

HOUSE No. 4155

The Commonwealth of Massachusetts



DEVAL L. PATRICK
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
, MA

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

July 23, 2009

[Governors Message Body Text]

Sincerely,

Deval L. Patrick,
Governor

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects.

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

1 SECTION 1 To provide for supplementing certain items in the general appropriation act
2 and other appropriation acts for fiscal year 2010, the sums set forth in section 2 are hereby
3 appropriated from the General Fund unless specifically designated otherwise in this act or in
4 those appropriation acts, for the several purposes and subject to the conditions specified in this
5 act or in those appropriation acts, and subject to the laws regulating the disbursement of public
6 funds for the fiscal year ending June 30, 2010. 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 HOUSING AND ECONOMIC DEVELOPMENT

10 Department of Housing and Economic Development

11 7004-9024 \$2,300,000

12 Department of Business Development

13 7007-0900 \$2,500,000

14 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

15 Department of Workforce Development

16 7003-0701 \$11,000,000

17 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

18 Office of the Secretary of Public Safety and Security

19 8910-0000 \$46,010,366

20 Department of Correction

21 8900-0001 \$8,000,000

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

29 SHERIFFS

30 Barnstable Sheriff's Department

31 8910-8200 For the operation of the Barnstable sheriff's department; provided, that
32 funds shall not be expended from this item until the secretary of administration and finance
33 certifies in writing to the comptroller that legislation has transferred the sheriffs' department to
34 the commonwealth \$15,882,525

35 8910-8210 The Barnstable sheriff's department may expend for the operation of the
36 department an amount not to exceed \$250,000 from federal inmate reimbursements; provided,
37 that notwithstanding any general or special law to the contrary, for the purpose of
38 accommodating timing discrepancies between the receipt of retained revenues and related
39 expenditures, the department may incur expenses and the comptroller may certify for payment
40 amounts not to exceed the lower of this authorization or the most recent revenue estimate, as
41 reported in the state accounting system \$250,000

42 Bristol Sheriff's Department

43 8910-8300 For the operation of the Bristol sheriff's department; provided, that funds
44 shall not be expended from this item until the secretary of administration and finance certifies in
45 writing to the comptroller that legislation has transferred the sheriffs' department to the
46 commonwealth \$20,442,251

47 8910-8310 The Bristol sheriff's department may expend for the operation of the
48 department an amount not to exceed \$6,500,000 from federal inmate reimbursements; provided,
49 that notwithstanding any general or special law to the contrary, for the purpose of
50 accommodating timing discrepancies between the receipt of retained revenues and related
51 expenditures, the department may incur expenses and the comptroller may certify for payment

52 amounts not to exceed the lower of this authorization or the most recent revenue estimate, as
53 reported in the state accounting system \$6,500,000

54 Dukes Sheriff's Department

55 8910-8400 For the operation of the Dukes sheriff's department; provided, that funds
56 shall not be expended from this item until the secretary of administration and finance certifies in
57 writing to the comptroller that legislation has transferred the sheriffs' department to the
58 commonwealth \$1,925,824

59 Nantucket Sheriff's Department

60 8910-8500 For the operation of the Nantucket sheriff's department; provided, that
61 funds shall not be expended from this item until the secretary of administration and finance
62 certifies in writing to the comptroller that legislation has transferred the sheriffs' department to
63 the commonwealth \$586,945

64 Norfolk Sheriff's Department

65 8910-8600 For the operation of the Norfolk sheriff's department; provided, that funds
66 shall not be expended from this item until the secretary of administration and finance certifies in
67 writing to the comptroller that legislation has transferred the sheriffs' department to the
68 commonwealth \$17,153,969

69 8910-8610 The Norfolk sheriff's department may expend for the operation of the
70 department an amount not to exceed \$2,500,000 from federal inmate reimbursements; provided,
71 that notwithstanding any general or special law to the contrary, for the purpose of
72 accommodating timing discrepancies between the receipt of retained revenues and related

73 expenditures, the department may incur expenses and the comptroller may certify for payment
74 amounts not to exceed the lower of this authorization or the most recent revenue estimate, as
75 reported in the state accounting system \$2,500,000

76 Plymouth Sheriff's Department

77 8910-8700 For the operation of the Plymouth sheriff's department; provided, that
78 funds shall not be expended from this item until the secretary of administration and finance
79 certifies in writing to the comptroller that legislation has transferred the sheriffs' department to
80 the commonwealth \$17,957,534

81 8910-8710 The Plymouth sheriff's department may expend for the operation of the
82 department an amount not to exceed \$16,000,000 from federal inmate reimbursements; provided,
83 that notwithstanding any general or special law to the contrary, for the purpose of
84 accommodating timing discrepancies between the receipt of retained revenues and related
85 expenditures, the department may incur expenses and the comptroller may certify for payment
86 amounts not to exceed the lower of this authorization or the most recent revenue estimate, as
87 reported in the state accounting system \$16,000,000

88 Suffolk Sheriff's Department

89 8910-8800 For the operation of the Suffolk sheriff's department; provided, that funds
90 shall not be expended from this item until the secretary of administration and finance certifies in
91 writing to the comptroller that legislation has transferred the sheriffs' department to the
92 commonwealth \$64,082,051

93 8910-8810 The Suffolk sheriff's department may expend for the operation of the
94 department an amount not to exceed \$8,000,000 from federal inmate reimbursements; provided,
95 that notwithstanding any general or special law to the contrary, for the purpose of
96 accommodating timing discrepancies between the receipt of retained revenues and related
97 expenditures, the department may incur expenses and the comptroller may certify for payment
98 amounts not to exceed the lower of this authorization or the most recent revenue estimate, as
99 reported in the state accounting system \$8,000,000

100 EXECUTIVE OFFICE

101 Executive Office

102 0411-1001 For the operation of the development coordinating council \$200,000

103 0411-1003 For the operation of the commonwealth's Washington, D.C. office
104 \$400,000

105 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

106 Department of Revenue

107 1231-1000 For the Commonwealth Sewer Rate Relief Fund established in section 2Z
108 of chapter 29 of the General Laws; provided, that sums appropriated in this line item shall be
109 funded by revenues collected under section 321 of chapter 94 of the General Laws, as amended
110 by section 24 \$5,500,000

111 Reserves

112 1599-1702 For a reserve for the 75 per cent state share of costs to the department of
113 conservation and recreation as identified for reimbursement by the Federal Emergency
114 Management Agency for Emergency Declaration 3296 relating to the December 2008 severe
115 winter storm, for the counties of Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire,
116 Middlesex, Suffolk and Worcester \$4,700,000

117 1599-5050 The executive office for administration and finance may expend for a
118 single point of contact unit within the executive office to monitor and track federal assistance an
119 amount not to exceed \$300,000 in revenues received from fringe benefit assessments; provided,
120 that the items monitored may include grants, federal medical assistance percentages
121 reimbursements, other reimbursements, entitlement programs and any economic recovery
122 stimulus funds, should they be received, under section 6B of chapter 29 of the General Laws;
123 provided further, that the unit shall coordinate with the state comptroller and the treasurer and
124 receiver-general; provide further, that the unit shall coordinate with agencies to draw down all
125 available funds to support programs and services and to further ensure compliance with the
126 federal Cash Management Improvement Act, that all draws of federal grant funds must be
127 processed through the commonwealth's automated central draw process, under the supervision of
128 the comptroller \$300,000

129 Operational Services Division

130 1775-1101 For the operation of the affirmative market program \$175,000

131 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

132 Office of the Secretary of Energy and Environmental Affairs

133 2010-0100 For technical assistance, grants and support of efforts consistent with the
134 Massachusetts solid waste master plan and climate protection plan; provided, that sums
135 appropriated in this item shall be funded by revenues collected under section 321 of chapter 94
136 of the General Laws, as amended by section 24 \$2,986,000

137 Department of Environmental Protection

138 2200-0107 For the operation of a redemption center program in pursuit of the
139 commonwealth's recycling goals consistent with section 323 of chapter 94 of the General Laws;
140 provided, that sums appropriated in this item shall be funded by revenues collected under section
141 321 of chapter 94 of the General Laws, as amended by section 24 \$2,225,000

142 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

143 Department of Children and Families

144 4800-0016 For the department of children and families which may expend for the
145 operation of the transitional employment program an amount not to exceed \$2,000,000 from
146 revenues collected from various state, county and municipal government entities, as well as state
147 authorities, for the costs related to the provision of services by the participants and the overhead
148 costs and expenses incurred by the not-for-profit managing agent selected by the commissioner
149 for administering the program; provided, that notwithstanding any general or special law to the
150 contrary, the commissioner of the department of children and families may enter into a contract
151 with Roca, Inc., a not-for-profit community-based agency, to manage the transitional
152 employment program and to provide services to participants from the aging out population,
153 parolees, probationers, youth service releases, or other community residents considered to have
154 employment needs \$1,500,000

155 EXECUTIVE OFFICE OF EDUCATION

156 Department of Elementary and Secondary Education

157 7061-9010 For tuition payment reimbursements calculated under subsection (oo) of
158 section 89 of chapter 71 of the General Laws; provided, that notwithstanding said subsection
159 (oo), this item shall only fund reimbursements of 60 per cent of the amount by which a district's
160 charter school tuition amounts in fiscal year 2009 were greater than its total charter school tuition
161 amount for fiscal year 2008, and 40 per cent of the amount by which the district's charter school
162 tuition amounts for fiscal year 2008 were greater than its total charter school tuition amount for
163 fiscal year 2007; and provided further, that any excess funds in this account after payments have
164 been made in full shall be transferred to item 7061-9020 if that item does not have sufficient
165 funds to reimburse the tuition amounts required by said section 89 \$29,865,079

166 7061-9020 For fiscal year 2010 payments to charters schools for facilities aid and
167 fiscal year 2010 tuition increases; provided, that notwithstanding subsections (nn) and (oo) of
168 section 89 of chapter 71 of the General Laws, or any other general or special law to the contrary,
169 the total tuition amount owed by a sending district to a charter school shall be the per pupil
170 tuition amount for fiscal year 2009 as defined in said subsection (nn) multiplied by the total
171 number of students attending the charter school from that district in fiscal year 2009; provided
172 further, that the commonwealth shall provide payments directly to charter schools for the per
173 pupil capital needs component, which in FY2010 shall be \$893; provided further, that
174 notwithstanding said subsection (oo), or any other general or special law to the contrary, the
175 commonwealth shall provide payments directly to charter schools for the amount by which the
176 district's charter school tuition amounts for fiscal year 2010 are greater than its total charter

177 school tuition amount for fiscal year 2009; and provided further, that if the amount appropriated
178 is insufficient to fully fund all reimbursements required by said section 89, the department shall
179 fully reimburse the cost of the per pupil capital needs component and shall pro-rate the tuition
180 reimbursements calculated under said subsection (oo) \$49,886,500

181 Board of Higher Education

182 7070-0031 For the McNair component of the financial assistance program to increase
183 access to public and independent institutions of higher education for students who meet certain
184 income eligibility standards developed by the commissioner of higher education and for students
185 with serious physical impairments, known as the Ronald E. McNair education opportunity
186 program \$1,000,000

187 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

188 Office of the Secretary of Housing and Economic Development

189 7002-0013 For the operation of expedited permitting at the executive office of
190 housing and economic development, and related regional and local planning grants
191 \$1,100,000

192 Department of Housing and Community Development

193 7004-2475 For the soft second loans program \$500,000

194 Department of Business Development

195 7007-0334 For the operation of the office of small business and entrepreneurship and
196 for grants to community development corporations, community development financial

197 institutions or non-profit community-based organizations for the purpose of providing technical
198 assistance or training programs to businesses with 20 employees or fewer \$750,000

199 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

200 Department of State Police

201 8100-0515 For the estimated expenses of hiring, equipping and training state police
202 recruits to maintain the strength of the state police; provided, that 100 per cent of the amount
203 appropriated in this item shall be imposed as a policy surcharge and collected and remitted to the
204 commissioner of insurance in accordance with section 116E of chapter 6 of the General Laws
205 \$3,200,000

206 Municipal Police Training Committee

207 8200-0212 For the expanded annual training programs for veteran and reserve
208 municipal police officers and expanded recruit training conducted by the municipal police
209 training committee, including development and delivery of distance learning programs for
210 municipal police officers, and development and execution of a standards and evaluations
211 program for training courses and instructors of or certified by the committee; provided, that
212 notwithstanding any general or special law to the contrary, the training fee for new recruits of
213 municipal police departments and those law enforcement officers employed by agencies of the
214 commonwealth who exercise police powers, including but not limited to environmental police
215 officers and campus police officers of the University of Massachusetts and state colleges who
216 exercise police powers, shall be covered by this item; and provided further, that 100 per cent of
217 the amount appropriated in this item, including fringe benefit charges, shall be imposed as a

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

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

229 JUDICIARY

230 Supreme Judicial Court

231 0321-2215 For the expenses of the social law library located in Suffolk county
232 \$506,704

233 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

234 Department of Capital Asset Management and Maintenance

235 1102-3225 For the cost of utilities and management services provided by the division
236 of capital asset management, including the payment of electrical, fuel oil and natural gas
237 purchases that are centrally billed to the commonwealth and the purchase, delivery, handling of
238 and contracting for supplies, postage and related equipment and other incidental expenses

239 provided under section 51 of chapter 30 of the General Laws; provided, that any unspent balance
240 at the close of fiscal year 2010 in an amount not to exceed 5 per cent of the amount authorized
241 shall remain in the Intergovernmental Service Fund and may be expended for this item in fiscal
242 year 2011 for the purposes of energy efficiency projects; and provided further, that the division
243 in consultation with the department of energy resources, the operational services division and the
244 executive office for administration and finance shall implement a program for centralized energy
245 management by July 1, 2010 \$130,000,000

246 Police Training Surcharge

247 SECTION 3. Chapter 6 of the General Laws is hereby amended by inserting after section
248 116D the following section:-

249 Section 116E. (a) Sums for the estimated expenses of providing annual in-service
250 specialized and statutorily-mandated training programs conducted by the municipal police
251 training committee for veteran and reserve municipal police officers and for those officers
252 employed by agencies of the commonwealth who exercise police powers and receive this
253 training from the municipal police training committee, including but not limited to
254 environmental police officers and campus police officers of the University of Massachusetts and
255 state colleges who exercise police powers, shall be paid to the commissioner of insurance by
256 property and casualty insurance companies writing motor vehicle insurance policies in the
257 commonwealth by means of a policy surcharge imposed upon the policyholder of any private
258 passenger automobile policy issued by any property and casualty insurance company writing
259 motor vehicle insurance policies in the commonwealth. These programs shall include new
260 recruit training provided by the municipal police training committee; development and delivery

261 of distance learning programs by the municipal police training committee; a standards and
262 evaluations program for training courses and instructors of or certified by the municipal police
263 training committee; the development and updating of training programs including curricula by
264 the municipal police training committee, hiring, equipping, and training new state police recruits;
265 and the development and operation of a state police cadet program including the hiring,
266 equipping, and training of state police cadets, subject to appropriation, and the estimated cost of
267 fringe benefits associated with this training hiring and employment. The amount of any
268 surcharge shall be separately stated on either a billing or policy declaration sent to an insured.
269 The rate of the policy surcharge shall be determined and adjusted annually by the commissioner
270 of insurance to a rate sufficient to generate a surcharge to fund the expenses estimated by the
271 secretary of public safety and security for the purposes described above.

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

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