

**HOUSE . . . . . No. 4181**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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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           JUDICIARY

10          Board of Bar Examiners

11          0321-0100                 \$75,000

12	Trial Court		
13	0330-0300	\$3,350,000	
14	0330-3337	\$950,000	
15	0333-0002	\$500,000	
16	0335-0001	\$150,000	
17	0339-1001	\$4,170,000	0339-1003 \$300,000

18 ATTORNEY GENERAL

19 Office of the Attorney General

20	0810-0045	\$200,000	
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21 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

22 Appellate Tax Board

23	1310-1000	\$300,000	
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24 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

25 Department of Agricultural Resources

26	2511-0105	\$1,000,000	
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27 Department of Conservation and Recreation

28	2800-0501	\$25,000	
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29	2810-0100	\$25,000
30	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES	
31	Office of the Secretary	
32	4000-0265	\$250,000
33	4000-0500	\$160,000
34	Executive Office of Elder Affairs	
35	4000-0600	\$13,100,000
36	Executive Office of Health and Human Services	
37	4000-0700	\$5,800,000
38	4000-0950	\$300,000
39	Department of Youth Services	
40	4200-0200	\$500,000
41	Department of Public Health	
42	4510-0715	\$100,000
43	4510-0810	\$300,000
44	4512-0202	\$800,000
45	4512-0203	\$500,000

46	4513-1000	\$50,000
47	4513-1111	\$350,000
48	Department of Children and Families	
49	4800-0038	\$1,000,000
50	Department of Mental Health	
51	5046-0000	\$275,000
52	EXECUTIVE OFFICE OF TRANSPORTATION	
53	Office of the Secretary	
54	6005-0015	\$435,854
55	BOARD OF LIBRARY COMMISSIONERS	
56	Board of Library Commissioners	
57	7000-9401	\$1,290,000
58	EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT	
59	Department of Workforce Development	
60	7003-0605	\$350,000
61	EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT	
62	Office of the Secretary	

63	7004-9005	\$1,000,000
64	7004-9316	\$1,000,000
65	Department of Business Development	
66	7007-0500	\$50,000
67	7007-0951	\$2,500,000
68	7007-1000	\$950,000
69	EXECUTIVE OFFICE OF EDUCATION	
70	Department of Elementary and Secondary Education	
71	7030-1002	\$200,000
72	7061-0012	\$200,000
73	7061-9604	\$50,000
74	7061-9634	\$100,000
75	Department of Higher Education	
76	7066-0009	\$67,500
77	EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY	
78	Military Division	
79	8700-0001	\$100,000

80 Sheriffs  
81 8910-0105 \$1,029,114

82 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

83 Department of Elder Affairs

84 9110-1633 \$200,000

85 LEGISLATURE

86 Senate

87 9500-0000 \$568,921

88 House

89 9600-0000 \$1,009,726

90 Joint Legislative Expenses

91 9700-0000 \$158,808

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

99 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

100 Reserves

101 1599-1702 For a reserve for the 75 per cent state share of costs to the department of  
102 conservation and recreation as identified for reimbursement by the Federal Emergency  
103 Management Agency for Emergency Declaration 3296 relating to the December 2008 severe  
104 winter storm, for the counties of Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire,  
105 Middlesex, Suffolk and Worcester \$4,700,000

106 1599-6425 For a reserve to support municipal regionalization; provided, that the  
107 funds in this item shall be used to provide grants and technical assistance to districts and  
108 municipalities, including councils on government, counties and regional planning authorities that  
109 are applying on behalf of 2 or more municipal entities, in the areas of planning, feasibility,  
110 transitional costs and related subject areas to promote cost effective and efficient delivery of  
111 local services by regionalization of services including, but not limited to, equipment, hardware,  
112 facilities, staff and operations; provided further, that the secretary of administration and finance  
113 shall promulgate regulations to implement this item not later than September 1, 2009; and  
114 provided further, that grants and technical assistance shall only be provided to support  
115 regionalization of services that results in cost savings \$500,000

116 1599-9003 For a reserve for the implementation of transportation reform \$1,000,000

117 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

118 Department of Public Health

119           4510-0716    For the operation of an evidence-based outreach and education program  
120 designed to provide information and education on the therapeutic and cost-effective utilization of  
121 prescription drugs to physicians, pharmacists and other health care professionals authorized to  
122 prescribe and dispense prescription drugs    \$200,000

123           Department of Children and Families

124           4800-0016    For the department of children and families which may expend for the  
125 operation of the transitional employment program an amount not to exceed \$2,000,000 from  
126 revenues collected from various state, county and municipal government entities, as well as state  
127 authorities, for the costs related to the provision of services by the participants and the overhead  
128 costs and expenses incurred by the not-for-profit managing agent selected by the commissioner  
129 for administering the program; provided, that notwithstanding any general or special law to the  
130 contrary, the commissioner of the department of children and families may enter into a contract  
131 with Roca, Inc., a not-for-profit community-based agency, to manage the transitional  
132 employment program and to provide services to participants from the aging out population,  
133 parolees, probationers, youth service releases, or other community residents considered to have  
134 employment needs    \$1,500,000

135           7061-0011    For a reserve to: (1) meet extraordinary increases in the minimum required  
136 local contribution of a municipality pursuant to the requirements of section 3 of this act;  
137 provided, that a municipality seeking funds hereunder shall apply for a waiver from the  
138 department of revenue pursuant to section 114 of this act; provided further, that the  
139 commissioner shall issue a finding concerning such waiver applications within 30 days of the  
140 receipt thereof, after consulting with the commissioner of elementary and secondary education



141 regarding the merits of such application; (2) assist regional school districts which, prior to fiscal  
142 year 2010, have assessed member towns using the provisions of their regional agreement, and  
143 which, in fiscal year 2010, will assess member towns using the required contributions calculated  
144 pursuant to said section 3; (3) assist towns impacted by stresses in the commercial agricultural,  
145 fishing or lobster industry whose required local contribution exceeds 75 per cent of their  
146 foundation budget; (4) assist towns negatively impacted by shortfalls in federal impact aid for the  
147 education of children in families employed by the federal government on military reservations  
148 located within the town's limits; provided, that any grants provided under this item shall be  
149 expended by a school committee without further appropriation; (5) assist regional school districts  
150 in rural areas which meet each of the following: (a) they have fewer than 30 full-time enrollment  
151 students per square mile; and (b) they have experienced more than 7 per cent enrollment decline  
152 between fiscal year 2004 and fiscal year 2009; provided further, that preference shall be given to  
153 those districts that have joined the group insurance commission before July 1, 2009; (6) meet  
154 extraordinary increases of greater than 10 per cent in a municipality's total required contribution  
155 in municipalities whose target required local contribution exceeds 70 per cent of their foundation  
156 budget; (7) assist towns in which in excess of one-third of the total land mass of the town is  
157 owned and controlled by the commonwealth and which receive payment in lieu of taxes on less  
158 than 25 per cent of said land; (8) assist operating districts in which the chapter 70 aid, so-called,  
159 distributed in fiscal year 2010 is less than the chapter 70 aid distributed in fiscal year 2002; and  
160 (9) assist towns which host a campus of the University of Massachusetts, but which have a target  
161 aid percentage of only 17.5 per cent; provided further, that any grants provided to school districts  
162 from this item shall be expended by a school committee without further appropriation; provided  
163 further, that the department shall make not less than 80 per cent of the awards from this item no

164 later than October 15, 2009; and provided further, that no funds distributed from this item shall  
165 be considered prior year chapter 70 aid nor shall they be used in the calculation of the minimum  
166 required local contribution for fiscal year 2011 \$2,000,000

167 7061-9634 For a transfer of this item to the Massachusetts Service Alliance, which  
168 shall be responsible for administering a competitive statewide grant program for public and  
169 private agencies to start or expand youth mentoring programs according to current best practices  
170 and for purposes including advancing academic performance, self-esteem, social competence and  
171 workforce development; provided, that the department of elementary and secondary education  
172 shall transfer the amount appropriated in this item to the Massachusetts Service Alliance for the  
173 purpose of these grants; provided further, that in order to be eligible to receive funds from this  
174 item, each public or private agency shall provide a matching amount equal to \$1 for every \$1  
175 disbursed from this item; and provided further, that the Massachusetts Service Alliance shall  
176 submit a report detailing the impact of grants, expenditure of funds and the amount and source of  
177 matching funds raised to the department of elementary and secondary education \$100,000

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

187 JUDICIARY

188 Supreme Judicial Court

189 0321-2215 For the expenses of the social law library located in Suffolk county

190 \$506,704

191 SECTION 3. The second paragraph of section 196 of chapter 6 of the General Laws, as  
192 appearing in the 2008 Official Edition, is hereby amended by inserting after the second sentence  
193 the following sentence:- The commission may charge a fee where so required by the  
194 commission's regulations for the cost of maintaining an emergency referral service, but no part  
195 of such fee shall be assessed to a hearing-impaired individual.

196 SECTION 4. Section 29E of chapter 29, as so appearing, is hereby amended by striking  
197 out the first sentence and inserting in place thereof the following sentence:-

198 Notwithstanding any general or special law to the contrary, the comptroller may enter  
199 into contracts or interdepartmental service agreements for the purpose of identifying and  
200 pursuing increased revenue collection, cost avoidance, the maximum reimbursement  
201 opportunities for certain federally assisted and other programs of the commonwealth and any  
202 other reimbursements of overpayments or other revenues. The contractor payments, or oversight  
203 costs or fees related to this section shall be paid from the revenues or reimbursements collected,  
204 or as otherwise considered appropriate by the comptroller, without further appropriation, and the  
205 comptroller shall establish accounts and procedures within the affected departments as he  
206 considers appropriate and necessary to accomplish the revenue generation purposes of this  
207 section.

208 SECTION 5. Section 11C of chapter 85 of the General Laws is hereby repealed.

209 SECTION 6. Chapter 85 of the General Laws is hereby amended by inserting after  
210 section 11D the following section:-

211 Section 11E. A police officer who observes a traffic law violation committed by a  
212 bicyclist may request the offender to state his true name and address. Whoever, upon such  
213 request, refuses to state his name and address or whoever states a false name and address or a  
214 name and address which is not his name and address in ordinary use, shall be punished by a fine  
215 of not less than \$20 nor more than \$50. An offender who refuses to state his true name and  
216 address may be arrested without a warrant for such refusal but no person shall be arrested  
217 without a warrant for any other traffic law violation committed while operating a bicycle. A  
218 police officer shall use the ticketing procedure described in chapter 90C to cite a bicyclist for a  
219 traffic law violation but the violation shall not affect the status of the bicyclist's license to  
220 operate a motor vehicle nor shall it affect the bicyclist's status in the safe driver insurance plan.  
221 When a citation is issued to a bicyclist, it shall be clearly indicated on the ticket that the violator  
222 is a bicyclist, and failure to do so shall be a defense to the violation.

223 The parent or guardian of a person under 18 years of age shall not authorize or knowingly  
224 permit that person to violate this section. A violation of this section by a person under 18 years  
225 of age shall not affect any civil right or liability nor shall the violation be a criminal offense. If  
226 the offender is under 16 years of age, the officer may give the notice to the parent or guardian of  
227 the offender.

228 All fines collected by a city or town pursuant to this section shall be used by the city or  
229 town for the development and implementation of bicycle safety programs.

230 SECTION 7. Section 1 of chapter 90C of the General Laws, as appearing in the 2008  
231 Official Edition, is hereby amended by striking out the definition of “Civil Motor Vehicle  
232 Infraction” and inserting in place thereof the following definition:-

233 “Civil Motor Vehicle Infraction”, an automobile law violation for which the maximum  
234 penalty does not provide for imprisonment, excepting: (a) operation of a motor vehicle in  
235 violation of the first paragraph of section 10 of chapter 90; (b) a violation of sections 23, 25, or  
236 34J of chapter 90; and (c) any automobile law violation committed by a juvenile under the age of  
237 17 who does not hold a valid operators license.

238 SECTION 8. Section 3 of chapter 111M of the General Laws, as so appearing, is hereby  
239 amended by adding the following sentence:-

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

245 SECTION 9. Section 6C of chapter 118G of the General Laws, as so appearing, is hereby  
246 amended by striking the first sentence of subsection (c) and inserting in place thereof the  
247 following:- Information that is collected pursuant to subsection (a) or that identifies individual  
248 employees by name or health insurance status shall not be a public record, but the information  
249 may be exchanged with the department of revenue, the commonwealth health insurance  
250 connector authority and the health care access bureau in the division of insurance under an

251 interagency service agreement for the purposes of enforcing this section and sections 6B and 11B  
252 and section 3 of chapter 118H.

253 SECTION 10. Subsection (c) of section 46 of chapter 151A of the General Laws, as so  
254 appearing, is hereby amended by inserting after paragraph (7) the following paragraph:- (8) to  
255 the commonwealth health insurance connector authority, information under an interagency  
256 agreement for the administration and enforcement of chapter 118H.

257 SECTION 11. Section 3 of chapter 176Q of the General Laws, as so appearing, is hereby  
258 amended by striking subsection (m) and inserting in place thereof the following:-

259 (m) to enter into interdepartmental agreements with the department of revenue, the  
260 executive office of health and human services, the division of insurance, the division of  
261 unemployment assistance and any other state agencies the board deems necessary to implement  
262 chapter 111M, chapter 118G and chapter 118H.

263 SECTION 12. Item 7066-0115 of section 2A of chapter 122 of the acts of 2006 is hereby  
264 amended by inserting after the word “campuses”, in line 12, the following words:- ; provided,  
265 however, that those funds may be expended by the university for the Edward M. Kennedy  
266 Institute to be established at the University of Massachusetts, at Boston”.

267 SECTION 13. Section 22 of chapter 21 of the acts of 2009 is hereby amended by striking  
268 out the word “September” and inserting in place thereof the following word:- November.

269 SECTION 14. Said section 2 of chapter 27 of the acts of 2009 is hereby amended by  
270 striking out item 0610-0050 and inserting in place thereof the following item:-

271           0610-0050.. For the administration of the alcoholic beverages control commission in its  
272 efforts to regulate and control the conduct and condition of traffic in alcoholic beverages;  
273 provided, that said commission shall maintain at least 1 chief investigator and other investigators  
274 for the purpose of regulating and controlling the traffic of alcoholic beverages; provided further,  
275 that said commission shall work and cooperate with the Alcohol, Tobacco, and Firearms division  
276 of the United States Department of Justice and other relevant federal agencies to assist in its  
277 efforts to regulate and control the traffic of alcoholic beverages; provided further, that \$100,000  
278 shall be expended for the investigation and enforcement division of the alcoholic beverages  
279 control commission’s implementation of the enhanced liquor enforcement programs; and  
280 provided further, that the commission is directed to seek out matching federal dollars and to  
281 apply for federal grants that may be available to assist in the enforcement of laws pertaining to  
282 the traffic of alcoholic beverages       \$2,157,305

283           SECTION 15. Item 4000-0600 of said section 2 of chapter said 27 is hereby amended by  
284 inserting after the words “federal poverty level” the following words:- provided further, that  
285 notwithstanding any general or special law to the contrary, funds shall be expended from this  
286 item for the purpose of maintaining a personal needs allowance of \$69.68 per month for  
287 individuals residing in nursing homes and rest homes who are eligible for MassHealth,  
288 Emergency Aid to the Elderly Disabled and Children program or Supplemental Security Income;

289           SECTION 16. Item 4000-0700 of said section 2 of said chapter 27 is hereby amended by  
290 inserting after the word “goals” the following words:- provided further, that the executive office  
291 shall not, in fiscal year 2010, fund programs relating to case management with the intention of  
292 reducing length of stay for neonatal intensive care unit cases; provided further, that the division  
293 of health care finance and policy and the executive office of health and human services shall

294 establish a new rate methodology to cover the cost of care provided by any facility licensed by  
295 the department of public health as a chronic disease hospital providing services solely to children  
296 and adolescents as follows: (1) the rate of reimbursement for any such facility shall be developed  
297 collaboratively through an agreement among the office of Medicaid, the division of health care  
298 finance and policy and any such facility; (2) the reimbursement rate for any such facility shall  
299 incorporate the following components: (a) utilization of the reimbursement methodology used by  
300 the division and the executive office of health and human services to determine payments for  
301 Medicaid disproportionate share pediatric hospitals in effect in 2007 utilizing the most recently  
302 filed 403 cost report with the division and the payments received from Medicaid-eligible patients  
303 for the base period; (b) a per-diem rate for inpatient and a payment on account factor for  
304 outpatient shall be established which reimburses the full unrecovered cost, including capital; and  
305 (c) the rates shall be inflated over the base period by the applicable Medicare market basket  
306 inflation factors; and (3) notwithstanding any general or special law to the contrary, in no event  
307 shall the rates of payment be lower than the rates in effect for such facility in the prior fiscal  
308 year;

309 SECTION 17. Said item 4000-0700 of said section 2 of said chapter 27 is hereby further  
310 amended by striking out the figure “\$20,000,000” and inserting in place thereof the following  
311 figure:- \$22,500,000.

312 SECTION 18. Said section 2 of said chapter 27 is hereby amended by striking out item  
313 4200-0300 and inserting in place thereof the following item:-

314 4200-0300 For secure facilities, including purchase-of-service and state operated  
315 programs incidental to the operations of the facilities; provided, that funds shall be expended to



316 address the needs of the female population; provided further, that funds shall be expended to  
317 address suicide prevention; provided further, that all pharmacy services shall be paid through the  
318 state office of pharmacy services chargeback, item 4510-0108 of section 2B; provided further,  
319 that no charge or contract shall be made with alternate vendors to provide pharmacy services  
320 other than the state office of pharmacy services; provided further, that the commissioner may  
321 transfer up to 7 per cent of the amount appropriated in this item to items 4200-0100 and 4200-  
322 0200; and provided further, that 30 days before any such transfer is made, the commissioner  
323 shall file with the secretary of administration and finance and the house and senate committees  
324 on ways and means a plan showing the amounts to be transferred and the reason for the proposed  
325 transfer..       \$99,676,675

326       SECTION 19. Item 6030-7201 of said section 2 of said chapter 27 is hereby amended by  
327 adding the following words:- ; provided, that notwithstanding any general or special law to the  
328 contrary, for the purpose of accommodating timing discrepancies between the receipt of  
329 supplemental funds and related expenditures for snow and ice control, the department may incur  
330 expenses in excess of the appropriation in an amount not to exceed \$50,000,000, after  
331 notification to the executive office for administration and finance and the office of the  
332 comptroller that a projection of deficiency exists.

333       SECTION 20. Item 7007-0900 of said section 2 of said chapter 27 is hereby amended by  
334 adding the following words:- and the Pioneer Valley Visitors and Tourist Information Center in  
335 the town of Greenfield.

336       SECTION 21. Item 8000-0125 of said section 2 of said chapter 27 of the acts of 2009 is  
337 hereby amended by inserting the following words:- provided, that the \$75 registration fee paid

338 by convicted sex offenders shall be directed from the General Fund to the Sex Offender Registry  
339 Board.

340 SECTION 22. Item 8000-0125 of said section 2 of said chapter 27 of the acts of 2009 is  
341 hereby amended by striking out the words “Massachusetts office for victim assistance” and  
342 inserting in place thereof the following words:- Sex Offender Registry Board.

343 SECTION 23. Said section 2 of said chapter 27 is hereby amended by striking out item  
344 8324-0000 and inserting in place thereof the following item:-

345 8324-0000.. For the administration of the department of fire services, including the state  
346 fire marshal’s office, the hazardous materials emergency response program, the board of fire  
347 prevention regulations, established in section 4 of chapter 22D of the General Laws, the expenses  
348 of the fire safety commission and the Massachusetts firefighting academy, including the  
349 Massachusetts fire training council certification program, municipal and non-municipal fire  
350 training and expenses of the council; provided, that the fire training program shall use the split  
351 days option; provided further, that not less than \$1,200,000 shall be expended for the SAFE  
352 program, which shall include information about the fire risks caused by smoking; provided  
353 further, that not less than \$1,750,000 shall be provided for the Boston fire department training  
354 academy; provided further, that \$100,000 shall be expended to Norfolk county to maintain and  
355 improve services of the Norfolk county regional fire and rescue dispatch center; provided further,  
356 that \$1,296,000 shall be provided for the commonwealth's hazardous material response teams;  
357 provided further, that \$500,000 shall be provided for the Boston, Cambridge and Everett fire  
358 department hazardous material response teams; provided further, that not less than \$100,000  
359 shall be expended for critical incident stress intervention for the fire departments of the cities,

360 towns and the fire districts of the commonwealth, including but not limited to consultant  
361 services, training, equipment and supplies; provided further, that notwithstanding any general or  
362 special law to the contrary, 100 per cent of the amount appropriated in this item for the  
363 administration of the department of fire services, the state fire marshal's office, the  
364 Massachusetts firefighting academy, the Boston fire department training academy and the  
365 Norfolk county regional fire and rescue dispatch center shall be assessed upon insurance  
366 companies writing fire, homeowners multiple peril or commercial multiple peril policies on  
367 property situated in the commonwealth and paid within 30 days after receipt of notice of such  
368 assessment from the commissioner of insurance; provided further, that notwithstanding any  
369 general or special law to the contrary, 100 per cent of the amount appropriated in this item for  
370 the operation of the hazardous materials emergency response program shall be assessed upon  
371 insurance companies writing commercial multiple peril, non-liability portion, policies on  
372 property situated in the commonwealth and commercial auto liability policies as referenced in  
373 line 5.1 and line 19.4, respectively, in the most recent annual statement on file with the  
374 commissioner of insurance; and provided further, that not more than 10 per cent of the amount  
375 designated for the arson prevention program shall be expended for the administrative cost of the  
376 program       \$16,909,693

377           SECTION 24. Section 2B of said chapter 27 is hereby amended by striking out the  
378 preamble and inserting in place thereof the following preamble:-

379           Notwithstanding any general or special law to the contrary, the agencies listed in this  
380 section may expend the amounts listed in this section for the provision of services to agencies  
381 listed in section 2. All expenditures made pursuant to this section shall be accompanied by a  
382 corresponding transfer of funds from an account listed in section 2 to the Intragovernmental

383 Service Fund, established by section 2Q of chapter 29 of the General Laws. All revenues and  
384 other inflows shall be based on rates published by the seller agency that are developed in  
385 accordance with cost principles established by the United States Office of Management and  
386 Budget Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments." All  
387 rates shall be published within 30 days of the enactment of this section. No expenditures shall be  
388 made from the Intragovernmental Service Fund which would cause that fund to be in deficit at  
389 the close of fiscal year 2010. All authorizations in this section shall be charged to the  
390 Intragovernmental Service Fund and shall not be subject to section 5D of chapter 29 of the  
391 General Laws. Any balance remaining in that fund at the close of fiscal year 2010 shall be  
392 transferred to the General Fund.

393 SECTION 25. Section 3 of said chapter 27 is hereby amended by striking out in the  
394 column "Unrestricted General Government Aid" for the town of Northfield the figure "278,906"  
395 and inserting in place thereof the following figure:- 318,327.

396 SECTION 26. Said section 3 of said chapter 27 is hereby further amended by striking out  
397 in the column "Unrestricted General Government Aid" for the town of West Brookfield the  
398 figure "418,419" and inserting in place thereof the following figure:- 429,141.

399 SECTION 27. Said section 3 of said chapter 27 is hereby further amended by striking out  
400 in the column "Unrestricted General Government Aid" for the town of West Tisbury the figure  
401 "161,061" and inserting in place thereof the following figure:- 163,654.

402 SECTION 28. Said section 3 of said chapter 27 is hereby further amended by striking out  
403 in the column "Unrestricted General Government Aid" for the town of Westminster the figure  
404 "567,847" and inserting in place thereof the following figure:- 576,774.

405 SECTION 29. Section 119 of said chapter 27 is hereby amended by striking out  
406 subsection (b) and inserting in place thereof the following subsection:-

407 (b) Notwithstanding any general or special law to the contrary, the comptroller shall, in  
408 consultation with the state treasurer, the secretary of administration and finance and the secretary  
409 of health and human services, develop a schedule for transferring funds among the General Fund,  
410 the Commonwealth Care Trust Fund, established pursuant to section 2000 of chapter 29 of the  
411 General Laws, and the Health Safety Net Trust Fund, established pursuant to section 57 of  
412 chapter 118E of the General Laws. An amount up to \$631,685,136 shall be transferred from the  
413 General Fund to the Commonwealth Care Trust Fund. The hospital fiscal year 2010 payment  
414 amount to each hospital shall be funded by the Health Safety Net Trust Fund. Payments may be  
415 made either as safety net care payments under the commonwealth's 1115 waiver, or as an  
416 adjustment to Title XIX service rate payments, or a combination thereof. The executive office of  
417 health and human services and the health safety net office may use other federally permissible  
418 funding mechanisms available for public service hospitals, as defined in 114.1 CMR 36.02, to  
419 reimburse up to \$70,000,000 of uncompensated care at the hospitals using sources distinct from  
420 the funding made available to the Health Safety Net Trust Fund. The schedule shall provide for  
421 transfers in increments considered appropriate to meet the cash flow needs of these funds. The  
422 transfers shall not begin before July 1, 2009 and shall be completed on or before June 30, 2010.  
423 The secretary of administration and finance, in consultation with the secretary of health and  
424 human services and the executive director of the commonwealth health insurance connector,  
425 shall on a quarterly basis evaluate the revenue needs of the health safety net program funded by  
426 the Health Safety Net Trust Fund and the Commonwealth Care subsidized health insurance  
427 program funded from the Commonwealth Care Trust Fund, and if necessary, transfer monies

428 between these funds for the purpose of ensuring that sufficient revenues are available to support  
429 projected program expenditures. The secretary of health and human services in consultation with  
430 the secretary of administration and finance and the executive director of the commonwealth  
431 health insurance connector, shall submit a quarterly report to the house and senate committees on  
432 ways and means and joint committee on healthcare financing which shall include, but not be  
433 limited to, the projected and actual expenditures and revenues for the Commonwealth Care Trust  
434 Fund and any transfers made between the Health Safety Net Trust Fund and the Commonwealth  
435 Care Trust Fund. Notwithstanding any general or special law to the contrary, if the secretary of  
436 administration and finance determines that amounts transferred from the General Fund to the  
437 Commonwealth Care Trust Fund under this subsection are not needed to support programs  
438 funded through the Commonwealth Care Trust Fund, the secretary of administration and finance  
439 shall notify the comptroller of this determination and the comptroller shall transfer such amounts  
440 from the Commonwealth Care Trust Fund to the General Fund.

441 SECTION 30. (a) (1) Notwithstanding chapter 32 of the General Laws or any other  
442 general or special law to the contrary, the state board of retirement shall establish and implement  
443 a retirement program for public employees, in this section called the healthcare contribution  
444 program. In order to be considered eligible by the board for the benefit established under this  
445 program, an employee: (i) shall be an employee of the commonwealth on the effective date of  
446 this section; (ii) shall be a member in active service of the state retirement system on the  
447 effective date of this section; (iii) shall be eligible to receive a superannuation retirement under  
448 subdivision (1) of section 5 of said chapter 32 or subdivision (1) of section 10 of said chapter 32  
449 upon the date of retirement requested in the employee's written application for retirement with  
450 the board; (iv) shall have received pay advices via the commonwealth's human resources

451 compensation management system or the University of Massachusetts' human resources  
452 management information system or whose regular compensation is funded from federal, trust or  
453 capital accounts under chapter 29 of the General Laws; and (v) shall have filed a written  
454 application with the board in accordance with subsection(b).

455 (2) Words used in this section shall have the same meaning assigned to them in chapter  
456 32 unless otherwise expressly provided or unless the context clearly requires otherwise. An  
457 employee who retires and receives an additional benefit in accordance with this section shall be  
458 considered to be retired for superannuation under said chapter 32 and shall be subject to all of  
459 said chapter 32.

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

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

468 (c) Notwithstanding chapter 32 or 32A of the General Laws or any other general or  
469 special law to the contrary, the commonwealth's share of the group insurance premium for any  
470 state employee who files an application for retirement after the effective date of this section and  
471 before October 1, 2009 for a retirement date not later than January 31, 2010 shall be 85 per cent.  
472 The commonwealth's share of the group insurance premium for any state employee who files an

473 application for retirement after October 1, 2009 shall be 80 per cent until a different contribution  
474 rate is established under section 8 of chapter 32A of the General Laws. The revised contribution  
475 rate shall take effect no earlier than the first day of the first month that begins at least 90 days  
476 after the effective date of this act.

477 (d) An executive branch position vacated as a result of an employee's participation in the  
478 healthcare contribution program may only be filled if the secretary of administration and finance  
479 determines that the position is vital to the public health, public safety or other critical operations  
480 of the commonwealth. The total annualized cost of regular compensation paid out by the  
481 commonwealth in fiscal year 2010 for refilled positions in the executive branch shall not exceed  
482 30 per cent of the total annualized cost of regular compensation which would have been paid out  
483 by the commonwealth during fiscal year 2010 for the positions vacated in the executive branch  
484 under the healthcare contribution program had those positions not been vacated, and the total  
485 annualized cost of regular compensation paid out by the commonwealth in fiscal year 2011 for  
486 refilled positions in the executive branch shall not exceed 30 per cent of the total annualized cost  
487 of regular compensation which would have been paid out by the commonwealth during fiscal  
488 year 2011 for the positions vacated in the executive branch under this program had those  
489 positions not been vacated.

490 (e) The refilling of positions vacated by employees from federal and trust accounts under  
491 the healthcare contribution program shall not be subject to the limitations set forth in  
492 subsection(d), but agencies with positions vacated from federal and trust accounts shall first fill  
493 these positions with qualified persons currently employed by the commonwealth and paid with  
494 state funds. If no such qualified personnel are currently employed by the commonwealth,  
495 agencies may hire new employees to fill those positions vacated from federal and trust accounts.



496 (f) Notwithstanding any general or special law to the contrary, no person shall be hired or  
497 appointed by the trial court on a permanent or temporary basis to fill a position made vacant by  
498 the retirement of an employee participating in the healthcare contribution program under this  
499 section unless the chief justice for administration and management determines that the position is  
500 critical and essential to the operations of or services provided by the commonwealth. The total  
501 annualized cost of regular compensation paid out by the commonwealth in fiscal year 2010 for  
502 refilled positions in the trial court shall not exceed 30 per cent of the total annualized cost of  
503 regular compensation which would have been paid out by the commonwealth during fiscal year  
504 2010 for the positions vacated in the trial court under this program had such positions not been  
505 vacated. The total annualized cost of regular compensation paid out by the commonwealth in  
506 fiscal year 2011 for refilled positions in the trial court shall not exceed 30 per cent of the total  
507 annualized cost of regular compensation which would have been paid out by the commonwealth  
508 during fiscal year 2011 for the positions vacated in the trial court under this program had those  
509 positions not been vacated.

510 (g) Notwithstanding any general or special law to the contrary, no person shall be hired  
511 by a state or community college in the system of public institutions of higher education, as  
512 defined in section 5 of chapter 15A of the General Laws, but excluding the University of  
513 Massachusetts at Amherst, Boston, Dartmouth, Lowell and Worcester, on a permanent or  
514 temporary basis to fill any position made vacant by the retirement of an employee participating  
515 in the healthcare contribution program under this section unless the secretary of education  
516 determines that the position is critical and essential to the operations of or services provided by  
517 the commonwealth. The total annualized cost of regular compensation paid out by the  
518 commonwealth in fiscal year 2010 for refilled positions in the state and community colleges shall

519 not exceed 30 per cent of the total annualized cost of regular compensation which would have  
520 been paid out by the commonwealth during fiscal year 2010 for the positions vacated in the state  
521 and community colleges under this program had such positions not been vacated. The total  
522 annualized cost of regular compensation paid out by the commonwealth in fiscal year 2011 for  
523 refilled positions in the state and community colleges shall not exceed 30 per cent of the total  
524 annualized cost of regular compensation which would have been paid out by the commonwealth  
525 during fiscal year 2011 for the positions vacated in the state and community colleges under this  
526 program had those positions not been vacated.

527 (h) Notwithstanding any general or special law to the contrary, no person shall be hired  
528 by a division of the University of Massachusetts on a permanent or temporary basis to fill any  
529 position made vacant by the retirement of an employee participating in the healthcare  
530 contribution program under this section unless the secretary of education determines that the  
531 position is critical and essential to the operations of or services provided by the commonwealth.  
532 The total annualized cost of regular compensation paid out by the commonwealth in fiscal year  
533 2010 for refilled positions in the University of Massachusetts shall not exceed 30 per cent of the  
534 total annualized cost of regular compensation which would have been paid out by the  
535 commonwealth during fiscal year 2010 for the positions vacated in the University of  
536 Massachusetts under this program had such positions not been vacated. The total annualized  
537 cost of regular compensation paid out by the commonwealth in fiscal year 2011 for refilled  
538 positions in the University of Massachusetts shall not exceed 30 per cent of the total annualized  
539 cost of regular compensation which would have been paid out by the commonwealth during  
540 fiscal year 2011 for the positions vacated in the University of Massachusetts under this program  
541 had those positions not been vacated.

542 (i) Notwithstanding any general or special law or any collective bargaining agreement or  
543 other employment contract to the contrary and in consideration of the benefits conferred in this  
544 section, an employee who elects to retire under this section and is eligible to receive a payment  
545 in lieu of accrued vacation time, unused sick leave or other benefit under such agreement or  
546 contract shall waive the required remittance of that payment within 30 days and shall receive 1/4  
547 of such payment on January 31, 2010, 1/4 of such payment on July 1, 2010, 1/4 of such payment  
548 on July 1, 2011 and 1/4 of such payment on July 1, 2012. Each such employee shall sign a  
549 statement that he has agreed to receive 1/4 of such payment on January 1, 2010, 1/4 of such  
550 payment on July 1, 2010, 1/4 of such payment on July 1, 2011 and 1/4 of such payment on July  
551 1, 2012 prior to the approval by the state board of retirement of the employee's application for  
552 superannuation benefits and participation in the healthcare contribution program established  
553 under this section. The state board of retirement shall deny an application for participation in  
554 this program by an employee who belongs to a bargaining unit for which a collective bargaining  
555 agreement inconsistent with this section is in effect at the time of that application, unless the  
556 employee organization representing that employee has filed with the board and with the secretary  
557 of administration and finance a statement waiving any inconsistent provision of the agreement on  
558 behalf of all members of the bargaining unit who file applications under this section.

559 (j) A state authority, as defined in section 1 of chapter 29 of the General Laws, whose  
560 employees are not members of the state retirement system may elect to allow its employees to  
561 participate in the healthcare contribution program by a majority vote of its board of directors. If  
562 the authority makes this election, the program shall be administered by its retirement system.  
563 Eligibility for the healthcare contribution program shall not exceed that provided in subsection(a)  
564 of this section as applied to the circumstances at the particular authority. Employees of each

565 authority that elects to participate in this program shall only be eligible if they file for retirement  
566 as provided in subsection(b), and the contribution ratio received by a retiree shall be the same as  
567 that provided in subsection(c).

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

576 SECTION 31. Notwithstanding any general or special law to the contrary, during fiscal  
577 year 2010, the comptroller shall transfer from the Health Care Security Trust, established  
578 pursuant to section 1 of chapter 29D of the General Laws, to the General Fund an amount equal  
579 to 100 per cent of the total of all payments received by the commonwealth in fiscal year 2010  
580 pursuant to the master settlement agreement in the action known as Commonwealth of  
581 Massachusetts v. Phillip Morris, Inc. et. al., Middlesex Superior Court, No. 95-7378 and 100 per  
582 cent of the earnings generated in fiscal year 2010 from the Health Care Security Trust as certified  
583 by the comptroller pursuant to paragraph (f) of section 3 of chapter 29D of the General Laws for  
584 certain health care expenditures appropriated in said section 2 of said chapter 27.

585 SECTION 32. (a) Except as provided in subsection (b), notwithstanding any general or  
586 special law to the contrary, an eligible individual pursuant to section 3 of chapter 118H of the

587 General Laws shall not include persons who cannot receive federally-funded benefits under  
588 sections 401, 402 and 403 of the Personal Responsibility and Work Opportunity Reconciliation  
589 Act of 1996, Pub. L. No. 104-193, as amended, for fiscal year 2010.

590 (b) Notwithstanding any general or special law to the contrary, the secretary of  
591 administration and finance, the secretary of health and human services and the executive director  
592 of the Commonwealth Health Insurance Connector Authority, in their full discretion and subject  
593 only to the terms and conditions in this subsection, may establish or designate a health insurance  
594 plan in which a person who cannot receive federally-funded benefits as of July 1, 2009 under  
595 sections 401, 402 and 403 of the Personal Responsibility and Work Opportunity Reconciliation  
596 Act of 1996, Pub. L. No. 104-193, as amended, and who is also an eligible individual pursuant to  
597 section 3 of chapter 118H of the General Laws, may enroll effective September 1, 2009 through  
598 June 30, 2010. This plan may be contracted for selectively from the health plans that are  
599 contracting in fiscal year 2010 to provide insurance coverage to Commonwealth Care or  
600 MassHealth enrollees. Total state costs of providing coverage to all such persons, net of enrollee  
601 contributions and any federal financial participation, shall not exceed \$40,000,000 for fiscal year  
602 2010. To the extent additional federal financial participation becomes available for paying the  
603 costs of such coverage, the secretary of administration and finance may direct the comptroller to  
604 make such amounts available from the General Fund for the purpose of paying the costs of such  
605 coverage. If the secretary of administration and finance, the secretary of health and human  
606 services and the executive director of the Commonwealth Health Insurance Connector Authority  
607 determine that the projected costs of enrolling eligible individuals in such coverage in fiscal year  
608 2010 will exceed net state costs of \$40,000,000, they may limit enrollment in such coverage. If  
609 the secretary of administration and finance, the secretary of health and human services and the

610 executive director of the Commonwealth Health Insurance Connector Authority are unable to  
611 establish or designate a health insurance plan under this section, the secretary of administration  
612 and finance may direct the comptroller to transfer up to \$40,000,000 from the Commonwealth  
613 Care Trust Fund to the Health Safety Net Trust Fund for the cost of health safety net claims of  
614 said individuals.

615 SECTION 33. Notwithstanding any general or special law to the contrary, in order to  
616 meet federal matching fund requirements, the comptroller shall transfer \$251,735 from item  
617 0521-0000 of section 2 of chapter 182 of the acts of 2008 to trust account 0521-0700.

618 SECTION 34. Section 6 shall take effect on January 1, 2011.