

HOUSE No. 4572

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

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 To provide for supplementing certain items in the general appropriation act and other
2 appropriation acts for fiscal year 2010, 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, 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 Committee for Public Counsel Services

11 0321-1510 \$25,000,000

12 TREASURER AND RECEIVER-GENERAL

13 Office of the Treasurer and Receiver-General

14 0610-0050 \$250,000

15 0612-0105 \$200,000

16 OFFICE OF THE STATE COMPTROLLER

17 Office of the State Comptroller

18 1599-3384 \$2,500,000

19 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

20 Department of Veterans' Services

21 1410-0400 \$2,113,000

22 Division of Medical Assistance

23 4000-0600 \$107,107,510

24 4000-0700 \$92,829,490

25 Department of Public Health

26 4513-1010 \$2,000,000

27 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

28 Department of Workforce Development

29 7003-0701 \$9,500,000

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

37 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

38 Office of the Secretary of Administration and Finance

39 1599-1027 For a reserve for reimbursement to certain employees of the
40 commonwealth for certain increases in health care cost-sharing expenditures \$6,821,690

41 1599-4281 For a reserve to meet the fiscal year 2010 costs of salary adjustments and
42 other economic benefits authorized by the collective bargaining agreement between the
43 Commonwealth of Massachusetts and the National Association of Government Employees, and
44 to meet the fiscal year 2010 costs of salary adjustments and other economic benefits necessary to
45 provide equal adjustments and benefits to employees employed in confidential positions which
46 otherwise would be covered by this agreement; provided, that the personnel administrator, with
47 the approval of the secretary of administration and finance, shall determine these adjustments
48 and benefits for the confidential employees in accordance with the collective bargaining
49 agreement then in effect which otherwise would cover these positions; and provided further, that
50 the secretary may transfer from the sum appropriated in this item to other items of appropriation
51 and allocations thereof for fiscal year 2010 amounts that are necessary to meet these costs where

52 the amounts otherwise available are insufficient for the purpose, in accordance with a transfer
53 plan which shall be filed in advance with the house and senate committees on ways and means

54 \$25,810

55 1599-4282 For a reserve to meet the fiscal year 2010 costs of salary adjustments and
56 other economic benefits authorized by the collective bargaining agreement between the
57 Commonwealth of Massachusetts and the Service Employees International Union, Local 509,
58 and to meet the fiscal year 2010 costs of salary adjustments and other economic benefits
59 necessary to provide equal adjustments and benefits to employees employed in confidential
60 positions which otherwise would be covered by this agreement; provided, that the personnel
61 administrator, with the approval of the secretary of administration and finance, shall determine
62 these adjustments and benefits for the confidential employees in accordance with the collective
63 bargaining agreement then in effect which otherwise would cover these positions; and provided
64 further, that the secretary may transfer from the sum appropriated in this item to other items of
65 appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet
66 these costs where the amounts otherwise available are insufficient for the purpose, in accordance
67 with a transfer plan which shall be filed in advance with the house and senate committees on
68 ways and means \$1,912,542

69 1599-4283 For a reserve to meet the fiscal year 2010 costs of salary adjustments and
70 other economic benefits authorized by the collective bargaining agreement between the
71 Commonwealth of Massachusetts and the American Association of Federal, State, County and
72 Municipal Employees, Council 93, and to meet the fiscal year 2010 costs of salary adjustments
73 and other economic benefits necessary to provide equal adjustments and benefits to employees
74 employed in confidential positions which otherwise would be covered by this agreement;

75 provided, that the personnel administrator, with the approval of the secretary of administration
76 and finance, shall determine these adjustments and benefits for the confidential employees in
77 accordance with the collective bargaining agreement then in effect which otherwise would cover
78 these positions; and provided further, that the secretary may transfer from the sum appropriated
79 in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts
80 that are necessary to meet these costs where the amounts otherwise available are insufficient for
81 the purpose, in accordance with a transfer plan which shall be filed in advance with the house
82 and senate committees on ways and means \$21,137

83 1599-4284 For a reserve to meet the fiscal year 2010 costs of salary adjustments and
84 other economic benefits authorized by the collective bargaining agreement between the
85 Commonwealth of Massachusetts and the Massachusetts Organization of State Engineers and
86 Scientists, Unit 9, and to meet the fiscal year 2010 costs of salary adjustments and other
87 economic benefits necessary to provide equal adjustments and benefits to employees employed
88 in confidential positions which otherwise would be covered by this agreement; provided, that the
89 personnel administrator, with the approval of the secretary of administration and finance, shall
90 determine these adjustments and benefits for the confidential employees in accordance with the
91 collective bargaining agreement then in effect which otherwise would cover these positions; and
92 provided further, that the secretary may transfer from the sum appropriated in this item to other
93 items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to
94 meet these costs where the amounts otherwise available are insufficient for the purpose, in
95 accordance with a transfer plan which shall be filed in advance with the house and senate
96 committees on ways and means \$12,788

97 SECTION 3. Section 178Q of chapter 6 of the General Laws, as appearing in the 2008
98 Official Edition, is hereby amended by striking out, in lines 23 and 24, the words “by the sex
99 offender registry board and shall be transmitted to the treasurer for deposit into the General
100 Fund”, and inserting in place thereof the following words:- and retained by the sex offender
101 registry board.

102 SECTION 4. Section 5 of chapter 23I of the General Laws, as so appearing, is hereby
103 amended by striking out subsection (d) and inserting in place thereof the following subsection:-

104 (d) There shall be established a life sciences tax incentive program. The center, in
105 consultation with the department, may annually authorize incentives, including incentives carried
106 forward, refunded or transferred, pursuant to the following: subsection (m) of section 6 of
107 chapter 62, subsection (n) of said section 6 of said chapter 62, paragraph 17 of section 30 of
108 chapter 63, section 31M of said chapter 63, paragraph 6 of subsection (f) of section 38 of said
109 chapter 63, the fourth paragraph of section 38C of said chapter 63, subsection (j) of section 38M
110 of said chapter 63, section 38U of said chapter 63, section 38V of said chapter 63, section 38W
111 of said chapter 63, the third paragraph of section 42B of said chapter 63, and subsection (xx) of
112 section 6 of chapter 64H, in a cumulative amount, including the current year cost of incentives
113 allowed in previous years, that shall not exceed \$25,000,000 annually. The center may, in
114 consultation with the department, limit any incentive or incentives to a specific dollar amount or
115 time duration, or in any other manner deemed appropriate by the department; provided, however,
116 that the department shall only allocate said incentives among commonwealth certified life
117 sciences companies pursuant to subsection (b) and shall award said tax incentives pursuant to
118 subsection (c).

119 The center shall provide an estimate to the secretary of administration and finance of the
120 tax cost of extending benefits to a proposed project before certification, as approved by the
121 commissioner of revenue, based on reasonable projections of project activities and costs. Tax
122 incentives shall not be available to any certified life sciences company unless expressly granted
123 by the secretary of administration and finance in writing.

124 SECTION 5. Clause 32A of subsection (b) of section 1 of chapter 30B of the General
125 Laws, as appearing in section 41 of chapter 25 of the Acts of 2009, is hereby amended by
126 inserting after the word “professionals” the following words:- except as provided in section 21.

127 SECTION 6. Section 21 of said chapter 30B of the General Laws, as appearing in
128 section 45 of chapter 25 of the Acts of 2009, is hereby amended by striking out subsections (b) to
129 (j), inclusive, and inserting in place thereof the following 7 subsections:-

130 (b) For those agencies that prequalify architectural, engineering and related services, the
131 agency shall require firms engaged in the lawful practice of their profession to submit a
132 statement of qualifications and performance data every 2 years to the agency pursuant to the
133 terms and schedule as determined by the agency. Agencies that prequalify have the option of
134 selecting a firm or firms from their prequalified list of firms based on the agency policies and
135 without further publically advertising the selection.

136 (c) Whenever a public works project requiring architectural, engineering or related
137 professional services is to be advertised by an agency, the agency shall provide no less than 14
138 days advance notice published in a professional services bulletin or advertised on the official
139 agency website setting forth the public works project and services to be procured. The
140 professional services bulletin shall be made available to each firm that requests the information.

141 The professional services bulletin shall include a description of each public works project and
142 shall state the time and place for an interested firm to submit a statement of qualifications and, if
143 required by the public notice, a letter of interest and technical proposal. If the agency determines
144 that a sole source selection of a qualified firm is in the best interest of the agency, then the public
145 notice provisions of this subsection shall not apply.

146 (d) An agency shall evaluate the firms submitting statements of qualifications, taking
147 into account qualifications, letters of interest and technical proposals, and the agency may
148 consider, but shall not be limited to considering, ability of professional personnel, past record
149 and experience, performance data on file, willingness to meet time requirements, location,
150 workload of the firm and any other qualifications based on factors that the agency may determine
151 in writing are applicable. The agency may conduct discussions with, and require presentations
152 by, firms deemed to be the most qualified regarding their qualifications, approach to the public
153 works project and ability to furnish the required services. An agency shall not, prior to selecting
154 a firm for negotiation, seek formal or informal submission of verbal or written estimates of costs
155 or proposals in terms of dollars, hours required, percentage of construction cost or any other
156 measure of compensation.

157 (e) (1) An agency shall select architects, engineers and related professional firms on the
158 basis of qualifications for the type of professional services required, and on technical proposals,
159 if submitted. An agency may solicit or use pricing policies and proposals or other pricing
160 information to determine consultant compensation only after the agency has selected a firm and
161 initiated negotiations with the selected firm.(2) The procedures that an agency creates for the
162 screening and selection of firms shall be within the sole discretion of the agency and may be
163 adjusted to accommodate the agency's scope, schedule and budget objectives for a particular

164 public works project. (3) The decision of an agency that has complied with this chapter shall be
165 final and binding.

166 (f) (1) The agency and the selected firm shall discuss and refine the scope of services for
167 the public works project and shall negotiate conditions including, but not limited to,
168 compensation level and performance schedule based on scope of services. The compensation
169 level paid shall be reasonable and fair to the agency as determined solely by the agency. In
170 making such determination, the agency shall take into account the estimated value of the services
171 to be rendered and the scope, complexity and professional nature thereof.(2) If the agency and
172 the selected firm are unable for any reason to negotiate a contract at a compensation level that is
173 reasonable and fair to the agency, the agency shall, in writing, formally terminate negotiations
174 with the selected firm. The agency shall then negotiate with the second ranked most qualified
175 firm. The negotiation process shall continue in this manner through successive ranked firms
176 until an agreement is reached or the agency terminates the consultant contracting process.

177 (g) This chapter shall not apply to the procurement of architectural, engineering and related
178 professional services by agencies: (i) when an agency determines in writing that it is in the best
179 interest of the agency to proceed with the immediate selection of a firm; (ii) in emergencies when
180 immediate services are necessary to protect the public health and safety; or (iii) when these
181 services are to be provided as part of a design-build project pursuant to sections 14 through 21,
182 inclusive, of chapter 149A of the General Laws.

183 (h) Each agency shall evaluate the performance of each firm upon completion of a
184 contract. That evaluation shall be made available to the firm which may submit a written
185 response.

186 SECTION 7. Section 1 of chapter 32 of the General Laws, as amended by sections 1 to 3
187 of chapter 21 of the acts of 2009, is hereby further amended by striking out the definition of
188 “Commonwealth's pension liability” and inserting in place thereof the following definition:-

189 “Commonwealth's pension liability”, the financial obligation of the commonwealth to
190 pay all retirement benefits pursuant to this chapter for the state employees’ retirement system,
191 the teachers’ retirement system, for teachers employed by the city of Boston and for the
192 commonwealth’s share of the administrative cost of the State-Boston retirement system, and to
193 reimburse local retirement systems for cost of living adjustments pursuant to section 102 and
194 including any other pension obligations of a system or of the commonwealth relative to future
195 pension liabilities which the commonwealth may assume by general or special law on behalf of
196 any system other than the state employees’ retirement system, the teachers’ retirement system
197 and for teachers employed by the city of Boston, and the commonwealth’s financial obligations
198 which are associated with cost-of-living adjustments or other benefits for members of systems
199 other than the state employees’ retirement system and the teachers’ retirement system who are
200 not teachers employed by the city of Boston.

201 SECTION 8. The definition of “Commonwealth’s Pension Liability Fund” in said section
202 1 of said chapter 32, as so appearing, is hereby amended by striking out, in line 134, the words
203 “and teachers’ retirement systems” and inserting in place thereof the following words:-
204 retirement system, the teachers’ retirement system and the State-Boston retirement system on
205 behalf of teachers who are members of that system.

206 SECTION 9. Said section 1 of said chapter 32, as so appearing, is hereby further
207 amended by striking out, in lines 533 to 538, inclusive, the words “; provided, that “teacher”

208 shall not be deemed to include, nor shall sections one to twenty-eight inclusive apply, to any
209 person who is a teacher in the public schools of the city of Boston, except to such a teacher who
210 on September first, nineteen hundred and twenty-three, was employed by the city of Boston and
211 was then a member of the teachers' retirement system”.

212 SECTION 10. Section 2 of said chapter 32, as so appearing, is hereby amended by
213 inserting after the words “system”, in line 23, the following words:- , except that a teacher
214 employed by the school committee of the city of Boston shall be included in the State-Boston
215 retirement system.

216 SECTION 11. Section 20 of said chapter 32, as so appearing, is hereby amended by
217 inserting after the word “town”, in line 17, the following words:- , except the city of Boston,.

218 SECTION 12. Said section 20 of said chapter 32, as so appearing, is hereby further
219 amended by striking out, in lines 24 to 27, inclusive, the words “or under the State-Boston
220 retirement system, and the chairman or secretary of the school committee of such city or town, or
221 the chairman or executive officer of the Boston retirement board,” and inserting in place thereof
222 the following words:- and the chairman or secretary of the school committee of such city or
223 town.

224 SECTION 13. Section 22 of said chapter 32, as so appearing, is hereby amended by
225 inserting after the first sentence the following sentence:- The State-Boston retirement system
226 shall establish said funds to credit assets received, acquired or held attributable to non-teacher
227 members of that system and shall also establish said funds to credit assets received, acquired or
228 held attributable to teachers who are members of that system.

229 SECTION 14. Said section 22 of said chapter 32, as so appearing, is hereby further
230 amended by striking out, in lines 789 and 790, the words “and the teachers’ retirement system”
231 and inserting in place thereof the following words:-, the teachers’ retirement system and the
232 State-Boston retirement system.

233 SECTION 15. Said section 22 of said chapter 32, as so appearing, is hereby further
234 amended by striking out, in lines 790 and 791, the words “and the teachers’ retirement board”
235 and inserting in place thereof the following words:- , the teachers’ retirement board and the
236 State-Boston retirement system for the purpose of funding their teacher retirement benefits.

237 SECTION 16. Said section 22 of said chapter 32, as so appearing, is hereby further
238 amended by inserting in subparagraph (i) of paragraph (c) of subdivision (7), after the second
239 sentence, the following 3 sentences:- In addition to the foregoing, the State-Boston retirement
240 system shall furnish to the actuary any information that the actuary requires to determine the
241 amount payable on account of the employment of teachers in the city of Boston. The actuary
242 shall determine the amount payable on account of the employment of such teachers, and a
243 separate amount payable as a result of the employment of all other members of the State-Boston
244 retirement system. The actuary shall specify in a written notice to the State-Boston retirement
245 board the specific amounts payable as a result of the employment of teachers in the city of
246 Boston and of all members of the State-Boston retirement system other than teachers.

247 SECTION 17. Subdivision (8) of said section 22 of said chapter 32, as so appearing, is
248 hereby amended by striking out the last sentence of paragraph (a) and inserting in place thereof
249 the following sentence:- The assets of the state employees’ retirement system, the teachers’

250 retirement system and assets of the State-Boston retirement system attributable to teachers who
251 are members of that system shall be held in the PRIT Fund.

252 SECTION 18. Section 23 of said chapter 32, as so appearing, is hereby amended by
253 striking out subdivision (1) and inserting in place thereof the following subdivision:-

254 (1) (a) The funds of the state employees' retirement system, the teachers' retirement
255 system and assets of the State-Boston retirement system attributable to teachers who are
256 members of that system shall be held in the PRIT Fund. The board of each such system shall
257 annually, on or before May first, file in the office of the commissioner, on a form prescribed by
258 the commissioner, a sworn statement of the financial condition of the system as of December
259 thirty-first of the previous year and of all the financial transactions of the system during the
260 previous year. The commissioner may, for cause shown, extend the time for filing any such
261 statement.

262 (b) Notwithstanding any general or special law to the contrary, assets of the State-Boston
263 retirement system attributable to teachers who are members of the system shall be invested in the
264 PRIT Fund, and for purposes of those assets and the payment of benefits to those teachers and
265 their beneficiaries, the State-Boston retirement system shall be considered a participating system
266 in the PRIT Fund, but the system shall not receive a share of any appropriations made under
267 section 22B and paragraph (b) of subdivision (8) of section 22, and the board of the system shall
268 not be able to revoke this participation.

269 SECTION 19. Section 10 of chapter 35T of the General Laws, as so appearing, is hereby
270 amended by inserting after the word "revenues", in line 17, the following words:- or the inflation
271 index.

272 SECTION 20. Section 8A of chapter 81 of the General Laws is hereby repealed.

273 SECTION 21. Section 189A of chapter 111 of the General Laws, as so appearing, is
274 hereby amended by inserting after the definition of “Advisory committee” the following
275 definition:-

276 “Child-occupied facility”, a building or portion of a building, constructed before 1978,
277 visited regularly by the same child, under 6 years of age, on at least 2 different days within a
278 week if each day’s visit lasts at least 3 hours, the combined weekly visits last at least 6 hours and
279 the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are
280 not limited to, day care centers, preschools and kindergarten classrooms. Child-occupied
281 facilities may be located in residential premises or in public or commercial buildings.

282 SECTION 22. Section 197B of said chapter 111, as so appearing, is hereby amended by
283 inserting after the word “premises”, in line 34, the following words:- or child-occupied facility.

284 SECTION 23. Subsection (c) of said section 197B of said chapter 111, as so appearing,
285 is hereby amended by striking out the last sentence and inserting in place thereof the following
286 sentence:- The department shall also, in consultation with the director, adopt regulations
287 specifying licensing requirements and safety procedures to be used by all persons employed in
288 performing renovations or rehabilitation, in a residential premises or child-occupied facility, in a
289 manner that disturbs paint, plaster or other materials containing dangerous levels of lead.

290 SECTION 24. Said section 197B of said chapter 111, as so appearing, is hereby
291 amended by inserting after the word “premises”, in line 108, the following words:- or child-
292 occupied facility.

293 SECTION 25. Section 5 of chapter 161D, as so appearing, is hereby amended by striking
294 out the word “twelve”, in lines 28 and 31, each time it appears, and inserting in place thereof the
295 following number:- 15.

296 SECTION 26. Subsection (e) of section 7 of chapter 372 of the acts of 1984 is hereby
297 amended by inserting after the word “commonwealth”, in the first sentence, the following
298 words:- ; and, provided, further, that all employees deemed eligible by the board of directors of
299 the authority shall have access to dental and vision insurance coverage through the group
300 insurance commission pursuant to section 17 of said chapter 32A to the same extent as if they
301 were employees of the commonwealth.

302 SECTION 27. Section 25 of chapter 175 of the acts of 1998 is hereby amended by
303 striking out the figure “2010”, as appearing in section 78 of chapter 123 of the acts of 2006, and
304 inserting in place thereof the following figure:- 2012.

305 SECTION 28. The first sentence of section 2 of chapter 441 of the acts of 2002 is hereby
306 amended by striking out the words “for a term not to exceed 30 years” and inserting in place
307 thereof the following words:- , or its successors and assigns, for a term, including any extensions,
308 not to exceed 60 years.

309 SECTION 29. Said chapter 441, as so appearing, is hereby further amended by adding
310 the following section:-

311 Section 7. Notwithstanding any general or special law to the contrary, the commissioner
312 of capital asset management and maintenance, in consultation with the adjutant general of the
313 military division, may grant, or may join with Massachusetts Veterans, Inc. in granting, an
314 affordable housing restriction on the property described in section 2 to the community economic

315 development assistance corporation, the Massachusetts housing partnership fund board, and the
316 commonwealth acting by and through the department of housing and community development
317 pursuant to chapter 121D of the General Laws, by its administrator the Massachusetts housing
318 finance agency, and to their successors and assigns. This affordable housing restriction shall be
319 on terms and conditions that the commissioner, in consultation with the adjutant general,
320 determines.

321 SECTION 30. Sections 14 and 52 of chapter 130 of the acts of 2008 are hereby repealed.

322 SECTION 31. Item 3000-4050 of section 2 of chapter 27 of the acts of 2009 is hereby
323 amended by striking out the words “30 days before the transfer; and provided further, that not
324 more than 3 per cent of any item may be transferred in fiscal year 2010” and inserting in place
325 thereof the following words:- 15 days before the transfer; and, provided, further, that not more
326 than 10 per cent of any item may be transferred in fiscal year 2010.

327 SECTION 32. Item 3000-4060 of said section 2 of said chapter 27 is hereby amended by
328 striking out the words “30 days before the transfer; provided further, that not more than 3 per
329 cent of any item may be transferred in fiscal year 2010” and inserting in place thereof the
330 following words:- 15 days before the transfer; and, provided, further, that not more than 10 per
331 cent of any item may be transferred in fiscal year 2010.

332 SECTION 33. Item 8100-0006 of said section 2 of said chapter 27 is hereby amended by
333 striking out the figure “\$19,000,000”, each time it appears, and inserting in place thereof the
334 following figure:- \$27,500,000.

335 SECTION 34. Item 8900-0010 of section 2 of said chapter 27 is hereby amended by
336 inserting after the word “services” the following words:- ; provided, that the commissioner of

337 correction or designee shall determine the cost of manufacturing motor vehicle registration plates
338 and certify to the comptroller the amounts to be transferred from the Commonwealth
339 Transportation Fund to the General Fund.

340 SECTION 35. Item 8100-0002 of section 2B of said chapter 27 is hereby amended by
341 striking out the figure “\$6,481,785” and inserting in place thereof the following figure:-
342 \$20,000,000.

343 SECTION 36. Chapter 167 of the acts of 2009 is hereby amended by inserting after
344 section 15 the following new sections:-

345 SECTION 16. Notwithstanding section 2 of chapter 128C of the General Laws or any
346 other general or special law or rule or regulation to the contrary, the greyhound meeting licensee
347 located in Bristol county and the greyhound meeting licensee located in Suffolk county shall pay
348 all premiums received pursuant to said section 2 of said chapter 128C to the Racing Stabilization
349 Fund established in section 20.

350 SECTION 17. Notwithstanding chapter 128C of the General Laws or any other general
351 or special law or rule or regulation to the contrary, simulcast revenues generated by the
352 greyhound meeting licensee located in Bristol county and the greyhound meeting licensee
353 located in Suffolk county and otherwise dedicated to purse accounts at the licensees or to be
354 distributed to breeders’ associations at guest dog tracks shall be dedicated to the Racing
355 Stabilization Fund established in section 20.

356 SECTION 18. Notwithstanding chapters 128A and 128C of the General Laws or any
357 other general or special law or rule or regulation to the contrary, amounts from unclaimed
358 winnings and breaks generated by the greyhound meeting licensee located in Bristol county and

359 the greyhound meeting licensee located in Suffolk county shall be dedicated to the Racing
360 Stabilization Fund established in section 20.

361 SECTION 37. Said chapter 167 of the acts of 2009 is hereby further amended by
362 inserting after section 19 the following new sections:-

363 SECTION 20. Notwithstanding any general or special law or rule or regulation to the
364 contrary, there shall be a Racing Stabilization Fund that shall be administered by the
365 undersecretary for consumer affairs and business regulation of the executive office of housing
366 and economic development, in this section called the undersecretary. The fund shall consist of all
367 revenues dedicated pursuant to this act. In fiscal year 2010, the secretary of administration and
368 finance shall transfer funds totaling not less than \$300,000 to the department of public health for
369 a compulsive gamblers' treatment program. Not more than \$300,000 may be expended to assist
370 efforts to secure alternative employment and retaining opportunities for displaced workers
371 impacted by the passage of chapter 388 of the acts of 2008. The state racing commission, or a
372 successor agency, shall report to the undersecretary, the executive office for administration and
373 finance and the house and senate committees on ways and means not later than the last day of
374 each month, the projected program revenue, program expenses and operating costs associated
375 with overseeing simulcasting through July 31, 2010. In the event of a deficit, the secretary of
376 administration and finance may transfer from the Fund funds not to exceed \$100,000 for the
377 operating costs of the commission. Any balance in the fund at the end of the fiscal year shall not
378 revert to the General Fund; provided, however, that the undersecretary shall distribute to owners
379 of greyhound dogs who have raced in calendar year 2009 for the humane care, maintenance and
380 adoption of those greyhound dogs, a sum equal to 1 per cent of the total amount wagered at each
381 racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live

382 greyhound race from a host track from outside the commonwealth; provided, however, that
383 before any such amount is distributed, the undersecretary shall develop a method and criteria by
384 which to distribute such funds in an equitable manner among dog owners. Any balance in the
385 fund at the end of the fiscal year shall not revert to the General Fund; provided, however, that the
386 secretary shall distribute to kennel owners of greyhound dogs who have raced in calendar year
387 2009 for the humane care, maintenance and adoption of those greyhound dogs, a sum equal to
388 1.5 per cent of the total amount wagered at each racing meeting licensee within the
389 commonwealth acting as a guest track and simulcasting a live greyhound race from a host track
390 from outside commonwealth; provided, further, that before any amount is distributed, the
391 secretary shall develop a method and criteria by which to distribute such funds in an equitable
392 manner amongst kennel owners; and, provided, further, the secretary shall begin payments to
393 kennel owners in January 2010. Such payments shall be paid on a bi-weekly basis beginning
394 January 4, 2010.

395 SECTION 21. Notwithstanding section 12A of chapter 494 of the acts of 1978 or any
396 other general or special law or rule or regulation to the contrary, on January 1, 2010, the
397 comptroller shall transfer all monies deposited in the Greyhound Capital Improvements Trust
398 Fund and the Greyhound Promotional Trust Fund, each established under said section 12A of
399 said chapter 494, to the Racing Stabilization Fund established in section 20. After January 1,
400 2010, the comptroller shall transfer any revenues deposited into the Greyhound Capital
401 Improvements Trust Fund and the Greyhound Promotional Trust Fund into the Racing
402 Stabilization Fund within 10 days after receipt of those revenues.

403 SECTION 38. Section 22 of said chapter 167 of the acts of 2009 is hereby further
404 amended by adding the following sentence:-

405 The greyhound meeting licensee located in Bristol county and the greyhound meeting
406 licensee located in Suffolk county shall also prepare a report of all funds received and disbursed
407 for calendar years 2008 and 2009. Said report shall also be filed with the state racing
408 commission, or a successor agency, no later than March 31, 2010, who shall forward all such
409 reports to the house and senate committees on ways and means, the joint committee on economic
410 development and emerging technologies and the joint committee on labor and workforce
411 development.

412 SECTION 39. Said chapter 167 of the acts of 2009 is hereby further amended by
413 inserting after section 22 the following new sections:-

414 SECTION 23. Notwithstanding any general or special law, rule or regulation to the
415 contrary, monies in the Racing Stabilization Fund established in section 20 may be used to assist
416 efforts to secure alternative employment and retraining opportunities for displaced workers
417 impacted by the passage of chapter 388 of the acts of 2008 including, but not limited to,
418 coordinating the delivery of available state and federal resources and services; provided,
419 however, that such funds from the fund shall only be expended after all federal funds from the
420 Workforce Investment Act and the American Reinvestment and Recovery Act have been
421 exhausted provided further, that state funds shall be distributed in accordance with section 20;
422 provided further, that the secretary of labor and workforce development shall develop a plan to
423 implement this section and submit a copy of the plan to the house and senate committees on
424 ways and means, the joint committee on economic development and emerging technologies aid
425 the joint committee on labor and workforce development not later than December 15, 2009.

426 SECTION 23A. Sections 15 through 18, inclusive, of this act shall take effect January 1,
427 2010.

428 SECTION 40. Notwithstanding any general or special law to the contrary, the
429 commissioner of agricultural resources may award funds in the Greyhound Adoption Trust Fund,
430 established by section 65 of chapter 10 of the General Laws, not obligated as of December 31,
431 2009, to eligible adoption and rescue organizations within the commonwealth for the care and
432 adoption of retired greyhound track dogs that have schooled or raced at a greyhound racetrack in
433 the commonwealth.

434 SECTION 41. During fiscal year 2010, appropriations or transfers may be made from the
435 Commonwealth Transportation Fund, established in section 2ZZZ of chapter 29 of the General
436 Laws, in anticipation of revenue.

437 SECTION 42. Notwithstanding any general or special law to the contrary, in
438 determining the amount of assets of the State-Boston retirement system to be transferred to the
439 Pension Reserves Investment Trust Fund under this section, the initial percentage of assets
440 attributable to teachers who are members of that system shall be that which is set forth in the
441 actuarial valuation of the State-Boston retirement system as of January 1, 2008 and approved by
442 the actuary. This percentage shall be applied to the total assets of the system on a market value
443 basis, and the amount attributable to teachers shall be calculated as of the end of the month
444 preceding the date of the initial transfer of assets. If all assets attributable to teachers who are
445 members of this system, as determined above, are not transferred in the initial transfer, the
446 remaining amount of assets shall be determined by subtracting from the total percentage of assets
447 to be transferred set forth in the actuarial valuation the percentage of assets previously

448 transferred and applying that percentage to the market value of the assets of the system as of the
449 end of the month preceding the date of the subsequent transfer. Any remaining amounts to be
450 transferred shall be determined in the same manner until the percentage is zero. The State-
451 Boston retirement system shall report to the actuary, and the actuary shall approve the
452 calculation made under this section at the time of each transfer. Transfer of 90 per cent of the
453 assets attributable to teachers under this section shall be completed within 24 months after this
454 act takes effect. Transfer of all assets attributable to teachers under this subsection shall be
455 completed within 48 months after this section takes effect unless the secretary of administration
456 and finance authorizes a later date for the completion of the asset transfer.

457 SECTION 43. Sections 4 and 30 shall take effect as of January 1, 2009.

458 SECTION 44. Sections 7 to 10, inclusive, sections 13 to 18, inclusive, and section 42 of
459 this act shall take effect upon its passage. Sections 11 and 12 shall take effect on July 1, 2010,
460 and the final reimbursement by the commonwealth under paragraph (c) of subdivision (2) of
461 section 20 of chapter 32 of the General Laws shall be in accordance with that paragraph in all
462 respects except that the payment shall be made directly to the State-Boston retirement system
463 and applied in accordance with the most recent funding schedule approved by the state actuary
464 under section 22 of said chapter 32. The funds for the final reimbursement under paragraph (c) of
465 subdivision (2) of section 20 of said chapter 32 shall be paid from monies transferred from the
466 General Fund by the comptroller to the teachers' retirement system to meet the system's fiscal
467 year 2010 pension obligation in accordance with subdivision (1) of section 22C of said chapter
468 32. This payment shall be a reimbursement for fiscal year 2009 city of Boston teacher pension
469 benefits paid by the State-Boston retirement system.