

Bureau of the State House

1 SECTION 4. Section 41 of chapter 3 of the General Laws, as appearing in the 2010
2 Official Edition, is hereby amended by striking out, in line 14, the words “state office buildings”
3 and inserting in place thereof the following words:- the state house.

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4 SECTION 5. Section 19 of chapter 6 of the General Laws is hereby repealed.

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5 SECTION 6. Said chapter 6 is hereby further amended by striking out section 20, as
6 appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

7 Section 20. (a) As used in this section, the following words shall, unless the context
8 clearly requires otherwise, have the following meanings:-

9 “Historical artifact”, an object commemorating, representing or having specific ties to a
10 significant historical event or era in the history of the commonwealth; provided, however, that
11 ”historical artifact” shall not include flags under the care of the superintendent of the state house
12 under section 17A of chapter 8.

13 “Work of art”, (i) a portrait or other memorial procured under section 19 or 19A of
14 chapter 8; and (ii) a painting, portrait, mural decoration, stained glass, statue, bas-relief,
15 ornament, fountain or other article or structure of a permanent character intended for decoration
16 or commemoration.

17 (b) There shall be an art commission for the state house consisting of 7 members, 3 of
18 whom shall be appointed by the governor, 2 of whom shall be appointed by the senate president
19 and 2 of whom shall be appointed by the speaker of the house of representatives. All of the
20 members shall be residents of the commonwealth qualified by training and experience in public
21 art, museum collections or historic preservation. Commission members shall serve for 5-year
22 terms without compensation, but shall be reimbursed for travel and other expenses necessary for
23 the performance of their duties, as approved by the superintendent of the state house and paid for
24 from the State House Special Event Fund established in section 35P of chapter 10. The
25 commission may adopt its own rules and elect such officers from its own members as may be
26 considered proper.

27 (c) The governor shall appoint a state house curator from among candidates
28 recommended by the commission. The curator shall be qualified by training and experience in
29 historic preservation and art collections management, care and conservation. The curator shall
30 report to the superintendent of the state house and the commission and shall be responsible for
31 the curatorial, registrarial and administrative duties associated with both the day-to-day oversight

32 of the state house art and artifact collection and the historic preservation of the state house. The
33 curator shall be paid from the State House Special Event Fund.

34 (d) The commission shall have the custody and care of all works of art and historical
35 artifacts in the state house art collection, including those inside the state house, on its grounds, on
36 display and in storage. The commission shall oversee the care of such works of art and historical
37 artifacts according to the codes of ethics and standards for practice established by the American
38 Association of Museums and the American Institute for Conservation of Historic and Artistic
39 Works.

40 The commission shall oversee the handling and display of works of art and historical
41 artifacts in public areas and private offices; provided, however, that the commission shall not
42 place in or remove from any space in the state house assigned to the general court any such
43 works of art or historical artifacts without the approval of the committees on rules of the 2
44 branches, acting concurrently.

45 (e) The commission shall serve as an advisor to the governor and legislature on all artistic
46 matters at the state house, including the historic preservation of the building.

47 (f) The commission shall direct the process of acquisitions to the state house art
48 collection, from review of all plans to the final approval of completed art works. The art
49 commission shall be advised of any proposal relative to the permanent addition of works of art or
50 historical artifacts to the state house art collection and shall submit its opinion regarding the
51 appropriateness of proposed art work prior to the approval required under section 21 of chapter
52 8.

53 (g) The commission shall review and approve any plan or design relative to the creation,
54 acquisition, construction, erection or remodeling of any work of art in the state house. The
55 commission may consult with sponsors and donors to revise and refine such plans and designs.
56 The commission shall give its final approval upon the arrival of the work of art to the state
57 house. The commission shall file with the governor, within 30 days after submission of a plan or
58 design, its opinion of such proposed work of art together with such suggestions and
59 recommendations as it may consider proper.

60 (h) The commission may receive grants, gifts, bequests and other contributions for the
61 maintenance, restoration and acquisition of works of art and historical artifacts. Such funds shall
62 be received by the state treasurer on behalf of the commonwealth and deposited in a special trust
63 account for the commission and may be expended, without further appropriation, under the
64 direction of the commissioners. Such special trust account shall be subject to an annual audit by
65 the state auditor.

Tercentenary Sign Repair

66 SECTION 7. Chapter 6C of the General Laws is hereby amended by adding the
67 following section:-

68 Section 74. The department shall require that a contract for the construction,
69 maintenance, repair, reconstruction, improvement or rehabilitation of the metropolitan highway
70 system, the state highway system or the turnpike shall include the repair or rehabilitation of any
71 sign or marker erected pursuant to chapter 10 of the resolves of 1930 that is abutting such
72 project.

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73 SECTION 8. Section 40C of chapter 7 of the General Laws, as appearing in the 2010
74 Official Edition, is hereby amended by striking out, in line 42, the words “and the bureau of state
75 office buildings”.

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76 SECTION 9. Section 43H of said chapter 7, as so appearing, is hereby amended by
77 striking out, in lines 6 and 7, the words “state superintendent of state office buildings” and
78 inserting in place thereof the following words:- superintendent of the state house.

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79 SECTION 10. Chapter 8 of the General Laws is hereby amended by striking out section
80 1, as so appearing, and inserting in place thereof the following section:-

81 Section 1. There shall be within the executive office for administration and finance a
82 bureau of the state house, headed by a superintendent of the state house. The bureau of the state
83 house shall be located in the state house. The superintendent shall be appointed by the secretary
84 of administration and finance and may be removed in a like manner. The superintendent shall be
85 a person of ability and experience with a background in finance and operations and may have a
86 background in engineering. The full time of the superintendent shall be devoted to the duties of
87 the office. The office shall not be classified under chapter 31.

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88 SECTION 11. Section 4 of said chapter 8, as so appearing, is hereby amended by striking
89 out, in lines 1 and 2, the words “state office buildings may, with the approval of the
90 commissioner of administration,” and inserting in place thereof the following words:- the state
91 house may.

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92 SECTION 12. Said chapter 8 is hereby further amended by striking out section 6, as so
93 appearing, and inserting in place thereof the following 2 sections:-

94 Section 6. The superintendent of the state house shall direct the making of all repairs and
95 improvements in the state house, on the grounds of the state house and to any buildings thereof

96 and all tenants, offices or occupants located in the state house shall make requisition upon the
97 superintendent for any such repairs or improvements.

98 Section 6A. Notwithstanding any general or special law or rule or regulation to the
99 contrary, the superintendent, or employees designated by the superintendent, may make
100 purchases where the amount involved will not exceed \$1,000.

Bureau of the State House

101 SECTION 13. Said chapter 8 is hereby further amended by striking out section 9, as
102 amended by section 20 of chapter 68 of the acts of 2011, and inserting in place thereof the
103 following section:-

104 Section 9. The superintendent shall have charge of the operation and maintenance of the
105 state house, subject to such rules as the committee on rules of the 2 branches, acting
106 concurrently, may adopt and all state parking areas related thereto. The superintendent shall see
107 that the chambers and lobbies of the general court and its committees are kept clean and in good
108 order, shall superintend all ordinary repairs thereof and shall have charge of the current expenses
109 for the care and preservation of the state house and for the ordinary repairs of the furniture and
110 fixtures therein. The superintendent shall take proper precautions against damage thereto or to
111 the furniture, fixtures or other public property therein; provided, however, that security in the
112 state house shall be the responsibility of the commissioner of conservation and recreation in
113 consultation and coordination with the speaker of the house of representatives and the president
114 of the senate. The commissioner of conservation and recreation shall utilize the members of the
115 urban park rangers program, established under section 34B of chapter 92, to maintain security;
116 provided, however, that the commissioner shall carry out the responsibility subject to such rules
117 as the committee on rules of the 2 branches, acting concurrently, may adopt and shall not be
118 subject to the authority of the superintendent. There shall be maintained an adequate passageway
119 for foot passengers from north to south through the east wing or extension of the state house, to
120 be kept open during such hours as the superintendent shall fix. The state house and most
121 facilities used by the public, including hearing rooms, shall be accessible to, functional for and
122 safe for use by persons with physical disabilities; provided further, that the commonwealth shall
123 make available a certain number of designated handicapped parking spaces for the general
124 public. The superintendent may adopt rules, regulations and orders necessary for the operation
125 and maintenance of the state house.

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126 SECTION 14. Said chapter 8 of the General Laws is hereby further amended by striking
127 out section 9A, as appearing in the 2010 Official Edition, and inserting in place thereof the
128 following section:-

129 Section 9A. The superintendent of the state house shall establish and charge a fee or
130 service charge to nongovernmental individuals, entities and groups using the state house for
131 meetings, receptions or exhibits, which may be reduced at the discretion of the superintendent.
132 The superintendent or a designee shall establish such fee or charge based upon the actual cost of

133 use, including personnel, requests for security, preparation, equipment replacement, cleanup,
134 utilities used and compensation for wear on the building. The superintendent, or a designee may,
135 in the superintendent's discretion, require a nongovernment entity to enter into a written
136 agreement indemnifying the commonwealth against any claims for casualty liability and may
137 require the posting of an insurance bond. All monies received by the superintendent under this
138 section shall be by check made payable to and deposited in the State House Special Event Fund,
139 as established in section 35P of chapter 10; provided, however, that the superintendent may
140 retain funds to be expended after consultation with the committee on rules of the 2 branches,
141 acting concurrently, for restoration, equipment repair and replacement and educational and
142 cultural programs at the state house.

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143 SECTION 15. Section 14 of said chapter 8, as so appearing, is hereby amended by
144 striking out, in lines 1 and 2, the words "fifteen hundred dollars" and inserting in place thereof
145 the following words:- \$10,000 from the State House Special Event Fund established in section
146 35P of chapter 10.

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147 SECTION 16. Section 16A of said chapter 8, as so appearing, is hereby amended by
148 striking out, in lines 6 and 7, the words "Room numbered twenty-seven in the state house,
149 formerly used by the Grand Army of the Republic, Department of Massachusetts," and inserting
150 in place thereof the following words:- A room in the state house.

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151 SECTION 17. Section 17 of said chapter 8, as so appearing, is hereby amended by
152 inserting after the word "Inc.", in line 17, the second time it appears, the following words:- ,
153 groups established to represent all recent and future wars.

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154 SECTION 18. Section 35P of chapter 10 of the General Laws, as so appearing, is hereby
155 amended by striking out, in line 3, the words "state superintendent of state office buildings" and
156 inserting in place thereof the following words:- superintendent of the state house.

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157 SECTION 19. Said section 35P of said chapter 10, as so appearing, is hereby further
158 amended by striking out the fifth sentence and inserting in place thereof the following sentence:-
159 All monies received by the superintendent under this section shall be by check made payable to
160 and deposited in the fund; provided, however, that the superintendent may retain funds to be
161 expended after consultation with the committee on rules of the 2 branches, acting concurrently,
162 for restoration, equipment repair and replacement and educational and cultural programs at the
163 state house; provided further, that funds shall be used to pay the salary of the state house curator

164 and to reimburse the art commission for travel and other expenses under section 20 of chapter 6;
165 and provided further, that funds shall be used for the maintenance of the military history museum
166 under section 14 of chapter 8.

Money Follows the Person Fund and Delivery System Transformation Initiatives Trust Fund

167 SECTION 20. Said chapter 10 is hereby further amended by inserting after section 35SS
168 the following 2 sections:-

169 Section 35TT. There shall be established and set up on the books of the commonwealth a
170 separate fund to be known as the Money Follows the Person Rebalancing Demonstration Grant
171 Trust Fund, which shall be administered by the secretary of health and human services. Amounts
172 from the fund shall be used for expenses that primarily benefit individuals with a disability or
173 long-term illness or who are elders. The comptroller shall credit to the fund an amount equal to
174 the amount of money follows the person - enhanced federal financial participation received by
175 the commonwealth on money follows the person qualified, demonstration or supplemental
176 services under the terms and conditions of the money follows the person rebalancing
177 demonstration as determined by a federally approved list of home and community-based long-
178 term services and supports and federally approved allocation methodologies for home and
179 community-based long-term services and supports purchased through capitated arrangements.
180 The funds shall be used to fund slots for money follows the person participants in the 2 money
181 follows the person home and community-based waiver programs established to support the
182 commonwealth's rebalancing initiative. The secretary may authorize expenditures of amounts
183 from the fund without further appropriation. The comptroller shall transfer to the fund not later
184 than the tenth business day of each quarter, an amount equal to the amount of enhanced federal
185 financial participation collected from the previous quarter. The secretary may certify for payment
186 amounts in anticipation of federal revenues collected for the corresponding quarter during the
187 previous fiscal year. To accommodate timing discrepancies between the receipt of revenues and
188 related expenditures, the secretary may incur expenses, after written approval from the secretary
189 of administration and finance, and the comptroller shall certify for payment, amounts not to
190 exceed the most recent revenue estimate as certified by the MassHealth director, as reported in
191 the state accounting system.

192 Section 35UU. There shall be established and set up on the books of the commonwealth a
193 separate fund to be known as the Delivery System Transformation Initiatives Trust Fund, which
194 shall be administered by the secretary of health and human services. Monies from the fund may
195 be expended for delivery system transformation initiatives payments to qualifying providers
196 under an approved federal waiver. Amounts credited to the fund shall not be subject to further
197 appropriation.

False Claims Act

198 SECTION 21. Chapter 12 of the General Laws is hereby amended by striking out
199 sections 5A and 5B, as appearing in the 2010 Official Edition, and inserting in place thereof the
200 following 2 sections:-

201 Section 5A. As used in sections 5A to 5O, inclusive, the following words shall, unless the
202 context clearly requires otherwise, have the following meanings:-

203 “Claim”, a request or demand, whether pursuant to a contract or otherwise, for money or
204 property, whether or not the commonwealth or a political subdivision thereof has title to the
205 money or property, that: (1) is presented to an officer, employee, agent or other representative of
206 the commonwealth or a political subdivision thereof; or (2) is made to a contractor,
207 subcontractor, grantee or other person, if the money or property is to be spent or used on behalf
208 of or to advance a program or interest of the commonwealth or political subdivision thereof and
209 if the commonwealth or any political subdivision thereof: (i) provides or has provided any
210 portion of the money or property which is requested or demanded; or (ii) will reimburse directly
211 or indirectly such contractor, subcontractor, grantee or other person for any portion of the money
212 or property which is requested or demanded. A claim shall not include requests or demands for
213 money or property that the commonwealth or a political subdivision thereof has paid to an
214 individual as compensation for employment with the commonwealth or a political subdivision
215 thereof or as an income subsidy with no restrictions on that individual’s use of the money or
216 property.

217 “False claims action”, an action filed by the office of the attorney general or a relator
218 under sections 5A to 5O, inclusive.

219 “False claims law”, sections 5A to 5O, inclusive.

220 “Knowing and knowingly”, possessing actual knowledge of relevant information, acting
221 with deliberate ignorance of the truth or falsity of the information or acting in reckless disregard
222 of the truth or falsity of the information; provided, however, that no proof of specific intent to
223 defraud shall be required.

224 “Material”, having a natural tendency to influence, or be capable of influencing, the
225 payment or receipt of money or property.

226 “Obligation”, an established duty, whether or not fixed, arising from an express or
227 implied contractual, grantor-grantee or licensor-licensee relationship, from a fee-based or similar
228 relationship, from statute or regulation or from the retention of any overpayment after the
229 deadline for reporting and returning the overpayment under paragraph (10) of section 5B.

230 “Original source”, an individual who: (1) prior to a public disclosure under paragraph (3)
231 of section 5G, has voluntarily disclosed to the commonwealth or any political subdivision thereof
232 the information on which allegations or transactions in a claim are based; or (2) has knowledge
233 that is independent of and materially adds to the publicly-disclosed allegations or transactions,
234 and who has voluntarily provided the information to the commonwealth or any political
235 subdivision thereof before filing a false claims action.

236 “Overpayment”, any funds that a person receives or retains, including funds received or
237 retained under Title XVIII or XIX of the Social Security Act, to which the person, after
238 applicable reconciliation, is not entitled.

239 “Person”, a natural person, corporation, partnership, association, trust or other business
240 or legal entity.

241 “Political subdivision”, a city, town, county or other governmental entity authorized or
242 created by law, including public corporations and authorities.

243 “Relator”, an individual who brings an action under paragraph (2) of section 5C.

244 Section 5B. (a) Any person who: (1) knowingly presents, or causes to be presented, a
245 false or fraudulent claim for payment or approval; (2) knowingly makes, uses or causes to be
246 made or used a false record or statement material to a false or fraudulent claim; (3) conspires to
247 commit a violation of this subsection; (4) knowingly presents, or causes to be presented, a claim
248 that includes items or services resulting from a violation of section 1128B of the Social Security
249 Act, 42 U.S.C. 1320a-7b, or section 41 of chapter 118E; (5) has possession, custody or control of
250 property or money used, or to be used, by the commonwealth or a political subdivision thereof
251 and knowingly delivers, or causes to be delivered, to the commonwealth or a political
252 subdivision thereof less than all of that property or money; (6) is authorized to make or deliver a
253 document certifying receipt of property used, or to be used, by the commonwealth or a political
254 subdivision thereof and, with the intent of defrauding the commonwealth or a political
255 subdivision thereof, makes or delivers the receipt without completely knowing that the
256 information on the receipt is true; (7) knowingly buys, or receives as a pledge of an obligation or
257 debt, public property from an officer or employee of the commonwealth or a political
258 subdivision thereof, who may not lawfully sell or pledge such property; (8) enters into an
259 agreement, contract or understanding with an official of the commonwealth or a political
260 subdivision thereof knowing the information contained therein is false; (9) knowingly makes,
261 uses or causes to be made or used a false record or statement material to an obligation to pay or
262 to transmit money or property to the commonwealth or a political subdivision thereof, or
263 knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or
264 transmit money or property to the commonwealth or a political subdivision thereof; or (10) is a
265 beneficiary of an inadvertent submission of a false claim to the commonwealth or a political
266 subdivision thereof, or is a beneficiary of an overpayment from the commonwealth or a political
267 subdivision thereof, and who subsequently discovers the falsity of the claim or the receipt of
268 overpayment and fails to disclose the false claim or receipt of overpayment to the commonwealth
269 or a political subdivision by the later of: (i) the date which is 60 days after the date on which the
270 false claim or receipt of overpayment was identified; or (ii) the date any corresponding cost
271 report is due, if applicable, shall be liable to the commonwealth or political subdivision for a
272 civil penalty of not less than \$5,500 and not more than \$11,000 per violation, as adjusted by the
273 Federal Civil Penalties Inflation Adjustment Act of 1990, Pub. L. No. 101-410 section 5, 104
274 Stat. 891, note following 28 U.S.C. section 2461, plus 3 times the amount of damages, including
275 consequential damages, that the commonwealth or a political subdivision thereof sustains
276 because of such violation. A person violating sections 5B to 5O, inclusive, shall also be liable to
277 the commonwealth or a political subdivision thereof for the expenses of the civil action brought
278 to recover any such penalty or damages including, without limitation, reasonable attorneys’ fees,
279 reasonable expert fees and the costs of investigation, as set forth below. Costs recoverable under
280 said sections 5B to 5O, inclusive, shall also include the costs of any review or investigation
281 undertaken by the attorney general, or by the state auditor or the inspector general in cooperation

282 with the attorney general.

283 (b) Notwithstanding subsection (a), if the court finds that: (1) the person committing the
284 violation of subsection (a) furnished an official of the office of the attorney general investigating
285 a false claims law violation with all the information known to such person about the violation
286 within 30 days after the date on which the person first obtained the information; (2) such person
287 fully cooperated with any commonwealth investigation of such violation; and (3) at the time such
288 person furnished the commonwealth with the information about the violation, no civil action or
289 administrative action had commenced under sections 5B to 5O, inclusive, or no criminal
290 prosecution had commenced with respect to such violation, and such person did not have actual
291 knowledge of the existence of an investigation into such violation, the court may assess not less
292 than 2 times the amount of damages, including consequential damages, that the commonwealth
293 or a political subdivision thereof sustained because of the act of that person.

294 (c) A corporation, partnership or other person shall be liable to the commonwealth under
295 sections 5B to 5O, inclusive, for the acts of its agent where the agent acted with apparent
296 authority, regardless of whether the agent acted, in whole or in part, to benefit the principal and
297 regardless of whether the principal adopted or ratified the agent's claims, representation,
298 statement or other action or conduct.

299 (d) Sections 5B to 5O, inclusive, shall not apply to claims, records or statements made or
300 presented to establish, limit, reduce or evade liability for the payment of tax to the
301 commonwealth or other governmental authority.

302 (e) A person who has engaged in conduct described in subsection (a) prior to payment
303 shall only be entitled to payment from the commonwealth of the actual amount due less the
304 excess amount falsely or fraudulently claimed.

False Claims Act

305 SECTION 22. Section 5C of said chapter 12, as so appearing, is hereby amended by
306 striking out paragraph (3) and inserting in place thereof the following paragraph:-

307 (3) When a relator brings an action under said sections 5B to 5O, inclusive, a copy of the
308 complaint and written disclosure of substantially all material evidence and information the
309 relator possesses shall be served on the attorney general pursuant to Rule 4(d)(3) of the
310 Massachusetts Rules of Civil Procedure. The complaint shall be filed under seal and shall remain
311 so for 120 days after service upon the attorney general. Notwithstanding any other general or
312 special law or procedural rule to the contrary, service on the defendant shall not be required until
313 the period provided in paragraph (5). The attorney general may, for good cause shown, ask the
314 court for extensions during which the complaint shall remain under seal. Any such motions may
315 be supported by affidavits or other submissions under seal. The attorney general may elect to
316 intervene and proceed with the action on behalf of the commonwealth or political subdivision
317 within the 120-day period or during any extension, after the attorney general receives both the
318 complaint and the material evidence and information. Any information or documents furnished
319 by the relator to the attorney general in connection with an action or investigation under said

320 sections 5B to 5O, inclusive, shall be exempt from disclosure under section 10 of chapter 66.

False Claims Act

321 SECTION 23. Said section 5C of said chapter 12, as so appearing, is hereby further
322 amended by striking out, in line 38, the words “90 day”.

False Claims Act

323 SECTION 24. Said section 5C of said chapter 12, as so appearing, is hereby further
324 amended by adding the following paragraph:-

325 (7) With respect to a federal, state or local government that is named as a co-plaintiff
326 with the commonwealth in an action brought pursuant to sections 5B to 5O, inclusive, a seal on
327 the action ordered by the court under paragraph (3) shall not preclude the commonwealth or the
328 relator from serving the complaint, any other pleadings or the written disclosure of substantially
329 all material evidence and information possessed by the relator on the law enforcement authorities
330 that are authorized under the law of that federal, state or local government to investigate and
331 prosecute such actions on behalf of such governments, except that such seal shall apply to the
332 law enforcement authorities so served to the same extent as the seal applies to other parties in the
333 action.

False Claims Act

334 SECTION 25. Section 5F of said chapter 12, as so appearing, is hereby amended by
335 inserting after the word “expenses,” in lines 20 and 21, the following words:- fees and costs.

False Claims Act

336 SECTION 26. Said section 5F of said chapter 12, as so appearing, is hereby further
337 amended by inserting after the word “expenses”, in line 31, the following words:- , fees and
338 costs.

False Claims Act

339 SECTION 27. Paragraph (5) of said section 5F of said chapter 12, as so appearing, is
340 hereby amended by striking out the first sentence and inserting in place thereof the following
341 sentence:- Whether or not the attorney general proceeds with the action, if the court finds that the
342 action was brought by a relator who planned and initiated the violation of sections 5B to 5O,
343 inclusive, upon which the action was brought, then the court may, to the extent the court
344 considers appropriate, reduce or eliminate the share of the proceeds of the action which the
345 relator would otherwise receive pursuant to this section, taking into account the role of the relator
346 in advancing the case to litigation and any relevant circumstances pertaining to the violation.

False Claims Act

347 SECTION 28. Said chapter 12 is hereby amended by striking out section 5G, as so
348 appearing, and inserting in place thereof the following section:-

349 Section 5G. (a) No court shall have jurisdiction over an action brought pursuant to
350 section 5C against the governor, the lieutenant governor, the attorney general, the treasurer, the
351 secretary of state, the auditor, a member of the general court, the inspector general or a member
352 of the judiciary if the action is based on evidence or information known to the commonwealth
353 when the action was brought.

354 (b) An individual shall not bring an action pursuant to paragraph (2) of section 5C that is
355 based upon allegations or transactions which are the subject of a civil suit or an administrative
356 proceeding in which the commonwealth or any political subdivision thereof is already a party.

357 (c) The court shall dismiss an action pursuant to sections 5B to 5O, inclusive, unless
358 opposed by the commonwealth or any political subdivision thereof, if substantially the same
359 allegations or transactions as alleged in the action or claim were publicly disclosed: (i) in a
360 Massachusetts criminal, civil or administrative hearing in which the commonwealth is a party;
361 (ii) in a Massachusetts legislative, administrative, auditor's or inspector general's report, hearing,
362 audit or investigation; or (iii) from the news media, unless the action is brought by the attorney
363 general or unless the relator is an original source of the information.

False Claims Act

364 SECTION 29. Paragraph (1) of section 5I of said chapter 12, as so appearing, is hereby
365 amended by striking out the last sentence.

False Claims Act

366 SECTION 30. Said chapter 12 is hereby further amended by striking out section 5J, as so
367 appearing, and inserting in place thereof the following section:-

368 Section 5J. (1) No employer shall make, adopt or enforce any rule, regulation or policy
369 preventing an employee, contractor or agent from disclosing information to a government or law
370 enforcement agency or from acting to further efforts to stop 1 or more violations of sections 5B
371 to 5O, inclusive. No employer shall require as a condition of employment, during the term of
372 employment or at the termination of employment that an employee, contractor or agent agree to,
373 accept or sign an agreement that limits or denies the rights of such employee, contractor or agent
374 to bring an action or provide information to a government or law enforcement agency pursuant to
375 said sections 5B to 5O, inclusive. Any such agreement shall be void.

376 (2) An employee, contractor or agent shall be entitled to all relief necessary to make that
377 employee, contractor or agent whole if that employee, contractor or agent is discharged,
378 demoted, suspended, threatened, harassed or in any other manner discriminated against in the
379 terms and conditions of employment because of lawful acts done by the employee, contractor,
380 agent or a person associated with the employee, contractor or agent in furtherance of an action
381 under sections 5B to 5O, inclusive, or other efforts to stop a violation of said sections 5B to 5O,

382 inclusive.

383 (3) Notwithstanding any general or special law to the contrary, relief under paragraph (2)
384 shall include reinstatement with the same seniority status the employee, contractor or agent
385 would have had but for the discrimination, twice the amount of back pay, interest on the back
386 pay and compensation for any special damages sustained as a result of the discrimination. In
387 addition, the defendant shall be required to pay litigation costs and reasonable attorneys' fees. An
388 employee, contractor or agent may bring an action in the appropriate superior court, the superior
389 court of the county of Suffolk or any other appropriate court for the relief provided in this
390 section.

391 (4) A civil action under this section may not be brought more than 3 years after the date
392 when the retaliation occurred.

False Claims Act

393 SECTION 31. Section 5K of said chapter 12, as so appearing, is hereby amended by
394 striking out paragraph (2) and inserting in place thereof the following 2 paragraphs:-

395 (2) If the attorney general elects to intervene and proceed with an action brought pursuant
396 to sections 5B to 5O, inclusive, for a violation of section 5B, the attorney general may file a
397 complaint or amend the complaint of a person who has brought an action pursuant to sections 5B
398 to 5O, inclusive, to clarify or add detail to the claims in which the attorney general is intervening
399 and to add any additional claims with respect to which the commonwealth or a political
400 subdivision thereof contends it is entitled to relief. For statute of limitations purposes, any such
401 pleading shall relate back to the filing date of the complaint of the person who originally brought
402 the action to the extent that the claim of the attorney general arises out of the conduct,
403 transactions or occurrences set forth or attempted to be set forth in the prior complaint of that
404 person.

405 (3) Notwithstanding any other general or special law, rule of procedure or rule of
406 evidence to the contrary, a final judgment rendered in favor of the commonwealth in a criminal
407 proceeding charging fraud or false statements, whether upon a verdict after trial or upon a plea of
408 guilty or nolo contendere, shall bar the defendant from denying the essential elements of the
409 offense in any action which involves the same act, transaction or occurrence as in the criminal
410 proceedings and which is brought under section 5B.

False Claims Act

411 SECTION 32. Section 5N of said chapter 12, as so appearing, is hereby amended by
412 striking out paragraphs (1) and (2) and inserting in place thereof the following 2 paragraphs:-

413 (1) Notwithstanding any general or special law, procedural rule or regulation to the
414 contrary, whenever the attorney general or a designee has reason to believe that a person may be
415 in possession, custody or control of documentary material or information relevant to a false
416 claims law investigation, the attorney general or a designee may, before commencing a civil

417 action under paragraph (1) of section 5C or other false claims law, or making an election to
418 intervene under paragraph (3) of said section 5C, issue in writing and cause to be served upon
419 such person, a civil investigative demand requiring such person to: (i) produce such documentary
420 material for inspection and copying; (ii) answer written interrogatories, in writing and under
421 oath; (iii) give oral testimony under oath; or (iv) furnish any combination of such material,
422 answers or testimony. The attorney general may delegate to an assistant attorney general the
423 authority to issue civil investigative demands under this section.

424 (2) Service of a demand pursuant to paragraph (1) may be made by: (i) delivering a copy
425 thereof to the person to be served or to a partner or to any officer or agent authorized by
426 appointment or by law to receive service of process on behalf of such person; (ii) delivering a
427 copy thereof to the principal place of business or the last and usual place of abode in the
428 commonwealth of the person to be served; or (iii) mailing by registered or certified mail a copy
429 thereof addressed to the person to be served at the person's last and usual place of abode in the
430 commonwealth, the principal place of business in the commonwealth or, if said person has no
431 place of business in the commonwealth, to the person's principal office.

False Claims Act

432 SECTION 33. Said section 5N of said chapter 12, as so appearing, is hereby further
433 amended by striking out paragraph (8) and inserting in place thereof the following paragraph:-

434 (8) Any documentary material or other information produced by a person pursuant to
435 sections 5B to 5O, inclusive, shall not, unless otherwise ordered by a justice of the superior court
436 for good cause shown, be disclosed to any other person other than the authorized agent or
437 representative of the attorney general and any officer or employee of the commonwealth who is
438 working under their direct supervision with respect to the false claims law investigation, unless
439 with the consent of the person producing the same, except that any information obtained by the
440 attorney general under this section may be shared with any *qui tam* relator if the attorney general
441 determines it is necessary as part of a false claims act investigation. Such documentary material
442 or information may be disclosed by the attorney general in court proceedings or in papers filed in
443 court. Nothing in this section shall preclude the attorney general from disclosing information and
444 evidence secured pursuant to sections 5B to 5O, inclusive, to officials of the United States, other
445 states, the commonwealth or any political subdivision thereof charged with the responsibility for
446 enforcement of federal, state or local laws respecting fraud or false claims upon federal, state or
447 local governments. Prior to any such disclosure, the attorney general shall obtain a written
448 agreement from such officials to abide by the restrictions of this section.

Community College Reform

449 SECTION 34. Section 9 of chapter 15A of the General Laws, as so appearing, is hereby
450 amended by striking out, in lines 37 and 39, and in lines 48 and 49, the words "five year" and
451 inserting in place thereof, in each instance, the following words:- 3-year.

State University Tuition Retention and Community College Reform

452 SECTION 35. The first paragraph of said section 9 of said chapter 15A, as so appearing,
453 is hereby amended by striking out clause (i) and inserting in place thereof the following clause:-
454 (i) develop a rational and equitable statewide tuition and fee plan for community colleges, which
455 plan shall take into account the per student maintenance costs and total mandated costs per
456 student; provided, however, that the total mandated costs per student shall include the state
457 appropriation, retained revenue, fringe benefits and ongoing maintenance; provided further, that
458 the tuition and fee plan shall include direct and indirect elements of the per student maintenance
459 costs including, but not limited to, faculty and administrators that support an institution's
460 primary mission of instruction, student admission services and ongoing maintenance for
461 classrooms, administrative buildings, libraries and laboratories; provided further, that the tuition
462 and fee plan shall include revised retention expenditure regulations which shall take into account
463 the needs of the institutions with regard to personnel and utility costs; provided further, that the
464 tuition and fee plan shall further take into account the need to maximize student access to higher
465 education regardless of a student's financial circumstances; provided further, that the council
466 shall issue regulations governing the implementation of such tuition and fee plan by the
467 community colleges; provided further, that the tuition rates shall be subject to the approval of the
468 council; provided further, that the council shall establish final tuition rates for the subsequent
469 academic years not later than 15 days prior to the deadline for submission of state or federal
470 financial aid applications by students attending the institutions of higher education set forth in
471 section 5; provided further, that the council shall establish guidelines to be followed by each
472 community college relative to student charges and whether the charges should be classified as
473 tuition or as fees; provided further, that the guidelines shall be based upon a study of tuition and
474 fees which shall be conducted by the council and which shall be authorized by law; provided
475 further, that fees as defined by the guidelines shall not exceed 25 per cent of total student charges
476 for the community colleges; and provided further, that in the case of the state universities, the
477 council shall review and approve student charges under section 42.

Community College Reform

478 SECTION 36. Said section 9 of said chapter 15A, as so appearing, is hereby further
479 amended by striking out, in line 91, the figure "5" and inserting in place thereof the following
480 figure:- 3.

Transfer and Degree Auditing System

481 SECTION 37. Said section 9 of said chapter 15A, as so appearing, is hereby further
482 amended by inserting after the word "institutions", in line 119, the following words:- ; provided,
483 however, that the council shall also engage in coordinated and collaborative research projects
484 with other state entities including, but not limited to, the department of early education and care,
485 the department of elementary and secondary education and the department of workforce
486 development to support the development of policies that enhance successful transitions from
487 early childhood through entry into the workforce.

Transfer and Degree Auditing System

488 SECTION 38. Said section 9 of said chapter 15A, as so appearing, is hereby further
489 amended by inserting after the word “education”, in line 229, the following words:- ; and (hh) to
490 build and maintain a centrally administered computer-based transfer and degree auditing system
491 providing individual students with clear and consistent information on the student’s progress
492 toward fulfilling degree requirements in any undergraduate program at any public institution of
493 higher education; provided, however, that the system shall include course-to-course
494 equivalencies across institutions enabling students access to information necessary for
495 understanding how credits will transfer to another public institution of higher education;
496 provided further, that the council shall coordinate the implementation of the system and shall
497 ensure all public higher education institutions utilize the system for all undergraduate programs
498 and course offerings including, but not limited to, courses offered through continuing education
499 programs, online courses and courses supported by the commonwealth; provided further, that the
500 council shall determine the form in which all data and course equivalencies shall be submitted by
501 the public institutions of higher education; provided further, that the council shall also utilize the
502 data in the system to produce an annual report that highlights the number and type of transfers
503 within the system of public higher education, the number of students accessing the system, the
504 progress of students statewide towards degree completion and other relevant research
505 assessments as the council may determine relevant to the careful and responsible discharge of its
506 purposes; and provided further, that the annual report shall be submitted to the secretary of
507 education, the joint committee on higher education and the house and senate committees on ways
508 and means not later than October 1.

Adopted Students’ Tuition and Fee Waiver Cap

509 SECTION 39. Section 19 of said chapter 15A, as so appearing, is hereby amended by
510 inserting after the word “division”, in line 50, the following words:- ; provided, however, that if
511 sufficient funds are not appropriated to cover full tuition and fee waivers, the council may adopt
512 guidelines that give preference to qualifying students whose expected family contribution, as
513 determined by the free application for federal student aid, is less than \$10,000.

Community College Reform

514 SECTION 40. Section 21 of said chapter 15A, as so appearing, is hereby amended by
515 striking out the first paragraph and inserting in place thereof the following paragraph:-

516 There shall be a board of trustees consisting of 11 voting members for each of the
517 institutions named in section 5, other than the University of Massachusetts. Each board of
518 trustees shall elect a chairperson; provided, however, that in the case of community colleges, the
519 board of trustees shall recommend to the governor 3 nominees for the position of chairperson
520 who shall reside within the geographic region of the community college and the governor shall
521 appoint 1 of those nominees as chairperson. Each community college board of trustees shall
522 include at least 1 representative from 1 of the 3 industries with the greatest projected number of
523 job vacancies as determined by the executive office of labor and workforce development’s study
524 on labor market conditions, to serve as a nonvoting member and a vocational-technical school
525 district trustee under section 4 of chapter 74, representing each vocational-technical school in the
526 geographic region, to serve as a nonvoting member.

Public Institutions of Higher Education Boards of Trustees Correction

527 SECTION 41. Said section 21 of said chapter 15A, as so appearing, is hereby further
528 amended by striking out, in line 36, the word “No” and inserting in place thereof the following
529 words:- Except as otherwise provided in section 4, no.

Community College Reform

530 SECTION 42. Said section 21 of said chapter 15A, as so appearing, is hereby further
531 amended by inserting after the word “institution”, in line 57, the following words:- ; provided,
532 however, that in the case of a community college, the board of trustees of the community college
533 or the council shall initiate the removal of the chief executive officer of the community college;
534 and provided further, that the removal shall be approved by a 2/3 vote of the council and the
535 board of trustees of the community college.

State University Tuition Retention

536 SECTION 43. The first paragraph of section 22 of said chapter 15A, as so appearing, is
537 hereby amended by striking out clause (b) and inserting in place thereof the following clause:-
538 (b) establish all fees at community colleges subject to guidelines established by the council;
539 provided, however, that such community college fees shall include fines and penalties collected
540 pursuant to the enforcement of traffic and parking rules and regulations; provided further, that
541 the rules and regulations shall be enforced by persons in the employ of the community college
542 who, throughout the property of the institution, shall have the powers of police officers, except as
543 to the service of civil process; provided further, that the community college fees established
544 under this section shall be retained by the board of trustees in a revolving fund and shall be
545 expended as the board of the community college may direct; provided further, that the foregoing
546 shall not authorize any action in contravention of the requirements of Section 1 of Article LXIII
547 of the Amendments to the Constitution; provided further, that such fund shall be subject to
548 annual audit by the state auditor; provided further, that each board of trustees of a state university
549 shall establish all student charges of the state university under the process set forth in section 42,
550 as applicable; provided further, that the student charges of the state university shall include fines
551 and penalties collected pursuant to the enforcement of traffic and parking rules and regulations;
552 provided further, that the rules and regulations shall be enforced by persons in the employ of the
553 state university who, throughout the property of the institution, shall have the powers of police
554 officers, except as to the service of civil process; and provided further, that the foregoing shall
555 not authorize any action in contravention of the requirements of Section 1 of Article LXIII of the
556 Amendments to the Constitution.

Community College Reform

557 SECTION 44. Said section 22 of said chapter 15A, as so appearing, is hereby further
558 amended by striking out, in line 40, the figure “5” and inserting in place thereof the following
559 figure:- 3.

Community College Reform

560 SECTION 45. Said section 22 of said chapter 15A, as so appearing, is hereby further
561 amended by inserting after the word “mission”, in line 71, the following words:- ; provided,
562 however, that the assessment report shall also include recommendations for future collaboration,
563 analysis of the collaboration between the community college and vocational-technical schools
564 and the training and job development programs implemented by the community college and
565 vocational-technical schools.

State University Tuition Retention and Community College Reform

566 SECTION 46. Said chapter 15A is hereby further amended by adding the following 2
567 sections:-

568 Section 42. (a) The board of trustees of each state university shall, for each academic
569 year, fix and establish student charges for each such state university, subject to the requirements
570 of this section. In-state student charges shall preserve affordability for residents of the
571 commonwealth. Out-of-state student charges shall appropriately balance the financial needs of
572 the college with the need to be competitive with peer institutions regionally. In setting student
573 charges, each state university shall consider factors including, but not limited to, actual
574 appropriations received, the Consumer Price Index, the Higher Education Price Index, tuition
575 and fee rates at peer institutions, collective bargaining costs, funding from the commonwealth
576 measured with reference to the funding formula established in section 15B and making progress
577 towards ensuring that fees constitute not more than 25 per cent of student charges. To the extent
578 practicable, final student charges shall be established for each academic year not later than
579 March 1 of the calendar year in which the rates shall take effect.

580 For the purposes of this section, “student charges” shall include tuition and fees that are
581 charged to students generally for attendance at a state university, but shall not include any fee or
582 other charge established by such state university that is specific to a particular course, program or
583 activity, and shall not include any rates, rents, charges or fees set by the Massachusetts State
584 College Building Authority.

585 (b) Each state university shall submit a 3-year student charges plan to the board of higher
586 education for the board’s approval. The plan shall contain the annual student charges that the
587 state university expects to approve for the state university’s state-supported programs under
588 subsection (a) for a period of not fewer than 3 academic years. The plan shall also include, but
589 not be limited to, budget and enrollment projections for each year, projections for in-state and
590 out-of-state enrollments for each year, consideration of segmental missions and plans to ensure
591 continuing access to the institution by residents of the commonwealth and to maintain and
592 increase access for underrepresented student groups. The board of higher education, in
593 considering whether to approve a plan, shall consider, but not be limited to considering, the same
594 factors the campuses are required to consider in setting student charges under this section. For
595 the first 3 years, the board may also consider, to the extent practicable, any steps taken in the
596 plan to ensure that fees constitute not more than 25 per cent of student charges. For the second 3
597 years and for each plan submitted thereafter, the board shall consider the progress made toward
598 ensuring that fees constitute not more than 25 per cent of student charges. Within 120 days after
599 submission of a plan, the board of higher education shall either approve the plan or return it to

600 the state university with suggested changes. The approval shall require a 2/3 vote of the board of
601 higher education. If the board of higher education does not vote on a plan within 120 days after
602 its submission, the plan shall be considered approved. A copy of the plan shall be provided to
603 the joint committee on higher education, the house and senate committees on ways and means
604 and the secretary of education at the time the plan is submitted to the board of higher education.

605 (c) If following the approval of a state university's plan under subsection (b) the board of
606 trustees of such state university approves, for any academic year, student charges that are greater
607 than 105 per cent of the student charges approved in such university's plan, the state university
608 shall submit such greater rate to the board of higher education for its approval as part of an
609 amended student charges plan. The amended plan shall describe in detail the reasons why the
610 state university's student charges are greater than the expected student charges and shall provide
611 revised or updated information on budget and enrollment projections for each year, projections
612 for in-state and out-of-state enrollments for each year, consideration of segmental missions and
613 plans to ensure continuing access to the institution by residents of the commonwealth and to
614 maintain and increase access for underrepresented student groups, as necessary. Within 60 days
615 after the submission of a revised plan, the board of higher education shall either approve the plan
616 or return it to the state university with suggested changes. The approval shall require a 2/3 vote
617 of the board of higher education. If the board of higher education does not vote on a plan within
618 60 days after its submission, the plan shall be considered approved. A copy of the revised plan
619 shall be provided to the joint committee on higher education, the house and senate committees on
620 ways and means and the secretary of education at the time the plan is submitted to the board of
621 higher education.

622 (d) A state university or the board of higher education may, at its discretion, request that a
623 plan approved under subsection (b) or (c) be re-examined and modified in accordance with
624 procedures established by the board of higher education. Any resulting modification shall be
625 concurred with by the board of trustees of the affected state university and by a 2/3 vote of the
626 board of higher education.

627 (e) All student charges received by the board of trustees of a state university under this
628 section shall be retained by the board of trustees of that institution in a revolving trust fund and
629 shall be expended as the board of trustees may direct for the operation and support of the
630 institution. Any balance in a trust fund at the end of a fiscal year shall continue to be held in the
631 trust fund, shall remain available for expenditure in subsequent fiscal years and shall not revert to
632 the General Fund. All such trust funds shall be subject to audit by the state auditor.

633 Section 43. The commissioner shall establish in the department of higher education, an
634 office of coordination. The commissioner shall appoint a director to operate and administer the
635 office who shall have experience with workforce development in the public or private sector.
636 The director shall work to establish a clearinghouse for all training opportunities provided by
637 public higher educational institutions. The University of Massachusetts, state universities and
638 community colleges shall report to this office every workforce training opportunity they provide
639 and all workforce training requests they received but were not able to meet. The director shall
640 maintain a public website listing all such training opportunities offered and shall provide support
641 for employers with workforce training needs. The director shall provide information to public

642 institutions of higher education to help the institutions provide workforce development services
643 in the most efficient manner possible and eliminate redundancies in the commonwealth's
644 workforce development offerings. The director shall establish a program for employers newly
645 opened in or relocated to the commonwealth to apprise these employers of workforce training
646 programs and provide assistance in securing workforce development grants. The director shall
647 prepare an annual report for publication on progress to improve the effectiveness of the
648 commonwealth's workforce development efforts and shall report regularly to the public on the
649 progress the office is making towards achieving the stated goals.

650 The annual report, which shall be in a form and manner prescribed by the commissioner,
651 shall include, but not be limited to: (i) a commissioner-approved plan for the year, including the
652 goals set for the year and the performance measurements by which to evaluate those goals and
653 programs or initiatives to meet those goals; (ii) the number, nature and amount of trainings
654 facilitated and grants awarded to employers assisted by the office; and (iii) a description of
655 technical assistance that the office provided.

656 The annual report of the office shall be made available to the public on the
657 commonwealth's website not later than December 31 and shall be filed with the clerks of the
658 senate and house of representatives and the chairs of the house and senate committees on ways
659 and means.

Electronic Benefit Transfer Cards

660 SECTION 47. Paragraph (B) of section 2 of chapter 18 of the General Laws, as appearing
661 in the 2010 Official Edition, is hereby amended by striking out clause (i) and inserting in place
662 thereof the following 2 clauses:-

663 (i) charge a fee up to the maximum amount permissible under federal law for any
664 identification card it issues as a replacement for an identification card that has been lost,
665 mutilated, stolen or destroyed, except if such loss or destruction occurs during the mailing of an
666 original identification card to a recipient, if the card ceases to work through no fault of the
667 recipient or if the department issues replacement cards on its own initiative to classes of
668 recipients; provided that all fees for replacement cards shall be deducted directly from the
669 recipient's cash assistance benefits.

670 (j) send a notice to any benefit recipient who requests more than 3 replacement electronic
671 benefit transfer cards in a calendar year and monitor future requests for replacement cards;
672 provided that the notice shall state that the department has noted an unusual number of requests
673 for replacement electronic benefits cards and will be monitoring all future requests for
674 replacement cards.

Electronic Benefit Transfer Cards

675 SECTION 48. Said chapter 18 is hereby further amended by striking out section 5I,
676 inserted by chapter 84 of the acts of 2011, and inserting in place thereof the following section:-

677 Section 5I. Notwithstanding any general or special law to the contrary, an eligible
678 recipient of direct cash assistance shall not use direct cash assistance funds for the purchase of
679 alcoholic beverages, lottery tickets, tobacco products, visual material or performances intended
680 to create or simulate sexual conduct or sexual excitement as those terms are defined in section 31
681 of chapter 272, firearms, tattoos or body piercings, for gambling as defined in section 2 of
682 chapter 23K or for the payment to the commonwealth of or any political subdivision thereof of
683 any fees, fines, bail or bail bonds ordered by a court. An eligible recipient of direct cash
684 assistance who makes a purchase or payment or uses direct cash assistance for gambling in
685 violation of this section shall reimburse the department for the cost of such purchase, payment or
686 gambling.

Electronic Benefit Transfer Cards

687 SECTION 49. Section 5J of said chapter 18, as so inserted, is hereby amended by
688 striking out the words “or tobacco products. An individual” and inserting in place thereof the
689 following words:- , tobacco products, visual material or performances intended to create or
690 simulate sexual conduct or sexual excitement as those terms are defined in section 31 of chapter
691 272, firearms, tattoos or body piercings and no gaming employee as defined in section 2 of
692 chapter 23K shall accept direct cash assistance funds held on electronic benefit transfer cards for
693 gambling and no individual shall accept direct cash assistance funds held on electronic benefit
694 transfer cards for the payment to the commonwealth or any political subdivision thereof of any
695 fees, fines, bail or bail bonds ordered by a court. An individual, gaming employee.

Food Stamp Trafficking and Electronic Benefit Transfer Cards

696 SECTION 50. Said chapter 18 is hereby further amended by inserting after section 5K
697 the following 3 sections:-

698 Section 5L. (a) As used this section and section 5M, “food stamp benefits” shall mean
699 benefits issued pursuant to the federal Food Stamp Act, 7 U.S.C. §§ 2011 to 2029, inclusive, as
700 amended, including such benefits contained on an electronic benefit transfer card.

701 (b) An individual who obtains, uses, transfers or disposes of food stamp benefits in the
702 manner specified in clause (1) or (2) shall be guilty of food stamp benefits trafficking. An
703 individual traffics food stamp benefits if, with the intent to defraud, the individual:

704 (1) presents for payment or redemption or transfers food stamp benefits in any form,
705 including transfers to another, who does not, or does not intend to, use the food stamp benefits
706 for the benefit of the household for whom the benefits were intended, as defined in the
707 regulations of the department; or

708 (2) possesses, buys, sells, uses, alters, accepts or transfers food stamp benefits in any
709 manner not authorized by the Food Stamp Act of 1977, 7 U.S.C. § 2011, as amended.

710 (c) An individual who traffics food stamp benefits, as described in subsection (b), shall:

711 (1) if the food stamp benefits are of a value of less than \$250 or if the item used,
712 transferred, acquired, altered or possessed has a value of less than \$250, be punished by
713 imprisonment in a jail or house of correction for not more than 1 year or by a fine of not more
714 than \$1,000, or both such fine and imprisonment; or

715 (2) if the food stamp benefits are of a value of \$250 or more or the item used, transferred,
716 acquired, altered or possessed has a value of \$250 or more, be punished by imprisonment in a jail
717 or house of correction for not more than 2 years or by imprisonment in a state prison for not
718 more than 5 years or by a fine of not more than \$5,000, or both fine and imprisonment.

719 (d) If a person is alleged to have committed the offense of trafficking in food stamp
720 benefits 2 or more times within a 6-month period, those offenses may be aggregated and charged
721 in a single count and the offenses so aggregated and charged shall constitute a single offense;
722 provided, however, that, if the aggregate value of the food stamp benefits alleged to be trafficked
723 is \$250 or more, the person shall be subject to the penalties prescribed in clause (2) of subsection
724 (c).

725 Section 5M. (a) As used in this section, “organization” shall mean a corporation for
726 profit or not-for-profit, partnership, limited partnership, joint venture, unincorporated
727 association, estate, trust or other commercial or legal entity; provided, however, that
728 “organization” shall not include an entity organized as or by a governmental agency for the
729 execution of a governmental program.

730 (b) An organization that obtains, uses, transfers or disposes of food stamp benefits in the
731 manner specified in subsection (c) shall be guilty of organizational food stamp benefits
732 trafficking.

733 (c) An owner or manager of an organization who, with the intent to defraud, either
734 directly or indirectly, uses, sells, transfers, acquires, alters or possesses food stamp benefits or
735 electronic benefit transfer cards in any manner not authorized by the Food Stamp Act of 1977, 7
736 U.S.C. § 2011, as amended, or the regulations of the department, or who presents for payment or
737 redemption food stamp benefits that have been received, transferred, altered or used in violation
738 of this section shall be guilty of organizational food stamp benefits trafficking.

739 (d) If an organization is alleged to have committed the offense of organizational food
740 stamp benefits trafficking 2 or more times within a 6-month period, any of those offenses may be
741 aggregated and charged in a single count and the offenses so aggregated and charged shall
742 constitute a single offense.

743 (e) An organization that commits food stamp benefits trafficking as described in
744 subsection (c) shall:

745 (1) if it is the organization’s first offense under this section, be punished by a fine of not
746 less than \$5,000;

747 (2) if it is the organization's second offense under this section, be punished by a fine of
748 not less than \$10,000; or

749 (3) if it is the organization's third or subsequent offense under this section, be punished
750 by a fine of not less than \$50,000.

751 (f) A retail or wholesale organization owner who is convicted of organizational food
752 stamp benefits trafficking and who also possesses a license to sell alcoholic beverages under
753 section 12 of chapter 138 shall be referred to the appropriate licensing authority for possible
754 disciplinary action pursuant to section 64 of said chapter 138.

755 (g) A retail or wholesale organization owner who is convicted of organizational food
756 stamp benefits trafficking and who also possesses a license to sell lottery tickets under sections
757 26 and 27 of chapter 10 shall be referred to the director of the state lottery for possible
758 disciplinary action.

759 Section 5N. The department shall develop and make available on its website a sign
760 specifying the phone number to report suspected electronic benefit transfer card fraud or misuse
761 under sections 5I to 5K, inclusive or suspected food stamp benefits fraud or misuse or food
762 stamp benefits trafficking under sections 5L or 5M. Business associations may also maintain a
763 downloadable form of the sign on their websites. Such sign shall be posted in any business
764 accepting electronic benefits transfer cards as a form of payment.

Department of Mental Health Worker-Safety Symposium

765 SECTION 51. Section 1 of chapter 19 of the General Laws, as appearing in the 2010
766 Official Edition, is hereby amended by adding the following paragraph:-

767 The department shall, on an annual basis, conduct a safety symposium for its employees
768 known as the Stephanie Moulton Safety Symposium, which shall be a forum to discuss topics
769 including, but not limited to, best safety practices and policies and risk management.

Transfer State Lab from Department of Public Health to State Police

770 SECTION 52. Chapter 22C of the General Laws is hereby amended by striking out
771 section 39, as appearing in the 2010 Official Edition, and inserting in place thereof the following
772 3 sections:-

773 Section 39. (a) The department or the University of Massachusetts medical school shall
774 make, free of charge, a chemical analysis of any narcotic drug, or any synthetic substitute for the
775 same, or any preparation containing the same, or any salt or compound thereof, and of any
776 poison, drug, medicine or chemical when submitted to it by police authorities, as the department
777 shall approve for this purpose, if the department is satisfied that the analysis is to be used for the
778 enforcement of law.

779 (b) A certificate by a chemist or analyst or other designated employee of the department
780 or of the University of Massachusetts medical school of the result of the chemist's or analyst's or
781 other designated employee's analysis, signed and sworn to by that chemist or analyst or other
782 designated employee, shall be prima facie evidence of the composition, quality and, when
783 appropriate, net weight of the substance or any mixture containing the substance.

784 (c) A signed certificate of drug analysis furnished by an analyst, assistant analyst or other
785 designated employee of the Drug Enforcement Administration of the United States Department
786 of Justice which conforms with the requirements of this section shall be prima facie evidence of
787 the composition, quality and, when appropriate, net weight of the substance or any mixture
788 containing the substance.

789 Section 39A. The department shall analyze, in accordance with sections 36 to 39,
790 inclusive, of chapter 138, all samples of alcoholic beverages, as defined in section 1 of said
791 chapter 138, submitted to it for that purpose by police authorities as provided in said section 36
792 if satisfied that the analysis is to be used in enforcing the laws.

793 Section 39B. The director of the crime laboratory within the department shall establish
794 procedural rules and policies governing the testing and analysis of drug samples and shall
795 establish a quality assurance program, which shall include proficiency standards for laboratories
796 and analysts responsible for performing drug testing and analysis. The procedural rules and
797 quality assurance program shall be compatible with the laboratory's accreditation procedural
798 rules and shall establish compatible laboratory techniques, laboratory equipment, supplies,
799 computer software and acceptance criteria for laboratory accreditation.

Cultural Facilities Grants

800 SECTION 53. Section 42 of chapter 23G of the General Laws, as so appearing, is hereby
801 amended by inserting after the word "facility", in line 27, the following words:- ; provided,
802 however, that if such building, structure or site is 125 years old or older and is significant in the
803 history, archeology, architecture or culture of the nation, the commonwealth or the community in
804 which it is located, it may be of any size.

Tax Settlement Revenue

805 SECTION 54. Section 2H of chapter 29 of the General Laws is hereby amended by
806 striking out the third paragraph, added by section 37 of chapter 68 of the acts of 2011, and
807 inserting in place thereof the following 2 paragraphs:-

808 Upon receiving a written joint certification from the commissioner of revenue and the
809 attorney general that the department of revenue is in receipt of a 1-time tax settlement or
810 judgment for the commonwealth, of which the net value to the commonwealth of the proceeds of
811 that settlement or judgment, after all restitution or other remedial payments are made pursuant to
812 the tax settlement or judgment, exceeds \$1,000,000 in any 1 fiscal year, the comptroller shall
813 transfer the proceeds from the General Fund to the Commonwealth Stabilization Fund.

814 In each fiscal year, prior to complying with clause (a) of section 5C, the comptroller shall
815 transfer from the Commonwealth Stabilization Fund to the General Fund the lesser of: (a) one-
816 half of the lowest aggregate amount collected in any 1 of the previous 3 fiscal years from 1-time
817 tax settlements or judgments collected by the department of revenue for the commonwealth with
818 a net value that exceeds \$1,000,000; or (b) \$30,000,000.

Public Safety Training Fund

819 SECTION 55. Said chapter 29 is hereby further amended by inserting after section
820 2EEEE the following section:-

821 Section 2FFFF. There shall be established and set up on the books of the commonwealth
822 a separate fund to be known as the Public Safety Training Fund. The fund shall be used for the
823 instruction of public safety personnel including, but not limited to, the recruitment of additional
824 state police classes and for the municipal police training committee under section 116 of chapter
825 6, as necessary, to preserve and promote the public safety. The fund shall be credited with all
826 revenues collected from the surcharge imposed by section 12 of chapter 89 and the seventh
827 paragraph of section 20 of chapter 90. The fund shall not be subject to section 5C of chapter 29
828 and shall be subject to appropriation.

Unclaimed Check Fund

829 SECTION 56. Section 32 of said chapter 29 is hereby amended by inserting after the
830 second sentence, as appearing in section 6 of chapter 142 of the acts of 2011, the following
831 sentence:- Annually, on June 30, the comptroller shall transfer to the Unclaimed Property Fund,
832 established in section 9 of chapter 200A, all funds that are identified by the state treasurer as
833 funds of the commonwealth that have remained in the unclaimed check fund for not less than 1
834 year.

Community Preservation Act

835 SECTION 57. Section 2 of chapter 44B of the General Laws, as appearing in the 2010
836 Official Edition, is hereby amended by inserting after the definition of "Annual income" the
837 following definition:-

838 "Capital improvement", reconstruction or alteration of real property that: (1) materially
839 adds to the value of the real property or appreciably prolongs the useful life of the real property;
840 (2) becomes part of the real property or is permanently affixed to the real property so that
841 removal would cause material damage to the property or article itself; and (3) is intended to
842 become a permanent installation or is intended to remain there for an indefinite period of time.

Community Preservation Act

843 SECTION 58. Said section 2 of said chapter 44B, as so appearing, is hereby further
844 amended by striking out, in line 24, the words "or eligible for listing".

Community Preservation Act

845 SECTION 59. Said section 2 of said chapter 44B, as so appearing, is hereby further
846 amended by striking out the definition of “Maintenance” and inserting in place thereof the
847 following definition:-

848 “Maintenance”, incidental repairs which neither materially add to the value of the
849 property nor appreciably prolong the property’s life, but keep the property in a condition of
850 fitness, efficiency or readiness.

Community Preservation Act

851 SECTION 60. Said section 2 of said chapter 44B, as so appearing, is hereby further
852 amended by striking out, in line 54, the words “, but not including maintenance”.

Community Preservation Act

853 SECTION 61. Said section 2 of said chapter 44B, as so appearing, is hereby further
854 amended by striking out the definition of “Rehabilitation” and inserting in place thereof the
855 following 2 definitions:-

856 “Rehabilitation”, capital improvements, or the making of extraordinary repairs, to historic
857 resources, open spaces, lands for recreational use and community housing for the purpose of
858 making such historic resources, open spaces, lands for recreational use and community housing
859 functional for their intended uses including, but not limited to, improvements to comply with the
860 Americans with Disabilities Act and other federal, state or local building or access codes;
861 provided, however, that with respect to historic resources, “rehabilitation” shall comply with the
862 Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for
863 the Treatment of Historic Properties codified in 36 C.F.R. Part 68; and provided further, that
864 with respect to land for recreational use, “rehabilitation” shall include the replacement of
865 playground equipment and other capital improvements to the land or the facilities thereon which
866 make the land or the related facilities more functional for the intended recreational use.

867 “Support of community housing”, shall include, but not be limited to, programs that
868 provide grants, loans, rental assistance, security deposits, interest-rate write downs or other forms
869 of assistance directly to individuals and families who are eligible for community housing or to an
870 entity that owns such housing, for the purpose of making housing affordable.

Community Preservation Act

871 SECTION 62. Section 3 of said chapter 44B, as so appearing, is hereby amended by
872 inserting after subsection (b) the following subsection:-

873 (b½) Notwithstanding chapter 59 or any other general or special law to the contrary, as an
874 alternative to subsection (b), the legislative body may vote to accept sections 3 to 7, inclusive, by
875 approving a surcharge on real property of not less than 1 per cent of the real estate tax levy

876 against real property and making an additional commitment of funds by dedicating revenue not
877 greater than 2 per cent of the real estate tax levy against real property; provided, however, that
878 additional funds so committed shall come from other sources of municipal revenue including, but
879 not limited to, hotel excises pursuant to chapter 64G, linkage fees and inclusionary zoning
880 payments, however authorized, the sale of municipal property pursuant to section 3 of chapter
881 40, parking fines and surcharges pursuant to sections 20, 20A and 20A1/2 of chapter 90, existing
882 dedicated housing, open space and historic preservation funds, however authorized, and gifts
883 received from private sources for community preservation purposes; and provided further, that
884 additional funds so committed shall not include any federal or state funds. The total funds
885 committed to purposes authorized under this chapter by means of this subsection shall not exceed
886 3 per cent of the real estate tax levy against real property, less exemptions, adopted. In the event
887 that the municipality shall no longer dedicate all or part of the additional funds to community
888 preservation, the surcharge of not less than 1 per cent shall remain in effect, but may be reduced
889 pursuant to section 16.

Community Preservation Act

890 SECTION 63. Said section 3 of said chapter 44B, as so appearing, is hereby further
891 amended by striking out, in lines 28 to 30, inclusive, the words “or (3) for \$100,000 of the value
892 of each taxable parcel of residential real property” and inserting in place thereof the following
893 words:-

894 (3) for \$100,000 of the value of each taxable parcel of residential real property; or

895 (4) for \$100,000 of the value of each taxable parcel of class three, commercial property,
896 and class four, industrial property as defined in section 2A of said chapter 59.

Community Preservation Act

897 SECTION 64. Section 5 of said chapter 44B, as so appearing, is hereby amended by
898 inserting after the word “preservation”, in lines 23 and 24, the following words:- , including the
899 consideration of regional projects for community preservation.

Community Preservation Act

900 SECTION 65. Subsection (b) of said section 5 of said chapter 44B, as so appearing, is
901 hereby amended by striking out paragraph (2) and inserting in place thereof the following
902 paragraph:-

903 (2) The community preservation committee shall make recommendations to the
904 legislative body for the acquisition, creation and preservation of open space; for the acquisition,
905 preservation, rehabilitation and restoration of historic resources; for the acquisition, creation,
906 preservation, rehabilitation and restoration of land for recreational use; for the acquisition,
907 creation, preservation and support of community housing; and for the rehabilitation or restoration
908 of open space and community housing that is acquired or created as provided in this section;
909 provided, however, that funds expended pursuant to this chapter may not be used for

910 maintenance. With respect to community housing, the community preservation committee shall
911 recommend, whenever possible, the reuse of existing buildings or construction of new buildings
912 on previously developed sites. With respect to recreational use, the acquisition of artificial turf
913 for athletic fields shall be prohibited.

Community Preservation Act

914 SECTION 66. Said section 5 of said chapter 44B, as so appearing, is further amended by
915 striking out subsection (d) and inserting in place thereof the following subsection:-

916 (d) After receiving recommendations from the community preservation committee, the
917 legislative body shall take such action and approve such appropriations from the Community
918 Preservation Fund as set forth in section 7, and such additional non-Community Preservation
919 Fund appropriations as it deems appropriate to carry out the recommendations of the community
920 preservation committee. In the case of a city, the ordinance shall provide for the mechanisms
921 under which the legislative body may approve or veto appropriations made pursuant to this
922 chapter, in accordance with the city charter.

Community Preservation Act

923 SECTION 67. Said chapter 44B is hereby amended by striking out section 6, as so
924 appearing, and inserting in place thereof the following section:-

925 Section 6. In each fiscal year and upon the recommendation of the community
926 preservation committee, the legislative body shall spend, or set aside for later spending, not less
927 than 10 per cent of the annual revenues in the Community Preservation Fund for open space, not
928 less than 10 per cent of the annual revenues for historic resources and not less than 10 per cent of
929 the annual revenues for community housing. In each fiscal year, the legislative body shall make
930 appropriations from the Community Preservation Fund as it deems necessary for the
931 administrative and operating expenses of the community preservation committee and such
932 appropriations shall not exceed 5 per cent of the annual revenues in the Community Preservation
933 Fund. The legislative body may also make appropriations from the Community Preservation
934 Fund as it deems necessary for costs associated with tax billing software and outside vendors
935 necessary to integrate such software for the first year that a city or town implements the this
936 chapter; provided, however, that the total of any administrative and operating expenses of the
937 community preservation committee and the first year implementation expenses shall not exceed
938 5 per cent of the annual revenues in the Community Preservation Fund.

939 Funds that are set aside shall be held in the Community Preservation Fund and spent in
940 that year or later years; provided, however, that funds set aside for a specific purpose shall be
941 spent only for the specific purpose. Any funds set aside may be expended in a city or town. The
942 community preservation funds shall not replace, but shall augment, existing operating funds.

Community Preservation Act

943 SECTION 68. The second paragraph of section 7 of said chapter 44B, as so appearing, is
944 hereby amended by striking out the first sentence and inserting in place thereof the following
945 sentence:- The following monies shall be deposited in the fund: (i) all funds collected from the
946 real property surcharge or bond proceeds in anticipation of revenue pursuant to sections 4 and
947 11; (ii) additional funds appropriated or dedicated from allowable municipal sources pursuant to
948 subsection (b $\frac{1}{2}$) of section 3, if applicable; (iii) all funds received from the commonwealth or
949 any other source for such purposes; and (iv) proceeds from the disposal of real property acquired
950 with funds from the Community Preservation Fund.

Community Preservation Act

951 SECTION 69. Said chapter 44B is hereby further amended by striking out section 10, as
952 so appearing, and inserting in place thereof the following section:-

953 Section 10. (a) The commissioner of revenue shall annually on or before November 15
954 disburse monies from the fund established in section 9 to a city or town that has accepted
955 sections 3 to 7, inclusive, and notified the commissioner of its acceptance. The community shall
956 notify the commissioner of the date and terms on which the voters accepted said sections 3 to 7,
957 inclusive. The municipal tax collecting authority shall certify to the commissioner the amount the
958 city or town has raised through June 30 by imposing a surcharge on its real property levy and
959 shall certify the percentage of the surcharge applied. In the event a city or town accepts said
960 sections 3 to 7, inclusive, pursuant to subsection (b $\frac{1}{2}$) of section 3 the municipal tax collecting
961 authority shall certify to the commissioner by October 30, the maximum additional funds the city
962 or town intends to transfer to the Massachusetts Community Preservation Trust Fund from
963 allowable municipal sources for the following fiscal year. Once certified, the city or town may
964 choose to transfer less than the certified amount during the following fiscal year.

965 (b) The commissioner shall multiply the amount remaining in the fund after any
966 disbursements for operating and administrative expenses pursuant to subsection (c) of section 9
967 by 80 per cent. This amount distributed in the first round distribution shall be known as the
968 match distribution. The first round total shall be distributed to each city or town accepting said
969 sections 3 to 7, inclusive, in an amount not less than 5 per cent but not greater than 100 per cent
970 of the total amount raised by the additional surcharge on real property by each city or town and,
971 if applicable, the additional funds committed from allowable municipal sources pursuant to
972 subsection (b $\frac{1}{2}$) of section 3. The percentage shall be the same for each city and town and shall
973 be determined by the commissioner annually in a manner that distributes the maximum amount
974 available to each participating city or town.

975 (c) The commissioner shall further divide the remaining 20 per cent of the fund in a
976 second round distribution, known as the equity distribution. The commissioner shall determine
977 the equity distribution in several steps. The first step shall be to divide the remaining 20 per cent
978 of the fund by the number of cities and towns that have accepted said sections 3 to 7, inclusive.
979 This dividend shall be known as the base figure for equity distribution. This base figure shall be
980 determined solely for purposes of performing the calculation for equity distribution and shall not
981 be added to the amount received by a participant.

982 (d) Each city and town in the commonwealth shall be assigned a community preservation
983 rank for purposes of the equity distribution. The commissioner shall determine each community's
984 rank by first determining the city or town's equalized property valuation per capita ranking,
985 ranking cities and towns from highest to lowest valuation. The commissioner shall also
986 determine the population of each city or town and rank each from largest to smallest in
987 population. The commissioner shall add each equalized property valuation rank and population
988 rank, and divide the sum by 2. The dividend shall be the community preservation raw score for
989 that city or town.

990 (e) The commissioner shall then order each city or town by community preservation raw
991 score, from the lowest raw score to the highest raw score. This order shall be the community
992 preservation rank for each city or town. If more than 1 city or town has the same community
993 preservation raw score, the city or town with the higher equalized valuation rank shall receive the
994 higher community preservation rank.

995 (f) After determining the community preservation rank for each city and town, the
996 commissioner shall divide all cities or towns into deciles according to their community
997 preservation ranking, with approximately the same number of cities and towns in each decile,
998 and the cities or towns with the highest community preservation rank shall be placed in the
999 lowest decile category, starting with decile 10. Percentages shall be assigned to each decile as
1000 follows:

1001	decile 1	140 per cent of the base figure
1002	decile 2	130 per cent of the base figure
1003	decile 3	120 per cent of the base figure
1004	decile 4	110 per cent of the base figure
1005	decile 5	100 per cent of the base figure
1006	decile 6	90 per cent of the base figure
1007	decile 7	80 per cent of the base figure
1008	decile 8	70 per cent of the base figure
1009	decile 9	60 per cent of the base figure
1010	decile 10	50 per cent of the base figure

1011 After assigning each city and town to a decile according to their community preservation
1012 rank, the commissioner shall multiply the percentage assigned to that decile by the base figure to
1013 determine the second round equity distribution for each participant.

1014 (g) Notwithstanding any other provision of this section, the total state contribution for
1015 each city and town shall not exceed the actual amount raised by the city or town's surcharge on
1016 its real property levy and, if applicable, additional funds committed from allowable municipal
1017 sources pursuant to subsection (b1/2) of section 3.

1018 (h) When there are monies remaining in the Massachusetts Community Preservation
1019 Trust Fund after the first and second round distributions and any necessary administrative
1020 expenses have been paid in accordance with section 9, the commissioner may conduct a third
1021 round surplus distribution. Any remaining surplus in the fund may be distributed by dividing the
1022 amount of the surplus by the number of cities and towns that have accepted sections 3 to 7,
1023 inclusive. The resulting dividend shall be the surplus base figure. The commissioner shall then
1024 use the decile categories and percentages as defined in this section to determine a surplus equity
1025 distribution for each participant.

1026 (i) The commissioner shall determine each participant's total state grant by adding the
1027 amount received in the first round distribution with the amounts received in any later round of
1028 distributions, with the exception of a city or town that has already received a grant equal to 100
1029 per cent of the amount the community raised by its surcharge on its real property levy.

1030 (1) Only those cities and towns that adopt the maximum surcharge pursuant to subsection
1031 (b) of section 3 and those cities and towns that adopt the maximum surcharge and additional
1032 funds committed from allowable municipal sources such that the total funds are the equivalent of
1033 3 per cent of the real estate tax levy against real property pursuant to subsection (b^{1/2}) of said
1034 section 3 shall be eligible to receive additional state monies through the equity and surplus
1035 distributions.

1036 (2) If less than 10 per cent of the cities and towns have accepted sections 3 to 7, inclusive,
1037 and imposed and collected a surcharge on their real property levy, the commissioner may
1038 calculate the state grant with only 1 round of distributions or in any other equitable manner.

1039 (j) After distributing the Massachusetts Community Preservation Trust Fund in
1040 accordance with this section, the commissioner shall keep any remaining funds in the trust for
1041 distribution in the following year.

Community Preservation Act

1042 SECTION 70. Section 12 of said chapter 44B, as so appearing, is hereby amended by
1043 striking out subsection (a) and inserting in place thereof the following subsection:-

1044 (a) A real property interest that is acquired with monies from the Community
1045 Preservation Fund shall be bound by a permanent restriction, recorded as a separate instrument,
1046 that meets the requirements of sections 31 to 33, inclusive, of chapter 184 limiting the use of the
1047 interest to the purpose for which it was acquired. The permanent restriction shall run with the
1048 land and shall be enforceable by the city or town or the commonwealth. The permanent
1049 restriction may also run to the benefit of a nonprofit organization, charitable corporation or
1050 foundation selected by the city or town with the right to enforce the restriction. The legislative

1051 body may appropriate monies from the Community Preservation Fund to pay a nonprofit
1052 organization created pursuant to chapter 180 to hold, monitor and enforce the deed restriction on
1053 the property.

Community Preservation Act

1054 SECTION 71. Section 16 of said chapter 44B, as so appearing, is hereby amended by
1055 inserting after the word “chapter”, in line 5, the following words:- , including reducing the
1056 surcharge to 1 per cent and committing additional municipal funds pursuant to subsection (b ½)
1057 of section 3.

Community College Reform

1058 SECTION 72. Section 4 of chapter 74 of the General Laws, as so appearing, is hereby
1059 amended by adding the following 2 sentences:- Pursuant to section 21 of chapter 15A, 1
1060 member of the board shall be designated by the district trustees to serve as a nonvoting member
1061 of the board of trustees for any community college that shares the same geographic region as the
1062 independent vocational-technical school.

Out-of-District Vocational Technical School Tuition Payments

1063 SECTION 73. Section 7C of said chapter 74, as so appearing, is hereby amended by
1064 striking out the first paragraph and inserting in place thereof the following paragraph:-

1065 Notwithstanding section 27C of chapter 29 or any other general or special law to the
1066 contrary, for each nonresident student admitted to and attending an approved vocational school
1067 under section 7, the student’s town of residence shall pay to the vocational school a tuition fee as
1068 determined by the commissioner; provided, however, that if the student’s town of residence is a
1069 member of a regional vocational school district, the tuition fee shall be paid by the district. If the
1070 town or district defaults on payment, the town or district shall be liable therefor in contract to the
1071 vocational school. For the purposes of this section, no town or district shall be required to pay
1072 any portion of the tuition for a student enrolled in a post-secondary vocational program.

Community College Reform

1073 SECTION 74. Section 1A of chapter 75 of the General Laws, as so appearing, is hereby
1074 amended by striking out, in line 95, the figure “5” and inserting in place thereof the following
1075 figure:-3.

University of Massachusetts Tuition Retention

1076 SECTION 75. Said chapter 75 is hereby further amended by inserting after section 8 the
1077 following section:-

1078 Section 8A. (a) The board of trustees shall fix and establish student charges for the
1079 university. In-state tuition and mandatory student charges shall preserve affordability for

1080 residents of the commonwealth. Out-of-state student charges shall appropriately balance the
1081 financial needs of the university with the need to be competitive with peer institutions regionally.
1082 In establishing student charges the board shall consider factors including, but not limited to,
1083 actual appropriations received, the Consumer Price Index, the Higher Education Price Index,
1084 tuition and fee rates at peer institutions, collective bargaining costs, funding from the
1085 commonwealth measured with reference to the funding formula established in section 15B of
1086 chapter 15A and making progress toward ensuring that fees constitute no more than 25 per cent
1087 of student charges. To the extent practicable, final student charges shall be established for each
1088 academic year not later than March 1 of the calendar year in which the rates shall take effect.

1089 For the purposes of this section, “student charges” shall mean tuition and fees that are
1090 charged to students generally for attendance at the university, but shall not include any fee or
1091 other charge established by the university that is specific to a particular course, program or
1092 activity, and shall not include any charges for room or board.

1093 (b) The university shall submit a 3-year student charges plan to the board of higher
1094 education for the board’s information consistent with this section. The plan shall contain the
1095 annual student charges that the university expects to approve for the university’s state-supported
1096 programs under the process in subsection (a) for a period of not less than 3 academic years,
1097 which shall be the period of the plan. The plan shall also include, but not be limited to, budget
1098 and enrollment projections for each year, projections for in-state and out-of-state enrollments for
1099 each year, consideration of the mission of each university campus and plans to ensure continuing
1100 access to the institution by residents of the commonwealth and to maintain and increase access
1101 for underrepresented student groups. A copy of the plan shall be provided to the joint committee
1102 on higher education, the house and senate committees on ways and means and the secretary of
1103 education at the time the plan is submitted to the board of higher education. Notwithstanding the
1104 university’s obligation to update the plan every 3 years, the university may, from time-to-time,
1105 provide a modified plan, under the process provided in subsection (a). If the board of trustees
1106 determines that a modification of the 3-year plan is necessary, the trustees shall submit the
1107 modified plan to the board of higher education, the joint committee on higher education, the
1108 house and senate committees on ways and means and the secretary of education, with an
1109 explanation for the rationale behind any modifications.

1110 (c) All student charges received by the board of trustees under this section shall be
1111 retained by the university in a revolving trust fund and shall be expended as the board of trustees
1112 may direct for the operation and support of the institution. Any balance in a trust fund at the end
1113 of a fiscal year shall continue to be held in the trust fund, shall remain available for expenditure
1114 in subsequent fiscal years and shall not revert to the General Fund. All such trust funds shall be
1115 subject to audit by the state auditor.

School Choice

1116 SECTION 76. Section 12B of chapter 76 of the General Laws is hereby amended by
1117 striking out, in lines 89 to 92, inclusive, as appearing in the 2010 Official Edition, the words
1118 “Said tuition amount shall be equal to seventy-five percent of the actual per pupil spending
1119 amount in the receiving district for such education as is required by such non-resident student,

1120 but not more than five thousand dollars” and inserting in place thereof the following words:-
1121 That tuition amount shall be \$5,000.

Public Safety Training Fund

1122 SECTION 77. Chapter 89 of the General Laws is hereby amended by adding the
1123 following section:-

1124 Section 12. There shall be a surcharge of \$5 on a fine assessed against a person convicted
1125 of or found responsible for a motor vehicle violation under this chapter or under a special
1126 regulation made under the authority of this chapter. The surcharge shall be transferred by the
1127 registrar of motor vehicles to the state treasurer for deposit into the Public Safety Training Fund
1128 established in section 2FFFF of chapter 29.

Public Safety Training Fund

1129 SECTION 78. Section 20 of chapter 90 of the General Laws, as appearing in the 2010
1130 Official Edition, is hereby amended by adding the following paragraph:-

1131 There shall be a surcharge of \$5 on a fine assessed against a person convicted of or found
1132 responsible for a motor vehicle violation under this chapter or under a special regulation made
1133 under the authority of this chapter. The surcharge shall be transferred by the registrar to the state
1134 treasurer for deposit into the Public Safety Training Fund established in section 2FFFF of chapter
1135 29.

Transfer State Lab from Department of Public Health to State Police

1136 SECTION 79. Section 47A of chapter 94C of the General Laws, as appearing in the 2010
1137 Official Edition, is hereby amended by striking out, in line 10, the words “the department of
1138 public health or”.

Transfer State Lab from Department of Public Health to State Police

1139 SECTION 80. Said section 47A of said chapter 94C, as so appearing, is hereby further
1140 amended by striking out, in lines 37 and 38, the words “or by an analyst of the department of
1141 public health”.

Transfer State Lab from Department of Public Health to State Police

1142 SECTION 81. Said section 47A of said chapter 94C, as so appearing, is hereby further
1143 amended by inserting after the word “department”, in lines 45, 53 and 54, 60 and 74, each time it
1144 appears, the following words:- of state police.

Transfer State Lab from Department of Public Health to State Police

1145 SECTION 82. Said section 47A of said chapter 94C, as so appearing, is hereby further
1146 amended by striking out the seventh paragraph.

Transfer State Lab from Department of Public Health to State Police

1147 SECTION 83. Sections 11 to 13, inclusive, of chapter 111 of the General Laws are
1148 hereby repealed.

Hospice Care

1149 SECTION 84. Section 53 of chapter 118E of the General Laws, as appearing in the 2010
1150 Official Edition, is hereby amended by adding the following sentence:- To the extent permitted
1151 by the demonstration program approved under 42 U.S.C. 1315(a), covered services in the
1152 MassHealth Basic and MassHealth Essential programs shall include hospice services to the
1153 extent such services are covered in the MassHealth Standard program.

Childhood Vaccine Program

1154 SECTION 85. The General Laws are hereby amended by inserting after chapter 118H
1155 the following chapter:-

1156 Chapter 118I

1157 Childhood Vaccine Program

1158 Section 1. As used in this chapter the following words shall, unless the context clearly
1159 requires otherwise, have the following meanings:

1160 “Child or children”, an individual or individuals less than 19 years of age.

1161 “Clinician”, a health care professional licensed under chapter 112.

1162 “Estimated vaccine cost”, the estimated cost over the course of a fiscal year for the
1163 purchase, storage and distribution of vaccines for all children in the commonwealth.

1164 “Facility”, a hospital, clinic or nursing home licensed under chapter 111 or a home
1165 health agency.

1166 “Health care provider”, a clinician, a facility or a physician group practice.

1167 “Insured”, an enrollee, covered person, member, policyholder, subscriber or beneficiary
1168 of a surcharge payor.

1169 “Participating provider”, a provider who, under a contract with a surcharge payor or with
1170 its contractor or subcontractor, has agreed to provide health care services to insureds with an

1171 expectation of receiving payment, other than coinsurance, copayments or deductibles, directly or
1172 indirectly, from the carrier.

1173 “Physician group practice”, 2 or more physicians who deliver patient care, make joint use
1174 of equipment and personnel and by agreement divide income earned by the physicians in the
1175 group.

1176 “Routine childhood immunizations”, immunizations for children until their nineteenth
1177 birthday including, but not limited to: (1) the immunizations recommended by the federal
1178 Vaccines for Children Program; and (2) any immunizations recommended by the Advisory
1179 Committee on Immunization Practices of the United States Department of Health and Human
1180 Services.

1181 “Surcharge payors”, those entities defined as surcharge payors under section 34 of
1182 chapter 118G, whose assessment may be collected in a manner consistent with said chapter
1183 118G.

1184 “Total non-federal program cost”, the estimated annual cost of vaccines needed for
1185 routine childhood immunizations for children covered by surcharge payors in the commonwealth
1186 less the amount of federal revenue available to the commonwealth for purchase, storage,
1187 distribution and administration of such vaccines.

1188 “Vaccine Purchase Trust Fund”, a fund to support a universal purchase system for
1189 childhood vaccines in the commonwealth.

1190 Section 2. There shall be established in the commonwealth a separate trust fund to be
1191 known as the Vaccine Purchase Trust Fund to support a universal purchase system for childhood
1192 vaccines in the commonwealth. The specific purpose of the fund shall be to cover the costs to
1193 purchase, store and distribute vaccines for routine childhood immunizations and to administer
1194 the fund and the Massachusetts immunization registry, established under section 24M of chapter
1195 111. The fund shall consist of all monies paid to the commonwealth under section 4 and any
1196 interest earnings on such monies. The fund shall be maintained by the commissioner of health
1197 care finance and policy or a designee. The monies shall be expended under the direction of the
1198 department of public health, without prior appropriation, solely for the purposes of covering total
1199 non-federal program costs; provided, however, that the amount to be expended for storing and
1200 distributing vaccines for routine childhood immunizations, if such costs are not covered by
1201 federal contribution, and for the costs of administering the Massachusetts immunization registry,
1202 shall not exceed 10 per cent of the total amount of the fund expended for the purchase of
1203 vaccines needed for routine childhood immunizations for all children in the commonwealth.
1204 Any balance in the fund at the close of a fiscal year shall be available for expenditure in
1205 subsequent fiscal years and shall not be transferred to any other fund or revert to the General
1206 Fund. The commissioner of health care finance and policy or a designee shall report annually to
1207 the house and senate committees on ways and means the amount of funds collected and any
1208 expenditures made from the fund.

1209 Section 3. There shall be established a vaccine purchase advisory council consisting of
1210 the commissioner of public health or a designee, who shall serve as chair; the medical director of
1211 the Massachusetts immunization program of the department of public health; the commissioner
1212 of health care finance and policy or a designee; the executive director of the commonwealth
1213 health insurance connector authority or a designee; 3 persons to be appointed by the
1214 commissioner of insurance, each of whom shall be a representative of 1 of the 3 health insurance
1215 companies having the most insured lives in the commonwealth; and 8 persons to be appointed by
1216 the commissioner of public health, 1 of whom shall be a representative of an employer that self-
1217 insures for health coverage who shall be appointed from lists of nominees submitted by statewide
1218 associations of employers, 1 of whom shall be a representative of the pharmaceutical
1219 manufacturing industry with expertise in researching, developing and manufacturing vaccines, 1
1220 of whom shall be a member of the Massachusetts Medical Society, 1 of whom shall be a member
1221 of the Massachusetts Chapter of the American Academy of Pediatrics, 1 of whom shall be a
1222 member of the Massachusetts Academy of Family Physicians, and 3 of whom shall be physicians
1223 licensed to practice in the commonwealth and who shall have expertise in the area of childhood
1224 vaccines. The council shall recommend the types of vaccines to be purchased based on a list of
1225 routine childhood immunizations and shall take into account provider preference, cost,
1226 availability and other factors as determined by the council. The council shall recommend the
1227 amount of funding needed each fiscal year by calculating the total non-federal program cost.
1228 The commissioner of public health shall determine the final vaccines to be purchased.

1229 Section 4. The commissioner of health care finance and policy shall determine the final
1230 amount required to be included in the Vaccine Purchase Trust Fund for the next fiscal year to
1231 cover the estimated vaccine cost pursuant to this chapter and shall annually provide surcharge
1232 payors notice of the assessment amount for the trust fund year not later than January 1.

1233 Under regulations adopted by the commissioner of health care finance and policy, each
1234 surcharge payor in the commonwealth shall pay to the commissioner of health care finance and
1235 policy, for deposit in the Vaccine Purchase Trust Fund, a routine childhood immunizations
1236 surcharge assessed by the commissioner; provided, however, that the amount of the routine
1237 childhood immunizations surcharge assessed to cover the costs for storing and distributing such
1238 vaccines, if such costs are not covered by federal contribution, and for the costs of administering
1239 the Massachusetts immunization registry, shall not exceed 10 per cent of the amount of the
1240 routine childhood immunizations surcharge assessed to cover the purchase of vaccines needed
1241 for routine childhood immunizations for all children in the commonwealth. The regulations shall
1242 establish dates for assessing and payment of such surcharge and shall permit and enable
1243 expenditure of funds by the department of public health. The annual contribution into the trust
1244 fund shall be deposited annually by July 1. Such surcharge shall be a percentage of the final
1245 amount determined by the commissioner of health care finance and policy pursuant to this
1246 section.

1247 Section 5. The department of public health may adopt rules and regulations as necessary
1248 to implement the universal purchase and distribution system in accordance with this chapter and
1249 other applicable state and federal laws. The rules and regulations shall establish the system by
1250 which vaccines are distributed for children in the commonwealth.

Transfer State Lab from Department of Public Health to State Police

1251 SECTION 86. Section 36 of chapter 138 of the General Laws, as appearing in the 2010
1252 Official Edition, is hereby amended by striking out, in line 2, the words “public health” and
1253 inserting in place thereof the following words:- state police.

Transfer State Lab from Department of Public Health to State Police

1254 SECTION 87. Section 37 of said chapter 138, as so appearing, is hereby amended by
1255 striking out, in lines 2 and 9, the words "public health" and inserting in place thereof, in each
1256 instance, the following words:- state police.

Transfer State Lab from Department of Public Health to State Police

1257 SECTION 88. Section 38 of said chapter 138, as so appearing, is hereby amended by
1258 striking out, in line 3, the words “public health” and inserting in place thereof the following
1259 words:- state police.

Bone Marrow Donors

1260 SECTION 89. Chapter 149 of the General Laws is hereby amended by inserting after
1261 section 33E the following section:-

1262 Section 33F. (a) An employee of the commonwealth or an employee of a county, city or
1263 town that accepts this section may take a leave of absence, without loss of pay, of not more than
1264 5 days to undergo the medical procedure and associated physical recovery time due to
1265 participation in a bone marrow donor program.

1266 (b) If the necessity for leave under this section is foreseeable, the employee shall provide
1267 the employer with not less than 7 days’ notice before the leave is to begin. If the necessity for
1268 leave is not foreseeable, the employee shall provide such notice as is practicable.

1269 (c) An employer may require that a request for leave under this section be supported by a
1270 certification issued at such time and in such manner as the attorney general may by regulation
1271 require.

1272 (d) The attorney general shall enforce this section, and may obtain injunctive or
1273 declaratory relief for this purpose. Violation of this shall be subject to the second paragraph of
1274 section 150 and to section 180.

Bone Marrow Donors

1275 SECTION 90. Section 150 of said chapter 149, as appearing in the 2010 Official Edition,
1276 is hereby amended by inserting after the figure “33E”, in line 20, the following figure:- , 33F.

Criminal Defendant Indigency Verification

1277 SECTION 91. The third sentence of subsection (c) of section 2A of chapter 211D of the
1278 General Laws, as appearing in section 112 of chapter 68 of the acts of 2011, is hereby amended
1279 by striking out the word “may” and inserting in place thereof the following word:- shall.

Chief Probation Officer Designee

1280 SECTION 92. The fifth sentence of said subsection (c) of said section 2A of said chapter
1281 211D, as appearing in said section 112 of said chapter 68, is hereby further amended by inserting
1282 after the words “chief probation officer” the following words:- or the officer’s designee.

Chief Probation Officer Designee

1283 SECTION 93. The third sentence of subsection (d) of said section 2A of said chapter
1284 211D, as appearing in said section 112 of said chapter 68, is hereby amended by inserting after
1285 the words “chief probation officer” the following words:- or the officer’s designee.

Probate and Family Court Fees

1286 SECTION 94. Chapter 262 of the General Laws is hereby amended by striking out
1287 section 40, as appearing in the 2010 Official Edition, and inserting the place thereof the
1288 following section:-

1289 Section 40. The fees of the registers of the probate and family court shall be as follows:

1290 for the filing of an amended or substituted account, for a petition for the allowance of an
1291 account, \$75;

1292 for the filing of an account, including a common trust fund account, if the gross value
1293 accounted for in Schedule A of the account is \$1,000 or less, no fee; if the gross value is more
1294 than \$1,000 but not more than \$10,000, \$75; provided, however, that the fees shall not exceed
1295 \$170 regardless of the time covered by the account; if the gross value is \$10,000 or more but not
1296 more than \$100,000, \$100 for each year or fraction thereof covered by the account; if the gross
1297 value is more than \$100,000 but not more than \$500,000, \$150 for each year or fraction thereof
1298 covered by the account; if the gross value is more than \$500,000 but not more than \$1,000,000,
1299 \$200 for each year or fraction thereof covered by the account; if the gross value is more than
1300 \$1,000,000 but not more than \$2,000,000, \$400 for each year or fraction thereof covered by the
1301 account; if the gross value is more than \$2,000,000 but not more than \$5,000,000, \$750 for each
1302 year or fraction thereof covered by the account; if the gross value is more than \$5,000,000 but
1303 not more than \$7,500,000, \$1500 for each year or fraction thereof covered by the account; if the
1304 gross value is more than \$7,500,000 but not more than \$10,000,000, \$2500 for each year or
1305 fraction thereof covered by the account; if the gross value is more than \$10,000,000, \$3500 for
1306 each year or fraction thereof covered by the account;

1307 for the filing of a subsequent bond, demand for sureties, for the filing of a petition for
1308 new bond, discharge of surety, modification of bond, reduction of bond, \$75;

1309 for the filing of a motion for change of name, in divorce actions during nisi period, \$100;

1310 for the filing of a petition for change of name, \$150;

1311 for the filing of a foreign conservator sworn statement, \$75;

1312 for the removal of a fiduciary, \$100;

1313 for the filing of a petition to expand, modify or limit the powers of a conservator, \$150;

1314 for the filing of a petition for the appointment of a conservator or for single transaction,
1315 \$240;

1316 for the issuance of a contempt summons, \$5;

1317 for the entry of an action seeking the post-judgment removal of a child from the
1318 commonwealth, \$50;

1319 for the filing of a complaint for alimony, enforcement of foreign alimony decree, separate
1320 support, \$100;

1321 for the filing of an action to convey land as if sole, \$150;

1322 for marriage of a minor and marriage without delay, \$180;

1323 for the filing of a complaint for affirmation of marriage, annulment, divorce, \$200;

1324 for the filing of an action for modification relative to child support, custody and
1325 visitation, except for those actions filed by the IV-D agency for which there is no filing fee, \$50;

1326 for the filing of a complaint to establish paternity or for custody-support-visitation,
1327 except for those actions filed by the IV-D agency for which there is no filing fee, \$100;

1328 for the filing of a complaint to modify a foreign custody or support decree pursuant to
1329 section 29 of chapter 208, except for those complaints filed by the IV-D agency for which there
1330 is no filing fee, \$100;

1331 for the filing of an action for the modification of a judgment relative to all non-child
1332 related issues, \$150;

1333 for the issuance of an injunction or temporary restraining order, \$100;

1334 for the filing of a complaint in equity related to separate support or the custody or support
1335 of minors, \$100;

1336 for the filing of a complaint in equity, except such as relates to separate support or the
1337 custody or support of minors, \$240;

1338 for the filing of a petition to partition, to terminate a trust, for specific performance, for
1339 filing a complaint to correct birth record, to restrain a personal representative, to terminate a
1340 trust, \$240;

1341 for the issuance of a subsequent letter, \$25;

1342 for care of a burial lot, erection of monument, \$60;

1343 for the filing of a petition to render an inventory or account, petition for approval of a
1344 compromise, determination of value, order of complete settlement, for the filing of a closing
1345 statement, foreign personal representative sworn statement, small estate closing statement, \$75;

1346 for the filing of a will for safekeeping, \$75; provided, however, that no additional fee
1347 shall be charged for filing a will in substitution of a will previously filed and withdrawn;

1348 for the filing of a petition for public administration, for formal removal of personal
1349 representative, for the filing of a statement of voluntary administration, \$100;

1350 for the filing of a petition for counsel fees, to vacate a formal order, for a general probate
1351 petition, for a general petition, except such as relates to custody or support of minors, for a
1352 representation of insolvency, \$150;

1353 for the filing of a petition to appoint a receiver of the estate of an absentee, for leave to
1354 deposit certain funds, \$200;

1355 for the filing of a declaration of common trust fund, \$400;

1356 for the filing of a petition to appoint a special personal representative, to appoint a
1357 trustee, for a general trust petition, for a formal probate of will, adjudication of intestacy and
1358 appointment of personal representative, for formal appointment of successor personal
1359 representative, for supervised administration, for an informal probate of will or appointment of
1360 personal representative, for informal appointment of successor personal representative, \$400;

1361 for the filing of a petition for leave to lease real estate, for leave to mortgage real estate,
1362 \$75;

1363 for the filing of a petition or application for sale of real or personal estate by any
1364 fiduciary if the gross value accounted for is \$100,000 or less, \$100; if the gross value is more
1365 than \$100,000 but not more than \$250,000, \$250; if the gross value is more than \$250,000 but
1366 not more than \$500,000, \$500; if the gross value is more than \$500,000 but not more than
1367 \$1,000,000, \$750; if the gross value is more than \$1,000,000, \$1000; and

1368 for the amendment of record except such as relates to separate support, adoption or the
1369 custody or support of minors, \$60;

1370 Notwithstanding this section, no fee shall be charged for the issuance of a temporary
1371 restraining order against a spouse related to a complaint for divorce or separate support, for the
1372 filing of a complaint for support of a spouse or child pursuant to section 32F of chapter 209, for
1373 the filing of a complaint for abuse protection, for the filing of a petition for disabled abuse,
1374 elderly abuse, dispense with consent to adoption, the appointment of a guardian, the resignation
1375 or termination of a guardian or conservator, the resignation of any fiduciary, to expand, modify
1376 or limit the powers of a guardian, grandparent visitation, payment of deposits, for leave to bring
1377 suit on a bond or for registration of foreign custody decree.

Postponement of FAS 109 Deduction

1378 SECTION 95. Subsection (2) of section 95 of chapter 173 of the acts of 2008 is hereby
1379 amended by striking out the figure "2013", inserted by section 136 of said chapter 68, and
1380 inserting in place thereof the following figure:- 2014.

Regional Transit Authority Toll Credits

1381 SECTION 96. Subsection (b) of section 75 of chapter 303 of the acts of 2008 shall not
1382 apply in fiscal year 2013.

Extend Authority to Terminate and Renegotiate Leases

1383 SECTION 97. Section 23 of chapter 5 of the acts of 2009 is hereby amended by striking
1384 out the figure "2012", inserted by section 137 of said chapter 68, and inserting in place thereof
1385 the following figure:- 2013.

Postpone Regional Transit Authority Forward Funding

1386 SECTION 98. The first sentence of section 152 of chapter 25 of the acts of 2009 is
1387 hereby amended by striking out the figure "2013", inserted by section 138 of said chapter 68, and
1388 inserting in place thereof the following figure:- 2014.

Extend Authority to Terminate and Renegotiate Leases

1389 SECTION 99. Section 195 of chapter 131 of the acts of 2010 is hereby amended by
1390 striking out the figure "2012", inserted by section 144 of said chapter 68, and inserting in place
1391 thereof the following figure:- 2013.

Allow Medical Security Trust Fund Deficit for Fiscal Year 2013

1392 SECTION 100. Section 124 of chapter 359 of the acts of 2010 is hereby amended by
1393 striking out the words "and June 30, 2012", inserted by section 145 of said chapter 68, and
1394 inserting in place thereof the following words:- , June 30, 2012 and June 30, 2013.

Extend Leasing Authority for Committee for Public Counsel Services

1395 SECTION 101. The second sentence of section 174 of chapter 68 of the acts of 2011 is
1396 hereby amended by striking out the words “shall be responsible for negotiating” and inserting in
1397 place thereof the following words:- may negotiate.

Criminal Justice Commission Extension

1398 SECTION 102. Section 189 of said chapter 68 is hereby amended by striking out the
1399 figure “2012” and inserting in place thereof the following figure:- 2013.

Extend Leasing Authority for Committee for Public Counsel Services

1400 SECTION 103. Section 220 of said chapter 68 is hereby amended by striking out the
1401 figure “2012” and inserting in place thereof the following figure:- 2013.

Substance Abuse Services Fund

1402 SECTION 104. Section 94 of chapter 142 of the acts of 2011 is hereby amended by
1403 striking out the fourth sentence and inserting in place thereof the following sentence:- On July 1,
1404 2012, the comptroller shall transfer \$2,000,000 from the General Fund to the Substance Abuse
1405 Services Fund to expand inpatient treatment facilities and for ongoing case management for
1406 individuals civilly committed under said section 35 of said chapter 123; provided, however, that
1407 not later than July 15, 2012, the commissioner shall submit a spending plan for the Substance
1408 Abuse Services Fund to the secretary of administration and finance, the house and senate
1409 committees on ways and means and the clerks of the house of representatives and the senate; and
1410 provided further, that upon receipt of the spending plan the comptroller shall transfer \$8,000,000
1411 from the General Fund to the Substance Abuse Services Fund.

Suspend Transfer of Tobacco Settlement to OPEB

1412 SECTION 105. The transfer of funds into the State Retiree Benefits Trust Fund required
1413 by section 152 of chapter 68 of the acts of 2011 shall not occur in fiscal year 2013.

Stabilization Fund Transfer

1414 SECTION 106. (a) Notwithstanding any general or special law to the contrary, the
1415 comptroller shall, on or before June 30, 2013, transfer \$290,000,000 to the General Fund from
1416 the Commonwealth Stabilization Fund; provided, however, the comptroller shall instead transfer
1417 a lesser amount if the secretary of administration and finance so requests in writing. The
1418 comptroller, in consultation with the secretary of administration and finance, may take the
1419 overall cash flow needs of the commonwealth into consideration in determining the timing of
1420 any transfer of funds. The comptroller shall provide a schedule of transfers to the secretary of
1421 administration and finance and to the house and senate committees on ways and means.

1422 (b) Notwithstanding clause (a) of section 5C of chapter 29 of the General Laws or any
1423 other general or special law to the contrary, during fiscal year 2013 the comptroller shall not
1424 transfer 0.5 per cent of the total revenue from taxes in the preceding fiscal year to the
1425 Commonwealth Stabilization Fund, as required by said clause (a). However, upon written
1426 certification by the secretary of administration and finance that there are sufficient funds to make
1427 some or all of the transfer required under said clause (a), the comptroller shall so transfer the
1428 amount certified. The comptroller, in consultation with the secretary of administration and
1429 finance, may take the overall cash flow needs of the commonwealth into consideration in
1430 determining the timing of any transfer of funds under this subsection. The comptroller shall
1431 provide a schedule of transfers to the secretary of administration and finance and to the house
1432 and senate committees on ways and means.

1433 (c) Notwithstanding any general or special law to the contrary, the comptroller shall, on
1434 or before June 30, 2013, transfer the interest earned from the Commonwealth Stabilization Fund
1435 during fiscal year 2013 to the General Fund.

Consolidated Net Surplus Transfers

1436 SECTION 107. (a) Notwithstanding any general or special law to the contrary, after
1437 complying with clause (a) of section 5C of chapter 29 of the General Laws, the comptroller shall
1438 dispose of the consolidated net surplus in the budgetary funds for fiscal year 2012 as follows: (i)
1439 transfer \$15,000,000 from the General Fund to the Massachusetts Life Sciences Investment Fund
1440 established by section 6 of chapter 23I of the General Laws; and (ii) transfer the remaining
1441 balance from the General Fund to the Commonwealth Stabilization Fund.

1442 (b) All transfers pursuant to this section shall be made from the undesignated fund
1443 balances in the budgetary funds proportionally from the undesignated fund balances; provided,
1444 however, that no such transfer shall cause a deficit in any of the funds.

Authorization to Transfer Trust Fund Balances

1445 SECTION 108. Notwithstanding any general or special law to the contrary, upon
1446 receiving a written request from the secretary of administration and finance, the comptroller shall
1447 transfer to the General Fund the unexpended balance of a fund, trust fund or other separate
1448 account, in existence on April 1, 2012, whether established administratively or by law, including
1449 a separate account established under section 6 of chapter 6A of the General Laws or section 4F
1450 of chapter 7 of the General Laws. The request shall certify that the secretary, in consultation
1451 with the comptroller, has determined this balance not to be necessary for the purposes for which
1452 it was made available. The secretary and comptroller shall report to the house and senate
1453 committees on ways and means 45 days prior to any such transfer; provided, however, that the
1454 comptroller may submit to the house and senate committees on ways and means not later than
1455 October 1, 2012 an alternative plan to further maximize revenue generation from additional trust
1456 fund balance transfers to the General Fund.

Distribution of the Statutory Carry Forward

1457 SECTION 109. Notwithstanding section 5C of chapter 29 of the General Laws or any
1458 other general or special law to the contrary, amounts made available to be used as revenue in
1459 fiscal year 2013 in accordance with clause (a) of said section 5C of said chapter 29 shall be made
1460 available in the General Fund. To the extent balances in the General Fund are insufficient to
1461 carry out said clause (a) of said section 5C of said chapter 29, the amount necessary to meet the
1462 requirements of said clause (a) of said section 5C of said chapter 29 shall be made available
1463 proportionally from the other budgetary funds.

Suspension of the Statutory Carry Forward

1464 SECTION 110. Notwithstanding any general or special law to the contrary, when the
1465 comptroller disposes of the consolidated net surplus for fiscal year 2013 under subsection (a) of
1466 section 5C of chapter 29 of the General Laws, the comptroller shall not carry forward 0.5 per
1467 cent of the total revenue from taxes in fiscal year 2013.

Validation of Collective Bargaining Agreements

1468 SECTION 111. The salary adjustments and other cost items authorized by the 2011
1469 amendments to the following collective bargaining agreements, for the period from July 1, 2011
1470 to June 30, 2014, inclusive, shall be effective for the purposes of section 7 of chapter 150E of the
1471 General Laws:

- 1472 (a) between the commonwealth and the Coalition for Public Safety, Unit 5, at the
1473 alcoholic beverages control commission;
- 1474 (b) between the commonwealth and the Massachusetts Organization of State Engineers
1475 and Scientists, Unit 9; and
- 1476 (c) between the commonwealth and Lottery - SEIU Local 888 (Unit LT1).

Validation of Collective Bargaining Agreements

1477 SECTION 112. The salary adjustments and other cost items authorized by the 2011
1478 amendments to the following collective bargaining agreements, for the period from July 1, 2011
1479 to June 30, 2014, inclusive, shall be effective for the purposes of section 7 of chapter 150E of the
1480 General Laws:

- 1481 (a) between the Essex sheriff and the International Brotherhood of Correction
1482 Officers, for Local R1-27 (Unit SE3);
- 1483 (b) between the Barnstable sheriff and the National Association of Government
1484 Employees, for Local 220 (Unit S5B);
- 1485 (c) between the Barnstable sheriff and the AFL-CIO Council 93, for Local 1462C
1486 (Unit S2B);
- 1487 (d) between the Barnstable sheriff and the Barnstable Correctional Officers Union
1488 (Unit S1B);
- 1489 (e) between the Barnstable sheriff and the International Brotherhood of Correction
1490 Officers, for Local 217 (Unit S3B);

- 1491 (f) between the Barnstable sheriff and the National Association for Government
1492 Employees, for Local 58 (Unit S4B);
- 1493 (g) between the Dukes sheriff and Massachusetts Correctional Officers Federated
1494 Union (Unit SD1);
- 1495 (h) between the Suffolk sheriff and the and American Federation of State Council and
1496 Municipal Employees, for Council 3967 and 3642, Suffolk Captains (Unit SS6
1497 and SS5);
- 1498 (i) between the Essex sheriff and the Essex correction officers (Unit SE2);
- 1499 (j) between the board of higher education and the Association of Federal, State,
1500 County and Municipal Employees, Council 93, Local 1067 (Unit 106);
- 1501 (k) between the Berkshire sheriff and the International Brotherhood of Correction
1502 Officers/AFL-CIO, Local RI-297 (Unit SB1);
- 1503 (l) between the Berkshire sheriff and the International Union of Electronic,
1504 Electrical, Salaried, Machine and Furniture Workers - Communications Workers
1505 of America (Unit SB2);
- 1506 (m) between the Berkshire sheriff's department and the Berkshire County Sheriff's
1507 Office Employees Association (Unit SB3);
- 1508 (n) between the Suffolk sheriff and the National Association of Government
1509 Employees, Local 298 (Unit SS2);
- 1510 (o) between the Middlesex sheriff and the New England Police Benevolent
1511 Association/AFL-CIO, Local 500 (Unit SM5);
- 1512 (p) between the Norfolk sheriff and the National Association of Government
1513 Employees, RI-202 (Unit SN1);
- 1514 (q) between the Suffolk sheriff and the American Federation of State, County and
1515 Municipal Employees/AFL-CIO, Council 93, Local RN (Unit SS3);
- 1516 (r) between the Plymouth county sheriff and the Massachusetts Correctional Officers
1517 Federated Union, Emergency Communications Center Unit (Unit SP5);
- 1518 (s) between the University of Massachusetts and the International Brotherhood of
1519 Police Officers (Unit D84), for the Dartmouth campus;
- 1520 (t) between the University of Massachusetts and the American Federation of
1521 Teachers, Local 1895, AFL-CIO, Educational Services Unit (Unit D85), for the
1522 Dartmouth campus;
- 1523 (u) between the University of Massachusetts and the Massachusetts Society of
1524 Professors/Faculty Staff Union/MTA/NEA (Units A50 and B40);
- 1525 (v) between the University of Massachusetts and the University Staff
1526 Association/MTA/NEA (Unit A08), for the Amherst campus;
- 1527 (w) between the University of Massachusetts and the Non-Exempt Supervisors Unit,
1528 Unit B/MTA/NEA (Unit A15), for the Amherst campus;
- 1529 (x) between the University of Massachusetts and the Professional Staff
1530 Union/MTA/NEA (Units A52 and B42), for the Amherst and Boston campuses;
- 1531 (y) between the University of Massachusetts and the Classified Staff
1532 Union/MTA/NEA (Units B31 and B32), for the Boston campus;
- 1533 (z) between the University of Massachusetts and the American Federation of State,
1534 County and Municipal Employees, Local 507, AFL-CIO (Unit D82), for the
1535 Dartmouth campus;

- 1536 (aa) between the University of Massachusetts and the Massachusetts Society of
1537 Professors/Lowell/MTA/NEA (Unit L90);
1538 (bb) between the University of Massachusetts and the MTA/NEA Clerical/Technical
1539 Unit (Unit L92), for the Lowell campus;
1540 (cc) between the University of Massachusetts and the MTA/NEA Maintenance/Trades
1541 Unit (Unit L93), for the Lowell campus;
1542 (dd) between the board of higher education and the Massachusetts Teachers
1543 Association/National Education Association Associated Professional
1544 Administrators (Unit APA);
1545 (ee) between the board of higher education and the Massachusetts Teachers
1546 Association/National Education Association State College Faculty (Unit MSC);
1547 (ff) between the board of higher education and the Massachusetts Teachers
1548 Association/National Education Association Associated Massachusetts
1549 Community Colleges Council (Unit MCC);
1550 (gg) between the commonwealth and the registry of deeds (Unit SC1-6);
1551 (hh) between the University of Massachusetts and the Amherst Council 93, Local
1552 1776, AFL-CIOs (Unit A01), for the Amherst campus;
1553 (ii) between the University of Massachusetts and the Service Employees International
1554 Union, Local 888 (Unit L95), for the Lowell campus; and
1555 (jj) between the Suffolk sheriff and the American Federation of State, County and
1556 Municipal Employees for Council 93, Local 419 (Unit SS0).

DOR Tax Judgment and Settlement Expenses

1557 SECTION 113. Notwithstanding any general or special law to the contrary, the
1558 department of revenue may retain and expend an amount equal to the expenses including, but not
1559 limited to, expert witness fees, incurred by the department in pursuing litigation or negotiation of
1560 potential 1-time tax settlements or judgments for the commonwealth from the amount received
1561 from such 1-time tax settlements or judgments with a net value over \$1,000,000; provided,
1562 however, that the amount retained in each fiscal year shall not exceed \$2,000,000. Beginning in
1563 calendar year 2013, the amount retained and expended by the department in the previous fiscal
1564 year shall be certified by the secretary of administration and finance and submitted to the house
1565 and senate committees on ways and means annually not later than July 15.

Procurement Savings

1566 SECTION 114. (a) Whenever the secretary of administration and finance determines that
1567 procurement reforms or initiatives have resulted in cost savings for an agency of the executive
1568 department during fiscal year 2013, the secretary may reduce allotments under section 9B of
1569 chapter 29 of the General Laws to reflect some or all of the amounts saved; provided, however,
1570 that allotment reductions based upon procurement savings shall not exceed \$30,000,000 and that
1571 within 15 days of reducing allotments the secretary shall notify the house and senate committees
1572 on ways and means in writing.

1573 (b) If, as of October 1, 2012, the secretary of administration and finance determines that
1574 allotment reductions related to procurement reforms or initiatives in fiscal year 2013 will be

1575 insufficient to generate \$30,000,000, the secretary may submit to the chairs of the house and
1576 senate committees on ways and means a cost saving plan to reduce allotments under said section
1577 9B of said chapter 29; provided, however, that no allotment reductions shall be made under this
1578 subsection prior to the submission of a cost savings plan.

1579 (c) The total amount of allotment reductions under this section shall not exceed
1580 \$30,000,000 in fiscal year 2013.

Eminent Domain Fund Transfer

1581 SECTION 115. Notwithstanding any general or special law to the contrary, not later than
1582 June 30, 2013, the treasurer shall transfer \$10,000,000 from the eminent domain trust fund
1583 established under section 7D of chapter 79 of the General Laws to the Unclaimed Property
1584 Fund established in section 9 of chapter 200A of the General Laws.

Suspension of Tourism Formula

1585 SECTION 116. Notwithstanding any general or special law to the contrary, the formula
1586 for application of funds provided in section 35J of chapter 10 of the General Laws shall not
1587 apply in fiscal year 2013.

Federal Reimbursement for THE RIDE

1588 SECTION 117. Notwithstanding chapter 66A of the General Laws or any other general
1589 or special law to the contrary, the Massachusetts Bay Transportation Authority and the regional
1590 transit authorities organized under chapter 161B of the General Laws may provide to the
1591 executive office of health and human services personal data relative to customers using the
1592 authorities' paratransit services for the purposes of securing federal reimbursement and of
1593 administering the MassHealth program.

MassDOT Snow and Ice Spending

1594 SECTION 118. (a) Notwithstanding any general or special law to the contrary, the
1595 Massachusetts Department of Transportation may incur liabilities and make expenditures in
1596 fiscal year 2013 in excess of funds available to the department for snow and ice removal;
1597 provided, however, that such expenditures shall be approved by the secretary of transportation in
1598 consultation with the secretary of administration and finance; provided further, that no expenses
1599 shall be made in excess of funds available until \$50,000,000 has been expended for snow and ice
1600 removal in fiscal year 2013; provided further, that the negative balance of funds available for
1601 snow and ice removal shall not exceed \$30,000,000 at any time; and provided further, that the
1602 state comptroller may certify for payment invoices in excess of funds available to the
1603 department.

1604 (b) The department shall, on or before May 1, 2013, report to the executive office for
1605 administration and finance and the house and senate committees on ways and means the total
1606 amounts budgeted and expended for snow and ice removal; provided, however, that the

1607 department shall seek appropriations, as required, to cure deficiencies resulting from the removal
1608 of snow and ice for the fiscal year ending June 30, 2013.

Trial Court Transferability

1609 SECTION 119. Notwithstanding clause (xiii) of the third paragraph of section 9A of
1610 chapter 211B of the General Laws or any other general or special law to the contrary, the court
1611 administrator may, from the effective date of this act through April 30, 2013, transfer funds from
1612 any item of appropriation within the trial court to any other item of appropriation within the trial
1613 court; provided, however, that a transfer under said clause (xiii) of said section 9A of said
1614 chapter 211B shall not occur until 10 days after the revised funding schedules have been
1615 submitted in writing to the house and senate committees on ways and means; and provided
1616 further that the revised funding schedules shall include: (1) the amount of money transferred
1617 from any item of appropriation to any other item of appropriation; (2) the reason for the necessity
1618 of the transfer; and (3) the date on which the transfer shall be completed.

Video Teleconferencing

1619 SECTION 120. The court administrator may execute a memorandum of understanding
1620 with any interested sheriff's office to initiate or expand the use of video conferencing technology
1621 to conduct various court proceedings for the purposes of improving courtroom efficiency and
1622 decreasing inmate transportation costs. The terms of any such agreement shall specify the types
1623 of court appearances that may be conducted by video.

1624 In counties where technology is inadequate to conduct appearances through video
1625 conferencing technology, the court administrator and the applicable sheriff's office shall jointly
1626 file a proposal with the house and senate committees on ways and means detailing the
1627 technological upgrades required to institute video conferencing in that county, the amount of
1628 funding needed to implement such video conferencing technology in that county and the
1629 availability of federal or private grants for such purposes.

1630 The court administrator and the Massachusetts Sheriff's Association shall, not later than
1631 February 15, 2013, file a joint report with the house and senate committees on ways and means
1632 and the joint committee on the judiciary detailing the number and locations of facilities and
1633 courthouses where video conferencing technology is being utilized, the types of appearances
1634 being conducted through the use of the technology, the approximate number of inmate
1635 transportation trips to and from court that have been eliminated through the use of the
1636 technology, the savings associated with the elimination of such inmate transportation and plans
1637 to expand the use of the technology into either additional facilities and courthouses or to
1638 additional types of appearances.

Pension Cost of Living Adjustment

1639 SECTION 121. Notwithstanding any general or special law to the contrary, the amounts
1640 transferred pursuant to subdivision (1) of section 22C of chapter 32 of the General Laws shall be
1641 made available for the commonwealth's Pension Liability Fund established in section 22 of said

1642 chapter 32. The amounts transferred pursuant to said subdivision (1) of said section 22C of said
1643 chapter 32 shall meet the commonwealth's obligations pursuant to said section 22C of said
1644 chapter 32, including retirement benefits payable by the state employees' and the state teachers'
1645 retirement systems, for the costs associated with a 3 per cent cost-of-living adjustment pursuant
1646 to section 102 of said chapter 32, for the reimbursement of local retirement systems for
1647 previously authorized cost-of-living adjustments pursuant to said section 102 of said chapter 32
1648 and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of 1984. The
1649 state board of retirement and each city, town, county and district shall verify these costs, subject
1650 to the rules adopted by the state treasurer. The state treasurer may make payments upon a
1651 transfer of funds to reimburse certain municipalities for pensions to retired teachers, including
1652 any other obligations which the commonwealth has assumed on behalf of any retirement system
1653 other than the state employees' or state teachers' retirement systems and the commonwealth's
1654 share of the amounts to be transferred pursuant to section 22B of said chapter 32 and the
1655 amounts to be transferred pursuant to clause (a) of the last paragraph of section 21 of chapter 138
1656 of the General Laws. All payments for the purposes described in this section shall be made only
1657 pursuant to distribution of monies from the fund, and any distribution and the payments for
1658 which distributions are required shall be detailed in a written report filed quarterly by the
1659 secretary of administration and finance with the house and senate committees on ways and
1660 means and the joint committee on public service in advance of this distribution. Distributions
1661 shall not be made in advance of the date on which a payment is actually to be made. The state
1662 board of retirement may expend an amount for the purposes of the board of higher education's
1663 optional retirement program pursuant to section 40 of chapter 15A of the General Laws. To the
1664 extent that the amount transferred pursuant to said subdivision (1) of said section 22C of said
1665 chapter 32 exceeds the amount necessary to adequately fund the annual pension obligations, the
1666 excess amount shall be credited to the Pension Reserves Investment Trust Fund, established by
1667 subdivision (8) of section 22 of said chapter 32, for the purpose of reducing the unfunded
1668 pension liability of the commonwealth.

Chapter 70 Minimum Required Local Contribution

1669 SECTION 122. (a) Notwithstanding any general or special law to the contrary, upon the
1670 request of the board of selectmen in a town, the city council in a city with a plan E form of
1671 government or the mayor in any other city, the department of revenue may recalculate the
1672 minimum required local contribution, as defined in section 2 of chapter 70 of the General Laws,
1673 in the fiscal year ending June 30, 2013. Based on the criteria established in this section, the
1674 department shall recalculate the minimum required local contribution for a municipality's local
1675 and regional schools and shall certify the amounts calculated to the department of elementary
1676 and secondary education.

1677 (b) A city or town that used qualifying revenue amounts in a fiscal year which are not
1678 available for use in the next fiscal year or that shall be required to use revenues for extraordinary
1679 non school-related expenses for which it did not have to use revenues in the preceding fiscal year
1680 or that has an excessive certified municipal revenue growth factor which is also greater than or
1681 equal to 1.5 times the state average municipal revenue growth factor may appeal to the
1682 department of revenue not later than October 1, 2012, for an adjustment of its minimum required
1683 local contribution and net school spending.

1684 (c) If an appeal is determined to be valid, the department of revenue may reduce
1685 proportionately the minimum required local contribution amount based on the amount of
1686 shortfall in revenue or based on the amount of increase in extraordinary expenditures in the
1687 current fiscal year, but no adjustment to the minimum required local contribution on account of
1688 an extraordinary expense in the budget for the fiscal year ending June 30, 2013, shall affect the
1689 calculation of the minimum required local contribution in subsequent fiscal years. Qualifying
1690 revenue amounts shall include, but not be limited to, extraordinary amounts of free cash, overlay
1691 surplus and other available funds.

1692 (d) If upon submission of adequate documentation, the department of revenue determines
1693 that a municipality's appeal regarding an excessive municipal revenue growth factor is valid, the
1694 department shall recalculate the municipal revenue growth factor and the department of
1695 elementary and secondary education shall use the revised growth factor to calculate the
1696 preliminary local contribution, the minimum required local contribution and any other factor that
1697 directly or indirectly uses the municipal revenue growth factor. Any relief granted as a result of
1698 an excessive municipal revenue growth factor shall constitute a permanent reduction in the
1699 minimum required local contribution.

1700 (e) The board of selectmen in a town, the city council in a city with a plan E form of
1701 government, the mayor in any other city or a majority of the member municipalities of a regional
1702 school district which used qualifying revenue amounts in a fiscal year that are not available for
1703 use in the next fiscal year may appeal to the department of revenue not later than October 1,
1704 2012, for an adjustment to its net school spending requirement. If an appeal is determined to be
1705 valid, the department of revenue shall reduce the net school spending requirement based on the
1706 amount of the shortfall in revenue and reduce the minimum required local contribution of
1707 member municipalities accordingly. Qualifying revenue amounts shall include, but not be limited
1708 to, extraordinary amounts of excess and deficiency, surplus and uncommitted reserves.

1709 (f) If the regional school budget has already been adopted by two-thirds of the member
1710 municipalities then, upon a majority vote of the member municipalities, the regional school
1711 committee shall adjust the assessments of the member municipalities in accordance with the
1712 reduction in minimum required local contributions approved by the department of revenue or the
1713 department of elementary and secondary education in accordance with this section.

1714 (g) Notwithstanding clause (14) of section 3 of chapter 214 of the General Laws or any
1715 other general or special law to the contrary, the amounts determined pursuant to this section shall
1716 be the minimum required local contribution described in chapter 70 of the General Laws. The
1717 department of revenue and the department of elementary and secondary education shall notify
1718 the house and senate committees on ways and means and the joint committee on education of the
1719 amount of any reduction in the minimum required local contribution amount.

1720 (h) If a city or town has an approved budget that exceeds the recalculated minimum
1721 required local contribution and net school spending amounts for its local school system or its
1722 recalculated minimum required local contribution to its regional school districts as provided in
1723 this section, the local appropriating authority shall determine the extent to which the community
1724 shall avail itself of any relief authorized by this section.

1725 (i) The amount of financial assistance due from the commonwealth in fiscal year 2013
1726 pursuant to chapter 70 of the General Laws or any other law shall not be changed on account of
1727 any redetermination of the minimum required local contribution pursuant to this section.

1728 (j) The department of revenue and the department of elementary and secondary education
1729 shall issue guidelines to implement their respective duties pursuant to this section.

Authorization to Transfer Tobacco Settlement Payments

1730 SECTION 123. Notwithstanding section 1 of chapter 29D of the General Laws or any
1731 other general or special law to the contrary, all payments received by the commonwealth in fiscal
1732 year 2013 pursuant to the master settlement agreement in Commonwealth of Massachusetts v.
1733 Philip Morris, Inc. et. al., Middlesex Superior Court, No. 95-7378, shall be deposited in the
1734 General Fund. Notwithstanding section 3 of said chapter 29D to the contrary, the comptroller
1735 shall transfer 100 per cent of the earnings generated in fiscal year 2013 from the Health Care
1736 Security Trust, as certified under paragraph (f) of said section 3 of said chapter 29D, to the
1737 General Fund.

McKinney-Vento Cost Certification

1738 SECTION 124. Notwithstanding any general or special law to the contrary, the
1739 department of elementary and secondary education shall adopt regulations to certify district costs
1740 related to transportation of homeless students under the federal McKinney-Vento Homeless
1741 Assistance Act, 42 U.S.C. 11431 et seq. The department shall adopt the regulations required by
1742 this section not later than December 1, 2012.

Private SPED Tuition Rate Freeze

1743 SECTION 125. Notwithstanding section 22N of chapter 7 of the General Laws or any
1744 other general or special law to the contrary, the bureau of purchased services within the
1745 operational services division shall set prices in fiscal year 2013 for programs under chapter 71B
1746 of the General Laws at the same level calculated for fiscal year 2012, except the prices for those
1747 programs for extraordinary relief, as defined by the division's regulations; provided, however,
1748 that upon the request of a program, the bureau shall determine the minimum price for out-of-state
1749 purchasers by identifying the most recent price calculated for the program and applying the
1750 estimated rate of inflation, established by October 1 of each year under said section 22N of said
1751 chapter 7, in a compounded manner for each fiscal year following the most recent calculated
1752 price. The bureau shall accept and process applications for program reconstruction for fiscal year
1753 2013 to be considered for rate adjustment in fiscal year 2014. Programs for which prices in fiscal
1754 year 2012 were lower than the full amount permitted by the operational services division may, in
1755 fiscal year 2013, change the full prices calculated for fiscal year 2012.

University of Massachusetts and State University Tuition Retention

1756 SECTION 126. Notwithstanding any general or special law to the contrary, for any state
1757 university or the University of Massachusetts the dollar value of tuition and fee waivers

1758 authorized by statute by the board of higher education, by the board of trustees of the University
1759 of Massachusetts, by the boards of trustees of individual state universities and by the campuses
1760 of the University of Massachusetts shall remain at the level set in academic year 2012-2013;
1761 provided, however, that if sufficient funds are appropriated to allow for the dollar value of a
1762 particular waiver to be increased, the dollar value of such waiver shall be increased
1763 commensurately. Nothing in this section shall be construed to require the alteration, amendment
1764 or abrogation of any tuition remission policy or tuition or fee waiver program negotiated under
1765 chapter 150E of the General Laws and contained in any collective bargaining agreement or
1766 approved for non-unit personnel by the board of higher education or the institutional boards of
1767 trustees or their designees.

1768 This section shall not apply to students who are currently or were formerly in the custody
1769 of the department of children and families and are eligible to receive a tuition and fee waiver
1770 under section 19 of chapter 15A of the General Laws or to students who are eligible to receive a
1771 Massachusetts National Guard tuition and fee waiver under said section 19 of said chapter 15A.

University of Massachusetts and State University Tuition Retention

1772 SECTION 127. Notwithstanding any general or special law to the contrary, the state
1773 universities and the campuses of the University of Massachusetts shall not be required to honor
1774 any waiver or scholarship created after the passage of this act, whether created by legislation, by
1775 the board of higher education, by a local board of trustees, by collective bargaining or by any
1776 other method, unless a specific appropriation is made by the commonwealth to cover the cost of
1777 such scholarship.

University of Massachusetts and State University Tuition Retention

1778 SECTION 128. Notwithstanding any general or special law to the contrary, the 3-year
1779 student charges plans required under section 42 of chapter 15A and section 8A of chapter 75 of
1780 the General Laws shall be submitted to the board of higher education and the University of
1781 Massachusetts board of trustees, as applicable, not later than March 1, 2013.

University of Massachusetts and State University Tuition Retention

1782 SECTION 129. Not later than October 1, 2012, the commissioner of higher education, in
1783 consultation with the secretary of education, the president of the University of Massachusetts and
1784 the presidents of the state universities shall submit to the board of higher education a report that
1785 includes a review of: (1) the effectiveness of all tuition and fee waivers; (2) the merits and
1786 feasibility of changing the name of waivers to “scholarships”; and (3) the policies governing and
1787 costs related to continuing education programs. The report shall examine the extent to which
1788 these waivers are being used by the intended beneficiaries, the cost to the state universities, the
1789 University of Massachusetts and the commonwealth of these waivers, and the relative benefits of
1790 maintaining these waivers as compared to providing additional support to students through the
1791 scholarship programs authorized in section 16 of chapter 15A of the General Laws. The report
1792 shall include recommendations to the board concerning the extent to which such waiver
1793 programs should be continued, modified, discontinued or replaced by providing additional

1794 support to the state scholarship program and further recommendations to enable campuses to
1795 alter the proportion of student charges that are represented by tuition and fees so that fees
1796 represent no more than 25 per cent of total student charges. The report shall also include any
1797 recommendations for pertinent regulatory or statutory changes. A copy of the report shall be
1798 provided to the joint committee on higher education, the house and senate committees on ways
1799 and means, the board of trustees of the University of Massachusetts and the secretary of
1800 education at the time the report is submitted to the board of higher education.

University of Massachusetts and State University Tuition Retention

1801 SECTION 130. (a) In this section, the following words shall, unless the context clearly
1802 requires otherwise, have the following meanings:-

1803 “Retained tuition fringe costs”, all fringe benefits for state university and University of
1804 Massachusetts employees previously paid by the commonwealth using remitted tuition, which
1805 shall, commencing fiscal year 2014, be paid by the employer state university or the University of
1806 Massachusetts from retained tuition.

1807 “State-supported courses”, courses taught by employees of a state university or the
1808 University of Massachusetts and paid for using state appropriations.

1809 “State-supported tuition”, all tuition collected at state universities and the University of
1810 Massachusetts for credits earned in state-supported courses.

1811 (b) Notwithstanding any general or special law to the contrary, in order to implement the
1812 first year of a permanent tuition retention program for each state university and the University of
1813 Massachusetts, as applicable, in fiscal year 2014, each campus’s state appropriation shall be
1814 calculated by: (i) adjusting the fiscal year 2013 amount upwards, subject to appropriation, to
1815 reflect the higher education funding formula; (ii) adjusting the level determined in clause (i)
1816 downwards by the amount of state-supported tuition each institution remitted to the
1817 commonwealth in fiscal year 2013 and will retain in fiscal year 2014; and (iii) adjusting the level
1818 determined in clause (ii) upwards to ensure the appropriation reflects the remitted tuition fringe
1819 costs value in fiscal year 2013, so that each campus is able to pay the retained tuition fringe
1820 costs on its retained tuition in fiscal year 2014.

University of Massachusetts and State University Tuition Retention

1821 SECTION 131. Not later than December 31, 2017, the board of higher education shall
1822 submit a report to the joint committee on higher education, the house and senate committees on
1823 ways and means and the secretary of education concerning the effect that tuition retention, as
1824 established by sections 35, 43, 46 and 75, has had on the finances of the state universities and the
1825 University of Massachusetts under section 42 of chapter 15A of the General Laws or section 8A
1826 of chapter 75 of the General Laws, as applicable, on the student enrollments at such institutions
1827 and on access thereto. The report may present specific recommendations for amending or
1828 repealing provisions of this act, and shall be prepared by the board of higher education in
1829 consultation with the boards of trustees.

University of Massachusetts and State University Tuition Retention

1830 SECTION 132. If, as a result of the implementation of sections 35, 43, 46 and 75, the
1831 appropriation for a state university or the University of Massachusetts is reduced in a fiscal year,
1832 after fiscal year 2013, such institution shall have the authority, notwithstanding any limitations in
1833 this act, to increase student charges for that fiscal year in order to recover the full amount of the
1834 reduction in its appropriation, subject to the approval of the board of higher education. Any such
1835 increase shall be in addition to any annual increase in charges authorized under the institution's
1836 3-year student charges plan under section 42 of chapter 15A or section 8A of chapter 75 of the
1837 General Laws, as applicable.

Community College Reform

1838 SECTION 133. There shall be a special commission to study and make recommendations
1839 regarding community college funding and performance data tracking. The commission shall
1840 consist of the commissioner of higher education, who shall serve as the chair; the secretary of
1841 education; 3 presidents from the community colleges as chosen by the Massachusetts
1842 Community College Council of Presidents; the president of the senate or a designee; the speaker
1843 of the house of representatives or a designee; the minority leader of the senate or a designee; the
1844 minority leader of the house or a designee; and 2 persons to be appointed by the governor from
1845 the business community representing 2 different geographic regions of the commonwealth.

1846 In examining community college funding and performance data tracking, the special
1847 commission shall consider, but not be limited to considering: (i) accurate community college
1848 enrollment data; (ii) institutional performance with respect to clearly defined educational goals
1849 and metrics; (iii) incentive grants distributed by the board of higher education; and (iv)
1850 innovation and institutional action in support of workforce development.

1851 The commission shall make recommendations on the educational goals and metrics for
1852 measuring community college performance and shall consider, but not be limited to considering:
1853 (i) the number and rate of completion of degrees and certificates awarded annually; (ii) the
1854 number of students taking remedial courses; (iii) the transferability of credits among the
1855 community college, to other training institutions and to 4-year higher education institutions; (iv)
1856 alignment of degree and certificate programs with existing and emerging business and industry
1857 sectors; (v) post-graduate job placement rates; (vi) proficiency of professional degree curriculum
1858 in preparing students for post-graduate success; (vii) collaboration with vocational-technical
1859 schools and training programs implemented by the community college and vocational-technical
1860 schools; and (viii) collaboration with businesses within the geographic region of the community
1861 college.

1862 The first meeting of the commission shall take place within 45 days after the effective
1863 date of this act. The commission shall file its report with the board of higher education, the chairs
1864 of the senate and house committee on ways and means, the chairs of the joint committee on
1865 higher education and the executive office for administration and finance not later than December
1866 31, 2012.

Community College Reform

1867 SECTION 134. Notwithstanding any general or special law to the contrary, each
1868 community college shall coordinate the procurement of goods and services, consolidation of
1869 information technology services and platforms and auditing services with at least 5 other
1870 institutions of public higher education. Each community college shall submit a plan to the house
1871 and senate committees on ways and means and the secretary of administration and finance on the
1872 implementation and costs associated with the consolidation of information technology services
1873 and platforms by December 31, 2012; provided, however, that a collaboration of institutions may
1874 submit a plan on behalf of all of its members. Each community college shall submit an annual
1875 report to the house and senate committees on ways and means and the secretary of administration
1876 and finance on the cost reductions and increased efficiencies achieved through the collaboration
1877 by December 31.

Community College Reform

1878 SECTION 135. Notwithstanding any general or special law to the contrary, the term of a
1879 member of the board of trustees of a community college shall not be terminated under section 40
1880 prior to the expiration of a member's term or other vacancy under section 21 of chapter 15A of
1881 the General Laws.

Community College Reform

1882 SECTION 136. Notwithstanding any general or special law to the contrary, the board of
1883 higher education shall, within 120 days after the effective date of this act, establish and issue
1884 guidelines and procedures for the search, selection, appointment, compensation, evaluation and
1885 removal of the presidents of the community colleges.

MassHealth and Commonwealth Care Dental Services

1886 SECTION 137. (a) Notwithstanding section 53 of chapter 118E of the General Laws, for
1887 fiscal year 2013, the executive office of health and human services may determine the extent to
1888 which to include within its covered services for adults the federally-optional dental services that
1889 were included in its state plan or demonstration program in effect on January 1, 2002 and the
1890 dental services that were covered for adults in the MassHealth basic program as of January 1,
1891 2002; provided, however, that notwithstanding any general or special law to the contrary, at least
1892 90 days before restructuring any MassHealth dental benefits, the executive office shall file a
1893 report with the executive office for administration and finance and the house and senate
1894 committees on ways and means detailing the proposed changes and the anticipated fiscal impact
1895 of such changes.

1896 (b) Notwithstanding subsection (a) of section 6 of chapter 118H of the General Laws, for
1897 fiscal year 2013, medically necessary dental services covered through health insurance plans
1898 procured by the board of the commonwealth health insurance connector authority for any
1899 resident with a household income that does not exceed 100 per cent of the federal poverty level

1900 shall include preventative procedures but shall exclude those categories of services that are not
1901 provided through MassHealth.

UMass and EOHHS Interagency Service Agreement

1902 SECTION 138. Notwithstanding any general or special law to the contrary, the executive
1903 office of health and human services, acting in its capacity as the single state agency under Title
1904 XIX of the Social Security Act and as the principal agency for all of the agencies within the
1905 executive office and other federally-assisted programs administered by the executive office, may
1906 enter into interdepartmental services agreements with the University of Massachusetts medical
1907 school to perform activities that the secretary of health and human services, in consultation with
1908 the comptroller, determines appropriate and within the scope of the proper administration of said
1909 Title XIX and other federal funding provisions to support the programs and activities of the
1910 executive office. The activities may include: (1) providing administrative services including, but
1911 not limited to, providing the medical expertise to support or administer utilization management
1912 activities, determining eligibility based on disability, supporting case management activities and
1913 similar initiatives; (2) providing consulting services related to quality assurance, program
1914 evaluation and development, integrity and soundness and project management; and (3) providing
1915 activities and services for the purpose of pursuing federal reimbursement or avoiding costs, third-
1916 party liability and recouping payments to third parties. Federal reimbursement for any
1917 expenditures made by the University of Massachusetts medical school relative to federally-
1918 reimbursable services the university provides under these interdepartmental service agreements
1919 or other contracts with the executive office shall be distributed to the university and recorded
1920 distinctly in the state accounting system. The secretary may negotiate contingency fees for
1921 activities and services related to pursuing federal reimbursement or avoiding costs and the
1922 comptroller shall certify these fees and pay them upon the receipt of this revenue, reimbursement
1923 or demonstration of costs avoided. Contracts for contingency fees shall not exceed 3 years and
1924 shall not be renewed without prior review and approval by the executive office for administration
1925 and finance. The secretary shall not pay contingency fees in excess of \$40,000,000 for state
1926 fiscal year 2013; provided, however, that contingency fees paid to the University of
1927 Massachusetts medical school under an interagency service agreement for recoveries related to
1928 the special disability workload projects shall be excluded from that \$40,000,000 limit for fiscal
1929 year 2013. The secretary of health and human services shall submit to the secretary of
1930 administration and finance and the senate and house committees on ways and means a quarterly
1931 report detailing the amounts of the agreements, the ongoing and new projects undertaken by the
1932 university, the amounts expended on personnel and the amount of federal reimbursement and
1933 recoupment payments that the university collected.

Initial Gross Payments to Qualifying Acute Care Hospitals

1934 SECTION 139. Notwithstanding any general or special law to the contrary, on or before
1935 October 1, 2012 and without further appropriation, the comptroller shall transfer from the
1936 General Fund to the Health Safety Net Trust Fund, established in section 36 of chapter 118G of
1937 the General Laws, in this section called the fund, the greater of \$45,000,000 or one-twelfth of the
1938 total expenditures to hospitals and community health centers required pursuant to this act, for the
1939 purposes of making initial gross payments to qualifying acute care hospitals for the hospital

1940 fiscal year beginning October 1, 2012. These payments shall be made to hospitals before, and in
1941 anticipation of, the payment by hospitals of their gross liability to the fund. The comptroller shall
1942 transfer from the fund to the General Fund on or before June 30, 2013, the amount of the transfer
1943 authorized by this section and any allocation of that amount as certified by the director of the
1944 health safety net office.

MassHealth Savings Reports

1945 SECTION 140. Notwithstanding any general or special law to the contrary, MassHealth
1946 shall, not later than August 1, 2012, file a report with the executive office for administration and
1947 finance and the house and senate committees on ways and means identifying savings initiatives
1948 and cash management strategies that the executive office will pursue in fiscal year 2013 in order
1949 to operate the MassHealth program within the amounts appropriated in items 4000-0430, 4000-
1950 0500, 4000-0600, 4000-0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0895, 4000-
1951 0950, 4000-0990, 4000-1400 and 4000-1405 of this act; provided that MassHealth shall notify
1952 the executive office for administration and finance and the house and senate committees on ways
1953 and means not less than 15 days in advance of any deviation from the planned implementation of
1954 savings initiatives and cash management strategies included in this initial report; and provided
1955 further, that MassHealth shall notify the executive office for administration and finance and the
1956 house and senate committees on ways and means not less than 90 days in advance of
1957 implementing any proposed rate cuts to providers or service cuts to members.

Department of Mental Health Inpatient Study

1958 SECTION 141. Notwithstanding any general or special law to the contrary, there shall be
1959 an independent commission to study the state's inpatient and community mental health services.
1960 The commission shall consist of 7 members, 1 of whom shall be appointed by the speaker of the
1961 house of representatives, who shall serve as co-chair; 1 of whom shall be appointed by the
1962 president of the senate, who shall serve as co-chair; 1 of whom shall be appointed by the
1963 minority leader of the house of representatives; 1 of whom shall be appointed by the minority
1964 leader of the senate; 1 of whom shall be appointed by the governor; and 2 of whom shall be
1965 selected by the co-chairs, of whom 1 shall be selected from a list of 3 nominees provided by the
1966 Massachusetts Chapter of the National Alliance of Mental Illness who have demonstrated
1967 experience with the commonwealth-funded mental health service delivery system and 1 shall be
1968 selected from a list of 3 nominees provided by the Massachusetts Psychiatric Society who have
1969 demonstrated experience in evaluation and research of the commonwealth-funded mental health
1970 delivery system. The report shall include, but not be limited to: (i) a comprehensive assessment
1971 of the inpatient and community-based needs of mental health services funded through the
1972 department of mental health, including an estimate of the appropriate number of inpatient beds
1973 given the current number of community placements; (ii) the anticipated impact of the closure
1974 Taunton State Hospital on the mental health needs of the southeastern region of the
1975 commonwealth; and (iii) legislative or other recommendations to maintain and improve the
1976 quality of mental health services funded through the department. The department shall provide
1977 any information requested by the commission in order to further the purposes of the commission;
1978 provided, however, that such information shall not be provided to the commission if the
1979 information would violate the federal Health Insurance Portability and Accountability Act of

1980 1996. The commission shall submit the results of its study, together with drafts of legislation, if
1981 any, necessary to carry its recommendations into effect, by filing the same with the secretary of
1982 health and human services, the secretary of administration and finance, the house and senate
1983 committees on ways and means and the chairs of the joint committee on mental health and
1984 substance abuse not later than December 28, 2012.

Nursing and Resident Care Facility Base Year

1985 SECTION 142. Notwithstanding any general or special law to the contrary, nursing
1986 facility and resident care facility rates effective July 1, 2012 under section 7 of chapter 118G of
1987 the General Laws may be developed using the costs of calendar year 2005.

Nursing Home Assessment

1988 SECTION 143. Notwithstanding any general or special law to the contrary, the nursing
1989 home assessment established in subsection (b) of section 25 of chapter 118G of the General
1990 Laws shall be sufficient in the aggregate to generate \$220,000,000 in fiscal year 2013.

Inspector General's Health Safety Net Audit Unit

1991 SECTION 144. Notwithstanding any general or special law to the contrary, in hospital
1992 fiscal year 2013, the office of the inspector general may continue to expend funds from the
1993 Health Safety Net Trust Fund, established in section 36 of chapter 118G of the General Laws, for
1994 costs associated with maintaining a pool audit unit within the office. The unit shall continue to
1995 oversee and examine the practices in all hospitals including, but not limited to, the care of the
1996 uninsured and the resulting free charges. The inspector general shall submit a report to the house
1997 and senate committees on ways and means on the results of the audits and any other completed
1998 analyses not later than March 1, 2013. For the purposes of these audits, allowable free care
1999 services shall be defined pursuant to said chapter 118G and any regulations adopted thereunder.

Transfer State Lab from Department of Public Health to State Police

2000 SECTION 145. (a) Notwithstanding any general or special law to the contrary, this
2001 section shall facilitate the orderly transfer of certain employees, proceedings, rules and
2002 regulations, property and legal obligations of the department of public health, as the transferor
2003 agency, to the department of state police, as the transferee agency.

2004 (b) Subject to appropriation and chapter 22C of the General Laws, the employees of the
2005 laboratories of the department of public health that analyze illicit and seized substances for law
2006 enforcement purposes, including those employees who immediately before the effective date of
2007 this act hold permanent appointment in positions classified under chapter 31 of the General Laws
2008 or have tenure in their positions as provided in section 9A of chapter 30 of the General Laws or
2009 do not hold such tenure, or hold confidential positions, are hereby transferred to the department
2010 of state police, without interruption of service within the meaning of said section 9A of said
2011 chapter 30, without impairment of seniority, retirement or other rights of the employee and
2012 without reduction in compensation or salary grade, notwithstanding any change in title or duties

2013 resulting from such transfers and without loss of accrued rights to holidays, sick leave, vacation
2014 and benefits, and without change in union representation or certified collective bargaining unit as
2015 certified by the state labor relations commission or in local union representation or affiliation.
2016 Any collective bargaining agreement in effect immediately before the transfer date shall continue
2017 in effect and the terms and conditions of employment in that agreement shall continue as if the
2018 employees had not been so transferred. The transfer shall not impair the civil service status of
2019 any such reassigned employee who immediately before the effective date of this act either holds
2020 a permanent appointment in a position classified under said chapter 31 or has tenure in a position
2021 pursuant to said section 9A of said chapter 30.

2022 Notwithstanding any general or special law to the contrary, all such employees shall
2023 continue to retain their right to collectively bargain under chapter 150E of the General Laws and
2024 shall be considered employees of the department of state police for the purposes of said chapter
2025 150E.

2026 Nothing in this section shall be construed to confer upon any employee any right not held
2027 immediately before the date of said transfer, or to prohibit any reduction of salary grade, transfer,
2028 reassignment, suspension, discharge, layoff or abolition of position not prohibited before such
2029 date.

2030 (c) All petitions, requests, investigations and other proceedings appropriately and duly
2031 brought before the laboratories of the department of public health that analyze illicit and seized
2032 substances for law enforcement purposes or duly begun by such laboratories and pending before
2033 them prior to the effective date of this act, shall continue unabated and remain in force, but shall
2034 be assumed and completed by the department of state police.

2035 (d) All orders, rules and regulations duly made and all approvals duly granted by the
2036 laboratories of the department of public health that analyze illicit and seized substances for law
2037 enforcement purposes, which are in force immediately before the effective date of this act, shall
2038 continue in force and shall thereafter be enforced, until superseded, revised, rescinded or
2039 canceled, in accordance with law, by the department of state police or the department of public
2040 health.

2041 (e) All books, papers, records, documents, equipment, buildings, facilities, cash and other
2042 property, both personal and real, including all such property held in trust, which immediately
2043 before the effective date of this act are in the custody of the laboratories of the department of
2044 public health that analyze illicit and seized substances for law enforcement purposes, shall be
2045 transferred to the department of state police, to the extent agreed by both departments.

2046 (f) All duly existing contracts, leases and obligations of the laboratories of the department
2047 of public health entered into to enable the analysis of illicit and seized substances for law
2048 enforcement purposes shall continue in effect, but shall be assumed by the department of state
2049 police. No existing right or remedy of any kind shall be lost, impaired or affected by this act.

2050 (g) All references in any general or special law, regulation, contract or other document to
2051 the laboratories of the department of public health that analyze illicit and seized substances for

2052 law enforcement purposes or to a principal officer thereof shall be taken to refer to the
2053 department of state police or to a principal officer of that department.

Bureau of the State House

2054 SECTION 146. (a) Notwithstanding any general or special law to the contrary, this
2055 section shall facilitate the orderly transfer of employees, proceedings, rules and regulations,
2056 property and legal obligations of the following functions of state government from the bureau of
2057 state office buildings, except for functions related to the operation and maintenance of the state
2058 house, as the transferor agency, to the division of capital asset management and maintenance, as
2059 the transferee agency.

2060 (b) To the extent that employees of the transferor agency, including those who hold
2061 permanent appointment in positions classified under chapter 31 of the General Laws or have
2062 tenure in their positions as provided by section 9A of chapter 30 of the General Laws or do not
2063 hold such tenure, or hold confidential positions, are transferred to the respective transferee
2064 agency, such transfers shall be effected without interruption of service within the meaning of
2065 said section 9A of said chapter 30 without impairment of seniority, retirement or other rights of
2066 the employee and without reduction in compensation or salary grade, notwithstanding any
2067 change in title or duties resulting from such reorganization, and without loss of accrued rights to
2068 holidays, sick leave, vacation and benefits, and without change in union representation or
2069 certified collective bargaining unit as certified by the state division of labor relations or in local
2070 union representation or affiliation. Any collective bargaining agreement in effect immediately
2071 before the transfer date shall continue in effect and the terms and conditions of employment
2072 therein shall continue as if the employees had not been so transferred. The reorganization shall
2073 not impair the civil service status of any such reassigned employee who immediately before the
2074 effective date of this section either holds a permanent appointment in a position classified under
2075 chapter 31 of the General Laws or has tenure in a position by reason of section 9A of chapter 30
2076 of the General Laws.

2077 Notwithstanding any other general or special law to the contrary, all such employees shall
2078 continue to retain their right to collectively bargain under chapter 150E of the General Laws and
2079 shall be considered employees for the purposes of said chapter 150E.

2080 Nothing in this section shall be construed to confer upon any employee any right not held
2081 immediately before the date of the transfer or to prohibit any reduction of salary grade, transfer,
2082 reassignment, suspension, discharge, layoff or abolition of position not prohibited before such
2083 date.

2084 (c) All petitions, requests, investigations and other proceedings appropriately and duly
2085 brought before the transferor agency or duly begun by the transferor agency and pending before
2086 it before the effective date of this section, shall continue unabated and remain in force, but shall
2087 be assumed and completed by the transferee agency.

2088 (d) All orders, rules and regulations duly made and all approvals duly granted by the
2089 transferor agency, which are in force immediately before the effective date of this section, shall

2090 continue in force and shall thereafter be enforced until superseded, revised, rescinded or
2091 canceled, in accordance with law, by the transferee agency.

2092 (e) All books, papers, records, documents, equipment, buildings, facilities, cash and other
2093 property, both personal and real, including all such property held in trust, which immediately
2094 before the effective date of this section are in the custody of the transferor agency shall be
2095 transferred to the transferee agency; provided, however, that this shall not include any property
2096 related to the operation and maintenance of the state house including, but not limited to, the
2097 community crew transportation vehicle.

2098 (f) All duly existing contracts, leases and obligations of the transferor agency shall
2099 continue in effect but shall be assumed by the transferee agency. No existing right or remedy of
2100 any character shall be lost, impaired or affected by this section.

Bureau of the State House

2101 SECTION 147. Notwithstanding any general or special law to the contrary, the
2102 commissioner of capital asset management and maintenance and the superintendent of the state
2103 house shall enter into a memorandum of understanding regarding the negotiation of and
2104 participation in bulk purchasing contracts. The memorandum shall ensure the continued
2105 participation of the bureau of the state house in all bulk purchasing contracts currently in place
2106 under the bureau of state office buildings and shall require the superintendent of the state house
2107 or a designee to participate in all such future contract negotiations; provided, further, that the
2108 memorandum shall ensure that the state house is a priority in all contracts for mechanical and
2109 building maintenance during emergency situations; provided further, that the memorandum shall
2110 require the division of capital asset management and maintenance to continue to provide access
2111 control cards and parking services currently in place under the bureau of state office buildings
2112 for the legislature; provided further, that the memorandum shall require said division to provide
2113 to the bureau of the state house engineers and specialists for consultation on projects or in the
2114 event of an emergency; and provided further, that the memorandum shall require said division to
2115 continue to provide access to equipment currently used by the bureau of state office buildings.
2116 The memorandum shall authorize the bureau of the state house to use the division of capital asset
2117 management and maintenance's work order management system software at no cost.

Bureau of the State House

2118 SECTION 148. Notwithstanding any general or special law to the contrary, the term of
2119 the sitting members of the art commission established in section 19 of chapter 6 of the General
2120 Laws shall expire 90 days after the effective date of this section.

2121 The new membership of the art commission shall be appointed under section 20 of
2122 chapter 6 of the General Laws. Notwithstanding said section 20 of said chapter 6 to the contrary,
2123 initially, of the members to be appointed by the governor, 3 shall be appointed for terms of 2
2124 years, of the members appointed by the senate president, 1 shall be appointed for a term of 3
2125 years and 1 shall be appointed for a term of 4 years and of the members appointed by the speaker
2126 of the house of representatives, 1 shall be appointed for a term of 3 years and 1 shall be

2127 appointed for a term of 4 years. The governor, senate president and speaker of the house of
2128 representatives shall make these appointments to the commission within 90 days after the
2129 effective date of this act.

2130 Nothing in this section shall preclude the reappointment of a sitting member of the art
2131 commission.

Bureau of the State House

2132 SECTION 149. The secretary of administration and finance shall ensure the orderly
2133 transition of the bureau of state office building employees to the division of capital asset
2134 management and maintenance under section 146 and shall maintain the continued, orderly
2135 operation of the state house during the transition period.

ELL and Safe and Successful Youth Program Evaluation

2136 SECTION 150. Notwithstanding any general or special law to the contrary, no grant
2137 applications shall be accepted by the executive office of health and human services under item
2138 4000-0005 of section 2 or by the executive office of education for grants distributed under item
2139 7009-6400 of said section 2 in fiscal year 2013 prior to the competitive selection of an
2140 independent program evaluator by each administering agency. The independent evaluator
2141 chosen for each program shall provide assistance with the evaluation of grant applications and, to
2142 the extent possible, in developing the requirements for grant recipients. The independent
2143 evaluator shall be responsible for a multi-year evaluation of each program's implementation and
2144 outcomes; provided that the evaluator shall be responsible for evaluation design. Each program
2145 shall select an evaluator based on a competitive process. The selected evaluator shall
2146 demonstrate: (i) prior experience in evaluating the impact of social programs on low-income
2147 urban youth and communities using either random assignment of treatment or regression
2148 discontinuity methods; (ii) prior experience in field evaluation; and (iii) demonstrated skill in
2149 using quantitative analysis relevant for program evaluation. When selecting an independent
2150 evaluator, the administering agency shall consider: (1) a sample of previous similar work; (2) the
2151 ability to perform requested services; and (3) a proposed evaluation budget; provided, however,
2152 that the administering agency shall give preference to non-profit research organizations. Each
2153 administering agency shall develop a request for proposal for program evaluators based on the
2154 criteria included in this section not later than August 15, 2012 and shall select an evaluator not
2155 later than October 1, 2012. Once selected, evaluators shall assist the administering agency with
2156 reviewing, and to the extent possible, developing requests for proposal for grant funds that
2157 ensure that grant recipients: (A) fully cooperate with the independent evaluator; (B) commit to
2158 seeking the informed consent of program clients and their families to share data relevant to
2159 evaluation; and (C) provide access to program and administrative data necessary for evaluation.
2160 The evaluators shall provide quarterly progress updates to the house and senate committees on
2161 ways and means that shall inform the committees on the progress of implementing the evaluation
2162 plan and shall identify in those updates any obstacles encountered in implementing the
2163 evaluation plan; provided, however, that the first quarterly report shall detail the evaluation plan
2164 for each program, data required for analysis and outcomes measured. The evaluators shall

2165 provide an annual report not later than March 15 of each year of the evaluation period to report
2166 on relevant findings and analysis.

Task Force to Improve Services to Children, Youth and Families

2167 SECTION 151. Notwithstanding any general or special law to the contrary, the executive
2168 office of health and human services shall convene a task force on confidentiality and data
2169 sharing, to improve services provided by the commonwealth to children, youth and families and
2170 the delivery of those services.

2171 The task force shall consist of: the secretary of health and human services, who shall
2172 serve as chair; the secretary of education or a designee; the director of Medicaid or a designee;
2173 the commissioner of developmental services or a designee; the commissioner of transitional
2174 assistance or a designee; the commissioner of children and families or a designee; the
2175 commissioner of youth services or a designee; the commissioner of early education and care or a
2176 designee; the commissioner of elementary and secondary education or a designee; and 6 persons
2177 to be appointed by the governor, 1 of whom shall work in the private sector and have specific
2178 expertise in state and federal confidentiality laws and policies, 1 of whom shall have expertise in
2179 professional licensure requirements, including codes of conduct and ethics, 1 of whom shall be
2180 an information technology expert with experience designing and implementing information
2181 technology systems, including electronic medical records, which facilitate improved data
2182 collection while also protecting client rights, 1 of whom shall be a researcher who uses data
2183 relating to state services provided to children, youth and families and 2 of whom shall be
2184 advocates for children, youth and families.

2185 The task force shall: (1) review existing laws, regulations and policies regarding
2186 confidential communications and informed consent for the purposes of making recommendations
2187 for improving personally identifiable data sharing and improving sharing of de-identified
2188 aggregate data for the purposes of program evaluation, programmatic and resource planning and
2189 development without compromising a client's rights to confidentiality; and (2) develop
2190 recommendations for a data set for personally identifiable data sharing that protects client
2191 confidentiality and does not exceed the minimum amount necessary to achieve the goals of: (i)
2192 identifying individuals receiving benefits or services from more than 1 agency or entity within
2193 the executive office of health and human services; (ii) coordinating or managing the programs,
2194 benefits or services in human services agencies available to or received by those individuals and
2195 evaluating these programs, benefits or services to identify their effects; (iii) creating and
2196 maintaining a nonduplicative client identifier system across all agencies and entities within the
2197 executive office of health and human services; and (iv) improving the educational opportunities
2198 for children receiving services from agencies within the executive office of health and human
2199 services.

2200 The task force shall report the results of its investigation and study, together with drafts
2201 of legislation necessary to carry its recommendations into effect, by filing the same with the
2202 clerks of the senate and house of representatives, who shall forward the same to the joint
2203 committee on children, families and persons with disabilities, the joint committee on mental

2204 health and substance abuse, the joint committee on public health and the house and senate
2205 committees on ways and means on or before January 1, 2013.

Rural Access Commission

2206 SECTION 152. There shall be a special commission to study access to public assistance
2207 and state-sponsored services in rural areas. The commission shall consist of 13 members
2208 including: the secretary of health and human services or a designee, who shall serve as the chair;
2209 the commissioner of transitional assistance or a designee; the child advocate or a designee; the
2210 secretary of elder affairs or a designee; the undersecretary of housing and community
2211 development or a designee; the commissioner of early education and care or a designee; a
2212 representative from the Massachusetts League of Community Health Centers; a representative
2213 from Children's Trust Fund; a representative from the Massachusetts Association of Community
2214 Action Centers; a representative from the Massachusetts Model of Community Coalitions; a
2215 representative of Mass Home Care; a representative from a food bank or food pantry located in
2216 the commonwealth, appointed by the governor; and a representative of the Citizens' Housing and
2217 Planning Association.

2218 The commission shall examine the barriers faced by low- to moderate-income individuals
2219 living in rural areas to obtain public assistance and state-sponsored services including, but not
2220 limited to, fuel assistance, child care subsidies, direct cash assistance, emergency housing
2221 services and health and human service programs which provide services to children, families,
2222 persons with disabilities and elders. The commission's analysis shall include, but not be limited
2223 to, the cost of traveling to and from regional offices, the cost of delivering services in rural areas
2224 and the success of outreach efforts in rural communities. The commission shall investigate the
2225 feasibility of coordinating delivery of services between local and state agencies, expanding the
2226 use of technology to increase access to services and eliminating application requirements for in-
2227 person visits to state agencies. The commission shall file the results of its study, together with
2228 drafts of legislation, if any, necessary to carry its recommendations into effect, with the house
2229 and senate committees on ways and means, the joint committee on children, families and persons
2230 with disabilities and the joint committee on elder affairs not later than April 1, 2013.

Probate and Family Court Fees Report

2231 SECTION 153. The probate and family court department of the trial court shall submit a
2232 report including, but not limited to, a detailed comparison of the fees charged under section 40 of
2233 chapter 262 of the General Laws and collected by the court in fiscal year 2011, fiscal year 2012
2234 and fiscal year 2013. The report shall be filed with the house and senate committees on ways
2235 and means not later than December 31, 2013.

Cape Cod Wastewater SmartMap and Cost Model

2236 SECTION 154. Notwithstanding any general or special law to the contrary, subject to
2237 appropriation, the Cape Cod Commission, or its designee, shall link existing land use data with
2238 newly developed scientific and financial planning data to create a comprehensive, linked model
2239 for the purpose of identifying environmentally appropriate and affordable wastewater

2240 infrastructure solutions. The model shall identify the appropriate economy of scale for
2241 wastewater infrastructure solutions and shall provide estimates of the costs associated with
2242 implementing various solutions. The model may be used by communities in the commonwealth
2243 to pursue regional wastewater options that satisfy environmental regulatory requirements in the
2244 most efficient and cost effective manner and have the potential to preempt future water quality
2245 litigation.

2246 The comprehensive model shall be accessible to the public through a web mapping
2247 application. The components of the model and the web mapping application shall include, but
2248 not be limited to: (i) Cape-wide build-out scenarios and water usage data; (ii) recommendations
2249 regarding the appropriate use and costs of a range of technologies in specific circumstances for
2250 achieving water quality goals, including natural systems restoration, alternative on-site
2251 technologies and more traditional technologies such as satellite, cluster and centralized treatment
2252 technologies; (iii) scientific data that supports the calculation of nitrogen loads and estimates the
2253 impact of various land use patterns, technologies and other factors on water quality; and (iv)
2254 planning level cost estimates of wastewater infrastructure costs to Cape Cod taxpayers and
2255 potential rate payers to meet water quality goals. The model shall allow the user to vary land use
2256 development patterns, wastewater infrastructure technologies and tax and rate structures to
2257 understand the environmental and financial implications of various decisions related to
2258 wastewater planning. The comprehensive model shall be completed not later than June 30, 2013.

GAA Electronic Reporting Requirement

2259 SECTION 155. Notwithstanding any general or special law to the contrary, all
2260 secretariats, departments and agencies required to submit reports under this act shall file their
2261 reports by the dates required in this act via electronic means to the chairs of any committees
2262 named as recipients as well as with the clerks of the senate and house of representatives;
2263 provided, however, that the house and senate clerks shall develop procedures and requirements
2264 for secretariats, departments and agencies for the preparation of the reports to facilitate their
2265 collection and storage and such reports shall be made available to the public on the general
2266 court's website.

State University Tuition Retention

2267 SECTION 156. The requirements of section 42 of chapter 15A of the General Laws shall
2268 apply to academic years beginning on or after July 1, 2013; provided, however, that in
2269 implementing the requirements of subsection (b) of said section 42 of said chapter 15A, the
2270 initial 3-year plan shall be submitted to the board of higher education beginning in the academic
2271 year beginning on or after July 1, 2013; and provided further that the board of education shall
2272 review the plans of each state university for the academic year beginning on or after July 1,
2273 2013. For subsequent academic years, the board shall develop procedures to provide for the
2274 review of state university plans on a staggered basis, so that the board may review a smaller
2275 number of plans each year. These procedures may include provisions requiring a state university
2276 to submit an updated plan before the approval period of such state university's initial plan has
2277 expired in order to accommodate a staggered schedule.

2278 Notwithstanding any provision of section 42 of chapter 15A of the General Laws to the
2279 contrary, the 3-year student charges proposals for the Massachusetts College of Art and Design
2280 and the Massachusetts Maritime Academy shall include provisions for performance
2281 measurement standards and admissions standards specific to the respective missions of
2282 Massachusetts College of Art and Design and Massachusetts Maritime Academy that are
2283 consistent with the performance measurements systems and admission standards in effect on the
2284 effective date of this act.

University of Massachusetts Tuition Retention

2285 SECTION 157. Section 8A of chapter 75 of the General laws shall apply to academic
2286 years beginning on or after July 1, 2013; provided, however, that in implementing the
2287 requirements of subsection (b) of said section 8A of said chapter 75, the initial 3-year plan shall
2288 be submitted to the board of higher education beginning in the academic year beginning on or
2289 after July 1, 2013.

Community Preservation Act – Effective Date

2290 SECTION 158. Sections 57 to 71, inclusive, shall apply to all Community Preservation
2291 Fund appropriations approved by a city or town’s legislative body on or after the effective date
2292 of acceptance of sections 3 to 7, inclusive, of chapter 44B of the General Laws in any such city
2293 or town.

Bureau of the State House – Effective Date

2294 SECTION 159. Sections 4, 8 to 14, inclusive, 18, 19, 146, 147 and 149 shall take effect
2295 on October 31, 2012.

Public Safety Training Fund – Effective Date

2296 SECTION 160. Sections 55, 77, 78 shall take effect on December 1, 2012.

Effective Date

2297 SECTION 161. Except as otherwise specified, this act shall take effect on July 1, 2012.