Said section 6I of said chapter 62, as so appearing, is hereby further
429 amended by striking out the figure “\$20,000,000”, inserted by section 11, and inserting in place
430 thereof the following figure:- \$10,000,000.

431 SECTION 13. Section 1 of chapter 62D of the General Laws, as appearing in the 2010
432 Official Edition, is hereby amended by inserting after the figure “29”, in line 29, the following
433 words:- , or any federal agency as certified by a federal official to the comptroller pursuant to
434 section 19 of chapter 7A.

435 SECTION 14. Section 13 of said chapter 62D of the General Laws, as so appearing, is
436 hereby amended by inserting after the figure “29”, in line 15, the following words:- , or any
437 federal agency as certified by a federal official to the comptroller pursuant to section 19 of
438 chapter 7A.

439 SECTION 15. Section 31H of chapter 63 of the General Laws, as so appearing, is
440 hereby amended by striking out, in line 56, the figure “\$10,000,000” and inserting in place
441 thereof the following figure:- \$20,000,000.

442 SECTION 16. Said 31H of said chapter 63, as so appearing, is hereby further amended
443 by striking out the figure “\$20,000,000”, inserted by section 15, and inserting in place thereof the
444 following figure:- \$10,000,000.

445 SECTION 17. Section 92 of chapter 71 of the General Laws is hereby amended by
446 striking out subsection (r), added by section 74 of chapter 68 of the acts of 2011.

447 SECTION 18. Section 35 of chapter 123 of the General Laws, as appearing in the 2010
448 Official Edition, is hereby amended by striking out the fourth paragraph and inserting in place
449 thereof the following paragraph:-

450

451 If, after a hearing, the court based upon competent testimony, which shall include, but not
452 be limited to, medical testimony, finds that said person is an alcoholic or substance abuser and
453 there is a likelihood of serious harm as a result of the person's alcoholism or substance abuse, it
454 may order such person to be committed for a period not to exceed 90 days, followed by the
455 availability of case management services provided by the department of public health for a
456 period up to 1 year; a review of the necessity of said commitment shall take place by the
457 superintendent on days 30, 45, 60 and 75 as long as the commitment continues. A person so
458 committed may be released prior to the expiration of the period of commitment upon written
459 determination by the superintendent that release of said person will not result in a likelihood of
460 serious harm. Such commitment shall be for the purpose of inpatient care in public or private
461 facilities approved by the department of public health under the provisions of chapter 111B for
462 the care and treatment of alcoholism or substance abuse. The person may be committed to the
463 Massachusetts correctional institution at Bridgewater, if a male, or at Framingham, if a female,
464 provided that there are not suitable facilities available under chapter 111B; and provided, further,
465 that the person so committed shall be housed and treated separately from convicted criminals.
466 Said person shall be encouraged to consent to further treatment and shall be allowed voluntarily
467 to remain in the facility for such purposes. The department of mental health, in conjunction with
468 the department of public health, shall maintain a roster of public and private facilities available,
469 together with the number of beds currently available, for the care and treatment of alcoholism or

470 substance abuse and shall make it available to the district courts of the commonwealth on a
471 monthly basis.

472 SECTION 18A. Section 18 shall take effect on July 1, 2012.

473 SECTION 19. Section 1 of chapter 176J of the General Laws, as so appearing, is hereby
474 amended by striking out the definition of “Eligible individual” and inserting in place thereof the
475 following definition:-

476 “Eligible individual,” an individual who is a resident of the commonwealth and who is
477 not seeking individual coverage to replace an employment-based health plan for which the
478 individual or individual’s qualified dependent is eligible, which provides coverage that is at least
479 actuarially equivalent to minimum creditable coverage; provided, however, that any person
480 enrolled in an individual health benefit plan before September 30, 2010 shall be considered an
481 eligible individual so long as such person continues to be a resident of the commonwealth and
482 maintains enrollment in an individual health benefit plan.

483 SECTION 20. The first paragraph of subsection (d) of section 6 of chapter 176J of the
484 General Laws, as amended by section 30 of chapter 288 of the acts of 2010, is hereby further
485 amended by adding the following sentence:- The commissioner shall have discretion to apply
486 waivers to the presumptive disapproval process requirements under this section to carriers who
487 receive 80 per cent of more of their income from government programs.

488 SECTION 21. The last paragraph of subsection (a) of section 11 of said chapter 176J, as
489 appearing in the 2010 Official Edition, is hereby amended by adding the following sentence:-
490 The commissioner shall have discretion to apply waivers to the 12 per cent requirement under

491 this section to carriers who receive 80 per cent or more of their income from government
492 programs.

493 SECTION 21A. Said last paragraph of said subsection (a) of said section 11 of said
494 chapter 176J, as appearing in section 103 of chapter 359 of the acts of 2010, is hereby amended
495 by adding the following sentence:- The commissioner shall have discretion to apply waivers to
496 the 12 per cent requirement under this section to carriers who receive 80 per cent or more of its
497 income from government programs.

498 SECTION 22. Subsection (c) of section 2A of chapter 211D of the General Laws, as
499 appearing in section 112 of chapter 68 of the acts of 2011, is hereby amended by adding the
500 following paragraph:-

501 Upon request by the department of children and families, the commissioner of probation
502 shall provide to the department a copy of a person's indigency intake form, final assessment of
503 financial circumstances, and any report certifying that the person either continues to meet or no
504 longer meets the definition of indigency prepared by the chief probation officer in accordance
505 with this section. The department shall use these forms and reports for the purpose of
506 completing eligibility determinations under Title IV-E of the Social Security Act and for no other
507 purpose. The commissioner of probation and the commissioner of children and families shall
508 jointly determine the process by which the department of children and families shall obtain and
509 maintain these forms and reports. The department of children and families shall not make, and
510 shall prohibit, any dissemination of such information for any purpose other than those set forth in
511 this paragraph.

512 SECTION 23. The last paragraph of chapter 2 of the resolves of 2010 is hereby amended
513 by striking out the words “September 28, 2011” and inserting in place thereof the following
514 words:- January 31, 2012.

515 SECTION 24. Chapter 192 of the acts of 2007 is hereby amended by striking out
516 sections 5 to 11, inclusive, and inserting in place thereof the following 4 sections:-

517 Section 5. As used in sections 5 to 11, inclusive, the following words shall, unless the
518 context clearly requires otherwise, have the following meanings:-

519 “Corps members”, individuals who commit to service in the commonwealth corps
520 pursuant to this act.

521 “Corps projects”, programs established pursuant to this act to satisfy unmet community
522 needs.

523 “Corps sponsors”, non-profit and public entities that participate in corps projects.

524 “Massachusetts Service Alliance,” or “MSA”, the non-profit organization which
525 administers the commonwealth corps program.

526 “Unmet community needs”, needs including, but not limited to, those pertaining to
527 education, public health, public safety, the environment and other human needs in underserved
528 populations and areas in the commonwealth.

529 Section 6. (a) Subject to the receipt of adequate funding by the commonwealth or other
530 sources, there shall be a commonwealth corps.

531 (b) The commonwealth corps shall be composed of corps members who will commit to
532 no more than 12 months of full-time, part-time or flex-time service to the commonwealth to
533 address unmet community needs.

534 (c) Corps members shall be residents of the commonwealth who are at least 18 years of
535 age. Members shall be the responsibility of the corps sponsors with support from the MSA.
536 Corps members shall undertake meaningful service projects addressing unmet community needs
537 in areas including, but not limited to, the environment, education, health and basic human
538 services and may serve full or part-time; but, members having direct contact with minor children
539 or vulnerable adults shall be required to pass a background check.

540 (d) The MSA and the corps sponsors shall, to the extent practicable, ensure that corps
541 members are placed with corps projects that match their interests, geographic constraints, skills
542 and abilities. Corps sponsors may enroll individuals who choose to defer a stipend to serve as a
543 corps member. Corps sponsors shall seek to enroll individuals who are economically,
544 geographically, ethnically, socially, physically or educationally diverse.

545 (e) A corps member shall not be subject to chapter 31 or section 9A of chapter 30. Corps
546 members shall not be considered to be an employee of the commonwealth entitled to the benefit
547 of chapter 152, nor shall a corps member be considered to be an employee of the commonwealth
548 for any other purpose.

549 Section 7. (a) The MSA shall administer the commonwealth corps and in so doing shall:

550 (1) provide the personnel necessary to carry out the purposes of this chapter; (2) recruit corps
551 sponsors; (3) coordinate among agencies of the commonwealth and other organizations using
552 community service and volunteerism as a strategy to assist in the solution of local, regional and

553 statewide problems; (4) initiate studies and analyses of proposed and implemented service and
554 volunteer projects, which will aid in solving local, regional and statewide problems; (5)
555 recommend expansion of corps opportunities to address all community needs, such as education,
556 environment, public safety, public health and employment and training; (6) encourage the
557 corporate community of the commonwealth to become an active partner in the support, advocacy
558 and promotion of community service and volunteer opportunities in the commonwealth; (7)
559 develop a grant application and selection process using the criteria set forth in subsection (b) for
560 non-profit organizations and public entities, including schools and educational institutions,
561 seeking to participate in the commonwealth corps; (8) review grant applications from non-profit
562 organizations and public entities, including schools and educational institutions and selecting
563 grant awardees; (9) establish criteria and procedures for recruiting residents of the
564 commonwealth who are 18 years or older to serve as corps members; (10) establish procedures
565 for matching and placing corps members with corps projects; (11) establish personnel policies
566 and procedures for corps members; (12) determine the appropriate financial match support levels
567 by private business, community groups, foundations, public agencies and individuals; (13) assist
568 corps sponsors in the development of scholarships and matching funds from private businesses,
569 community groups, foundations, public agencies and individuals in order to support a portion of
570 a corps member's stipend and benefits; and (14) monitor corps members and corps sponsors for
571 compliance with all state and federal laws and funding agreements.

572 (b) The MSA shall give projects meeting the following criteria preference: (1) projects
573 addressing a well-established unmet community need; (2) projects articulating measurable goals,
574 including an assessment of the impact on the corps members and on the targeted community; (3)
575 projects providing services to communities and organizations throughout the commonwealth; (4)

576 projects not using corps members to replace previously budgeted positions or to reduce overtime,
577 hours of work or opportunities for advancement for employees or members of corps sponsors;
578 and (5) projects falling within 1 or both of the following categories: (i) direct service projects
579 that give corps members opportunities to provide direct services addressing unmet community
580 needs including, but not limited to, tutoring or mentoring, providing health care education,
581 providing services to the homeless, enhancing historic, cultural, and natural resources of the
582 commonwealth, enhancing environmental restoration, enhancing emergency preparedness and
583 response; or (ii) volunteer-generating projects that give corps members the opportunity to recruit,
584 train and support volunteers to participate in civic projects and to meet unmet community needs.

585 Section 8. The MSA shall file with the governor, on or before January 1 and on or before
586 July 1 of each year, a report, which shall include but not be limited to the following: (1) a
587 financial statement summarizing its expenditures and available funds; (2) the number of projects
588 and proposed placements submitted to it; (3) the number of volunteers assigned to corps
589 sponsors; (4) the number of hours served by corps members; (5) the number of beneficiaries
590 served by corps projects; (6) a description of corps projects and a summary of the work
591 completed; (7) a measure of outputs and outcomes; and (8) information on other pertinent service
592 data as may be determined by the governor.

593 SECTION 25. Section 2 of chapter 131 of the acts of 2010 is hereby amended by striking
594 out the figure “0340-0101” and inserting in place thereof the following figure:- 0340-0198.

595 SECTION 26. Said section 2 of said chapter 131 is hereby further amended by striking
596 out the figure “0340-0201” and inserting in place thereof the following figure:-0340-0298.

597 SECTION 27. Said section 2 of said chapter 131 is hereby further amended by striking
598 out the figure “0340-0301” and inserting in place thereof the following figure:- 0340-0398.

599 SECTION 28. Said section 2 of said chapter 131 is hereby further amended by striking
600 out the figure “0340-0401” and inserting in place thereof the following figure:- 0340-0498.

601 SECTION 29. Said section 2 of said chapter 131 is hereby further amended by striking
602 out the figure “0340-0501” and inserting in place thereof the following figure:- 0340-0598.

603 SECTION 30. Said section 2 of said chapter 131 is hereby further amended by striking
604 out the figure “0340-0601” and inserting in place thereof the following figure:-0340-0698.

605 SECTION 31. Said section 2 of said chapter 131 is hereby further amended by striking
606 out the figure “0340-0701” and inserting in place thereof the following figure:- 0340-0798.

607 SECTION 32. Said section 2 of said chapter 131 is hereby further amended by striking
608 out the figure “0340-0801” and inserting in place thereof the following figure:- 0340-0898.

609 SECTION 33. Said section 2 of said chapter 131 is hereby further amended by striking
610 out the figure “0340-0901” and inserting in place thereof the following figure:- 0340-0998.

611 SECTION 34. Said section 2 of said chapter 131 is hereby further amended by striking
612 out the figure “0340-1001” and inserting in place thereof the following figure:- 0340-1098.

613 SECTION 35. Said section 2 of said chapter 131 is hereby further amended by striking
614 out the figure “0340-1101” and inserting in place thereof the following figure:- 0340-1198.

615 SECTION 36. Said section 2 of said chapter 131 is hereby further amended by striking
616 out the figure “0699-0016” and inserting in place thereof the following figure:- 0699-0014.

617 SECTION 37. Said section 2 of said chapter 131 is hereby further amended by striking
618 out the figure “0699-2004” and inserting in place thereof the following figure:- 0699-2005.

619 SECTION 38. Said section 2 of said chapter 131 is hereby further amended by striking
620 out the figure “0810-0007” and inserting in place thereof the following figure:- 0810-0098.

621 SECTION 39. Said section 2 of said chapter 131 is hereby further amended by striking
622 out the figure “8000-0000” and inserting in place thereof the following figure:- 8000-0600.

623 SECTION 40. Said section 2 of said chapter 131 is hereby further amended by striking
624 out the figure “8100-0000” and inserting in place thereof the following figure:- 8100-1001.

625 SECTION 41. Said section 2 of said chapter 131 is hereby further amended by striking
626 out the figure “8100-0011” and inserting in place thereof the following figure:- 8100-0018.

627 SECTION 42. Item 8910-8310 of said section 2 of said chapter 131 is hereby amended
628 by striking out the figure "\$8,460,000", inserted by section 39B of chapter 9 of the acts of 2011,
629 wherever it appears, and inserting in place thereof in each instance the following figure:-
630 \$9,955,000

631 SECTION 43. Section 34 of chapter 409 of the acts of 2010 is hereby amended by
632 striking out the figure “2011” and inserting in place thereof the following figure:- 2012.

633 SECTION 44. Section 2 of chapter 68 of the acts of 2011 is hereby amended by striking
634 out the figure “0340-0101” and inserting in place thereof the following figure:- 0340-0198.

635 SECTION 45. Said section 2 of said chapter 68 is hereby further amended by striking out
636 the figure “0340-0201” and inserting in place thereof the following figure:-0340-0298.

637 SECTION 46. Said section 2 of said chapter 68 is hereby further amended by striking out
638 the figure “0340-0301” and inserting in place thereof the following figure:- 0340-0398.

639 SECTION 47. Said section 2 of said chapter 68 is hereby further amended by striking out
640 the figure “0340-0401” and inserting in place thereof the following figure:- 0340-0498.

641 SECTION 48. Said section 2 of said chapter 68 is hereby further amended by striking out
642 the figure “0340-0501” and inserting in place thereof the following figure:- 0340-0598.

643 SECTION 49. Said section 2 of said chapter 68 is hereby further amended by striking out
644 the figure “0340-0601” and inserting in place thereof the following figure:-0340-0698.

645 SECTION 50. Said section 2 of said chapter 68 is hereby further amended by striking out
646 the figure “0340-0701” and inserting in place thereof the following figure:- 0340-0798.

647 SECTION 51. Said section 2 of said chapter 68 is hereby further amended by striking out
648 the figure “0340-0801” and inserting in place thereof the following figure:- 0340-0898.

649 SECTION 52. Said section 2 of said chapter 68 is hereby further amended by striking out
650 the figure “0340-0901” and inserting in place thereof the following figure:- 0340-0998.

651 SECTION 53. Said section 2 of said chapter 68 is hereby further amended by striking out
652 the figure “0340-1001” and inserting in place thereof the following figure:- 0340-1098.

653 SECTION 54. Said section 2 of said chapter 68 is hereby further amended by striking out
654 the figure “0340-1101” and inserting in place thereof the following figure:- 0340-1198.

655 SECTION 55. Said section 2 of said chapter 68 is hereby further amended by striking out
656 the figure “0699-0016” and inserting in place thereof the following figure:- 0699-0014.

657 SECTION 56. Said section 2 of said chapter 68 is hereby further amended by striking out
658 the figure “0699-2004” and inserting in place thereof the following figure:- 0699-2005.

659 SECTION 57. Said section 2 of said chapter 68 is hereby further amended by striking out
660 the figure “0810-0007” and inserting in place thereof the following figure:- 0810-0098.

661 SECTION 58. Said section 2 of said chapter 68 is hereby further amended by striking out
662 the figure “8000-0000” and inserting in place thereof the following figure:- 8000-0600.

663 SECTION 59. Said section 2 of said chapter 68 is hereby further amended by striking out
664 the figure “8100-0000” and inserting in place thereof the following figure:- 8100-1001.

665 SECTION 60. Said section 2 of said chapter 68 is hereby further amended by striking out
666 the figure “8100-0011” and inserting in place thereof the following figure:- 8100-0018.

667 SECTION 61. Item 0330-0300 of said section 2 of said chapter 68 is hereby amended by
668 striking out the words “ the chief justice for administration and management shall submit a report
669 to the joint committee on the judiciary and the house and senate committees on ways and means
670 90 days prior to the temporary closure or temporary relocation of courthouses; provided further,
671 that said report shall include, but not be limited to, the transfer of personnel, the reallocation of
672 resources, the impact on other courthouses resulting from the temporary closure of said court and
673 other factors that may affect implementation of said temporary closure;” and inserting in place
674 thereof the following words:- no courthouse shall be closed, nor any session within a
675 courthouse, and no proposed courthouse or session closure by the chief justice for administration
676 and management of the trial court shall take effect until such closure is approved by the court
677 administrator; provided, however, that prior to any such closure the court administrator
678 appointed pursuant to chapter 211B of the General Laws shall file with the joint committee on

679 the judiciary, the house and senate committees on ways and means, and the clerks of the house
680 and senate 90 days prior to the temporary closure or temporary relocation of courthouses or
681 sessions a plan to close certain courthouses or certain sessions which shall include the specific
682 reasons for such closure, the cost savings, a plan to provide services to citizens affected by such
683 closure; the transfer of personnel, the reallocation of resources, the impact on other courthouses
684 resulting from the temporary closure of said court or session and other factors that may affect
685 implementation of any closure.

686 SECTION 62. Item 0332-0100 of said section 2 of said chapter 68 is hereby amended by
687 striking out the words “\$33,750,000 may be expended from fees charged and collected pursuant
688 to section 3 of chapter 90C of the General Laws, section 22 of chapter 218 of the General Laws,
689 sections 2, 4A, 4B, 4C, 39 and 40 of chapter 262 of the General Laws and section 87A of chapter
690 276 of the General Laws; provided further, that the first \$34,350,000” and inserting in place
691 thereof the following words:- \$30,750,000 may be expended from fees charged and collected
692 pursuant to section 3 of chapter 90C of the General Laws, section 22 of chapter 218 of the
693 General Laws, sections 2, 4A, 4B, 4C, 39 and 40 of chapter 262 of the General Laws and section
694 87A of chapter 276 of the General Laws; provided further, that the first \$26,350,000.

695 SECTION 63. Item 0333-0002 of said section 2 of said chapter 68 is hereby amended by
696 striking out the figure “\$7,000,000” and inserting in place thereof the following figure:-
697 \$9,000,000.

698 SECTION 64. Item 0334-0001 of said section 2 of said chapter 68 is hereby amended by
699 striking out the figure “\$1,100,000” and inserting in place thereof the following figure:-
700 \$2,100,000.

701 SECTION 65. Item 0337-0002 of said section 2 of said chapter 68 is hereby amended by
702 striking out the words “that in fiscal year 2012 the department shall proportionately reduce the
703 amount

704 allocated to the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-
705 0600, 0337- 0700, and 0337-0900 of section 2 of chapter 182 of the acts of 2008” and inserting
706 in place thereof the following words:- the department shall expend funds for the CASA programs
707 as appearing in items 0337-0300, 0337-0400, 0337-0600, 0337-0700, and 0337-0900 of section 2
708 of chapter 182 of the acts of 2008, provided, however, that the department may reduce funding to
709 each item by not more than 5 per cent.

710 SECTION 66. Item 0640-0010 of said section 2 of said chapter 68 is hereby amended by
711 inserting after the words “state lottery program” the following words:- provided further, that not
712 more than \$200,000 may be expended for programs that promote the treatment of compulsive
713 gambling.

714 SECTION 67. Section 2 of said chapter 68 is further amended by striking out item 1750-
715 0105 and inserting in place thereof the following item:-

716 1750-0105 For the cost of workers’ compensation paid to public employees;
717 provided, that the secretary of administration and finance shall charge other items or state
718 agencies for costs incurred on behalf of these state agencies; provided further, that the secretary
719 may transfer workers’ compensation-related fringe benefit assessments from federal grants and
720 trust accounts to this item; provided further, that no funds shall be expended from this item that
721 would cause the item to be deficient; provided further, that the secretary shall provide projected
722 costs of workers compensation costs incurred by agencies in fiscal year 2012 to the house and

723 senate committees on ways and means no later than March 2, 2012; provided further, that in
724 accordance with chapter 177 of the acts of 2001, the secretary of administration and finance shall
725 charge state agencies in fiscal year 2012 as provided in this item for workers' compensation
726 costs, including related administrative expenses incurred on behalf of the employees of the
727 agencies; provided further, that administrative expenses shall be allocated; provided further, that
728 the personnel administrator shall administer the charges on behalf of the secretary, and may
729 establish such rules and procedures as deemed necessary to implement this item; provided
730 further, that the personnel administrator shall: (1) notify agencies regarding the chargeback
731 methodology to be used in fiscal year 2012; (2) notify agencies of the amount of their estimated
732 workers compensation charges for the fiscal year; and (3) require agencies to encumber funds in
733 an amount sufficient to meet the estimated charges; provided further, that the estimated charges
734 for each agency in the fiscal year shall be not less than the amount of the actual workers'
735 compensation costs, including related administrative expenses, incurred by each such agency in
736 fiscal year 2012 and may include such additional amounts as the human resources division finds
737 necessary under regulations adopted under this item; provided further, that the division may
738 adopt a program of incentives for agencies to reduce agencies' claims; provided further, that for
739 any agency that fails within 30 days of the effective date of this act to encumber funds sufficient
740 to meet the estimated charges, the comptroller shall so encumber funds on behalf of that agency;
741 provided further, that the personnel administrator shall: (1) determine the amount of the actual
742 workers' compensation costs incurred by each agency in the preceding month, including related
743 administrative expenses; (2) notify each agency of the amounts; and (3) charge the amounts to
744 each agency's accounts as estimates of the costs to be incurred in the current month; provided
745 further, that notwithstanding any general or special law to the contrary, any balance remaining in

746 the Intergovernmental Service Fund, at the close of fiscal year 2012 shall be transferred to the
747 General Fund; provided further, that any unspent balance at the close of fiscal year 2011 in an
748 amount not to exceed 5 per cent of the amount authorized shall remain in the Intergovernmental
749 Service Fund and is hereby re-authorized for expenditures for such item in fiscal year 2012;
750 provided further, that the personnel administrator may expend in fiscal year 2012 for hospital,
751 physician, benefit, and other costs related to workers' compensation for employees of state
752 agencies, including administrative expenses; and provided further, that such expenditures may
753 include payments for medical services provided to claimants in prior fiscal years, as well as
754 compensation benefits and associated costs for prior fiscal years\$57,040,378

755 SECTION 68. Item 1750-0102 of said section 2 of said chapter 68 is hereby amended by
756 striking out the figure "\$2,056,966", each time it appears, and inserting in place thereof, in each
757 instance, the following figure:- \$2,700,000.

758 SECTION 69. Item 3000-7050 of said section 2 of said chapter 68 is hereby amended by
759 inserting after the words "individualized education plans" the following words:- ; and provided
760 further that \$200,000 shall be expended for the purpose of developing and implementing a
761 kindergarten readiness assessment system that shall use evidence-based formative assessment
762 tools to measure the developmental status, age-appropriate progress, and school readiness of
763 each child in kindergarten including those with high needs, inform classroom teaching practices,
764 and identify key areas for intervention; provided further that the kindergarten readiness
765 assessment system shall be aligned with Massachusetts' learning standards and curriculum
766 guidelines; provided further, that the kindergarten readiness assessment system shall be a
767 component of the Commonwealth's early learning and development assessment system that

768 measures children’s growth across all developmental domains from pre-kindergarten entry
769 through second grade as part of the statewide longitudinal data system.

770 SECTION 70. Item 4000-0300 of said section 2 of said chapter 68 is hereby amended by
771 adding the following words:- ; and provided further, that funds may be expended for the
772 purposes of implementing the federal Systematic Alien Verification for Entitlements, or SAVE,
773 system.

774 SECTION 71. Said section 2 of said chapter 68 is hereby further amended by striking out
775 item 4100-0059.

776 SECTION 72. Item 4100-0060 of said section 2 of said chapter 68 is hereby amended by
777 striking out the words “between July 1, 2011 and December 31, 2011”.

778 SECTION 73. Said item 4100-0060 of said section 2 of said chapter 68 is hereby further
779 amended by striking out the figure “\$10,578,754” and inserting in place thereof the following
780 figure:- \$21,157,507.

781 SECTION 74. Said item 4100-0060 of said section 2 of said chapter 68 is hereby further
782 amended by striking out the words “one-half” in lines 10 and 24, each time it appears.

783 SECTION 75. Said item 4100-0060 of said section 2 of said chapter 68 is hereby further
784 amended by striking out the words “provided further, that the division and executive office may
785 consult with hospitals regarding such transition” and inserting in place thereof the following
786 words:- provided further, that the division and the executive office shall consult with the
787 Massachusetts Hospital Association, Inc. and hospitals regarding such transition; provided
788 further, that prior to the implementation of the transition, the division and the executive office

789 shall (1) perform parallel and round-trip claims processing tests with hospitals to ensure that the
790 MMIS system performs effectively compared to the existing health and safety net claims
791 adjudication system and (2) report on the detailed results of said claims processing tests to the
792 house and senate committees on ways and means.

793 SECTION 76. Item 7035-0006 of section 2 of chapter 68 of the acts of 2011 is hereby
794 amended by adding after the word "item" the following clause:- ; provided further that funds
795 may be expended to reimburse municipalities for the cost of transporting students under section
796 7C of chapter 74 of the General Laws.

797 SECTION 77. Item 7066-0025 of section 2 of chapter 68 of the acts of 2011 is hereby
798 amended by adding the following words:- ; and provided further, that funds from this item may
799 be expended through August 31, 2012.

800 SECTION 78. Said section 2 of said chapter 68 is hereby amended by striking out item
801 8100-0011 and inserting in place thereof the following item:-

802 8100-0011 For the department of state police, which may expend an amount not to
803 exceed \$4,100,000 for certain police activities provided pursuant to agreements authorized in this
804 item; provided, that for fiscal year 2012, the colonel of state police may enter into service
805 agreements with the commanding officer or other person in charge of a military reservation of
806 the United States located in the Massachusetts Development Finance Agency, established in
807 chapter 23G of the General Laws; provided further, that such agreements shall establish the
808 responsibilities pertaining to the operation and maintenance of police services including, but not
809 limited to: (a) provisions governing payment to the department for the cost of regular salaries,
810 overtime, retirement, and other employee benefits; and (b) provisions governing payment to the

811 department for the cost of furnishings and equipment necessary to provide such police services;
812 provided further, that the department may charge any recipients of police services for the cost of
813 such services, as authorized by this item; provided further, that the department may retain the
814 revenue so received and expend such revenue as necessary pursuant to this item to provide the
815 agreed level of services; provided further, that the colonel may enter into service agreements as
816 may be necessary to enhance the protection of persons, as well as assets and infrastructure
817 located within the commonwealth, from possible external threat or activity; provided further, that
818 such agreements shall establish the responsibilities pertaining to the operation and maintenance
819 of police services including, but not limited to: (a) provisions governing payment to the
820 department for the cost of regular salaries, overtime, retirement, and other employee benefits;
821 and (b) provisions governing payment to the department for the cost of training and /or
822 equipment necessary to provide such police services; provided further, that the department may
823 charge any recipients of police services for the cost of such services, as authorized by this item;
824 provided further, that the department may retain the revenue so received and expend such
825 revenue as necessary pursuant to this item to provide the agreed level of services; provided
826 further, that the colonel may expend from this item costs associated with joint federal and state
827 law enforcement activities from federal reimbursements received therefore; and provided further,
828 that notwithstanding any general or special law to the contrary, for the purposes of
829 accommodating discrepancies between the receipt of retained revenues and related expenditures,
830 the department may incur expenses and the comptroller may certify for payment amounts not to
831 exceed the lower of this authorization or the most recent revenue estimate as reported in the state
832 accounting system \$4,100,000.

833 SECTION 79. Said section 2 of said chapter 68 is hereby further amended by striking out
834 item 8100-0515 and inserting in place thereof the following item:-

835 8100-0515 For trainee salary, salary-related and medical expenses, including mental
836 and medical health screening, and for the operating and clerical costs associated with the
837 Massachusetts State Police Academy for the purpose of hiring and training state police recruits to
838 maintain the strength of the department of state police.....\$2,000,000

839 SECTION 80. Item 8900-0010 of said section 2 of said chapter 68 is hereby amended by
840 striking out the words “amounts collected” and inserting in place thereof the following words:- to
841 the comptroller the amounts to be transferred from the Commonwealth Transportation Fund to
842 the department of correction revenue source 9000.

843 SECTION 81. Section 190 of said chapter 68 is hereby amended by striking out the
844 words “the secretary of education, or a designee thereof” and inserting in place thereof the
845 following words:- the secretary of education, who shall serve as chair.

846 SECTION 82. Section 198 of said chapter 68 is hereby amended by striking out the first
847 sentence and inserting in place thereof the following sentence:- Notwithstanding any general or
848 special law to the contrary, 50 per cent of any of the unexpended and unencumbered balances of
849 appropriations on June 30, 2011, or \$65,000,000, whichever is less, shall be distributed to cities
850 and towns in proportion to the amount by which each municipality’s Unrestricted General
851 Government Aid in fiscal year 2011 exceeds such aid in fiscal year 2012.

852 SECTION 83. The executive office of health and human service shall provide to each
853 beneficiary age 65 and over a one-time notice of options available for enrollment in voluntary
854 programs including Program of All Inclusive Care for the Elderly plans, MassHealth Senior Care

855 Options, Frail Elder Home and Community Based Waiver Program and any other voluntary
856 elected benefit to which the beneficiary is entitled to supplement or replace such beneficiary's
857 MassHealth benefits. The executive office shall include in the notice the names and contact
858 information for the program providers, general contact information for the division and a general
859 description of the benefits of joining particular programs. The notice shall be written in clear and
860 simple language and shall include instructions for requesting a copy of such notice in a language
861 other than English. The notice shall include a method for the beneficiary to request from the
862 executive office additional information on any program described in the notice. Before the
863 content and format of the annual notice is finalized, the executive office shall forward the
864 proposed draft for review and comment to the program providers. The executive office shall
865 work with the program providers and other appropriate stakeholders to assess whether, and to
866 what extent, barriers to program enrollment shall be alleviated through modifications to the
867 program or the enrollment process.

868 SECTION 84. Notwithstanding any general or special law to the contrary, at the request
869 of the committee for public counsel services, with written approval of the secretary of
870 administration and finance, the comptroller shall allow the transfer of funds at any time from
871 item 0321-1510 to item 0321-1520 for the purpose of reducing any deficiency in the latter
872 appropriation. All such transfers, in aggregate, shall not exceed \$3,200,000 and shall be
873 effective for fiscal year 2011.

874 SECTION 85. Notwithstanding any general or special law to the contrary, any
875 unexpended funding made available under item 7003-0701 of section 2 of chapter 131 of the acts
876 of 2010 shall not revert, but shall remain available for expenditure from the Workforce Training
877 Trust Fund, established by section 2RR of chapter 29 of the General Laws.

878 SECTION 86. Notwithstanding any general or special law to the contrary, the budget
879 director for the executive office of administration and finance may waive up to \$86,000 in costs
880 that would otherwise be collected by the state comptroller from the Massachusetts developmental
881 disabilities council under sections 5D and 6B of chapter 29 of the General Laws. The waiver
882 shall be in writing and the budget director shall provide copies to the house and senate
883 committees on ways and means. The waiver shall be solely for the purpose of state match
884 funding for federal grant awards received from the National Association of Councils on
885 Developmental Disabilities. The waiver shall be effective until June 30, 2012.

886 SECTION 87. There shall be established and set up on the books of the commonwealth a
887 fund to be known as the State Low Income Housing Tax Credit Fund. The commissioner of
888 revenue shall serve as the fund's trustee. Funds made available for this fund shall only be used
889 for the purpose of offsetting General Fund costs associated with the state low income housing tax
890 credit claimed annually by eligible taxpayers in the commonwealth. By June 30 of every fiscal
891 year during which this fund is effective, the commissioner shall determine the projected costs to
892 the state of the state low income housing tax credit within the fiscal year and request that the
893 comptroller transfer funding from the fund to the General Fund in an amount not to exceed the
894 projected costs, but no such transfer shall be processed without the written approval of the
895 secretary of administration and finance. The aggregate amount of transferred funds for all fiscal
896 year during which the fund is effective shall not exceed \$9,500,000. The fund shall remain in
897 effect until June 30, 2014.

898 SECTION 88. There shall be established and set up on the books of the commonwealth a
899 fund to be known as the Infrastructure Development Fund. The secretary of housing and
900 economic development shall serve as the fund's trustee. The fund is created for purpose of

901 creating jobs and stimulating economic development in the commonwealth through
902 infrastructure-related investments made by the secretary of housing and economic development
903 in consultation with the secretary of transportation. Allowable purposes of this fund shall include
904 shovel-ready infrastructure projects including, but not limited to, transit and highway projects,
905 business expansion and redevelopment use and other related projects found by the secretary of
906 housing and economic development to create economic opportunity and jobs both directly and
907 indirectly across the state. All projects listed herein must be under contract within 90 days of the
908 effective date of this act and must commence construction in the spring of 2012. Funds may be
909 used by the secretary of housing and economic development to support matching funds for
910 certain capital expenditures which are sponsored by higher education institutions for scientific or
911 technology research and development. No funds shall be expended from this fund, including any
912 spending by the secretary of housing and economic development for the oversight of the fund,
913 without the written approval of the secretary of administration and finance. This fund shall
914 remain in effect until June 30, 2013.

915 Projects that are eligible under this fund include, up to \$5,000,000 for infrastructure
916 supporting downtown redevelopment in the city of Quincy; up to \$1,250,000 for Main Street
917 streetscape improvements in the town of Bourne; up to \$3,000,000 for infrastructure to support
918 the redevelopment of the Dever School in the city of Taunton; up to \$2,000,000 for the Acushnet
919 Avenue International Marketplace in the city of New Bedford; up to \$1,200,000 for the
920 reconstruction of Dicks Brook culvert and downtown streetscape improvements in the town of
921 Barre; up to \$2,500,000 for rehabilitation of downtown parking structure in the city of Pittsfield;
922 up to \$1,300,000 for downtown revitalization and streetscape improvements in the town of
923 Randolph; up to \$1,000,000 for Everett Avenue reconstruction in the city of Chelsea; up to

924 \$2,500,000 for downtown revitalization and sewer improvements in the town Easton; up to
925 \$2,200,000 to the city of Holyoke for construction of a public way from route 202 to Campus
926 road providing additional access to Holyoke Community College; up to \$1,250,00 for road and
927 infrastructure improvements to support downtown revitalization in the town of Amesbury; up to
928 \$1,550,000 for Commerce Way improvements in the town of Plymouth; up to \$2,000,000 for
929 infrastructure improvements to support redevelopment of Greylock Glen in the town of Adams;
930 up to \$1,000,000 for the restoration of rail crossing and the towns of Hopedale and Milford; up
931 to \$2,000,000 for the Route 1 water main relocation in the town of Saugus; up to \$1,200,000 for
932 the Merrimack Street parking facility, rail trail and streetscape improvements for the city of
933 Haverhill; up to \$1,200,000 for South End streetscape improvements in the city of Springfield;
934 up to \$1,500,000 for public infrastructure improvements at Northwest Park in the town of
935 Burlington; up to \$500,000 for the Ingelside Park revitalization in the town of Winthrop; up to
936 \$500,000 for a senior center in the town of Rockland; up to \$1,800,000 for further renovation of
937 the Houghton's Pond Park and athletic fields in the Town of Milton; and up to \$1,500,000 for
938 downtown streetscape improvements in the city of Brockton.

939 SECTION 89. The special commission established in section 160 of chapter 131 of the
940 acts of 2010 is hereby revived and continued. The commission shall report its findings with the
941 clerks of the house of representatives and the senate and the house and senate committees on
942 ways and means not later than December 30, 2011. The report shall include recommendations for
943 improving services for people with acquired or traumatic brain injury, the cost of maintaining or
944 establishing those services and any legislation necessary to implement or allow for the
945 development or expansion of services for the target population.

946 SECTION 90. The special commission established in section 181 of chapter 240 of the
947 acts of 2010 is hereby revived and continued. The commission shall complete a written report
948 detailing any factors to be considered in the index and any financial measures that would be
949 necessary for implementation to the governor, the clerks of the senate and house of
950 representatives, the joint committee on tourism, arts and cultural development and the joint
951 committee on education not later than June 30, 2012.

952 SECTION 91. Notwithstanding any general or special law to the contrary, prior to
953 calculating the consolidated net surplus for the fiscal year ending June 30, 2011, the comptroller
954 shall transfer \$350,000,000 to the Commonwealth Stabilization Fund, established in section 2H
955 of chapter 29 of the General Laws, from the undesignated balance in the operating funds.

956 SECTION 92. Notwithstanding any general or special law to the contrary, in fiscal year
957 2012 the department of elementary and secondary education shall assess on a sending school
958 district school choice tuition amounts for any unpaid fiscal year 2011 innovation school tuition
959 amount.

960 SECTION 93. There shall be established and set up on the books of the commonwealth a
961 fund to be known as the Substance Abuse Services Fund. The commissioner of public health
962 shall serve as the fund's trustee. Funds made available for this fund shall be used to expand
963 inpatient treatment facilities and ongoing case management for individuals civilly committed
964 under section 35 of chapter 123 of the General Laws. Upon the submission of a spending plan for
965 this fund to the secretary of administration and finance, the house and senate committees on
966 ways and means and the clerks of the house and the senate, the comptroller shall transfer
967 \$10,000,000 from the General Fund to the Substance Abuse Services Fund. In developing the

968 spending plan, the commissioner shall hold at least 1 public hearing and shall consult with the
969 commissioner of mental health, the administrator of the trial court, a representative of the
970 Massachusetts Medical Society, a representative of the Massachusetts Organization for
971 Addiction Recovery and a representative of the Massachusetts Association for Behavioral Health
972 Care. The commissioner shall submit a draft spending plan to the house and senate committee
973 on ways and means 45 days prior to the submission of the final plan. This fund shall be in effect
974 until June 30, 2013.

975 SECTION 94. Notwithstanding any general or special law to the contrary, if as of
976 January 15, 2012, tax revenues as estimated under section 5B of chapter 29 of the General Laws
977 meet or exceed \$20,615,000,000, there shall be established and set up on the books of the
978 commonwealth a Human Salary Reserve Fund; provided that upon the establishment of this
979 fund, the comptroller shall transfer \$10,000,000 from the General Fund to the Human Service
980 Salary Reserve Fund; provided, further, that any funds transferred under this section shall be
981 used to provide one time salary bonuses to personnel earning less than \$40,000 in annual
982 compensation who are employed by private human service providers that deliver human and
983 social services under contracts with departments within the executive office of health and human
984 services and the executive office of elder affairs.

985 SECTION 95. Notwithstanding any general or special law to the contrary, the department
986 of public health shall produce a report relative to deaths caused by the mosquito-borne eastern
987 equine encephalitis virus hereinafter referred to as EEEV. The report shall include, but not be
988 limited to, the following information: the procedures undertaken by the department in the months
989 preceding September 1, 2011, to evaluate any threats to the public health caused by EEEV; the
990 risk of transmission of EEEV to humans; and the factors weighed by the department when

991 issuing a certification of public health hazard to initiate aerial application of mosquito control
992 spray in Norfolk, Bristol and Plymouth counties. The department of public health shall consult
993 with the state reclamation and mosquito control board, the department of agricultural resources,
994 the department of conservation and recreation, and the department of environmental protection in
995 producing this report. The department of public health shall report its findings by filing the same
996 with the clerks of the senate and the house of representatives, the senate and house chairs of the
997 joint committee on public health, and the senate and house chairs of the joint committee on the
998 environment, natural resources, and agriculture not later than 60 days after the effective date of
999 this act.

1000 SECTION 96. Sections 11 and 15 shall take effect on January 1, 2013.

1001 SECTION 97. Sections 12 and 16 shall take effect on January 1, 2015.

1002 SECTION 98. Notwithstanding any general or special law to the contrary, there shall be a
1003 special commission to study and report on the use of electronic benefit transfer (EBT) cards in
1004 the Commonwealth. The commission shall consist of the commissioner of the department of
1005 transitional assistance, or her designee; the inspector general, or his designee; 2 members of the
1006 house of representatives, 1 of whom shall be appointed by the speaker of the house, and 1 of
1007 whom shall be appointed by the minority leader of the house; and 2 members of the senate, 1 of
1008 whom shall be appointed by the senate president, and 1 of whom shall be appointed by the senate
1009 minority leader. The scope of the commission shall include, but not be limited to, researching
1010 and evaluating the following: the use of EBT cards for the purchase of products other than those
1011 products for which they are intended to be used, such as firearms, tobacco, lottery tickets, and
1012 alcohol; the frequency and location of out-of-state card use; the in-state stores where cards are

1013 used; the proportion of one month's EBT cash assistance that is withdrawn from ATM machines
1014 rather than used in stores to directly purchase products; and the costs associated with requiring
1015 the department to include, on the front of each newly issued and re-issued EBT card, as well as
1016 all existing EBT cards, a photograph of the cardholder. The commission shall research, assess,
1017 and develop recommendations regarding the best method of preventing the inappropriate use of
1018 electronic benefit transfer cards, including implementing a monthly limit to the amount of EBT
1019 cash assistance that a recipient of cash assistance can withdraw from ATMs, as well as the
1020 feasibility of prohibiting the purchase of certain items by restricting the ability of EBT cards to
1021 be used in purchasing said items. Finally, the commission shall study and research the
1022 implementation of requiring stores to apply to accept EBT cards. The commission shall prepare a
1023 final report of the findings and recommendations together with recommendations for legislation
1024 to implement those recommendations by filing the same with the clerks of the senate and house
1025 not later than April 1, 2012.

1026 SECTION 99. (a) Notwithstanding any general or special law to the contrary, the
1027 executive office of administration and finance shall prepare a report on the following: 1) the total
1028 amount of the state budget that is being used to fund individual, family, and other benefits or
1029 expenditures on behalf of citizens of the United States who are residents of the Commonwealth
1030 of Massachusetts; 2) the total amount of the state budget that is being used to fund individual,
1031 family, and other benefits or expenditures on behalf of persons holding Green Cards who are
1032 residents of the Commonwealth of Massachusetts; 3) the total amount of the state budget that is
1033 being used to fund individual, family, and other benefits or expenditures on behalf of citizens of
1034 the United States whose residence in the Commonwealth of Massachusetts cannot be established;

1035 and 4) the total amount of the state budget that is being used to fund individual, family, and other
1036 benefits and expenditures on behalf of all other persons.

1037 (b) Said report shall also itemize expenditures used to provide services to residents of the
1038 Commonwealth, non-residents, and those whose residence cannot be identified with respect to:
1039 legal services, including but not limited to criminal defense costs; translations and translator
1040 services; the detention of prisoners; and the Health Safety Net program, including cost to
1041 government, cost shifting to other payers or insurers, and the cost to hospitals, clinics, and other
1042 health-care providers.

1043 (c) In calculating the amounts described in subsections (a) and (b), the executive office of
1044 administration and finance shall utilize generally accepted accounting principles encompassing
1045 all state spending.

1046 (d) Said report shall be filed with to the chair and ranking minority member of the house
1047 committee on ways and means, the chair and ranking minority member of the senate committee
1048 on ways and means, and the clerks of the house of representatives and senate no later than April
1049 1, 2012.

1050 SECTION 100. (a) Notwithstanding sections 40E to 40K, inclusive, and sections 52 to
1051 55, inclusive, of chapter 7 of the General Laws, or any other general or special law to the
1052 contrary, the division of capital asset management and maintenance, using those competitive
1053 proposal processes as the division considers necessary or appropriate, in consultation with the
1054 department of conservation and recreation, may lease and enter into other agreements with 1 or
1055 more persons or entities, for terms not to exceed 25 years, for the continued use, operation,

1056 maintenance, repair and improvement of the Max Ulin Memorial Rink, together with the land
1057 and appurtenances associated therewith.

1058 (b) The failure of a city or town to apply for prequalification under subsection (c) shall
1059 not prohibit that city or town from bidding under this section.

1060 (c) Before the division, in consultation with the department, sends out a request for
1061 proposals under this section, the division shall hold open a prequalification period of 30 days for
1062 the town of Milton and any nonprofit organization located within the town of Milton that desires
1063 to bid on the rink, or for a partnership of municipalities which share geographic boundaries as
1064 long as the subject rink is located within the geographic area of the municipalities comprising the
1065 partnership. The town, a nonprofit organization or a partnership of municipalities that desires to
1066 lease the rink under this section may submit materials for prequalification. The prequalification
1067 determination may consider, but need not be limited to, the town's, nonprofit organization's or
1068 partnership's ability to finance the capital improvements determined to be necessary at the rink
1069 by the division and to manage, operate and maintain the property. The division, in consultation
1070 with the department, shall determine whether the town, a nonprofit or a partnership is
1071 prequalified within 15 days of the expiration of the prequalification period. If the town or
1072 nonprofit organization is determined to be prequalified, then the town or non-profit organization
1073 shall be awarded the lease for the Max Ulin Skating Rink under the terms and conditions set
1074 forth in this act; provided, however, that only 1 lease shall be awarded based on preference as
1075 described in subsection (d).

1076 (d) (1) The town of Milton shall be given a right of first refusal to lease the Max Ulin
1077 Skating Rink provided that the town meets the prequalification standards established by the
1078 department under subsection (c).

1079 (2) If the town does not bid for the lease, and a nonprofit organization and a partnership
1080 of municipalities are determined to be prequalified, the nonprofit organization shall be awarded
1081 the lease.

1082 (3) If more than 1 nonprofit organization is determined to be prequalified, the
1083 department, in consultation with the town of Milton, may choose to which nonprofit the lease for
1084 the rink shall be awarded.

1085 (4) The town or a nonprofit organization awarded the lease under this act shall pay the
1086 sum of \$1.00 as consideration for the lease, subject to the required capital improvements,
1087 performance specifications and other prequalification requirements and terms of the division and
1088 submitted proposal. The length of the lease shall be determined between the division and the
1089 town or nonprofit organization.

1090 (e) The lease and other agreements shall be on terms acceptable to the commissioner of
1091 capital asset management and maintenance, after consultation with the commissioner of
1092 conservation and recreation and, notwithstanding any general or special law to the contrary, shall
1093 provide for the lessees to operate, manage, improve, repair and maintain the property and to
1094 undertake initial capital improvements that commissioner determines are necessary due to the
1095 structural condition of the property. Leases or other arrangements requiring improvements to be
1096 made on the property may include a description of the initially required improvements and
1097 performance specifications.

1098 (f) Ice time at the rink shall be allocated to user groups in the following order of priority:
1099 general public skating; non-profit youth groups; high school hockey, not for profit schools or
1100 colleges; for-profit youth groups and adult organizations or informal groups. Ice time may be
1101 allocated at the discretion of the operator, but general public skating shall be booked, in 2-hour
1102 contiguous blocks at a minimum of 12 hours per week, with a range of times and days which
1103 reasonably allow for public skaters of all ages to participate in some public skating sessions.
1104 Every effort shall be made to balance the ice allocation needs of long-established youth
1105 organizations and newly-formed youth organizations in a manner that provides equal opportunity
1106 and equal access for youths of each gender.

1107 (g) The leases and other agreements authorized in this section shall provide that any
1108 benefits to the community and the costs of improvements and repairs made to the property
1109 provided by the lessees or the recipients of the property shall be taken into account as part of the
1110 consideration for such leases or other agreements. Consideration received from the leases or
1111 other agreements for the rink shall be payable to the department of conservation and recreation
1112 for deposit into the General Fund. The lessees or the recipients of the property shall bear the
1113 costs considered necessary or appropriate by the commissioner of conservation and recreation for
1114 the transactions including, without limitation, costs for legal work, survey, title and the
1115 preparation of plans and specifications.

1116 (h) The name of the Max Ulin Memorial Rink shall not be altered or changed under any
1117 lease or agreement entered into under this section.