

HOUSE No. 101

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act providing emergency measures to assist the Commonwealth's fiscal recovery..

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

1 To provide for supplementing certain items in the general appropriation act and other
2 appropriation acts for fiscal year 2009, the sums set forth in section 2 are hereby appropriated
3 from the General Fund unless specifically designated otherwise in this act or in those
4 appropriation acts, for the several purposes and subject to the conditions specified in this act or
5 in those appropriation acts, and subject to the laws regulating the disbursement of public funds
6 for the fiscal year ending June 30, 2009. These sums shall be in addition to any amounts
7 previously appropriated and made available for the purposes of those items.

8 SECTION 2.

9 Executive Office of Transportation and Public Works

10 Highway Department

11 6030-

12 7201.....\$58,611,381

13 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
14 provide for an alteration of purpose for current appropriations, and to meet certain requirements
15 of law, the sums set forth in this section are hereby appropriated from the General Fund unless
16 specifically designated otherwise in this section, for the several purposes and subject to the
17 conditions specified in this section, and subject to the laws regulating the disbursement of public
18 funds for the fiscal year ending June 30, 2009. These sums shall be in addition to any amounts
19 previously appropriated and made available for the purposes of those items.

20 Executive Office of Health and Human Services

21 Department of Public Health

22 4513-1010 For the department of public health; provided, that said department may
23 expend not more than \$7,000,000 in revenue received from the collection of federal financial
24 participation for early intervention services delivered to Medicaid-eligible children by
25 developmental educators and professionals in related disciplines; provided further, that nothing
26 in this item shall give rise to or shall be construed as giving rise to enforceable legal rights to any
27 such services or an enforceable entitlement to the services funded in this item; and provided
28 further, that the revenue may be used to pay for current and prior year claims \$500,000

29 4513-1012 The department of public health may expend not more than \$25,600,000 from
30 revenues received from the federal cost-containment initiatives including, but not limited to,
31 infant formula rebates; provided, that for the purpose of accommodating timing discrepancies
32 between the receipt of retained revenues and related expenditures, the department may incur
33 expenses and the comptroller may certify for payment amounts not to exceed the lesser of this

34 authorization or the most-recent revenue estimate as reported in the state accounting system

35 \$1,000,000

36 Executive Office of Public Safety and Security

37 Department of State Police

38 8100-0515 For the estimated expenses of hiring, equipping and training state police
39 recruits to maintain the strength of the state police; provided that 100 per cent of the amount
40 appropriated in this item shall be imposed as a policy surcharge and collected and remitted to the
41 commissioner of insurance in accordance with section 116E of chapter 6 of the General Laws

42 \$3,200,000

43 Municipal Police Training Committee

44 8200-0210 For the expanded annual training programs for veteran and reserve
45 municipal police officers and expanded recruit training conducted by the municipal police
46 training committee, including development and delivery of distance learning programs for
47 municipal police officers, and development and execution of a standards and evaluations
48 program for training courses and instructors of or certified by the committee; provided, that
49 notwithstanding any general or special law to the contrary, the training fee for new recruits of
50 municipal police departments and those law enforcement officers employed by agencies of the
51 commonwealth who exercise police powers, including but not limited to environmental police
52 officers and campus police officers of the University of Massachusetts and state colleges who
53 exercise police powers, shall be covered by this item; and provided further, that 100 per cent of
54 the amount appropriated in this item, including fringe benefit charges, shall be imposed as a

55 policy surcharge and collected and remitted to the commissioner of insurance in accordance with
56 section 116E of chapter 6 of the General Laws \$3,100,000

57 Military Division

58 8700-1140 For the state quartermaster who may expend not more than \$1,400,000
59 from revenues collected for the purposes described in this item; provided, that the state
60 quartermaster may expend from fees collected for the non-military rental or use of armories for
61 the costs of utilities and maintenance; and provided further, that the state quartermaster may
62 expend not more than \$250,000 for salaries, subsistence, quarters and associated costs for
63 national guard soldiers ordered to perform state missions under chapter 33 of the General Laws,
64 from revenues resulting from the acceptance of funds from any person, governmental entity or
65 non-governmental entity to defray such expenses \$1,000,000

66 SECTION 2B. To provide for supplementing certain intragovernmental chargeback
67 authorizations in the general appropriation act and other appropriation acts for fiscal year 2008,
68 to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for
69 an alteration of purpose for current intragovernmental chargeback authorizations, and to meet
70 certain requirements of law, the sums set forth in this section are hereby authorized from the
71 Intragovernmental Service Fund for the several purposes specified in this section or in the
72 appropriation acts, and subject to the provisions of law regulating the disbursement of public
73 funds for the fiscal year ending June 30, 2009. These sums shall be in addition to any amounts
74 previously authorized and made available for the purposes of those items.

75 Executive Office of Transportation and Public Works

76 Highway Department

77 6030-7501 \$1,000,000

78 Commission on the Status of Women Reporting Deadline Change

79 SECTION 3. Section 66 of chapter 3 of the General Laws, as appearing in the 2006
80 Official Edition, is hereby amended by striking out, in line 47, the word "June" and inserting in
81 place thereof the following word:- October.

82 Municipal Police Training - 2SECTION 4. Chapter 6 of the General Laws is hereby
83 amended by inserting after section 116D, inserted by section 7 of chapter 176 of the acts of 2008,
84 the following section:-

85 Section 116E. (a) Sums for the estimated expenses of providing annual in-service
86 specialized and statutorily-mandated training programs conducted by the municipal police
87 training committee for veteran and reserve municipal police officers and for those officers
88 employed by agencies of the commonwealth who exercise police powers and receive this
89 training from the municipal police training committee, including but not limited to
90 environmental police officers and campus police officers of the University of Massachusetts and
91 state colleges who exercise police powers, shall be paid to the commissioner of insurance by
92 property and casualty insurance companies writing motor vehicle insurance policies in the
93 commonwealth by means of a policy surcharge imposed upon the policyholder of any private
94 passenger automobile policy issued by any property and casualty insurance company writing
95 motor vehicle insurance policies in the commonwealth. These programs shall include new
96 recruit training provided by the municipal police training committee; development and delivery
97 of distance learning programs by the municipal police training committee; a standards and
98 evaluations program for training courses and instructors of or certified by the municipal police

99 training committee; the development and updating of training programs including curricula by
100 the municipal police training committee, hiring, equipping, and training new state police recruits;
101 and the development and operation of a state police cadet program including the hiring,
102 equipping, and training of state police cadets, subject to appropriation, and the estimated cost of
103 fringe benefits associated with this training hiring and employment. The amount of any
104 surcharge shall be separately stated on either a billing or policy declaration sent to an insured.
105 The rate of the policy surcharge shall be determined and adjusted annually by the commissioner
106 of insurance to a rate sufficient to generate a surcharge to fund the expenses estimated by the
107 secretary of public safety and security for the purposes described above.

108 (b) The policy surcharge shall be collected and remitted to the commissioner of insurance
109 by the property and casualty insurance companies writing motor vehicle insurance policies in the
110 commonwealth on a quarterly basis on or before the 25th day of the month succeeding the end of
111 the quarter in which it is collected. Any company failing or refusing to collect and remit to the
112 commissioner of insurance any policy surcharge or whose surcharge payments are not
113 postmarked by the due dates for quarterly filing shall be liable for a penalty of up to \$100 for
114 each day of delinquency, to be assessed by the commissioner of insurance. The estimated costs
115 shall include an amount equal to the cost of fringe benefits as established by the secretary of
116 administration and finance under section 6B of chapter 29. Any surcharge collected in a fiscal
117 year but not expended by the municipal police training committee or department of state police
118 for the purposes set forth in this section shall be retained by the commonwealth for use by the
119 municipal police training committee or department of state police. The retained surcharge shall
120 be credited against the amounts required to be collected under this section in the following year,
121 and those required payments shall be reduced by the amount of this credit.

122 Qualifications of Commission on Medicolegal Investigations

123 SECTION 5. Section 184 of chapter 6 of the General Laws, as appearing in the 2006
124 Official Edition, is hereby amended by striking out, in lines 9 and 10, the words "and who are
125 members of the Massachusetts Society of Pathologists and who reside in the commonwealth",
126 and inserting in place thereof the following words:- ,but the governor may appoint to either of
127 these 2 seats a pathologist certified by the American Board of Pathology if, after a diligent
128 search, no forensic pathologist is available.

129 SBFR Audit

130 SECTION 6. Chapter 7A of the General Laws is hereby amended by striking out section
131 12, as appearing in the 2006 Official Edition, and inserting in place thereof the following
132 section:-

133 Section 12. (a)(1) All reports published under this section shall be filed with the
134 governor, the secretary of administration and finance, the house and senate committees on ways
135 and means and the clerks of the house and senate, and any other parties specified in general or
136 special law.

137 (2) The comptroller shall prepare an annual statutory basis financial report based on the
138 final closing of the accounting records. The report shall be published not later than October 31
139 of each year.

140 (3) The statutory basis financial report shall present fairly the aggregated financial
141 statements for the budgeted governmental funds and tables of beginning and ending balances,
142 revenues and sources and expenditures and uses for the non-budgeted governmental funds, and

143 the capital project governmental funds. These statements shall be reviewed in accordance with
144 professional standards established by the American Institute of Certified Public Accountants.
145 The reports shall be prepared in accordance with the accounting system established by the
146 comptroller under section 7, as cash outflows, including expenditures made in accordance with
147 section 13 of chapter 29 and cash inflows including receipts of federal grants and subsidies from
148 other governmental entities for reimbursement of such expenditures.

149 (4) The comptroller shall include, supplemental to the aggregated financial statements in
150 the statutory basis financial report, a statement of the consolidated net surplus in the budgetary
151 funds for the preceding fiscal year, in accordance with section 5C of chapter 29 and the amount
152 by which such surplus exceeds the maximum allowable amount in accordance with section 2H of
153 chapter 29.

154 (5) Accompanying the statutory basis financial statements, the comptroller shall include
155 financial statements for the budgeted funds that compare the budgeted amounts to final
156 operations for each fund subject to appropriation.

157 (6) The comptroller may include narratives, statistical tables, and other disclosures and
158 reference material in the statutory basis financial report that he considers appropriate in his
159 professional judgment.

160 (b) The comptroller shall prepare an annual federal funds report based on the final
161 closing of the accounting records which shall be published not later than the second Wednesday
162 in January and shall present fairly all federal funds received by each agency and department
163 during the fiscal year. The report shall include for each program of federal financial participation
164 the opening balances, revenues, and other sources, expenses and other uses, and ending balances

165 for the fiscal year. The final federal funds report shall be audited in conjunction with the state
166 single audit, and the report of the auditor shall be included.

167 (c) The comptroller shall prepare a comprehensive annual financial report in conformity
168 to generally accepted accounting principles for governments which shall be published not later
169 than the second Wednesday in January. The report shall be audited in accordance with generally
170 accepted auditing standards and generally accepted governmental auditing standards, and the
171 report of the auditor shall be included.

172 DPL Trust Amendment – Fees -1

173 SECTION 7. Section 35V of chapter 10 of the General Laws, as so appearing, is hereby
174 amended by striking out, in line 6, the words “and (c)” and inserting in place thereof the
175 following words:- ,(c) and (d).

176 DPL Trust Amendment – Fees -2

177 SECTION 8. Said section 35V of chapter 10, as so appearing, is hereby further amended
178 by adding the following subsection:-

179 (d) Notwithstanding any general or special law to the contrary, 50 per cent of any
180 increase in fees for obtaining or renewing a license, certificate, registration or permit issued by a
181 board serving within the division that becomes effective on or after July 1, 2009 shall become
182 part of the fund established under subsection (a).

183 Motor Vehicle Emissions Inspection and Maintenance Program-1

184 SECTION 9. Section 61 of said chapter 10, as so appearing, is hereby amended by
185 striking out, in lines 4 and 5, the words "from that portion of the fee owed to" and inserting in
186 place thereof the following word:- by.

187 Motor Vehicle Emissions Inspection and Maintenance Program-2

188 SECTION 10. Said section 61 of chapter 10, as so appearing, is hereby further amended
189 by striking out, in line 14, the figure "2009" and inserting in place thereof the following figure:-
190 2011.

191 CA/T – TIF issue - Technical Fix SECTION 11. Section 63 of said chapter 10, as
192 amended by section 13 of chapter 306 of the acts of 2008, is hereby further amended by striking
193 out the sixth paragraph and inserting in place thereof the following paragraph:-

194 At the direction of the secretary of administration and finance, the comptroller shall make
195 payments from the fund established under this section, without further appropriation, for the
196 purposes specified in this section.

197 Natural Resource Damages

198 SECTION 12. Chapter 21A of the General Laws is hereby amended by inserting after
199 section 2 the following section:-

200 Section 2A. The secretary is hereby designated as the state natural resource trustee and
201 may compromise or settle any claim for damages for injury to and for destruction or loss of
202 natural resources, including the costs of assessing and evaluating the injury, destruction or loss,
203 incurred or suffered as a result of a release or threat of release, under section 5 of chapter 21E, 42
204 U.S.C. §9607(f), and 33 U.S.C. §2706, and other applicable law in accordance with this section.

205 If any such claim, including the costs of assessment, is valued at not more than \$100,000, or at a
206 higher amount determined in writing by the attorney general, the secretary may settle and
207 compromise the claim if the secretary has given written notice and all pertinent information
208 regarding the settlement to the attorney general or her designee at least 30 days before execution
209 of the settlement. The secretary may compromise or settle claims valued at greater than
210 \$100,000, or at a higher amount determined in writing by the attorney general, only with the
211 prior written approval of the attorney general or her designee.

212 Commonwealth Wellness Fund

213 SECTION 13. Chapter 29 of the General Laws is hereby amended by inserting after
214 section 2YYY the following section:-

215 Section 2ZZZ. There shall be established and set up on the books of the commonwealth a
216 separate fund to be known as the Commonwealth Wellness Fund. The fund shall be credited with
217 all sales tax revenues collected from the sale of candy, soft drinks and alcoholic beverages under
218 chapter 64H. Amounts credited to the fund shall be expended, subject to appropriation, to
219 support alcohol and tobacco addiction services, health promotion, school-based health programs,
220 teenage pregnancy prevention, domestic violence and sexual assault prevention, work force
221 expansion services and other critical programs that support the wellness of residents of the
222 commonwealth.

223 OSD Statewide Contract Administrative Fee

224 SECTION 14. Chapter 29 of the General Laws is hereby amended by inserting after
225 section 2ZZZ the following section:-

226 Section 2AAAA. (a) There shall be established and set upon the books of the
227 commonwealth a separate fund to be known as the State Contract Administrative Fee Fund.
228 Amounts credited to the fund shall be expended to pay for the direct and indirect costs, including
229 but not limited to the cost of personnel, of the operational services division of the executive
230 office for administration and finance to procure, manage and administer statewide contracts.

231 (b) The operational services division may charge and collect from statewide contractors a
232 statewide contract administrative fee, to be established by the executive office for administration
233 and finance. Fees charged and collected under this paragraph shall be credited to the State
234 Contract Administrative Fee Fund created in paragraph (a).

235 Health Care Security Trust Board

236 SECTION 15. Section 4 of chapter 29D of the General Laws, as appearing in the 2006
237 Official Edition, is hereby amended by striking out subsection (d) and inserting in place thereof
238 the following subsection:-

239 (d) The board of trustees shall consist of 7 trustees, including the secretary of
240 administration and finance or a designee, the executive director of the group insurance
241 commission or a designee, the executive director of the public employee retirement
242 administration commission or a designee, the state treasurer or a designee, the comptroller or a
243 designee and 2 additional trustees, one of whom shall be appointed by the governor and one of
244 whom shall be appointed by the state treasurer. The appointed trustees shall serve for terms of 5
245 years and shall be experienced in the field of investment, financial management, law and public
246 management. Trustees shall be eligible for reappointment.

247 State Use of OCIPs

248 SECTION 16. Chapter 30 of the General Laws is hereby amended by inserting after
249 section 39S the following section:-

250 Section 39T. Notwithstanding section 8 of chapter 268A, the following agencies may
251 implement competitively procured owner controlled insurance programs, and may permit the
252 use of contractor controlled insurance programs, on projects having estimated construction costs
253 equal to or greater than \$50,000,000: (a), the division of capital asset management and
254 maintenance, (b) the department of highways, (c) the Massachusetts Port Authority, the
255 Massachusetts Water Resources Authority, (d) the Massachusetts State Colleges Building
256 Authority, and (e) the University of Massachusetts Building Authority.

257 Management of the SRBTF

258 SECTION 17. Section 24 of chapter 32A of the General Laws, as inserted by section 8 of
259 chapter 61 of the acts of 2007, is hereby amended by striking out paragraph (a) and inserting in
260 place thereof the following paragraph:-

261 (a) There shall be established and set up on the books of the commonwealth a fund to be
262 known as the State Retiree Benefits Trust Fund, in this section referred to as the fund. The
263 Health Care Security Trust board of trustees established by section 4 of chapter 29D shall be the
264 trustee of and shall administer the fund, in accordance with that section. The fund shall be an
265 expendable trust not subject to appropriation.

266 Duties and Authority of HCST Board

267 SECTION 18. Said section 24 of chapter 32A, as so appearing, is hereby further amended
268 by inserting after paragraph (e) the following 3 paragraphs:-

269 (f) The trustees shall adopt an annual budget for the fund and supplemental budgets
270 that the trustees consider necessary, subject to the approval of the general court. Funding for the
271 budget shall be from the investment return of the fund. If the general court takes no final action
272 to disapprove a budget within 60 days after its filing with the clerk of the house of
273 representatives and the clerk of the senate, the budget shall be considered to be approved. If the
274 general court disapproves a budget within 60 days after it has been filed, the trustees shall
275 operate under the annualized budgetary level most recently approved pending the filing and
276 subsequent approval of any other annual or supplemental budget request.

277 (g) The trustees shall engage actuaries experienced in retiree health care costs to
278 perform annual actuarial calculations in accordance with Government Accounting Standards
279 Board Statements 43 and 45, using data as needed from the group insurance commission, the
280 public employee retirement administration commission, the state treasurer and the comptroller
281 and prepare funding schedules to be filed in accordance with section 25.

282 (h) The trustees shall engage an independent auditor to perform an audit of the State
283 Retiree Benefits Trust Fund's assets, liabilities, net assets, investments and operations on an
284 annual basis in accordance with government auditing standards and policies established by the
285 comptroller. The audit report shall be made available to all participating subdivisions,
286 authorities, boards or instrumentalities not later than September 15, annually.

287 Technical Amendment to CME Qualifications

288 SECTION 19. Section 2 of chapter 38 of the General Laws, as appearing in the 2006
289 Official Edition, is hereby amended by striking out, in line 6, the words "in Forensic Pathology"

290 and inserting in place thereof, the following words:- with certification in anatomic pathology and
291 subspecialty certification in forensic pathology.

292 SECTION 20. Said section 2 of chapter 38, as so appearing, is hereby further amended
293 by striking out, in lines 7 to 8, the words “, a diplomate of the American Board of Anatomic and
294 Forensic Pathology”.

295 Telecom

296 SECTION 21. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby
297 amended by inserting after the word “than”, in line 220, the following words:- a telephone or
298 telegraph corporation taxed under section 52A of chapter 63 or.

299 SECTION 22. Said section 5 of said chapter 59 of the General Laws, as so appearing, is
300 hereby further amended by inserting after the words “two A”, in line 223, the following words:-
301 , other than a telephone or telegraph corporation,.

302 SECTION 23. Clause Sixteenth of said section 5 of said chapter 59 of the General Laws
303 is hereby further amended by striking out paragraph (2), as inserted by section 2 of chapter 173
304 of the acts of 2008, and inserting in place thereof the following paragraph:-

305 (2) In the case of (a) a business corporation subject to tax under section 39 of chapter 63
306 that is not a manufacturing corporation, or (b) a telephone or telegraph corporation subject to tax
307 under section 52A of chapter 63, all property owned by the corporation other than the following:-
308 real estate, poles, underground conduits, wires and pipes, and machinery used in the conduct of
309 the business, which term, as used in this clause, shall not be considered to include stock in trade
310 or any personal property directly used in connection with dry cleaning or laundering processes or

311 in the refrigeration of goods or in the air-conditioning of premises or in any purchasing, selling,
312 accounting or administrative function. Notwithstanding the preceding sentence, a telephone or
313 telegraph corporation shall be subject to property tax assessment on machinery used in the
314 conduct of its business and leased to it by a corporation that is not a telephone or telegraph
315 corporation, and the telephone or telegraph corporation shall include such property on its list to
316 the board of assessors where the property is situated under section 29 of this chapter.

317 SECTION 24. Clause Fifth of section 18 of said chapter 59, as appearing in the 2006
318 Official Edition, is hereby amended by adding the following 2 sentences:- Poles, underground
319 conduits, wires and pipes of telecommunications companies laid in or erected upon public or
320 private ways and property shall be assessed to their owners in the cities or towns where they are
321 laid or erected. For purposes of this clause, telecommunications companies shall include cable
322 television, internet service, telephone service, data service and any other telecommunications
323 service providers.

324 Disclosure Exception for Meals and Hotel/Motel Tax

325 SECTION 25. Subsection (b) of section 21 of chapter 62C of the General Laws, as
326 amended by section 8 of chapter 205 of the acts of 2007, is hereby amended by adding the
327 following clause:-

328 (24) the disclosure of information necessary for administration of the local option
329 excises imposed by section 2A of chapter 64H and section 3A of chapter 64G.

330 DOR Paying Interest on RefundsSECTION 26. Section 40 of chapter 62C of the General
331 Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the first 2
332 sentences of subsection (b) and inserting in place thereof the following 2 sentences:- If any

333 overpayment of tax is refunded within 90 days after the last day prescribed for filing the return of
334 such tax, determined without regard to any extension of time for filing the return, or, in case the
335 return is filed after such last date, is refunded within 90 days after the date the return is filed, no
336 interest shall be allowed hereunder on such overpayment. If any overpayment of tax is not
337 refunded within 90 days after a return is filed where such return is filed after the last day
338 prescribed for filing such return, determined without regard to any extension of time for filing
339 such return, interest shall be allowed hereunder on such overpayment only from the date the
340 return is filed.

341 Hotel/Motel Tax

342 SECTION 27. Section 3 of chapter 64G of the General Laws, as appearing in the 2006
343 Official Edition, is hereby amended by striking out, in line 4, the word “five” and inserting in
344 place thereof the following figure:- 6.

345 SECTION 28. Said section 3 of said chapter 64G, as so appearing, is hereby further
346 amended by inserting after the word “equivalent.”, in line 6, the following sentence:- Before
347 applying section 35J of chapter 10 or any other general or special law to the revenues generated
348 by this section, 1 percentage point of the excise shall be deposited in the General Fund.

349 SECTION 29. Section 3A of said chapter 64G of the General Laws, as so appearing, is
350 hereby amended by striking out, in line 5, the word “four” and inserting in place thereof the
351 following number:- 5.

352 SECTION 30. Said section 3A of said chapter 64G of the General Laws, as so appearing,
353 is hereby further amended by striking out, in line 10, the number “4.5” and inserting in place
354 thereof the following number:- 5.5.

355 Meals Tax

356 SECTION 31. Chapter 64H of the General Laws is hereby amended by inserting after
357 section 2 the following section:-

358 Section 2B. (a) In addition to the excise imposed by section 2, an excise is hereby
359 imposed upon the sale of restaurant meals in the commonwealth at the rate of 1 per cent of the
360 gross receipts of the vendor from the sale of restaurant meals. No excise shall be imposed if the
361 service is exempt under section 6. The vendor shall pay the sales tax imposed under this section
362 to the commissioner at the same time and in the same manner as the sales tax due to the
363 commonwealth under section 2, but the tax under this paragraph shall only be used to provide
364 additional local aid to cities and towns.

365 (b) Any city or town which accepts this paragraph may impose a local sales tax upon the
366 sale of restaurant meals originating within the city or town by any vendor at a rate of up to, but
367 not exceeding, 1 per cent of the gross receipts of the vendor from the sale of restaurant meals.
368 No excise shall be imposed if the sale is exempt under section 6. The vendor shall pay the local
369 sales tax imposed under this section to the commissioner at the same time and in the same
370 manner as the sales tax due to the commonwealth. The commissioner may adopt, by rule or
371 regulation, destination sourcing rules for caterers or other vendors with a high volume of
372 delivered meals, as the commissioner may determine, in order to mitigate any anti-competitive
373 impact of the local option meals tax.

374 (c) All sums received by the commissioner under paragraph (b) shall at least quarterly be
375 distributed, credited and paid by the state treasurer upon certification of the commissioner to
376 each city or town that has adopted paragraph (b) in proportion to the amount of the sums

377 received from the sales of restaurant meals in that city or town. Any city or town seeking to
378 dispute the commissioner’s calculation of its distribution under this paragraph must so notify the
379 commissioner, in writing, no later than one year from the date the tax was distributed by the
380 commissioner to the city or town.

381 (d) Paragraph (b) shall take effect only in a city or town that accepts it as provided in
382 section 4 of chapter 4. The paragraph shall take effect on the first day of the calendar quarter
383 following 30 days after this acceptance, or on the first day of a later calendar quarter that the city
384 or town may designate.

385 (e) The commissioner may make available to cities and towns any information necessary
386 for administration of the excise imposed by this section, including but not limited to a report of
387 the amount of local option sales tax on restaurant meals collected in the preceding fiscal year in
388 each city or town accepting paragraph (b) of this section, with identification of each individual
389 vendor, notwithstanding any provisions in section 21 of chapter 62C to the contrary.

390 Elimination of Sales Tax Exemptions for Candy, Soft Drinks and Alcoholic Beverages

391 SECTION 32. Section 1 of chapter 64H of the General Laws, as so appearing, is hereby
392 amended by adding the following definitions:

393 “Candy”, a preparation of sugar, honey, or other natural or artificial sweeteners in
394 combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of

395 bars, drops, or pieces. “Candy” shall not include any preparation containing flour and
396 shall require no refrigeration.

397 “Soft drinks”, non-alcoholic beverages that contain natural or artificial sweeteners. “Soft
398 drinks” do not include beverages that contain milk or milk products, soy, rice or similar milk
399 substitutes, or greater than fifty percent of vegetable or fruit juice by volume.

400 SECTION 33. Section 6 of said chapter 64H, as so appearing, is hereby amended by
401 striking out, in line 72, the words “and one hundred and thirty-eight.”

402 SECTION 34. Said section 6 of said chapter 64H, as so appearing, is hereby further
403 amended by striking out, in line 77, the words “soft drinks,” and by striking out, in line 78, the
404 words “, candy and confectionary” and by inserting, after the word “include”, in line 80, the
405 following words:- soft drinks and candy, as defined in section 1,.

406 SECTION 35. Said section 6 of said chapter 64H, as so appearing, is hereby further
407 amended by striking out, in lines 115 to 116, the words “in the instance in which it sells only
408 snacks and candy with a sales price of less than \$3.50” and inserting in place thereof the
409 following words:- to the extent that it sells food products with a sales price of less than \$3.50;
410 provided further that candy and soft drinks as defined in section 1 are subject to tax regardless of
411 whether the vending machine from which they are sold is considered an eating establishment or
412 not.

413 SECTION 36. Said section 6 of said chapter 64H, as so appearing, is hereby further
414 amended by inserting after the word “Beverages”, in line 127, the following words:- ,except soft
415 drinks,.

416 RMV Fees

417 SECTION 37. Section 33 of chapter 90 of the General Laws, as appearing in the 2006
418 Official Edition, is hereby amended by striking out, in lines 6 to 7, the words “, the fee for which
419 is not otherwise provided for in any general or special law, the fee shall be \$36”.

420 SECTION 38. Said section 33 of said chapter 90, as so appearing, is hereby further
421 amended by striking out, in line 143, the words “, the fee shall be \$40”.

422 Motor Vehicle Emissions Inspection and Maintenance Program-3

423 SECTION 39. Section 142M of chapter 111 of the General Laws, as so appearing, is
424 hereby amended by inserting after the word "exhaust", in line 17, the following words:- , or a
425 device which analyzes a motor vehicle's computer system relating to emissions.

426 Motor Vehicle Emissions Inspection and Maintenance Program-4

427 SECTION 40. Said section 142M of chapter 111, as so appearing, is hereby further
428 amended by striking out, in lines 19 and 20, the words "including, but not " and inserting in place
429 thereof the following words:- which may include, but not be.

430 Motor Vehicle Emissions Inspection and Maintenance Program-5

431 SECTION 41. Said section 142M of chapter 111, as so appearing, is hereby further
432 amended by striking out, in line 134, the word "shall" and inserting in place thereof the following
433 word:- may.

434 Motor Vehicle Emissions Inspection and Maintenance Program-6

435 SECTION 42. Said section 142M of chapter 111, as so appearing, is hereby further
436 amended by striking out, in line 174, the words "a private entity" and inserting in place thereof
437 the following words:- 1 or more private entities.

438 Motor Vehicle Emissions Inspection and Maintenance Program-7

439 SECTION 43. Said section 142M of chapter 111, as so appearing, is hereby further
440 amended by striking out, in line 229, the words "and (iv)" and inserting in place thereof the
441 following words:- (iv) any motor vehicle that United States Environmental Protection Agency or
442 California Air Resources Board new vehicle certification requirements do not require to be
443 equipped with an onboard diagnostic system, as determined by the commissioner; and (v).

444 Contractor/Subcontractor Prequalification – 1

445 SECTION 44. Section 44D ½ of chapter 149 of the General Laws, as so appearing, is
446 hereby amended by inserting after the word “maintenance”, in line 13, the following words:-
447 ,local housing authority projects funded by the department of housing and community
448 development.

449 Contractor/Subcontractor Prequalification – 2

450 SECTION 45. Section 44D ¾ of said chapter 149, as so appearing, is hereby amended by
451 inserting after the word “maintenance”, in line 16, the following words:- ,local housing authority
452 projects funded by the department of housing and community development.

453 DOB Amendment to Chapter 167

454 SECTION 46. Chapter 167 of the General Laws is hereby amended by striking out
455 section 2, as appearing in the 2006 Official Edition, and inserting in place thereof the following
456 section:—

457 Section 2. (a) (1)The commissioner, either personally or by the commissioner’s
458 examiners or other assistants that the commissioner designates, shall, at least once in each
459 calendar year, or at least once in an 18-month period in the case of a bank which is well
460 capitalized as defined in 12 USC 1831(o) and the regulations adopted under that section, make a
461 thorough examination of the books, securities, cash, assets and liabilities and ascertain the
462 condition of all banks under the commissioner’s supervision, including Massachusetts and out-
463 of-state branches, the ability of each bank to fulfill its obligations, and whether it has complied
464 with all applicable law. The commissioner may also, whenever he considers it expedient, make
465 or cause to be made, at the expense of the bank, any further examinations or audits that the
466 commissioner considers advisable, by his examiners or by certified public accountants or public
467 accountants approved by him and subject to his direction and not connected with the bank. The
468 commissioner may also, whenever he considers it expedient, appoint individuals certified as real
469 estate appraisers by the society of real estate appraisers, or a similar successor society, to make,
470 at the expense of the bank, appraisals of real estate securing loans of the bank. When the
471 commissioner names these appraisers, he shall so notify the bank and advise it of the date on
472 which he has requested submission of the appraisal report to him. The bank may then appoint an
473 appraiser who may submit the report of his appraisal to the commissioner on the same date.

474 (2) The commissioner or the person making the examination shall, at the time of the
475 examination, have free access to the vaults, investments, cash, books and papers. In making any
476 examination which the commissioner considers necessary, the commissioner shall have access to

477 the vaults, books and papers of each of the bank's affiliates and may make any examination of
478 the affairs of its affiliates that may be necessary to disclose fully the relations between the bank
479 and its affiliates and the effect of this relationship upon the affairs of the bank.

480 (b) (1) The commissioner shall preserve a full record of this examination of a bank
481 including a statement of its condition. All records of investigations and reports of examinations
482 by the commissioner, including workpapers, information derived from the reports or responses to
483 the reports, and any copies of these records in the possession of any bank under the supervision
484 of the commissioner, shall be confidential and privileged communications, shall not be subject to
485 subpoena and shall not be a public record under clause twenty-sixth of section 7 of chapter 4. For
486 the purpose of this paragraph, records of investigation and reports of examinations shall include
487 records of investigation and reports of examinations conducted by a financial regulatory agency
488 of the federal government and any other state, and of any foreign government, which are
489 considered confidential by the agency or foreign government and which are in possession of the
490 commissioner. In any proceeding before a court, the court may issue a protective order to seal the
491 record protecting the confidentiality of these records, other than any record on file with the court
492 or filed in connection with the court proceeding, and the court may exclude the public from any
493 portion of the proceeding at which the record may be disclosed.

494 (2) Copies of reports of these examinations shall be furnished to the bank for its use only
495 and shall not be exhibited to any other person, organization or agency without the prior written
496 approval of the commissioner. The commissioner may, in his discretion, furnish to the chief
497 national bank examiner, the Federal Reserve Bank of Boston, the Federal Deposit Insurance
498 Corporation, the Depositors Insurance Fund, the Cooperative Central Bank, the Massachusetts
499 Credit Union Share Insurance Corporation, the National Credit Union Administration, the Office

500 of Thrift Supervision, or any successor to these entities, any other bank regulatory or law
501 enforcement agency, or the banking departments of other states or foreign countries, any
502 information, reports and statements relating to the institutions under his supervision that he
503 considers appropriate.

504 (c) (1) An annual charge shall be paid by each bank under the supervision of the
505 commissioner which shall be based on the total amount of assets held by each bank as stated on
506 the most recent report to the commissioner filed before December 31 of the preceding year. The
507 charge assessed to all such banks shall be determined based on a calculation of the amount that
508 would be sufficient to pay for the operations of the division of banks in the amount set forth in
509 the division's appropriation for the fiscal year, and each bank shall pay the charge within 30 days
510 after receiving notice from the commissioner of the charge assessed. The notice shall be issued
511 annually by the commissioner on January 31 of each calendar year. The charge shall be
512 determined annually by the commissioner of administration, with the assistance of the
513 commissioner under section 3B of chapter 7 and may contain such classifications and
514 differentiations based upon the financial condition of such banks as he considers appropriate.
515 Classifications of individual institutions shall be exempt from section 10 of chapter 66. The
516 annual charge shall be paid, on a pro rata basis, by the successor of any bank which is merged
517 into, or whose assets are purchased and its deposit liabilities are assumed by a federally chartered
518 or out-of-state bank during the preceding year. No annual charge shall be collected from a bank
519 which has been in operation for 1 year or less. The aggregate amount of charges assessed by the
520 division of banks for a fiscal year under this section and other applicable fee provisions shall not
521 be less than the aggregate amount of revenues for the fiscal year as estimated for the division of
522 banks or its successor agency in section 1B of the general appropriation act for that fiscal year.

523 (2) If, in any fiscal year, the assessment by the division of banks under the general or
524 special laws or by regulations are insufficient to pay for the operations of the division of banks in
525 the amount set out in its annual appropriation, or any additional appropriation for that fiscal year,
526 the division of banks shall assess the remaining amount upon all depository and non-depository
527 financial institutions under the supervision of the division of banks. This assessment shall be
528 determined by regulations of the secretary of administration and finance with the assistance of
529 the commissioner under section 3B of chapter 7 and may contain such classifications and
530 differentiations based upon the regulatory condition of each institution as the commissioner
531 considers necessary. The classifications of individual institutions shall be exempt from section
532 10 of chapter 66. The assessment shall be paid within 30 days after notice from the
533 commissioner of the amount due.

534 (3) The expense of the examination of the affairs of any affiliate of a bank, including all
535 monies expended by the commonwealth for personal services and the proportion of the general
536 overhead of the division of banks and loan agencies, including travel, hotel and meal allowances,
537 and other costs, that is determined by the commissioner to be attributable to the examination or
538 audit, shall be paid by the affiliate examined. For the purposes of this section, the term “affiliate”
539 shall include holding company affiliates, but shall not include any person or corporation the
540 control of which is held by a bank when acting in a fiduciary capacity.

541 Ch.58 Reporting Language

542 SECTION 47. Section 132 of chapter 58 of the acts of 2006 is hereby amended by
543 striking out the word “thereafter”, in the third sentence, and inserting in place thereof the
544 following words:- ; for 2 years after the effective date of this section, and shall be updated bi-

545 annually for an additional 2 years. No additional reports shall be required after this section has
546 been in effect for 4 years.

547 Accounting Technical Corrections -1

548 SECTION 48. Chapter 139 of the acts of 2006 is hereby amended by striking out section
549 96 and inserting in place thereof the following section:-

550 SECTION 96. Notwithstanding any general or special law to the contrary, the formula
551 for application of funds provided in section 35J of chapter 10 of the General Laws shall not
552 apply in fiscal year 2007.

553 Accounting Technical Corrections -2

554 SECTION 49. Chapter 61 of the acts of 2007 is hereby amended by striking out section
555 49 and inserting in place thereof the following section:-

556 SECTION 49. Notwithstanding any general or special law to the contrary, the formula
557 for application of funds provided in section 35J of chapter 10 of the General Laws shall not
558 apply in fiscal year 2008.

559 Film Tax Credit Report

560 SECTION 50. Section 13 of chapter 63 of the acts of 2007 is hereby amended by striking
561 out, in the first sentence, the words “December 31, report in writing to the house and senate
562 committee on ways and means on the status of the film tax credit” and inserting in place thereof
563 the following words:- March 31, report in writing to the house and senate committee on ways
564 and means on the status of the film credit for the previous calendar year.

565 Repealing Temporary Management of SRBTF

566 SECTION 51. Section 12 of chapter 135 of the acts of 2008 is hereby repealed.

567 Technical Correction – Welcome Home Payment

568 SECTION 52. Item 0610-2000 of section 2 of chapter 182 of the acts of 2008 is hereby
569 amended by striking out the words ”; and provided further, that funds available in fiscal year
570 2008 shall be available for expenditure until June 30, 2009”.

571 KMPG Contract for Cash Flow Process

572 SECTION 53. Item 0699-9100 of section 2 of chapter 182 of the acts of 2008 is hereby
573 amended by adding the following words: -

574 ; and provided further, that not more than \$500,000 from this item shall be made
575 available to the state treasurer, in collaboration with the secretary of administration and finance
576 and the comptroller, for the continued efforts to improve the processes and reporting of
577 projecting the commonwealth’s official cash flow, under section 10 of chapter 10 of the General
578 Laws.

579 Technical Line Item Numbers -1 SECTION 54. Item 2800-0500 of section 2 of chapter
580 182 of the acts of 2008 is hereby amended by striking out the item number “2800-0500” and
581 inserting in place thereof the following item number:- 2800-0501.

582 Technical Line Item Numbers -2

583 SECTION 55. Item 2810-2040 of said section 2 of chapter 182 of the acts of 2008 is
584 hereby amended by striking out the item number “2810-2040” and inserting in place thereof the
585 following item number:- 2810-2041.

586 CHC’s at MassHealth

587 SECTION 56. Item 4000-0700 of said section 2 of said chapter 182, as amended by
588 section 41 of chapter 302 of the acts of 2008, is hereby further amended by striking out the
589 words “provided further, that not less than \$10,000,000 shall be expended to pay for an increase
590 in Medicaid rates for community health centers, as defined in section 1 of chapter 118G of the
591 General Laws” and inserting in place thereof the following words:- provided further, that not
592 less than \$5,800,000 shall be expended to pay for an increase in Medicaid rates for community
593 health centers, as defined in section 1 of chapter 118G of the General Laws.

594 Technical Line Item Numbers -3

595 SECTION 57. Item 4401-1100 of said section 2 of chapter 182 of the acts of 2008 is
596 hereby amended by striking out the item number “4401-1100” and inserting in place thereof the
597 following item number:- 4401-1101.

598 DOB Amendment to FY09 Assessment

599 SECTION 58. Said section 2 of chapter 182 of the acts of 2008 is hereby amended by
600 striking out item 7006-0010 and inserting in place thereof the following item:-

601 7006-0010 For the operation of the division of banks; provided, that notwithstanding any
602 general or special law to the contrary, the division shall assess 100 per cent of the amount
603 appropriated in this item upon financial institutions which the division currently regulates under

604 section 2 of chapter 167 and section 24 of chapter 167B of the General Laws at a rate sufficient
605 to produce \$12,582,991 in revenue that shall pay for this item. \$12,582,991

606 Amendment to FY09 GAA in line item 7035-0002SECTION 59. Item 7035-0002 of said
607 section 2 of chapter 182 of the acts of 2008 is hereby amended by striking out the words
608 “provided further, that funds shall only be expended in the CC, HH, PP, and UU object
609 classes;”.FY09 GAA Clarification - Sexual Assault Evidence Kits

610 SECTION 60. Item 8000-0202 of said section 2 of chapter 182 of the acts of 2008 is
611 hereby amended by striking out the words “that no funds shall be expended in the AA object
612 class; and provided further”.

613 Retained Revenue Increase for ASAP’s

614 SECTION 61. Item 9110-1630 of said section 2 of chapter 182 of the acts of 2008 is
615 hereby amended by striking out the figure “\$8,000,000” and inserting in place thereof the
616 following figure: - \$11,500,000.

617 Accounting Technical Corrections -3

618 SECTION 62. Said chapter 182 of the acts of 2008 is hereby amended by striking out
619 section 81 and inserting in place thereof the following section:-

620 Section 81. Notwithstanding any general or special law to the contrary, the formula for
621 application of funds provided in section 35J of chapter 10 of the General Laws shall not apply in
622 fiscal year 2009.

623 Stabilization Fund Interest Transfer

624 SECTION 63. Chapter 182 of the acts of 2008 is hereby amended by striking out section
625 84 and inserting in place thereof the following section:-

626 Section 84. Notwithstanding any general or special law to the contrary, the comptroller
627 shall, not later than June 30, 2009, transfer the interest earned from the Commonwealth
628 Stabilization Fund during fiscal year 2009 to the General Fund. If the interest earned by the
629 Commonwealth Stabilization Fund during fiscal year 2009 is less than \$91,000,000 then the
630 amount transferred shall be \$91,000,000. The comptroller shall take the overall cash flow needs
631 of the commonwealth into consideration in determining the timing of any transfer of funds
632 provided for in this section.

633 MATF Transfers

634 SECTION 64. Paragraph (c) of section 88 of chapter 182 of the acts of 2008 is hereby
635 amended by striking out the figure “\$346,000,000” and inserting in place thereof the following
636 figure:- \$386,000,000; and by striking out the figure “\$148,000,000” and inserting in place
637 thereof the following figure:-\$228,000,000; and by striking out the figure “\$74,000,000” and
638 inserting in place thereof the following figure:- \$114,000,000.

639 FY09 GAA Technical Correction Ponkapoag Amendment - 1

640 SECTION 65. Section 103 of said chapter 182 of the acts of 2008 is hereby amended by
641 striking out the first paragraph and inserting in place thereof the following paragraph:-

642 (a) Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of
643 chapter 7 of the General Laws or any other general or special law to the contrary, the division of
644 capital asset management and maintenance, on behalf of and in consultation with the department

645 of conservation and recreation may, using such competitive proposal process as the division
646 considers necessary or appropriate, lease and enter into other agreements, for terms not to exceed
647 25 years with 1 or more operators, for the Ponkapoag golf course in the town of Canton so as to
648 provide for the continued use, operation, maintenance, repair and improvement of the golf
649 courses, practice greens, driving range, restaurant or any other structure and associated lands
650 which constitute the facilities of the Ponkapoag golf course, in this section called the golf course;
651 provided, however, that the division of capital asset management and maintenance, in
652 consultation with the department of conservation and recreation shall prefer any proposal
653 submitted by the town of Canton, or by a non-profit organization within the town of Canton,
654 which complies with the requirements of this section; and provided further, that the division of
655 capital asset management and maintenance shall provide the town of Canton not less than 45
656 days to determine whether the town shall submit a proposal before soliciting proposals under
657 subsection (b); and provided further, that if the town of Canton executes a lease of the golf
658 course under this section it shall not assign or otherwise transfer the lease to any third party.

659 FY09 GAA Technical Correction Ponkapoag Amendment - 2

660 SECTION 66. Said section 103 of chapter 182 of the acts of 2008 is hereby further
661 amended by striking out the first paragraph of subsection (b) and inserting in place thereof the
662 following paragraph:-

663 If no lease agreement is reached with the town of Canton under subsection (a) and not
664 before April 1, 2009, the division of capital asset management and maintenance, in consultation
665 with and on behalf of the department of conservation and recreation, shall solicit proposals
666 through a request for proposals which shall include key contractual terms and conditions to be

667 incorporated into the contract, including but not limited to: (1) a comprehensive list of all
668 recreational facilities operated by the responsive bidder or offer or in the last 4 years; (2) other
669 facilities management or experience of the responsive bidder or offer; (3) a senior citizen and
670 children discount program; (4) reservation policies; (5) proposed reasonable rates that will ensure
671 continued public access; (6) required financial audits; (7) policies to encourage use of the golf
672 course by persons of all races and nationalities; (8) safety and security plans; (9) seasonal
673 opening and closing dates; (10) hours of operation; (11) holiday recognition; (12) grievance
674 processes; (13) clubhouse license; (14) a provision that the facility shall be maintained as a 36-
675 hole public golf course; (15) a provision that lessee shall not construct any facilities on the
676 grounds of the golf course or any property appurtenant thereto; provided, however, that the
677 lessee may construct facilities incidental to the operation of a golf course with the written
678 approval of the commissioner of the department of conservation and recreation; (16) a host
679 community agreement between the designated operator and the town of Canton. Any increase in
680 fees including fees for season passes, and any increase in charges for greens fees, golf cart or
681 club rentals shall be approved in writing by the commissioner of the department of conservation
682 and recreation; provided, however, that in considering any request for an increase in fees, the
683 commissioner shall consider without limitation: (i) any capital investment made by the contractor
684 or lessee; (ii) the fees and charges at other public golf courses within reasonable proximity; and
685 (iii) the length of time since the last fee increase.

686 FY09 GAA Technical Correction Ponkapoag Amendment - 3

687 SECTION 67. Said section 103 of the chapter 182 of the acts of 2008 is hereby further
688 amended by striking out, in subsection (e), the words “Upon conveyance of the parcel, the” and
689 inserting in place thereof the following word:- The.

690 Allocate Funds for PCA Agreement

691 SECTION 68. Section 2A of chapter 302 of the acts of 2008 is hereby amended by
692 striking out item 1599-6379 and inserting in place thereof the following item:-

693 1599-6379 For a reserve to meet the fiscal year 2009 costs of salary adjustments and
694 other economic benefits authorized by the collective bargaining agreement between the
695 commonwealth and the Service Employees International Union; provided, that the secretary of
696 administration and finance may transfer from the sum appropriated in this item to other items of
697 appropriation and allocations thereof for fiscal year 2009 amounts that are necessary to meet
698 those costs where the amounts otherwise available are insufficient for the purpose, in accordance
699 with a transfer plan which shall be filed in advance with the house and senate committees on
700 ways and means; and provided further, that no more than \$20,000,000 of the appropriated
701 amount shall be transferred for the costs of the collective bargaining agreement, and the rest shall
702 revert to the General Fund on June 30, 2010.....\$20,000,000

703 Technical Line Item Numbers -4

704 SECTION 69. Item 7010-0016 of section 2C of said chapter 302 of the acts of 2008 is
705 hereby amended by striking out the item number “7010-0016” and inserting in place thereof the
706 following item number:- 7010-0216.

707 Technical Line Item Numbers -5

708 SECTION 70. Item 6033-0817 of section 2A of said chapter 303 of the acts of 2008 is
709 hereby amended by striking out the item number “6033-0817” and inserting in place thereof the
710 following item number:- 6035-0817.

711 Technical Line Item Numbers -6

712 SECTION 71. Item 6033-0837 of said section 2A of chapter 303 of the acts of 2008 is
713 hereby amended by striking out the item number “6033-0837” and inserting in place thereof the
714 following item number:- 6035-0837.

715 Technical Line Item Numbers -7

716 SECTION 72. Item 6033-0867 of section 2B of said chapter 303 of the acts of 2008 is
717 hereby amended by striking out the item number “6033-0867” and inserting in place thereof the
718 following item number:- 6035-0867.

719 Technical Line Item Numbers -8

720 SECTION 73. Item 6033-0877 of said section 2B of chapter 303 of the acts of 2008 is
721 hereby amended by striking out the item number “6033-0877” and inserting in place thereof the
722 following item number:- 6035-0877.

723 Technical Line Item Numbers -9

724 SECTION 74. Item 6033-0887 of said section 2B of chapter 303 of the acts of 2008 is
725 hereby amended by striking out the item number “6033-0887” and inserting in place thereof the
726 following item number:- 6035-0887.

727 Technical Line Item Numbers -10

728 SECTION 75. Item 6001-0801 of section 2C of said chapter 303 of the acts of 2008 is
729 hereby amended by striking out the item number “6001-0801” and inserting in place thereof the
730 following item number:- 6001-0881.

731 Technical Line Item Numbers -11

732 SECTION 76. Item 6001-0802 of said section 2C of chapter 303 of the acts of 2008 is
733 hereby amended by striking out the item number “6001-0802” and inserting in place thereof the
734 following item number:- 6001-0882.

735 Technical Line Item Numbers -12

736 SECTION 77. Item 6001-0804 of said section 2C of chapter 303 of the acts of 2008 is
737 hereby amended by striking out the item number “6001-0804” and inserting in place thereof the
738 following item number:- 6001-0884.

739 Technical Line Item Numbers -13

740 SECTION 78. Item 6001-0805 of said section 2C of chapter 303 of the acts of 2008 is
741 hereby amended by striking out the item number “6001-0805” and inserting in place thereof the
742 following item number:- 6001-0885.

743 Technical Line Item Numbers -14

744 SECTION 79. Item 6001-0813 of section 2E of said chapter 303 of the acts of 2008 is
745 hereby amended by striking out the item number “6001-0813” and inserting in place thereof the
746 following item number:- 6001-0820.

747 Technical Line Item Numbers -15

748 SECTION 80. Item 0640-0300 of section 2C of chapter 304 of the acts of 2008 is hereby
749 amended by striking out the item number “0640-0300” and inserting in place thereof the
750 following item number:- 0640-0301.

751 Technical Line Item Numbers -16

752 SECTION 81. Item 0330-9999 of section 2D of said chapter 304 of the acts of 2008 is
753 hereby amended by striking out the item number “0330-9999” and inserting in place thereof the
754 following item number:- 0330-9997.

755 Technical Line Item Numbers -17

756 SECTION 82. Item 0526-2010 of section 2A of chapter 312 of the acts of 2008 is hereby
757 amended by striking out the item number “0526-2010” and inserting in place thereof the
758 following item number:- 0526-2012.Fix Middle/Middlesex Correction

759 SECTION 83. Subsection (b) of section 7 of chapter 377 of the acts of 2008 is hereby
760 amended by striking out the word "middlesex" and inserting in place thereof the following
761 word:- middle.

762 GIC Municipal Enrollment Date Correction

763 SECTION 84. Section 10 of chapter 377 of the acts of 2008 is hereby amended by
764 striking out the date ”January 1, 2012” and inserting in place thereof the following date:- July 1,
765 2009.

766 Bicycle Safety Technical Amendments

767 SECTION 85. (A) Chapter 525 of the acts of 2008 is hereby amended by striking out
768 section 1 and inserting in place thereof the following section:-

769 Section 1. Chapter 6 of the General Laws is hereby amended by inserting after section
770 116D the following section:—Section 116E. (a) The municipal police training committee shall

771 develop and establish within the recruit basic training curriculum a course for regional and
772 municipal police training schools for the training of law enforcement officers in bicycle safety
773 enforcement and develop guidelines for traffic enforcement for bicyclist safety. As used in this
774 section, "law enforcement officer" shall mean an officer of a municipal police department.(b)
775 The course in bicycle safety enforcement shall include, but not be limited to, instruction in the
776 procedures and techniques described below:(1) the rights and duties of bicyclists set forth in
777 chapter 85;(2) patterns and sources of injuries to bicyclists, both those involving and those not
778 involving motor vehicles and the percentage of crashes involving cyclists riding against traffic,
779 riding at night and riding on sidewalks;(3) the most dangerous actions by bicyclists and
780 procedures for citing bicyclists, including minors;(4) common motorist actions causing bicycle
781 crashes;(5) reporting bicyclist crashes; and(6) motorists intentionally endangering
782 bicyclists.(c) All law enforcement recruits shall receive the course in bicycle safety enforcement
783 as part of their required training program.(d) The course of instruction, the learning and
784 performance objectives, the standards for training and the guidelines shall be developed by the
785 municipal police training committee in consultation with the Massachusetts Bicycle Advisory
786 Board and appropriate groups and individuals having an interest and expertise in bicycle
787 safety.(e) The municipal police training committee may include this course of instruction within
788 its in-service training curriculum available to in-service trainees and any other public safety
789 officers.

790 (B) Chapter 525 is hereby further amended by adding the following section:-

791 Section 15. Section 6 shall take effect on January 1, 2011.

792 Stabilization Fund Transfer

793 SECTION 86. Notwithstanding any general or special law to the contrary, in addition to
794 funds already authorized to be transferred, the comptroller shall, on or before June 30, 2009,
795 transfer \$327,000,000 to the General Fund from the Commonwealth Stabilization Fund, but the
796 comptroller shall instead transfer a lesser amount if the secretary of administration and finance so
797 requests in writing. The comptroller, in consultation with the secretary of administration and
798 finance, may take the overall cash flow needs of the commonwealth into consideration in
799 determining the timing of any transfer of funds. The comptroller shall provide a schedule of
800 transfers to the secretary of administration and finance and to the house and senate committees
801 on ways and means.

802 Group Insurance Commission Employee Contribution Tiered by Salary

803 SECTION 87. Notwithstanding chapter 150E of the General Laws and as provided in
804 section 8 of chapter 32A and for the purposes of section 14 of chapter 32A, the commonwealth's
805 share of group insurance premiums for active state employees and their dependents where the
806 employees' annual salary is less than \$35,000 shall be 85 per cent; the commonwealth's share of
807 premiums for active state employees and their dependents where the employees' annual salary is
808 \$35,000 or greater but less than \$50,000 shall be 80 per cent; and the commonwealth's share of
809 premiums for active state employees and their dependents where the employees' annual salary is
810 \$50,000 or greater shall be 75 per cent. The commonwealth's share of premiums for active state
811 employees and their dependents shall be determined annually by the active state employee's
812 salary used or collected by the commission to calculate premiums for additional insurance
813 established in section 10A of chapter 32A and disability insurance established in section 10D of
814 chapter 32A. The commission shall notify the house and senate committees on ways and means
815 by April 1 of each year of the cost of the commonwealth's projected share of group insurance

816 premiums for the next fiscal year, and the group insurance commission may pay premium and
817 plan costs for political subdivision employees, retirees and their dependents who are enrolled in
818 the group insurance commission's health plans subject to the commission's regulations.

819 FY09 Reduction in Governor's Office

820 SECTION 88. Notwithstanding any general or special law to the contrary, in addition to
821 the reduction made by clause (2) of subsection (a) of section 7 of chapter 377 of the acts of 2008,
822 the appropriations for fiscal year 2009 in section 2 of chapter 182 of the acts of 2008 for the
823 office of the governor shall be reduced by \$286,943.

824 MATF Corrective LanguageSECTION 89. Notwithstanding sections 12 and 15 of
825 chapter 29 of the General Laws, the authorization to transfer from the General Fund to the
826 MassHealth provider payment account in the Medical Assistance Trust Fund under section 123
827 of chapter 139 of the acts of 2006, chapters 146 and 176 of the acts of 2006, and section 57 of
828 chapter 61 of the acts of 2007 shall expire on June 30, 2009; provided, that such transfers may be
829 made during fiscal year 2009 upon the direction of the secretary of administration and
830 finance. Transfer to Lead Paint Abatement Program

831 SECTION 90. Notwithstanding any general or special law to the contrary, the department
832 of environmental protection shall transfer \$4,000,000 of funds previously appropriated or loans
833 repaid as a result of item 1231-1020 of section 2 of chapter 151 of the acts of 1996, as inserted
834 by section 72 of chapter 204 of the acts of 1996, to the lead paint abatement program established
835 by section 197E of chapter 111 of the General Laws.

836 Gryphon Contract

837 SECTION 91. Notwithstanding any general or special law to the contrary, for fiscal
838 years 2009 and 2010, net recoveries generated by any contract entered into by the comptroller
839 under section 29E chapter 29 of the General Laws for accounts receivable cost recovery services
840 shall be deposited as unrestricted revenue in the General Fund, but federal funds shall be
841 returned to the federal government, and any amounts to be financed through the sale of bonds
842 shall be used to reduce the amount financed.

843 Telecom - Effective Dates

844 SECTION 92. Sections 21, 22 and 23 of this act shall take effect on January 1, 2009.

845 SECTION 93. Section 24 of this act shall take effect as of January 1, 2008 and shall
846 apply to property taxes assessed for fiscal years beginning on or after July 1, 2008.

847 Notwithstanding any general or special law to the contrary, for fiscal year 2009, the assessors of
848 any city or town may assess taxes for any personal property taxable under section 24 not
849 included in the fiscal year 2009 annual tax assessment to its owner in the manner and within the
850 time provided by section 75 or 76 of said chapter 59.

851 DOR Paying Interest on Refunds – Effective Date

852 SECTION 94. Section 26 of this act shall take effect for returns filed on or after January
853 1, 2009.

854 Elimination of Sales Tax Exemption – Effective Date

855 SECTION 95. Sections 32 through 36 of this act shall be effective on April 1, 2009.

856 RMV Fees – Effective DateSECTION 96. Motor vehicle registration and license fees
857 established under section 33 of chapter 90 of the General Laws before sections 37 and 38 of this

858 act take effect shall continue in force until new fees have been adopted under said section 33 of
859 chapter 90, as amended by sections 37 and 38.

860 GIC Tiering - Effective Date

861 SECTION 97. Section 87 shall take effect on January 1, 2009.