

**HOUSE . . . . . No. 4670**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Ten**  
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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  
2 act 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          Committee for Public Counsel Services

11          0321-1510                 \$25,000,000

12          SECRETARY OF THE COMMONWEALTH

13	Office of the Secretary of the Commonwealth		
14	0521-0000	\$257,041	
15	TREASURER AND RECEIVER-GENERAL		
16	Office of the Treasurer and Receiver-General		
17	0610-0050	\$250,000	
18	0612-0105	\$200,000	
19	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES		
20	Department of Veterans' Services		
21	1410-0400	\$2,113,000	
22	OFFICE OF THE STATE COMPTROLLER		
23	Office of the State Comptroller		
24	1599-3384	\$2,500,000	
25	EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT		
26	Department of Workforce Development		
27	7003-0701	\$9,500,000	
28	EXECUTIVE OFFICE OF EDUCATION		
29	Department of Higher Education		

30           7070-0065                 \$996,753

31           EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

32           Military Division

33           8700-0001                     \$1,050,000

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

41           LEGISLATURE

42           Senate

43           9510-0000 For expenses incurred by the senate related to the joint committee on  
44 redistricting, prior appropriation continued   \$350,000

45           House of Representatives

46           9610-0000 For expenses incurred by the house of representatives related to the joint  
47 committee on redistricting, prior appropriation continued   \$350,000

48           SECTION 3. Section 178Q of chapter 6 of the General Laws, as appearing in the 2008  
49 Official Edition, is hereby amended by striking out, in lines 23 and 24, the words “by the sex

50 offender registry board and shall be transmitted to the treasurer for deposit into the General  
51 Fund”, and inserting in place thereof the following words:- and retained by the sex offender  
52 registry board.

53 SECTION 4. Chapter 7 of the General Laws is hereby amended by inserting after section  
54 38O the following section:-

55 Section 38P. (a) For the purposes of this section the following words shall, unless the  
56 context clearly requires otherwise, have the following meanings:-

57 “Agency”, the Massachusetts Department of Transportation, the Massachusetts Port  
58 Authority and the Massachusetts Bay Transportation Authority.

59 “Architectural and engineering services”, (i) professional services of an architectural or  
60 engineering nature, as defined by state law, which are required to be performed or approved by a  
61 person licensed, registered or certified to provide those services as described herein; (ii)  
62 professional services of an architectural or engineering nature performed by contract that are  
63 associated with research planning, development, design, investigations, inspections, tests,  
64 evaluations, consultations, program management, value engineering, construction, alteration or  
65 repair of real property; and (iii) such other professional services of an architectural or  
66 engineering nature, or incidental services, which members of the architectural and engineering  
67 professions and individuals in their employ may logically or justifiably perform, including  
68 studies, investigations, surveying and mapping, soil tests, construction phase services, drawing  
69 reviews, evaluations, consultations, comprehensive planning, program management, conceptual  
70 designs, plans and specifications, soils engineering, cost estimates or programs, preparation of  
71 drawings, plans or specifications, supervision or administration of a construction contract,

72 construction management or scheduling, preparation of operation and maintenance manuals and  
73 other related services.

74 “Firm”, an individual, firm, partnership, corporation, association or other legal entity  
75 authorized by law to practice the professions of architecture, engineering, land surveying,  
76 landscape architecture, environmental science, planning or program management.

77 “Public works project”, a capital improvement project or a design, study, plan, survey or  
78 new or existing program activity of an agency, including the development of new or existing  
79 programs that require architectural, engineering or related professional services, but shall not  
80 include a public building construction project undertaken under chapters 7, 149 and 149A.

81 “Related professional services”, (i) professional services, including land surveying,  
82 landscape architecture, environmental science and planning, which are required to be performed  
83 or approved by a person licensed, registered or certified to provide such services as described  
84 herein; (ii) professional services performed by contract that are associated with research,  
85 planning, development, design, investigations, inspections, surveying and mapping, tests,  
86 evaluations, consultations, comprehensive planning program management, value engineering,  
87 construction, alteration or repair of real property; and (iii) such other professional services, or  
88 incidental services, which members of the related professions as described herein and individuals  
89 in their employ may logically or justifiably perform, including master plans, studies, surveys,  
90 soil tests, cost estimates or programs, preparation of drawings, plans or specifications,  
91 supervision or administration of a construction contract, construction management or scheduling,  
92 conceptual designs, plans and specifications, construction phase services, soils engineering,  
93 drawing reviews, cost estimating, preparation of operation and maintenance manuals and other

94 related services; provided, however, that nothing herein shall be construed to constitute a  
95 regulation or oversight of any designated firms or identified professionals' services.

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

102 (c) Whenever a public works project requiring architectural, engineering or related  
103 professional services is to be advertised by an agency, the agency shall provide not less than 14  
104 days advance notice published in a professional services bulletin or advertised on the official  
105 agency website setting forth the public works project and services to be procured. The  
106 professional services bulletin shall be made available to each firm that requests the information.  
107 The professional services bulletin shall include a description of each public works project and  
108 shall state the time and place for an interested firm to submit a statement of qualifications and, if  
109 required by the public notice, a letter of interest and technical proposal. If the agency determines  
110 that a sole source selection of a qualified firm is in the best interest of the agency, then the public  
111 notice provisions of this subsection shall not apply.

112 (d) An agency shall evaluate the firms submitting statements of qualifications, taking  
113 into account qualifications, letters of interest and technical proposals, and the agency may  
114 consider, but shall not be limited to considering, ability of professional personnel, past record  
115 and experience, performance data on file, willingness to meet time requirements, location,

116 workload of the firm and any other qualifications based on factors that the agency may determine  
117 in writing are applicable. The agency may conduct discussions with, and require presentations  
118 by, firms deemed to be the most qualified regarding their qualifications, approach to the public  
119 works project and ability to furnish the required services. An agency shall not, prior to selecting  
120 a firm for negotiation, seek formal or informal submission of verbal or written estimates of costs  
121 or proposals in terms of dollars, hours required, percentage of construction cost or any other  
122 measure of compensation.

123 (e) (1) An agency shall select architects, engineers and related professional firms on the  
124 basis of qualifications for the type of professional services required, and on technical proposals,  
125 if submitted. An agency may solicit or use pricing policies and proposals or other pricing  
126 information to determine consultant compensation only after the agency has selected a firm and  
127 initiated negotiations with the selected firm.

128 (2) The procedures that an agency creates for the screening and selection of firms shall  
129 be within the sole discretion of the agency and may be adjusted to accommodate the agency's  
130 scope, schedule and budget objectives for a particular public works project.

131 (3) The decision of an agency that has complied with this chapter shall be final and  
132 binding.

133 (f) (1) The agency and the selected firm shall discuss and refine the scope of services for  
134 the public works project and shall negotiate conditions including, but not limited to,  
135 compensation level and performance schedule based on scope of services. The compensation  
136 level paid shall be reasonable and fair to the agency as determined solely by the agency. In

137 making such determination, the agency shall take into account the estimated value of the services  
138 to be rendered and the scope, complexity and professional nature thereof.

139 (2) If the agency and the selected firm are unable for any reason to negotiate a contract at  
140 a compensation level that is reasonable and fair to the agency, the agency shall, in writing,  
141 formally terminate negotiations with the selected firm. The agency shall then negotiate with the  
142 second ranked most qualified firm. The negotiation process shall continue in this manner  
143 through successive ranked firms until an agreement is reached or the agency terminates the  
144 consultant contracting process.

145 (g) This section shall not apply to the procurement of architectural, engineering and  
146 related professional services by agencies: (i) when an agency determines in writing that it is in  
147 the best interest of the agency to proceed with the immediate selection of a firm; (ii) in  
148 emergencies when immediate services are necessary to protect the public health and safety; or  
149 (iii) when these services are to be provided as part of a design-build project pursuant to sections  
150 14 to 21, inclusive, of chapter 149A.

151 (h) Each agency shall evaluate the performance of each firm upon completion of a  
152 contract. The evaluation shall be made available to the firm which may submit a written  
153 response.

154 SECTION 5. Section 31 of chapter 9 of the General Laws, as appearing in the 2008  
155 Official Edition, is hereby amended by striking out the fourth and fifth sentences and inserting in  
156 place thereof the following 2 sentences:- From March 15, 2003, until June 30, 2016, all  
157 surcharges on fees collected pursuant to this section shall be forwarded to the Registers

158 Technological Fund, established in section 2JJJ of chapter 29. From July 1, 2016, all of the  
159 surcharges shall be forwarded to the General Fund as provided in section 2 of said chapter 29.

160 SECTION 6. Section 21 of chapter 30B, of the General Laws as most recently amended  
161 by section 45 of chapters 25 and 120 of the acts of 2009, is hereby repealed.

162 SECTION 7. Section 1 of chapter 32 of the General Laws, as most recently amended by  
163 section 47 of chapter 25 of the acts of 2009, is hereby further amended by striking out the  
164 definition of “Commonwealth's pension liability” and inserting in place thereof the following  
165 definition:-

166 “Commonwealth's pension liability”, the financial obligation of the commonwealth to  
167 pay all retirement benefits pursuant to this chapter for the state employees’ retirement system,  
168 the teachers’ retirement system, for teachers employed by the city of Boston and for the  
169 commonwealth’s share of the administrative cost of the State-Boston retirement system, and to  
170 reimburse local retirement systems for cost of living adjustments pursuant to section 102 and  
171 including any other pension obligations of a system or of the commonwealth relative to future  
172 pension liabilities which the commonwealth may assume by general or special law on behalf of  
173 any system other than the state employees’ retirement system, the teachers’ retirement system  
174 and for teachers employed by the city of Boston, and the commonwealth’s financial obligations  
175 which are associated with cost-of-living adjustments or other benefits for members of systems  
176 other than the state employees’ retirement system and the teachers’ retirement system who are  
177 not teachers employed by the city of Boston.

178 SECTION 8. Said section 1 of said chapter 32 is hereby further amended by striking out,  
179 in line 134, the words “and teachers’ retirement systems” and inserting in place thereof the

180 following words:- retirement system, the teachers' retirement system and the State-Boston  
181 retirement system on behalf of teachers who are members of that system.

182 SECTION 9. Said section 1 of said chapter 32 is hereby further amended by striking out,  
183 in lines 533 to 538, inclusive, as so appearing, the words “; provided, that “teacher” shall not be  
184 deemed to include, nor shall sections one to twenty-eight inclusive apply, to any person who is a  
185 teacher in the public schools of the city of Boston, except to such a teacher who on September  
186 first, nineteen hundred and twenty-three, was employed by the city of Boston and was then a  
187 member of the teachers' retirement system”.

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

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

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

200 SECTION 13. Section 22 of said chapter 32, as amended by section 55 of chapter 25 of  
201 the acts of 2009, is hereby further amended by inserting after the first sentence the following

202 sentence:- The State-Boston retirement system shall establish said funds to credit assets received,  
203 acquired or held attributable to non-teacher members of that system and shall also establish said  
204 funds to credit assets received, acquired or held attributable to teachers who are members of that  
205 system.

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

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

214 SECTION 16. Subparagraph (i) of paragraph (c) of subdivision (7) of said section 22 of  
215 said chapter 32, as so appearing, is hereby amended by inserting after the second sentence the  
216 following 3 sentences:- In addition to the foregoing, the State-Boston retirement system shall  
217 furnish to the actuary any information that the actuary requires to determine the amount payable  
218 on account of the employment of teachers in the city of Boston. The actuary shall determine the  
219 amount payable on account of the employment of such teachers and a separate amount payable  
220 as a result of the employment of all other members of the State-Boston retirement system. The  
221 actuary shall specify in a written notice to the State-Boston retirement board the specific amounts  
222 payable as a result of the employment of teachers in the city of Boston and of all members of the  
223 State-Boston retirement system other than teachers.

224 SECTION 17. Paragraph (a) of subdivision (8) of said section 22 of said chapter 32, as so  
225 appearing, is hereby amended by striking out the last sentence and inserting in place thereof the  
226 following sentence:- The assets of the state employees' retirement system, the teachers'  
227 retirement system and assets of the State-Boston retirement system attributable to teachers who  
228 are members of that system shall be held in the PRIT Fund.

229 SECTION 18. Section 23 of said chapter 32, as amended by section 57 of chapter 25 of  
230 the acts of 2009, is hereby further amended by striking out subdivision (1) and inserting in place  
231 thereof the following subdivision:-

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

240 (b) Notwithstanding any general or special law to the contrary, assets of the State-Boston  
241 retirement system attributable to teachers who are members of the system shall be invested in the  
242 PRIT Fund, and for purposes of those assets and the payment of benefits to those teachers and  
243 their beneficiaries, the State-Boston retirement system shall be considered a participating system  
244 in the PRIT Fund, but the system shall not receive a share of any appropriations made under

245 section 22B and paragraph (b) of subdivision (8) of section 22, and the board of the system shall  
246 not be able to revoke this participation.

247 SECTION 19. Section 41 of chapter 36 of the General Laws, as so appearing, is hereby  
248 amended by striking out the fourth and fifth sentences and inserting in place thereof the  
249 following 2 sentences:- From March 15, 2003, until June 30, 2016, all surcharges on fees  
250 collected pursuant to this section shall be forwarded to the County Registers Technological Fund  
251 established in section 2KKK of chapter 29. From July 1, 2016, all of the surcharges shall be  
252 forwarded to the General Fund as provided in section 2 of chapter 29.

253 SECTION 20. The first sentence of the second paragraph of section 11 of chapter 64D of  
254 the General Laws, as appearing in section 2 of chapter 61 of the acts of 2009, is hereby amended  
255 by striking out the words ", established by the secretary of administration and finance in 2009, is  
256 insufficient in any given fiscal year to satisfy the unfunded county pension liabilities and other  
257 benefit liabilities of retired employees of the sheriff's office as determined by the secretary of  
258 administration and finance in consultation with appropriate county officials and county  
259 treasurers, beginning in fiscal year 2011, the county shall retain 13.625 per cent of the taxes  
260 collected in such county and transferred to the Deeds Excise Fund" and inserting in place thereof  
261 the following words:- to fund from its own revenues in fiscal year 2009 the operation of the  
262 sheriff's office is insufficient in any fiscal year to satisfy the unfunded county pension liabilities  
263 and other benefit liabilities of retired employees of the sheriff's office, as determined by  
264 agreement of the secretary of administration and finance, the actuary of the Public Employee  
265 Retirement Administration Commission, the retirement associations and their actuaries and the  
266 county treasurers, beginning in fiscal year 2011, the county shall retain and shall transfer to the  
267 Deeds Excise Fund in which it shall be held separate and apart from all other funds and from

268 which it shall be appropriated solely for this purpose, an additional amount of the deeds excise  
269 collected in that county necessary as determined by agreement of the secretary of administration  
270 and finance, the actuary of the Public Employee Retirement Administration Commission, the  
271 retirement associations and their actuaries and the county treasurers to meet its annual retirement  
272 assessment and.

273 SECTION 21. Subsection (a) of section 12 of said chapter 64D, as so appearing, is  
274 hereby amended by striking out the words “the amounts deposited in the Deeds Excise Fund for  
275 each county from revenues collected pursuant to this chapter” and inserting in place thereof the  
276 following words:- that portion of the amounts deposited in the Deeds Excise Fund for each  
277 county from revenues collected pursuant to this chapter which represents 10.625 per cent of the  
278 taxes collected.

279 SECTION 22. Section 8A of chapter 81 of the General Laws is hereby repealed.

280 SECTION 23. Chapter 85 of the General Laws is hereby amended by striking out section  
281 7A, as amended by section 76 of chapter 25 of the acts of 2009, and inserting in place thereof the  
282 following section:-

283 Section 7A. (a) For the purposes of this section, “person” shall include surveyors of  
284 highways, road commissioners, superintendents of streets in towns, commissioners of public  
285 works in cities and towns, the chief engineer of the highway division of the Massachusetts  
286 Department of Transportation, the chief administrative officer of state agencies and private  
287 persons, including corporations.

288 (b) No person shall store sodium chloride, calcium chloride or chemically treated  
289 abrasives or other chemicals used for the removal of snow or ice on roadways in such a manner  
290 or place as to subject a water supply or groundwater supply to the risk of contamination.

291 (c) Any sodium chloride, calcium chloride or chemically treated abrasives or other  
292 chemicals used for the removal of snow or ice on roadways and stored within 200 hundred yards  
293 of an established river or estuary shall be stored in a solid frame storage shed to insure against  
294 ground leaching and airborne pollution of surrounding property. This subsection shall not apply  
295 to: (1) a water-dependent marine cargo facility that, on or before May 10, 1991, stored or  
296 distributed any such snow removal chemicals, is currently located at the site from which such  
297 chemicals were stored or distributed on or before May 10, 1991, such chemicals are stored or  
298 distributed with 200 yards of an established river or estuary and such river or estuary has a  
299 depth-averaged annual salinity greater than 10 parts per 1,000; or (2) a water-dependent marine  
300 cargo facility that stores or distributes any such snow removal chemicals, is located on an  
301 established river or estuary that has a depth-averaged annual salinity greater than 10 parts per  
302 1,000 and has an agreement with the municipality in which it is located providing for the best  
303 management practices.

304 (d) The department of environmental protection, in consultation with the highway  
305 division, may issue regulations as to place or manner of storage of such chemicals and may  
306 regulate, by specific order in a particular case, the place where such chemicals may be used for  
307 such purpose. All water-dependent marine cargo facilities storing chemicals used for the  
308 removal of snow and ice on roads shall have the best management practices described in writing  
309 for inspection at the facility by the department.

310 (e) A violation of this section or a regulation or order issued hereunder shall be punished  
311 by a fine not to exceed \$50 dollars per day.

312 (f) A person who uses more than 1 ton of the chemicals described in this section in a  
313 calendar year shall report annually to the department on November 1 and at such other times as  
314 prescribed the amount of such chemicals used in the previous 12 months specified by road  
315 section or other location and the amount of chemicals on hand. Copies of such reports shall be  
316 made available upon the request of a concerned state or municipal agency or commission. The  
317 department may require studies by competent professional personnel of the probable impact of  
318 proposed new or improved highways and the maintenance thereof by use of such chemicals upon  
319 reservoirs, ponds, streams, lakes, wetlands and the groundwater aquifers associated with both  
320 public and private water sources. Estimates of such chemicals to be applied on proposed  
321 roadways and other paved areas shall be based upon the most recent records of chemicals  
322 actually applied as reported under this section.

323 SECTION 24. Chapter 90 of the General Laws is hereby amended by inserting after  
324 section 32I the following section:-

325 Section 32J. (a) As used in this section, “car-sharing organization” shall mean a  
326 membership-based entity with a distributed fleet of private passenger motor vehicles that are  
327 made available to its members primarily for hourly or other short-term use through a self-service  
328 fully automated reservation system that periodically charges a membership fee separate from a  
329 use-based fee relating to a specific vehicle; provided, however, that “car-sharing organization”  
330 shall not include an arrangement where a separate written agreement is entered into each time a  
331 vehicle is transferred to a customer.

332 (b) Vehicles in a fleet of a car-sharing organization may display private passenger motor  
333 vehicle registration number plates issued by the registrar; provided, however, that a registered  
334 vehicle of any such organization which identifies the name of the organization by business  
335 markings thereon shall not be required to display a commercial registration plate if the markings  
336 are limited to the name, address, telephone number, logo or website address of the organization.

337 SECTION 25. Section 189A of chapter 111 of the General Laws, as appearing in the  
338 2008 Official Edition, is hereby amended by inserting after the definition of “Advisory  
339 committee” the following definition:-

340 “Child-occupied facility”, a building or portion thereof constructed before 1978 and  
341 visited regularly by the same child, under 6 years of age, on at least 2 different days within a  
342 week if each day’s visit lasts at least 3 hours, the combined weekly visits last at least 6 hours and  
343 the combined annual visits last at least 60 hours, including, but not limited to, day care centers,  
344 preschools and kindergarten classrooms; provided, however, that child-occupied facilities may  
345 be located in residential premises or in public or commercial buildings.

346 SECTION 26. Section 197B of said chapter 111, as so appearing, is hereby amended by  
347 inserting after the word “premises”, in lines 34 and 108, in each instance, the following words:-  
348 or child-occupied facility.

349 SECTION 27. Subsection (c) of said section 197B of said chapter 111, as so appearing,  
350 is hereby amended by striking out the last sentence and inserting in place thereof the following  
351 sentence:- The department shall also, in consultation with the director, adopt regulations  
352 specifying licensing requirements and safety procedures to be used by all persons employed in

353 performing renovations or rehabilitation in a residential premises or child-occupied facility in a  
354 manner that disturbs paint, plaster or other materials containing dangerous levels of lead.

355 SECTION 28. Section 47D of chapter 164 of the General Laws, as so appearing, is  
356 hereby amended by striking out, in line 4, the words, “section 23B of chapter 39” and inserting in  
357 place thereof the following words:- sections 20 and 21 of chapter 30A.

358 SECTION 29. Chapter 258E of the General Laws is hereby amended by striking out  
359 section 2, as appearing in chapter 23 of the acts of 2010, and inserting in place thereof the  
360 following section:-

361 Section 2. Proceedings under this chapter shall be filed, heard and determined in the  
362 superior court department or the respective divisions of the district court department or the  
363 Boston municipal court department having venue over the plaintiff’s residence. The juvenile  
364 court department shall have exclusive jurisdiction of proceedings under this chapter in which the  
365 defendant is under the age of 17. Such proceedings shall be filed, heard and determined in the  
366 division of the juvenile court department having venue over the plaintiff’s residence.

367 SECTION 30. Subsection (g) of section 3 of said chapter 258E, as so appearing in said  
368 chapter 23, is hereby amended by inserting after the word “parties” the following words:- ;  
369 including, but not limited to, court actions, administrative proceedings and disciplinary  
370 proceedings.

371 SECTION 31. Said chapter 258E is hereby further amended by striking out section 8, as  
372 so appearing, and inserting in place thereof the following section:-

373           Section 8. Whenever a law officer has reason to believe that a person has been abused or  
374 harassed or is in danger of being abused or harassed, such officer shall use all reasonable means  
375 to prevent further abuse or harassment. Law officers shall make every reasonable effort to do the  
376 following as part of the emergency response:

377                   (1) assess the immediate physical danger to the victim and provide assistance  
378 reasonably intended to mitigate the safety risk;

379                   (2) if there is observable injury to the victim or if the victim is complaining of  
380 injury, encourage the victim to seek medical attention and arrange for medical assistance or  
381 request an ambulance for transport to a hospital;

382                   (3) if a sexual assault has occurred, notify the victim that there are time-sensitive  
383 medical or forensic options that may be available, encourage the victim to seek medical attention  
384 and arrange for medical assistance or request an ambulance for transport to a hospital;

385                   (4) provide the victim with referrals to local resources that may assist the victim  
386 in locating and getting to a safe place;

387                   (5) provide adequate notice to the victim of the victim's rights including, but not  
388 limited to, obtaining a harassment prevention order; provided, however, that the notice shall  
389 consist of providing the victim with a copy of the following statement before the officer leaves  
390 the scene or premises and after reading the statement to the victim; provided further, that if the  
391 victim's native language is not English, the statement shall be then provided in the victim's  
392 native language whenever possible:

393            “You have the right to appear at the Superior, Juvenile (only if the attacker is under  
394 17), District or Boston Municipal Court, if you reside within the appropriate jurisdiction, and file  
395 a complaint requesting any of the following applicable orders: (i) an order restraining your  
396 attacker from harassing or abusing you; (ii) an order directing your attacker to refrain from  
397 contacting you; (iii) an order directing your attacker to stay away from your home and your  
398 workplace; (iv) an order directing your attacker to pay you for losses suffered as a result of the  
399 harassment or abuse, including loss of earnings, out-of-pocket losses for injuries sustained or  
400 property damaged, costs of replacement of locks, medical expenses, cost for obtaining an  
401 unlisted phone number, and reasonable attorneys’ fees.

402            For an emergency on weekends, holidays or weeknights, the police will assist you in  
403 activating the emergency response system so that you may file a complaint and request a  
404 harassment prevention order.

405            You have the right to go to the appropriate court and apply for a criminal complaint for  
406 sexual assault, threats, criminal stalking, criminal harassment, assault and battery, assault with a  
407 deadly weapon, assault with intent to kill or other related offenses.

408            If you are in need of medical treatment, you have the right to request that an officer  
409 present drive you to the nearest hospital or otherwise assist you in obtaining medical treatment.

410            If you believe that police protection is needed for your physical safety, you have the  
411 right to request that the officer present remain at the scene until you can leave or until your safety  
412 is otherwise ensured. You may also request that the officer assist you in locating and taking you  
413 to a safe place including, but not limited to, a designated meeting place for a shelter or a family  
414 member's or a friend's residence or a similar place of safety.

415           You may request and obtain a copy of the police incident report at no cost from the police  
416 department.”;

417           (6) assist the victim by activating the emergency judicial system when the court is closed  
418 for business;

419           (7) inform the victim that the abuser will be eligible for bail and may be promptly  
420 released; and

421           (8) arrest any person that a law officer witnessed or has probable cause to believe  
422 violated a temporary or permanent vacate, restraining, stay-away or no-contact order or judgment  
423 issued under this chapter or similar protection order issued by another jurisdiction; provided,  
424 however, that if there are no vacate, restraining, stay-away or no-contact orders or judgments in  
425 effect, arresting the person shall be the preferred response if the law officer witnessed or has  
426 probable cause to believe that a person: (i) has committed a felony; (ii) has committed a  
427 misdemeanor involving harassment or abuse as defined in section 1; or (iii) has committed an  
428 assault and battery in violation of section 13A of chapter 265; provided further, that the safety of  
429 the victim shall be paramount in any decision to arrest; and provided further, that if a law officer  
430 arrests both parties, the law officer shall submit a detailed, written report in addition to an  
431 incident report, setting forth the grounds for arresting both parties.

432           No law officer shall be held liable in a civil action for personal injury or property damage  
433 brought by a party to an incident of abuse or for an arrest based on probable cause when such  
434 officer acted reasonably and in good faith and in compliance with this chapter.

435           Whenever a law officer investigates an incident of harassment, the officer shall  
436 immediately file a written incident report in accordance with the standards of the law officer's

437 law enforcement agency and, wherever possible, in the form of the National Incident-Based  
438 Reporting System, as defined by the Federal Bureau of Investigation. The latter information may  
439 be submitted voluntarily by the local police on a monthly basis to the crime reporting unit of the  
440 state police crime reporting unit established in section 32 of chapter 22C.

441           The victim shall be provided a copy of the full incident report at no cost upon request to  
442 the appropriate law enforcement department.

443           When a judge or other person authorized to take bail bails any person arrested under this  
444 chapter, reasonable efforts shall be made to inform the victim of such release prior to or at the  
445 time of the release. When any person charged with or arrested for a crime involving harassment  
446 under this chapter is released from custody, the court or the emergency response judge shall  
447 issue, upon the request of the victim, a written no-contact order or stay-away order prohibiting  
448 the person charged or arrested from having any contact with the victim and shall use all  
449 reasonable means to notify the victim immediately of release from custody. The victim shall be  
450 provided, at no cost, a certified copy of the no-contact order.

451           SECTION 32. Section 1 of chapter 692 of the acts of 1973 is hereby amended by striking  
452 out the words “April first, nineteen hundred and seventy-three” and inserting in place thereof the  
453 following words:- May 17, 1975.

454           SECTION 33. Section 25 of chapter 175 of the acts of 1998, as amended by section 78  
455 of chapter 123 of the acts of 2006, is hereby amended by striking out the figure “2010”, and  
456 inserting in place thereof the following figure:- 2012.

457           SECTION 34. Section 2 of chapter 441 of the acts of 2002 is hereby amended by striking  
458 out, in lines 7 and 8, the words “for a term not to exceed 30 years” and inserting in place thereof

459 the following words:- , or its successors and assigns, for a term, including any extensions, not to  
460 exceed 60 years.

461 SECTION 35. Said chapter 441 is hereby further amended by adding the following  
462 section:-

463 Section 7. Notwithstanding any general or special law to the contrary, the commissioner  
464 of capital asset management and maintenance, in consultation with the adjutant general of the  
465 military division, shall permit, or may join with Massachusetts Veterans, Inc. in permitting, the  
466 Community Economic Development Assistance Corporation, the Massachusetts Housing  
467 Partnership Fund board and the commonwealth acting by and through the department of housing  
468 and community development pursuant to chapter 121D of the General Laws, by its administrator  
469 the Massachusetts Housing Finance Agency, to impose an affordable housing restriction on the  
470 property described in section 2 in conformance with the program requirements of those agencies.

471 SECTION 36. Item 7007-0932 of section 2A of chapter 123 of the acts of 2006 is hereby  
472 amended by striking out the words “\$4,000,000 may be used for construction and equipment in  
473 the former cafeteria of the Wheatley building, and not more than \$1,000,000 may be used for  
474 start-up and operating expenses; provided further, that the funds shall not be available for faculty  
475 salaries; provided further, that the funds shall be available through June 30, 2010” and inserting  
476 in place thereof the following words:- \$3,700,000 may be used for construction and equipment  
477 in the former cafeteria of the Wheatley building and not more than \$1,300,000 may be used for  
478 start-up and operating expenses; provided further, that the funds shall not be available for faculty  
479 salaries; provided further, that the funds shall be available through June 30, 2011.

480 SECTION 37. Item 3000-4050 of section 2 of chapter 27 of the acts of 2009 is hereby  
481 amended by striking out the words “30 days before the transfer; and provided further, that not  
482 more than 3 per cent of any item may be transferred in fiscal year 2010” and inserting in place  
483 thereof the following words:- 15 days before the transfer; and, provided, further, that not more  
484 than 10 per cent of any item may be transferred in fiscal year 2010.

485 SECTION 38. Item 3000-4060 of said section 2 of said chapter 27 is hereby amended by  
486 striking out the words “30 days before the transfer; provided further, that not more than 3 per  
487 cent of any item may be transferred in fiscal year 2010” and inserting in place thereof the  
488 following words:- 15 days before the transfer; and, provided, further, that not more than 10 per  
489 cent of any item may be transferred in fiscal year 2010.

490 SECTION 39. Item 8100-0006 of said section 2 of said chapter 27 is hereby amended by  
491 striking out the figure “\$19,000,000”, in each instance, and inserting in place thereof the  
492 following figure:- \$27,500,000.

493 SECTION 40. Item 8900-0010 of said section 2 of said chapter 27 is hereby amended by  
494 inserting after the word “services” the following words:- ; provided, however, that the  
495 commissioner of correction or designee shall determine the cost of manufacturing motor vehicle  
496 registration plates and certify to the comptroller the amounts to be transferred from the  
497 Commonwealth Transportation Fund to the General Fund.

498 SECTION 41. Item 8100-0002 of section 2B of said chapter 27 is hereby amended by  
499 striking out the figure “\$6,481,785” and inserting in place thereof the following figure:-  
500 \$20,000,000.

501 SECTION 42. Section 19 of chapter 61 of the acts of 2009, as amended by chapter 102 of  
502 the acts of 2009, is hereby further amended by adding the following subsection:-

503 (d) Notwithstanding any general or special law to the contrary, surviving spouses of  
504 retired employees of the office of a transferred sheriff who are eligible for group insurance  
505 coverage from the county at the time of transfer shall have that eligibility and coverage  
506 transferred to the group insurance commission.

507 SECTION 43. Section 9 of chapter 132 of the acts of 2009 is hereby amended by striking  
508 out the second paragraph and inserting in place thereof the following paragraph:-

509 The secretary of veterans' services shall adopt rules and regulations necessary for the  
510 implementation of this section to the degree necessary to achieve maximum federal financial  
511 participation within 180 days after the effective date of this act. The request for proposals shall  
512 be issued within 90 days of such rules and regulations being adopted. The department of  
513 veterans' services may determine that no proposals are responsive or may determine that no  
514 responsive proposals provide adequate value to the commonwealth. If the department of  
515 veterans' services determines that no proposals are responsive or no responsive proposals  
516 provide adequate value to the commonwealth, the department shall notify the general court of the  
517 reasons for such findings in writing within 60 days of such decision. All actions relative to  
518 requests for proposals under this section shall comply with sections 52 to 55, inclusive, of  
519 chapter 7 of the General Laws.

520 SECTION 44. Chapter 3 of the resolves of 2008 is hereby amended, by striking out the  
521 words "120 days after the first meeting of the commission" and inserting in place thereof the  
522 following words:- June 1, 2010.

523 SECTION 45. Notwithstanding any general or special law to the contrary, the  
524 commissioner of agricultural resources shall award funds in the Greyhound Adoption Trust  
525 Fund, established by section 65 of chapter 10 of the General Laws, not obligated as of December  
526 31, 2009, to eligible adoption and rescue organizations within the commonwealth for the care  
527 and adoption of retired greyhound track dogs that have schooled or raced at a greyhound  
528 racetrack in the commonwealth.

529 SECTION 46. Notwithstanding any general or special law to the contrary, the  
530 department of transitional assistance may amend its supplemental nutrition assistance program  
531 outreach plan, in this section referred to as SNAP, to include SNAP application assistance and  
532 retention activities conducted by community-based organizations or other state agencies;  
533 provided, further, that the department may maximize federal reimbursement from the United  
534 States Department of Agriculture for funds identified by community-based organizations for  
535 SNAP application assistance and retention activities, including assistance and retention activities  
536 funded through private, state or community development block grants; and, provided, further,  
537 that the department may provide the federal reimbursements identified for SNAP outreach efforts  
538 to state agencies and departments and community-based organizations engaged in outreach  
539 efforts and for the administrative costs incurred by an agency, department or organization in  
540 claiming the federal reimbursements or processing additional SNAP applications.

541 SECTION 47. Notwithstanding clause (6) of section 5 of chapter 161D of the General  
542 Laws or any other general or special law to the contrary, the Massachusetts Department of  
543 Transportation shall extend the term of the intercity bus capital assistance program vehicle lease  
544 and maintenance agreement of November 1997 for a term not to exceed 3 years.

545 SECTION 48. Notwithstanding any general or special law to the contrary, in  
546 determining the amount of assets of the State-Boston retirement system to be transferred to the  
547 Pension Reserves Investment Trust Fund, pursuant to paragraph (a) of subdivision (1) of section  
548 23 of chapter 32 of the General Laws, the initial percentage of assets attributable to teachers who  
549 are members of that system shall be that which is set forth in the actuarial valuation of the State-  
550 Boston retirement system as of January 1, 2008, and approved by the actuary. This percentage  
551 shall be applied to the total assets of the system on a market value basis and the amount  
552 attributable to teachers shall be calculated as of the end of the month preceding the date of the  
553 initial transfer of assets. If all assets attributable to teachers who are members of this system, as  
554 determined above, are not transferred in the initial transfer, the remaining amount of assets shall  
555 be determined by subtracting from the total percentage of assets to be transferred set forth in the  
556 actuarial valuation the percentage of assets previously transferred and applying that percentage to  
557 the market value of the assets of the system as of the end of the month preceding the date of the  
558 subsequent transfer. Any remaining amounts to be transferred shall be determined in the same  
559 manner until the percentage is zero. The State-Boston retirement system shall report to the  
560 actuary, and the actuary shall approve the calculation made under this section at the time of each  
561 transfer. Transfer of 90 per cent of the assets attributable to teachers under this section shall be  
562 completed within 24 months after the effective date of this act. Transfer of all assets attributable  
563 to teachers under this section shall be completed within 48 months after the effective date of this  
564 act unless the secretary of administration and finance authorizes a later date for the completion of  
565 the asset transfer.

566 SECTION 49. During fiscal year 2010, appropriations or transfers may be made from the  
567 Commonwealth Transportation Fund established in section 2ZZZ of chapter 29 of the General  
568 Laws in anticipation of revenue.

569 SECTION 50. Sections 11 and 12 shall take effect on July 1, 2010, and the final  
570 reimbursement by the commonwealth under paragraph (c) of subdivision (2) of section 20 of  
571 chapter 32 of the General Laws shall be in accordance with said paragraph (c) of said subdivision  
572 (2) of said section 20 of said chapter 32 in all respects except that the payment shall be made  
573 directly to the State-Boston retirement system and applied in accordance with the most recent  
574 funding schedule approved by the state actuary under section 22 of said chapter 32. The funds  
575 for the final reimbursement under said paragraph (c) of said subdivision (2) of said section 20 of  
576 said chapter 32 shall be paid from monies transferred from the General Fund by the comptroller  
577 to the teachers' retirement system to meet the system's fiscal year 2010 pension obligation in  
578 accordance with subdivision (1) of section 22C of said chapter 32. That payment shall be a  
579 reimbursement for fiscal year 2009 city of Boston teacher pension benefits paid by the State-  
580 Boston retirement system.

581 SECTION 51. Section 28 shall take effect on July 1, 2010.