

HOUSE No. 4627

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act Text of a further amendment (offered by Mr. Murphy of Burlington) to the Senate amendment of the House Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4626)..

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 a further amendment (offered by Mr. Murphy of Burlington) to the Senate
2 amendment of the House Bill making appropriations for the fiscal year 2010 to provide for
3 supplementing certain existing appropriations and for certain other activities and projects
4 (House, No. 4626). April 22, 2010.

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

12 SECTION 2.

13 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

14 Division of Medical Assistance

15 4000-0600 \$107,107,510

16 4000-0700 \$92,829,490

17 Department of Public Health

18 4513-1020 \$2,000,000

19 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENTOffice of
20 the Secretary

21 7004-0101 \$18,226,110

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

29 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

30 Reserves

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

1599-4281 For a reserve to meet the fiscal year 2010 costs of salary adjustments and
other economic benefits authorized by the collective bargaining agreement between the
commonwealth and the National Association of Government Employees, and to meet the fiscal
year 2010 costs of salary adjustments and other economic benefits necessary to provide equal
adjustments and benefits to employees employed in confidential positions which otherwise
would be covered by that agreement; provided, however, that the personnel administrator, with
the approval of the secretary of administration and finance, shall determine these adjustments
and benefits for the confidential employees in accordance with the collective bargaining
agreement then in effect which otherwise would cover these positions; and provided further, the
secretary may transfer from the sum appropriated in this item to other items of appropriation and
allocation thereof for fiscal year 2010 amounts that are necessary to meet these costs where
amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan
which shall be filed in advance with the house and senate committees on ways and means
\$25,810

1599-4282 For a reserve to meet the fiscal year 2010 costs of salary adjustments and
other economic benefits authorized by the collective bargaining agreement between the
commonwealth and the Service Employees International Union, Local 509, and to meet the fiscal
year 2010 costs of salary adjustments and other economic benefits necessary to provide equal
adjustments and benefits to employees employed in confidential positions which otherwise
would be covered by that agreement; provided, however, that the personnel administrator, with
the approval of the secretary of administration and finance, shall determine these adjustments

and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocation thereof for fiscal year 2010 amounts that are necessary to meet these costs where amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means

\$1,912,542

1599-4283 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the American Association of Federal, State, County and Municipal Employees, Council 93, and to meet the fiscal year 2010 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by that agreement; provided, however, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocation thereof for fiscal year 2010 amounts that are necessary to meet these costs where amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means \$21,137

1599-4284 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the

commonwealth and the Massachusetts Organization of State Engineers and Scientists, Unit 9, and to meet the fiscal year 2010 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, however, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means \$12,788

1599-4285 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the State Lottery Commission and the Service Employees International Union, Local 888, and to meet the fiscal year 2010 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, however, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these costs where

100 the amounts otherwise available are insufficient for the purpose, in accordance with a transfer
101 plan which shall be filed in advance with the house and senate committees on ways and means
102 \$944

103 1599-4286 For a reserve to meet the fiscal year 2010 costs of salary adjustments and
104 other economic benefits authorized by the collective bargaining agreement between the
105 commonwealth and the Berkshire Registries of Deeds – Service Employees International Union,
106 Local 888; Essex North/South Registry of Deeds – American Association of Federal, State,
107 County and Municipal Employees, Council 653; Hampden Registry of Deeds – Office of
108 Professional Employees International Union, Local 6; Middlesex South Registry of Deeds –
109 Office of Professional Employees International Union, Local 6; Suffolk Registry of Deeds –
110 Service Employees International Union, Local 888; Worcester North Registry of Deeds –
111 Service Employees International Union, Local 888 and to meet the fiscal year 2010 costs of
112 salary adjustments and other economic benefits necessary to provide equal adjustments and
113 benefits to employees employed in confidential positions which otherwise would be covered by
114 this agreement; provided, however, that the personnel administrator, with the approval of the
115 secretary of administration and finance, shall determine these adjustments and benefits for the
116 confidential employees in accordance with the collective bargaining agreement then in effect
117 which otherwise would cover these positions; and provided further, that the secretary may
118 transfer from the sum appropriated in this item to other items of appropriation and allocations
119 thereof for fiscal year 2010 amounts that are necessary to meet these costs where the amounts
120 otherwise available are insufficient for the purpose, in accordance with a transfer plan which
121 shall be filed in advance with the house and senate committees on ways and means
122 \$275

123 SECRETARY OF THE COMMONWEALTH Office of the Secretary of the
124 Commonwealth

125 0521-0010 For reimbursements to municipalities for costs associated with the statewide
126 election to fill the United States Senate seat on January 19, 2010; provided, that the Secretary of
127 State shall only reimburse the municipalities for costs that have previously been certified by the
128 Division of Local Mandates within the Office of the State Auditor, and provided further that any
129 unexpended funds from this item shall be made available in fiscal year 2011 \$6,340,941

130 SECTION 3. Section 35T of chapter 10 of the General Laws, as appearing in the 2008
131 Official Edition, is hereby amended by inserting after the word “revenues”, in line 17, the
132 following words:- or the inflation index.

133 SECTION 4. Item 0699-0015 of section 2 of chapter 27 of the acts of 2009 is hereby
134 amended by striking out the figure “\$1,804,013,573” and inserting in place thereof the following
135 figure:- \$1,799,564,198.

136 SECTION 5. Said section 2 of said chapter 27 is hereby further amended by striking out
137 item 0699-0016.

138 SECTION 6. Item 0699-2004 of said section 2 of said chapter 27 is hereby amended by
139 striking out the figure “\$91,719,000” and inserting in place thereof the following figure:-
140 \$82,980,442.

141 SECTION 7. Item 1108-5400 of said section 2 of said chapter 27 is hereby amended by
142 striking out the figure “\$77,844,056” and inserting in place thereof the following figure:-
143 \$76,129,566.

144 SECTION 8. Item 1599-1030 of said section 2 of said chapter 27 is hereby amended by
145 striking out the figure “\$2,263,600” and inserting in place thereof the following figure:-
146 \$963,600.

147 SECTION 9. Item 4000-0300 of said section 2 of said chapter 27 is hereby amended by
148 striking out the figure “\$95,375,349” and inserting in place thereof the following figure:-
149 \$94,825,349

150 SECTION 10. Item 4590-0915 of said section 2 of said chapter 27 is hereby amended by
151 striking out the figure “\$137,664,607” and inserting in place thereof the following figure:-
152 \$137,314,607

153 SECTION 11. Item 4800-0041 of said section 2 of said chapter 27 is hereby amended by
154 striking out the figure “\$223,569,417” and inserting in place thereof the following figure:-
155 \$220,569,417

156 SECTION 12. Item 7061-9010 of said section 2 of said chapter 27 is hereby amended by
157 striking out the figure “\$79,751,579” and inserting in place thereof the following figure:-
158 \$75,251,579.

159 SECTION 13. Item 8000-0036 of section 2C.I of chapter 120 of the acts of 2009 is
160 hereby amended by striking out the figure “\$3,569,361” and inserting in place thereof the
161 following figure:- \$569,361.

162 SECTION 14. Chapter 167 of the acts of 2009 is hereby amended by striking out
163 sections 16 to 23, inclusive, and inserting in place thereof the following 8 sections:-

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

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

Section 18. Notwithstanding chapters 128A and 128C of the General Laws or any other general or special law or rule or regulation to the contrary, amounts from unclaimed winnings and breaks generated by the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall be dedicated to the Racing Stabilization Fund established in section 20.

Section 19. Notwithstanding any general or special law or rule or regulation to the contrary, the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall, unless otherwise provided in this act, be subject to chapter 128A of the General Laws, chapter 128C of the General Laws and chapter 139 of the acts of 2001.

Section 20. Notwithstanding any general or special law or rule or regulation to the contrary, there shall be a Racing Stabilization Fund that shall be administered by the undersecretary for consumer affairs and business regulation within the executive office of housing and economic development. The fund shall consist of all revenues dedicated pursuant to this act. In fiscal year 2010, the undersecretary shall transfer from the fund an amount not less than \$300,000 to the department of public health for a compulsive gamblers' treatment program. Not more than \$300,000 may be expended to assist efforts to secure alternative employment and retraining opportunities for displaced workers impacted by the passage of chapter 388 of the acts of 2008. The state racing commission, or a successor agency, shall report to the undersecretary, the executive office for administration and finance and the house and senate committees on ways and means not later than the last day of each month, of the projected program revenue, program expenses and operating costs associated with overseeing simulcasting through July 31, 2010. In the event of a deficit, the undersecretary may transfer from the fund an amount not to exceed \$100,000 for the operating costs of the commission. Any balance in the fund at the end of the fiscal year shall not revert to the General Fund; provided, however, that the undersecretary shall distribute to owners and lessees of greyhound dogs who have raced in calendar year 2009 for the humane care, maintenance and adoption of those greyhound dogs, a sum equal to 1 per cent of the total amount wagered at each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live greyhound race from a host track from outside the commonwealth; provided, however, that before any such amount is distributed, the undersecretary shall develop a method and criteria by which to distribute such funds in an equitable manner among dog owners. The undersecretary shall distribute to kennel owners who housed greyhound dogs who have raced in calendar year 2009 for the humane care, maintenance

and adoption of those greyhound dogs, a sum equal to 1.5 per cent of the total amount wagered at each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live greyhound race from a host track from outside commonwealth; provided, however, that before any amount is distributed, the undersecretary shall develop a method and criteria by which to distribute such funds in an equitable manner among kennel owners; and provided further, the undersecretary shall begin payments to kennel owners in January 2010. Such payments shall be paid on a biweekly basis beginning on January 4, 2010.

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

Section 22. Notwithstanding any general or special law to the contrary, the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall report monthly to the state racing commission, or a successor agency, on their net and gross revenue, including an itemization of premiums received, fees received and any amounts dedicated to purse accounts, the Greyhound Capital Improvements Trust Fund and the Greyhound Promotional Trust Fund. The report shall include the number of part-time and full-time staff employed by the licensees at the close of the previous month. The report shall also include the total amount of premiums paid to the harness horse meeting licensees located in

Norfolk county and the running horse meeting licensee located in Suffolk county. Failure to file the report on the tenth day of each month shall be cause for suspension of the greyhound meeting license. The state racing commission, or a successor agency, shall forward all such reports to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies and the joint committee on labor and workforce development. The greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall also prepare a report of all funds received and disbursed for calendar years 2008 and 2009. The report shall also be filed with the state racing commission, or a successor agency, not later than June 30, 2010, and the state racing commission shall forward the reports to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies and the joint committee on labor and workforce development.

Section 23. Notwithstanding any general or special law, rule or regulation to the contrary, monies in the Racing Stabilization Fund established in section 20 may be used to assist efforts to secure alternative employment and retraining opportunities for displaced workers impacted by the enactment of chapter 388 of the acts of 2008 including, but not limited to, coordinating the delivery of available state and federal resources and services; provided, however, that such funds from the fund shall only be expended after all federal funds from the Workforce Investment Act and the American Reinvestment and Recovery Act have been exhausted; provided further, that state funds shall be distributed in accordance with section 20 provided further, that the secretary of labor and workforce development shall develop a plan to implement this section and submit a copy of the plan to the house and senate committees on

ways and means, the joint committee on economic development and emerging technologies and the joint committee on labor and workforce development not later than July 31, 2010.

SECTION 15. Notwithstanding any general or special law to the contrary, the comptroller shall not make the transfer of funds to the Central Artery and Statewide Road and Bridge Infrastructure Fund for fiscal year 2009 as otherwise required by section 63 of chapter 10 of the General Laws, section 33 of chapter 90 of the General Laws and section 15 of chapter 87 of the acts of 2000 as amended by section 9 of chapter 125 of the acts of 2000 and as further amended by section 23 of chapter 140 of the acts of 2007.

SECTION 16. Notwithstanding any general or special law to the contrary, the secretary of health and human services, with the written approval of the secretary of administration and finance, may authorize transfers from items 4000-0430, 4000-0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0895, 4000-0990, 4000-1400, 4000-1405 and 4000-1420 of section 2 of chapter 27 of the acts of 2009 to items 4000-0500 and 4000-0600 of said section 2 for the purpose of reducing any deficiency in item 4000-0500 or 4000-0600; provided, however, that any such transfer shall take place not later than August 31, 2010; and provided further, that the secretary of health and human services, in conjunction with the secretary of administration and finance, shall notify the house and senate committees on ways and means in writing within 30 days of any such transfer.

SECTION 17. Notwithstanding any general or special law to the contrary, the amount to be transferred from the Commonwealth Transportation Fund to the Massachusetts Transportation Trust Fund pursuant to section 156 of chapter 25 of the acts of 2009 shall not exceed \$132,946,908 for fiscal year 2010 unless the secretary of administration and finance requests in

275 writing that the comptroller increase that amount based on the availability of funds in the
276 Commonwealth Transportation Fund. The comptroller shall transfer not later than June 30,
277 2010, the remaining balance in the Commonwealth Transportation Fund to the General Fund to
278 cover transportation-related expenses made from the General Fund appropriations during fiscal
279 year 2010.

280 SECTION 18. Section 3 shall apply to the comptroller's certification as required in
281 subsection (b) of section 35T of chapter 10 of the General Laws, beginning March 1, 2010.