

HOUSE No. 4260

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Text of an amendment recommended by the committee on Ways and Means to the Senate Bill relative to sheriffs (Senate, No. 2121). September 24, 2009.

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

1 Text of an amendment recommended by the committee on Ways and Means to the
2 Senate Bill relative to sheriffs (Senate, No. 2121). September 24, 2009.

3
4 SECTION 1. To provide for supplementing certain items in the general appropriation act
5 and other appropriation acts for fiscal year 2010, the sums set forth in section 2 are hereby
6 appropriated from the General Fund unless specifically designated otherwise in this act or in
7 those appropriation acts, for the several purposes and subject to the conditions specified in this
8 act or in those appropriation acts, and subject to the laws regulating the disbursement of public
9 funds for the fiscal year ending June 30, 2010. These sums shall be in addition to any amounts
10 previously appropriated and made available for the purposes of those items.

11 SECTION 2.

12 EXECUTIVE OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY

13 Barnstable Sheriff's Department

14 8910-8200 For the operation of the Barnstable sheriff's department; provided, that the
15 sheriff shall report to the house and senate committees on ways and means on the average
16 monthly inmate population in the county starting not later than January 1, 2010; provided further,
17 that all pharmacy services shall be paid through the state office of pharmacy services
18 chargeback, item 4510-0108 of section 2B of chapter 27 of the acts of 2009, not later than June
19 30, 2010; and provided further, that upon transitioning to the state office of pharmacy services,
20 no charge or contract shall be made with an alternate vendor to provide pharmacy services other
21 than the state office of pharmacy services \$10,588,350

22 8910-8210 For the Barnstable sheriff's department which may expend for the
23 operation of the department an amount not to exceed \$250,000 from revenues received from
24 federal inmate reimbursements; provided, that notwithstanding any general or special law to the
25 contrary, for the purpose of accommodating timing discrepancies between the receipt of retained
26 revenues and related expenditures, the department may incur expenses and the comptroller may
27 certify for payment amounts not to exceed the lower of this authorization or the most recent
28 revenue estimate as reported in the state accounting system \$250,000

29 Bristol Sheriff's Department

30 8910-8300 For the operation of the Bristol sheriff's department; provided, that the
31 sheriff shall report to the house and senate committees on ways and means on the average
32 monthly inmate population in the county starting not later than January 1, 2010; and provided
33 further, that all pharmacy services shall be paid through the state office of pharmacy services
34 chargeback, item 4510-0108 of section 2B of chapter 27 of the acts of 2009 \$13,628,167

8910-8310 For the Bristol sheriff's department which may expend for the operation of the department an amount not to exceed \$6,500,000 from revenues received from federal inmate reimbursements; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$6,500,000

Dukes Sheriff's Department

8910-8400 For the operation of the Dukes sheriff's department; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than January 1, 2010; provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B of chapter 27 of the acts of 2009, not later than June 30, 2010; and provided further, that upon transitioning to the state office of pharmacy services, no charge or contract shall be made with an alternate vendor to provide pharmacy services other than the state office of pharmacy services \$1,283,882

Nantucket Sheriff's Department

8910-8500 For the operation of the Nantucket sheriff's department; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than January 1, 2010; provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B of chapter 27 of the acts of 2009 \$391,296

Norfolk Sheriff's Department

8910-8600 For the operation of the Norfolk sheriff's department provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than January 1, 2010; provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B of chapter 27 of the acts of 2009, not later than June 30, 2010; and provided further, that upon transitioning to the state office of pharmacy services, no charge or contract shall be made with an alternate vendor to provide pharmacy services other than the state office of pharmacy services \$11,435,979

8910-8610 For the Norfolk sheriff's department which may expend for the operation of the department an amount not to exceed \$2,500,000 from revenues received from federal inmate reimbursements; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$2,500,000

Plymouth Sheriff's Department

8910-8700 For the operation of the Plymouth sheriff's department; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than January 1, 2010; provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B of chapter 27 of the acts of 2009 \$11,971,689

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

Suffolk Sheriff's Department

8910-8800 For the operation of the Suffolk sheriff's department; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than January 1, 2010; provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B of chapter 27 of the acts of 2009, not later than June 30, 2010; and provided further, that upon transitioning to the state office of pharmacy services, no charge or contract shall be made with an alternate vendor to provide pharmacy services other than the state office of pharmacy services \$42,721,367

8910-8810 For the Suffolk sheriff's department which may expend for the operation of the department an amount not to exceed \$8,000,000 from revenues received from federal inmate reimbursements; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may

100 certify for payment amounts not to exceed the lower of this authorization or the most recent
101 revenue estimate as reported in the state accounting system \$8,000,000

102 SECTION 3. Section 2 of chapter 27 of the acts of 2009 is hereby amended by striking
103 out item 8910-0000 and inserting in place thereof the following item:-

104 8910-0000 For a reserve to provide funds for certain costs of the Barnstable, Bristol,
105 Dukes, Nantucket, Norfolk, Plymouth and Suffolk sheriffs' departments including, but not
106 limited to, employee health care, retirement and Plymouth correctional facility debt service;
107 provided, that the county finance review board shall distribute the funds appropriated herein
108 through December 31, 2009; provided further, that effective January 1, 2010 the secretary of
109 administration and finance may transfer from the sum appropriated in this item to other items of
110 appropriation; and provided further, that the transfers may be expended solely for the purposes
111 authorized by the secretary \$162,427,746

112 SECTION 4. Said section 2 of said chapter 27 is hereby further amended by striking out
113 item 8910-0010 and inserting in place thereof the following item:-

114 8910-0010 For the purpose of funding expenses for services provided to inmates of
115 Barnstable, Bristol, Dukes, Norfolk, Plymouth and Suffolk county correctional facilities by the
116 department of public health Lemuel Shattuck hospital in fiscal year 2010; provided, that the
117 department shall notify the comptroller of all such expenses; provided further, that not more than
118 30 days after receiving such notification the comptroller shall effect the transfer of such amount
119 from this item to item 4590-0903 in section 2B \$2,172,244

SECTION 5. The first sentence of section 10 of chapter 61 of the acts of 2009 is hereby amended by striking out the figure “2010” and inserting in place thereof the following figure:-
2011.

SECTION 6. Said section 10 of said chapter 61 is hereby further amended by adding the following sentence:- Each county, and in the case of Suffolk county the city of Boston, shall, not later than June 30, 2010, appropriate and pay to the commonwealth an amount equal to 51.25 per cent of the minimum obligations to fund from their own revenues in fiscal year 2009.

SECTION 7. Said chapter 61 is hereby further amended by striking out section 11 and inserting in place thereof the following section:-

Section 11. Notwithstanding any general or special law to the contrary and except as otherwise provided in this act, any funds including, but not limited to, county correctional funds, deeds excise funds and other sources of income and revenue, credited to the office of a transferred sheriff on December 31, 2009 or received by the county treasury after that date on account of fiscal year 2010 activity through December 31, 2009, shall be paid to the state treasurer, but the county treasurer may pay appropriate fiscal year 2010 sheriff's department obligations after December 31, 2009.

SECTION 8. Section 12 of said chapter 61 is hereby amended by striking out subsection (d).

SECTION 9. Section 19 of said chapter 61 is hereby amended by striking out subsection (b).

140 SECTION 10. Clause (6) of the third paragraph of section 22 of said chapter 61 is hereby
141 amended by striking out the word “country” and inserting in place thereof the following word:-
142 county.”.