

SENATE No. 2112

[Senate, January 19, 2012 – Text of the Senate Bill making appropriations for fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (being the text of Senate, No. 2108, printed as amended).]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2012 and to make certain changes in law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2012, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2012. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

SECTION 2.

JUDICIARY

Massachusetts Legal Assistance Corporation

11	0321-1600	\$1,000,000
12	SECRETARY OF THE COMMONWEALTH	
13	<i>Office of the Secretary of the Commonwealth</i>	
14	0521-0000	\$101,125
15	TREASURER AND RECEIVER GENERAL	
16	<i>Office of the Treasurer and Receiver General</i>	
17	0612-0105	\$200,000
18	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE	
19	<i>Group Insurance Commission</i>	
20	1108-5201	\$989,250
21	<i>Appellate Tax Board</i>	
22	1310-1000	\$275,000
23	<i>Reserves</i>	
24	1599-0026	\$1,000,000
25	1599-1705	\$353,000
26	1599-1709	\$350,258
27	1599-4430	\$5,100,000
28	EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS	
29	<i>Office of the Secretary</i>	
30	2000-0100	\$962,000
31	2030-1000	\$727,850
32	<i>Department of Agricultural Resources</i>	
33	2511-0100	\$34,361

34	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES	
35	<i>Department of Veterans Services</i>	
36	1410-0010	\$10,000
37	<i>Office of the Secretary</i>	
38	4000-0600	\$35,000,000
39	<i>Department of Youth Services</i>	
40	4200-0100	\$600,000
41	4200-0300	\$1,100,000
42	<i>Department of Transitional Assistance</i>	
43	4403-2119	\$140,000
44	EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT	
45	<i>Department of Housing and Community Development</i>	
46	7004-0099	\$10,000
47	7004-0102	\$230,000
48	EXECUTIVE OFFICE OF EDUCATION	
49	<i>Department of Higher Education</i>	
50	7066-0021	\$1,800,000
51	EXECUTIVE OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY	
52	<i>Department of Criminal Justice Information Services</i>	
53	8000-0110	\$150,000
54	<i>Office of the Chief Medical Examiner</i>	
55	8000-0122	\$140,000
56	<i>Massachusetts Emergency Management Agency</i>	

57	8800-0001	\$150,000
58	<i>Department of Correction</i>	
59	8900-0010	\$1,022,263
60	SHERIFFS	
61	<i>Hampden Sheriff's Department</i>	
62	8910-0102	\$1,811,152
63	<i>Worcester Sheriff's Department</i>	
64	8910-0105	\$693,920
65	<i>Middlesex Sheriff's Department</i>	
66	8910-0107	\$4,699,590
67	<i>Hampshire Sheriff's Department</i>	
68	8910-0110	\$960,444
69	<i>Berkshire Sheriff's Department</i>	
70	8910-0145	\$1,410,841
71	<i>Franklin Sheriff's Department</i>	
72	8910-0108	\$1,100,000
73	<i>Essex Sheriff's Department</i>	
74	8910-0619	\$1,459,679
75	<i>Barnstable Sheriff's Department</i>	
76	8910-8200	\$2,000,218
77	<i>Bristol Sheriff's Department</i>	
78	8910-8300	\$1,904,189
79	<i>Dukes Sheriff's Department</i>	

80 8910-8400\$183,204

81 *Norfolk Sheriff's Department*

82 8910-8600\$3,800,000

83 *Plymouth Sheriff's Department*

84 8910-8700\$1,743,757

85 *Suffolk Sheriff's Department*

86 8910-8800\$6,100,000

87 **SECTION 2A.** To provide for certain unanticipated obligations of the commonwealth,
88 to provide for an alteration of purpose for current appropriations, and to meet certain
89 requirements of law, the sums set forth in this section are hereby appropriated from the General
90 Fund unless specifically designated otherwise in this section, for the several purposes and subject
91 to the conditions specified in this section, and subject to the laws regulating the disbursement of
92 public funds for the fiscal year ending June 30, 2012. These sums shall be in addition to any
93 amounts previously appropriated and made available for the purposes of those items.

94 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

95 *Reserves*

96 1599-4282 To provide for certain collective bargaining costs, including the costs of salary
97 adjustments and other economic benefits authorized by the collective bargaining agreements
98 between the Commonwealth of Massachusetts and the Service Employees International Union,
99 Local 509, Units 8 and 10 for fiscal year 2012 \$2,893,000

100 1599-4380 For a reserve to support information technology requirements and improve
101 information technology infrastructure at state agencies and departments; provided, that the
102 secretary of administration and finance, in consultation with the chief information officer of the

commonwealth, may transfer amounts from this account to items 1100-1700, 2000-1700, 4000-1700, 7002-0017, 7009-1700 and 8000-1700; provided further, that in making such transfers, the secretary shall prioritize maintaining existing information technology capacity and necessary improvements to address data security and data access; and provided further, that within 30 days of any transfers from this fund the secretary shall report to the house and senate committees on ways on: (1) the amounts transferred from this account by line item; and (2) the methodology used to determine transfers from this account \$20,420,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Division of Healthcare Finance and Policy

4100-0062 For the division of health care finance and policy, which may expend for the migration of health safety net claims adjudication to the executive office of health and human services through its MMIS system and for the maintenance of that claims adjudication, an amount equal to the amount of federal financial participation received by the commonwealth for such activities, not to exceed \$6,000,000; provided, that the federal revenue received for such expenditures shall be deposited in the General Fund and an amount equal to such revenue shall be transferred into this account; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses in anticipation of revenue, after written approval from the secretary of administration and finance, and the comptroller shall certify for payment, amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system\$6,000,000

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

Department of Housing and Community Development

7004-1000 For a state supplement to the federal Low Income Home Energy Assistance Program
42 U.S.C. section 8621 et seq., to assist low-income elders, working families and other
households with the purchase of heating oil, propane, natural gas, electricity and other primary or
secondary heating sources; provided, that expenditure of these supplemental funds shall be made
in accordance with the state plan submitted by the department of housing and community
development for operation of the fiscal year 2012 program, in accordance with federal law;
provided further, that the department shall establish the maximum assistance for which a
household shall be eligible commensurate with the increased funding provided in this item; and
provided further, that any federal funds received for fiscal year 2012 for the Low Income Home
Energy Assistance Program that exceed \$163,776,315, shall be used to reimburse the state for
expenditures made under this item, up to the amount appropriated herein\$21,187,407

SECTION 3. Section 172 of chapter 6 of the General Laws is hereby amended by inserting
after the word “more”, in line 184, as appearing in the 2010 Official Edition, the following words:- , for
10 years following the disposition thereof, including termination of any period of incarceration or
custody.

SECTION 3A. The first paragraph of section 27C of chapter 9 of the General Laws, as so
appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof
the following 3 sentences:- If a determination of adverse effect has been made on any property,
site or structure listed in the state register of historic places, the state body undertaking the
project or the private entity proposing the project shall adopt all prudent and feasible means to
eliminate, minimize or mitigate the adverse effects. If a determination of adverse effect has been
made on any property, site or structure not listed in the state register of historic places, the state
body undertaking the project or the private entity proposing the project shall consider, but need
not adopt, the commission’s recommendations to eliminate, minimize or mitigate any adverse

effects the commission has determined to exist, if such recommendations are issued within 30 days of such determination. Under no circumstances shall such a state body or private entity be required to adopt the commission's recommendations relative to a site or structure not listed in the state register of historic places.

SECTION 3B. Section 35T of chapter 10 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

(c) No new commuter line service shall be created until a plan is submitted to the general court describing the administration's plan to pay for the proposed expansion and how such expansion will affect existing services and infrastructure.

SECTION 4. Section 1 of chapter 29 of the General Laws, as so appearing, is hereby amended by inserting after the figure "131", in line 37, the following words:- and section 35NN of chapter 10.

SECTION 5. Section 3 of chapter 30A of the General Laws, as so appearing, is hereby amended by striking out, in lines 24 to 30, inclusive, the words "The notice shall also include a small business impact statement considering the impact of the proposed action on small businesses with the state secretary. Notwithstanding the provisions of section 6, the state secretary shall include the small business impact statement on the electronic website of the state secretary; provided, however, that the full text of the small business impact statement may be inspected and copied in the office of the state secretary during business hours." and inserting in place thereof the following words:-

A small business impact statement shall be filed with the state secretary on the same day the notice is filed and shall accompany the notice. Notwithstanding section 6, the state secretary shall include the small business impact statement on the electronic website of the state secretary,

and the statement may be inspected and copied in the office of the state secretary during business hours.

SECTION 6. Paragraph (g ³/₄) of subdivision (1) of [section 4 of said chapter 32](#), inserted by section 10 of chapter 176 of the acts of 2011, is hereby amended by striking out the words “retired member of the Boston Teachers Retirement System” and inserting in place thereof the following words:- member who retired as a teacher from the State-Boston retirement system.

SECTION 7. Paragraph (f) of subdivision (2) of [section 5 of said chapter 32](#), added by section 18 of said chapter 176, is hereby amended by striking out the word “excluding” and inserting in place thereof the following word:- from.

SECTION 8. Paragraph (ii) of subdivision (4) of said section 5 of said chapter 32, as amended by section 21 of said chapter 176, is hereby further amended by striking out the words “January 1” and inserting in place thereof the following words:- April 2.

SECTION 9. Section 15 of said chapter 32, as amended by section 31 of said chapter 176, is hereby further amended by adding the following subdivision:-

(7) In no event shall any member be entitled to receive a retirement allowance under sections 1 to 28, inclusive, which is based upon a salary that was intentionally concealed from or intentionally misreported to the commonwealth, or any political subdivision, district or authority of the commonwealth, as determined by the commission. If a member intentionally concealed compensation from or intentionally misreported compensation to an entity to which the member was required to report the compensation, even if the reporting was not required for purposes of calculating the member’s retirement allowance, the member’s retirement allowance shall be based only upon the regular compensation actually reported to that entity or the amount reported to the board, whichever is lower. Unless otherwise prohibited by law, such member shall receive

a return of any accumulated total deductions paid on amounts in excess of the compensation actually reported, but no interest shall be payable on the accumulated deductions returned to the member.

SECTION 10. The definition of “Services” in section 23B of chapter 32, as appearing in section 42 of said chapter 176, is hereby amended by inserting after the words “employment agreements” the following words:- , contingency fee agreements.

SECTION 11. Section 91 of said chapter 32 is hereby amended by striking out the word “ year”, as appearing in section 50 of said chapter 176, and inserting in place thereof the following words:- 12 months.

SECTION 12. Section 6 of chapter 32A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the second sentence the following 2 sentences:- For active and retired employees, their dependents and the survivors of deceased employees, including municipal subscribers, except as otherwise required by state or federal law, and except effective July 1 of any year, the commission shall not alter the schedule of copayments and deductibles for health plans, or alter any other terms relating to health plans which would require authorization by vote of the commissioners but, for health plans whose rates change on January 1 instead of July 1, the commission may make such changes effective January 1. If the governor reduces allotments to the commission under section 9C of chapter 29, the commission may make any necessary adjustments to account for the reduction, but the commission shall not alter the contribution ratios provided in the most recent applicable appropriation act.

217 **SECTION 13.** Clause (9) of section 8 of chapter 44 of the General Laws, as appearing
218 in section 3 of chapter 52 of the acts of 2011, is hereby further amended by striking out the
219 words “as determined by the director” and inserting in place thereof the following words:- or
220 such longer period not to exceed 10 years as determined by the director after taking into
221 consideration the ability of the city, town or district to provide other essential public services and
222 pay, when due, the principal and interest on its debts, the amount of federal and state payments
223 likely to be received for the purpose of the appropriations and such other factors as the director
224 may deem necessary or advisable.

225 **SECTION 14.** Section 4 of chapter 57 of the General Laws, as amended by section 1 of chapter
226 153 of the acts of 2011, is hereby further amended by striking out, under the caption “Plymouth”, the
227 words “*First Plymouth.* – Consisting of precincts 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 14 and 15, of the town of
228 Plymouth, in the county of Plymouth” and inserting in place thereof the following words:- *First*
229 *Plymouth.* – Consisting of precincts 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 14 and 15, of the town of Plymouth, in
230 the county of Plymouth.

231 **SECTION 15.** Said section 4 of said chapter 57, as so amended, is hereby further amended by
232 striking out, under the caption “Suffolk”, the words “*Seventh Suffolk.* – Consisting of precincts 8, 9, and
233 10 of ward 4, precincts 1, 2, 3, 4, 5 and 8 of ward 12, precincts 4 and 5 of ward 9, and precinct 1 of ward
234 21, of the city of Boston, in the county of Suffolk.” and inserting in place thereof the following words:-
235 Consisting of precincts 8, 9 and 10 of ward 4, sub-precinct 2A of ward 5, precincts 1, 2, 3, 4, 5 and 8 of
236 ward 12, precincts 4 and 5 of ward 9, and precinct 1 of ward 21 of the city of Boston, in the county of
237 Suffolk.

238 **SECTION 16.** Section 64 of chapter 143 of the General Laws is hereby amended by
239 striking out, in line 5, as so appearing, the word “shall” and inserting in place thereof the
240 following words:- , whether attached or detached shall.

SECTION 17. Chapter 176J of the General Laws is hereby amended by inserting after section 11 the following 2 sections:-

Section 11A. A select or limited network plan shall continue to provide coverage for medically necessary services that are part of the treatment program for a patient, prior to joining the select or limited network, undergoing an active course of treatment or follow-up treatment for a chronic disease at a comprehensive cancer center, pediatric hospital or pediatric specialty unit, as defined in section 1 of chapter 118G, that does not participate in the carrier's select or limited network plan.

For services provided under this section, reimbursement shall be based on median in-network rates of the specific provider in the carrier's private plans in a manner consistent with data filed by the carrier with the division of health care finance and policy or, if the specific provider does not participate in any other plan of the carrier, then based on negotiated rates. Patient cost-sharing responsibility for the services sought shall not exceed the lowest copayment obligation established by the carrier for the receipt of the services offered through the carrier's select or limited network.

Section 11B. Patients receiving an active course of treatment or follow-up treatment for a chronic disease at a comprehensive cancer center, pediatric hospital or pediatric specialty unit, as defined in section 1 of chapter 118G, prior to joining a tiered network, shall not pay an amount for patient cost-sharing responsibility that exceeds the cost-sharing tier with the second highest patient cost-sharing responsibility.

SECTION 18. Section 11A of said chapter 176J, inserted by section 17, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

For an insured member who is receiving an active course of treatment or follow up treatment for a chronic disease and is newly enrolled in a select or limited network plan, the carrier shall provide coverage for those medically necessary services that are part of that treatment program provided by a health care provider not participating in a carrier's plan pursuant to section 11 for the duration of that treatment if: (1) the insured's employer only offers the insured a choice of plans in which the provider is not a participant; (2) the provider is a comprehensive cancer center, pediatric hospital or pediatric specialty unit as defined in section 1 of chapter 118G; and (3) the provider is providing the insured with an ongoing course of treatment not otherwise available in-network.

SECTION 19. Section 11B of chapter 176J of the General Laws is hereby repealed.

SECTION 20. Chapter 176J of the General Laws is hereby amended by inserting after section 13 the following 2 sections:-

Section 14. If a medically necessary and covered service is not available to a member within the carrier's provider network, the carrier shall cover the services out-of-network for as long as the service is unavailable in-network.

Section 15. Any insurer offering a tiered network plan shall clearly and conspicuously indicate in all promotional and agreement materials, the cost-sharing differences for enrollees in the various tiers. The division of insurance shall promulgate regulations for determining what constitutes clear and conspicuous and the potential cumulative effects of these differences.

SECTION 21. Section 25 of chapter 175 of the acts of 1998 is hereby repealed.

SECTION 22. The last paragraph of section 22 of chapter 61 of the acts of 2009 is hereby amended by striking out the words “January 2, 2012”, inserted by section 4 of chapter 52 of the acts of 2011, and inserting in place thereof the following words:- April 30, 2012.

SECTION 23. Section 2 of chapter 131 of the acts of 2010 is hereby amended by striking out item number “8400-0100” and inserting in place thereof the following item number:- 8400-0101.

SECTION 24. Item 1599-1705 in section 2 of chapter 52 of the acts of 2011 is hereby amended by adding the following words:- provided further, that \$353,000 shall be expended for reimbursements to school districts for education transportation cost increases due to the tornado;.

SECTION 25. Item 1108-5201 in section 2 of chapter 68 of the acts of 2011 is hereby amended by striking out the figure “\$1,028,612”, each time it appears, and inserting in place thereof, in each instance, the following figure:- \$2,017,862.

SECTION 26. Item 1410-0010 of said section 2 of said chapter 68 is hereby amended by inserting after the words “department of veterans’ services” the following words:- ; provided, that not less than \$10,000 shall be expended for the Korean War memorial located in the Charlestown Navy Yard.

SECTION 27. Item 1595-6379 of said section 2 of said chapter 68 is hereby amended by striking out the figure “\$7,806,972”, each time it appears, and inserting in place thereof, in each instance, the following figure:- \$8,808,113.

SECTION 28. Item 1599-0026 of said section 2 of said chapter 68 is hereby amended by inserting after the words “aid share for fiscal year 2012” the following words:- ; provided further,

that not less than \$1,000,000 shall be expended to fund a pilot program in Norfolk County, including projects of regionalized county government services.

SECTION 29. Item 2000-0100 of section 2 of said chapter 68 is hereby amended by striking out the words “than \$150,000 for a program of collaborative research with academic institutions that apply satellite and other technologies in an innovative manner to an existing methodological model previously used in other fisheries to assess the biomass of groundfish in the region managed by the New England Fishery Management Council; provided further, that the executive office shall execute a memorandum of agreement with any such academic institution not later than 30 days after the effective date of this act; and provided further, that the memorandum shall require the timely production of information for use in the fisheries management process” and inserting in place thereof the following words:- than \$1,112,000 for a program of collaborative research with the Massachusetts Maritime Academy that applies sonar technology over significant surface area of the ocean to assess the biomass of groundfish in the region managed by the New England Fishery Management Council.

SECTION 30. Item 7004-0099 of said section 2 of said chapter 68 is hereby amended by adding the following words:- ; and provided further, that not more than \$10,000 shall be expended on funding the scouting and community center project identified in item 7003-0702 of section 2 of chapter 182 of the acts of 2008.

SECTION 31. Item 7004-0101 of said section 2 of said chapter 68 of the acts of 2011, as appearing in section 6 of chapter 171 of the acts of 2011, is hereby amended by striking out the words “families who appear to be ineligible” and inserting in place thereof the following words:- families who appear to be eligible.

SECTION 32. Said item 7004-0101 of said section 2 of said chapter 68, as appearing in said section 6, is hereby further amended by striking out the words “or policy affecting eligibility, benefits or administration of this program” and inserting in place thereof the following words:-, administrative practice or policy that would alter eligibility for or the level of benefits under this program, other than that which would benefit the clients.

SECTION 33. Item 7004-0108 of said section 2 of said chapter 68, as appearing in section 7 of said chapter 171 is hereby amended by striking out the last proviso and inserting in place thereof the following clause:- provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating or amending any regulations, administrative practice or policy that would alter eligibility for or the level of benefits under this program, other than that which would benefit the clients, the department shall file with the house and senate committees on ways and means and the clerks of the senate and house of representatives a report setting forth justification for said changes, including but not limited to any determination by the secretary of housing and economic development that available appropriations from the program will be insufficient to meet projected expenses;.

SECTION 34. Said section 2 of said chapter 68 is hereby further amended by striking out item number “7007-0951” and inserting in place thereof the following item number:- 7007-0952.

SECTION 35. Item 8000-0122 of said section 2 of said chapter 68 is hereby amended by striking out the figure “\$1,860,000”, each time it appears, and inserting in place thereof, in each instance, the following figure:- \$2,000,000.

SECTION 36. Item 8910-8310 of said section 2 of said chapter 68 is hereby amended by striking out the words “For the Bristol sheriff’s office, which may expend for the operation of the office an amount not to exceed \$8,460,000 from revenues received from federal inmate reimbursements” and inserting in place thereof the following words:- For the operation of the Bristol sheriff’s office; provided that the office may expend an amount not to exceed \$7,710,000 from revenues received from federal reimbursements;

SECTION 37. Item 8910-8710 of said section 2 of said chapter 68 is hereby amended by striking out the words “For the Plymouth sheriff’s office, which may expend for the operation of the office an amount not to exceed \$16,000,000 from revenues received from federal inmate reimbursements” and inserting in place thereof the following words:- For the operation of the Plymouth sheriff’s office; provided that the office may expend an amount not to exceed \$13,500,000 from revenues received from federal reimbursements;

SECTION 38. Subsection (c) of chapter 87 of the acts of 2011 is hereby amended by striking out the words “December 31, 2011” and inserting in place thereof the following words:- July 1, 2012.

SECTION 39. Chapter 153 of the Acts of 2011 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. Notwithstanding the provisions of any general or special law to the contrary, for the purpose of electing representatives in the general court as provided in section 1, the election commissioners for the city of Boston shall include census blocks census blocks 0102032000, 0102032001, 0102032004, 0102032005, 0102033000, 0102033001, 0102033002, 0102033003, and 0102033004 in sub-precinct 2A of ward 5. Notwithstanding any general or

special law to the contrary, the city of Boston shall divide precinct 2 of ward 5 along the representative district boundary into 2 sub-precincts. If the polling place for a sub-precinct established under this act is located in the same building as for an existing precinct, no additional election officers need be appointed for such sub-precinct.

SECTION 40. Item 1599-1709 of section 2 of chapter 171 of the acts of 2011 is hereby amended by adding the following words:- ; and provided further, that funds shall be transferred to reimburse the town of Hawley for costs associated with repairs necessary on account of the flooding of the Chickley river due to tropical storm Irene.

SECTION 41. Section 6 of chapter 176 of the acts of 2011 is hereby repealed.

SECTION 42. The last paragraph of section 56 of chapter 176 of the acts of 2011 is hereby amended by striking out the words “April 15, 2012” and inserting in place thereof the following words:- November 30, 2012.

SECTION 43. The last paragraph of section 58 of said chapter 176 is hereby amended by striking out the words “March 1, 2012” and inserting in place thereof the following:- November 30, 2012.

SECTION 44. Subsection (6) of section 60 of said chapter 176 is hereby amended by striking out the words “ paragraph (4)” and inserting in place thereof the following words:- subsection (5).

SECTION 45. Section 91 of chapter 142 of the acts of 2011, is hereby further amended by striking out the last sentence and inserting in place thereof the following 2 sentences:-

390 The commission shall report to the general court the results of its investigation and study
391 and its recommendations, if any, by filing the same with the clerks of the senate and house of
392 representatives not later than July 31, 2012. The commission shall continue to meet on a
393 quarterly basis thereafter, to monitor progress on the subject and to determine whether further
394 action may be required to implement the results of its investigation and study.

395 **SECTION 46.** Notwithstanding any general or special law, rule or regulation to the contrary, the
396 division of insurance shall conduct a review into the network adequacy and cost and quality-effectiveness
397 of insurance products pursuant to section 11 of chapter 176J of the General Laws for the health care needs
398 of children and the health care needs of cancer patients. The division shall promulgate regulations to
399 ensure the needs of children and cancer patients are being met, consistent with cost and quality goals, and
400 shall submit an report of its actions and potential legislative actions to the house and senate committees
401 on ways and means and the joint committee on health care financing by December 31, 2012.

402 **SECTION 47.** The salary adjustments and other cost items authorized by the following 2011
403 amendments to collective bargaining agreements, for the period from July 1, 2011, to June 30, 2014, shall
404 be effective for the purpose of section 7 of chapter 150E of the General Laws:

405 (a) between the commonwealth and National Association of Government Employees
406 for units 1, 3 and 6;

407 (b) between the commonwealth and Alliance/AFSCME for unit 2;

408 (c) between the commonwealth and the New England Police Benevolent Association
409 for unit 4A;

410 (d) between the Essex sheriff and the International Brotherhood of Correction
411 Officers Local R1-71; and

412 (e) between the Plymouth sheriff and Massachusetts Correctional Officers Federated
413 Union Bureau of Criminal Investigation.

414 **SECTION 48.** Notwithstanding section 14 of chapter 151A of the General Laws, for calendar
415 year 2012, the experience rate of an employer qualifying therefor under subsection (b) of said section 14
416 of said chapter 151A shall be the rate which appears in column “E” in clause (1) of subsection (i) of said
417 section 14 of said chapter 151A.

418 **SECTION 49.** Notwithstanding any general or special law to the contrary, the
419 comptroller shall transfer within 10 days of the effective date of this act \$612,893 and the
420 accrued interest on that amount as determined by the comptroller, from the General Fund or from
421 other funds of the Commonwealth to the Marine Recreational Fisheries Development Fund
422 established in section 35NN of chapter 10 of the General Laws.

423 **SECTION 49.** The executive office of housing and economic development shall analyze
424 and project the costs and expenditures associated with the low income home energy assistance
425 program for fiscal year 2012 and shall submit a report to the general court which shall include,
426 but not be limited to: (i) the disbursement of available state and federal funds for heat and energy
427 assistance prior to the implementation of this act; (ii) the projected funding needs for the
428 program for the remainder of the fiscal year; and (iii) the determination of whether current
429 appropriations and anticipated federal funds are currently sufficient to meet the resident demand
430 for assistance from this program.

431 The executive office shall submit a report to the executive office for administration and
432 finance, the house and senate committees on ways and means and the clerks of the house and the
433 senate on or before March 31, 2012.

434 SECTION 49B. Section 3A shall apply to projects to which the Massachusetts historical
435 commission has received notice under section 27C of chapter 9 of the General Laws before the
436 effective date of this act and which are not listed in the state register of historic places.

437 **SECTION 50.** Section 9 shall apply to any member under chapter 32 of the General
438 Laws for whom a retirement allowance has not been finally approved before the effective date of
439 this act.

440 **SECTION 51.** Section 6 and 11 shall take effect on April 2, 2012.

441 **SECTION 52.** Sections 7 to 10, inclusive, and 42 to 44, inclusive, shall take effect on
442 February 13, 2012.

443 **SECTION 53.** Section 14 shall take effect as of November 3, 2011.

444 **SECTION 54.** Section 16 shall apply to all certificates of approval granted within 12
445 months prior to the effective date of this act.

446 **SECTION 55.** Sections 18 and 19 shall take effect on July 31, 2013.

447 **SECTION 56.** Section 48 shall take effect as of January 1, 2012.