

Confirm that Merit Rating Board is in MassDOT 1

1 SECTION 4. Clause (20) of subsection (a) of section 172 of chapter 6 of the General Laws, as
2 appearing in section 21 of chapter 256 of the acts 2010, is hereby amended by striking out the figure "183"
3 and inserting in place thereof the following words:- 57A of chapter 6C.

Confirm that Merit Rating Board is in MassDOT 2

1 SECTION 5. Section 183 of said chapter 6 is hereby repealed.

Caseload Forecasting Office

1 SECTION 6. Chapter 6A of the General Laws is hereby amended by inserting after section 16S
2 the following section:-

3 Section 16T. (a) There shall be established a caseload forecasting office, which shall be an
4 independent public entity not subject to the supervision and control of any other executive office,
5 department, commission, board, bureau, agency or political subdivision of the commonwealth. The office
6 shall forecast caseloads for state-subsidized childcare, MassHealth, emergency assistance and housing
7 programs, the group insurance commission and direct benefits provided by the department of transitional
8 assistance, and shall promote accuracy and transparency in all caseload forecasts. For the purposes of this
9 section, "caseload" shall mean the number of persons expected to meet entitlement requirements and
10 require the services of state-subsidized programs.

11 (b) There shall be a board to advise the office and oversee the preparation of and approve the
12 content of caseload forecasts. The board shall consist of 13 members: the assistant secretary of
13 commonwealth performance, accountability and transparency or a designee, who shall serve as
14 chairperson; the secretary of health and human services or a designee; the director of Medicaid or a
15 designee; the commissioner of the department of transitional assistance or a designee; the commissioner of
16 early education and care or a designee; the executive director of the group insurance commission or a
17 designee; the undersecretary of housing and community development or a designee; 2 members to be
18 appointed by the governor, 1 of whom shall be a health economist and 1 of whom shall be an
19 econometrician or statistician; 2 members to be appointed by the senate president, both of whom shall have
20 a background in statistics, economics or forecasting; and 2 members to be appointed by the speaker of the
21 house of representatives, both of whom shall have a background in statistics, economics or forecasting. All
22 appointed members shall serve for terms of 3 years. A person appointed to fill a vacancy in the office of a
23 member of the board shall be appointed in a like manner and shall serve only for the unexpired term. An
24 appointed member of the board shall be eligible for reappointment. The board shall annually elect 1 of its
25 members to serve as vice-chairperson. Seven members of the board shall constitute a quorum and the
26 affirmative vote of 7 members of the board shall be necessary and sufficient for any action taken by the
27 board. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the
28 rights and duties of the office. Members shall serve without pay, but shall be reimbursed for actual
29 expenses necessarily incurred in the performance of their duties. The chairperson of the board shall report
30 to the governor and to the general court not less than twice annually. All meetings of the board shall
31 comply with chapter 30A.

32 (c) The board shall appoint an executive director to oversee the operation and maintenance of the
33 office, supervise the production of caseload forecasts, ensure compliance with the requirements of this
34 section and coordinate work with executive agencies. The board may, subject to appropriation, procure
35 equipment, office space, goods and services and employ such additional staff or consultants as it deems
36 necessary. The executive office health and human services may provide staff and administrative support as
37 requested by the office; provided, however, that all work completed by the executive office of health and
38 human services shall be subject to approval by the executive director.

39 The office shall promulgate rules and regulations necessary for the administration and enforcement
40 of this section.

41 (d) The office shall collect data from state agencies to the extent necessary to forecast caseloads for
42 the state-subsidized services detailed in subsection (a) and agencies shall submit the data to the office upon
43 request. When collecting data, the office shall, to the extent possible, utilize existing data sources and
44 agency processes for data collection, analysis and technical assistance. The office may enter into an
45 interagency service agreement with the division of health care finance and policy for data collection
46 analysis and technical assistance. The office, through its rules and regulations, may determine what type of
47 data may reasonably be required and the format in which it shall be provided.

48 (e) The office shall, in consultation with the board, (i) prepare a caseload forecast for the state-
49 subsidized services detailed in subsection (a) for the current and upcoming state fiscal year; and (ii) prepare
50 other caseload forecasts based on alternative assumptions as the board may determine or as may be
51 requested by the executive office for administration and finance or the senate and house committees on
52 ways and means.

53 (f) The board shall oversee the preparation of and approve, by an affirmative vote of at least 7
54 members, the caseload forecasts prepared by the office. If the board is unable to approve a forecast before
55 a date required for such forecast, the office shall submit the forecast without approval and state that the
56 forecast was not approved by the board. Any 2 board members who do not cast affirmative votes for
57 approval of a caseload forecast may request, and the office shall provide, an alternative forecast based on
58 assumptions specified by the members.

59 (g) The office shall report its forecasts to the executive office for administration and finance and the
60 house and senate committees on ways and means on or before December 1 and March 15 each year unless
61 otherwise provided in the general appropriation act.

Confirm that Merit Rating Board is in MassDOT 3

1 SECTION 7. Section 18½ of chapter 6A of the General Laws is hereby amended by striking out,
2 in lines 12 and 13, as appearing in the 2008 Official Edition, the words ", the registry of motor vehicles, the
3 merit rating board".

Confirm that Merit Rating Board is in MassDOT 4

1 SECTION 8. Chapter 6C of the General Laws is hereby amended by inserting after section 57 the
2 following section:-

3 Section 57A. (a) There shall be within the registry of motor vehicles a motor vehicle insurance
4 merit rating board. The board shall consist of the registrar of motor vehicles, who shall serve as chair, the
5 commissioner of insurance and the attorney general or a designee. The board shall appoint a director, who
6 shall not be subject to chapter 31. The board shall formulate and administer a plan for compiling, gathering
7 and disseminating information, operator records and histories and such other data as it deems necessary or
8 appropriate pertaining to motor vehicle accidents, claims under motor vehicle policies and motor vehicle
9 violations in order to facilitate the implementation and operation of the safe driver insurance plan provided
10 in section 113B of chapter 175.

11 (b) The plan shall include a system for gathering and maintaining the information provided for in
12 subsection (a), operator records and histories and other data and for its prompt and efficient dissemination
13 to insurance companies making inquiry with respect to the motor vehicle accident, motor vehicle insurance
14 claim and motor vehicle violation record of any owner or operator insured by or applying for insurance
15 from such insurer.

16 These records and data disseminated by the plan shall be used exclusively for motor vehicle
17 insurance purposes and criminal law enforcement purposes. Whoever disseminates or uses records or data
18 disseminated under the plan in violation of this section shall be punished by a fine of not more than \$1,000
19 for each offense or by imprisonment for not more than 1 year, or both.

20 (c) The board shall have access to criminal offender record information for the purpose of
21 developing the plan. The department of criminal justice information services shall certify the board and
22 each insurance company doing motor vehicle insurance business within the commonwealth for access to
23 criminal offender record information pertaining to violations of chapter 90 by its insureds. The board and
24 each such insurance company shall comply with the regulations of the department of criminal justice
25 information services and shall be subject to sections 172 to 178, inclusive, of chapter 6.

26 (d) The board may expend for expenses and for legal, investigative, clerical and other assistance
27 amounts appropriated for those purposes. All costs of administration and operation of the board shall be
28 borne by insurance companies doing motor vehicle insurance business within the commonwealth. The
29 commissioner of insurance shall apportion estimated costs among all such companies and shall assess those
30 companies for those costs on a fair and reasonable basis. The estimated costs shall be paid to the
31 commissioner within 30 days after the date of the notice from the commissioner of these estimated costs.
32 The commissioner shall subsequently apportion actual costs among all such companies and shall make
33 assessment adjustments for any variation between estimated and actual costs on a fair and reasonable basis.
34 The estimated and actual costs shall include an amount equal to indirect costs as determined by the
35 secretary of administration and finance and shall also include the cost of fringe benefits as established by
36 the secretary of administration and finance.

ANF Office of Commonwealth Performance, Accountability and Transparency 1

1 SECTION 9. The first paragraph of section 4A of chapter 7 of the General Laws, as appearing in
2 the 2008 Official Edition, is hereby amended by adding the following sentence:- The executive office shall
3 also include an office of commonwealth performance, accountability and transparency.

Powers of the Information Technology Division 1

1 SECTION 10. Section 4A of chapter 7 of the General Laws is hereby amended by striking out, in
2 line 74, as so appearing, the word "secretary" and inserting in place thereof the following word:- governor.

Powers of the Information Technology Division 2

1 SECTION 11. The first paragraph of paragraph (d) of said section 4A of said chapter 7, as so
2 appearing, is hereby further amended by adding the following 2 sentences:- The division may also offer
3 information technology services to the executive department, municipalities, authorities, constitutional
4 offices, the judiciary, the general court and other political subdivisions of the commonwealth. The
5 information technology division shall consult with the division of local services to identify ways to better
6 assist municipalities and regional entities in procuring and developing information technology services.

ANF Office of Commonwealth Performance, Accountability and Transparency 2

1 SECTION 12. Said section 4A of said chapter 7 is hereby further amended by inserting after the
2 second paragraph of paragraph (d), inserted by section 10 of chapter 56 of the acts of 2010, the following
3 paragraph:-

4 (e) The office of commonwealth performance, (accountability and transparency shall be headed by
5 an assistant secretary of commonwealth performance, accountability and transparency who shall be
6 appointed by the secretary. The assistant secretary shall have at least 5 years experience in the area of
7 performance management systems.

8 The office shall:

9 (1) execute a performance management program throughout the executive department including,
10 within statutory limits for each agency: defining missions; creating measurable goals; establishing
11 strategies for achieving those goals and relating them to budget development;

12 (2) monitor and review federal grant applications made on behalf of the commonwealth and
13 coordinate efforts to maximize federal revenue opportunities and oversight of compliance with federal
14 reporting requirements;

15 (3) ensure transparency of the commonwealth's administration and finance activities, including the
16 operation of the searchable website required by section 14C;

17 (4) establish and maintain a central intake unit for reports of fraud, waste and abuse;

18 (5) establish and maintain an economic forecasting and analysis unit to coordinate all spending and
19 revenue forecasting by state agencies and coordinate with the caseload forecasting office established in
20 section 16T of chapter 6A;

21 (6) perform the executive office's duties for privatization contracts under section 54;

22 (7) reduce and simplify paperwork of state agencies and departments by adopting uniform forms or
23 federal forms, if possible, when they are shorter than the corresponding state forms;

24 (8) implement and streamline electronic paperwork options to better facilitate public interaction with
25 state agencies;

26 (7) have whatever other duties with respect to state agencies that the governor or secretary may
27 assign; and

28 (8) collaborate with other state agencies, authorities and other entities to carry out these purposes.

ANF Office of Commonwealth Performance, Accountability and Transparency 3

1 SECTION 13. The third sentence of the first paragraph of section 4D of said chapter 7 is hereby
2 amended by striking out the figure "4", inserted by section 9 of said chapter 56, and inserting in place
3 thereof the following figure:- 2.

Powers of the Information Technology Division 3

1 SECTION 14. Section 53 of said chapter 7 is hereby amended by inserting after the word "legal",
2 in line 27, as appearing in the 2008 Official Edition, the following words:- , information technology.

Disadvantaged Business Program Trust Account 1

1 SECTION 15. Section 58 of said chapter 7, inserted by section 2 of chapter 56 of the acts of 2010,
2 the first time it appears, is hereby amended by striking out the words "59 to 61" and inserting in place
3 thereof the following words:- 59 to 62.

Disadvantaged Business Program Trust Account 2

1 SECTION 16. Said section 58 of said chapter 7, as so inserted, is hereby further amended by
2 inserting after the definition of "Director" the following definition:-

3 "Disadvantaged business enterprise", a disadvantaged business enterprise as defined by the United
4 States Department of Transportation in 49 C.F.R. § 26 *et seq.*

Disadvantaged Business Program Trust Account 3

1 SECTION 17. Said section 58 of said chapter 7, as so inserted, is hereby further amended by
2 inserting after the definition of "State purchasing agent" the following definition:-

3 "Unified certification program", the program, whereby the supplier diversity office certifies
4 disadvantaged business enterprises, as required by regulations of the United States Department of
5 Transportation in 49 C.F.R. § 26 *et seq.*

Disadvantaged Business Program Trust Account 4

1 SECTION 18. Said chapter 7 is hereby further amended by adding the following section:-

2 Section 62. (a) There shall be established a separate account to be known as the Unified
3 Certification Program Trust Fund. The state purchasing agent shall expend funds, without further
4 appropriation, exclusively for the operation of the unified certification program.

5 (b) Funds received from the federal government by the following state and regional authorities and
6 municipal and regional airports, in this section collectively referred to as the participants, and any others
7 that take part in the unified certification program, for the purpose of operating the unified certification
8 program, shall be deposited in the fund: the Massachusetts Department of Transportation, the
9 Massachusetts Bay Transportation Authority, the Massachusetts Port Authority, the Berkshire Regional
10 Transit Authority, the Brockton Area Transit Authority, the Cape Cod Regional Transit Authority, the
11 Greater Attleboro-Taunton Regional Transit Authority, the Lowell Regional Transit Authority, the
12 Merrimack Valley Regional Transit Authority, the Montachusett Regional Transit Authority, the Pioneer
13 Valley Regional Transit Authority, the Southeastern Regional Transit Authority, the Worcester Regional
14 Transit Authority, Barnstable Municipal Airport, Martha's Vineyard Airport, Nantucket Memorial Airport
15 and New Bedford Regional Airport. The methodology used in determining the allocation of payments due
16 from each participant shall be determined pursuant to a formula, subject to modification from time to time,
17 that is established by and between the Massachusetts Department of Transportation, the participants and the
18 United States Department of Transportation, consistent with applicable federal laws and regulations.

Single State Parks Agency 1

1 SECTION 19. Section 9 of chapter 8 of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by striking out, in line 16, the words "the division of urban" and inserting in
3 place thereof the following word:- state.

Health Information Technology and Build America Bonds Trust Funds 1

1 SECTION 20. Chapter 10 of the General Laws is hereby amended by inserting after section
2 35QQ the following 2 sections:-

3 Section 35RR. There shall be established and set up on the books of the commonwealth a separate
4 fund to be known as the Health Information Technology Trust Fund. There shall be credited to the fund
5 revenues from federal reimbursements under the Health Information Technology for Economic and
6 Clinical Health Act, Title XIII of Division A and Title IV of Division B of Pub. L. No. 111-5, and any
7 other federal reimbursements, grants, premiums, gifts or other contributions from any source received for
8 or in support of the health care provider incentive payment program and for the promotion of electronic
9 health record adoption and health information exchange in the commonwealth. The secretary of health and
10 human services shall be the fund's trustee, and shall expend the fund, without further appropriation, for
11 incentive payments to eligible Massachusetts Medicaid health care providers for the adoption,
12 implementation, upgrade or meaningful use of certified electronic health record technology and to support
13 the planning, implementation and operating costs of administering these payments. The secretary may
14 certify for payment amounts in anticipation of federal revenues collected for the corresponding quarter
15 during the previous fiscal year. For the purpose of accommodating timing discrepancies between the receipt
16 of revenues and related expenditures, the secretary may incur expenses, after written approval from the
17 secretary of administration and finance, and the comptroller shall certify for payment, amounts not to
18 exceed the most recent revenue estimate as certified by the MassHealth director, as reported in the state
19 accounting system.

20 Section 35SS. There shall be established and set up on the books of the commonwealth a separate
21 fund to be known as the Build America Bonds Subsidy Trust Fund. There shall be credited to the fund
22 payments received from the United States Treasury for subsidies related to any tax credit bonds issued by
23 the commonwealth for the purpose of paying or reimbursing interest on such bonds. The state treasurer
24 shall be the fund's trustee, may credit any such payments to the appropriate funds or accounts of the
25 commonwealth allocable to the payment of such interest and in accordance with any applicable trust
26 agreements pursuant to which any bonds were issued and shall make expenditures from the fund, without
27 further appropriation, to pay debt service related to such bonds. The comptroller may, without further
28 appropriation, transfer from any available appropriation any amount determined by the comptroller to have
29 been withheld by the federal government from a tax credit bond subsidy payment.

Frequency of Audits

1 SECTION 21. The first paragraph of section 12 of chapter 11 of the General Laws, as appearing in
2 the 2008 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof
3 the following 3 sentences:- The department of the state auditor shall audit the accounts, programs,
4 activities and functions directly related to the aforementioned accounts of all departments, offices,
5 commissions, institutions and activities of the commonwealth, including those of districts and authorities
6 created by the general court and including those of the income tax division of the department of revenue
7 and, for such purposes, the authorized officers and employees of the department of the state auditor shall
8 have access to such accounts at reasonable times and the department may require the production of books,
9 documents, vouchers and other records relating to any matter within the scope of an audit conducted under
10 this section or section 13, except tax returns. In determining the audit frequency of a covered entity, the
11 department shall consider the materiality, risk and complexity of the entity's activities as well as the nature
12 and extent of prior audit findings. Each entity may be audited separately as a part of a larger organizational
13 entity or as a part of an audit covering multiple entities; provided, however, that each entity shall be audited
14 at least once every 3 years and an entity shall be subject to audit as often as the state auditor determines it
15 necessary.

Penalties for Misapplying DTA Funds

1 SECTION 22. Chapter 18 of the General Laws is hereby amended by inserting after section 5H
2 the following section:-

3 Section 5I. Notwithstanding any general or special law to the contrary, whoever embezzles, steals or
4 obtains by fraud any funds, assets or property provided by the department of transitional assistance and
5 whoever receives, conceals or retains such funds, assets or property for his own interest knowing such
6 funds, assets or property have been embezzled, stolen or obtained by fraud shall, if such funds, assets or
7 property are of a value of less than \$100, be punished by a fine of not more than \$1,000 or by imprisonment
8 in a jail or house of correction for not more than 1 year, or both such fine and imprisonment, or if such
9 funds, assets or property are of a value of \$100 or more, by a fine of not more than \$25,000 or by
10 imprisonment in a jail or house of correction for not more than 2 ½ years, or both such fine and
11 imprisonment.

Single State Parks Agency 2

1 SECTION 23. Section 1 of chapter 21 of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following
3 paragraph:-

4 The department of conservation and recreation shall consist of a division of state parks and
5 recreation and a division of water supply protection. Each division shall be under the administrative
6 supervision of a director and shall be under the supervision and control of the commissioner of the
7 department of conservation and recreation. The division of water supply protection shall have control over
8 the watershed and water supply systems in accordance with chapter 92A½. The division of state parks and
9 recreation shall have control over the state parks, forests, parkways, waterways, rinks, pools, beaches and

10 other recreational lands and facilities outside of the watershed systems as defined in sections 1 and 2 of
11 chapter 92A½.

Single State Parks Agency 3

1 SECTION 24. Section 2F of said chapter 21, as so appearing, is hereby amended by striking out,
2 in lines 1 and 2, the words “directors of the divisions of state parks and recreation and urban ” and inserting
3 in place thereof the following words:- director of state.

Single State Parks Agency 4

1 SECTION 25. Section 3 of said chapter 21, as so appearing, is hereby amended by striking out, in
2 line 8, the words “urban parks and recreation,”.

Single State Parks Agency 5

1 SECTION 26. Section 8 of chapter 21A of the General Laws, as so appearing, is hereby amended
2 by striking out, in line 44, the words "urban parks and recreation, a division of".

Improve DEP Efficiencies 1

1 SECTION 27. Subsection (o) of section 3A of chapter 21E of the General Laws, as so appearing,
2 is hereby amended by striking out the second and third sentences and inserting in place thereof the
3 following 4 sentences:- In each year the department shall, at a minimum, audit a statistically significant
4 number, as determined by the department, of all sites for which annual compliance assurance fees are
5 required to be paid under section 3B. In determining the statistically significant number, the department
6 shall take into account the need for audits to ensure a high level of compliance with this chapter and the
7 Massachusetts Contingency Plan and the need to target audit resources in the most efficient and effective
8 manner. The department may establish additional audit targets for categories of persons or response
9 actions or sites, as defined under subsection (d) of section 3, based on the level of department oversight
10 provided to each category. The department shall report annually to the joint committee on environment,
11 natural resources and agriculture and the house and senate committees on ways and means detailing the
12 number of audits conducted under this section.

Civil Fines by the Department Public Safety

1 SECTION 28. Chapter 22 of the General Laws is hereby amended by adding the following
2 section:-

3 Section 21. (a) The commissioner or his designee and such other person as may be specifically
4 authorized may issue a written notice of violation, which shall be a written warning or a citation to assess
5 civil monetary fines of not more than \$5,000, for a violation of the following laws or of regulations adopted
6 thereunder:

7 (1) section 13A; provided, however, that an inspector assigned to the building division or a
8 designee of the architectural access board may also issue a warning or citation under this section;

9 (2) sections 1, 2 and 64 of chapter 105;

10 (3) section 205A of chapter 140; provided, however, that an inspector assigned to the building
11 division or the engineering division of the department may also issue a warning or citation under this
12 section;

13 (4) sections 3V, 9 and 50 of chapter 143; provided, however, that an inspector assigned to the
14 building division of the department may also issue a warning or citation under these sections;

15 (5) sections 71 and 71D of chapter 143; provided, however, that an inspector assigned to the
16 elevator division of the department may also issue a warning or citation under this section;

17 (6) sections 71K and 71N of chapter 143; provided, however, that a designee of the recreational
18 tramway board may also issue a warning or citation under these sections;

19 (7) sections 5 to 41, inclusive, sections 53 to 54A, inclusive, sections 70 to 80, inclusive, or
20 section 89 of chapter 146; provided, however, that an inspector assigned to the engineering division of the
21 department may also issue a warning or citation under these sections;

22 (8) the regulations of the state building code governing licensing of construction supervisors under
23 section 94 of chapter 143; provided, however, that an inspector assigned to the building division of the
24 department may also issue a warning or citation under such regulations; and

25 (9) sections 57 and 60 of chapter 147.

26 (b) The commissioner may adopt regulations for the administration and enforcement of this
27 section.

28 (c) The individual issuing the written notice of violation shall indicate on the notice that it is for:
29 (i) a written warning or a citation; and (ii) a violation of the specific law or regulation referenced in
30 subsection (a).

31 (d) A person, firm or corporation who is issued a citation in a written notice of violation may
32 appeal to a hearing officer designated by the secretary of public safety and security within 30 days after
33 receipt of the notice. All appeal hearings shall be held in accordance with the standard rules governing
34 informal adjudicatory proceedings adopted under section 9 of chapter 30A.

35 (e) A person, firm or corporation who is issued a citation in a written notice of a violation and who
36 fails to: (i) pay the fines assessed within 30 days after receipt of the notice; (ii) appeal within the 30 days;
37 or (iii) appear at a scheduled appeal hearing, shall be deemed responsible for the violation as stated in the
38 notice. The finding of responsibility shall be admissible as prima facie evidence of responsibility for the
39 violation in any civil proceeding regarding the violation, in any proceeding to suspend or revoke a license,
40 permit or certificate and in any criminal proceeding.

Number of DIA Judges 1

1 SECTION 29. Section 4 of chapter 23E of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by striking out, in line 3, the word "twenty-one", and inserting in place thereof
3 the following words:- not more than 21.

Number of DIA Judges 2

1 SECTION 30. The first paragraph of said section 4 of said chapter 23E, as so appearing, is hereby
2 further amended by adding the following sentence:- Notwithstanding any general or special law to the
3 contrary, upon the expiration of a term, a member shall not continue to serve unless reappointed but, in the
4 discretion of the commissioner, that member may serve not more than 90 additional days to complete work
5 on pending cases.

Number of DIA Judges 3

1 SECTION 31. Section 5 of said chapter 23E, as so appearing, is hereby amended by striking out,
2 in line 4, the word "six" and inserting in place thereof the following words:- not more than 6.

Number of DIA Judges 4

1 SECTION 32. The first paragraph of said section 5 of said chapter 23E, as so appearing, is hereby
2 further amended by adding the following sentence:- Notwithstanding any general or special law to the
3 contrary, upon the expiration of a term, a member shall not continue to serve unless reappointed but, in the
4 discretion of the commissioner, that member may serve not more than 90 additional days to complete work
5 on pending cases.

Workforce Training Trust Fund 1

1 SECTION 33. Section 2RR of chapter 29 of the General Laws, as so appearing, is hereby
2 amended by inserting after the word "Training", in line 3, the following word:- Trust.

Workforce Training Trust Fund 2

1 SECTION 34. Said section 2RR of said chapter 29, as so appearing, is hereby further amended by
2 striking out, in lines 6 and 7, the words "Subject to appropriation, the commissioner, which in this section
3 shall have the meaning assigned by section 1 of chapter 151A" and inserting in place thereof the following
4 words:- The commissioner, which in this section shall have the meaning assigned by section 1 of chapter
5 151A, shall be the trustee of the fund and, without further appropriation,.

Public Safety Training Fund 1

1 SECTION 35. Said chapter 29 of the General Laws is hereby further amended by inserting after
2 section 2BBBB the following section:-

3 Section 2CCCC. There shall be established and set up on the books of the commonwealth a separate
4 fund to be known as the Public Safety Training Fund. The fund shall be used for the instruction of public
5 safety personnel including, but not limited to, the recruitment of additional state police classes and for the
6 municipal police training committee under section 116 of chapter 6, as necessary, to preserve and promote
7 the public safety. The fund shall be credited with all revenues collected from the surcharge imposed by
8 section 12 of chapter 89 and the seventh paragraph of section 20 of chapter 90. The fund shall not be
9 subject to section 5C of chapter 29 and shall be subject to appropriation.

Accountability and Transparency for State Authorities

1 SECTION 36. Said chapter 29 is hereby further amended by inserting after section 29J the
2 following section:-

3 Section 29K. (a) Each state authority that receives a total amount of appropriations from the
4 commonwealth equal to or in excess of \$500,000 in any fiscal year shall, on an annual basis, conduct an
5 audit of those funds. Each such audit shall be conducted by an independent auditor and shall be filed with
6 the state auditor for examination, review and comment.

7 (b) Each state authority shall:

8 (1) establish an audit committee that shall meet independently of management at least once per
9 calendar year, retain an independent auditor and hear the results of the annual audit; provided, however,
10 that a state authority may rely upon an audit required by any other general or special law in meeting the
11 requirements of this section;

12 (2) establish a compensation committee that shall: (i) meet independently of management at least
13 once per calendar year and shall evaluate and establish executive compensation including, but not limited
14 to, base salary, bonuses, severance, retirement or deferred compensation packages and policies relative to
15 the accrual and payment of sick and vacation time, including payouts for unused sick and vacation time;

16 and (ii) analyze and assess comparable compensation for positions with similar functions and
17 responsibilities at state agencies and authorities, as well as for-profit and nonprofit private-sector
18 employers; and

19 (3) prepare an annual financial report which shall disclose operating revenues and expenses,
20 including the salaries and compensation of its executive director, officers, board members and senior
21 management, and other highly-compensated employees, exclusive of the executive director, officers, board
22 members and senior management.

23 (c) No executive of a state authority shall be compensated for sick, vacation or other leave time to
24 an extent greater than the leave time granted to a state employee.

25 (d) No executive of a state authority shall be granted severance pay after removal for cause and no
26 executive shall be granted severance pay in excess of 3 months' salary if removed other than for cause.

27 (e) The commonwealth shall not subsidize the pension and other post-employment benefits of
28 state authority retirees. No state authority that participates in the state retirement system or the group
29 insurance commission, as determined by the comptroller, shall be subsidized by state appropriation. Each
30 state authority and independent entity shall be charged the full actuarial value of its liabilities by the public
31 employee retirement administration commission and the group insurance commission.

32 (f) The secretary of administration and finance shall adopt regulations to carry out this section.
33 Audits and financial reports shall be based on generally accepted accounting principles or generally
34 accepted government auditing standards and shall be considered a public record under clause Twenty-sixth
35 of section 7 of chapter 4.

36 (g) Nothing in this section shall be construed to limit the authority of the attorney general,
37 inspector general, state auditor or other state agency.

Health Information Technology and Build America Bonds Trust Funds 2

1 SECTION 37. Section 49 of said chapter 29, as appearing in the 2008 Official Edition, is hereby
2 amended by adding the following paragraph:-

3 If bonds are issued subject to a requirement under federal tax law that the proceeds from any
4 investment of the proceeds from the sale of the bonds shall be used for capital expenditures including,
5 without limitation, section 54AA(g)(2) of the Internal Revenue Code of 1986, as amended, the state
6 treasurer may, without further appropriation or allotment, apply investment earnings allocable to the
7 proceeds of such bonds to the payment or reimbursement of capital expenditures for which bonds have
8 been authorized but not yet issued, and the amount of bonds authorized to be issued for any such
9 expenditures shall be reduced by the amount of investment earnings so applied.

Pension Funding Schedule 1

1 SECTION 38. Section 22C of chapter 32 of the General Laws is hereby amended by striking out,
2 in line 29, as so appearing, the words "on June 30, 2025" and inserting in place thereof the following
3 words:- by June 30, 2040.

Pension Funding Schedule 2

1 SECTION 39. Subdivision (1) of said section 22C of said chapter 32 is hereby amended by
2 striking out the last paragraph, as appearing in section 23 of chapter 27 of the acts of 2009, and inserting in
3 place thereof the following paragraph:-

4 Notwithstanding any general or special law to the contrary, appropriations or transfers made to the
5 Commonwealth's Pension Liability Fund in fiscal years 2012 to 2017, inclusive, shall be made in
6 accordance with the following funding schedule: \$1,478,000,000 in fiscal year 2012, \$1,552,000,000 in
7 fiscal year 2013, \$1,630,000,000 in fiscal year 2014, \$1,727,000,000 in fiscal year 2015, \$1,831,000,000 in
8 fiscal year 2016 and \$1,941,000,000 in fiscal year 2017. Notwithstanding any provision of this subdivision
9 to the contrary, any adjustments to these amounts based on the next triennial funding schedule shall be
10 limited to increases in the schedule amounts for each of the specified years.

Prohibition on GIC Mid-Year Plan Changes

1 SECTION 40. Section 8 of chapter 32A of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by striking out the first and second paragraphs and inserting in place thereof the
3 following 2 paragraphs:-

4 For policies of group life insurance and accidental death and dismemberment insurance, and group
5 health insurance purchased by the commission under sections 4, 5 and 10C, and for self-insured health
6 coverage provided by the commission under section 4A, the commonwealth, on behalf of active and retired
7 employees and their dependents, shall contribute not less than 75 per cent of the total monthly premium or
8 rate applicable to said coverages, and the active and retired employees on behalf of themselves or
9 themselves and their dependents shall contribute the remaining 25 per cent of the total monthly premium or
10 rate, except, that upon approval by way of an annual appropriation act, the commonwealth may contribute
11 more than 75 per cent but less than the entire total monthly premium or rate. The annual appropriation act
12 shall provide the necessary annual sum to be funded by the commonwealth based upon the estimated
13 monthly cost as required by sections 4 and 4A and the estimated monthly cost for coverages contained in
14 other sections of this chapter and shall describe the ratio of contribution to be paid by the commonwealth
15 and by the active and retired employees insured under other sections of this chapter. Regarding active and
16 retired employees and their dependents, including municipal subscribers, the commission shall not alter the
17 coverage and benefits provided, or contribution ratios established, in the annual appropriation act, or the
18 schedule of co-pays and deductibles and other terms upon which the total premium cost of each plan and
19 the contribution ratios established in the annual appropriation act were based; provided, however, that if the
20 governor reduces the appropriation under section 9C of chapter 29, the commission may make any
21 necessary adjustments to account for the reduction.

22 With respect to any period of insurance authorized by this chapter which is in effect for an active
23 employee and dependent, there shall be withheld from each payment of salary or wages not more than 25
24 per cent of the total monthly premium or rate or a lesser amount as provided in the annual appropriation
25 act. With respect to any period of insurance authorized by this chapter which is in effect for a retired
26 employee and dependent, there shall be withheld from each payment of pension or retirement allowance
27 not more than 25 per cent of the total monthly premium or a lesser amount as provided in the annual
28 appropriation act. The commonwealth shall contribute a share of any additional premium which may be
29 required for coverage of an employee's dependent child who is 19 years of age or over and mentally or
30 physically incapable of earning such child's own living, such share equaling the same ratio as that paid on
31 behalf of an active or retired employee and dependent.

Enhance GIC's Alternative Coverage Program 1

1 SECTION 41. Section 19 of said chapter 32A, as so appearing, is hereby amended by inserting
2 after the word "Effective", in line 1, the following words:- January 1 and.

Enhance GIC's Alternative Coverage Program 2

1 SECTION 42. Said section 19 of said chapter 32A, as so appearing, is hereby further amended by
2 inserting after the word "rate", in line 10, the following words:- in effect.

State Retiree Benefits Trust Fund Amendments 1

1 SECTION 43. Section 24 of said chapter 32A is hereby amended by inserting after the word
2 “system”, in line 16, as so appearing, the following words:- and for depositing, investing and disbursing
3 amounts transferred to it under subsection (d).

State Retiree Benefits Trust Fund Amendments 2

1 SECTION 44. Said section 24 of said chapter 32A is hereby further amended by striking out
2 subsection (d), as so appearing, and inserting in place thereof the following subsection:-

3 (d) Upon authorization by the board, any political subdivision, municipality, county or agency or
4 authority of the commonwealth may participate in the fund using procedures and criteria to be adopted by
5 the board.

Municipal Health Reform 1

1 SECTION 45. Chapter 32B of the General Laws is hereby amended by striking out section 2, as so
2 appearing, and inserting in place thereof the following section:-

3 Section 2. As used in this chapter the following words shall, unless the context clearly requires
4 otherwise, have the following meanings:-

5 “Appropriate public authority”, as to a county, except Worcester county, the county
6 commissioners; as to a city, the mayor; as to a town, the selectmen; as to a district, the governing board of
7 the district and for the purposes of this chapter if a collective bargaining agreement is in place, as to a
8 commonwealth charter school as defined by section 89 of chapter 71, the board of trustees; and as to an
9 education collaborative, as defined by section 4E of chapter 40, the board of directions.

10 “Commission”, the group insurance commission established by section 3 of chapter 32A.

11 “Dependent”, an employee’s spouse, an employee’s unmarried children under 19 years of age and
12 any child 19 years of age or over who is mentally or physically incapable of earning the child’s own living;
13 provided, however, that any additional premium which may be required shall be paid for the coverage of
14 such child 19 years of age or over; provided further, that “dependent” shall also include an unmarried child
15 19 years of age or over who is a full-time student in an educational or vocational institution and whose
16 program of education has not been substantially interrupted by full-time gainful employment, excluding
17 service in the armed forces; provided further, that any additional premium which may be required for the
18 coverage of such student shall be paid in full by the employee. The standards for such full-time instruction
19 and the time required to complete such a program of education shall be determined by the appropriate
20 public authority.

21 “District”, any water, sewer, light, fire, veterans’ services or other improvement district or public
22 unit created within 1 or more political subdivisions of the commonwealth to provide public services or
23 conveniences.

24 “Employee”, any person in the service of a governmental unit or whose services are divided
25 between 2 or more governmental units or between a governmental unit and the commonwealth, and who
26 receives compensation for any such service, whether such person is employed, appointed or elected by
27 popular vote, and any employee of a free public library maintained in a city or town to the support of which
28 that city or town annually contributes not less than one-half of the cost; provided, however, that the duties
29 of such person require not less than 20 hours, regularly, in the service of the governmental unit during the
30 regular work week of permanent or temporary employment; provided further, that no seasonal employee or
31 emergency employees shall be included, except that persons elected by popular vote may be considered
32 eligible employees during the entire term for which they are elected regardless of the number of hours

33 devoted to the service of the governmental unit. A member of a call fire department or other volunteer
34 emergency service agency serving a municipality shall be considered an employee, if approved by vote of
35 the municipal legislative body, and the municipality shall charge such individual 100 per cent of the
36 premium. If an employee's services are divided between governmental units, the employee shall, for the
37 purposes of this chapter, be considered an employee of the governmental unit which pays more than 50 per
38 cent of the employee's salary. But, if no one governmental unit pays more than 50 per cent of that
39 employee's salary, the governmental unit paying the largest share of the salary shall consider the employee
40 as its own for membership purposes, and that governmental unit shall contribute 50 per cent of the cost of
41 the premium. If the payment of an employee's salary is equally divided between governmental units, the
42 governmental unit having the largest population shall contribute 50 per cent of the cost of the premium. If
43 an employee's salary is divided in any manner between a governmental unit and the commonwealth, the
44 governmental unit shall contribute 50 per cent of the cost of the premium. An employee eligible for
45 coverage under this chapter shall not be eligible for coverage as an employee under chapter 32A. Teachers
46 and all other public school employees shall be deemed to be employees during the months of July and
47 August under this chapter; provided, however, that employee contributions for such health insurance for
48 those 2 months are deducted from the compensation paid for services rendered during the previous school
49 year. A determination by the appropriate public authority that a person is eligible for participation in the
50 plan of insurance shall be final. Nothing in this paragraph shall apply to Worcester county or its employees.

51 "Employer", the governmental unit.

52 "Governmental unit", any political subdivision of the commonwealth.

53 "Health care flexible spending account", a federally-recognized tax-exempt health benefit program
54 that allows an employee to set aside a portion of earnings to pay for qualified expenses as established in an
55 employer's benefit plan.

56 "Health care organization", an organization for the group practice of medicine, with or without
57 hospital or other medical institutional affiliations, which furnishes to the patient a specified or unlimited
58 range of medical, surgical, dental, hospital and other types of health care services.

59 "Health reimbursement arrangement", a federally-recognized tax-exempt health benefit program
60 funded solely by an employer to reimburse employees for qualified medical expenses.

61 "Optional medicare extension", a program of hospital, surgical, medical, dental and other health
62 insurance for such active employees and their dependents and such retired employees and their dependents,
63 except elderly governmental retirees insured under section 11B, as are eligible or insured under the federal
64 health insurance for the aged act, as may be amended from time to time.

65 "Political subdivision", any county, except Worcester county, city, town or district.

66 "Subscribers", employees, retirees, surviving spouses and dependents of the political subdivision
67 and may include employees, retirees, surviving spouses and dependents of a district who previously
68 received health insurance benefits through the political subdivision.

Transfer of Eligible Retirees into Medicare 1

1 SECTION 46. Section 18 of said chapter 32B is hereby repealed.

Transfer of Eligible Retirees into Medicare 2

1 SECTION 47. Said chapter 32B is hereby amended by striking out section 18A, as appearing in
2 the 2008 Official Edition, and inserting in place thereof the following section:-

3 Section 18B. (a) A retiree, spouse or dependent insured or eligible to be insured under this chapter,
4 if enrolled in Medicare Part A at no cost to the retiree, spouse or dependent or eligible for coverage under
5 Medicare Part A at no cost to the retiree, spouse or dependent, shall be required to transfer to a Medicare
6 health plan offered by the governmental unit under section 11C or section 16, if the benefits under the plan
7 and Medicare Part A and Part B together shall be of comparable actuarial value to those under the retiree's
8 existing coverage, but a retiree or spouse who has a dependent who is not enrolled or eligible to be enrolled
9 in Medicare Part A at no cost shall not be required to transfer to a Medicare health plan if a transfer
10 requires the retiree or spouse to continue the existing family coverage for the dependent in a plan other than
11 a Medicare health plan offered by the governmental unit.

12 (b) Each retiree shall provide the governmental unit, in such form as the governmental unit shall
13 prescribe, such information as is necessary to transfer to a Medicare health plan. If a retiree does not submit
14 the information required, the retiree shall no longer be eligible for the retiree's existing health coverage.
15 The governmental unit may, from time to time, request from a retiree, a retiree's spouse or a retiree's
16 dependent, proof certified by the federal government, of eligibility or ineligibility for Medicare Part A and
17 Part B coverage.

18 (c) The governmental unit shall pay any Medicare Part B premium penalty assessed by the federal
19 government on the retiree, spouse or dependent as a result of enrollment in Medicare Part B at the time of
20 transfer.

Municipal Health Reform 2

1 SECTION 48. Section 19 of said chapter 32B, as so appearing, is hereby amended by striking out,
2 in line 58, the words "70 per cent" and inserting in place thereof the following words: - a majority.

Municipal Health Reform 3

1 SECTION 49. The fifth paragraph of subsection (a) of said section 19 of said chapter 32B, as so
2 appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the
3 following 2 sentences:- Either the public employee committee or the appropriate public authority may
4 convene the initial meeting of the committee at any time upon 7 days notice. Either the public employee
5 committee or the appropriate public authority may convene any subsequent meeting with notice of not less
6 than 3 business days.

State Retiree Benefits Trust Fund Amendments 3

1 SECTION 50. Said chapter 32B is hereby further amended by striking out section 20, as so
2 appearing, and inserting in place thereof the following section:-

3 Section 20. (a) A city, town, district, county or municipal lighting plant that accepts this section may
4 establish an Other Post-Employment Benefits Liability Trust Fund, and may appropriate amounts to be
5 credited to the fund. Any interest or other income generated by the fund shall be added to and become part
6 of the fund. Amounts that a governmental unit receives as a sponsor of a qualified retiree prescription drug
7 plan under 42 U.S.C. section 1395w-132 may be added to and become part of the fund. All monies held in
8 the fund shall be segregated from other funds and shall not be subject to the claims of any general creditor
9 of the city, town, district, county or municipal lighting plant.

10 (b) The custodian of the fund shall be (i) a designee appointed by the board of a municipal lighting
11 plant; (ii) the treasurer of any other governmental unit; or (iii) if designated by the city, town, district,
12 county or municipal lighting plant in the same manner as acceptance prescribed in this section, the Health
13 Care Security Trust board of trustees established in section 4 of chapter 29D, provided that the board of
14 trustees accepts the designation. The custodian may employ an outside custodial service to hold the monies
15 in the fund. Monies in the fund shall be invested and reinvested by the custodian consistent with the
16 prudent investor rule established in chapter 203C and may, with the approval of the Health Care Security

17 Trust board of trustees, be invested in the State Retiree Benefits Trust Fund established in section 24 of
18 chapter 32A.

19 (c) This section may be accepted in a city having a Plan D or Plan E charter, by vote of the city
20 council; in any other city, by vote of the city council and approval of the mayor; in a town, by vote of the
21 town at a town meeting; in a district, by vote of the governing board; in a municipal lighting plant, by vote
22 of the board; and in a county, by vote of the county commissioners.

23 (d) Every city, town, district, county and municipal lighting plant shall annually submit to the public
24 employee retirement administration commission, on or before December 31, a summary of its other post-
25 employment benefits cost and obligations and all related information required under Government
26 Accounting Standards Board standard 45, in this subsection called "GASB 45", covering the last fiscal or
27 calendar year for which this information is available. On or before June 30 of the following year, the public
28 employee retirement administration commission shall notify any entity submitting this summary of any
29 concerns that the commission may have or any areas in which the summary does not conform to the
30 requirements of GASB 45 or other standards that the commission may establish. The public employee
31 retirement administration commission shall file a summary report of the information received under this
32 subsection with the chairs of the house and senate committees on ways and means, the secretary of
33 administration and finance and the board of trustees of the Health Care Security Trust.

Municipal Health Reform 4

1 SECTION 51. Said chapter 32B is hereby further amended by adding the following 8 sections:-

2 Section 21. As used in this section and sections 22 to 24, inclusive, the word "savings" shall,
3 unless the context clearly requires otherwise, mean the difference between the total projected premium
4 costs for health insurance benefits provided by a political subdivision with changes to health insurance
5 benefits that may be authorized under sections 22 or 23 for the first fiscal year of such changes and the total
6 projected premium costs for health insurance benefits provided by a political subdivision for the same fiscal
7 year without such changes.

8 (a) Any political subdivision electing to change health insurance benefits under sections 22 or 23
9 shall do so in the following manner: in a county, except Worcester county, by a vote of the county
10 commissioners; in a city having Plan D or a Plan E charter, by majority vote of the city council and
11 approval by the manager; in any other city, by majority vote of the city council and approval by the mayor;
12 in a town, by vote of the board of selectmen; in a regional school district, by vote of the regional district
13 school committee; and in all other districts, by vote of the registered voters of the district at a district
14 meeting.

15 (b) Prior to implementing any changes authorized under sections 22 or 23, the appropriate public
16 authority shall give notice to its public employee committee of its intention to enter into negotiations to
17 implement changes to its health insurance benefits under this section. If a public employee committee has
18 not been established under section 19, a public employee committee shall be established exclusively to
19 negotiate changes under this section, section 22 and section 23, and shall be established in the same form
20 and with the same per cent votes as prescribed in the fifth paragraph of subsection (a) of said section 19.

21 The notice shall detail the proposed changes, the appropriate public authority's estimate of its
22 anticipated savings of such changes and a proposal to mitigate, moderate or cap the impact of these changes
23 for subscribers, including retirees, low-income subscribers and subscribers with high out-of-pocket health
24 care costs, who would otherwise be disproportionately affected.

25 (c) The bargaining shall be conducted in good faith and completed no later than 30 days from the
26 point at which the public authority first gives notice. If after 30 days the appropriate public authority and
27 public employee committee are unable to enter into a written agreement to implement changes under
28 section 22 or 23, the matter shall be submitted to a municipal health insurance review panel. The panel
29 shall be comprised of 3 members, 1 of whom shall be appointed by the public employee committee, 1 of

30 whom shall be appointed by the public authority and 1 of whom shall be selected through the secretary of
31 administration and finance who shall forward to the appropriate public authority and the public employee
32 committee a list of 3 impartial potential members, each of whom shall have professional experience in
33 dispute mediation and municipal finance or municipal health benefits, from which the appropriate public
34 authority and the public employee committee may jointly select the third member; provided, however, that
35 if the appropriate public authority and the public employee committee cannot agree within 3 business days
36 upon which person to select as the third member of the panel, the secretary of administration and finance
37 shall select the final member of the panel. Any fee or compensation provided to a member for service on
38 the panel shall be shared equally between the public employee committee and the appropriate public
39 authority.

40 (d) The municipal health insurance review panel shall approve the appropriate public authority's
41 immediate implementation of the proposed changes under section 22 or 23; provided, that any increased
42 dollar amounts for co-payments, deductibles, tiered provider network co-payments and other plan design
43 features proposed for a non-medicare plan under section 22 do not exceed the median plan design features
44 offered by the commission for a non-medicare plan under section 4 of chapter 32A; and provided further,
45 that any increased dollar amounts for co-payments, deductibles, tiered provider network co-payments and
46 other plan design features proposed for a medicare-extension plan under section 22 do not exceed the
47 median plan design features offered by the commission for a medicare-extension plan under section 10C of
48 chapter 32A.

49 (e) Within 10 days of receiving proposed changes under sections 22 or 23, the municipal health
50 insurance review panel shall:

51 (1) confirm the appropriate public authority's estimated monetary savings due to proposed
52 changes under section 22 or 23; and

53 (2) review the proposal to mitigate, moderate, or cap the impact of these changes for subscribers,
54 including retirees, low-income subscribers and subscribers with high out-of-pocket health care costs, who
55 would otherwise be disproportionately affected. The municipal health insurance review panel may
56 determine the proposal to be insufficient and may require additional savings to be shared with subscribers
57 in the form of premium reductions, health reimbursement arrangements, wellness programs, health care
58 trust funds for emergency medical care or inpatient hospital care, out-of-pocket caps, Medicare Part B
59 reimbursements or reimbursements for other qualified medical expenses, as determined by the panel. In no
60 case shall the municipal health insurance review panel designate more than 33 per cent of the savings to
61 subscribers. In reaching a decision on the proposal under this subsection, the municipal health insurance
62 review panel may consider an alternative proposal from the public employee committee to mitigate,
63 moderate, or cap the impact of these changes for subscribers, the political subdivision's ability to pay,
64 existing premium contribution ratios between the appropriate authority and the subscribers, intended use of
65 savings by the political subdivision, any historical negotiations or concessions by retirees on benefits and
66 the historical negotiations on benefits and salary including total compensation and all other evidence.

67 The municipal health insurance review panel's decision shall be binding upon the parties.

68 (f) The secretary of administration and finance, in consultation with the secretary of labor and
69 workforce development, shall adopt regulations to carry out this section.

70 Section 22. (a) Upon meeting the requirements of section 21, an appropriate public authority of a
71 political subdivision which has undertaken to provide health insurance coverage to its subscribers by
72 acceptance of any other section of this chapter may increase, as part of the non-medicare health plans that it
73 offers to its subscribers, co-payments, deductibles, tiered provider network co-payments and other plan
74 design features to a level no greater in dollar amount than the median co-payments, deductibles, tiered
75 provider network co-payments and other plan design features of non-medicare plans offered by the
76 commission under section 4 of chapter 32A; and may increase, as part of the medicare-extension health
77 plans that it offers to its subscribers, co-payments, deductibles, tiered provider network co-payments and
78 other plan design features to a level no greater in dollar amount than the median co-payments, deductibles,

79 tiered provider network co-payments and other plan design features of medicare-extension plans offered by
80 the commission under section 10C of chapter 32A . A public authority shall meet the requirements of
81 section 21 each time an increase is made to co-payments, deductibles, tiered provider network co-payments
82 and other plan design features under this section.

83 (b) Nothing in this section shall prohibit an appropriate public authority from including in the
84 political subdivision's health plans higher co-payments, deductibles or tiered provider network co-
85 payments or other plan design features than those authorized by subsection (a); provided, however, that
86 such higher co-payments, deductibles, tiered provider network co-payments and other plan design features
87 may be included only after the political subdivision has satisfied any bargaining obligations under chapter
88 150E.

89 (c) Except as provided for in subsection (b), the decision to implement changes under this section
90 shall not be subject to bargaining under chapter 150E or section 19.

91 (d) Nothing in this section shall relieve a political subdivision from providing health insurance
92 coverage to a subscriber to whom it has an obligation to provide coverage under this chapter.

93 Section 23. (a) Upon meeting the requirements of section 21, an appropriate public authority of a
94 political subdivision which has undertaken to provide health insurance coverage to its subscribers may elect
95 to provide health insurance coverage to its subscribers by transferring its subscribers to the commission.
96 The commission shall issue rules and regulations consistent with this section related to the process by
97 which subscribers shall be transferred to the commission. Nothing in this section shall be construed to
98 change eligibility standards for health insurance as set forth in the definition of "employee" in section 2.
99 Nothing in this section shall be construed to preclude an appropriate public authority from reaching an
100 agreement under subsection (e) of section 19.

101 (b) The decision to accept this section shall not be subject to bargaining under section 19 or
102 chapter 150E.

103 (c) Nothing in this section shall relieve a political subdivision from providing health insurance
104 coverage to a subscriber to whom it has an obligation to provide coverage under this chapter.

105 (d) An appropriate public authority, which has elected to transfer its subscribers under this section
106 to the commission, shall notify the commission of such transfer. The notice shall be provided to the
107 commission by the appropriate public authority on or before December 1 of each year and the transfer of
108 subscribers to the commission shall take effect on the following July 1. On the effective date of the transfer,
109 the health insurance of all subscribers, including elderly governmental retirees previously governed by
110 section 10B of chapter 32A and retired municipal teachers previously governed by section 12 of chapter
111 32A, shall be provided through the commission for all purposes and governed under this section. As of the
112 effective date and for the duration of this transfer, subscribers transferred to the commission's health
113 insurance coverage shall receive group health insurance benefits determined exclusively by the commission
114 and the coverage shall not be subject to collective bargaining, except for contribution ratios.

115 Subscribers transferred to the commission who are eligible or become eligible for Medicare
116 coverage shall transfer to Medicare coverage, as prescribed by the commission. In the event of transfer to
117 Medicare, the political subdivision shall pay any Medicare part B premium penalty assessed by the federal
118 government on retirees, spouses and dependents as a result of enrollment in Medicare part B at the time of
119 transfer into the Medicare health benefits supplement plan. For each subscriber's premium and the political
120 subdivision's share of that premium, the subscriber and the appropriate public authority shall furnish to the
121 commission, in such form and content as the commission shall prescribe, all information the commission
122 deems necessary to maintain subscribers' and covered dependents' health insurance coverage. The
123 appropriate public authority of the political subdivision shall perform such administrative functions and
124 process such information as the commission deems necessary to maintain those subscribers' health
125 insurance coverage including, but not limited to, family and personnel status changes, and shall report all
126 changes monthly to the commission. In the event that a political subdivision transfers subscribers to the

127 commission under this section, subscribers may be withdrawn from commission coverage at 3 or 6 year
128 intervals from the date of transfer of subscribers to the commission, subject to terms governing the
129 withdrawal interval and withdrawal procedures in a written agreement between the appropriate public
130 authority and the collective bargaining units pursuant to this chapter and chapter 150E.

131 The appropriate public authority shall decide and provide notice to the commission of any
132 withdrawal by October 1 of the year prior to the effective date of withdrawal. All withdrawals shall be
133 effective on July 1 following the political subdivision's notice to the commission. Except as otherwise
134 provided in a written agreement between the appropriate public authority and the public employee
135 committee, withdrawal from commission coverage shall revoke acceptance of this section and any written
136 agreements related to the implementation of this section as of the effective date of withdrawal.

137 The political subdivision shall abide by all commission requirements for effectuating such
138 withdrawal, including the notice requirements in this subsection. In the event a political subdivision
139 withdraws from commission coverage under this section, such withdrawal shall be binding on all
140 subscribers, including those subscribers who, prior to the transfer to the commission, received coverage
141 from the commission under sections 10B and 12 of chapter 32A and, after withdrawal from the
142 commission, those subscribers who received coverage from the commission under said sections 10B and 12
143 of said chapter 32A shall not pay more than 25 per cent of the cost of their health insurance premiums. In
144 the event of withdrawal from the commission, the political subdivision and public employee unions shall
145 return to governance of negotiations of health insurance under chapter 150E and this chapter.

146 (e) To the extent authorized under chapter 32A, the commission shall provide group coverage of
147 subscribers' health claims incurred after transfer to the commission. The claim experience of those
148 subscribers shall be maintained by the commission in a single pool and combined with the claim experience
149 of all covered state employees and retirees and their covered dependents, including those subscribers who
150 previously received coverage under sections 10B and 12 of chapter 32A.

151 A political subdivision that self-insures its group health insurance plan under section 3A and has a
152 deficit in its claims trust fund at the time of transferring its subscribers to the commission and the deficit is
153 attributable to a failure to accrue claims which had been incurred but not paid may capitalize the deficit and
154 amortize the amount over 10 fiscal years in 10 equal amounts, or on a schedule providing for a more rapid
155 amortization. Except as otherwise provided in this section, subscribers eligible for health insurance
156 coverage under this section shall be subject to all of the commission regulations, terms, conditions,
157 schedule of benefits and health insurance carriers as employees and dependents. The commission shall,
158 exclusively and not subject to collective bargaining under chapter 150E, determine all matters relating to
159 subscribers' group health insurance rights, responsibilities, costs and payments, including, but not limited
160 to, the manner and method of payment, schedule of benefits, eligibility requirements and choice of health
161 insurance carriers, but shall not determine contribution ratios and obligations. The commission may issue
162 rules and regulations consistent with this section and shall provide public notice of any proposed rules and
163 regulations; provided, however, that if an interested party requests the opportunity to comment, such party
164 shall be given an opportunity to review those rules and regulations and comment, in writing, and at a public
165 hearing; provided, further that for the purposes of this section the commission shall not be subject to
166 chapter 30A. The commission shall negotiate and purchase health insurance coverage for subscribers
167 transferred under this section and shall promulgate regulations, policies and procedures for coverage of the
168 transferred subscribers. The schedule of benefits available to transferred subscribers shall be determined by
169 the commission under chapter 32A. The commission shall offer those subscribers the same choice as to
170 health insurance carriers and benefits as those provided to state employees and retirees. The political
171 subdivision's contribution to the cost of health insurance coverage for transferred subscribers shall be as
172 determined under this section, and shall not be subject to the provisions on contributions in said chapter
173 32A. Any change to the premium contribution ratios shall become effective on July 1 of each year, with
174 notice to the commission of such change not later than January 15 of the same year.

175 A political subdivision that transfers subscribers to the commission shall pay the commission for
176 all costs of its subscribers' coverage, including administrative expenses and the governmental unit's cost of
177 subscribers' premium. The commission shall determine on a periodic basis the amount of premium which

178 the political subdivision shall pay to the commission. If the political subdivision unit fails to pay all or a
179 portion of these costs according to the timetable determined by the commission, the commission may
180 inform the state treasurer who shall issue a warrant in the manner provided by section 20 of chapter 59
181 requiring the respective political subdivision to pay into the treasury of the commonwealth as prescribed by
182 the commission the amount of the premium and administrative expenses attributable to the political
183 subdivision. The state treasurer shall recoup any past due costs from the political subdivision's cherry sheet
184 under section 20A of chapter 58 and transfer that money to the commission. If a governmental unit fails to
185 pay to the commission the costs of coverage for more than 90 days and the cherry sheet provides an
186 inadequate source of payment, the commission may, at its discretion, cancel the coverage of subscribers of
187 the political subdivision. If the cancellation of coverage is for nonpayment, the political subdivision shall
188 provide all subscribers health insurance coverage under plans which are the actuarial equivalent of plans
189 offered by the commission in the preceding year until there is an agreement with the public employee
190 committee providing for replacement coverage.

191 The commission may charge the political subdivision an administrative fee, which shall not be
192 more than 1 per cent of the cost of total premiums for the political subdivision, to be determined by the
193 commission which shall be considered as part of the cost of coverage to determine the contributions of the
194 political subdivision and its employees to the cost of health insurance coverage by the commission.

195 (f) If there is a withdrawal from the commission under this section, all retirees, their spouses and
196 dependents insured or eligible to be insured by the political subdivision, if enrolled in Medicare part A at
197 no cost to the retiree, spouse or dependents, shall be required to be insured by a Medicare extension plan
198 offered by the political subdivision under section 11C or section 16. A retiree shall provide the political
199 subdivision, in such form as the political subdivision shall prescribe, such information as is necessary to
200 transfer to a Medicare extension plan. If a retiree does not submit the information required, the retiree shall
201 no longer be eligible for the retiree's existing health insurance coverage. The political subdivision may
202 from time to time request from a retiree, a retiree's spouse and dependents, proof certified by the federal
203 government of the retiree's eligibility or ineligibility for Medicare part A and part B coverage. The political
204 subdivision shall pay the Medicare part B premium penalty assessed by the federal government on those
205 retirees, spouses and dependents as a result of enrollment in Medicare part B at the time of transfer into the
206 Medicare health benefits supplement plan.

207 Section 24. Notwithstanding any other provision of this chapter, the appropriate public authority
208 of a political subdivision which has undertaken to provide health insurance coverage to its subscribers by
209 acceptance of section 22 or section 23 shall provide health care flexible spending accounts to allow certain
210 subscribers, as determined by the appropriate public authority, to set aside a portion of earnings to pay for
211 qualified expenses. Qualified medical expenses may include, but shall not be limited to, out-of-pocket costs
212 such as inpatient and outpatient co-payments, calendar year deductibles, office visit co-payments and
213 prescription drug co-payments.

214 Section 25. Notwithstanding any other provision of this chapter, the appropriate public authority
215 of a political subdivision which has undertaken to provide health insurance coverage to its subscribers
216 under this chapter may provide health reimbursement accounts to reimburse subscribers for qualified
217 medical expenses. Qualified medical expenses may include, but shall not be limited to, out-of-pocket costs
218 such as inpatient and outpatient co-payments, calendar year deductibles, office visit co-payments and
219 prescription drug co-payments.

220 Section 26. An appropriate public authority of a political subdivision which has undertaken to
221 provide health insurance coverage to its subscribers under this chapter shall conduct an enrollment audit not
222 less than once every 2 years. The audit shall be completed in order to ensure that members are
223 appropriately eligible for coverage.

224 Section 27. An insurance carrier, third party administrator or the commission in the case of a
225 governmental unit, which has undertaken to provide health insurance coverage to its subscribers by
226 acceptance of sections 19 or 23, shall, upon written request, provide the governmental unit with its
227 historical claims data within 45 days of such request.

228 Section 28. Each fiscal year, the commission shall prepare and place on its website a report
229 delineating the median co-payments, deductibles, tiered provider network co-payments and other plan
230 design features offered by the commission in non-medicare plans under section 4 of chapter 32A and
231 median co-payments, deductibles, tiered provider network co-payments and other plan design features
232 offered by the commission in medicare-extension plans under section 10C of chapter 32A.

Dairy Tax Credit Data Recalculation 1

1 SECTION 52. Clause (2) of subsection (o) of section 6 of chapter 62 of the General Laws, as
2 appearing in the 2008 Official Edition, is hereby amended by adding the following sentence:- Said
3 regulations shall provide that when the board of food and agriculture, established pursuant to section 1 of
4 chapter 20, determines that an error has been made in calculating the trigger price or in reporting or
5 collecting data used in the calculation of the trigger price or the tax credit, the commissioner shall
6 recalculate, with or without amendments, the trigger price or tax credit.

Dairy Tax Credit Data Recalculation 2

1 SECTION 53. Subsection (b) of section 38Z of chapter 63 of the General Laws, as so appearing, is
2 hereby amended by adding the following sentence:- Said regulations shall provide that when the board of
3 food and agriculture, established pursuant to section 1 of chapter 20, determines that an error has been
4 made in calculating the trigger price or in reporting or collecting data used in the calculation of the trigger
5 price or the tax credit, the commissioner shall recalculate, with or without amendments, the trigger price or
6 tax credit.

Public Safety Training Fund 2

1 SECTION 54. Chapter 89 of the General Laws is hereby amended by adding the following
2 section:-

3 Section 12. There shall be a surcharge of \$5 on a fine assessed against a person convicted of or
4 found responsible for a motor vehicle violation under this chapter or a violation of a special regulation
5 lawfully made under the authority of this chapter. The surcharge shall be transferred by the registrar of
6 motor vehicles to the state treasurer for deposit into the Public Safety Training Fund established in section
7 2CCCC of chapter 29.

Public Safety Training Fund 3

1 SECTION 55. Section 20 of chapter 90 of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by adding the following paragraph:-

3 There shall be a surcharge of \$5 on a fine assessed against a person convicted of or found
4 responsible for a motor vehicle violation under this chapter or a violation of a special regulation lawfully
5 made under the authority of this chapter. The surcharge shall be transferred by the registrar of motor
6 vehicles to the state treasurer for deposit into the Public Safety Training Fund established in section
7 2CCCC of chapter 29.

Confirm that Merit Rating Board is in MassDOT 5

1 SECTION 56. Section 34O of said chapter 90, as so appearing, is hereby amended by striking out,
2 in line 120, the words "one hundred and eighty-three of chapter six" and inserting in place thereof the
3 following words:- 57A of chapter 6C.

Return Hearing Fee for Motor Vehicle Violations

1 SECTION 57. Paragraph (4) of subsection (A) of section 3 of chapter 90C of the General Laws, as
2 most recently amended by section 16 of chapter 359 of the acts of 2010, is hereby further amended by
3 adding the following paragraph:-

4 If a violator is found not responsible after a noncriminal hearing for all civil motor vehicle
5 infractions, the violator shall be entitled to a return of the \$25 court filing fee. The trial court department
6 shall, in accordance with guidelines promulgated by the chief justice of the trial court, return the full
7 amount of the fee to the violator within 30 days of entering a finding of not responsible.

DEP General Tidelands License

1 SECTION 58. Chapter 91 of the General Laws is hereby amended by inserting after section 18B
2 the following section:-

3 Section 18C. (a) Notwithstanding any general or special law to the contrary, the department may
4 issue a general license authorizing noncommercial small-scale docks, piers and similar structures that are
5 accessory to a residential use, but not marinas or large-scale docks, piers or similar structures, in tidelands,
6 great ponds, rivers and streams, otherwise subject to individual licensing under sections 12, 12A, 13, 14, 18
7 and 19. Projects that extend beyond harbor lines or are within areas of critical environmental concern to the
8 commonwealth shall not be eligible for a general license pursuant to this section. The department may
9 consider the cumulative impacts of docks, piers and similar structures in a geographic area in determining
10 whether a project is appropriate for coverage under a general license. The licensee shall comply with all
11 general license performance standards to be issued as regulations by the department and any additional
12 concerns specified by the department pursuant to the general license. A proponent of a project eligible for a
13 general license under this section shall certify compliance with its terms and conditions to the department
14 and shall pay all applicable fees required by this chapter before beginning construction. The department
15 shall perform annual audits to monitor compliance with the general license requirements of this section.

16 (b) The first 2 paragraphs of section 18 shall not apply to projects subject to a general license;
17 provided, however, that upon or prior to applying for a license pursuant to this section, the project
18 proponent shall submit to the planning board of the city or town where the work is to be performed the
19 proposed use, the location, dimensions and limits and mode of work to be performed. The planning board
20 may, within 45 days after receipt of such documentation, submit a written opinion to the department that
21 the project does not comply with the general license standards set forth in this section and recommend that
22 the project be subject to individual licensing, as applicable, under said sections 12, 12A, 13, 14, 18 and 19.
23 The department shall not issue a general license pursuant to this section if a planning board recommends
24 that the project be subject to individual licensing. The department may issue a general license after the
25 expiration of 45 days without local planning board comment or upon receiving notification from the local
26 planning board that it does not oppose the project's eligibility for a general license.

27 (b) The first sentence of the third paragraph of section 18 shall not apply to projects subject to a
28 general license; provided, however, that the project proponent shall specify by metes, bounds and otherwise
29 the location, dimensions and limits and mode of performing the work in its certification to the department.

30 (c) The second sentence of the third paragraph of section 18 shall not apply to a project subject to a
31 general license; provided, however, that any changes in use or structural alteration of a licensed structure or
32 fill, whether the structure or fill first was licensed before, on or after the effective date of this section, shall
33 require a new certification to the department and submission to the planning board in accordance with
34 subsection (b) for projects eligible for a general license, or a license for structures which are ineligible for
35 the general license, in accordance with the provisions and procedures established in this chapter and the
36 general license.

37 (d) The sixth paragraph of section 18 shall not apply to a project subject to a general license;
38 provided, however, that upon or prior to applying for a license pursuant to this section, the project
39 proponent shall give notice to the selectmen of the town or the mayor of the city and the conservation
40 commission of the town or city where the work is to be performed and shall publish such notice at the same

41 time in a newspaper or newspapers having a circulation in the area affected by the project, at the expense of
42 the proponent.

43 (e) The seventh and eighth paragraphs of section 18, regarding public and adjudicatory hearings,
44 shall not apply to a project subject to a general license.

45 (f) The ninth paragraph of section 18 regarding recordation shall not apply to a project subject to a
46 general license; provided, however, that the project proponent shall submit a plan of the work or structure
47 to the department in its certification. The general license for these projects shall be void unless, within 60
48 days after certification, the certification and the accompanying plan are recorded in the registry of deeds for
49 the county or district wherein the work is to be performed. Work or change in use shall not commence until
50 the certification is recorded and the department has received notification of the recordation.

51 (g) The tenth paragraph of section 18 regarding zoning approval shall not apply to a project subject
52 to a general license; provided, however, that the project proponent shall submit a certification by the clerk
53 of the affected cities or towns that the work to be performed or changed in use is not in violation of local
54 zoning ordinances and by-laws, in its certification to the department.

55 (h) The eleventh paragraph of section 18, regarding assessments for tidewater displacement and
56 occupation of commonwealth tidelands, shall not apply to projects subject to a general license; provided,
57 however, that these assessments shall be paid by the project proponent in its certification to the department.

58 (i) Section 20 shall not apply to projects subject to a general license; provided, however, that the
59 project proponent shall submit to the department plans of any proposed work to be performed and a copy of
60 any legislative grant in its certification to the department.

61 The department shall adopt regulations to implement this section. The regulations shall protect and
62 preserve any rights held by the commonwealth in trust for the public to use tidelands, great ponds and other
63 waterways for lawful purposes and public rights of access on private tidelands, great ponds and other
64 waterways for any lawful use.

Single State Parks Agency 6

1 SECTION 59. Sections 1A and 1B of chapter 92 of the General Laws are hereby repealed.

Single State Parks Agency 7

1 SECTION 60. Section 33 of said chapter 92, as appearing in the 2008 Official Edition, is hereby
2 amended by striking out, in line 1, the word "urban" and inserting in place thereof the following word:-
3 state.

Single State Parks Agency 8

1 SECTION 61. Section 34 of said chapter 92, as so appearing, is hereby amended by striking out,
2 in line 8, the words "Urban Parks" and inserting in place thereof the following words:- State Parks and
3 Recreation.

MassHealth Program Changes 1

1 SECTION 62. Section 25 of chapter 118E of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by striking out, in lines 73, 75 and 79, the figure "\$3", and inserting in place
3 thereof, in each instance, the following figure:- \$5.

Health Safety Net Demonstration Projects

1 SECTION 63. Section 36 of chapter 118G of the General Laws is hereby amended by inserting
2 after the word “that”, in line 27, as so appearing, the following words:- not more than.

MassHealth Program Changes 2

1 SECTION 64. Subsection (b) of section 6 of chapter 118H of the General Laws, as so appearing,
2 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-
3 Enrollees with a household income that does not exceed 100 per cent of the federal poverty level shall only
4 be responsible for copayments equal to those required of enrollees in the MassHealth program.

Hunting and Fishing Licenses for Minors 1

1 SECTION 65. Section 11 of chapter 131 of the General Laws is hereby further amended by
2 inserting after the word “blind”, in line 38, as so appearing, the following words:- , under the age of 18.

Hunting and Fishing Licenses for Minors 2

1 SECTION 66. Section 129B of chapter 140 of the General Laws is hereby amended by inserting
2 after clause (9B), as so appearing, the following clause:-

3 (9C) Except as provided in clause (9B), the fee for an application for a firearm identification card for
4 any person under the age of 18 shall be \$25, which shall be payable to the licensing authority and shall not
5 be prorated or refunded in the case of revocation or denial. The licensing authority shall retain 50 per cent
6 of the fee and the remaining portion shall be deposited into the General Fund. Notwithstanding any general
7 or special law to the contrary, licensing authorities shall deposit quarterly that portion of the firearm
8 identification card application fee which is to be deposited into the General Fund, not later than January 1,
9 April 1, July 1 and October 1 of each year.

Boiler Inspector Certificates 1

1 SECTION 67. Section 1 of chapter 146 of the General Laws, as so appearing, is hereby amended
2 by inserting after the definition of “Department” the following definition:-

3 “District engineering inspector”, an inspector of the division.

Boiler Inspector Certificates 2

1 SECTION 68. Section 18 of said chapter 146, as so appearing, is hereby amended by striking out,
2 in line 3, the words “on blanks approved by the chief” and inserting in place thereof the following words:-
3 in a standard format that has been authorized and approved by the department.

Boiler Inspector Certificates 3

1 SECTION 69. Said chapter 146 is hereby further amended by striking out section 23, as so
2 appearing, and inserting in place thereof the following section:-

3 Section 23. If upon inspection the district engineering inspector finds the boiler to be in safe
4 working order with the fittings necessary to safety and properly set up and the boiler and its appurtenances
5 conform to the rules of the board, the department shall issue to the owner or user thereof a certificate of
6 inspection stating the maximum pressure at which the boiler may be operated, as ascertained by the rules of
7 the board, and thereupon such owner or user may operate the boiler mentioned in the certificate. If the
8 district engineering inspector finds otherwise, the department shall withhold the certificate until the boiler
9 and its fittings are put in a condition to ensure safety of operation and to ensure that the boiler and its

10 appurtenances conform to the rules of the board and the owner or user shall not operate such boiler, or
11 cause it to be operated, until such certificate has been granted.

Boiler Inspector Certificates 4

1 SECTION 70. Said chapter 146 is hereby further amended by striking out section 25, as so
2 appearing, and inserting in place thereof the following section:-

3 Section 25. Insurance companies shall, after each internal and external inspection, if the boiler and
4 its appurtenances conform to the rules of the board and if they deem the boiler to be in safe working
5 condition otherwise, submit such information to the department. The department shall, upon receipt of the
6 required fee, issue a certificate of inspection stating the maximum pressure at which the boiler may be
7 operated as ascertained by the rules of the board.

Boiler Inspector Certificates 5

1 SECTION 71. Section 34 of said chapter 146, as so appearing, is hereby amended by striking out
2 the first sentence and inserting in place thereof the following sentence:- No person shall install or use, or
3 cause to be installed or used, any tank or other receptacle for the storing of compressed air at any pressure
4 exceeding 50 pounds per square inch, except when attached to locomotives or street or railway cars or
5 trackless trolley vehicles, or to motor vehicles for use in operating such vehicles or their brakes or body-
6 lifting apparatus unless the owner or user of such tank or other receptacle holds a certificate of inspection
7 issued by the department, certifying that the tank or other receptacle has been duly inspected within the
8 preceding 2 years, or unless the owner or user holds a policy of insurance upon the tank or other receptacle
9 issued by an insurance company authorized to insure air tanks within the commonwealth, together with a
10 certificate of inspection from the department.

Boiler Inspector Certificates 6

1 SECTION 72. Section 71 of said chapter 146, as so appearing, is hereby amended by striking out
2 the second paragraph, and inserting in place thereof the following paragraph:-

3 When the inspection of a boiler covered by section 70 is completed and the district engineering
4 inspector finds the boiler to be in safe working order, with the fittings necessary to safety and properly set
5 up and the boiler and any appurtenances conform to the rules of the board and sections 1, 4 or 8 of the
6 ASME Code, the department shall issue to the owner or user thereof a certificate of inspection. The
7 certificate shall state the maximum pressure at which the boiler may be operated and thereupon the owner
8 or user of the boiler may operate the boiler as stated in the certificate. If the district engineering inspector
9 finds otherwise, the department shall withhold the certificate until the boiler and its appurtenances are put
10 in a condition to ensure safety of operation and to ensure that the boiler conforms to the rules of the board
11 and said sections 1, 4 or 8 of the ASME Code. If the insurance inspector finds the boiler or pressure vessel
12 to be in safe working order, as above, the insurance inspector shall submit such information to the
13 department and the department shall, upon receipt of the required fee, issue a certificate of inspection. If
14 the insurance inspector finds otherwise, the insurance inspector shall submit such information and report
15 such findings to the department on the approved format. The department shall withhold a certificate until
16 the boiler or pressure vessel passes inspection. The owner of any such boiler shall not operate nor cause to
17 be operated any such boiler until a certificate has been issued.

Boiler Inspector Certificates 7

1 SECTION 73. Said chapter 146 is hereby further amended by striking out section 76, as so
2 appearing, and inserting in place thereof the following section:-

3 Section 76. No person shall act as an inspector of boilers for an insurance company unless such
4 person holds a certificate of competency under section 62.

Boiler Inspector Certificates 8

1 SECTION 74. Section 79 of said chapter 146, as so appearing, is hereby amended by striking out
2 the first sentence and inserting in place thereof the following 2 sentences:- The certificate of inspection
3 issued by the department shall state the name of the owner and that of the user, if different from the owner,
4 the location of the boiler, the number of the boiler, the date of inspection, the maximum pressure at which
5 the boiler may be operated and the signature of the inspector who made the inspection. The certificate shall
6 also contain such extracts from the General Laws as shall be deemed necessary by the board.

Boiler Inspector Certificates 9

1 SECTION 75. Said chapter 146 is hereby further amended by adding the following section:-

2 Section 90. The owner or user of a boiler or air tank inspected by an inspector shall pay a fee to be
3 determined annually by the commissioner of administration pursuant to section 3B of chapter 7 for the
4 issuance of a certificate of inspection by the department.

Bone Marrow Donors

1 SECTION 76. Chapter 149 of the General Laws is hereby amended by inserting after section 33E
2 the following section:-

3 Section 33F. An employee of the commonwealth or of a county, a city or town that accepts this
4 section, may take a leave of absence, without loss of pay, of not more than 5 days for the purpose of
5 undergoing the medical procedure and associated physical recovery time due to participation in a bone
6 marrow donor program.

Confirm that Merit Rating Board is in MassDOT 6

1 SECTION 77. Section 113B of chapter 175 of the General Laws is hereby amended by striking
2 out, in lines 160 and 178, as appearing in the 2008 Official Edition, the words "183 of chapter 6" and
3 inserting in place thereof, in each instance, the following words:- 57A of chapter 6C.

Surplus Lines Insurance

1 SECTION 78. Said chapter 175 of the General Laws is hereby further amended by striking out
2 section 168, as most recently amended by section 154 of chapter 240 of the acts of 2010, and inserting in
3 place thereof the following section:-

4 Section 168. (a) As used in this section the following words shall, unless the context clearly requires
5 otherwise, have the following meanings:-

6 "Home state", relative to an insured: (1) the state in which an insured maintains its principal place of
7 business or, in the case of an individual, the individual's principal residence; or (2) if 100 per cent of the
8 risk is located out of the state referred to in clause (1), the state to which the greatest percentage of the
9 insured's taxable premium for that insurance contract is allocated.

10 "State", any state of the United States, the District of Columbia, the commonwealth of Puerto Rico,
11 Guam, the Northern Mariana Islands, the Virgin Islands and American Samoa.

12 "Unauthorized company", an insurer not licensed to engage in the business of insurance in the
13 commonwealth.

14 "Unauthorized insurance", any property and casualty insurance permitted to be placed with an
15 unauthorized company eligible to accept such insurance.

16 (b) The commissioner may, upon the payment of the fee prescribed by section 14, issue to any
17 suitable person aged 18 or older, a license to act as a special insurance broker to negotiate, continue or
18 renew contracts of insurance against any of the hazards specified in section 47 except as specified in clause
19 Fifteenth thereof, and except accident and health, workers' compensation, compulsory motor vehicle
20 liability and life insurance on property or interests in the commonwealth with an unauthorized company
21 upon the following conditions:

22 (i) The applicant for the license shall file with the commissioner a written application as prescribed
23 by section 162L which shall be executed on oath by the applicant and kept on file by the commissioner. If
24 the commissioner is satisfied that the applicant is trustworthy and competent, he shall issue the license,
25 subject to suspension or revocation at the pleasure of the commissioner. The license shall expire 1 year
26 from the date of issuance, unless sooner suspended or revoked.

27 (ii) The commissioner may, in the commissioner's discretion, renew the license for each succeeding
28 year, upon the payment of the fee prescribed by section 14, without requiring the detailed information
29 specified by section 162L.

30 (iii) Whenever the person named in such license shall procure any insurance in an unauthorized
31 company for an insured whose home state is the commonwealth, he shall execute, and within 20 days
32 thereafter, file with the commissioner an affidavit stating that the full amount of insurance required to
33 protect the subject property or interest of said insured is not procurable, after a diligent effort has been
34 made to do so, from among companies admitted to transact insurance in the commonwealth against the
35 hazard or hazards involved, and that the amount of insurance procured in such unauthorized company is
36 only the excess over the amount so procurable from such admitted companies. Said affidavit shall have
37 force and effect for 1 year from the date of issuance or expiration of the policy, whichever comes later.

38 (iv) Clause (iii) shall not apply to the procurement of a contract of insurance for an exempt
39 commercial risk or policyholder as described in section 224, if the commercial risk or policyholder
40 acknowledges in writing its understanding, that: (1) the company from which insurance is procured is not
41 admitted to transact insurance in the commonwealth; and (2) in the event of the insolvency of the company,
42 a loss shall not be paid by the Massachusetts Insurers Insolvency Fund under chapter 175D.

43 (c) Any insurance policy procured under this section shall contain the following disclosure notice to
44 the policyholder: This policy is insured by a company which is not admitted to transact insurance in the
45 commonwealth, is not supervised by the commissioner of insurance and, in the event of an insolvency of
46 such company, a loss shall not be paid by the Massachusetts Insurers Insolvency Fund under chapter 175D.
47 The commissioner may, by regulation, amend the foregoing disclosure notice. Each licensed special
48 insurance broker shall maintain a copy of the acknowledgement for inspection by the commissioner with
49 respect to all policies of insurance so procured by the licensee for exempt commercial risks or
50 policyholders. Such licensed person shall not be required to file such affidavit if such an affidavit relative
51 to the same property or interests has been filed within the preceding 12 months by any broker licensed
52 under this section, nor to offer any portion of such insurance to any company not possessed of net cash
53 assets of at least \$200,000, nor to one which has within the preceding 12 months been in an impaired
54 condition, nor shall such licensed person procure any such insurance on said property or interests from any
55 unauthorized company unless:

56 (i)(A) such company is possessed of net cash assets of at least \$300,000 computed on the basis fixed
57 by sections 10 to 12, inclusive, and on the form prescribed by section 25; (B) such company has satisfied
58 the commissioner that its officers and directors are of good repute and competent to manage an insurance
59 company; (C) that the management of the company is carrying out its insurance contracts in good faith; (D)
60 such company has filed with the commissioner an examination report of the affairs of the company
61 completed within the previous 3 years and made by the proper supervisory official of its home state; and
62 (E) such company has made a deposit of not less than \$400,000 with the state treasurer or with the proper
63 board or officer of some other state of the United States in accordance with the terms and conditions
64 hereinafter specified;

65 (ii) such company has filed a financial statement on a form satisfactory to the commissioner and
66 conforms to and maintains the financial requirements specified in subparagraph (i) of paragraph (D) of
67 subsection (1) of section 20A; or

68 (iii) such company is an eligible alien unauthorized insurer, as defined in section 168A; provided,
69 however, that such deposit shall be made in exclusive trust for the benefit and security of all its
70 policyholders in the United States, including obligees of bonds executed by such company as surety, and
71 when made with the state treasurer may be made in the securities and subject to the limitations specified in
72 sections 63 and 66, or in cash or in such other securities as the commissioner may approve; provided
73 further, that bonds need not be accepted by the state treasurer unless in registered form and of
74 denominations satisfactory to him, and shall not be returned to the company until it has ceased to transact
75 business in the commonwealth, or until the commissioner is satisfied that the company is under no
76 obligation to such policyholders or obligees in the United States for whose benefit such deposit was made,
77 or until the treasurer has given his written consent to such return; provided further, that the commissioner
78 may, in any case, authorize in writing the return to the company of any excess of any deposit made under
79 this section over the amount required thereby, if he is satisfied that such return shall not be prejudicial to
80 the interests of such policyholders or obligees.

81 (d) Each person so licensed shall keep a separate account of the business done under the license, a
82 certified copy of which account he shall forthwith file with the commissioner, showing the exact amount of
83 such insurance placed for each person whose home state is the commonwealth, the gross premium charged
84 thereon, the companies in which the same is placed, the date of the policies and the term thereof, and a
85 report in the same detail of all such policies cancelled, with the gross return premiums thereon. Each person
86 so licensed shall file a sworn statement with the state treasurer every January providing the gross premiums
87 charged for insurance procured or placed and the gross return premiums on such insurance cancelled under
88 such license during the year ending on December 31 last preceding. At the time of filing such statement,
89 each person licensed as a special insurance broker shall pay to the commonwealth a fee, less such return
90 premiums so reported, as follows:

91 (1) if the insurance covers properties, risks or exposures located or to be performed in the
92 commonwealth and not in any other state, an amount equal to 4 per cent of such gross premiums;

93 (2) if the insurance covers properties, risks or exposures located or to be performed both in and
94 outside of the commonwealth: (i) an amount equal to 4 per cent of such gross premiums allocated to the
95 commonwealth; plus (ii) an amount equal to the portion of the premiums allocated to other states or
96 territories on the basis of the tax rates and fees applicable to properties, risks or exposures located or to be
97 performed outside of the commonwealth; and

98 (3) to the extent that other states where portions of the insured properties, risks or exposures are
99 located have failed to enter into a compact or reciprocal allocation procedure with the commonwealth, the
100 net premium tax collected shall be retained by the commonwealth.

101 (e) Notwithstanding subsections (b) and (c), the commissioner may enter into a cooperative
102 agreement, reciprocal agreement or compact with another state or states in order to: facilitate the collection,
103 allocation and disbursement of insurance premium fees and taxes attributable to the placement of
104 unauthorized insurance; provide for uniform methods of allocation and reporting among unauthorized
105 insurance risk classifications; and share information among states related to unauthorized insurance
106 premium fees and taxes. The commissioner may also enter into other cooperative agreements with surplus
107 lines stamping offices and other similar entities located in other states related to the capturing and
108 processing of insurance premium and tax data. The commissioner may participate in any clearinghouse
109 established pursuant to any such agreement or agreements for the purpose of collecting and disbursing to
110 reciprocal states any funds collected pursuant to clause (3) of subsection (c) applicable to properties, risks
111 or exposures located or to be performed outside of the commonwealth.

112 (f) A person licensed under this section who negotiates, continues or renews any such contracts of
113 insurance in any unauthorized foreign company and who neglects to make and file the affidavit and

114 statements required by this section, or who willfully makes a false affidavit or statement, or who negotiates,
115 continues or renews any such contracts of insurance after the revocation or during the suspension of his
116 license, shall forfeit his license if not previously revoked and be punished by a fine of not less than \$100
117 nor more than \$500 or by imprisonment in the house of correction for not more than 1 year, or by both such
118 fine and imprisonment.

119 (g) Nothing in this section shall be deemed to amend or modify any of the provisions of, or any of
120 the exemptions specified in, section 160.

121 (h) A license to act as a special insurance broker may, upon the payment of the fees prescribed by
122 section 14, be issued to any association, as defined in section 1 of chapter 182, for the purpose of acting as
123 a special insurance broker, subject to the conditions specified in section 172A. The commissioner may,
124 upon the payment of the fees prescribed by section 14, issue to a partnership, a license to act as a special
125 insurance broker subject to the conditions specified in section 173. A license to act as a special insurance
126 broker may, upon the payment of the fees prescribed by section 14, be issued to any corporation, subject to
127 the conditions specified in section 174.

128 (i) The commissioner may promulgate regulations as necessary to implement this section.

Improving Representation of Indigent Defendants 1

1 SECTION 79. Chapter 211D of the General Laws is hereby amended by striking out sections 1 to
2 2½, inclusive, as appearing in the 2008 Official Edition, and inserting in place thereof the following 3
3 sections:-

4 Section 1. There shall be a committee for public counsel services, hereinafter referred to as the
5 committee, to plan, oversee and coordinate the delivery of criminal and certain noncriminal legal services
6 by all salaried public counsel, bar advocate and other assigned counsel programs and private attorneys
7 serving on a per case basis. The committee shall operate as an independent entity and shall be part of the
8 judiciary for administrative purposes only. All members of the committee shall serve independently and
9 bear no obligation to their appointing authority. The committee shall consist of 9 members: 2 of whom
10 shall be appointed by the governor, 1 of whom shall be appointed by the speaker of the house and 1 of
11 whom shall be appointed by the senate president to be selected from recommendations provided by the
12 Massachusetts Bar Association, county bar associations, the Boston Bar Association and other appropriate
13 bar groups including, but not limited to, the Massachusetts Black Lawyers' Association, the Women's Bar
14 Association and the Massachusetts Association of Women Lawyers; and 5 of whom shall be appointed by
15 the justices of the supreme judicial court, 1 of whom shall have experience as a public defender, 1 of whom
16 shall have experience as a private bar advocate, 1 of whom shall have criminal appellate experience, 1 of
17 whom shall have a background in public administration and public finance and 1 of whom shall be a
18 current or former dean or faculty member of a law school located in the commonwealth.

19 All members of the committee shall have a strong commitment to quality representation in
20 indigent defense matters or have significant experience with issues related to indigent defense. The
21 committee shall not include active judges, elected state, county or local officials, district attorneys, state or
22 local law enforcement officials, public defenders employed by the commonwealth or private bar advocates.
23 The term of office of each member of the committee shall be 4 years; provided, however, that of the
24 members initially appointed, 2 shall be appointed by the governor for terms of 1 year, 1 shall be appointed
25 by the speaker for a term of 2 years, 1 shall be appointed by the senate president for a term of 2 years and 5
26 shall be appointed by the justices of the supreme judicial court for terms of 4 years. After the initial term,
27 the term of office for each member of the commission shall be 4 years, provided that no member shall serve
28 more than 2 consecutive terms of 4 years. Any vacancies shall be filled by the original appointing authority
29 within 60 days of the occurrence of such vacancy. Any appointee shall continue in office beyond the
30 expiration date of his term until a successor in office has been appointed and qualified. Vacancies shall be
31 filled by the appointing authority that made the initial appointment to the unexpired term. Members of the
32 committee may be removed for cause by the corresponding appointing authority. While serving on the

33 committee, no member shall be assigned or appointed to represent indigent defendants before any court of
34 the commonwealth. No member shall receive any compensation for service on the committee, but each
35 member shall be reimbursed for actual expenses incurred in attending the committee meetings.

36 Chapter 268A shall apply to all members, officers and employees of the committee, except that the
37 committee may provide representation or enter into a contract pursuant to section 3 or section 6, although a
38 member of the committee may have an interest or involvement in any such matter if such interest and
39 involvement is disclosed in advance to the other members of the committee and recorded in the minutes of
40 the committee; provided, however, that no member having an interest or involvement in any contract under
41 section 3 may participate in any particular matter, as defined in section 1 of chapter 268A, relating to such
42 contract.

43 Section 2. The committee shall establish a definition of “indigency” for the purposes of this chapter
44 and uniform standards and procedures for the determination by the courts of the commonwealth that: (1) a
45 person is indigent and is unable to obtain counsel; or (2) said indigent person has the ability to pay a
46 reduced fee for the appointment of counsel. The definition and standards, and any amendments thereto,
47 shall be subject to the approval of the supreme judicial court and shall be used by the courts of the
48 commonwealth in determining assignment of cases to the committee pursuant to section 5.

49 In the formulation of the definition, standards and procedures, the committee shall consider the
50 potential applicability of the following to the provision of legal services for indigent defendants: (1) the
51 reporting system operated by the commissioner of transitional assistance for the purpose of verifying
52 financial eligibility of participants in state or federally funded programs; (2) the accessibility of income
53 data available from the department of revenue; and (3) verifying material assets through the registry of
54 motor vehicles.

55 Section 2½. (a) Notwithstanding any general or special law to the contrary, a person claiming
56 indigency under section 2 shall execute a waiver authorizing the court’s chief probation officer, or the
57 officer’s designee, to obtain the person’s wage, tax and asset information from the department of revenue,
58 department of transitional assistance and the registry of motor vehicles that the court may find useful in
59 verifying the person’s claim of indigency. The waiver shall authorize the chief probation officer, or the
60 officer’s designee, to conduct any further re-assessment required by this section.

61 (b) It shall be the responsibility of the chief probation officer assigned to each court to ensure that a
62 person claiming to be indigent meets the definition of indigency under section 2. A person seeking the
63 appointment of counsel shall be interviewed by the chief probation officer or the officer’s designee prior to
64 the appointment of counsel. The person conducting the interview shall explain to the person seeking
65 appointment of counsel: (1) the definition of indigency; (2) the process used to verify the person’s
66 information with other state agencies; and (3) the penalties for misrepresenting financial information in
67 applying for the appointment of counsel. The officer or the officer’s designee conducting the interview
68 shall prepare a written indigency intake report that shall record the results of the interview and a
69 recommendation on whether or not the person seeking appointment of counsel is indigent. The person
70 seeking appointment of counsel and the officer or the officer’s designee conducting the interview shall sign
71 the indigency intake report. In signing the report, the person seeking appointment of counsel shall certify
72 under the pains and penalties of perjury that the information contained therein is true and that the person
73 has not concealed any information relevant to the person’s financial status. All statements contained in the
74 report shall be deemed material statements. The completed report shall be presented to a judge who may
75 adopt or reject the recommendations in the report, either in whole or in part.

76 (c) Appointment of counsel by a court shall, at all times, be subject to verification of indigency by
77 the chief probation officer assigned to each court. The chief probation officer or the officer’s designee
78 shall, within 7 business days of appointment of counsel, complete a final report of the financial
79 circumstances of the person for whom counsel was appointed, containing wage, tax and asset information.
80 In preparing this final report the chief probation officer or the officer’s designee may access, through
81 electronic sharing of information pursuant to a memorandum of understanding established pursuant to

82 subsection (j), wage, tax and asset information in the possession of the department of revenue and the
83 department of transitional assistance, and any other information relevant to the verification of indigency in
84 the possession of the registry of motor vehicles. Said departments shall provide such information to the
85 chief probation officer or the officer's designee upon request. The chief probation officer shall sign the
86 final report, certifying that the person for whom counsel was appointed either continues to meet or no
87 longer meets the definition of indigency. Thereafter, the report shall be filed with the case papers and shall
88 be presented to the judge presiding at the person's next court appearance; provided, however, that if a
89 person for whom counsel was appointed is found to not meet the definition of indigency, a court
90 appearance shall be scheduled as soon as feasible prior to the person's next court appearance if said
91 appearance is more than 2 weeks from the date the final report is completed. If, upon receipt of the report,
92 a judge finds that the person for whom counsel was appointed no longer meets the definition of indigency,
93 the judge shall revoke the appointment of counsel and allow such person a reasonable continuance to obtain
94 new counsel.

95 Not later than 6 months after the appointment of counsel, and every 6 months thereafter, the chief
96 probation officer or the officer's designee shall conduct a further re-assessment of the financial
97 circumstances of the person for whom counsel was appointed to ensure that the person continues to meet
98 the definition of indigency. The chief probation officer or the officer's designee shall prepare, sign and file
99 a written report certifying that the person either continues to meet, or no longer meets, the definition of
100 indigency.

101 (d) If a criminal defendant is charged with a second or further offense while continuing to be
102 represented by court-appointed counsel for a previously charged offense, the court in its discretion shall
103 determine whether any further determination of indigency, other than the bi-annual re-assessments required
104 by the defendant's representation for the first offense, need be undertaken. Upon completion of a re-
105 assessment, the chief probation officer shall prepare a written report of the officer's findings. The chief
106 probation officer shall sign the report, certifying that the defendant either continues to meet or no longer
107 meets the definition of indigency. The report shall be filed with the case papers and shall be presented to
108 the judge presiding at the defendant's next court appearance. If, upon receipt of the report, a judge finds
109 that the defendant no longer meets the definition of indigency, the judge shall revoke the appointment of
110 counsel and allow the defendant a reasonable continuance to obtain new counsel.

111 (e) If the court finds that a person has materially misrepresented or omitted information
112 concerning the person's property or assets for purposes of determining indigency and that the person does
113 not meet the definition of indigency, the court shall immediately terminate any assignment or appointment
114 of counsel made under this chapter and shall assess costs of not less than \$500 against such person.

115 (f) A person provided counsel under this chapter shall be assessed a counsel fee of \$150, which the
116 court may waive only upon a determination from officer's data verification process that the person is
117 unable to pay such \$150 within 180 days. If, upon the bi-annual re-assessment of the person's indigency,
118 the court concludes that the person is able to pay the \$150 counsel fee of which the person obtained a
119 waiver, the court shall revoke the waiver and re-impose the \$150 counsel fee. The fee shall be in addition to
120 any reduced fee required pursuant to section 2 and shall be collected in accordance with said section.

121 (g) The court may authorize a person for whom counsel was appointed to perform community
122 service in lieu of payment of the counsel fee. A person seeking to work off a counsel fee in community
123 service shall perform 10 hours of community service, in a community service program administered by the
124 administrative office of the trial court, for each \$100 owed in legal counsel fees. Notwithstanding any
125 general or special law, rule or regulation to the contrary, a court proceeding shall not be terminated and the
126 person shall not be discharged if the person owes any portion of the legal counsel fee imposed by this
127 section. The clerk shall not release any bail posted on such court proceeding until the legal counsel fee is
128 satisfied in accordance with this chapter.

129 (h) The clerk of the court shall, within 60 days of appointment of counsel, report to the department
130 of revenue, the department of transitional assistance and the registry of motor vehicles the amount of any
131 legal counsel fee owed by the person for whom counsel was appointed under this chapter. The department
132 of revenue shall intercept payment of such fee from tax refunds due to persons who owe all or a portion of
133 such fee. The department of transitional assistance may deduct the fee in weekly or monthly increments
134 from persons who have not paid the fee or a portion thereof. The registrar of motor vehicles shall place a
135 lien in the amount of any portion of the legal counsel fee owed by the person for whom counsel was
136 appointed upon the title of any motor vehicle owned in whole or in part by the person. If the person for
137 whom counsel was appointed does not own a motor vehicle, the registry of motor vehicles shall not issue or
138 renew such persons' driver's license or motor vehicle registration for any vehicle subsequently purchased
139 by such person. The registry of motor vehicles shall not release such lien or issue or renew the license or
140 motor vehicle registration of such person until it receives notification from the clerk of the court that the fee
141 has been collected or worked off in community service.

142 (i) The office of the commissioner of probation shall submit quarterly reports to the house and
143 senate committees on ways and means that shall include, but not be limited to: (a) the number of
144 individuals claiming indigency who are determined to be indigent; (b) the number of individuals claiming
145 indigency who are determined not to be indigent; (c) the number of individuals found to have
146 misrepresented wage, tax or asset information; (d) the number of individuals found to no longer qualify for
147 appointment of counsel upon any re-assessment of indigency required by this section; (e) the total number
148 of times an indigent misrepresentation fee was collected and the aggregate amount of indigent
149 misrepresentation fees collected; (f) the total number of times indigent counsel fees were collected and
150 waived and the aggregate amount of indigent counsel fees collected and waived; (g) the average indigent
151 counsel fee that each court division collects; (h) the total number of times an indigent but able to contribute
152 fee was collected and waived and the aggregate amount of indigent but able to contribute fees collected and
153 waived; (i) the highest and lowest indigent but able to contribute fee collected in each court division; (j) the
154 number of cases in which community service in lieu of indigent counsel fees was performed; and (k) other
155 pertinent information to ascertain the effectiveness of indigency verification procedures. The information
156 within such reports shall be delineated by court division, and delineated further by month.

157 (j) The office of the commissioner of probation, department of revenue and the department of
158 transitional assistance shall enter into a memorandum of understanding, which may be amended from time
159 to time, establishing an electronic verification system, capable of verifying, within 7 business days of
160 appointment of counsel, a person's claim of indigency, based on wage, tax and asset information.

Improving Representation of Indigent Defendants 2

1 SECTION 80. Section 2A of said chapter 211D, as so appearing, is hereby amended by striking
2 out the second to fourth paragraphs, inclusive.

Improving Representation of Indigent Defendants 3

1 SECTION 81. Said chapter 211D is hereby amended by striking out sections 6 and 6A, as so
2 appearing, and inserting in place thereof the following 2 sections:-

3 Section 6. (a) In carrying out its duties as prescribed in section 5, the committee shall utilize its staff
4 of attorneys, which shall be known hereafter as the public defender division. The division shall include a
5 unit to be known as the Roxbury defenders unit, which shall represent clients as assigned pursuant to this
6 chapter in the Roxbury division of the district court department. The public defender division shall be
7 assigned to represent indigent defendants in all criminal cases, except that:

8 (i) the public defender division shall not be assigned to represent more than 1 defendant in any
9 matter before any court on the same case or arising out of the same incident;

10 (ii) the public defender division shall not be assigned to represent a defendant in any case in which
11 there is a conflict of interest with any of its clients;

12 (iii) notwithstanding any special or general law to the contrary, the public defender division shall be
13 assigned in any civil or criminal matter described in subsection (b) if the chief counsel determines in
14 writing that insufficient numbers of qualified attorneys are available for assignment by the private counsel
15 division.

16 (b) In carrying out its duties as prescribed in section 5, the committee shall establish, supervise and
17 maintain a system for the appointment of private counsel, hereafter called the private counsel division
18 which shall include a children and family law program and a mental health unit. The committee shall enter
19 into contractual agreements with any state, county or local bar association or voluntary charitable group,
20 corporation or association, including bar advocate groups, for the purpose of providing such counsel. The
21 committee may also contract with such other organized groups of attorneys as may be formed to afford
22 representation to indigent defendants and may appoint and compensate private attorneys, on a case-by-case
23 basis, as counsel for indigents entitled to representation. No individual, member or participant in a group,
24 corporation or association with whom the committee may contract under this paragraph shall be considered
25 to be or have any rights as a state employee.

26 The private counsel division shall be assigned for all persons accused of crimes entitled to counsel
27 who, through their inability to pay for counsel, shall have counsel appointed to them, but who, pursuant to
28 subsection (a) shall not be represented by the public counsel division.

29 The private counsel division shall also be assigned to represent persons in such other proceedings as
30 the chief counsel shall determine to be necessary.

31 Section 6A. In carrying out its duties as prescribed in sections 5 and 6, the committee shall establish
32 a children and family law program which shall, upon the court's appointment, provide representation to
33 indigent persons in children and family law cases. Nothing herein shall be construed to limit the system as
34 established in sections 5 and 6, whereby the court appoints certified private counsel to represent children
35 and parents in the majority of children and family law cases.

Improving Representation of Indigent Defendants 4

1 SECTION 82. Section 7 of said chapter 211D is hereby repealed.

Improving Representation of Indigent Defendants 5

1 SECTION 83. Section 11 of said chapter 211D, as appearing in the 2008 Official Edition, is
2 hereby amended by striking out, in line 21, the number "1400" and inserting in place thereof the following
3 number:- 1,200.

Improving Representation of Indigent Defendants 6

1 SECTION 84. Said chapter 211D of the General Laws is hereby amended by striking out section
2 12, as appearing in section 161 of chapter 27 of the acts of 2009, and inserting in place thereof the
3 following section:-

4 Section 12. (a) The committee shall establish policies and procedures to provide fair compensation
5 to private counsel and vendors, which shall include a remedy for an attorney aggrieved by the amount of
6 payment. The committee shall also establish an audit and oversight department to monitor billing and
7 private attorney and vendor compensation. All private attorney invoices shall be processed for payment
8 within 30 days of receipt by the chief counsel, excluding any bills held for review or audit. Bills shall be
9 submitted to the committee within 60 days of the conclusion of a case or, if the case is pending at the end of
10 the fiscal year, within 30 days after the end of such fiscal year. The amount of payment for invoices

11 received by the chief counsel more than 60 days but less than 90 days after the final disposition of the case
12 or more than 30 days but less than 60 days after the end of the fiscal year shall be reduced by 10 per cent.
13 Bills submitted after such date need not be processed for payment within 30 days. For all bills not
14 submitted to the committee within 90 days after the conclusion of a case or, if the case is pending at the end
15 of the fiscal year, within 60 days after the end of the fiscal year, those bills so submitted after such date
16 shall not be processed for payment; provided, however, that the chief counsel may authorize the payment of
17 such bills, either in whole or in part, upon a determination that the delay was due to extraordinary
18 circumstances beyond the control of the attorney.

19 (b) Bills shall be submitted to the committee for services provided under sections 27A to 27G,
20 inclusive, of chapter 261 within 60 days of the last date of service or, if the case is pending at the end of the
21 fiscal year, within 30 days after the end of such fiscal year. The amount of payment for invoices received
22 by the chief counsel more than 60 days but less than 90 days after the last date of service or more than 30
23 days but less than 60 days after the end of the fiscal year shall be reduced by 10 per cent. For all bills not
24 submitted to the committee within 90 days after the last date of service or, if the case is pending at the end
25 of the fiscal year, within 60 days after the end of the fiscal year, those bills so submitted after such date
26 shall not be processed for payment; provided, however, that the chief counsel may authorize the payment of
27 such bills either in whole or in part upon a determination that the delay was due to extraordinary
28 circumstances beyond the control of the vendor.

29 (c) The committee may further prescribe such policies and procedures for payment as it deems
30 appropriate; provided, however, that the committee may impose interest and penalties, where appropriate,
31 upon overpayment of the private attorney bills recovered from private attorneys and upon overpayment of
32 vendor bills recovered from vendors.

Improving Representation of Indigent Defendants 7

1 SECTION 85. Section 14 of said chapter 211D is hereby repealed.

Mental Health Legal Advisors Committee Trust

1 SECTION 86. Section 34E of chapter 221 of the General Laws is hereby amended by striking out
2 the last paragraph, as appearing in the 2008 Official Edition, and inserting in place thereof the following
3 paragraph:-

4 The committee shall be eligible for federal funds and may accept gifts, donations, grants,
5 contributions or appropriations, which may be received from any source, public or private, to be held, used
6 or expended for any purpose related to the duties of the committee and, in the case of a grant, in accordance
7 with the terms and conditions of such grant. The committee may enter into contracts to provide or receive
8 services with any federal or state entity, with any group or individual, whether for profit or non-profit, or
9 with any voluntary or charitable group, association or organization including any bar association or
10 foundation. Any such donations, funds, contributions or grants shall be deposited in the Mental Health
11 Legal Advisors Committee Trust.

Electronic Reproduction of Stenographer Notes

1 SECTION 87. Said chapter 221 is hereby further amended by striking out section 88, as most recent
2 amended by section 96 of chapter 27 of the acts of 2009, and inserting in place thereof the following
3 section:-

4 Section 88. Upon request of the presiding justice or any party, the stenographer shall furnish a
5 transcript of his notes, or any part thereof, taken at a trial or hearing, for which he shall be paid by the party
6 requesting it at the rate of \$3 per page for the original and \$1 per page for each additional copy ordered at
7 the same time. If requested by a party, the stenographer shall furnish an electronic reproduction at an
8 amount not to exceed \$5 for each electronic reproduction requested. All electronic reproductions shall be in
9 an open source format as specified by the office of transcription services. Additional paper copies, if so

10 requested by an indigent person or counsel for an indigent person, shall be paid at \$.10 per page. In the
11 event that daily copy is ordered by the presiding justice or any party, the rate shall be \$4.50 per page for the
12 original copy and \$1.50 per page for each additional copy; provided that, if requested by a party, the
13 stenographer shall furnish an electronic reproduction at an amount not to exceed \$5 for each electronic
14 reproduction; and provided further, that additional paper copies, if so requested by an indigent person or
15 counsel for an indigent person, shall be paid at \$.10 per page. If a transcript is ordered by the presiding
16 justice or, in a criminal case, by the district attorney, payment therefor shall be made at the same rate by the
17 administrative office of the trial court upon a voucher approved by the presiding justice and, in a criminal
18 case, the charges for transcripts furnished to a justice and to the district attorney shall be taxed like other
19 expenses. If the presiding justice orders that a statement given to the police be transcribed, all parties shall
20 receive a copy and payment therefor shall be made at the same rate by the administrative office of the trial
21 court upon a voucher approved by the presiding justice.

State College Building Authority to Include Community Colleges 1

1 SECTION 88. Section 1 of chapter 703 of the acts of 1963 is hereby amended by striking out
2 paragraph (h), as appearing in section 78 of chapter 189 of the acts of 2010, and inserting in place thereof
3 the following paragraph:-

4 (h) "State college", any of the public institutions of higher education in the state university segment
5 or the community college segment established in section 5 of chapter 15A of the General Laws.

State College Building Authority to Include Community Colleges 2

1 SECTION 89. The first sentence of section 3 of said chapter 703, as appearing in section 2 of
2 chapter 290 of the acts of 1998, is hereby amended by adding the following words: - ; provided, however,
3 that the Authority shall not provide housing facilities at community colleges.

State College Building Authority to Include Community Colleges 3

1 SECTION 90. The fourth sentence of section 6 of said chapter 703, as appearing in section 24 of
2 chapter 120 of the acts of 2009, is hereby amended by striking out the words "any applicable state college"
3 and inserting in place thereof the following words:- 1 or more state colleges, as appropriate..

State College Building Authority to Include Community Colleges 4

1 SECTION 91. The first sentence of the first paragraph of section 18A of said chapter 703, as most
2 recently amended by section 25 of said chapter 120, is hereby further amended by striking out the words "
3 and amounts described in clause (ii) shall be used only to prevent a default by the Authority in connection
4 with indebtedness incurred by the Authority on behalf of the applicable state college".

Additional Historic Curatorship Properties

1 SECTION 92. Section 44 of chapter 85 of the acts of 1994 is hereby amended by inserting after
2 the words "Horseneck Beach State Reservation", inserted by section 2 of chapter 164 of the acts of 2009,
3 the following words:- Officers' Quarters at Fort Revere in the town of Hull, Gatekeeper's House at
4 Maudslay State Park, Gates House at Wachusett Mountain State Reservation, Blue Farmhouse and garage
5 and associated barns 3, 4 and 5 at 215 Cold Spring road and Red Farmhouse and shed at 220 Cold Spring
6 road at Spectacle Pond in the town of Sandisfield, the McKay House at Willowdale State Forest, 57
7 Dedham street in the Hyde Park section of the city of Boston, Speedway Administration Building located in
8 the Brighton section of the city of Boston, the Police Substation on Furnace Brook Parkway in the city of
9 Quincy, the Compressor Building at Quincy Quarries in the Blue Hills Reservation, any of the cottages on
10 Peddock's Island in the Boston Harbor Islands National Park Area, 3 Wompatuck Cottages in Wompatuck
11 State Park, Stress House 1 at Neponset River Reservation and, notwithstanding any general or special law
12 to the contrary, the Schooner Ernestina and a portion of the New Bedford state pier, to provide sufficient
13 berthing space.

Fishing Partnership

1 SECTION 93. Chapter 47 of the acts of 1997 is hereby amended by striking out section 22, as
2 most recently amended by section 35 of chapter 61 of the acts of 2007, and inserting in place thereof the
3 following section:-

4 Section 22. Notwithstanding any general or special law to the contrary, in fiscal years 2012 to
5 2016, inclusive, the division of health care finance and policy shall allocate \$1,000,000 annually for a
6 Fishing Partnership Health Plan Corporation project that shall provide services to fishermen and fishing
7 families; provided, that such services shall include, but not be limited to, assisting fishermen and fishing
8 families in obtaining health insurance coverage.

Workforce Training Trust Fund 3

1 SECTION 94. Sections 3A, 20A and 25 of chapter 175 of the acts of 1998 are hereby repealed.

Improve DEP Efficiencies 2

1 SECTION 95. Section 43 of chapter 206 of the acts of 1998 is hereby amended by striking out the
2 first sentence and inserting in place thereof the following 3 sentences:- The department of environmental
3 protection shall perform a targeted audit of a statistically significant number, as determined by the
4 department, of sites at which an activity and use limitation has been implemented in order to ensure that
5 response actions not overseen or conducted by the department are performed in compliance with chapter
6 21E of the General Laws and regulations adopted thereunder. In determining the statistically significant
7 number, the department shall take into account the need for audits to ensure a high level of compliance with
8 said chapter 21E and the Massachusetts Contingency Plan and the need to target audit resources in the most
9 efficient and effective manner. The department shall report annually to the joint committee on
10 environment, natural resources and agriculture and the house and senate committees on ways and means
11 detailing the number of audits conducted pursuant to this section.

MCO Substance Abuse Benefits

1 SECTION 96. Section 113 of chapter 58 of the acts of 2006 is hereby amended by inserting after
2 the word “measurements”, in line 22, the following words:- ; provided, however, that substance abuse
3 benefits shall instead obtain the approval of the commissioner of public health.

MWRA Fringe Exemption

1 SECTION 97. Chapter 122 of the acts of 2006 is hereby amended by striking out section 130 and
2 inserting in place thereof the following section:-

3 SECTION 130. Notwithstanding any general or special law or regulation to the contrary, the state
4 comptroller shall grant a permanent waiver or exemption from all applicable charges or assessments made
5 against the Water Supply Protection Trust by the office of the comptroller pursuant to its authority under
6 sections 5D and 6B of chapter 29 of the General Laws; provided, however, that the Water Supply
7 Protection Trust shall be liable to pay those charges that represent the fringe benefits for department of
8 conservation and recreation personnel that either dedicate their full time and attention to watershed
9 protection activities or spend some portion of their time indirectly supporting the department’s watershed
10 protection activities.

Natural Heritage and Endangered Species Program Waiver

1 SECTION 98. Section 144 of chapter 122 of the acts of 2006 is hereby amended by striking out, in
2 lines 4 to 6, inclusive, the words “; provided, however, that no waiver or exemption shall be granted
3 without the written approval of the secretary of administration and finance”.

Postponement of FAS 109 Deduction

1 SECTION 99. Subsection (2) of section 95 of chapter 173 of the acts of 2008 is hereby amended
2 by striking out, in line 2, the figure "2012" and inserting in place thereof the following figure:- 2013.

Ponkapoag Golf Course Lease 1

1 SECTION 100. Section 103 of chapter 182 of the acts of 2008 is hereby amended by striking out,
2 in line 15, the figure "180" and inserting in place thereof the following figure:- 120.

Ponkapoag Golf Course Lease 2

1 SECTION 101. Subsection (b) of said section 103 of said chapter 182 is hereby amended by
2 striking out the first paragraph and inserting in place thereof the following paragraph:-

3 If no lease agreement is reached with the town of Canton under subsection (a) before April 1, 2012,
4 the division of capital asset management and maintenance, in consultation with and on behalf of the
5 department of conservation and recreation, shall solicit proposals through a request for proposals which
6 shall include key contractual terms and conditions to be incorporated into the contract including, but not
7 limited to: (1) a comprehensive list of all recreational facilities operated by the responsive bidder or offeror
8 in the last 4 years; (2) other facilities management or experience of the responsive bidder or offeror; (3) a
9 senior citizens' and children's discount program; (4) reservation policies; (5) proposed reasonable rates that
10 ensure continued public access; (6) required financial audits; (7) policies to encourage use of the golf
11 course by persons of all races and nationalities; (8) safety and security plans; (9) seasonal opening and
12 closing dates; (10) hours of operation; (11) holiday recognition; (12) grievance processes; (13) clubhouse
13 license; (14) a provision that the facility shall be maintained as a 36-hole public golf course; (15) a
14 provision that the lessee shall not construct facilities on the grounds of the golf course or any property
15 appurtenant thereto; provided, however, that the lessee may construct facilities with the written approval of
16 the commissioner of conservation and recreation and the majority vote of the board of selectmen in the
17 town of Canton; and (16) a host community agreement between the designated operator and the town of
18 Canton. Any increase in fees, including fees for season passes and club memberships, and any increase in
19 charges for greens' fees or golf cart or club rentals shall be approved in writing by the commissioner of
20 conservation and recreation; provided, however, that in considering any request for an increase in fees, the
21 commissioner shall consider, without limitation: (i) any capital investment made by the contractor or
22 lessee; (ii) the fees and charges at other public golf courses within reasonable proximity; and (iii) the length
23 of time since the last fee increase.

Extend Authority to Terminate and Renegotiate Leases 1

1 SECTION 102. Section 23 of chapter 5 of the acts of 2009 is hereby amended by striking out the
2 figure "2011", inserted by section 115 of chapter 131 of the acts of 2010, and inserting in place thereof the
3 following figure:- 2012.

Postpone Regional Transit Authority Forward Funding

1 SECTION 103. Section 152 of chapter 25 of the acts of 2009 is hereby amended by striking out
2 the figure "2011" and inserting in place thereof the following figure:- 2013.

Extend Authority to Terminate and Renegotiate Leases 2

1 SECTION 104. Section 195 of chapter 131 of the acts of 2010 is hereby amended by striking out
2 the figure "2011" and inserting in place thereof the following figure:- 2012.

Medical Security Trust Fund Deficit

1 SECTION 105. Section 124 of chapter 359 of the acts of 2010 is hereby amended by striking out
2 the words "and June 30, 2011" and inserting in place thereof the following words: - , June 30, 2011 and
3 June 30, 2012.

Procurement Reform Savings

1 SECTION 106. Whenever the secretary of administration and finance determines that procurement
2 reforms or initiatives have resulted in cost savings for an agency of the executive department during fiscal
3 year 2012, the secretary may reduce allotments under section 9B of chapter 29 of the General Laws to
4 reflect some or all of the amounts saved, and within 15 days shall notify in writing the house and senate
5 committees on ways and means. The total amount of such allotment reductions shall not exceed
6 \$30,000,000 in fiscal year 2012.

Number of DIA Judges 5

1 SECTION 107. Nothing in sections 29 to 32, inclusive, shall be construed to authorize the
2 governor to remove a sitting member of the industrial accident board or the industrial accident reviewing
3 board on the effective date of this act, whose term has not expired, to reduce the number of members of
4 either board.

Stabilization Fund Transfers

1 SECTION 108. (a) Notwithstanding any general or special law to the contrary, the comptroller
2 shall, on or before June 30, 2012, transfer \$200,000,000 to the General Fund from the Commonwealth
3 Stabilization Fund, but the comptroller shall instead transfer a lesser amount if the secretary of
4 administration and finance so requests in writing. The comptroller, in consultation with the secretary of
5 administration and finance, may take the overall cash flow needs of the commonwealth into consideration
6 in determining the timing of any transfer of funds. The comptroller shall provide a schedule of transfers to
7 the secretary of administration and finance and to the house and senate committees on ways and means.

8 (b) Notwithstanding any general or special law to the contrary, during fiscal year 2012 the
9 comptroller shall not transfer 0.5 per cent of the total revenue from taxes in the preceding fiscal year to the
10 Commonwealth Stabilization Fund, established in section 2H of chapter 29 of the General Laws, as
11 otherwise required pursuant to clause (a) of section 5C of said chapter 29.

12 (c) Notwithstanding any general or special law to the contrary, the comptroller shall, not later than
13 June 30, 2012, transfer the interest earned from the Commonwealth Stabilization Fund during fiscal year
14 2012 to the General Fund.

Municipal Health Reform 5

1 SECTION 109. Notwithstanding any general or special law to the contrary, changes made to
2 health insurance benefits under section 22 or 23 of chapter 32B of the General Laws shall not take effect
3 for any group of employees covered by a collective bargaining agreement in effect as of July 1, 2011 by a
4 governmental unit prior to the expiration of the initial term of such agreement.

Municipal Health Reform 6

1 SECTION 110. Notwithstanding subsection (e) of section 19 of the General Laws and subsection
2 (d) of section 23 of said chapter 32B or any general or special law to the contrary, the commission shall
3 prescribe rolling admissions procedures to permit a political subdivision that transfers its subscribers to the
4 group insurance commission under said section 19 or 23 of said chapter 32B to transfer all subscribers for
5 whom it provides health insurance coverage to the commission as expeditiously as possible during fiscal
6 year 2012.

Commonwealth Care Bridge Program Reauthorization

1 SECTION 111. (a) Notwithstanding any general or special law to the contrary and except as
2 provided in subsection (b), an eligible individual pursuant to section 3 of chapter 118H of the General Laws
3 shall not include a person who is not eligible to receive federally-funded benefits under sections 401, 402
4 or 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-
5 193, as amended, for fiscal year 2012.

6 (b) Notwithstanding any general or special law to the contrary, the secretary of administration and finance,
7 the secretary of health and human services and the executive director of the commonwealth health
8 insurance connector authority may, in their discretion and subject only to the terms and conditions in this
9 subsection, establish or designate a health insurance plan in which a person who is not eligible to receive
10 federally-funded benefits under said sections 401, 402 or 403 of the Personal Responsibility and Work
11 Opportunity Reconciliation Act of 1996, Public Law 104-193, as amended, but who is an eligible
12 individual pursuant to said section 3 of said chapter 118H may enroll for the period including July 1, 2011
13 to June 30, 2012, inclusive. The plan may be contracted for selectively from the health plans that contracted
14 in fiscal year 2011 to provide insurance coverage to commonwealth care or MassHealth enrollees. Total
15 state appropriation to support coverage to all such persons shall not exceed \$42,000,000 for fiscal year
16 2012. To the extent that additional federal financial participation becomes available for paying the costs of
17 such coverage, the secretary of administration and finance may direct the comptroller to make such
18 amounts available from the General Fund for the purpose of paying for the costs of such coverage. If the
19 secretary of administration and finance, the secretary of health and human services and the executive
20 director of the commonwealth health insurance connector authority determine that the projected costs of
21 enrolling eligible individuals in such coverage in fiscal year 2012 will exceed available funding, they may
22 limit enrollment in such coverage. If the secretary of administration and finance, the secretary of health and
23 human services and the executive director of the commonwealth health insurance connector authority are
24 unable to establish or designate a health insurance plan under this section, the secretary of administration
25 and finance may direct the comptroller to transfer up to \$42,000,000 from the Commonwealth Care Trust
26 Fund to the Health Safety Net Trust Fund for the cost of health safety net claims for these individuals.

MassHealth Program Changes 3

1 SECTION 112. Notwithstanding section 53 of chapter 118E of the General Laws or any other
2 general or special law to the contrary, the secretary of health and human services may manage the
3 MassHealth program within the appropriated levels in items 4000-0430, 4000-0500, 4000-0600, 4000-
4 0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0895, 4000-0950, 4000-0990, 4000-1400 and
5 4000-1405 by restructuring benefits to the extent permitted by federal law; provided, however, that
6 notwithstanding any general or special law to the contrary, at least 90 days before restructuring any
7 MassHealth benefits, the secretary shall file a report with the executive office for administration and
8 finance and the house and senate committees on ways and means detailing the proposed changes and the
9 anticipated fiscal impact of those changes.

MassHealth Program Changes 4

1 SECTION 113. Notwithstanding any general or special law to the contrary, the secretary of health
2 and human services may make expenditures for which federal reimbursement is unavailable for: (1) the
3 equivalent of MassHealth Standard benefits for children under age 21 who are in the care or custody of the
4 department of youth services or the department of children and families, and (2) dental benefits provided to
5 clients of the department of developmental services who are age 21 or over.

MassHealth and Commonwealth Care Dental Services

1 SECTION 114. (a) Notwithstanding section 53 of chapter 118E of the General Laws, for fiscal
2 year 2012, the executive office of health and human services may determine the extent to which to include
3 within its covered services for adults the federally-optional dental services that were included in its state
4 plan or demonstration program in effect on January 1, 2002 and the dental services that were covered for

5 adults in the MassHealth basic program as of January 1, 2002; provided, that notwithstanding any general
6 or special law to the contrary, at least 90 days before restructuring any MassHealth dental benefits, the
7 executive office shall file a report with the executive office for administration and finance and the house
8 and senate committees on ways and means detailing the proposed changes and the anticipated fiscal impact
9 of such changes.

10 (b) Notwithstanding subsection (a) of section 6 of chapter 118H of the General Laws, for fiscal
11 year 2012, medically necessary dental services covered through health insurance plans procured by the
12 board of the Commonwealth Health Insurance Connector Authority for any resident with a household
13 income that does not exceed 100 per cent of the federal poverty level shall include preventative procedures
14 but shall exclude those categories of services that are not provided through MassHealth.

UMass and EOHHS Interagency Service Agreement

1 SECTION 115. Notwithstanding any general or special law to the contrary, the executive office of
2 health and human services, acting in its capacity as the single state agency under Title XIX of the Social
3 Security Act and as the principal agency for all of the agencies within the executive office and other
4 federally-assisted programs administered by the executive office, may enter into interdepartmental services
5 agreements with the University of Massachusetts medical school to perform activities that the secretary of
6 health and human services, in consultation with the comptroller, determines appropriate and within the
7 scope of the proper administration of said Title XIX and other federal funding provisions to support the
8 programs and activities of the executive office. The activities may include: (1) providing administrative
9 services including, but not limited to, providing the medical expertise to support or administer utilization
10 management activities, determining eligibility based on disability, supporting case management activities
11 and similar initiatives; (2) providing consulting services related to quality assurance, program evaluation
12 and development, integrity and soundness and project management; and (3) providing activities and
13 services for the purpose of pursuing federal reimbursement or avoiding costs, third-party liability and
14 recouping payments to third parties. Federal reimbursement for any expenditures made by the University of
15 Massachusetts medical school relative to federally-reimbursable services the university provides under
16 these interdepartmental service agreements or other contracts with the executive office shall be distributed
17 to the university and recorded distinctly in the state accounting system. The secretary may negotiate
18 contingency fees for activities and services related to pursuing federal reimbursement or avoiding costs and
19 the comptroller shall certify these fees and pay them upon the receipt of this revenue, reimbursement or
20 demonstration of costs avoided. Contracts for contingency fees shall not exceed 3 years and shall not be
21 renewed without prior review and approval by the executive office for administration and finance. The
22 secretary shall not pay contingency fees in excess of \$40,000,000 for state fiscal year 2012; but
23 contingency fees paid to the University of Massachusetts medical school under an interagency service
24 agreement for recoveries related to the special disability workload projects shall be excluded from that
25 \$40,000,000 limit for fiscal year 2012. The secretary of health and human services shall submit to the
26 secretary of administration and finance and the senate and house committees on ways and means a
27 quarterly report detailing the amounts of the agreements, the ongoing and new projects undertaken by the
28 university, the amounts expended on personnel and the amount of federal reimbursement and recoupment
29 payments that the university collected.

Initial Gross Payments to Qualifying Acute Care Hospitals

1 SECTION 116. Notwithstanding any general or special law to the contrary, on or before October
2 3, 2011 and without further appropriation, the comptroller shall transfer from the General Fund to the
3 Health Safety Net Trust Fund established pursuant to section 36 of chapter 118G of the General Laws, in
4 this section called the fund, the greater of \$45,000,000 or one-twelfth of the total expenditures to hospitals
5 and community health centers required pursuant to this act, for the purposes of making initial gross
6 payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1, 2011. These
7 payments shall be made to hospitals before, and in anticipation of, the payment by hospitals of their gross
8 liability to the fund. The comptroller shall transfer from the fund to the General Fund, not later than June
9 30, 2012, the amount of the transfer authorized by this section and any allocation of that amount as certified
10 by the director of the health safety net office.

Nursing and Resident Care Facility Base Year

1 SECTION 117. Notwithstanding any general or special law to the contrary, nursing facility and
2 resident care facility rates effective July 1, 2011 under section 7 of chapter 118G of the General Laws may
3 be developed using the costs of calendar year 2005.

Nursing Home Assessment

1 SECTION 118. Notwithstanding any general or special law to the contrary, the nursing home
2 assessment established by subsection (b) of section 25 of chapter 118G of the General Laws shall be
3 sufficient in the aggregate to generate \$220,000,000 in fiscal year 2012.

Inspector General's Health Safety Net Audit Unit

1 SECTION 119. Notwithstanding any general or special law to the contrary, in hospital fiscal year
2 2012, the office of the inspector general may continue to expend funds from the Health Safety Net Trust
3 Fund, established by section 36 of chapter 118G of the General Laws, for the costs associated with
4 maintaining a pool audit unit within the office. The unit shall continue to oversee and examine the practices
5 in all hospitals including, but not limited to, the care of the uninsured and the resulting free care charges.
6 The inspector general shall submit a report to the house and senate committees on ways and means on the
7 results of the audits and any other completed analyses not later than March 1, 2012. For the purposes of
8 these audits, allowable free care services shall be defined pursuant to said chapter 118G and any regulations
9 adopted thereunder.

Inspector General Audit of MassHealth

1 SECTION 120. The inspector general shall expend funds from the Health Safety Net Trust Fund,
2 established in section 36 of chapter 118G of the General Laws, to conduct a study and review of the
3 Massachusetts Medicaid program. The study shall include, but not be limited to, a review of the program's
4 eligibility requirements, utilization, claims administration and compliance with federal mandates. The
5 inspector general shall report any preliminary findings to the secretary of health and human services and
6 the house and senate committees on ways and means not later than October 3, 2011 and issue a final report
7 not later than December 1, 2011.

Continuation of Programs

1 SECTION 121. The following agencies or authorities shall contribute the amounts below for
2 programs or services in fiscal year 2012:

3 (a) the Massachusetts Housing Finance Authority, \$8,400,000 for the Massachusetts rental voucher
4 program;

5 (b) the Massachusetts Development Finance Authority, \$3,000,000 for the Massachusetts cultural
6 council grant program;

7 (c) the Massachusetts Educational Finance Authority, \$1,000,000 for the no interest loan and
8 scholarship programs;

9 (d) the Massachusetts Housing Partnership, \$2,000,000 for the soft second mortgage program;

10 (e) the Massachusetts Convention Center Authority, \$5,000,000 for the office of travel and tourism
11 marketing program;

12 (f) the Massachusetts Technology Collaborative, \$275,000 for the department of housing and
13 community development's broadband initiative;

- 14 (g) the Massachusetts Growth Capital Corporation, \$500,000 for the small business development
15 center, \$700,000 for the office of small business and \$335,000 for the state permitting office;
- 16 (h) the commonwealth health insurance connector authority, \$2,500,000 for wellness promotion;
- 17 (g) the Massachusetts Clean Energy Center, \$1,000,000 to support the operations of the executive
18 office of energy and environmental affairs;
- 19 (k) the Massachusetts Technology Collaborative and the Massachusetts Port Authority, \$600,000 for
20 the international trade and investment program; and
- 21 (l) the Massachusetts Life Sciences Center, \$210,000 for the Tufts University veterinary school.

DMH Trust Fund Contribution

1 SECTION 122. Notwithstanding any general or special law to the contrary, the comptroller shall,
2 in consultation with the commissioner of mental health, transfer \$10,000,000 from trust funds established
3 pursuant to section 16 of chapter 19 of the General Laws to the General Fund within 30 days from the
4 effective date of this act.

Transfer of Funds to the General Fund 1

1 SECTION 123. Notwithstanding any general or special law to the contrary, the funds and
2 associated interest transferred to the former Massachusetts Turnpike Authority in item 1599-1975 of
3 section 2 of chapter 192 of the acts of 2006 shall be transferred to the General Fund by the Massachusetts
4 Department of Transportation; provided, however, that any transfer under this section shall be made by the
5 comptroller in accordance with a transfer schedule to be developed by the comptroller, after consulting
6 with the secretary of transportation, the secretary of administration and finance and the state treasurer. All
7 transfers under the schedule shall be completed not later than September 30, 2011.

Transfer of Funds to the General Fund 2

1 SECTION 124. (a) Notwithstanding any general or special law to the contrary, the department of
2 environmental protection shall transfer \$3,000,000 of funds previously appropriated or loans repaid as a
3 result of item 1231-1020 of section 2 of chapter 151 of the acts of 1996 to the General Fund on account of
4 fiscal year 2012.

5 (b) Notwithstanding any general or special law to the contrary, the Massachusetts Housing Finance
6 Agency shall, on or before June 30, 2012, transfer not more than \$5,400,000 of loan repayment proceeds
7 received under section 27 of chapter 23B of the General Laws to the comptroller to be credited to the
8 General Fund on account of fiscal year 2012.

Authorization to Transfer Trust Balances

1 SECTION 125. Notwithstanding any general or special law to the contrary, upon receiving a
2 written request from the secretary of administration and finance, the comptroller shall transfer to the
3 General Fund the unexpended balance of a fund, trust fund or other separate account, in existence on April
4 1, 2011, whether established administratively or by law, including a separate account established under
5 section 6 of chapter 6A of the General Laws or section 4F of chapter 7 of the General Laws; provided,
6 however, that the secretary and comptroller shall report to the house and senate committees on ways and
7 means 45 days prior to any such transfer. The request shall certify that the secretary, in consultation with
8 the comptroller, has determined this balance not to be necessary for the purposes for which it was made
9 available.

Authorization to Transfer Tobacco Settlement Payments

1 SECTION 126. Notwithstanding section 1 of chapter 29D of the General Laws or any other
2 general or special law to the contrary, all payments received by the commonwealth in fiscal year 2012
3 pursuant to the master settlement agreement in Commonwealth of Massachusetts v. Philip Morris, Inc. et.
4 al., Middlesex Superior Court, No. 95-7378, shall be deposited in the General Fund. Notwithstanding
5 section 3 of said chapter 29D to the contrary, the comptroller shall transfer 100 per cent of the earnings
6 generated in fiscal year 2012 from the Health Care Security Trust, as certified under paragraph (f) of said
7 section 3 of said chapter 29D, to the General Fund.

MassDOT Snow and Ice Spending

1 SECTION 127. (a) Notwithstanding any general or special law to the contrary, the Massachusetts
2 Department of Transportation may incur liabilities and make expenditures in fiscal year 2012 in excess of
3 funds available to the department for snow and ice removal; provided, however, that such expenditures
4 shall be approved by the secretary of transportation in consultation with the secretary of administration and
5 finance; provided further, that no expenses shall be made in excess of funds available until \$50,000,000 has
6 been expended for snow and ice removal in fiscal year 2012; provided further, that the negative balance of
7 funds available for snow and ice removal shall not exceed \$30,000,000 at any time; and provided further,
8 that the state comptroller may certify for payment invoices in excess of funds available to the department.

9 (b) The department shall, on or before May 1, 2012, report to the executive office for administration
10 and finance and the house and senate committees on ways and means the total amounts budgeted and
11 expended for snow and ice removal; provided, however, that the department shall seek appropriations, as
12 required, to cure deficiencies resulting from the removal of snow and ice for the fiscal year ending June 30,
13 2012.

Suspension of Tourism Formula

1 SECTION 128. Notwithstanding any general or special law to the contrary, the formula for
2 application of funds provided in section 35J of chapter 10 of the General Laws shall not apply in fiscal year
3 2012.

Life Sciences Transfer from FY11 Surplus

1 SECTION 129. Notwithstanding any general or special law to the contrary, after complying with
2 clause (a) of section 5C of chapter 29 of the General Laws, the comptroller shall dispose of the
3 consolidated net surplus in the budgetary funds for fiscal year 2011 as follows: (i) the comptroller shall
4 transfer \$10,000,000 from the General Fund to the Massachusetts Life Sciences Investment Fund
5 established by section 6 of chapter 23I of the General Laws; and (ii) the remaining balance shall be
6 transferred from the General Fund to the Commonwealth Stabilization Fund.

Special Education Inflation Rate Freeze

1 SECTION 130. Notwithstanding any general or special law to the contrary, the operational
2 services division, which, under section 22N of chapter 7 of the General Laws, is responsible for
3 determining prices for programs under chapter 71B of the General Laws, shall set those prices in fiscal year
4 2012 at the same level calculated for fiscal year 2011, except the prices for those programs for
5 extraordinary relief, as defined by the division's regulations; provided, however, that upon the request of a
6 program, the division shall determine the minimum price for out-of-state purchasers by identifying the most
7 recent price calculated for the program and applying the estimated rate of inflation, which is established by
8 October 1 of each year pursuant to said section 22N of said chapter 7, in a compounded manner for each
9 fiscal year following the most recent calculated price. The division shall accept and process applications
10 for program reconstruction for fiscal year 2012 to be considered for rate adjustment in fiscal year 2013.
11 Programs for which prices in fiscal year 2011 were lower than the full amount permitted by the operational
12 services division may charge in fiscal year 2012 the full prices calculated for fiscal year 2011.

Chapter 70 Minimum Local Contribution

1 SECTION 131. (a) Notwithstanding any general or special law to the contrary, upon the request of
2 the board of selectmen in a town, the city council in a city with a plan E form of government or the mayor
3 in any other city, the department of revenue may recalculate the minimum required local contribution, as
4 defined in section 2 of chapter 70 of the General Laws, in the fiscal year ending June 30, 2012. Based on
5 the criteria established in this section, the department shall recalculate the minimum required local
6 contribution for a municipality's local and regional schools and shall certify the amounts calculated to the
7 department of elementary and secondary education.

8 (b) A city or town that used qualifying revenue amounts in a fiscal year which are not available for
9 use in the next fiscal year or that shall be required to use revenues for extraordinary non school-related
10 expenses for which it did not have to use revenues in the preceding fiscal year or that has an excessive
11 certified municipal revenue growth factor which is also greater than or equal to 1.5 times the state average
12 municipal revenue growth factor may appeal to the department of revenue not later than October 1, 2011,
13 for an adjustment of its minimum required local contribution and net school spending.

14 (c) If an appeal is determined to be valid, the department of revenue may reduce proportionately the
15 minimum required local contribution amount based on the amount of shortfall in revenue or based on the
16 amount of increase in extraordinary expenditures in the current fiscal year, but no adjustment to the
17 minimum required local contribution on account of an extraordinary expense in the budget for the fiscal
18 year ending June 30, 2012, shall affect the calculation of the minimum required local contribution in
19 subsequent fiscal years. Qualifying revenue amounts shall include, but not be limited to, extraordinary
20 amounts of free cash, overlay surplus and other available funds.

21 (d) If upon submission of adequate documentation, the department of revenue determines that the
22 municipality's appeal regarding an excessive municipal revenue growth factor is valid, the department shall
23 recalculate the municipal revenue growth factor and the department of elementary and secondary education
24 shall use the revised growth factor to calculate the preliminary local contribution, the minimum required
25 local contribution and any other factor that directly or indirectly uses the municipal revenue growth factor.
26 Any relief granted as a result of an excessive municipal revenue growth factor shall be a permanent
27 reduction in the minimum required local contribution.

28 (e) The board of selectmen in a town, the city council in a city with a plan E form of government,
29 the mayor in any other city or a majority of the member municipalities of a regional school district which
30 used qualifying revenue amounts in a fiscal year that are not available for use in the next fiscal year may
31 appeal to the department of revenue not later than October 1, 2011, for an adjustment to its net school
32 spending requirement. If an appeal is determined to be valid, the department of revenue shall reduce the net
33 school spending requirement based on the amount of the shortfall in revenue and reduce the minimum
34 required local contribution of member municipalities accordingly. Qualifying revenue amounts shall
35 include, but not be limited to, extraordinary amounts of excess and deficiency, surplus and uncommitted
36 reserves.

37 (f) If the regional school budget has already been adopted by two-thirds of the member
38 municipalities then, upon a majority vote of the member municipalities, the regional school committee shall
39 adjust the assessments of the member municipalities in accordance with the reduction in minimum required
40 local contributions approved by the department of revenue or the department of elementary and secondary
41 education in accordance with this section.

42 (g) Notwithstanding clause (14) of section 3 of chapter 214 of the General Laws or any other general
43 or special law to the contrary, the amounts determined pursuant to this section shall be the minimum
44 required local contribution described in chapter 70 of the General Laws. The department of revenue and the
45 department of elementary and secondary education shall notify the house and senate committees on ways
46 and means and the joint committee on education of the amount of any reduction in the minimum required
47 local contribution amount.

48 (h) If a city or town has an approved budget that exceeds the recalculated minimum required local
49 contribution and net school spending amounts for its local school system or its recalculated minimum
50 required local contribution to its regional school districts as provided in this section, the local appropriating
51 authority shall determine the extent to which the community shall avail itself of any relief authorized by
52 this section.

53 (i) The amount of financial assistance due from the commonwealth in fiscal year 2012 pursuant to
54 chapter 70 of the General Laws or any other law shall not be changed on account of any redetermination of
55 the minimum required local contribution pursuant to this section.

56 (j) The department of revenue and the department of elementary and secondary education shall issue
57 guidelines for their respective duties pursuant to this section.

Community Mediation Study

1 SECTION 132. (a) The University of Massachusetts at Boston, through its office of dispute
2 resolution, shall conduct a study of the effectiveness of community mediation to broaden public access to
3 dispute resolution. The study shall inform state-level planning and decision-making to support and build
4 upon existing infrastructure and enable investment in sustainable community mediation programming
5 within the commonwealth in the coming years. For purposes of this study, "community mediation" shall
6 mean mediation service programs of a private non-profit or public agency that: (i) use trained community
7 volunteers and serve the public regardless of ability to pay; (ii) promote collaborative community
8 relationships and public awareness; and (iii) provide a dispute resolution forum and alternative to the
9 judicial system at any stage of a conflict.

10 (b) The study shall include, but not be limited to:

11 (i) a review of community mediation research, studies and data within the commonwealth and other
12 states and countries in order to identify cost savings and economic, social, health and environmental
13 benefits from community mediation, in some or all of the following areas: civil small claims and consumer
14 disputes; family, divorce, child custody and visitation disputes; permanency and open adoption cases;
15 landlord-tenant disputes and housing foreclosure cases; neighborhood conflicts around noise and property
16 boundaries; school-related disputes; minor criminal and victim-offender restorative justice cases;
17 interpersonal workplace disputes; and large-group disputes around public policy, environmental and
18 community issues;

19 (ii) a review and assessment of the historic and current legislative and public funding structures for
20 community mediation within the commonwealth;

21 (iii) a review of successful models for public funding of community mediation in other states and
22 recommendations for potential applicability to the commonwealth;

23 (iv) preliminary design of a state-of-the-art performance-based community mediation funding
24 framework within the commonwealth for state appropriations, government grants and private foundation
25 awards that support programming where there is an identifiable public nexus;

26 (v) recommendations for the infrastructure and resources needed to oversee and administer such a
27 funding framework and recommendations for implementation steps and timeframes; and

28 (vi) recommendations for the establishment of an inter-governmental and cross-sector advisory
29 committee to oversee implementation and administration of community mediation funding and
30 programming.

31 (c) The study shall be completed and submitted to the chairs of the house and senate committees on
32 ways and means and the secretary of administration and finance not later than January 1, 2012.

Trial Court Transferability

1 SECTION 133. Notwithstanding clause (xxiii) of the third paragraph of section 9 of chapter 211B
2 of the General Laws or any other general or special law to the contrary, the chief justice for administration
3 and management may, from the effective date of this act through April 27, 2012, transfer funds from any
4 item of appropriation within the trial court to any other item of appropriation within the trial court. These
5 transfers shall be made in accordance with schedules submitted to the house and senate committees on
6 ways and means. The schedules shall include: (i) the amount of money transferred from any item of
7 appropriation to any other item of appropriation; (ii) the reason for the necessity of the transfer; and (iii) the
8 date on which the transfer shall be completed. A transfer under this section shall not occur until 10 days
9 after the revised funding schedules have been submitted in written form to the house and senate committees
10 on ways and means.

Pension Cost of Living Adjustment

1 SECTION 134. Notwithstanding any general or special law to the contrary, the amounts
2 transferred pursuant to subdivision (1) of section 22C of chapter 32 of the General Laws shall be made
3 available for the Commonwealth's Pension Liability Fund established in section 22 of said chapter 32. The
4 amounts transferred pursuant to said subdivision (1) of said section 22C of said chapter 32 shall meet the
5 commonwealth's obligations pursuant to said section 22C of said chapter 32, including retirement benefits
6 payable by the state employees' and the state teachers' retirement systems, for the costs associated with a 3
7 per cent cost-of-living adjustment pursuant to section 102 of said chapter 32, for the reimbursement of local
8 retirement systems for previously authorized cost-of-living adjustments pursuant to said section 102 of said
9 chapter 32 and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of 1984. The
10 state board of retirement and each city, town, county and district shall verify these costs, subject to the rules
11 adopted by the state treasurer. The state treasurer may make payments upon a transfer of funds to reimburse
12 certain cities and towns for pensions to retired teachers, including any other obligations which the
13 commonwealth has assumed on behalf of any retirement system other than the state employees' or state
14 teachers' retirement systems and also including the commonwealth's share of the amounts to be transferred
15 pursuant to section 22B of said chapter 32 and the amounts to be transferred pursuant to clause (a) of the
16 last paragraph of section 21 of chapter 138 of the General Laws. All payments for the purposes described in
17 this section shall be made only pursuant to distribution of monies from the fund, and any distribution and
18 the payments for which distributions are required shall be detailed in a written report filed quarterly by the
19 secretary of administration and finance with the house and senate committees on ways and means and the
20 joint committee on public service in advance of this distribution. Distributions shall not be made in advance
21 of the date on which a payment is actually to be made. The state board of retirement may expend an amount
22 for the purposes of the board of higher education's optional retirement program pursuant to section 40 of
23 chapter 15A of the General Laws. To the extent that the amount transferred pursuant to said subdivision (1)
24 of said section 22C of said chapter 32 exceeds the amount necessary to adequately fund the annual pension
25 obligations, the excess amount shall be credited to the Pension Reserves Investment Trust Fund, established
26 by subdivision (8) of said section 22 of said chapter 32, for the purpose of reducing the unfunded pension
27 liability of the commonwealth.

Improving Representation of Indigent Defendants 8

1 SECTION 135. Notwithstanding section 41C of chapter 7 of the General Laws or any other
2 general or special law to the contrary, the commissioner of capital asset management and maintenance, in
3 consultation with the committee for public counsel services, may enter into new leases and amend existing
4 leases in order to provide additional facilities for committee personnel. Nothing in this section shall limit
5 the commissioner's authority to terminate or renegotiate leases as authorized by sections 102 and 104 of
6 this act.

Long-Term Leases for Rinks and Pools

1 SECTION 136. (a) Notwithstanding section 54 of chapter 7 of the General Laws, the division of
2 capital asset management and maintenance, on behalf of and in consultation with the department of

3 conservation and recreation, may, notwithstanding sections 40E to 40I, inclusive, of said chapter 7 and
4 using a competitive proposal process that the commissioner of capital asset management and maintenance
5 considers necessary or appropriate, lease and enter into other agreements, for terms not to exceed 20 years,
6 to or with 1 or more offerors who participate in that process, for 1 or more skating rinks, so as to provide
7 for the continued use, operation, maintenance, repair and improvement of the following state-owned
8 buildings and facilities together with the land and appurtenances associated with those buildings and
9 facilities, comprising the following ice skating rinks and facilities of the department: Bajko Memorial Rink
10 in the Hyde Park section of the city of Boston; Connell Memorial Rink in the town of Weymouth; Devine
11 Memorial Rink in the Dorchester section of the city of Boston; Emmons Horrigan O'Neill Memorial Rink
12 in the Charlestown section of the city of Boston; Flynn Memorial and LoConte Memorial Rink in the city
13 of Medford; Murphy Memorial Rink in the South Boston section of the city of Boston; Reilly Memorial
14 Rink Brighton section of the city of Boston; Shea Memorial Rink in the city of Quincy; Steriti Memorial
15 Rink in the North End section of the city of Boston; Ulin Memorial Rink, in the town of Milton; and
16 Veterans Memorial Rink in the city of Somerville.

17 There shall be an option for a one-time renewal of a lease or extension for operations and
18 maintenance services not exceeding an additional 5 years. A renewal or extension shall be at the discretion
19 of the division in accordance with the original contract terms and conditions or with contract terms and
20 conditions more favorable to the commonwealth. All leases shall contain a provision that requires the
21 lessee to carry comprehensive general liability insurance with the commonwealth named as a co-insured,
22 protecting the commonwealth against all personal injury or property damage within the rink and on the
23 associated land during the term of the lease.

24 The leases and other agreements shall be on terms acceptable to the commissioner of capital asset
25 management and maintenance, after consultation with the commissioner of conservation and recreation,
26 and notwithstanding any general or special law to the contrary, shall provide for the lessees to manage,
27 operate, improve, repair and maintain the properties. Any such leases or other arrangements requiring
28 capital improvements to be made to any buildings or surface areas shall include a description of the
29 required capital improvements and, at minimum, performance specifications. The division, in consultation
30 with the department, shall structure each lease or other agreement to minimize disturbance of the current
31 rights of any tenants who may currently use any part of the rink or adjoining facilities, whether under a
32 written lease or other arrangement. All consideration received from the leases or other agreements shall be
33 payable to the department for deposit in the General Fund. The lessees of the properties shall bear all costs
34 deemed necessary or appropriate by the commissioner of capital asset management and maintenance for the
35 transaction including, without limitation, all costs for legal work, surveys, title and the preparation of plans
36 and specifications.

37 (b) The division, in consultation with and on behalf of the department, shall solicit proposals
38 through a request for proposals, which shall, at a minimum, require each responsive bidder or offeror to
39 provide the following: (i) a comprehensive list of all rinks operated by that bidder in the last 4 years; (ii)
40 other facilities management or experience; (iii) other skating or hockey management experience; and (iv)
41 required financial audits.

42 (c) The request for proposals shall include contractual provisions that provide that any benefits to
43 the commonwealth and the costs of improvements and repairs made to the properties provided by the
44 tenants or the recipients of the properties shall be taken into account as part of the consideration for such
45 leases or other agreements and shall also include, at a minimum, the following terms and conditions to be
46 incorporated into the contract: (i) a residential discount program; (ii) reservation policies; (iii) proposed
47 reasonable rates that shall ensure continued public access; (iv) policies to encourage use of the rink by
48 persons of all races and nationalities; (v) safety and security plans; (vi) seasonal opening and closing dates;
49 (vii) hours of operation; and (viii) for the purpose of maintaining stable and productive labor relations, to
50 avoid interruption of the operation of the rinks and to preserve the safety and environmental conditions of
51 the rinks, provisions that all employees currently working on the operation and maintenance of the rinks,
52 pools or wading and spray pools shall be offered employment by any party entering into a contract pursuant
53 to this section. The request for proposals shall also include a contractual provision governing ice time
54 allocation guidelines to the effect that ice time at rinks under the jurisdiction of the division of state parks

55 and recreation shall be allocated to user groups in the following order of priority: general public skating;
56 nonprofit youth groups; school hockey; youth groups other than nonprofit youth groups; and adult
57 organizations or informal groups. Ice time may be allocated at the discretion of the operator; provided,
58 however, that general public skating shall be booked at a minimum of 12 hours per week, with a range of
59 times and days which reasonably allow for public skaters of all ages to participate in some public skating
60 sessions.

61 Every effort shall be made to balance the ice allocation needs of long-established youth
62 organizations and newly-formed youth organizations in a manner that provides equal opportunity and equal
63 access for youths of each gender.

64 Upon the execution of an agreement authorized by this section, the department shall reassign or
65 relocate those employees who do not accept employment with the lessee to comparable positions within the
66 department subject to applicable collective bargaining agreements.

67 The inspector general shall review and approve any request for proposals to be issued by the
68 division before issuance.

69 (d) Before the division, in consultation with the department, issues any request for proposals under
70 this section, the division shall hold open a prequalification period of at least 1 month for cities and towns,
71 or a partnership of cities and towns which share geographic boundaries as long as a subject rink is located
72 within the geographic area of the municipalities comprising the partnership, that desire to bid on rinks that
73 are listed in this section and are located within the city or town. Any city, town or partnership of
74 municipalities that desires to lease a rink under this section may submit materials for prequalification. This
75 prequalification may include, but shall not be limited to, the city's, town's or partnership's ability to finance
76 the capital improvements determined by the division to be necessary at each rink listed in this section and
77 to manage, operate and maintain the properties. The division, in consultation with the department, shall
78 determine whether a city, town or partnership is prequalified within 15 days after the end of the
79 prequalification period. If a city, town or partnership is determined to be prequalified, that city, town or
80 partnership shall be awarded the lease for that rink under the terms and conditions set forth in subsection
81 (a) and the first paragraph of subsection (c). If a city, town or partnership is determined to be prequalified,
82 the city, town or partnership shall pay nominal consideration for a lease subject to the required capital
83 improvements, performance specifications and other prequalification requirements and terms of the
84 division and the submitted proposal. The length of the lease shall be determined between the division and
85 the city, town or partnership but any existing municipal operator of a rink selected by a prior open and
86 competitive procurement process shall be deemed to be prequalified under this section.

87 The failure of a city, town or partnership to apply for prequalification under this subsection shall
88 not prohibit that city, town or partnership from bidding under this section.

89 (e) Notwithstanding sections 40E to 40I, inclusive, and section 54 of chapter 7 of the General
90 Laws, the division, on behalf of and in consultation with the department, and using a competitive proposal
91 process that the commissioner of capital asset management and maintenance considers necessary or
92 appropriate, may lease and enter into other agreements, for terms not to exceed 20 years, to or with 1 or
93 more offerors who participate in that process, for 1 or more swimming pools or wading or spray pools so as
94 to provide for the continued use, operation, maintenance, repair and improvement of the following state-
95 owned buildings and facilities together with the land and appurtenances associated with those buildings and
96 facilities comprising the following swimming or wading or spray pools of the department: Artesani
97 Playground Wading Pool in the Brighton section of the city of Boston; Reilly Memorial Swimming Pool in
98 said Brighton section of the city of Boston; Vietnam Veterans Memorial Swimming Pool in the city of
99 Chelsea; Neponset Landing II Spray Deck in the Dorchester section of the city of Boston; Neponset
100 Landing II Spray Deck in the Hyde Park section of the city of Boston; Olsen Swimming and Wading Pool
101 in the Hyde Park section of the city of Boston; Johnson Playground Spray Deck in the Jamaica Plain
102 section of the city of Boston; Stony Brook Spray Deck in the Jamaica Plain section of the city of Boston;
103 Ryan Wading Pool in the Mattapan section of the city of Boston; Cass Memorial Swimming Pool in the
104 Roxbury section of the city of Boston; Mission Hill Spray Deck in the Roxbury section of the city of

105 Boston; Lee Memorial Wading Pool in the West End section of the city of Boston; McCrehan Memorial
106 Swimming and Wading Pool in the city of Cambridge; Veterans Memorial Swimming and Wading Pool,
107 Magazine Beach, in the city of Cambridge; Gerald J. Mason Memorial Swimming Pool in the city known
108 as the town of Agawam; Sara Jane Sherman Memorial Swimming Pool in the city of Chicopee; Philip
109 Weihn Memorial Swimming Pool in the town of Clinton; Allied Veterans Memorial Swimming and
110 Wading Pool in the city of Everett, Veterans Memorial Swimming Pool in the city of Fall River; Gustave
111 Johnson Memorial Swimming Pool in the city of Fitchburg; Freetown State Forest Wading Pool in the
112 towns of Freetown and Assonet; Geisler Memorial Swimming Pool in the city of Lawrence; Lt. Colonel
113 Edward J. Higgins Swimming Pool in the city of Lawrence; Leominster State Swimming Pool in the city of
114 Leominster; Raymond Lord Memorial Swimming Pool in the city of Lowell; Thompson Memorial Pool in
115 the town of Ludlow; Holland Memorial Swimming and Wading Pool in the city of Malden; Lloyd
116 Memorial Swimming Pool in the city of Melrose; Senator P. Eugene Casey Memorial Swimming Pool in
117 the town of Milford; Dilboy Memorial Swimming and Wading Pool in the city of Somerville; Latta
118 Brothers Memorial Swimming and Wading Pool in said city of Somerville; Andrew J. Petro Swimming
119 Pool in the town of Southbridge; John H. Thomas Memorial Swimming Pool in the city of Springfield; Hall
120 Memorial Swimming and Wading Pool in the town of Stoneham; Bradley Palmer Wading Pool in the town
121 of Topsfield; Dealtry Memorial Swimming and Wading Pool in the city known as the town of Watertown;
122 Bennett Field Swimming Pool in the city of Worcester; Dennis F. Shine Memorial Swimming Pool in said
123 city of Worcester; Connell Memorial Swimming Pool in the city known as the town of Weymouth; and
124 Connors Memorial Pool in the city of Waltham.

125 There shall be an option for a 1-time renewal of the lease or extension for operations and
126 maintenance services not exceeding an additional 5 years. This renewal or extension shall be at the
127 discretion of the division in accordance with the original contract terms and conditions or contract terms
128 and conditions more favorable to the commonwealth. All leases shall contain a provision that requires the
129 lessee to carry comprehensive general liability insurance with the commonwealth named as a co-insured,
130 protecting the commonwealth against all personal injury or property damage within swimming pools or
131 wading or spray pools and on the associated land during the term of the lease.

132 The leases and other agreements shall be on terms acceptable to the commissioner of capital asset
133 management and maintenance, after consultation with the commissioner of conservation and recreation
134 and, notwithstanding any general or special law to the contrary, shall provide for the lessees to manage,
135 operate, improve, repair and maintain the properties. Any such leases or other arrangements requiring
136 capital improvements to be made to any buildings or surface areas shall include a description of the
137 required capital improvements and, at minimum, performance specifications. The division, in consultation
138 with the department, shall structure each lease or other agreement to minimize disturbance of the current
139 rights of any tenants who may currently use any part of the swimming pools or wading or spray pools or
140 adjoining facilities, whether under a written lease or other arrangement. All consideration received from the
141 leases or other agreements shall be payable to the department for deposit in the General Fund.

142 The lessees of the properties shall bear all costs considered necessary or appropriate by the
143 commissioner of capital asset management and maintenance for the transaction, including without
144 limitation, all costs for legal work, surveys, title and the preparation of plans and specifications.

145 (f) The division, in consultation with and on behalf of the department, shall solicit proposals
146 through a request for proposals, which shall at a minimum require each responsive bidder or offeror to
147 provide the following: (i) a comprehensive list of all swimming pools or wading or spray pools operated by
148 that bidder in the last 4 years; (ii) other facilities management or experience; (iii) other swimming, facility
149 maintenance and water recreation management experience; and (iv) required financial audits.

150 (g) The request for proposals shall include contractual provisions that provide that any benefits to
151 the commonwealth and the costs of improvements and repairs made to the properties provided by the
152 tenants or the recipients of the properties shall be taken into account as part of the consideration for such
153 leases or other agreements; and shall also include, at a minimum, the following contractual terms and
154 conditions to be incorporated into the contract: (i) a residential discount program; (ii) reservation policies;
155 (iii) proposed reasonable rates that shall ensure continued public access; (iv) policies to encourage use of

156 the swimming pools and wading and spray pools by persons of all races and nationalities; (v) safety and
157 security plans; (vi) seasonal opening and closing dates; (vii) hours of operation; and (viii) for the purpose of
158 maintaining stable and productive labor relations and to avoid interruption of the operation of the pools and
159 to preserve the safety and environmental conditions of those pools, provisions that all employees currently
160 working on the operation and maintenance of the swimming pools or wading or spray pools be offered
161 employment by any party entering into a contract under this section.

162 The request for proposals shall also include a contractual provision as pertains to the balance the
163 pool allocation needs of long-established youth organizations and newly-formed youth organizations in a
164 manner that provides equal opportunity and equal access for youths of each gender.

165 (h) With respect to the Cass Memorial Swimming Pool in the Roxbury section of the city of
166 Boston and the Connell Memorial Swimming Pool in the city known as the town of Weymouth, both of
167 which are maintained and operated in the same buildings as the associated public skating rink, preference
168 shall be given to any proponent that agrees and offers to operate both public programs and any lease for
169 that facility shall provide that the lessee may sublease the operation of the public swimming program, but
170 the sublessee shall maintain the operation of the swimming pool as a public swimming pool consistent with
171 the request for proposals.

172 (i) Upon the execution of an agreement authorized by this section, the department shall reassign or
173 relocate those employees who do not accept employment with the lessee to comparable positions within the
174 department subject to applicable collective bargaining agreements.

175 The inspector general shall review and approve any request for proposals to be issued by the
176 division before issuance.

177 (j) Before the division, in consultation with the department, issues any request for proposals under
178 this section, the division shall hold open a prequalification period of at least 1 month for cities and towns,
179 or a partnership of municipalities which share geographic boundaries as long as a subject swimming pool
180 or wading or spray pool is located within the geographic area of the municipalities comprising the
181 partnership, that desire to bid on swimming pools or wading or spray pools that are listed in this section and
182 are located within the city or town. Any city, town or partnership of municipalities that desires to lease a
183 swimming pools or wading or spray pools under this section may submit materials for prequalification.
184 This prequalification may include, but shall not be limited to, the city's, town's or partnership's ability to
185 finance the capital improvements determined by the division to be necessary at each swimming pool or
186 wading or spray pool listed in this section and to manage, operate and maintain the properties. The division,
187 in consultation with the department, shall determine whether a city, town or partnership is prequalified
188 within 15 days of the end of the prequalification period. If a city, town or partnership is determined to be
189 prequalified, that city, town or partnership shall be awarded the lease for that swimming pool or wading or
190 spray pool under the terms and conditions set forth in subsection (e) and the first paragraph of subsection
191 (g). If a city, town or partnership is determined to be prequalified, the city, town or partnership shall pay
192 nominal consideration for a lease subject to the required capital improvements, performance specifications,
193 and other prequalification requirements and terms of the division and the submitted proposal. The length of
194 the lease shall be determined between the division and the city, town or partnership; however any existing
195 municipal operator of a swimming pool or wading or spray pool selected by a prior open and competitive
196 procurement process shall be considered to be prequalified under this subsection.

197 The failure of a city, town or partnership to apply for prequalification under this subsection shall
198 not prohibit that city, town or partnership from bidding under this section.

199 (k) The provisions of any general or special law or rule or regulation relating to the advertising,
200 bidding or award of contracts, to the procurement of services or to the construction and design of
201 improvements shall not apply to a selected offeror that is awarded a contract under this section, except as
202 provided in this section.

Authorization to Convey Surplus Properties

1 SECTION 137. (a) Notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General
2 Laws or any other general or special law to the contrary and, in order to facilitate the reuse of the properties
3 identified in subsection (b) and to generate non-tax revenues for the commonwealth, the commissioner of
4 capital asset management and maintenance may sell, lease for terms up to 99 years, including all renewals
5 and extensions, or otherwise grant, convey or transfer to purchasers or lessees an interest in any of those
6 properties, or portions thereof, subject to this section and on the terms and conditions that the commissioner
7 considers appropriate. The commissioner shall dispose of each property, or portion thereof, using
8 appropriate competitive bidding processes and procedures. At least 30 days before the date on which bids,
9 proposals or other offers to purchase or lease a property, or any portion thereof, are due, the commissioner
10 shall place a notice in the central register published by the state secretary under section 20A of chapter 9 of
11 the General Laws stating the availability of the property, the nature of the competitive bidding process and
12 other information that he considers relevant, including the time, place and manner for the submission of
13 bids and proposals and the opening of the bids or proposals.

14 (b) This section shall apply to the following properties:-

15 (1) Those certain parcels of land located in the town of Belchertown at 47 State street, or
16 portions thereof, containing approximately 5.4 acres, together with any buildings or structures thereon,
17 known as the John Patrick center.

18 (2) Those certain parcels of land located in the Roxbury section of the city of Boston at 167
19 Centre street, or portions thereof, containing approximately 8,496 square feet, together with any buildings
20 and structures thereon, shown as Assessor's Block 55 bounded by Columbus avenue, New Heath street and
21 Penryth street and as Assessor's Block 56 bounded by Columbus avenue, Centre street and Penryth street.

22 (3) That certain parcel of land located in the city of New Bedford at 593 Kempton street,
23 together with any buildings and structures thereon, formerly known as the Bristol county jail, described in
24 book 2659, page 15 recorded with the Bristol county registry of deeds, and further shown on New Bedford
25 assessors map 57, lot 201.

26 (4) That certain parcel of land located in the city of New Bedford at 5 Sycamore street, together
27 with any buildings and structures thereon, formerly known as the New Bedford armory.

28 (5) Those certain parcels of land located in the city of Northampton behind the property used as
29 a department of mental health center for children and families at 78 Pomeroy terrace, or portions thereof,
30 containing approximately 6 acres, together with any buildings and structures thereon, used as a department
31 of mental health center for children and families.

32 (6) Those certain parcels of land located in the town of Oak Bluffs between the northeasterly
33 side of Eastville avenue and the southeasterly side of Temahigan avenue, or portions thereof, containing
34 approximately 1.7 acres, together with any buildings and structures thereon, used as a mental health center,
35 described in book 303, page 516 recorded with the Dukes county registry of deeds and shown on the Oak
36 Bluffs assessors map 4, lot 151; provided, however, that notwithstanding sections 40F to 40J, inclusive, of
37 chapter 7 of the General Laws, or any other general or special law to the contrary, the commissioner of
38 capital asset management and maintenance may transfer care, custody and control of said parcel from the
39 department of mental health to the department of state police.

40 (7) Those certain parcel of lands located in the city of Taunton on Stanley avenue or portions
41 thereof, containing approximately .32 acres, together with any buildings and structures thereon.

42 (8) Those certain parcels of land located in the city of Taunton at the Taunton state hospital, or
43 portions thereof, containing approximately 26.5 acres in the aggregate, together with any buildings or
44 structures thereon.

45 (c) The exact boundaries of the parcels described in subsection (b) shall be determined by the
46 commissioner of capital asset management and maintenance after completion of a survey.

47 (d) Notwithstanding any general or special law to the contrary, the grantee or lessee of a property
48 identified in subsection (b) shall be responsible for all costs and expenses including, but not limited to,
49 costs associated with any engineering, surveys, appraisals and deed preparation related to the conveyances
50 and transfers authorized in this section as such costs may be determined by the commissioner of capital
51 asset management and maintenance.

52 (e) The commissioner may retain or grant rights of way or easements for access, egress, utilities and
53 drainage across any of the parcels and across other commonwealth property contiguous to any of the
54 parcels, and the commonwealth may accept from a developer such rights of way or easements in roadways
55 or across any of the parcels to be conveyed or transferred for access, egress, drainage and utilities as the
56 commissioner considers necessary and appropriate to carry out this section.

57 (f) No agreement for the sale, lease, transfer or other disposition of the properties listed in subsection
58 (b), and no deed executed by or on behalf of the commonwealth, shall be valid unless the agreement or
59 deed contains the following certification, signed by the commissioner:

60 "I, the undersigned commissioner of capital asset management and maintenance, hereby certify
61 under penalties of perjury that I have fully complied with the relevant provisions of the general
62 appropriation act for fiscal year 2012 in connection with the property described in this document."

63 (g) Each parcel described in subsections (b) and (i) shall be conveyed or leased without warranties
64 or representations by the commonwealth. Notwithstanding any general or special law to the contrary, the
65 proceeds of all conveyances and transfers under this section shall be deposited in the General Fund.

66 (h) Notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws or any other
67 general or special law to the contrary, the commissioner of capital asset management and maintenance may
68 sell, lease for a term up to 99 years, including all renewals and extensions, or otherwise grant, convey or
69 transfer to the town of Belchertown, for nominal consideration, a parcel of land containing approximately
70 2.2 acres located adjacent to the John Patrick center at 47 State street. The exact boundaries of the parcel
71 shall be determined by the commissioner of capital asset management and maintenance after completion of
72 a survey. The parcel shall be used by the town of Belchertown for recreational activities and facilities.

73 (i) If for any reason the parcel described in subsection (h) ceases to be used solely for the purposes
74 described in subsection (h), the commissioner of capital asset management and maintenance may, after
75 giving notice and an opportunity to the town of Belchertown, cause title to the parcel to revert to the
76 commonwealth.

77 (j) The town of Belchertown shall be responsible for all costs and expenses including, but not
78 limited to, costs associated with any engineering, surveys, appraisals and deed preparation related to the
79 conveyance authorized in subsection (h) as such costs may be determined by the commissioner of capital
80 asset management and maintenance.

81 (k) The commissioner may retain or grant rights of way or easements for access, egress, utilities and
82 drainage across any of the parcels in this section and across other commonwealth property contiguous to
83 any of the parcels, and the commonwealth may accept from the town such rights of way or easements in
84 roadways or across the parcel to be conveyed or transferred for access, egress, drainage and utilities as the
85 commissioner considers necessary and appropriate to carry out this section.

Cape Cod Build-Out and Wastewater Cost Analysis

1 SECTION 138. Notwithstanding any general or special law to the contrary, subject to
2 appropriation, the Cape Cod Commission or its designee, with assistance from the Cape Cod public water

3 purveyors and local assessors, shall compile relevant land use data in each town and water usage in Cape
4 Cod area water districts.

5 This information shall be used by the Cape Cod Commission or its designee to conduct a build-out
6 analysis for Cape Cod for the purposes of, but not limited to: (i) identifying opportunities to save an
7 estimated \$2,000,000,000 to provide wastewater treatment for existing development by pursuing regional
8 wastewater treatment solutions; (ii) identifying high density development in nitrogen-sensitive watersheds
9 that cross town boundaries to provide an opportunity to develop multi-town infrastructure resulting in
10 savings to taxpayers to be in compliance with the United States Environmental Protection Agency; and (iii)
11 identifying the costs of providing wastewater treatment for new growth, under different growth scenarios,
12 and provide decision makers with the tools to make informed decisions about the cost of promoting new
13 growth in various locations. Such analysis shall be eligible to receive funds from the commonwealth
14 provided any such funds are matched with local funds.

15 Results of the analysis shall be made public and shall provide a model for communities to pursue
16 regional wastewater options that satisfy environmental regulatory requirements in the most efficient and
17 cost effective manner.

Sheriff Funding Sources

1 SECTION 139. Not later than January 1, 2012, each sheriff shall, in consultation with the
2 comptroller, report to the house and senate committees on ways and means and the secretary of
3 administration and finance all funding sources, excluding state appropriations, for fiscal year 2011. The
4 report shall include, but not be limited to, all monies from: (1) gifts, grants and donations from public or
5 private sources; (2) federal reimbursements and grants; (3) interest earned on accounts; (4) sales of surplus
6 real or personal property; (5) revenues generated by commissary accounts used for the sale or purchase of
7 goods or services to persons in correctional facilities; (6) gifts, grants, donations, reimbursements or other
8 revenues carried over from prior fiscal years; (7) revenues derived from the service of process and
9 enforcement of court judgments under chapter 37 of the General Laws and chapter 224 of the General
10 Laws; and (8) revenues derived from contracts or other agreements with public or private entities, including
11 contracts with the office of probation pursuant to chapter 211F of the General Laws. The report shall detail
12 the amount of funds collected and expended, and shall include the criteria used to expend the funds.

Criminal Justice Commission

1 SECTION 140. There shall be a special commission to study the commonwealth's criminal
2 justice system. The commission shall consist of: the secretary of public safety and security, who shall serve
3 as the chair; the attorney general or a designee; the chief justice of the supreme judicial court or a designee;
4 the president of the Massachusetts Sheriffs' Association or a designee; the president of the Massachusetts
5 District Attorneys' Association or a designee; 3 members of the house of representatives, 1 of whom shall
6 be appointed by the minority leader; 3 members of the senate, 1 of whom shall be appointed by the
7 minority leader; and 2 persons to be appointed by the governor, 1 of whom shall have a background in
8 public safety and 1 of whom shall have experience with an organization that focuses on prisoner rights.

9 In reviewing the commonwealth's criminal justice system, the commission shall examine a variety
10 of areas including, but not limited to: the prisoner classification systems, mandatory minimum sentences,
11 sentencing guidelines, the provision of cost-effective corrections' healthcare, the probation system, the
12 parole system, the operations of the sheriffs' offices, prison overcrowding, recidivism rates and best
13 practices for reintegrating prisoners into the community. The commission shall investigate the feasibility of
14 developing an application for technical assistance from nationally recognized criminal justice reform
15 programs with a data driven approach in order to develop bipartisan legislation that would reduce
16 corrections spending and utilize the savings to reduce crime and strengthen public safety; provided,
17 however, that the commission shall give priority to applying for technical assistance that comes at no cost
18 to the commonwealth.

19 The commission shall have access to information including, but not limited to, crime, arrest,
20 conviction, jail, prison and probation and parole supervision data provided by state and local agencies, and
21 shall meet with other impacted stakeholders as necessary. The commission shall create advisory subgroups
22 that include impacted stakeholders as necessary.

23 The commission shall convene its first official meeting not later than September 1, 2011. The
24 commission shall submit to the house and senate committees on ways and means, the joint committee on
25 the judiciary, the joint committee on public safety and homeland security and the secretary of
26 administration and finance quarterly reports that include the dates of its meetings, meeting participants not
27 named to the commission and whether it has identified, applied for or been selected for any federal or other
28 funds.

Video Teleconferencing

1 SECTION 141. The chief justice for administration and management may execute a memorandum
2 of understanding with any interested sheriff's office to initiate or expand the use of video conferencing
3 technology to conduct various court proceedings for the purposes of improving courtroom efficiency and
4 decreasing inmate transportation costs. The terms of the agreement shall specify the types of court
5 appearances that can be conducted by video.

6 In counties where there is inadequate technology to conduct appearances through video
7 conferencing technology, the chief justice for administration and management and the applicable sheriff's
8 office shall jointly file a proposal with the house and senate committees on ways and means detailing the
9 technological upgrades required, the amount of funding needed to allow for the use of video conferencing
10 technology and the availability of federal or private grants for such purposes.

11 The chief justice for administration and management and the Massachusetts Sheriffs' Association
12 shall, not later than February 15, 2012, file a joint report with the house and senate committees on ways and
13 means and the joint committee on the judiciary detailing the number and locations of facilities and
14 courthouses where video conferencing technology is being utilized, the types of appearances being
15 conducted through the use of the technology, the approximate number of inmate transportation trips to and
16 from court that have been eliminated through the use of the technology, the savings associated with the
17 elimination of trips and plans to expand the use of the technology into either additional facilities and
18 courthouses or additional types of appearances.

DOC Medical Services Re-procurement Study

1 SECTION 142. Notwithstanding any general or special law to the contrary, the department of
2 correction shall conduct a study on the feasibility of re-procuring inmate medical services contracts,
3 including mental health services, for the purpose of lowering the per-inmate cost of these services without
4 lowering the quality of care. The study shall include, but not be limited to: (i) the per-inmate costs of
5 providing these services under the existing contracts; (ii) the length and expiration date of the existing
6 contracts; (iii) any concessions that have been made by the providers in the last 3 fiscal years to lower the
7 terms of the existing contracts; (iv) the types of services provided under the current contracts; (v) the
8 potential savings from re-procuring these contracts; (vi) whether or not services would need to be
9 eliminated or standards of care lowered to produce savings; (vii) the timeframe needed to re-procure the
10 contracts; (viii) the potential to receive any federal reimbursements for inmate medical services; (ix) the
11 potential of utilizing statewide contracts and including the sheriffs' offices for the provision of these
12 services; and (x) a recommendation as to whether or not the department intends to re-procure these
13 contracts. The department may contract with a consultant who has expertise in the field of inmate medical
14 services contract procurement. The department shall file a report on the results of the study with the
15 secretary of administration and finance, the joint committee on healthcare financing, the joint committee on
16 mental health and substance abuse, the joint committee on public safety and security and the senate and
17 house committees on ways and means not later than February 1, 2012.

Police Merger Study

1 SECTION 143. The secretary of public safety and security shall conduct a cost-benefit analysis of
2 merging the Massachusetts Bay Transportation Authority police force into the department of state police.
3 The study shall include, but not be limited to: (i) the impact of a transfer on the safety of the Massachusetts
4 Bay Transportation Authority transit system; (ii) the one-time and ongoing costs of such a merger; (iii) a
5 proposal setting forth the new command structure; and (iv) the timeframe for implementing a merger. In
6 determining the cost of a merger, the study shall consider, but not be limited to, the impact of a merger on:
7 (i) the salary differential between the Massachusetts Bay Transportation Authority police force and the
8 state police; (ii) employee benefits including health insurance, pension and career incentive payment
9 programs; (iii) equipment, capital, vehicle, information technology and barracks needs; (iii) federal
10 funding; (iv) future trooper staffing levels; (v) the types of positions that would be eliminated; and (vi)
11 realizing additional savings.

12 The secretary shall consult with and receive information as needed from the Massachusetts
13 Department of Transportation. A report on the results of the study shall be filed not later than January 10,
14 2012 with the secretary of administration and finance, the joint committee on transportation, the joint
15 committee on public safety and security and the senate and house committees on ways and means.

GAA Electronic Reporting Requirement

1 SECTION 144. Notwithstanding any general or special law to the contrary, all secretariats,
2 departments and agencies required to report under this act shall file their reports by the dates required in
3 this act via electronic means to the chairs of any committees named as recipients as well as with the clerks
4 of the senate and house committees on ways and means; provided, however, that the house and senate
5 clerks shall develop procedures and requirements for secretariats, departments and agencies for the
6 preparation of the reports to facilitate their collection and storage and such reports shall be made available
7 to the public via the general court's website.

Electronic Reporting

1 SECTION 145. Notwithstanding any general or special law or rule or regulation to the contrary,
2 all branches of government, and all agencies, departments, quasi-state agencies or entities of the
3 commonwealth required by law to file annual, semiannual, quarterly or financial reports shall make any
4 such report available online and shall provide an electronic copy of the report to the clerks of the senate and
5 house of representatives. All reports shall be conspicuous and accessible online through the general court's
6 website and there shall be an archive of all reports available online. An entity that is required by law to
7 receive such report shall be notified by written hard copy format from the reporting entity of the availability
8 of such report online and the means of accessing the report. An agency, department, quasi-state agency or
9 any other entity of the commonwealth shall provide a copy in hard copy format of any report upon request.
10 Compliance with this section shall fulfill any filing requirements established by any general or special law.

Regional Transit Authority Toll Credits

1 SECTION 146. Subsection (b) of section 75 of chapter 303 of the acts of 2008 shall not apply in
2 fiscal year 2012.

State Retiree Benefits Trust Fund Amendments 4

1 SECTION 147. Nothing in section 20 of chapter 32B of the General Laws shall affect the validity
2 of any action taken before July 1, 2011 by a city or town that authorizes the contributory retirement system
3 of which the employees of that city or town are members to be the custodian of an Other Post-Employment
4 Benefits Liability Trust Fund.

Continuity of Local Contract

1 SECTION 148. Nothing in this act shall be construed to alter, amend or affect chapter 36 of the
2 acts of 1998.

Confirm that Merit Rating Board is in MassDOT 7

1 SECTION 149. Section 4 shall take effect on May 4, 2012.

Public Safety Training Fund 4

1 SECTION 150. Sections 35, 54 and 55 shall take effect on December 1, 2012.

Improving Representation of Indigent Defendants 9

1 SECTION 151. Section 135 shall expire on July 1, 2013.

Effective Date

1 SECTION 152. Except as otherwise specified, this act shall take effect on July 1, 2011.