

SENATE No. 2493

Senate, April 26, 2018 – Text of the Senate amendment to the House Bill making appropriations for the fiscal year 2018 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4382)

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

1 SECTION 1. To provide for supplementing certain items in the general appropriation act
2 and other appropriation acts for fiscal year 2018, the sums set forth in section 2 are hereby
3 appropriated from the General Fund unless specifically designated otherwise in this act or in
4 those appropriation acts, for the several purposes and subject to the conditions specified in this
5 act or in those appropriation acts and subject to the laws regulating the disbursement of public
6 funds for the fiscal year ending June 30, 2018. These sums shall be in addition to any amounts
7 previously appropriated and made available for the purposes of those items.

8 SECTION 2.

JUDICIARY

Board of Bar Examiners

11 0321-0100\$25,000

DISTRICT ATTORNEYS

Northwestern District Attorney

14 0340-0600\$468,000

Norfolk District Attorney

16 0340-0700\$174,404

17		OFFICE OF THE SECRETARY OF STATE	
18		<i>Office of the Secretary of State</i>	
19	0521-0000	.....	\$276,514
20		OFFICE OF THE INSPECTOR GENERAL	
21		<i>Office of the Inspector General</i>	
22	0910-0210	.....	\$50,000
23		EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE	
24		<i>Reserves</i>	
25	1599-3384	.....	\$12,000,000
26	1599-3856	.....	\$400,000
27		EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS	
28		<i>Office of the Secretary of Energy and Environmental Affairs</i>	
29	2030-1004	.....	\$37,000
30		<i>Department of Conservation and Recreation</i>	
31	2820-0101	.....	\$157,396
32		EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES	
33		<i>Office of the Secretary</i>	
34	4000-0700	.....	\$1,000,000
35		<i>Department of Public Health</i>	
36	4400-1001	\$2,150,000
37	4513-1012	\$600,000
38	4513-1130	\$100,000
39	4590-0912	\$1,000,000
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41		<i>Department of Transitional Assistance</i>	
42	4403-2000	\$25,633,697
43		<i>Department of Children and Families</i>	
44	4800-0200	\$2,000,000
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46		<i>Department of Developmental Services</i>	
47	5911-1003	\$2,000,000
48		<i>Department of Veterans' Services</i>	
49	1410-0400	.....	\$5,300,000
50		EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT	
51		<i>Department of Housing and Community Development</i>	
52	7004-0101	.....	\$19,263,955
53		EXECUTIVE OFFICE OF EDUCATION	
54		<i>Department of Elementary and Secondary Education</i>	
55	7061-0012	.....	\$12,500,000
56	7061-9010	.....	\$4,000,000
57		EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY	
58		<i>Chief Medical Examiner</i>	
59	8000-0105	.....	\$233,566
60		<i>Military Division</i>	
61	8700-0001	.....	\$608,000
62		<i>Department of Correction</i>	
63	8900-0001	.....	\$4,450,000
64	8900-0010	.....	\$567,079
65		<i>Parole Board</i>	
66	8950-0001	.....	\$502,400

67 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
68 provide for alterations of purpose for current appropriations and to meet certain requirements of
69 law, the sums set forth in this section are hereby appropriated from the General Fund unless
70 specifically designated otherwise in this section, for the several purposes and subject to the
71 conditions specified in this section and subject to the laws regulating the disbursement of public
72 funds for the fiscal year ending June 30, 2018.

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CANNABIS CONTROL COMMISSION

Cannabis Control Commission

1070-0841 For the implementation of section 51 of chapter 55 of the acts of 2017.....\$2,000,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Reserves

1599-0014 For a reserve to fund the costs associated with assisting the residents of Puerto Rico or the United States Virgin Islands who have arrived in the commonwealth due to the impact of hurricanes Maria and Irma including, but not limited to: (i) transportation costs, including travel from the commonwealth to Puerto Rico or to the United States Virgin Islands; (ii) immediate living and related expenses; and (iii) costs incurred by political subdivisions of the commonwealth; provided, that the secretary of administration and finance may transfer from this item to other items of appropriation and allocations thereof for fiscal years 2018 and 2019 amounts necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the chairs of the house and senate committees on ways and means; and provided further, that the funds appropriated in this item in fiscal year 2018 shall not revert but shall be made available for these purposes through June 30, 2019.....\$2,500,000

1599-4448 For a reserve to meet the costs of salary adjustments and other economic benefits authorized by: (i) the collective bargaining agreement between the commonwealth and the Service Employees International Union, Local 509, Units 8 and 10; (ii) the collective bargaining agreement between the commonwealth and the American Federation of State, County and Municipal Employees, Unit 2; and (iii) future collective bargaining agreements, subject to the requirements of section 7 of chapter 150E of the General Laws.....\$15,500,000

1599-5000 For a reserve for reimbursement to the towns of Buckland, Colrain and Hawley for costs incurred during tropical storm Irene; provided, that not less than \$520,895 shall be

98 provided as reimbursement to the town of Buckland; provided further, that not less than
99 \$258,000 shall be provided as reimbursement to the town of Colrain; and provided further, that
100 not less than \$117,081 shall be provided as reimbursement to the town of Hawley\$895,976

101 1599-8910 For a reserve to remediate identified and approved deficiencies incurred by the
102 sheriffs of the commonwealth.....\$21,076,186

103 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

104 *Office of the Secretary of Housing and Economic Development*

105 7002-1506 For the Working Cities Challenge Initiative administered by the Federal Reserve
106 Bank of Boston, competitive technical assistance grants to be administered by the executive
107 office of housing and economic development in coordination with the Federal Reserve Bank of
108 Boston, to provide multi-year support to initiatives that advance cross-sector collaboration
109 among the public, private and nonprofit sectors; provided, that in order to qualify for funding, a
110 project proposal shall catalyze and accelerate initiatives that create new or stronger working
111 relationships between key institutions, agencies, organizations and businesses within
112 municipalities with: (i) a population of more than 35,000 but not more than 250,000; (ii) a
113 median family income that is below the median of similarly-sized municipalities; and (iii) a
114 median poverty rate that is above the median for similarly-sized municipalities; provided further,
115 that the Federal Reserve Bank of Boston shall identify additional program eligibility
116 requirements; and provided further, that the state appropriation for this program office shall not
117 be greater than the contribution from the private sector and other institutions.....\$500,000

118 SECTION 2B. To provide for supplementing certain intragovernmental chargeback
119 authorizations in the general appropriation act and other appropriation acts for fiscal year 2018,
120 to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for
121 alterations of purpose for current intragovernmental chargeback authorizations and to meet
122 certain requirements of law, the sums set forth in this section are hereby authorized from the
123 Intragovernmental Service Fund for the several purposes specified in this section or in the

124 appropriation acts and subject to laws regulating the disbursement of public funds for the fiscal
125 year ending June 30, 2018. These sums shall be in addition to any amounts previously authorized
126 and made available for the purposes of those items purposes

127 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

128 *Reserves*

129 1599-2040\$30,000,000

130 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

131 *Massachusetts Commission for the Deaf and Hard of Hearing*

132 4125-0122\$100,000

133 SECTION 2E. The sums set forth in this section are hereby appropriated for transfer from
134 the General Fund to the fund named within the corresponding item in section 2E of chapter 47 of
135 the acts of 2017 unless specifically designated otherwise in said section 2E of said chapter 47,
136 for the purposes and subject to the conditions specified in this act and said section 2E and subject
137 to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2018.
138 This sum shall be in addition to any amounts previously appropriated and made available for the
139 purposes of those items.

140 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

141 *Office of the Secretary*

142 1595-1069\$15,000,000

143 1595-4501 For the Municipal Naloxone Bulk Purchase Trust Fund \$150,000

144 1595-4517 For the Prevention and Wellness Trust Fund\$1,000,000

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TRANSPORTATION

Massachusetts Department of Transportation

1595-6370\$4,000,000
Commonwealth Transportation Fund.....100%

SECTION 3. Chapter 6 of the General Laws is hereby amended by striking out section 184A, as appearing in section 9 of chapter 69 of the acts of 2018, and inserting in place thereof the following section:-

Section 184A. (a) There shall be a forensic science oversight board in the executive office of public safety and security. The board shall have oversight authority over all commonwealth facilities engaged in forensic services in criminal investigations and shall provide enhanced, objective and independent oversight of the handling and analysis of forensic evidence used in criminal matters, including the integrity of such forensic analysis performed in state and municipal laboratories.

The board shall consist of: the undersecretary for forensic sciences or a designee who shall serve as chair and who shall be a nonvoting member, except in cases where an additional vote is required to break a tie vote; and 14 persons to be appointed by the governor, 1 of whom shall be a forensic scientist with practical experience in an accredited crime laboratory, 1 of whom shall have senior level expertise in forensic laboratory management within an accredited crime laboratory, 1 of whom shall have expertise in cognitive bias, 1 of whom shall have expertise in statistics, 1 of whom shall be in academia in a research field involving forensic science, 1 of whom shall be an expert in forensic pathology, 1 of whom shall be a forensic scientist who shall have a specialty in the natural, physical or biological sciences, 1 of whom shall have expertise in quality assurance management within an accredited crime laboratory, 1 of whom shall be nominated by the Massachusetts District Attorneys Association, 1 of whom shall be nominated by the attorney general, 1 of whom shall be nominated by the committee for public counsel services, 1 of whom shall be nominated by the Massachusetts Association of Criminal

171 Defense Lawyers, Inc., 1 of whom shall be nominated by the New England Innocence Project,
172 Inc. and 1 of whom shall be nominated by the Massachusetts Chiefs of Police Association.

173 A member, other than the undersecretary for forensic sciences or a designee and those
174 members nominated by the attorney general, the Massachusetts District Attorneys Association,
175 the committee for public counsel services, Massachusetts Association of Criminal Defense
176 Lawyers, Inc., New England Innocence Project, Inc., and the Massachusetts Chiefs of Police
177 Association shall not be employed by or affiliated with a commonwealth or municipal forensic
178 laboratory throughout the term of their membership. A member shall not be engaged in
179 providing testimony in the area of forensic science in criminal or civil trials in the
180 commonwealth. Members who are not state employees shall be considered special state
181 employees for the purposes of chapter 268A.

182 (b) Members shall serve for terms of 4 years, with the members initially appointed
183 serving staggered terms. A vacancy, other than by expiration of the term, shall be filled by the
184 governor for the remainder of the unexpired term. Staff for the board shall be provided by the
185 executive office of public safety and security. The board shall meet at times and places as
186 requested by 7 of its members and shall not meet less than quarterly. Members shall not
187 designate a proxy to vote in their absence. Members of the board shall serve without
188 compensation but shall be reimbursed for the reasonable and necessary expenses incurred in the
189 performance of their duties.

190 (c) Not more than 6 months after the appointment of the membership, the board shall
191 conduct a comprehensive review of the operation and management of all publicly-operated
192 facilities engaged in forensic services in criminal investigations. Such review shall include, but
193 not be limited to, evaluating: (i) the capabilities of each such facility engaged in forensic services
194 and such facility's ability to process evidence necessary to comply with the General Laws; (ii)
195 the condition and accuracy of testing equipment; (iii) the handling, processing, testing and
196 storage of evidence by such facilities; (iv) the professional qualifications and standards
197 necessary to serve as the head of the facility; (v) the qualifications and management of
198 laboratory personnel; and (vi) the proper entity to control the state police crime laboratory and
199 whether it would be appropriate to transfer such control to another executive agency or to an

200 independent executive director. The results of such review, together with any recommendations
201 for regulatory or legislative action, shall be reported to the clerks of the senate and house of
202 representatives, the secretary of public safety and security, the joint committee on the judiciary,
203 the joint committee on public safety and homeland security, the house and senate committee on
204 ways and means, the colonel of state police and the chief of police for a municipality operating
205 such a facility.

206 (d) The board shall upon vote by 7 of its members initiate an investigation into any
207 forensic science, technique or analysis used in a criminal matter upon: (i) application by a person
208 alleging that a forensic technique in common use is not scientifically valid; or (ii) a
209 determination that an investigation of a forensic analysis would advance the integrity and
210 reliability of forensic science.

211 The board shall submit the results of its investigation by the board, and its
212 recommendations, if any, by filing the same with the executive office of public safety and
213 security, the joint committee on public safety and homeland security, the joint committee on the
214 judiciary, the supreme judicial court, the Massachusetts District Attorneys Association, the
215 attorney general, the committee for public counsel services, the Massachusetts Association of
216 Criminal Defense Lawyers, Inc. and the New England Innocence Project, Inc.

217 (e) The board shall develop, implement and periodically review a system for forensic
218 laboratories to report professional negligence or misconduct and any such facility shall be
219 required to report to the board any instance of professional negligence and misconduct.

220 (f) The board shall actively engage stakeholders in the criminal justice system in forensic
221 development initiatives and shall recommend ways to improve education and training in forensic
222 science and the law and identify measures to improve the quality of forensic analysis performed
223 in laboratories.

224 (g) The board shall develop, implement and periodically review a system to evaluate
225 laboratory accreditation, including securing and maintaining such accreditation for nonaccredited
226 laboratories and shall ensure that each facility is actively accredited and in compliance with
227 standards promulgated by the International Organization for Standardization.

228 (h) The board shall review any budget requests of the undersecretary for forensic
229 sciences, including any recommendations for the allocation of resources and expansion of
230 services, and may provide its own recommendations to the secretary of public safety and
231 security.

232 (i) The board shall review protocols to ensure the proper chain of custody of evidence.

233 (j) The board shall receive and review quarterly reports from the undersecretary for
234 forensic sciences that shall include such information as the board requests and which shall, at a
235 minimum, include: (i) the volume of forensic services of each facility and the volume for each
236 employee within the facility; (ii) the volume of forensic services requests for each county; (iii)
237 the length of time from submission for testing and the return of results from such facilities; (iv)
238 the accreditation status of each facility; and (v) any facility employee records, qualifications or
239 incident reports that could affect the integrity or results of forensic analysis performed at each
240 facility.

241 At the direction of the board, the undersecretary for forensic sciences shall advise the
242 board on issues as the board shall request. The undersecretary shall make recommendations for
243 the allocation of resources and expansion of services, and on an annual basis, submit budget
244 recommendations to the secretary of the executive office of public safety and security and the
245 board.

246 SECTION 4. Section 35AA of chapter 10 of the General Laws, as appearing in the 2016
247 Official Edition, is hereby amended by striking out, in line 9, the word “(c)” and inserting in
248 place thereof the following word:- (b).

249 SECTION 5. Section 35EEE of said chapter 10, inserted by section 14 of chapter 69 of
250 the acts of 2018, is hereby amended by striking out subsection (b) and inserting in place thereof
251 the following subsection:-

252 (b) The fund shall consist of: (i) funds transferred from the Marijuana Regulation Fund
253 established in section 14 of chapter 94G; (ii) revenue from appropriations or other money
254 authorized by the general court and specifically designated to be credited to the fund; (iii)
255 interest earned on money in the fund; (iv) funds from private sources including, but not limited

256 to, gifts, grants and donations received by the commonwealth that are specifically designated to
257 be credited to the fund; and (v) revenues, up to \$10,000,000 in a calendar year, collected from
258 the surcharge imposed by section 32E5/8 of chapter 90. Amounts credited to the fund shall not
259 be subject to further appropriation and any money remaining in the fund at the end of a fiscal
260 year shall not revert to the General Fund. The secretary shall annually report the activity of the
261 fund to the clerks of the senate and house of representatives and the senate and house committees
262 on ways and means not later than December 31.

263 SECTION 6. Said section 35EEE of said chapter 10, as so inserted, is hereby further
264 amended by adding the following subsection:-

265 (d) The executive office of public safety and security shall: (i) estimate the full cost of
266 operating the municipal police training committee; (ii) estimate how much revenue will be
267 generated from the police training surcharge; and (iii) identify any additional funding necessary
268 to fully fund the operations of the municipal police training committee. The executive office of
269 public safety and security shall annually submit a report of its findings to the governor and the
270 senate and house committees on ways and means not later than December 1.

271 SECTION 7. Section 12 of chapter 12C of the General Laws, as appearing in the 2016
272 Official Edition, is hereby amended by striking out, in lines 11 and 12, the words “the operation
273 of the database or its functions” and inserting in place thereof the following words:- control of
274 the database.

275 SECTION 8. Section 63 of chapter 23A of the General Laws, as so appearing, is hereby
276 amended by striking out, in lines 57 and 58, the following words:- , and towns shall be eligible to
277 receive 1 grant every 3 fiscal years.

278 SECTION 9. Section 2SSSS of chapter 29 of the General Laws, as so appearing, is
279 hereby amended by striking out, in line 6, the first time it appears, the word “and”.

280 SECTION 10. Said section 2SSSS of said chapter 29, as so appearing, is hereby further
281 amended by inserting after the word “waiver”, in line 9, the following words:- ; and (iii) other
282 federally-approved delivery system reform incentive program purposes.

283 SECTION 11. Section 4 of chapter 30B of the General Laws, as so appearing, is hereby
284 amended by inserting after the figure “5”, in line 12, the following words:- or section 6.

285 SECTION 12. Section 1B of chapter 41 of the General Laws, as so appearing, is hereby
286 amended by striking out, in line 1, the word “Any” and inserting in place thereof the following
287 words:- (a) Any.

288 SECTION 13. The introductory paragraph of said section 1B of said chapter 41, as so
289 appearing, is hereby further amended by striking out the second sentence.

290 SECTION 14. Said section 1B of said chapter 41, as so appearing, is hereby further
291 amended by adding the following subsection:-

292 (b) For the purposes of this section, the positions of town treasurer and collector of taxes,
293 elected pursuant to section 1, may be combined into a single position and become an appointed
294 position in the manner provided in this section. Such acceptance by the voters shall be in the
295 form of the following question, to be placed on the official ballot:

296 Shall the town vote to have its elected offices of town treasurer and collector of taxes
297 become an appointed office of treasurer-collector? Yes _____ No _____

298 If a majority of votes cast in answer to the question is in the affirmative, the elected
299 offices of town treasurer and collector of taxes shall be combined and become 1 appointed office
300 of treasurer-collector in accordance with this section.

301 An incumbent in the office of town treasurer or collector of taxes serving at the time of
302 acceptance by the voters or an individual elected to the office of collector of taxes or office of
303 treasurer at the same election under this section shall hold that office and perform the duties
304 thereof until the appointment to the office of treasurer-collector is otherwise made under this
305 section.

306 SECTION 15. Said chapter 41 is hereby amended by striking out section 97B1/2,
307 inserted by section 24 of chapter 69 of the acts of 2018, and inserting in place thereof the
308 following section:-:

309 Section 97B½. (a) A hospital licensed pursuant to chapter 111 and all other medical
310 facilities that conduct medical forensic examinations shall notify a local law enforcement agency
311 at the time the evidence of a sexual assault is obtained and not later than 24 hours after using a
312 new kit for the collection of sexual assault evidence.

313 (b) Local law enforcement agencies shall:

314 (i) take possession of the sexual assault evidence kit from hospitals and other medical
315 facilities that conduct medical forensic examinations within 3 business days after notification;

316 (ii) submit new sexual assault evidence kits to the crime laboratory in the department of
317 state police or the in police department of a municipality that operates a crime laboratory and has
318 a population of more than 150,000, in the case of a sexual assault alleged to have taken place in
319 that municipality, within 7 business days after taking possession, except that noninvestigatory
320 sexual assault evidence kits associated with a victim who has not yet filed a report with law
321 enforcement shall not be subject to the 7-day requirement. Noninvestigatory kits shall be
322 properly stored by the state police or the police department of a municipality in a manner that
323 shall preserve the evidence for the duration of the statute of limitations for the sexual assault or
324 rape case.

325 (c) The crime laboratory within the department of the state police or in the police
326 department of a municipality that operates a crime laboratory and has a population of more than
327 150,000, in the case of a sexual assault alleged to have taken place in that municipality, shall
328 process all sexual assault evidence kits for the presence of biological evidence within 30 days
329 after receipt from local law enforcement.

330 (d) In cases where subsequent testing results in a DNA profile, the crime laboratory shall
331 enter all eligible DNA profiles into the CODIS database system in accordance with established
332 CODIS regulations.

333 (e) Each sexual assault evidence kit shall be entered into the statewide sexual assault
334 evidence kit tracking system pursuant to section 18X of chapter 6A.

335 SECTION 16. Section 20 of chapter 44 of the General Laws, as appearing in the 2016
336 Official Edition, is hereby amended by striking out the fifth sentence and inserting in place
337 thereof the following 3 sentences:- A premium received upon the sale of a note, less the cost of
338 preparing, issuing and marketing the note, and any accrued interest received upon the delivery of
339 the note, shall be applied to the first payment of interest on the note. A premium received upon
340 the sale of a bond, less the cost of preparing, issuing and marketing the bond, and any accrued
341 interest received upon the delivery of the bond shall: (i) in the case of a bond sold by a city or
342 town that has been excluded under section 21C of chapter 59 or a bond sold by a regional school
343 district for which a member city or town has excluded its share of the bond, be applied by the
344 treasurer to pay costs of the project being financed by the bond and to reduce the amount
345 authorized to be borrowed for the project by a like amount; or (ii) in the case of any other bond,
346 be applied by the treasurer to pay costs of the project being financed by the bond and to reduce
347 the amount authorized to be borrowed for the project by a like amount or, if not so applied,
348 appropriated to pay costs of a project for which the city, town or district has authorized or may
349 authorize a borrowing. Notwithstanding this section, any premium and accrued interest received
350 on account of an issue of a bond, less the cost of preparing, issuing and marketing the bond, not
351 in excess of \$50,000 may be applied, with the approval of the chief executive officer, for the
352 payment of indebtedness.

353 SECTION 17. Section 31 of said chapter 44, as so appearing, is hereby amended by
354 striking out, in line 28, the word “council” and inserting in place thereof the following word:-
355 counsel.

356 SECTION 18. Section 25B of chapter 54 of the General Laws, as so appearing, is hereby
357 amended by striking out subsection (g) and inserting in place thereof the following subsection:-

358 (g) The designation of an early voting site shall be made not less than 14 days prior to the
359 beginning of the voting period established in subsection (b). Not less than 7 days prior to the
360 beginning of the early voting period and at least once during the voting period, the registrars for
361 each city and town shall post the location of the early voting sites and the applicable dates and
362 hours. Notice shall be conspicuously posted in the office of the city clerk or on the principal

363 official bulletin board of the city or town, on any other public building considered necessary, on
364 the city or town's website, if any, and on the website of the state secretary.

365 SECTION 19. Section 2A of chapter 61A of the General Laws, as so appearing, is hereby
366 amended by striking out, in line 6, the figure “25” and inserting in place thereof the following
367 figure:- 25A.

368 SECTION 20. Section 21 of chapter 62C of the General Laws, as so appearing, is hereby
369 amended by striking out, in line 162, the words “and chapter 64L” and inserting in place thereof
370 the following words:- , chapter 64L and section 3 of chapter 64N.

371 SECTION 21. Section 6 of chapter 64H of the General Laws, as so appearing, is hereby
372 amended by inserting after the word “provided”, in line 98, the following words:- , marijuana
373 products as defined in section 1 of chapter 94G.

374 SECTION 22. The first sentence of subsection (d) of section 24G of chapter 90 of the
375 General Laws, as appearing in section 37 of said chapter 69 of the acts of 2018, is hereby
376 amended by striking out the figure “10” and inserting in place thereof the following figure:- 15.

377 SECTION 23. Chapter 90 of the General Laws is hereby amended by inserting after
378 section 32E³/₄ the following section:-

379 Section 32E⁵/₈. (a) There shall be a police training surcharge of \$2 imposed upon each
380 vehicular rental transaction contract in the commonwealth. The surcharge shall be in accordance
381 with section 32E ³/₄ and shall be deposited in the Municipal Police Training Fund established in
382 section 35EEE of chapter 10; provided, however, that not more than \$10,000,000 collected from
383 the surcharge in a calendar year shall be deposited into the fund; and provided further, that any
384 amount collected from the surcharge above \$10,000,000 in a calendar year shall be deposited
385 into the General Fund. The surcharge shall not apply to transportation network companies or to
386 rental periods of less than 12 hours that are charged on an hourly basis.

387 SECTION 24. Sections 66 to 73, inclusive, of chapter 94 of the General Laws are hereby
388 repealed.

389 SECTION 25. Sections 303A to 303E, inclusive, of said chapter 94 are hereby repealed.

390 SECTION 26. Section 32H½ of chapter 94C of the General Laws, inserted by section 3
391 of chapter 72 of the acts of 2018, is hereby amended by striking out subsection (a) and inserting
392 in place thereof the following subsection:-

393 (a) As used in this section, “ineligible offender” shall mean a person sentenced to a
394 mandatory minimum term of imprisonment in the state prison upon conviction for: (1) violating
395 sections 32, 32F or 32K or subsections (c), (c½) or (c¾) of section 32E; or (2) violating this
396 chapter upon a finding of any 1 of the following aggravating circumstances: (i) the person used
397 violence or threats of violence or possessed a firearm, rifle, shotgun, machine gun or a weapon
398 described in subsection (b) of section 10 of chapter 269, or induced another participant to do so,
399 during the commission of the offense; (ii) the person engaged in a course of conduct whereby
400 such person directed the activities of another who committed any felony in violation of this
401 chapter; or (iii) the offense was committed during the commission or attempted commission of a
402 violation of section 32F or 32K.

403 SECTION 27. Section 13 chapter 94G of the General Laws is hereby amended by
404 striking out, in lines 3 and 13, as appearing in the 2016 Official Edition, the figure “8” and
405 inserting in place thereof, in each instance, the following figure:- 7.

406 SECTION 28. Section 2 of chapter 94I of the General Laws, inserted by section 44 of
407 chapter 55 of the acts of 2017, is hereby amended by adding the following subsection:-

408 (f) An entity required to register with the secretary of the commonwealth pursuant to
409 chapters 156C, 156D or 180 and organized for the purpose of operating as a registered marijuana
410 treatment center in the commonwealth may specify as its lawful corporate purpose the conduct of
411 all activities of a marijuana treatment center authorized by this chapter.

412 SECTION 29. Section 224 of chapter 111 of the General Laws, as appearing in the 2016
413 Official Edition, is hereby amended by striking out the first paragraph and inserting in place
414 thereof the following paragraph:-

415 There shall be a commission on falls preventions within the department. The commission
416 shall consist of: the commissioner of public health or a designee, who shall serve as chair; the
417 secretary of elder affairs or a designee; the director of MassHealth or a designee; and 13

418 members to be appointed by the governor, 1 of whom shall be a member of the Home Care
419 Alliance of Massachusetts, Inc., 1 of whom shall be a member of the AARP, 1 of whom shall be
420 a member of the Massachusetts Senior Care Association, Inc., 1 of whom shall be a member of
421 the Massachusetts Association of Councils on Aging, Inc., 1 of whom shall be a member of the
422 Massachusetts Medical Society Alliance, Inc., 1 of whom shall be a member of the
423 Massachusetts Assisted Living Association, Inc., 1 of whom shall be a member of Massachusetts
424 Home Care, Inc., 1 of whom shall be a member of the American Physical Therapy Association
425 of Massachusetts, Inc., 1 of whom shall be a member of the Massachusetts Association for
426 Occupational Therapy, Inc., 1 of whom shall be a member of the Massachusetts Pharmacists
427 Association Foundation, Inc., 1 of whom shall have expertise in vision, 1 of whom shall have
428 expertise in healthcare coverage and payment and 1 of whom shall have expertise in the built
429 environment.

430 SECTION 30. Said section 224 of said chapter 111, as so appearing, is hereby further
431 amended by striking out, in line 48, the word “annually” and inserting in place thereof the
432 following word:- biennially.

433 SECTION 31. Section 52 of chapter 119 of the General Laws is hereby amended by
434 striking out the definition of “Delinquent child”, as appearing in section 72 of chapter 69 of the
435 acts of 2018, and inserting in place thereof the following definition:-

436 “Delinquent child”, a child between 12 and 18 years of age who commits any offense
437 against a law of the commonwealth; provided, however, that a child shall not be adjudged a
438 delinquent child for an offense that is a civil infraction, a violation of a municipal ordinance or
439 town by-law or a first offense of a misdemeanor for which the punishment is a fine,
440 imprisonment in a jail or house of correction for not more than 6 months or both such fine and
441 imprisonment.

442 SECTION 32. Section 87 of said chapter 119, as inserted by section 80 of said chapter
443 69, is hereby amended by striking out subsection (a) and inserting in place thereof the following
444 subsection:-

445 (a) The department of youth services and the department of correction shall not place in a
446 secure detention facility or secure correctional facility any juvenile who has: (i) been charged
447 with or committed an offense that would not be criminal if committed by an adult, except
448 juveniles who are held in accordance with the interstate compact on juveniles; (ii) not been
449 alleged or adjudicated to be a delinquent child or youthful offender; or (iii) been alleged to be
450 dependent on the court, neglected or abused if that allegation is the sole basis for the placement.

451 SECTION 33. Clause (iii) of subsection (b) of section 39 of chapter 127 of the General
452 Laws, as appearing in section 93 of said chapter 69, is hereby amended by adding the following
453 words:- ; provided, however, that such access may be diminished for the enforcement of
454 discipline for a period not to exceed 15 days in a state correctional facility or 10 days in a county
455 correctional facility for any given offense or where inconsistent with the security of the unit.

456 SECTION 34. The second paragraph of section 39F of said chapter 127, as so appearing,
457 is hereby amended by inserting after the words “and other re-entry planning services” the
458 following words:- as are.

459 SECTION 35. Section 97 of said chapter 127, as appearing in the 2016 Official Edition,
460 is hereby amended by striking out, in line 6, the words “the state prison” and inserting in place
461 thereof the following words:- Massachusetts Correctional Institution, Cedar Junction.

462 SECTION 36. Section 119A of said chapter 127, inserted by section 97 of chapter 69 of
463 the acts of 2018, is hereby amended by adding the following subsection:-

464 (j) Physicians, employers of physicians and public employees shall not be liable in a civil
465 proceeding for any act or omission pursuant to this section if acting in good faith.

466 SECTION 37. Subdivision (P) of section 110 of chapter 175 of the General Laws, as
467 appearing in the 2016 Official Edition, is hereby amended by inserting after the word “age”, in
468 line 463, the following words:- or without regard to age, so long as the dependent, who is
469 covered under the membership of the dependent’s parent as a member of a family group, is
470 mentally or physically incapable of earning the dependent’s own living due to disability.

471 SECTION 38. Section 4T of chapter 176G of the General Laws, as so appearing, is
472 hereby amended by inserting after the word “age”, in line 6, the following words:- or without
473 regard to age, so long as the dependent, who is covered under the membership of the dependent’s
474 parent as a member of a family group, is mentally or physically incapable of earning the
475 dependent’s own living due to disability.

476 SECTION 39. Section 1 of chapter 176J of the General Laws, as so appearing, is hereby
477 amended by inserting after the word “age”, in line 86, the following words:- or without regard to
478 age, so long as the dependent, who is covered under the membership of the dependent’s parent as
479 a member of a family group, is mentally or physically incapable of earning the dependent’s own
480 living due to disability.

481 SECTION 40. Clause Fourth of section 20 of chapter 233 of the General Laws, as
482 appearing in section 111 of chapter 69 of the acts of 2018, is hereby amended by striking out the
483 words “legal guardian or other person who has the right to act in loco parentis for the child” and
484 inserting in place thereof the following words:- or legal guardian.

485 SECTION 41. Section 17 of chapter 268A of the General Laws, as appearing in the 2016
486 Official Edition, is hereby amended by adding the following paragraph:-

487 This section shall not prevent a municipal employee from acting as an agent for, or
488 performing a service on behalf of, the employee’s municipality and any one or more other
489 governmental units, as defined by section 4A of chapter 40, under an intermunicipal agreement
490 pursuant to said section 4A of said chapter 40, or as otherwise provided by law; provided,
491 however, that the employee is acting within the scope of the employee’s duties under the
492 agreement or law.

493 SECTION 42. Chapter 276 of the General Laws is hereby amended by striking out
494 sections 100P and 100Q, inserted by section 195 of chapter 69 of the acts of 2018, and inserting
495 in place thereof the following 2 sections:-

496 Section 100P. The court shall, upon a written finding of good cause, exclude the general
497 public from any judicial proceeding where the court will be hearing a petition for an
498 expungement admitting only such persons as may have a direct interest in the case.

499 Section 100Q. Unless otherwise provided by law, no person shall make records sealed
500 pursuant to section 100A or 100B available for inspection in any form by any person. No person
501 shall make records expunged pursuant to section 100F, 100G, 100H or 100K available for
502 inspection in any form by any person.

503 SECTION 43. Section 70C of chapter 277 of the General Laws, as most recently
504 amended by section 205 of said chapter 69, is hereby further amended by striking out the second
505 sentence and inserting in place thereof the following sentence:- This section shall not apply to
506 the offenses in sections 22F, 24, 24D, 24G, 24L, and 24N of chapter 90, sections 8, 8A, and 8B
507 of chapter 90B, sections 34, 36, 39, 51A, 51E, 51F, 55, 63 and 63A of chapter 119, chapter
508 119A, chapter 209, chapter 209A, chapter 265, section 25 of chapter 266, sections 1, 2, 3, 6, 6A,
509 6B, 8B, 13, 13A, 13B, 13C, 14, 14B, 15, 15A, 16, 17, 18, 19, 20, 23, 28, 31 and 36 of chapter
510 268, chapter 268A, sections 10, 10A, 10C, 10D, 10E, 11B, 11C, 11E, 12, 12A, 12B, 12D and
511 12E of chapter 269 and sections 1, 2, 3, 4, 4A, 4B, 6, 7, 8, 12, 13, 16, 28, 29A and 29B of
512 chapter 272.

513 SECTION 44. Item 0910-0210 of section 2 of chapter 47 of the acts of 2017 is hereby
514 amended by striking out the figure “\$850,000”, each time it appears, and inserting in place
515 thereof, in each instance, the following figure:- \$900,000.

516 SECTION 45. Item 2030-1004 of said section 2 of said chapter 47 is hereby amended by
517 striking out the figure “\$333,000”, each time it appears, and inserting in place thereof, in each
518 instance, the following figure:- \$370,000.

519 SECTION 46. Item 2330-0100 of said section 2 of said chapter 47, as amended by
520 section 34 of chapter 110 of the acts of 2017, is hereby further amended by adding the following
521 words:- ; provided further, that not later than June 15, 2018, the division shall set a fee per bag
522 for contaminated shellfish for each city or town that qualifies to receive a contaminated shellfish
523 fee payment pursuant to section 112; and provided further, that if a fee per bag for contaminated
524 shellfish is not set by June 15, 2018, the division shall expend not less than \$5,000 for each city
525 or town that qualifies to receive a contaminated shellfish fee payment pursuant to said section
526 112.

527 SECTION 47. Item 4000-0641 of said section 2 of said chapter 47 is hereby amended by
528 striking out the words “that not later than March 1, 2018, MassHealth shall report to the house
529 and senate committees on ways and means on the impact on wages for direct care workers at the
530 nursing homes receiving funds” and inserting in place thereof the following words:- that
531 MassHealth shall provide to the house and senate committee on ways and means an interim
532 report not later than June 15, 2018, and a final report not later than December 31, 2018, on the
533 impact of wages for direct care workers at the nursing homes receiving funds.

534 SECTION 48. Item 4000-0700 of said section 2 of said chapter 47 is hereby amended by
535 adding the following words:- ; provided further, that not less than \$1,000,000 shall be made
536 available to establish a 1-year pilot program to increase efficiencies and align system-wide goals
537 within a regional hospital system located in western Massachusetts to improve the overall
538 sustainability of the system and to create a comprehensive approach to system-wide needs and a
539 transition into the structure of the new 1115 Medicaid Waiver; provided further, that the pilot
540 program shall include measurable milestones that shall demonstrate progress in at least 1 of the
541 following areas: (i) care coordination, integration and delivery transformations; (ii) electronic
542 health records and information exchange advancements; (iii) increasing alternative payment
543 methods and accountable care organizations; (iv) enhancing patient safety; (v) increasing access
544 to behavioral health services; (vi) increasing coordination between system hospitals and
545 community-based providers and organizations; and (vii) preparing the system to undertake risk
546 as a potentially designated accountable care organization.

547 SECTION 49. Item 4400-1001 of said section 2 of said chapter 47 is hereby amended by
548 striking out, in line 31, the figure “\$1,350,000” and inserting in place thereof the following
549 figure:- \$3,500,000.

550 SECTION 50. Item 4513-1012 of said section 2 of said chapter 47 is hereby amended by
551 striking out the figure “\$26,200,000”, each time it appears, and inserting in place thereof, in each
552 instance, the following figure:- \$26,800,000.

553 SECTION 51. Item 4513-1130 of said section 2 of said chapter 47 is hereby amended by
554 adding the following words:- ; and provided further, that in addition to funding awarded through
555 procurement, not less than \$100,000 shall be expended as a grant to the New Bedford Women’s

556 Center, Inc. in the city of New Bedford for school-based domestic violence prevention programs
557 for adolescents and young adults in the greater New Bedford area.

558 SECTION 52. Item 4590-0912 of said section 2 of said chapter 47 is hereby amended by
559 striking out the figure “\$21,650,862”, each time it appears, and inserting in place thereof, in each
560 instance, the following figure:- \$22,650,862.

561 SECTION 53. Item 7004-0108 of said section 2 of said chapter 47 is hereby amended by
562 adding the following words:- ; provided further, that the undersecretary of housing and
563 community development may transfer surplus funds appropriated in this item to item 7004-0101
564 to address deficiencies in said item 7004-0101; and provided further, that not more than
565 \$3,000,000 shall be transferred from this item in fiscal year 2018.

566 SECTION 54. Item 1595-6370 of section 2E of said chapter 47 is hereby amended by
567 adding the following words:- ; provided, that not more than \$2,000,000 of the funds allocated
568 herein shall be distributed by the Massachusetts Department of Transportation to regional transit
569 authorities that have agreed to remedial plans; provided further, that said plans shall include
570 specific financial performance indicators and shall be designed: (i) to eliminate any unfunded
571 deficits within 3 years and to forestall the reoccurrence of such deficits, if any, thereafter; (ii) for
572 regional transit authorities for which additional resources could maintain or expand successful
573 service initiatives; (iii) for regional transit authorities to initiate, maintain or expand service to an
574 identified need that is a priority population of the state or municipalities; and (iv) for services and
575 programs operated by the regional transit authorities which the department deems to be a best
576 practice service or program; provided further, that the department shall submit a report to the
577 chairs of the joint committee on transportation and the chairs of the senate and house committees
578 on ways and means not later than March 15, 2019 on the fiscal health and remediation efforts of
579 each regional transit authority that received such mitigation funds.

580 SECTION 55. Sections 94 and 95 of said chapter 47 are hereby repealed.

581 SECTION 56. Said chapter 47 is hereby amended by striking out section 125 and
582 inserting in place thereof the following section:-

583 Section 125. Not later than September 15, 2018, the commissioner of revenue shall issue
584 a report on the use of the commissioner’s authority to add reporting requirements pursuant to
585 section 8 of chapter 62C of the General Laws. The report shall detail and provide an explanation
586 for any changes made to the reporting requirements that differ from those required by the federal
587 government and shall state a projected fiscal impact resulting from any such changes. Not later
588 than March 15, 2019, the commissioner of revenue shall issue a report describing the financial
589 impact to the commonwealth of such additional reporting requirements, if any. The reports under
590 this section shall be filed with the clerks of the senate and house of representatives, the senate
591 and house chairs of the joint committee on revenue and the chairs of the senate and house
592 committees on ways and means.

593 SECTION 57. Section 142 of said chapter 47 is hereby repealed.

594 SECTION 58. The last sentence of section 72 of chapter 55 of the acts of 2017 is hereby
595 amended by striking out the words “or resulting from the plan of entity conversion” and inserting
596 in place thereof the following words:- and necessary to effect the plan of entity conversion.

597 SECTION 59. The salary adjustments and other economic benefits authorized by the
598 following collective bargaining agreements shall be effective for the purposes of section 7 of
599 chapter 150E of the General Laws: (i) the agreement between the commonwealth and Unit 2 of
600 the American Federation of State, County and Municipal Employees; and (ii) the agreement
601 between the commonwealth and Units 8 and 10 of the Service Employees International Union,
602 Local 509.

603 SECTION 60. (a)(1) Notwithstanding section 25B of chapter 54 of the General Laws or
604 any other general or special law to the contrary, there shall be early voting for the 2018 state
605 primary.

606 (2) The election officers and registrars of each city and town shall allow any qualified
607 voter as defined in section 1 of chapter 51 of the General Laws to cast a ballot for the 2018 state
608 primary during the early voting period, which shall begin on Monday, August 27, 2018 and end
609 on Friday, August 31, 2018. Early voting shall also apply to any city or town election held at the
610 same time as the state primary.

611 (3) Any qualified voter wanting to early vote by mail may file with their local election
612 official an application for an early voting ballot for the 2018 state primary. Any form of written
613 communication evidencing a desire to have an early voting ballot be sent for use for voting at an
614 election under this section shall be given the same effect as an application made in the form
615 prescribed by the state secretary. No application for an early voting ballot for the 2018 state
616 primary shall be deemed to be seasonably filed unless it is received in the office of the city or
617 town clerk or the registrars of voters before 5:00 pm on August 31, 2018. If the voter is
618 registered as unenrolled or in a political designation, the applicant must include the name of the
619 party whose primary ballot the voter is requesting.

620 (4) Early voting for the 2018 state primary shall be conducted during the usual business
621 hours of the respective city or town clerk. A city or town may, in its discretion, provide for
622 additional early voting hours beyond the hours required by this subsection.

623 (5) All early voting ballots voted by mail for the 2018 state primary shall be received by
624 the city or town clerk before the hour fixed for closing the polls.

625 (6) Each city and town shall establish an early voting site for the 2018 state primary that
626 shall include the election office for the city or town; provided, however, that if the city or town
627 determines that the office is unavailable or unsuitable for early voting, the registrars of each city
628 or town shall identify and provide for an alternative centrally-located, suitable and convenient
629 public building within the city or town as an early voting site. A city or town may also provide
630 for additional early voting sites at the discretion of the registrars for that city or town. An early
631 voting site shall be accessible to persons with disabilities.

632 (7) The designation of an early voting site for the 2018 state primary shall be made not
633 later than August 10, 2018. Not later than August 19, 2018 and at least once during the voting
634 period, the registrars for each city and town shall post the location of the early voting sites and
635 the applicable dates and hours. Notice shall be conspicuously posted in the office of the city
636 clerk or on the principal official bulletin board of each city or town, on any other public building
637 considered necessary, on the city or town's website, if any, and on the website of the state
638 secretary.

639 (8) Not later than August 5, 2018, the state secretary shall deliver to each city and town,
640 in such quantities as the state secretary determines necessary: (i) official early voting ballots for
641 the 2018 state primaries which shall be similar to the official ballot to be used at the primaries;
642 and (ii) envelopes of sufficient size to contain the ballots specified in clause (i) bearing on their
643 reverse the voter's affidavit in compliance with the requirements of paragraph (10).

644 (9) An early voting ballot along with an envelope shall be provided to each qualified
645 voter who participates in early voting for the 2018 state primary.

646 (10) A qualified voter casting a ballot at an early voting site shall complete an affidavit
647 under the regulations promulgated pursuant to this section which shall include a notice of
648 penalties under section 26 of chapter 56 of the General Laws.

649 (11) Prior to the beginning of early voting for the 2018 state primary, the registrars for
650 each city and town shall prepare a list for the early voting sites which shall contain the names
651 and residences of all persons qualified to vote at each voting site, as the names and residences
652 appear on the annual register, and shall reasonably transmit the applicable list to the election
653 officers at each early voting site designated by the registrars.

654 (12) The registrar or presiding official at the early voting site shall cause to be placed on
655 the voting lists opposite the name of a qualified voter who participates in early voting the letters
656 "EV", designating an early voter.

657 (13) The registrars shall prepare lists of all voters casting ballots during the early voting
658 period and shall update the voter list in a manner prescribed by the state secretary.

659 (14) The provisions of sections 37 and 38 of chapter 53 of the General Laws shall apply
660 to unenrolled voters and voters enrolled in political designations. The registrar or presiding
661 official at the early voting site shall cause the name of the party of the ballot being voted to be
662 recorded on the voting list.

663 (15) The counting of early voting ballots including, but not limited to, informing election
664 officers and any challengers present under section 85A of chapter 54 of the General Laws shall
665 be set by 950 C.M.R. § 47.00 so far as applicable. All envelopes referred to in this section shall

666 be retained with the ballots cast at the 2018 state primary and shall be preserved and destroyed in
667 the manner provided by law for the retention, preservation or destruction of official ballots.

668 (16) The provisions of 950 C.M.R. § 47.00 shall apply to early voting at the 2018 state
669 primary to the extent feasible and consistent with this section, but the secretary shall update the
670 rules to accommodate the dates set forth herein.

671 (17) A city or town may opt to detail a sufficient number of police officers or constables
672 for each early voting site for the 2018 state primary at the expense of the city or town to preserve
673 order, to protect the election officers and supervisors from any interference with their duties and
674 to aid in the enforcement of the laws relating to elections.

675 (18) No early voting ballot cast under this section shall be counted if the officer charged
676 with the duty of counting the ballot is cognizant of the fact that the voter had died prior to the
677 opening of the polls on the day of the 2018 state primary.

678 (b) Notwithstanding any general or special law to the contrary, the state secretary may
679 add or change any dates relating to the nominations made at the 2018 state primary as the state
680 secretary deems necessary to comply with federal law and for the orderly administration of the
681 November 6, 2018 election by providing notice of such changes to the state parties and to any
682 affected person, by filing notice with the regulations division, by posting on the state secretary's
683 website and by whatever other means the state secretary deems appropriate.

684 SECTION 61. Upon the deposit of sufficient funds in the Marijuana Regulation Fund,
685 established pursuant to section 14 of chapter 94G of the General Laws, the Massachusetts
686 cannabis control commission, established pursuant to section 76 of chapter 10 of the General
687 Laws, shall transfer the same amount as appropriated in item 1070-0841 in fiscal year 2018 to
688 the General Fund of the commonwealth, established pursuant to section 2 of chapter 29 of the
689 General Laws.

690 SECTION 62. (a) Words used in this section shall have the same meanings as those
691 provided in chapter 32 of the General Laws unless the context clearly requires otherwise;
692 provided, however, that "trial court reporter" shall mean the full-time position of court reporter
693 in the trial court of the commonwealth.

694 (b) Notwithstanding chapter 32 of the General Laws or any other general or special law
695 to the contrary, the state board of retirement shall establish and implement a retirement incentive
696 program for trial court reporters as set out in this section.

697 An individual shall be eligible for the trial court reporter retirement incentive program if
698 the individual is: (i) employed as a trial court reporter or on an authorized leave of absence from
699 the position of trial court reporter, as certified by the trial court to the state retirement board and
700 as of the effective date of this section and through the date of retirement established in subsection
701 (c); (ii) a member in service of the state employees' retirement system pursuant to clause (i) of
702 paragraph (a) of subdivision (1) of section 3 of chapter 32 of the General Laws as of the effective
703 date of this section; (iii) classified in Group 1 of the state employees' retirement system pursuant
704 to paragraph (g) of subdivision (2) of said section 3 of said chapter 32 as of the effective date of
705 this section; (iv) eligible to either: (A) receive a superannuation retirement allowance pursuant to
706 subdivision (1) of section 5 of said chapter 32 or subdivision (1) of section 10 of said chapter 32
707 as of the date of retirement established in said subsection (c); or (B) would be eligible for such
708 retirement allowance as of the date of retirement established in said subsection (c) if the
709 incentive is awarded; (v) not already retired under said chapter 32 or otherwise separated from
710 service from employment with the commonwealth; and (vi) file a timely correctly completed
711 application with the board pursuant to said subsection (c).

712 A trial court reporter shall not be eligible to receive any benefit from the trial court
713 reporter retirement incentive program if the trial court reporter: (i) receives compensation funded
714 from a capital appropriation, federal grant or trust as each is defined in section 1 of chapter 29 of
715 the General Laws as of the filing date for the application pursuant to subsection (c); (ii) is a
716 member of the state employees' retirement system who, as of the effective date of this section, is
717 not contributing to the retirement system or has not completed reinstatement pursuant to section
718 105 of said chapter 32.

719 A trial court reporter's eligibility for the trial court reporter retirement incentive program
720 under this section, and determinations including, but not limited to, creditable service, the
721 amount of retirement allowance, group classification and the processing of applications filed
722 shall be made by the state board of retirement.

723 A trial court reporter eligible under this section, shall not utilize the spousal benefit
724 established in section 322 of chapter 149 of the acts of 2004 in combination with the benefit
725 options provided in subsection (d).

726 (c) Notwithstanding section 5 of chapter 32 of the General Laws, the state board of
727 retirement shall receive an eligible trial court reporter's application for retirement not later than
728 June 1, 2018 in order for the trial court reporter to be eligible to receive the retirement benefit
729 provided in this section. The retirement date requested in an eligible trial court reporter's
730 application shall be June 30, 2018. The application for retirement may be delivered to the board
731 in person, by mail or in any other manner as the board may approve, including by electronic
732 means. The application of the retirement incentive provided by this section shall not be deferred
733 to a later date. Once the effective date of a trial court reporter's retirement, an employee
734 qualifying under this section shall not withdraw the trial court reporter's retirement application
735 that has been filed and shall not be authorized to make any changes to the retirement application
736 or option selection unless otherwise authorized by the state board of retirement.

737 (d) The state board of retirement shall credit a trial court reporter with an additional
738 retirement benefit pursuant to this section if a trial court reporter otherwise meets the
739 requirements of the program. Each trial court reporter shall request to receive a combination of
740 years of creditable service and years of age, in full-year increments; provided, however, that the
741 sum of the years of creditable service and years of age shall not be greater than 5 years, as
742 determined by the state retirement board, to determine the trial court reporter's superannuation
743 retirement allowance pursuant to paragraph (a) of subdivision (2) of section 5 of chapter 32 of
744 the General Laws.

745 Notwithstanding the credit, the total normal yearly amount of the retirement allowance,
746 as determined pursuant to said section 5 of said chapter 32, of a trial court reporter who retires
747 and receives the retirement incentive program benefit shall not exceed 4/5 of the average annual
748 rate of the trial court reporter's regular compensation as determined by section 5 of said chapter
749 32.

750 A trial court reporter shall not utilize the incentive program under this section to qualify
751 for any other rights or benefits pursuant to chapter 32 of the General Laws. A trial court reporter

752 that retires and receives an additional retirement benefit pursuant to this section shall be
753 considered retired for superannuation pursuant to said chapter 32 and shall be subject to said
754 chapter 32. A married trial court reporter who retires and receives an additional benefit pursuant
755 to this section shall be subject to the requirements of the second paragraph of subdivision (1) of
756 section 12 of said chapter 32.

757 Notwithstanding paragraph (a) of subdivision (2) of section 5 of chapter 32 of the
758 General Laws, an eligible trial court reporter retiring under the trial court reporter retirement
759 incentive program who has served in more than 1 group shall receive a retirement allowance as if
760 the trial court reporter served only as a Group 1 employee for the entire length of state service
761 and shall not receive a retirement allowance consisting of prorated benefits based upon the
762 percentage of total years of service that the trial court reporter rendered in each group.

763 Paragraph (c) of subdivision (8) of section 3 of chapter 32 of the General Laws shall
764 apply to the creditable service added and the increased retirement allowances derived as a result
765 of the additional years of service or age provided by this section.

766 (e) If requested, the state board of retirement shall provide retirement counseling to trial
767 court reporters who apply to retire under the trial court reporter retirement incentive program.
768 Counseling by the board shall include, but not be limited to: (i) a full explanation of the
769 retirement benefits provided by the trial court reporter retirement incentive program; (ii) a
770 comparison of the expected lifetime retirement benefits payable to a trial court reporter under the
771 retirement incentive program and pursuant to chapter 32 of the General Laws; (iii) an
772 explanation of the election of a retirement option pursuant to section 12 of said chapter 32; (iv)
773 restrictions on employment after retirement through the trial court reporter retirement incentive
774 program; (v) laws relative to the payment of cost-of-living adjustments to the retirement
775 allowance; and (vi) the effect of federal and state taxation on retirement income. The group
776 insurance commission shall provide counseling regarding the provision of health care benefits
777 pursuant to chapter 32A of the General Laws. Each trial court reporter shall sign a statement that
778 the trial court reporter has received counseling or elected not to receive counseling prior to the
779 approval by the board of the trial court reporter's application for superannuation benefits and the
780 additional benefit provided under this section.

781 (f) Pursuant to section 98 of chapter 32 of the General Laws, the state treasurer through
782 the state retirement board may make advance payments in an amount not to exceed 50 per cent
783 of the initial benefit payment of retirement allowance actually due and under any terms and
784 conditions the state board of retirement may prescribe to a trial court reporter who is eligible for
785 retirement under the retirement incentive program and who does not receive a retirement
786 allowance within 90 days after the effective date of retirement. Section 91 of said chapter 32
787 shall not apply for calendar year 2018 to any previously retired trial court reporters of the state
788 board of retirement engaged to implement this section.

789 (g) Notwithstanding any general or special law or collective bargaining agreement or
790 other employment contract to the contrary and in consideration of the benefits conferred in this
791 section, a trial court reporter who elects to retire under this section and is eligible to receive a
792 payment in lieu of accrued vacation time, unused sick leave or other benefit under the collective
793 bargaining agreement or other employment contract shall receive payment by September 1, 2018
794 A trial court reporter who elects to retire under this section shall sign a statement that the trial
795 court reporter has agreed to receive the payment according to the schedule outlined in this
796 section prior to the approval of the trial court reporter's application for superannuation benefits
797 and the additional benefit provided by this section by the state board of retirement.

798 The board shall deny an application for the retirement incentive program under this
799 section by a trial court reporter who belongs to a bargaining unit for which a collective
800 bargaining agreement inconsistent with this section is in effect at the time of the application
801 unless the employee organization representing the trial court reporter has filed with the board and
802 the secretary of administration and finance a statement waiving any inconsistent provisions of
803 the agreement on behalf of all members of the bargaining unit who file applications for the
804 retirement incentive program under this section.

805 (h)(1) Notwithstanding section 91 of chapter 32 of the General Laws, a trial court
806 reporter retired under this section shall not be reemployed in the service of the commonwealth,
807 whether as a consultant, an independent contractor or a person whose regular duties require time
808 devoted to the service of the commonwealth, within 30 days after the date of their retirement. A

809 member who retired under the trial court reporter retirement incentive program shall be eligible
810 for reinstatement under section 105 of said chapter 32.

811 (2) If a trial court reporter approved for the trial court reporter retirement incentive
812 program under this section qualifies for a subsequent retirement under section 105 of chapter 32
813 of the General Laws, the additional combination of years of creditable service and years of age
814 applied herein shall not be applied in any subsequent retirement calculation pursuant to said
815 section 105 of said chapter 32.

816 (i) Notwithstanding this section, an otherwise eligible trial court reporter may, in the
817 alternative, apply to retire pursuant to section 5 or section 10 of chapter 32 of the General Laws
818 without the benefit of the trial court reporter retirement incentive program; provided, however,
819 that application for such retirement shall be made under subsection (c).

820 (j) The public employee retirement administration commission shall conduct an actuarial
821 analysis of the impact to the commonwealth's unfunded pension liability attributable to the
822 retirement incentive provided in this section. The analysis shall be filed with the house and
823 senate committees on ways and means, the executive office for administration and finance and
824 the state retirement board not later than December 31, 2018. The trial court shall be responsible
825 to the state employees' retirement system for funding any additional pension liability attributable
826 to the retirement incentive provided in this section. Funding shall occur pursuant to a schedule
827 established by the actuary and the state retirement board.

828 SECTION 63. The first biennial report required to be filed pursuant to section 224 of
829 chapter 111 of the General Laws shall be filed not later than September 22, 2018.

830 SECTION 64. Sections 5 and 23 shall take effect on January 1, 2019.

831 SECTION 65. Subsection (c) of section 97B1/2 of chapter 41 of the General Laws, as
832 appearing in section 15, shall take effect on January 1, 2019.