

SENATE No. 2390

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act Text of the Senate amendment (Panagiotakos) to the House Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and or certain other activities and projects H. 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 SECTION 1. To provide for supplementing certain items in the general appropriation act
2 and other appropriation acts for fiscal year 2010, the sums set forth in section 2 are hereby
3 appropriated from the General Fund unless specifically designated otherwise in this act or in
4 those appropriation acts, for the several purposes and subject to the conditions specified in this
5 act or in said appropriation acts and subject to laws regulating the disbursement of public funds
6 for the fiscal year ending June 30, 2010. The sums in said section 2 shall be in addition to any
7 amounts previously appropriated and made available for the purposes of those items.

8 SECTION 2.

9 TREASURER AND RECEIVER GENERAL

10 Office of the Treasurer and Receiver General

11 0612-0105 \$200,000

12	SECRETARY OF THE COMMONWEALTH		
13	Office of the Secretary of the Commonwealth		
14	0521-0000	\$257,041	
15	OFFICE OF THE STATE COMPTROLLER		
16	Reserves		
17	1599-3384	\$2,500,000	
18	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES		
19	Department of Veterans' Services		
20	1410-0400	\$2,113,000	
21	Division of Medical Assistance		
22	4000-0600	\$107,107,510	
23	4000-0700	\$92,829,490	
24	Department of Public Health		
25	4513-1020	\$2,000,000	
26	EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT		
27	Department of Workforce Development		
28	7003-0701	\$5,000,000	

29 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENTOffice of
30 the Secretary

31 7004-0101 \$18,226,110

32 EXECUTIVE OFFICE OF EDUCATION

33 Department of Higher Education

34 7070-0065 \$996,753

35 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

36 Department of Correction

37 8900-0001 \$4,000,000

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

45 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

46 Reserves

47 1599-1027 For a reserve for reimbursement to certain employees of the
48 commonwealth for certain increases in health care cost-sharing expenditures \$6,821,690

49 1599-1980 For a reserve for collective bargaining agreements ratified by employee
50 organizations during fiscal year 2010; provided, that the secretary of administration and finance
51 may transfer funds from this item to other items to implement ratified agreements and shall
52 notify the house and senate committees on ways and means in writing within 30 days after any
53 such transfer; and provided further, that a transfer from this item to implement a ratified
54 agreement shall constitute approval of that agreement under section 7 of chapter 150E of the
55 General Laws without further action by the general court \$125,000

56 1599-4281 For a reserve to meet the fiscal year 2010 costs of salary adjustments and
57 other economic benefits authorized by the collective bargaining agreement between the
58 Commonwealth of Massachusetts and the National Association of Government Employees, and
59 to meet the fiscal year 2010 costs of salary adjustments and other economic benefits necessary to
60 provide equal adjustments and benefits to employees employed in confidential positions which
61 otherwise would be covered by that agreement; provided, that the personnel administrator, with
62 the approval of the secretary of administration and finance, shall determine these adjustments
63 and benefits for the confidential employees in accordance with the collective bargaining
64 agreement then in effect which otherwise would cover these positions; and provided further, the
65 secretary may transfer from the sum appropriated in this item to other items of appropriation and
66 allocation thereof for fiscal year 2010 amounts that are necessary to meet these costs where
67 amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan
68 which shall be filed in advance with the house and senate committees on ways and means
69 \$25,810

70 1599-4282 For a reserve to meet the fiscal year 2010 costs of salary adjustments and
71 other economic benefits authorized by the collective bargaining agreement between the
72 Commonwealth of Massachusetts and the Service Employees International Union, Local 509,
73 and to meet the fiscal year 2010 costs of salary adjustments and other economic benefits
74 necessary to provide equal adjustments and benefits to employees employed in confidential
75 positions which otherwise would be covered by that agreement; provided, that the personnel
76 administrator, with the approval of the secretary of administration and finance, shall determine
77 these adjustments and benefits for the confidential employees in accordance with the collective
78 bargaining agreement then in effect which otherwise would cover these positions; and provided
79 further, the secretary may transfer from the sum appropriated in this item to other items of
80 appropriation and allocation thereof for fiscal year 2010 amounts that are necessary to meet these
81 costs where amounts otherwise available are insufficient for the purpose, in accordance with a
82 transfer plan which shall be filed in advance with the house and senate committees on ways and
83 means \$1,912,542

84 1599-4283 For a reserve to meet the fiscal year 2010 costs of salary adjustments and
85 other economic benefits authorized by the collective bargaining agreement between the
86 Commonwealth of Massachusetts and the American Association of Federal, State, County and
87 Municipal Employees, Council 93, and to meet the fiscal year 2010 costs of salary adjustments
88 and other economic benefits necessary to provide equal adjustments and benefits to employees
89 employed in confidential positions which otherwise would be covered by that agreement;
90 provided, that the personnel administrator, with the approval of the secretary of administration
91 and finance, shall determine these adjustments and benefits for the confidential employees in
92 accordance with the collective bargaining agreement then in effect which otherwise would cover

93 these positions; and provided further, the secretary may transfer from the sum appropriated in
94 this item to other items of appropriation and allocation thereof for fiscal year 2010 amounts that
95 are necessary to meet these costs where amounts otherwise available are insufficient for the
96 purpose, in accordance with a transfer plan which shall be filed in advance with the house and
97 senate committees on ways and means \$21,137

98 SECRETARY OF THE COMMONWEALTH Office of the Secretary of the
99 Commonwealth

100 0521-0010 For reimbursements to municipalities for costs associated with the statewide
101 election to fill the United States Senate seat on January 19, 2010; provided, that the Secretary of
102 State shall only reimburse the municipalities for costs that have previously been certified by the
103 Division of Local Mandates within the Office of the State Auditor, and provided further that any
104 unexpended funds from this item shall be made available in fiscal year 2011 \$6,340,941

105 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

106 Military Division

107 8700-0001 For the military division for reimbursement for costs associated with flood
108 damage control in March and April, 2010; provided, that any unexpended funds shall revert to
109 the General
110 Fund.....\$930,000

111 LEGISLATURE

112 Senate

113 9510-0000 For expenses incurred by the senate related to the joint committee on
114 redistricting, prior appropriation continued \$350,000

115 House of Representatives

116 9610-0000 For expenses incurred by the house of representatives related to the joint
117 committee on redistricting, prior appropriation continued \$350,000

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

123 SECTION 4. Chapter 7 of the General Laws is hereby amended by inserting after section
124 38O the following section:-

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

127 “Agency”, the Massachusetts Department of Transportation, the Massachusetts Port
128 Authority and the Massachusetts Bay Transportation Authority.

129 “Architectural and engineering services”, (i) professional services of an architectural or
130 engineering nature, as defined by state law, which are required to be performed or approved by a
131 person licensed, registered or certified to provide those services as described herein; (ii)
132 professional services of an architectural or engineering nature performed by contract that are
133 associated with research planning, development, design, investigations, inspections, tests,

134 evaluations, consultations, program management, value engineering, construction, alteration or
135 repair of real property; and (iii) such other professional services of an architectural or
136 engineering nature, or incidental services, which members of the architectural and engineering
137 professions and individuals in their employ may logically or justifiably perform, including
138 studies, investigations, surveying and mapping, soil tests, construction phase services, drawing
139 reviews, evaluations, consultations, comprehensive planning, program management, conceptual
140 designs, plans and specifications, soils engineering, cost estimates or programs, preparation of
141 drawings, plans or specifications, supervision or administration of a construction contract,
142 construction management or scheduling, preparation of operation and maintenance manuals and
143 other related services.

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

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

151 “Related professional services”, (i) professional services, including land surveying,
152 landscape architecture, environmental science and planning, which are required to be performed
153 or approved by a person licensed, registered or certified to provide such services as described
154 herein; (ii) professional services performed by contract that are associated with research,
155 planning, development, design, investigations, inspections, surveying and mapping, tests,

156 evaluations, consultations, comprehensive planning program management, value engineering,
157 construction, alteration or repair of real property; and (iii) such other professional services, or
158 incidental services, which members of the related professions as described herein and individuals
159 in their employ may logically or justifiably perform, including master plans, studies, surveys,
160 soil tests, cost estimates or programs, preparation of drawings, plans or specifications,
161 supervision or administration of a construction contract, construction management or scheduling,
162 conceptual designs, plans and specifications, construction phase services, soils engineering,
163 drawing reviews, cost estimating, preparation of operation and maintenance manuals and other
164 related services; provided, however, that nothing herein shall be construed to constitute a
165 regulation or oversight of any designated firms or identified professionals' services.

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

172 (c) Whenever a public works project requiring architectural, engineering or related
173 professional services is to be advertised by an agency, the agency shall provide not less than 14
174 days advance notice published in a professional services bulletin or advertised on the official
175 agency website setting forth the public works project and services to be procured. The
176 professional services bulletin shall be made available to each firm that requests the information.
177 The professional services bulletin shall include a description of each public works project and
178 shall state the time and place for an interested firm to submit a statement of qualifications and, if

179 required by the public notice, a letter of interest and technical proposal. If the agency determines
180 that a sole source selection of a qualified firm is in the best interest of the agency, then the public
181 notice provisions of this subsection shall not apply.

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

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

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

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

203 (f) (1) The agency and the selected firm shall discuss and refine the scope of services for
204 the public works project and shall negotiate conditions including, but not limited to,
205 compensation level and performance schedule based on scope of services. The compensation
206 level paid shall be reasonable and fair to the agency as determined solely by the agency. In
207 making such determination, the agency shall take into account the estimated value of the services
208 to be rendered and the scope, complexity and professional nature thereof.

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

215 (g) This chapter shall not apply to the procurement of architectural, engineering and
216 related professional services by agencies: (i) when an agency determines in writing that it is in
217 the best interest of the agency to proceed with the immediate selection of a firm; (ii) in
218 emergencies when immediate services are necessary to protect the public health and safety; or
219 (iii) when these services are to be provided as part of a design-build project pursuant to sections
220 14 to 21, inclusive, of chapter 149A.

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

224 SECTION 5. Section 31 of chapter 9 of the General Laws, as appearing in the 2008
225 Official Edition, is hereby amended by striking out the fourth and fifth sentences and inserting in
226 place thereof the following 2 sentences:- From March 15, 2003, until June 30, 2016, all
227 surcharges on fees collected pursuant to this section shall be forwarded to the Registers
228 Technological Fund, established in section 2JJJ of chapter 29. From July 1, 2016, all of the
229 surcharges shall be forwarded to the General Fund as provided in section 2 of said chapter 29.

230 SECTION 6. Section 35T of chapter 10 of the General Laws, as so appearing, is hereby
231 amended by inserting after the word “revenues”, in line 17, the following words:- or the inflation
232 index.

233 SECTION 6A. Section 2H of chapter 29 of the General Laws, as so appearing, is hereby
234 amended by adding the following paragraph:-

235 Notwithstanding any general or special law to the contrary, the comptroller shall file with
236 the clerks of the senate and house of representatives not later than the fifteenth day of each
237 month a report which shall include, but not limited to, the balance in the fund on the first day of
238 the month, any material changes in the condition of the fund and any other information which the
239 comptroller deems appropriate for consideration by the general court. The report shall be
240 displayed prominently on the website of the comptroller.

241 SECTION 7. Section 21 of chapter 30B of the General Laws is hereby repealed.

242 SECTION 8. Section 1 of chapter 32 of the General Laws is hereby amended by striking
243 out the definition of “Commonwealth's pension liability”, as appearing in the 2008 Official
244 Edition, and inserting in place thereof the following definition:-

245 “Commonwealth's pension liability”, the financial obligation of the commonwealth to
246 pay all retirement benefits pursuant to this chapter for the state employees’ retirement system,
247 the teachers’ retirement system, for teachers employed by the city of Boston and for the
248 commonwealth’s share of the administrative cost of the State-Boston retirement system, and to
249 reimburse local retirement systems for cost-of-living adjustments pursuant to section 102 and
250 including any other pension obligations of a system or of the commonwealth relative to future
251 pension liabilities which the commonwealth may assume by general or special law on behalf of
252 any system other than the state employees’ retirement system, the teachers’ retirement system
253 and for teachers employed by the city of Boston, and the commonwealth’s financial obligations
254 which are associated with cost-of-living adjustments or other benefits for members of systems
255 other than the state employees’ retirement system and the teachers’ retirement system who are
256 not teachers employed by the city of Boston.

257 SECTION 9. Said section 1 of said chapter 32 is hereby further amended by striking out,
258 in line 134, the words “and teachers’ retirement systems” and inserting in place thereof the
259 following words:- retirement system, the teachers’ retirement system and the State-Boston
260 retirement system on behalf of teachers who are members of that system.

261 SECTION 10. Said section 1 of said chapter 32 is hereby further amended by striking
262 out, in lines 533 to 538, inclusive, as so appearing, the words “; provided, that “teacher” shall not
263 be deemed to include, nor shall sections one to twenty-eight inclusive apply, to any person who

264 is a teacher in the public schools of the city of Boston, except to such a teacher who on
265 September first, nineteen hundred and twenty-three, was employed by the city of Boston and was
266 then a member of the teachers' retirement system”.

267 SECTION 11. Section 2 of said chapter 32 is hereby amended by inserting after the word
268 “system”, in line 23, as so appearing, the following words:- except that a teacher employed by
269 the school committee of the city of Boston shall be included in the State-Boston retirement
270 system.

271 SECTION 12. Section 20 of said chapter 32 is hereby amended by inserting after the
272 word “town”, in line 17, as so appearing, the following words:- , except the city of Boston,.

273 SECTION 13. Said section 20 of said chapter 32 is hereby further amended by striking
274 out, in lines 24 to 27, inclusive, as so appearing, the words “or under the State-Boston retirement
275 system, and the chairman or secretary of the school committee of such city or town, or the
276 chairman or executive officer of the Boston retirement board” and inserting in place thereof the
277 following words:- and the chairman or secretary of the school committee of such city or town.

278 SECTION 14. Section 22 of said chapter 32 is hereby amended by inserting after the first
279 sentence, as so appearing, the following sentence:- The State-Boston retirement system shall
280 establish those funds to credit assets received, acquired or held attributable to non-teacher
281 members of that system and shall also establish the funds to credit assets received, acquired or
282 held attributable to teachers who are members of that system.

283 SECTION 15. Said section 22 of said chapter 32 is hereby further amended by striking
284 out, in lines 789 and 790, as so appearing, the words “and the teachers” and inserting in place
285 thereof the following words:-, the teachers’ retirement system and the State-Boston.

286 SECTION 16. Said section 22 of said chapter 32 is hereby further amended by striking
287 out, in lines 790 and 791, as so appearing, the words “and the teachers’ retirement board” and
288 inserting in place thereof the following words:- , the teachers’ retirement board and the State-
289 Boston retirement system for the purpose of funding their teacher retirement benefits.

290 SECTION 17. Subparagraph (i) of paragraph (c) of subdivision (7) of said section 22 of
291 said chapter 32, as so appearing, is hereby amended by inserting after the second sentence the
292 following 3 sentences:- In addition to the foregoing, the State-Boston retirement system shall
293 furnish to the actuary any information that the actuary requires to determine the amount payable
294 on account of the employment of teachers in the city of Boston. The actuary shall determine the
295 amount payable on account of the employment of such teachers and a separate amount payable
296 as a result of the employment of all other members of the State-Boston retirement system. The
297 actuary shall specify in a written notice to the State-Boston retirement board the specific amounts
298 payable as a result of the employment of teachers in the city of Boston and of all members of the
299 State-Boston retirement system other than teachers.

300 SECTION 18. Paragraph (a) of subdivision (8) of said section 22 of said chapter 32, as so
301 appearing, is hereby amended by striking out the last sentence and inserting in place thereof the
302 following sentence:- The assets of the state employees’ retirement system, the teachers’
303 retirement system and the State-Boston retirement system attributable to teachers who are
304 members of that system shall be held in the PRIT Fund.

305 SECTION 19. Section 23 of said chapter 32 is hereby amended by striking out
306 subdivision (1), as so appearing, and inserting in place thereof the following subdivision:-

307 (1) (a) The funds of the state employees' retirement system and the teachers' retirement
308 system and the assets of the State-Boston retirement system attributable to teachers who are
309 members of that system shall be held in the PRIT Fund. The board of each such system shall
310 annually, on or before May 1, file in the office of the commissioner on a form prescribed by the
311 commissioner, a sworn statement of the financial condition of the system as of December 31 of
312 the preceding year and of all the financial transactions of the system during the preceding year.
313 The commissioner may, for cause shown, extend the time for filing any such statement.

314 (b) Notwithstanding any general or special law to the contrary, assets of the State-Boston
315 retirement system attributable to teachers who are members of the system shall be invested in the
316 PRIT Fund and, for purposes of those assets and the payment of benefits to those teachers and
317 their beneficiaries, the State-Boston retirement system shall be considered a participating system
318 in the PRIT Fund, but the system shall not receive a share of any appropriations made under
319 section 22B or under paragraph (b) of subdivision (8) of section 22, and the board of that system
320 shall have no authority to revoke such participation.

321 SECTION 20. Section 41 of chapter 36 of the General Laws, as so appearing, is hereby
322 amended by striking out the fourth and fifth sentences and inserting in place thereof the
323 following 2 sentences:- From March 15, 2003, until June 30, 2016, all surcharges on fees
324 collected pursuant to this section shall be forwarded to the County Registers Technological Fund
325 established in section 2KKK of chapter 29. From July 1, 2016, all of the surcharges shall be
326 forwarded to the General Fund as provided in section 2 of chapter 29.

327 SECTION 21. The first sentence of the second paragraph of section 11 of chapter 64D
328 of the General Laws, as appearing in section 2 of chapter 61 of the acts of 2009, is hereby

329 amended by striking out the words ", established by the secretary of administration and finance
330 in 2009, is insufficient in any given fiscal year to satisfy the unfunded county pension liabilities
331 and other benefit liabilities of retired employees of the sheriff's office as determined by the
332 secretary of administration and finance in consultation with appropriate county officials and
333 county treasurers, beginning in fiscal year 2011, the county shall retain 13.625 per cent of the
334 taxes collected in such county and transferred to the Deeds Excise Fund" and inserting in place
335 thereof the following words:- to fund from its own revenues in fiscal year 2009 the operation of
336 the sheriff's office is insufficient in any fiscal year to satisfy the unfunded county pension
337 liabilities and other benefit liabilities of retired employees of the sheriff's office, as determined
338 by agreement of the secretary of administration and finance, the actuary of the Public Employee
339 Retirement Administration Commission, the retirement associations and their actuaries and the
340 county treasurers, beginning in fiscal year 2011, the county shall retain and shall transfer to the
341 Deeds Excise Fund in which it shall be held separate and apart from all other funds and from
342 which it may be appropriated solely for this purpose, an additional amount of the deeds excise
343 collected in that county necessary as determined by agreement of the secretary of administration
344 and finance, the actuary of the Public Employee Retirement Administration Commission, the
345 retirement associations and their actuaries and the county treasurers to meet its annual retirement
346 assessment and.

347 SECTION 22. Subsection (a) of section 12 of said chapter 64D, as so appearing, is
348 hereby amended by striking out the words "the amounts deposited in the Deeds Excise Fund for
349 each county from revenues collected pursuant to this chapter" and inserting in place thereof the
350 following words:- that portion of the amounts deposited in the Deeds Excise Fund for each

351 county from revenues collected pursuant to this chapter which represents 10.625 per cent of the
352 taxes collected.

353 SECTION 23. Section 8A of chapter 81 of the General Laws is hereby repealed.

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

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

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

365 (c) Any sodium chloride, calcium chloride or chemically treated abrasives or other
366 chemicals used for the removal of snow or ice on roadways and stored within 200 hundred yards
367 of an established river or estuary shall be stored in a solid frame storage shed to insure against
368 ground leaching and airborne pollution of surrounding property. This subsection shall not apply
369 to: (1) a water-dependent marine cargo facility that, on or before May 10, 1991, stored or
370 distributed any such snow removal chemicals, is currently located at the site from which such
371 chemicals were stored or distributed on or before May 10, 1991, such chemicals are stored or
372 distributed with 200 yards of an established river or estuary and such river or estuary has a

373 depth-averaged annual salinity greater than 10 parts per 1,000; or (2) a water-dependent marine
374 cargo facility that stores or distributes any such snow removal chemicals, is located on an
375 established river or estuary that has a depth-averaged annual salinity greater than 10 parts per
376 1,000 and has an agreement with the municipality in which it is located providing for the best
377 management practices.

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

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

386 (f) A person who uses more than 1 ton of the chemicals described in this section in a
387 calendar year shall report annually to the department on November 1 and at such other times as
388 prescribed the amount of such chemicals used in the previous 12 months specified by road
389 section or other location and the amount of chemicals on hand. Copies of such reports shall be
390 made available upon the request of a concerned state or municipal agency or commission. The
391 department may require studies by competent professional personnel of the probable impact of
392 proposed new or improved highways and the maintenance thereof by use of such chemicals upon
393 reservoirs, ponds, streams, lakes, wetlands and the groundwater aquifers associated with both
394 public and private water sources. Estimates of such chemicals to be applied on proposed

395 roadways and other paved areas shall be based upon the most recent records of chemicals
396 actually applied as reported under this section.

397 SECTION 23B. Chapter 90 of the General Laws is hereby amended by inserting after
398 section 32I the following section:-

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

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

411 SECTION 24. Section 189A of chapter 111 of the General Laws, as appearing in the
412 2008 Official Edition, is hereby amended by inserting after the definition of "Advisory
413 committee" the following definition:-

414 "Child-occupied facility", a building or portion thereof constructed before 1978 and
415 visited regularly by the same child, under 6 years of age, on at least 2 different days within a
416 week if each day's visit lasts at least 3 hours, the combined weekly visits last at least 6 hours and

417 the combined annual visits last at least 60 hours, including, but not limited to, day care centers,
418 preschools and kindergarten classrooms; provided, however, that “child-occupied facilities may
419 be located in residential premises or in public or commercial buildings.

420 SECTION 25. Section 197B of said chapter 111, as so appearing, is hereby amended by
421 inserting after the word “premises”, in lines 34 and 108, each time it appears, the following
422 words:- or child-occupied facility.

423 SECTION 26. Subsection (c) of said section 197B of said chapter 111, as so appearing,
424 is hereby amended by striking out the last sentence and inserting in place thereof the following
425 sentence:- The department shall also, in consultation with the director, adopt regulations
426 specifying licensing requirements and safety procedures to be used by all persons employed in
427 performing renovations or rehabilitation in a residential premises or child-occupied facility in a
428 manner that disturbs paint, plaster or other materials containing dangerous levels of lead.

429 SECTION 27. Section 47D of chapter 164 of the General Laws, as so appearing, is
430 hereby amended by striking out, in line 4, the words, “section 23B of chapter 39” and inserting in
431 place thereof the following words:- sections 20 and 21 of chapter 30A.

432 SECTION 28. Chapter 258E of the General Laws is hereby amended by striking out
433 section 2, as appearing in chapter 23 of the acts of 2010, and inserting in place thereof the
434 following section:-

435 Section 2. Proceedings under this chapter shall be filed, heard and determined in the
436 superior court department or the respective divisions of the district court department or
437 the Boston municipal court department having venue over the plaintiff’s residence. The juvenile
438 court department shall have exclusive jurisdiction of proceedings under this chapter in which the

439 defendant is under the age of 17. Such proceedings shall be filed, heard and determined in the
440 division of the juvenile court department having venue over the plaintiff's residence.

441 SECTION 29. Said chapter 258E is hereby further amended by striking out section 8, as
442 so appearing, and inserting in place thereof the following section:-

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

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

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

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

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

457 (5) provide adequate notice to the victim of the victim's rights including, but not
458 limited to, obtaining a harassment prevention order; provided, however, that the notice shall
459 consist of providing the victim with a copy of the following statement before the officer leaves

460 the scene or premises and after reading the statement to the victim; provided further, that if the
461 victim's native language is not English, the statement shall be then provided in the victim's
462 native language whenever possible:

463 “You have the right to appear at the Superior, Juvenile (only if the attacker is
464 under 17), District or Boston Municipal Court, if you reside within the appropriate jurisdiction,
465 and file a complaint requesting any of the following applicable orders: (i) an order restraining
466 your attacker from harassing or abusing you; (ii) an order directing your attacker to refrain from
467 contacting you; (iii) an order directing your attacker to stay away from your home and your
468 workplace; (iv) an order directing your attacker to pay you for losses suffered as a result of the
469 harassment or abuse, including loss of earnings, out-of-pocket losses for injuries sustained or
470 property damaged, costs of replacement of locks, medical expenses, cost for obtaining an
471 unlisted phone number, and reasonable attorneys' fees. For an emergency on weekends,
472 holidays or weeknights, the police will assist you in activating the emergency response system so
473 that you may file a complaint and request a harassment prevention order.

474 You have the right to go to the appropriate court and apply for a criminal complaint for
475 sexual assault, threats, criminal stalking, criminal harassment, assault and battery, assault with a
476 deadly weapon, assault with intent to kill or other related offenses. If you are in need of medical
477 treatment, you have the right to request that an officer present drive you to the nearest hospital or
478 otherwise assist you in obtaining medical treatment.

479 If you believe that police protection is needed for your physical safety, you have the
480 right to request that the officer present remain at the scene until you can leave or until your safety
481 is otherwise ensured. You may also request that the officer assist you in locating and taking you

482 to a safe place including, but not limited to, a designated meeting place for a shelter or a family
483 member's or a friend's residence or a similar place of safety. You may request and obtain a copy
484 of the police incident report at no cost from the police department.”; (6) assist the victim
485 by activating the emergency judicial system when the court is closed for business;
486 (7) inform the victim that the abuser will be eligible for bail and may be promptly
487 released; and (8) arrest any person that a law officer witnessed or has probable cause to believe
488 violated a temporary or permanent vacate, restraining, stay-away or no-contact order or judgment
489 issued under this chapter or similar protection order issued by another jurisdiction; provided,
490 however, that if there are no vacate, restraining, stay-away or no-contact orders or judgments in
491 effect, arresting the person shall be the preferred response if the law officer witnessed or has
492 probable cause to believe that a person: (i) has committed a felony; (ii) has committed a
493 misdemeanor involving harassment or abuse as defined in section 1; or (iii) has committed an
494 assault and battery in violation of section 13A of chapter 265; provided further, that the safety of
495 the victim shall be paramount in any decision to arrest; and provided further, that if a law officer
496 arrests both parties, the law officer shall submit a detailed, written report in addition to an
497 incident report, setting forth the grounds for arresting both parties. No law officer shall be held
498 liable in a civil action for personal injury or property damage brought by a party to an incident of
499 abuse or for an arrest based on probable cause when such officer acted reasonably and in good
500 faith and in compliance with this chapter. Whenever a law officer investigates an incident of
501 harassment, the officer shall immediately file a written incident report in accordance with the
502 standards of the law officer's law enforcement agency and, wherever possible, in the form of the
503 National Incident-Based Reporting System, as defined by the Federal Bureau of Investigation.
504 The latter information may be submitted voluntarily by the local police on a monthly basis to the

505 crime reporting unit of the state police crime reporting unit established in section 32 of chapter
506 22C. The victim shall be provided a copy of the full incident report at no cost upon request to
507 the appropriate law enforcement department. When a judge or other person authorized to
508 take bail bails any person arrested under this chapter, reasonable efforts shall be made to inform
509 the victim of such release prior to or at the time of the release. When any person charged with or
510 arrested for a crime involving harassment under this chapter is released from custody, the court
511 or the emergency response judge shall issue, upon the request of the victim, a written no-contact
512 order or stay-away order prohibiting the person charged or arrested from having any contact with
513 the victim and shall use all reasonable means to notify the victim immediately of release from
514 custody. The victim shall be provided, at no cost, a certified copy of the no-contact order.

515 SECTION 30. Section 1 of chapter 703 of the acts of 1963 is hereby amended by striking
516 out paragraph (h), as most recently amended by section 11 of chapter 72 of the acts of 2007, and
517 inserting in place thereof the following paragraph:-

518 (h) “State college”, a public institution of higher education listed in section 5 of chapter
519 15A of the General Laws, but not including the University of Massachusetts and its campuses.

520 SECTION 31. The first sentence of section 3 of said chapter 703, as appearing in section
521 2 of chapter 290 of the acts of 1998, is hereby amended by adding the following words:- ;
522 provided, however, that the Authority shall not provide housing facilities at community colleges.

523 SECTION 31A. Section 1 of chapter 692 of the acts of 1973 is hereby amended by
524 striking out the words “April first, nineteen hundred and seventy-three” and inserting in place
525 thereof the following words:- May 17, 1975.

526 SECTION 32. Section 25 of chapter 175 of the acts of 1998 is hereby amended by
527 striking out the figure “2010”, inserted by section 78 of chapter 123 of the acts of 2006, and
528 inserting in place thereof the following figure:- 2012.

529 SECTION 33. Section 2 of chapter 441 of the acts of 2002 is hereby amended by striking
530 out, in lines 7 and 8, the words “for a term not to exceed 30 years” and inserting in place thereof
531 the following words:- or its successors and assigns, for a term, including any extensions, not to
532 exceed 60 years.

533 SECTION 34. Said chapter 441 is hereby further amended by adding the following
534 section:-

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

543 SECTION 35. Section 304 of chapter 149 of the acts of 2004 is hereby amended by
544 striking out, in line 16, the word "February" and inserting in place thereof the following word:-
545 April.

546 SECTION 35A. Item 7007-0932 of section 2A of chapter 123 of the acts of 2006 is
547 hereby amended by striking out the words “\$4,000,000 may be used for construction and

548 equipment in the former cafeteria of the Wheatley building, and not more than \$1,000,000 may
549 be used for start-up and operating expenses; provided further, that the funds shall not be
550 available for faculty salaries; provided further, that the funds shall be available through June 30,
551 2010” and inserting in place thereof the following words:- \$3,700,000 may be used for
552 construction and equipment in the former cafeteria of the Wheatley building and not more than
553 \$1,300,000 may be used for start-up and operating expenses; provided further, that the funds
554 shall not be available for faculty salaries; provided further, that the funds shall be available
555 through June 30, 2011.

556 SECTION 36. Item 0699-0015 of section 2 of chapter 27 of the acts of 2009 is hereby
557 amended by striking out the figure “\$1,804,013,573” and inserting in place thereof the following
558 figure:- \$1,799,564,198.

559 SECTION 37. Said section 2 of said chapter 27 is hereby further amended by striking
560 out item 0699-0016.

561 SECTION 38. Item 0699-2004 of said section 2 of said chapter 27 is hereby amended by
562 striking out the figure “\$91,719,000” and inserting in place thereof the following figure:-
563 \$82,980,442.

564 SECTION 39. Item 1108-5400 of said section 2 of said chapter 27 is hereby amended by
565 striking out the figure “\$77,844,056” and inserting in place thereof the following figure:-
566 \$76,129,566.

567 SECTION 40. Item 1599-1030 of said section 2 of said chapter 27 is hereby amended by
568 striking out the figure “\$2,263,600” and inserting in place thereof the following figure:-
569 \$963,600.

570 SECTION 41. Item 3000-4050 of section 2 of said chapter 27 is hereby amended by
571 striking out the words “30 days before the transfer; and provided further, that not more than 3”
572 and inserting in place thereof the following words:- 15 days before the transfer; and, provided,
573 further, that not more than 10.

574 SECTION 42. Item 3000-4060 of said section 2 of said chapter 27 is hereby amended by
575 striking out the words “30 days before the transfer; provided further, that not more than 3” and
576 inserting in place thereof the following words:- 15 days before the transfer; and, provided,
577 further, that not more than 10.

578 SECTION 43. Item 4000-0300 of said section 2 of said chapter 27 is hereby amended by
579 striking out the figure “\$95,375,349” and inserting in place thereof the following figure:-
580 \$94,825,349

581 SECTION 43A. Item 4000-0600 of said section 2 of said chapter 27 is hereby amended
582 by inserting after the word “consortia” the following words :- “; provided further, that the
583 secretary of health and human services shall issue a report to the house and senate committees on
584 ways and means not later than May 1, 2010, detailing the proposed disbursement of the
585 \$2,500,000 appropriated herein to the pre-admission counseling and assessment program, the
586 rationale for any delay in commencing and administering that program or for failing to
587 commence the program and disbursing any portion of the \$2,500,000 appropriated therefor”.

588 SECTION 43B. Item 4000-0700 of said section 2 of said chapter 27 is hereby amended
589 by inserting after the word “effectively” the following words:- “ and to maintain jobs and
590 programs critical to the health of the communities they serve; provided further, that the secretary
591 of health and human services shall disburse said \$20,000,000 not later than May 1, 2010.

592 SECTION 44. Item 4590-0915 of said section 2 of said chapter 27 is hereby amended by
593 striking out the figure “\$137,664,607” and inserting in place thereof the following figure:-

594 \$137,314,607

595 SECTION 45. Item 4800-0041 of said section 2 of said chapter 27 is hereby amended by
596 striking out the figure “\$223,569,417” and inserting in place thereof the following figure:-

597 \$220,569,417

598 SECTION 46. Item 7061-9010 of said section 2 of said chapter 27 is hereby amended by
599 striking out the figure “\$79,751,579” and inserting in place thereof the following figure:-

600 \$75,251,579

601 SECTION 47. Item 8100-0006 of said section 2 of said chapter 27 is hereby amended by
602 striking out the figure “\$19,000,000”, each time it appears, and inserting in place thereof the
603 following figure:- \$27,500,000.

604 SECTION 48. Item 8900-0010 of said section 2 of said chapter 27 is hereby amended by
605 adding the following words:- ; provided, that the commissioner of correction or the
606 commissioner’s designee shall determine the cost of manufacturing motor vehicle registration
607 plates and certify to the comptroller the amounts to be transferred from the Commonwealth
608 Transportation Fund to the General Fund.

609 SECTION 49. Item 8100-0002 of section 2B of said chapter 27 is hereby amended by
610 striking out the figure “\$6,481,785” and inserting in place thereof the following figure:-
611 \$20,000,000.

612 SECTION 50. Section 19 of chapter 61 of the acts of 2009, as amended by chapter 102
613 of the acts of 2009, is hereby further amended by adding the following subsection:-

614 (d) Notwithstanding any general or special law to the contrary, surviving spouses of
615 retired employees of the office of a transferred sheriff who are eligible for group insurance
616 coverage from the county at the time of transfer shall have that eligibility and coverage
617 transferred to the group insurance commission without restriction.

618 SECTION 51. Item 8000-0036 of section 2C.I of chapter 120 of the acts of 2009 is
619 hereby amended by striking out the figure “\$3,569,361” and inserting in place thereof the
620 following figure:- \$569,361.

621 SECTION 52. Section 9 of chapter 132 of the acts of 2009 is hereby amended by striking
622 out the second paragraph and inserting in place thereof the following paragraph:-

623 The secretary of veterans’ services shall adopt rules and regulations necessary for the
624 implementation of this section to the degree necessary to achieve maximum federal financial
625 participation within 180 days after the effective date of this act. The request for proposals shall
626 be issued within 90 days of such rules and regulations being adopted. The department of
627 veterans’ services may determine that no proposals are responsive or may determine that no
628 responsive proposals provide adequate value to the commonwealth. If the department of
629 veterans’ services determines that no proposals are responsive or no responsive proposals
630 provide adequate value to the commonwealth, the department shall notify the general court of the
631 reasons for such findings in writing within 60 days of such decision. All actions relative to
632 requests for proposals under this section shall comply with sections 52 to 55, inclusive, of
633 chapter 7 of the General Laws.

634 SECTION 53. Chapter 167 of the acts of 2009 is hereby amended by striking out
635 sections 16 to 23, inclusive, and inserting in place thereof the following 8 sections:-

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

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

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

652 Section 19. Notwithstanding any general or special law or rule or regulation to the
653 contrary, the greyhound meeting licensee located in Bristol county and the greyhound meeting
654 licensee located in Suffolk county shall, unless otherwise provided in this act, be subject to

655 chapter 128A of the General Laws, chapter 128C of the General Laws and chapter 139 of the
656 acts of 2001.

657 Section 20. Notwithstanding any general or special law or rule or regulation to the
658 contrary, there shall be a Racing Stabilization Fund that shall be administered by the
659 undersecretary for consumer affairs and business regulation within the executive office of
660 housing and economic development. The fund shall consist of all revenues dedicated pursuant to
661 this act. In fiscal year 2010, the undersecretary shall transfer from the fund an amount not less
662 than \$300,000 to the department of public health for a compulsive gamblers' treatment program.
663 Not more than \$300,000 may be expended to assist efforts to secure alternative employment and
664 retraining opportunities for displaced workers impacted by the passage of chapter 388 of the acts
665 of 2008. The state racing commission, or a successor agency, shall report to the undersecretary,
666 the executive office for administration and finance and the house and senate committees on ways
667 and means not later than the last day of each month, of the projected program revenue, program
668 expenses and operating costs associated with overseeing simulcasting through July 31, 2010. In
669 the event of a deficit, the undersecretary may transfer from the fund an amount not to exceed
670 \$100,000 for the operating costs of the commission. Any balance in the fund at the end of the
671 fiscal year shall not revert to the General Fund; provided, however, that the undersecretary shall
672 distribute to owners and lessees of greyhound dogs who have raced in calendar year 2009 for the
673 humane care, maintenance and adoption of those greyhound dogs, a sum equal to 1 per cent of
674 the total amount wagered at each racing meeting licensee within the commonwealth acting as a
675 guest track and simulcasting a live greyhound race from a host track from outside the
676 commonwealth; provided, however, that before any such amount is distributed, the
677 undersecretary shall develop a method and criteria by which to distribute such funds in an

678 equitable manner among dog owners. The undersecretary shall distribute to kennel owners who
679 housed greyhound dogs who have raced in calendar year 2009 for the humane care, maintenance
680 and adoption of those greyhound dogs, a sum equal to 1.5 per cent of the total amount wagered at
681 each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a
682 live greyhound race from a host track from outside commonwealth; provided, however, that
683 before any amount is distributed, the undersecretary shall develop a method and criteria by
684 which to distribute such funds in an equitable manner among kennel owners; and provided
685 further, the undersecretary shall begin payments to kennel owners in January 2010. Such
686 payments shall be paid on a biweekly basis beginning on January 4, 2010.

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

695 Section 22. Notwithstanding any general or special law to the contrary, the greyhound
696 meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk
697 county shall report monthly to the state racing commission, or a successor agency, on their net
698 and gross revenue, including an itemization of premiums received, fees received and any
699 amounts dedicated to purse accounts, the Greyhound Capital Improvements Trust Fund and the
700 Greyhound Promotional Trust Fund. The report shall include the number of part-time and full-

701 time staff employed by the licensees at the close of the previous month. The report shall also
702 include the total amount of premiums paid to the harness horse meeting licensees located in
703 Norfolk county and the running horse meeting licensee located in Suffolk county. Failure to file
704 the report on the tenth day of each month shall be cause for suspension of the greyhound meeting
705 license. The state racing commission, or a successor agency, shall forward all such reports to the
706 house and senate committees on ways and means, the joint committee on economic development
707 and emerging technologies and the joint committee on labor and workforce development. The
708 greyhound meeting licensee located in Bristol county and the greyhound meeting licensee
709 located in Suffolk county shall also prepare a report of all funds received and disbursed for
710 calendar years 2008 and 2009. The report shall also be filed with the state racing commission, or
711 a successor agency, not later than June 30, 2010, and the state racing commission shall forward
712 the reports to the house and senate committees on ways and means, the joint committee on
713 economic development and emerging technologies and the joint committee on labor and
714 workforce development.

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

724 implement this section and submit a copy of the plan to the house and senate committees on
725 ways and means, the joint committee on economic development and emerging technologies and
726 the joint committee on labor and workforce development not later than July 31, 2010.

727 SECTION 55. Chapter 3 of the resolves of 2008 is hereby amended, by striking out the
728 words “120 days after the first meeting of the commission” and inserting in place thereof the
729 following words:- May 3, 2010.

730 SECTION 55A. Notwithstanding any general or special law to the contrary, the
731 department of transitional assistance may amend its supplemental nutrition assistance program
732 outreach plan, in this section referred to as SNAP, to include SNAP application assistance and
733 retention activities conducted by community-based organizations or other state agencies;
734 provided, however, that the department may maximize federal reimbursement from the United
735 States Department of Agriculture for funds identified by community-based organizations for
736 SNAP application assistance and retention activities, including assistance and retention activities
737 funded through private, state or community development block grants; and provided further, that
738 the department may provide the federal reimbursements identified for SNAP outreach efforts to
739 state agencies and departments and community-based organizations engaged in outreach efforts
740 and for the administrative costs incurred by an agency, department or organization in claiming
741 the federal reimbursements or processing additional SNAP applications.

742 SECTION 56. Notwithstanding any general or special law to the contrary, the
743 commissioner of agricultural resources shall award funds in the Greyhound Adoption Trust Fund
744 established in section 65 of chapter 10 of the General Laws that are not obligated as of December
745 31, 2009, to eligible adoption and rescue organizations within the commonwealth for the care

746 and adoption of retired greyhound track dogs that have schooled or raced at a greyhound
747 racetrack in the commonwealth.

748 SECTION 57. During fiscal year 2010, appropriations or transfers may be made from the
749 Commonwealth Transportation Fund established in section 2ZZZ of chapter 29 of the General
750 Laws in anticipation of revenue.

751 SECTION 58. Notwithstanding any general or special law to the contrary, the
752 comptroller shall not make the transfer of funds to the Central Artery and Statewide Road and
753 Bridge Infrastructure Fund for fiscal year 2009 as otherwise required by section 63 of chapter 10
754 of the General Laws, section 33 of chapter 90 of the General Laws and section 15 of chapter 87
755 of the General Laws.

756 SECTION 59. Notwithstanding any general or special law to the contrary, the secretary
757 of health and human services, with the written approval of the secretary of administration and
758 finance, may authorize transfers from items 4000-0430, 4000-0700, 4000-0870, 4000-0875,
759 4000-0880, 4000-0890, 4000-0895, 4000-0990, 4000-1400, 4000-1405 and 4000-1420 of section
760 2 of chapter 27 of the acts of 2009 to items 4000-0500 and 4000-0600 of said section 2 for the
761 purpose of reducing any deficiency in item 4000-0500 or 4000-0600; provided, that any such
762 transfer shall take place not later than August 31, 2010; and provided further, that the secretary
763 of health and human services, in conjunction with the secretary of administration and finance,
764 shall notify the house and senate committees on ways and means in writing within 30 days of
765 any such transfer.

766 SECTION 60. Notwithstanding any general or special law to the contrary, the amount to
767 be transferred from the Commonwealth Transportation Fund to the Massachusetts Transportation

768 Trust Fund pursuant to section 156 of chapter 25 of the acts of 2009 shall not exceed
769 \$132,946,908 for fiscal year 2010 unless the secretary of administration and finance requests in
770 writing that the comptroller increase that amount based on the availability of funds in the
771 Commonwealth Transportation Fund. The comptroller shall transfer not later than June 30,
772 2010, the remaining balance in the Commonwealth Transportation Fund to the General Fund to
773 cover transportation-related expenses made from the General Fund appropriations during fiscal
774 year 2010.

775 SECTION 61. Notwithstanding any general or special law to the contrary, in
776 determining the amount of assets of the State-Boston retirement system to be transferred to the
777 Pension Reserves Investment Trust Fund, pursuant to paragraph (a) of subdivision (1) of section
778 23 of chapter 32 of the General Laws, the initial percentage of assets attributable to teachers who
779 are members of that system shall be that which is set forth in the actuarial valuation of the State-
780 Boston retirement system as of January 1, 2008, and approved by the actuary. This percentage
781 shall be applied to the total assets of the system on a market value basis and the amount
782 attributable to teachers shall be calculated as of the end of the month preceding the date of the
783 initial transfer of assets. If all assets attributable to teachers who are members of this system, as
784 determined above, are not transferred in the initial transfer, the remaining amount of assets shall
785 be determined by subtracting from the total percentage of assets to be transferred set forth in the
786 actuarial valuation the percentage of assets previously transferred and applying that percentage to
787 the market value of the assets of the system as of the end of the month preceding the date of the
788 subsequent transfer. Any remaining amounts to be transferred shall be determined in the same
789 manner until the percentage is zero. The State-Boston retirement system shall report to the
790 actuary, and the actuary shall approve the calculation made under this section at the time of each

791 transfer. Transfer of 90 per cent of the assets attributable to teachers under this section shall be
792 completed within 24 months after the effective date of this. Transfer of all assets attributable to
793 teachers under this section shall be completed within 48 months after the effective date of this act
794 unless the secretary of administration and finance authorizes a later date for the completion of
795 the asset transfer.

796 SECTION 61A. Notwithstanding clause (6) of section 5 of chapter 161D of the General
797 Laws or any other general or special law to the contrary, the Massachusetts Department of
798 Transportation shall extend the term of the intercity bus capital assistance program vehicle lease
799 and maintenance agreement of November 1997 for a term not to exceed 3 years.

800 SECTION 62. Section 6 shall apply to the comptroller's certification as required in
801 subsection (b) of section 35T of chapter 10 of the General Laws, beginning March 1, 2010.

802 SECTION 63. Sections 12 and 13 shall take effect on July 1, 2010, and the final
803 reimbursement by the commonwealth under paragraph (c) of subdivision (2) of section 20 of
804 chapter 32 of the General Laws shall be in accordance with said paragraph (c) of said subdivision
805 (2) of said section 20 of said chapter 32 in all respects except that the payment shall be made
806 directly to the State-Boston retirement system and applied in accordance with the most recent
807 funding schedule approved by the state actuary under section 22 of said chapter 32. The funds
808 for the final reimbursement under said paragraph (c) of said subdivision (2) of said section 20 of
809 said chapter 32 shall be paid from monies transferred from the General Fund by the comptroller
810 to the teachers' retirement system to meet the system's fiscal year 2010 pension obligation in
811 accordance with subdivision (1) of section 22C of said chapter 32. That payment shall be a

812 reimbursement for fiscal year 2009 city of Boston teacher pension benefits paid by the State-
813 Boston retirement system.

814 SECTION 64. Section 27 shall take effect on July 1, 2010.