

1 **SECTION 4.** Section 41 of chapter 3 of the General Laws, as appearing in the 2010
2 Official Edition, is hereby amended by striking out, in line 14, the words “state office
3 buildings” and inserting in place thereof the following words:- the state house.

4 **SECTION 5.** Section 22 of chapter 7 of the General Laws, as so appearing, is hereby
5 amended by striking out, in line 20, the figure “\$5,000” and inserting in place thereof the
6 following figure:- \$10,000.

7 **SECTION 6.** Section 40C of said chapter 7 of the General Laws, as so appearing, is
8 hereby amended by striking out, in line 42, the words “and the bureau of state office
9 buildings”.

10 **SECTION 7.** Section 43H of said chapter 7, as so appearing, is hereby amended by
11 striking out, in line 7, the words “state office buildings” and inserting in place thereof the
12 following words:- the state house.

13 **SECTION 8.** Chapter 8 of the General Laws is hereby amended by striking out section 1,
14 as so appearing, and inserting in place thereof the following section:-

15
16 Section 1. There shall be within the executive office for administration and finance a
17 bureau of the state house, headed by a superintendent of the state house. The bureau of
18 the state house shall be located in the state house. The superintendent shall be selected by
19 the chairs of the committee on rules of the 2 branches from a list of 3 candidates
20 submitted to the committee on rules of the 2 branches by the secretary of administration
21 and finance. The superintendent shall be a person of ability and experience with a
22 background in finance and operations and may have a background in engineering. The
23 entire time of the superintendent shall be devoted to the duties of the office. The office
24 shall not be classified under chapter 31.

25 **SECTION 9.** Section 4 of said chapter 8, as so appearing, is hereby amended by striking
26 out, in lines 1 and 2, the words “state office buildings may, with the approval of the
27 commissioner of administration,” and inserting in place thereof the following words:- the
28 state house may.

29 **SECTION 10.** Said chapter 8 of the General Laws is hereby amended by striking out
30 section 6, as so appearing, and inserting in place thereof the following section:-

31
32 Section 6. The superintendent of the state house shall direct the making of all repairs and
33 improvements in the state house, on the grounds of the state house and of any such
34 buildings; and all tenants located in the state house shall make requisition upon the
35 superintendent for any such repairs or improvements.

36 **SECTION 11.** Said chapter 8 of the General Laws is hereby further amended by
37 inserting after section 6 the following section:-

38
39 Section 6A. Notwithstanding any general or special law, rule or regulation to the
40 contrary, the superintendent, or employees designated by the superintendent, shall have
41 the authority to make any purchase or purchases in the amount of \$1000 or less.

42 **SECTION 12.** Said chapter 8 of the General Laws is hereby amended by striking out
43 section 9, as amended by section 20 of chapter 68 of the acts of 2011, and inserting in
44 place thereof the following section:-

45
46 Section 9. The superintendent shall have charge of the operation and maintenance of the
47 state house, subject to rules as the committee on rules of the 2 branches, acting
48 concurrently, may adopt, and all state parking areas related thereto. The superintendent
49 shall see that the chambers and lobbies of the general court and of its committees are kept
50 clean and in good order, shall superintend all ordinary repairs thereof, and shall have
51 charge of the current expenses for the care and preservation of the state house and for the
52 ordinary repairs of the furniture and fixtures therein. The superintendent shall have full
53 control over all parking spaces located within the loading dock on Derne street. The
54 superintendent shall take proper precautions against damage thereto, or to the furniture,
55 fixtures or other public property therein; provided, however, that security in the state
56 house shall be the responsibility of the commissioner of conservation and recreation in
57 consultation and coordination with the speaker of the house of representatives and the
58 president of the senate. The commissioner shall utilize the members of the urban park
59 rangers program, established under section 34B of chapter 92, to maintain security;
60 provided, however, that the commissioner shall carry out the responsibility subject to
61 rules as the committee on rules of the 2 branches, acting concurrently, may adopt and
62 shall not be subject to the authority of the superintendent. There shall be maintained an
63 adequate passageway for foot passengers from north to south through the east wing or
64 extension of the state house, to be kept open during the hours as the superintendent shall
65 fix. The state house and all facilities used by the public, including hearing rooms, shall be
66 accessible to, functional for and safe for use by physically handicapped persons; provided
67 further that the state shall make available a certain number of designated handicapped
68 parking spaces for the general public. The superintendent may adopt rules, regulations
69 and orders necessary for the operation and maintenance of the state house.

70 **SECTION 13.** Said chapter 8 of the General Laws is hereby amended by striking out
71 section 9A, as appearing in the 2010 Official Edition, and inserting in place thereof the
72 following section:-

73
74 Section 9A. The superintendent of the state house shall establish and charge a fee or
75 service charge to nongovernmental individuals, entities and groups using the state house
76 for meetings, receptions or exhibits, which may be reduced at the discretion of the
77 superintendent. The superintendent or a designee shall establish such fee or charge based
78 upon the actual cost of use, including personnel, requests for security, preparation,
79 equipment replacement, cleanup, utilities used and compensation for wear on the

80 building. The superintendent, or a designee may, in their discretion, require a
81 nongovernment entity to enter into a written agreement indemnifying the commonwealth
82 against any claims for casualty liability and may require the posting of an insurance bond.
83 All monies received by the superintendent under this section shall be by check made
84 payable to the State House Special Event Fund and shall be deposited in that fund,
85 established by section 35P of chapter 10; provided, however, that the superintendent may
86 retain funds to be expended after consultation with the committee on rules of the 2
87 branches, acting concurrently, for restoration, equipment repair and replacement and
88 educational and cultural programs at the state house.

89 **SECTION 14.** Section 35P of chapter 10 of the General Laws, as so appearing, is hereby
90 amended by striking out, in line 3, the words “state office buildings” and inserting in
91 place thereof the following words:- the state house.

92 **SECTION 15.** Said section 35P of said chapter 10 of the General Laws, as so appearing,
93 is hereby further amended by striking out the fifth sentence and inserting in place thereof
94 the following sentence:- All monies received by the superintendent under this section
95 shall be by check made payable to and deposited in said fund; provided, however, that the
96 superintendent may retain funds to be expended after consultation with the committee on
97 rules of the 2 branches, acting concurrently, for restoration, equipment repair and
98 replacement and educational and cultural programs at the state house.

99 **SECTION 16.** Said chapter 10 of the General Laws is hereby amended by inserting after
100 section 35SS the following 2 sections:

101
102 Section 35TT. There shall be established and set up on the books of the commonwealth a
103 separate fund to be known as the Money Follows the Person Rebalancing Demonstration
104 Grant Trust Fund, which shall be administered by the secretary of health and human
105 services. Amounts from the trust fund shall be used for expenses that primarily benefit
106 individuals who have a disability or long-term illness or who are elders. The comptroller
107 shall credit to the trust fund an amount equal to the amount of money follows the person-
108 enhanced federal financial participation received by the commonwealth on money
109 follows the person qualified, demonstration or supplemental services under the terms and
110 conditions of the money follows the person rebalancing demonstration as determined by a
111 federally approved list of home and community based long-term services and supports
112 and federally approved allocation methodologies for home and community based long-
113 term services and supports purchased through capitated arrangements. The funds shall be
114 used to fund slots for money follows the person participants in the 2 new money follows
115 the person home and community-based waiver programs established to support the
116 commonwealth's rebalancing initiative. The secretary may authorize expenditures of
117 amounts from the trust fund without further appropriation. The comptroller shall transfer
118 to the trust fund no later than the tenth business day of each quarter, an amount equal to
119 the amount of enhanced federal financial participation collected from the previous
120 quarter. The secretary may certify for payment amounts in anticipation of federal
121 revenues collected for the corresponding quarter during the previous fiscal year. For the
122 purpose of accommodating timing discrepancies between the receipt of revenues and

123 related expenditures, the secretary may incur expenses, after written approval from the
124 secretary of administration and finance, and the comptroller shall certify for payment,
125 amounts not to exceed the most recent revenue estimate as certified by the MassHealth
126 director, as reported in the state accounting system

127
128 Section 35UU. There shall be established and set up on the books of the commonwealth a
129 separate fund to be known as the Delivery System Transformation Initiatives Trust Fund,
130 which shall be administered by the secretary of health and human services. Monies from
131 the trust fund may be expended for delivery system transformation initiatives payments to
132 qualifying providers under an approved federal waiver. Amounts credited to the trust
133 fund shall not be subject to further appropriation.

134 **SECTION 17.** Chapter 12 of the General Laws is hereby amended by striking out section
135 5A, as so appearing, and inserting in place thereof the following section:-

136
137 Section 5A. As used in sections 5A through 5O, inclusive, the following words shall,
138 unless the context clearly requires otherwise, have the following meanings:-

139
140 “Claim”, any request or demand, whether pursuant to a contract or otherwise, for money
141 or property, whether or not the commonwealth or political subdivision thereof has title to
142 the money or property, that: (1) is presented to an officer, employee, agent or other
143 representative of the commonwealth or political subdivision thereof; or (2) is made to a
144 contractor, subcontractor, grantee or other person, if the money or property is to be spent
145 or used on behalf of or to advance a program or interest, of the commonwealth or
146 political subdivision thereof, and if the commonwealth or any political subdivision
147 thereof: (i) provides or has provided any portion of the money or property which is
148 requested or demanded; or (ii) will reimburse directly or indirectly such contractor,
149 subcontractor, grantee or other person for any portion of the money or property which is
150 requested or demanded. A claim shall not include requests or demands for money or
151 property that the commonwealth or political subdivision thereof has paid to an individual
152 as compensation for employment with the commonwealth or political subdivision thereof
153 or as an income subsidy with no restrictions on that individual’s use of the money or
154 property.

155
156 “False claims law”, sections 5A to 5O, inclusive, of this chapter.

157
158 “False claims action”, an action filed by the office of the attorney general or a relator
159 pursuant to sections 5A to 5O, inclusive.

160
161 “Knowing and knowingly”, possessing actual knowledge of relevant information, acting
162 with deliberate ignorance of the truth or falsity of the information or acting in reckless
163 disregard of the truth or falsity of the information, and no proof of specific intent to
164 defraud is required.

165
166 “Material”, having a natural tendency to influence, or be capable of influencing, the
167 payment or receipt of money or property.

168
169 “Obligation”, an established duty, whether or not fixed, arising from an express or
170 implied contractual, grantor-grantee or licensor-licensee relationship, from a fee-based or
171 similar relationship, from statute or regulation or from the retention of any overpayment
172 after the deadline for reporting and returning the overpayment under paragraph (10) of
173 section 5B.

174
175 “Original source”, an individual who either (1) prior to a public disclosure under
176 paragraph (3) of section 5G, has voluntarily disclosed to the commonwealth or any
177 political subdivision thereof the information on which allegations or transactions in a
178 claim are based or (2) who has knowledge that is independent of and materially adds to
179 the publicly disclosed allegations or transactions, and who has voluntarily provided the
180 information to the commonwealth or any political subdivision thereof before filing a false
181 claims action.

182
183 “Overpayment”, any funds that a person receives or retains, including funds received or
184 retained under Title XVIII or XIX of the Social Security Act, to which the person, after
185 applicable reconciliation, is not entitled.

186
187 “Person”, any natural person, corporation, partnership, association, trust or other
188 business or legal entity.

189
190 “Political subdivision”, any city, town, county or other governmental entity authorized or
191 created by state law, including public corporations and authorities.

192
193 “Relator”, an individual who brings an action under paragraph (2) of section 5C.

194 **SECTION 18.** Said chapter 12 of the General Laws is hereby further amended by
195 striking out section 5B, as so appearing, and inserting in place thereof the following
196 section:-

197
198 Section 5B. (a) Any person who:

199
200 (1) knowingly presents, or causes to be presented, a false or fraudulent claim for payment
201 or approval;

202
203 (2) knowingly makes, uses, or causes to be made or used, a false record or statement
204 material to a false or fraudulent claim;

205
206 (3) conspires to commit a violation of paragraph (1), (2), (4), (5), (6), (7), (8), (9) or (10);

207
208 (4) knowingly presents, or causes to be presented, a claim that includes items or services
209 resulting from a violation of section 1128B of the Social Security Act, 42 U.S.C. 1320a-
210 7b, or section 41 of chapter 118E;

211
212 (5) has possession, custody or control of property or money used, or to be used, by the

213 commonwealth or any political subdivision thereof and knowingly delivers, or causes to
214 be delivered to the commonwealth, less than all of that property or money;

215
216 (6) is authorized to make or deliver a document certifying receipt of property used, or to
217 be used, by the commonwealth or any political subdivision thereof and with the intent of
218 defrauding the commonwealth or any political subdivision thereof, makes or delivers the
219 receipt without completely knowing that the information on the receipt is true;

220
221 (7) knowingly buys, or receives as a pledge of an obligation or debt, public property from
222 an officer or employee of the commonwealth or any political subdivision thereof, who
223 lawfully may not sell or pledge property;

224
225 (8) enters into an agreement, contract or understanding with 1 or more officials of the
226 commonwealth or any political subdivision thereof knowing the information contained
227 therein is false;

228
229 (9) knowingly makes, uses, or causes to be made or used, a false record or statement
230 material to an obligation to pay or to transmit money or property to the commonwealth or
231 political subdivision thereof, or knowingly conceals or knowingly and improperly avoids
232 or decreases an obligation to pay or transmit money or property to the commonwealth or
233 political subdivision thereof; or

234
235 (10) is a beneficiary of an inadvertent submission of a false claim to the commonwealth
236 or political subdivision thereof, or is a beneficiary of an overpayment from the
237 commonwealth or political subdivision thereof, and who subsequently discovers the
238 falsity of the claim or the receipt of overpayment, and fails to disclose the false claim or
239 receipt of overpayment to the commonwealth or political subdivision by the later of: (i)
240 the date which is 60 days after the date on which the false claim or receipt of
241 overpayment was identified; or (ii) the date any corresponding cost report is due, if
242 applicable,

243
244 shall be liable to the commonwealth or political subdivision for a civil penalty of not less
245 than \$5,500 and not more than \$11,000 per violation, as adjusted by the Federal Civil
246 Penalties Inflation Adjustment Act of 1990, Pub. L. No. 101-410 section 5, 104 Stat. 891,
247 note following 28 U.S.C. section 2461, plus 3 times the amount of damages, including
248 consequential damages, that the commonwealth or political subdivision sustains because
249 of the act of that person. A person violating sections 5B to 5O, inclusive, shall also be
250 liable to the commonwealth or any political subdivision for the expenses of the civil
251 action brought to recover any such penalty or damages, including, without limitation,
252 reasonable attorney's fees, reasonable expert's fees and the costs of investigation, as set
253 forth below. Costs recoverable under said sections 5B to 5O, inclusive, shall also include
254 the costs of any review or investigation undertaken by the attorney general or by the state
255 auditor or the inspector general in cooperation with the attorney general.

256
257 (b) Notwithstanding paragraphs (1) to (10), inclusive, of subsection (a), if the court finds
258 that:

259

260 (1) the person committing the violation of said paragraphs (1) to (10) furnished an official
261 of the office of the attorney general responsible for investigating false claims law
262 violations with all the information known to such person about the violation within 30
263 days after the date on which the person first obtained the information;

264

265 (2) such person fully cooperated with any commonwealth investigation of such violation;
266 and

267

268 (3) at the time such person furnished the commonwealth with the information about the
269 violation, no civil action or administrative action had commenced under sections 5B to
270 5O, inclusive, or no criminal prosecution had commenced with respect to such violation,
271 and such person did not have actual knowledge of the existence of an investigation into
272 such violation,

273

274 the court may assess not less than 2 times the amount of damages, including
275 consequential damages, that the commonwealth or any political subdivision thereof
276 sustains because of the act of that person.

277

278 (c) A corporation, partnership or other person is liable to the commonwealth under
279 sections 5B to 5O, inclusive, of this chapter for the acts of its agent where the agent acted
280 with apparent authority, regardless of whether the agent acted, in whole or in part, to
281 benefit the principal and regardless of whether the principal adopted or ratified the agent's
282 claims, representation, statement or other action or conduct.

283

284 (d) Sections 5B to 5O, inclusive, of this chapter shall not apply to claims, records or
285 statements made or presented to establish, limit, reduce or evade liability for the payment
286 of tax to the commonwealth or any other governmental authority.

287

288 (e) A person who has engaged in conduct described in paragraphs (1) to (10), inclusive,
289 of subsection (a) prior to payment shall only be entitled to payment from the
290 commonwealth of the actual amount due less the excess amount falsely or fraudulently
291 claimed.

292 **SECTION 19.** Section 5C of said chapter 12 of the General Laws, as so appearing, is
293 hereby amended by striking out paragraph (3) and inserting in place thereof the following
294 paragraph:-

295

296 (3) When a relator brings an action pursuant to said sections 5B to 5O, inclusive, a copy
297 of the complaint and written disclosure of substantially all material evidence and
298 information the relator possesses shall be served on the attorney general pursuant to Rule
299 4(d)(3) of the Massachusetts Rules of Civil Procedure. The complaint shall be filed under
300 seal and shall remain so for 120 days after service upon the attorney general.

301 Notwithstanding any other general or special law or procedural rule to the contrary,
302 service on the defendant shall not be required until the period provided in paragraph (5).

303 The attorney general may, for good cause shown, ask the court for extensions during

304 which the complaint shall remain under seal. Any such motions may be supported by
305 affidavits or other submissions under seal. The attorney general may elect to intervene
306 and proceed with the action on behalf of the commonwealth or political subdivision
307 within the 120 day period or during any extension, after the attorney general receives
308 both the complaint and the material evidence and information. Any information or
309 documents furnished by the relator to the attorney general in connection with an action or
310 investigation under said sections 5B to 5O, inclusive, shall be exempt from disclosure
311 under section 10 of chapter 66.

312 **SECTION 20.** Said section 5C of said chapter 12 of the General Laws, as so appearing,
313 is hereby further amended by striking out, in line 38, the words “90 day”.

314 **SECTION 21.** Said section 5C of said chapter 12 of the General Laws, as so appearing,
315 is hereby amended by adding the following subsection:-
316

317 (7) With respect to any federal, state, or local government that is named as a co-plaintiff
318 with the commonwealth in an action brought pursuant to sections 5B to 5O, inclusive, a
319 seal on the action ordered by the court under paragraph (3) of section 5C shall not
320 preclude the commonwealth or the relator from serving the complaint, any other
321 pleadings or the written disclosure of substantially all material evidence and information
322 possessed by the relator on the law enforcement authorities that are authorized under the
323 law of that federal, state or local government to investigate and prosecute such actions on
324 behalf of such governments, except that such seal applies to the law enforcement
325 authorities so served to the same extent as the seal applies to other parties in the action.

326 **SECTION 22.** Section 5F of said chapter 12 of the General Laws, as so appearing, is
327 hereby amended by inserting after the word “expenses”, in lines 20 through 21, inclusive,
328 and in line 31 the following words:- , fees and costs.

329 **SECTION 23.** Paragraph (5) of said section 5F of said chapter 12 of the General Laws,
330 as so appearing, is hereby amended by striking out the first sentence and inserting in
331 place thereof the following sentence:- Whether or not the attorney general proceeds with
332 the action, if the court finds that the action was brought by a relator who planned and
333 initiated the violation of sections 5B to 5O, inclusive, upon which the action was brought,
334 then the court may, to the extent the court considers appropriate, reduce or eliminate the
335 share of the proceeds of the action which the relator would otherwise receive pursuant to
336 paragraphs (1) to (4), inclusive, taking into account the role of the relator in advancing
337 the case to litigation and any relevant circumstances pertaining to the violation.

338 **SECTION 24.** Said chapter 12 of the General Laws is hereby amended by striking out
339 section 5G, as so appearing, and inserting in place thereof the following section:-
340

341 Section 5G. (a) No court shall have jurisdiction over an action brought pursuant to
342 section 5C against the governor, the lieutenant governor, the attorney general, the
343 treasurer, the secretary of state, the auditor, a member of the general court, the inspector
344 general or a member of the judiciary, if the action is based on evidence or information

345 known to the commonwealth when the action was brought.

346

347 (b) An individual may not bring an action pursuant to paragraph (2) of said section 5C
348 that is based upon allegations or transactions which are the subject of a civil suit or an
349 administrative proceeding in which the commonwealth or any political subdivision
350 thereof is already a party.

351

352 (c) The court shall dismiss an action pursuant to sections 5B to 5O, inclusive, unless
353 opposed by the commonwealth or any political subdivision thereof, if substantially the
354 same allegations or transactions as alleged in the action or claim were publicly disclosed:

355 (1) in a Massachusetts criminal, civil or administrative hearing in which the
356 commonwealth is a party; (2) in a Massachusetts legislative, administrative, auditor's or
357 inspector general's report, hearing, audit or investigation; or (3) from the news media,
358 unless the action is brought by the attorney general, or the relator is an original source of
359 the information.

360 **SECTION 25.** Paragraph (1) of section 5I of said chapter 12 of the General Laws, as so
361 appearing, is hereby amended by striking out the last sentence.

362 **SECTION 26.** Said chapter 12 of the General Laws is hereby amended by striking out
363 section 5J, as so appearing, and inserting in place thereof the following section:-

364

365 Section 5J. (1) No employer shall make, adopt or enforce any rule, regulation, or policy
366 preventing an employee, contractor or agent from disclosing information to a government
367 or law enforcement agency or from acting to further efforts to stop 1 or more violations
368 of sections 5B to 5O, inclusive. No employer shall require as a condition of employment,
369 during the term of employment or at the termination of employment, that any employee,
370 contractor or agent agree to, accept or sign any agreement that limits or denies the rights
371 of said employee, contractor or agent to bring an action or provide information to a
372 government or law enforcement agency pursuant to said sections 5B to 5O, inclusive.
373 Any such agreement shall be void.

374

375 (2) Any employee, contractor or agent shall be entitled to all relief necessary to make that
376 employee, contractor or agent whole if that employee, contractor or agent is discharged,
377 demoted, suspended, threatened, harassed or in any other manner discriminated against in
378 the terms and conditions of employment because of lawful acts done by the employee,
379 contractor, agent or a person associated with the employee, contractor or agent in
380 furtherance of an action under sections 5B to 5O, inclusive, or other efforts to stop 1 or
381 more violations of said sections 5B to 5O.

382

383 (3) Notwithstanding any general or special law to the contrary, relief under paragraph (2)
384 shall include reinstatement with the same seniority status the employee, contractor or
385 agent would have had but for the discrimination, 2 times the amount of back pay, interest
386 on the back pay, and compensation for any special damages sustained as a result of the
387 discrimination. In addition, the defendant shall be required to pay litigation costs and
388 reasonable attorney's fees. An employee, contractor or agent may bring an action in the

389 appropriate superior court, the superior court of the county of Suffolk or any other
390 appropriate court for the relief provided in this section.

391
392 (4) A civil action under this section may not be brought more than 3 years after the date
393 when the retaliation occurred.

394 **SECTION 27.** Section 5K of said chapter 12 of the General Laws, as so appearing, is
395 hereby amended by striking out paragraph (2) and inserting in place thereof the following
396 2 paragraphs:-

397
398 (2) If the attorney general elects to intervene and proceed with an action brought pursuant
399 to sections 5B to 5O, inclusive, for a violation of section 5B, the attorney general may
400 file a complaint or amend the complaint of a person who has brought an action pursuant
401 to sections 5B to 5O, inclusive, to clarify or add detail to the claims in which the attorney
402 general is intervening and to add any additional claims with respect to which the
403 commonwealth or political subdivision thereof contends it is entitled to relief. For statute
404 of limitations purposes, any such pleading shall relate back to the filing date of the
405 complaint of the person who originally brought the action, to the extent that the claim of
406 the attorney general arises out of the conduct, transactions or occurrences set forth, or
407 attempted to be set forth, in the prior complaint of that person.

408
409 (3) Notwithstanding any other law or rule of procedure or evidence, a final judgment
410 rendered in favor of the commonwealth in any criminal proceeding charging fraud or
411 false statements, whether upon a verdict after trial or upon a plea of guilty or nolo
412 contendere, shall estop the defendant from denying the essential elements of the offense
413 in any action which involves the same act, transaction or occurrence as in the criminal
414 proceedings and which is brought under section 5B.

415 **SECTION 28.** Section 5N of said chapter 12 of the General Laws, as so appearing, is
416 hereby amended by striking out paragraphs (1) and (2) and inserting in place thereof the
417 following paragraphs:-

418
419 (1) Notwithstanding any general or special law, procedural rule or regulation to the
420 contrary, whenever the attorney general, or a designee, has reason to believe that any
421 person may be in possession, custody or control of any documentary material or
422 information relevant to a false claims law investigation, the attorney general, or a
423 designee, may, before commencing a civil proceeding under paragraph (a) of section 5C
424 or other false claims law, or making an election to intervene under paragraph (c) of
425 section 5C, issue in writing and cause to be served upon such person, a civil investigative
426 demand requiring such person (i) to produce such documentary material for inspection
427 and copying; (ii) to answer written interrogatories, in writing and under oath; (iii) to give
428 oral testimony under oath; or (iv) to furnish any combination of such material, answers or
429 testimony. The attorney general may delegate to an assistant attorney general the
430 authority to issue civil investigative demands under this section.

431

432 (2) Service of any such demand may be made by (i) delivering a copy thereof to the
 433 person to be served or to a partner or to any officer or agent authorized by appointment or
 434 by law to receive service of process on behalf of such person; (ii) delivering a copy
 435 thereof to the principal place of business or last and usual place of abode in the
 436 commonwealth of the person to be served; or (iii) mailing by registered or certified mail a
 437 copy thereof addressed to the person to be served at the person's last and usual place of
 438 abode, the principal place of business in the commonwealth or, if said person has no
 439 place of business in the commonwealth, to his principal office or place of business.

440 **SECTION 29.** Said section 5N of said chapter 12 of the General Laws, as so appearing,
 441 is hereby further amended by striking out paragraph (8) and inserting in place thereof the
 442 following paragraph:-
 443

444 (8) Any documentary material or other information produced by any person pursuant to
 445 sections 5B to 5O, inclusive, shall not, unless otherwise ordered by a justice of the
 446 superior court for good cause shown, be disclosed to any person other than the authorized
 447 agent or representative of the attorney general and any officer or employee of the
 448 commonwealth who is working under their direct supervision with respect to the false
 449 claims law investigation, unless with the consent of the person producing the same,
 450 except that any information obtained by the attorney general under this section may be
 451 shared with any *qui tam* relator if the attorney general determines it is necessary as part of
 452 any false claims act investigation. Such documentary material or information may be
 453 disclosed by the attorney general in court proceedings or in papers filed in court. Nothing
 454 in this section shall preclude the attorney general from disclosing information and
 455 evidence secured pursuant to sections 5B to 5O, inclusive, to officials of the United
 456 States, other states, the commonwealth, or any political subdivision thereof, charged with
 457 responsibility for enforcement of federal, state or local laws respecting fraud or false
 458 claims upon federal, state or local governments. Prior to any such disclosure the attorney
 459 general shall obtain a written agreement from such officials to abide by the restrictions of
 460 this section.

461 **SECTION 30.** Section 21 of chapter 15A of the General Laws, as so appearing, is hereby
 462 amended by striking out the first paragraph and inserting in place thereof the following
 463 paragraph:-
 464

465 There shall be a board of trustees consisting of 11 members for each of the institutions
 466 named in section 5, other than the University of Massachusetts. Each board of trustees
 467 shall elect a chairman; provided, however, that in the case of community colleges, the
 468 governor shall appoint the chairman, who shall reside within the geographic region of the
 469 community college. Each community college board of trustees shall include a vocational-
 470 technical school district trustee, pursuant to section 4 of chapter 74, representing each
 471 vocational-technical school in the region, to serve as a non-voting member.

472 **SECTION 31.** Said section 21 of said chapter 15A of the General Laws, as so appearing,
 473 is hereby further amended by inserting after the second paragraph the following
 474 paragraph:-

475
476 Each community college board of trustees shall designate a member to serve as a non-
477 voting member of the district trustees for vocational-technical schools that share the same
478 geographic region as the community college. The designated member shall serve as a
479 liaison between the 2 boards for the purposes of sharing information and developing
480 policies that promote greater interaction between the community college and the
481 vocational-technical schools while maximizing the educational resources available to
482 individuals seeking to learn a trade or develop targeted employment skills.

483 **SECTION 32.** Section 22 of said chapter 15A of the General Laws, as so appearing, is
484 hereby amended by inserting after the word “authority”, in lines 7 and 8, the following
485 words:- ; provided further, that the local board of trustees of a community college shall
486 annually submit a report detailing estimates of maintenance, capital outlay budgets and
487 proposed property acquisitions for the institution under its authority to the house and
488 senate committees on ways and means, secretary of administration and finance and the
489 commissioner of capital asset management and maintenance on or before December 31.

490 **SECTION 33.** Said section 22 of said chapter 15A of the General Laws, as so appearing,
491 is hereby further amended by inserting after the word “institution”, in line 21, the
492 following words:- ; provided, however, the council shall appoint 1 voting member to
493 assist the board of trustees in a search for the appointment of the chief executive officer.

494 **SECTION 34.** Clause (o) of said section 22 of said chapter 15A of the General Laws, as
495 so appearing, is hereby amended by adding the following sentence:-

496
497 Said assessment report shall include an analysis of the collaboration between the
498 community college and vocational-technical schools and the training and job
499 development programs implemented by the community college and vocational-technical
500 schools.

501 **SECTION 35.** Chapter 18 of the General laws, as amended by chapter 84 of the acts of
502 2011, is hereby amended by striking out sections 5I and 5J and inserting in place thereof
503 the following 2 sections:-

504
505 Section 5I. (a) As used in sections 5I through 5J, inclusive, the following terms shall,
506 unless the context clearly requires otherwise, have the following meanings:-

507
508 “Access device”, a card, code, or other means of access that can be used, alone or in
509 conjunction with another access device, to obtain payments, allotments, benefits, money,
510 goods or other things of value, or that can be used to initiate a transfer of funds under the
511 federal Food Stamp Act, 7 U.S.C. § 2011 et seq., or regulations issued pursuant to the
512 federal Food Stamp Act.

513 “Cosmetics”, includes (1) articles intended to be rubbed, poured, sprinkled, or sprayed
514 on, introduced into, or otherwise applied to the human body or any part thereof for
515 cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2)

516 articles intended for use as a component of any such articles; provided, however, that
517 cosmetics shall not include soap.

518
519 “Department”, the department of transitional assistance.

520
521 “Direct cash assistance”, any manner of cash assistance provided by the department of
522 transitional assistance, including, but not limited to, temporary aid to families with
523 dependent children, wherein the assistance is provided directly to the recipient, rather
524 than a vendor.

525
526 “Electronic benefit transfer card”, a card that provides benefits through an electronic
527 benefit transfer.

528
529 “Electronic benefit transfer”, a system for the food stamp program as an alternative to
530 issuing food stamp coupons. An electronic benefit transfer system is a computer-based
531 system in which the benefit authorization is received through a point of sale terminal.
532 Eligible households utilize plastic cards in lieu of food stamp coupons to purchase food
533 items at authorized food retailers. This type of benefit may also be used to issue other
534 types of public welfare benefits.

535
536 “Eligible recipient”, a person who meets the nonfinancial, financial and categorical
537 requirements that the department of transitional assistance utilizes to determine, upon
538 application or review, whether a person is entitled to direct cash assistance, barring any
539 evidence of an outstanding default or arrest warrant issued by any court of the
540 commonwealth.

541
542 “Performance”, any play, dance, concert, exhibit, including movies or simulcasts, or any
543 such entertainment performed before 1 or more persons.

544
545 “Person”, a natural person, corporation, association, partnership or other legal entity.

546
547 “Travel services”, furnishing or facilitating interstate or foreign travel, including
548 transportation and vacation services.

549
550 (b) No person shall knowingly use or accept direct cash assistance funds held on
551 electronic benefit transfer cards or access devices for the purchase or sale of any service
552 or product, including, without limitation: (1) alcoholic beverages as defined in section 1
553 of chapter 138; (2) lottery tickets; (3) tobacco products as defined in section 1 of chapter
554 64C; (4) any visual material intended to create or simulate sexual conduct or sexual
555 excitement as those terms are defined pursuant to section 31 of chapter 272; (5) firearms
556 or ammunition as defined in section 121 of chapter 140; (6) admission to any
557 performances; (7) cosmetics; (8) professional services, excluding medical care, provided
558 by any member of the bar or any person licensed pursuant to chapter 112; (9) travel
559 services; (10) health clubs as defined pursuant to section 78 of chapter 93; (11) tattoos for
560 the marking of the human body or other body art or piercings; (12) jewelry; (13) for the
561 rental of goods or real property; (14) for the payment to the commonwealth or any

562 political subdivision thereof of any tax, fee or penalty, including restitution or bail
563 or bail bonds ordered by a court; or (15) gambling as defined pursuant to section 2 of
564 chapter 23K.

565
566 (c) No person shall knowingly access, or provide access to, direct cash assistance
567 funds held on electronic benefit transfer cards or access devices to an eligible recipient
568 from outside the commonwealth; provided, however, that the department may permit
569 direct cash assistance funds held on electronic benefit transfer cards or access devices to
570 an eligible recipient to be accessed outside of the commonwealth for emergency
571 purposes; and provided further, that an electronic benefit transfer card or access device
572 shall be authorized to access federal Supplemental Nutrition Assistance Program benefits
573 in any manner authorized by federal law.

574
575 (d) An eligible recipient of direct cash assistance who knowingly makes a
576 purchase in violation of this section shall reimburse the department for such purchase and
577 shall be subject to disqualification for participation in the transitional cash assistance
578 programs by the department.

579
580 (e) Any person who knowingly violates subsection (b), subsection (c) or
581 subsection (d) of this section shall be punished by a fine of not more than \$500 for the
582 first offense, a fine of not less than \$500 nor more than \$1,000 for the second offense and
583 a fine of not less than \$1,000 for the third or subsequent offense.

584
585 Section 5J (a) No person shall knowingly use, transfer, acquire, alter or possess an
586 electronic benefit transfer card or access device in any manner not authorized by the
587 federal Food Stamp act or this chapter.

588
589 (b) No person shall present for payment or redemption an electronic benefit
590 transfer card or access device that has been illegally received, transferred, used or altered.

591
592 (c) A person who is found to have knowingly violated subsection (a) or
593 subsection (b), if such benefits are of an aggregate value of less than \$100, shall, upon the
594 first conviction thereof, be imprisoned in a jail or house of correction for not more than 1
595 year or fined not more than \$1,000, or both, and upon the second and any subsequent
596 conviction thereof, shall be imprisoned in a jail or house of correction for not more than 2
597 1/2 years or fined not more than \$1,000, or both.

598
599 A person who is found to have knowingly violated subsection (a) or subsection
600 (b), if such benefit has an aggregate value of more than \$100 but less than \$5,000, shall,
601 upon the first conviction thereof, be imprisoned in a jail or house of correction or in the
602 state prison for not more than 3 years or be fined not more than \$10,000, or both, and,
603 upon the second and any subsequent conviction thereof, shall be imprisoned in a jail or
604 house of correction or in the state prison for not more than 5 years or be fined not more
605 than \$10,000, or both.

606

607 A person who is found to have knowingly violated subsection (a) or subsection
608 (b), if such benefits are of an aggregate value of \$5,000 or more, shall be imprisoned in a
609 jail or house of correction or the state prison for not more than 20 years or be fined not
610 more than \$250,000, or both.

611
612 (d) Any person who is found to have knowingly violated subsection (a) or
613 subsection (b) shall forfeit to the commonwealth all property, real and personal, used in
614 connection with the violation or any proceeds traceable to said violation.

615
616 The proceeds from any sale of forfeited property and any monies forfeited under
617 this subsection shall be used by the commonwealth to reimburse the bureau of special
618 investigations in the office of the state auditor, established under section 16 of chapter 11,
619 or any other state or local agency for any cost incurred in the investigative effort resulting
620 in the forfeiture.

621
622 No interest in property shall be forfeited under this subsection as the result of any
623 act or omission established by the owner of the interest to have been committed or
624 omitted without the knowledge or consent of the owner.

625
626 (e) The alcoholic beverages control commission may suspend or revoke the
627 license of any person who is found to have knowingly violated subsection (a) or
628 subsection (b).

629
630 (f) The state lottery commission may suspend or revoke the license of any person
631 who is found to have knowingly violated subsection (a) or subsection (b).

632 **SECTION 36.** Chapter 22C of the General Laws is hereby amended by striking out
633 section 39 and inserting in place thereof the following 3 sections:

634
635 Section 39. (a) The department or the University of Massachusetts medical school shall
636 make, free of charge, a chemical analysis of any narcotic drug, or any synthetic substitute
637 for the same, or any preparation containing the same, or any salt or compound thereof,
638 and of any poison, drug, medicine or chemical, when submitted to it by police authorities,
639 as the department shall approve for this purpose, if the department is satisfied that the
640 analysis is to be used for the enforcement of law.

641
642 (b) A certificate by a chemist or analyst or other designated employee of the department
643 or of the University of Massachusetts medical school of the result of the chemist's or
644 analyst's or other designated employee's analysis, signed and sworn to by that chemist or
645 analyst or other designated employee, shall be evidence of the composition, quality and,
646 when appropriate, net weight of the substance or any mixture containing the substance.

647
648 (c) A signed certificate of drug analysis furnished by an analyst, assistant analyst or other
649 designated employee of the Drug Enforcement Administration of the United States
650 Department of Justice, which conforms with the requirements of this section, shall be
651 evidence of the composition, quality and, when appropriate, the net weight of the

652 substance or any mixture containing the substance.

653

654 Section 39A. The department shall analyze, in accordance with sections 36 to 39,
655 inclusive, of chapter 138, all samples of alcoholic beverages, as defined in section 1 of
656 chapter 138, submitted to it for that purpose by the officers mentioned in said section 36
657 if satisfied that the analysis is to be used in enforcing the laws.

658

659 Section 39B. The director of the crime laboratory within the department shall establish
660 procedural rules and policies governing the testing and analysis of drug samples and shall
661 establish a quality assurance program, which shall include proficiency standards for
662 laboratories and analysts responsible for performing drug testing and analysis. The
663 procedural rules and quality assurance program shall be compatible with the laboratory's
664 accreditation procedural rules and shall establish compatible laboratory techniques,
665 laboratory equipment, supplies, computer software and acceptance criteria for laboratory
666 accreditation.

667 **SECTION 37.** Chapter 29 of the General Laws is hereby amended by inserting after
668 section 2EEEE the following section:-

669

670 2FFFF. There shall be established and set upon the books of the commonwealth a
671 separate fund to be known as the Dam, Sea Wall and Retaining Wall Infrastructure Fund,
672 hereinafter referred to as the fund. There shall be credited to said fund monies
673 appropriated to the fund by the general court and any monies credited or transferred to
674 the fund from any other fund or source. The fund shall be administered by the executive
675 office of energy and environmental affairs.

676

677 Amounts credited to the fund shall be used, without further appropriation, to provide
678 grants to local governmental units and other eligible borrowers to finance or refinance
679 costs of eligible coastal and inland waterways infrastructure projects including, but not
680 limited to, seawalls, jetties, revetments, retaining walls, levies, dams and other means of
681 flood control. A local governmental unit shall include a town, city, district, commission,
682 agency, authority, board or other instrumentality of the commonwealth or any of its
683 political subdivisions, including any regional local governmental unit.

684

685 A local governmental unit and other eligible borrowers may apply to the executive office
686 of energy and environment affairs for financial assistance to assist in financing the cost of
687 coastal and inland waterway infrastructure projects. Consideration for eligibility shall be
688 given to an applicant for a structure identified by the federal government as requiring
689 imminent infrastructure improvement. Factors to consider when prioritizing grants from
690 the fund shall include: (i) affirmative steps taken by local governmental bodies to identify
691 future infrastructure needs; (ii) applicable data from Federal Emergency Management
692 Agency or the National Flood Insurance Program demonstrating areas in the
693 commonwealth that are subject to repetitive property damage and are a priority for
694 coastal and inland waterways infrastructure projects; and (iii) demonstrated flood
695 prevention efforts and financial contributions made by the applicant.

696

697 The executive office of energy and environment affairs may promulgate rules and
698 regulations for the administration and implementation of this section, including, but not
699 limited to, a priority system and priority list for the approval of projects and the
700 determination of eligible borrowers and eligible costs of projects.

701
702 Monies deposited into the fund that are unexpended at the end of the fiscal year shall not
703 revert to the General Fund and shall be available for expenditure in the subsequent fiscal
704 year.

705 **SECTION 38.** Chapter 58 of the General Laws is hereby amended by inserting after
706 section 18F the following section:-

707
708 Section 18G. The state treasurer, upon certification by the state racing commission, shall
709 quarterly distribute to each city and town within which racing meetings are conducted,
710 including racing meetings conducted in connection with a state or county fair, under
711 licenses issued under the provisions of chapter 128A, the sum of .35 per cent of the total
712 pari-mutuel wager for each such racetrack within said city or town for the 3 months
713 ending 2 quarters prior to the quarter for which said distribution is being made, which
714 sum shall be allocated from the commonwealth's share; provided, however, that if the
715 parcel of land containing such racetrack is located in 2 cities or towns, said sum shall be
716 divided so that two-thirds shall be distributed to the city or town in which the major
717 portion of said parcel is located and one-third shall be distributed to the other city or
718 town.

719 **SECTION 39.** Section 4 of chapter 74 of the General Laws, as appearing in the 2010
720 Official Edition, is hereby amended by adding the following 2 sentences:-

721
722 Pursuant to section 21 of chapter 15A, 1 member of said board shall be designated by the
723 district trustees to serve as a non-voting member of the board of trustees for any
724 community college that shares the same geographic region as the independent vocational-
725 technical school. The designated member shall serve as a liaison between the 2 boards for
726 the purposes of sharing information and developing policies that will promote greater
727 interaction between the vocational-technical school and the community college while
728 maximizing the educational resources available to individuals seeking to learn a trade or
729 develop targeted employment skills.

730 **SECTION 40.** Chapter 75 of the General Laws is hereby amended by inserting after
731 section 46 the following section:-

732
733 Section 47. Notwithstanding any general or special law to the contrary, any trade secret
734 or other proprietary information of the university including that provided to the university
735 by research sponsors or private concerns shall be exempt from the definition of public
736 records in clause twenty-sixth of section 7 of chapter 4.

737 **SECTION 41.** Section 47A of chapter 94C of the General Laws, as appearing in the
738 2010 Official Edition, is hereby amended by striking out, in line 10, the words "the
739 department of public health or".

740 **SECTION 42.** Said section 47A of said chapter 94C of the General Laws, as so
741 appearing, is hereby further amended by striking out, in lines 37 and 38, the words "or by
742 an analyst of the department of public health".

743 **SECTION 43.** Said section 47A of said chapter 94C of the General Laws, as so
744 appearing, is hereby further amended by inserting after the word "department", in lines
745 45, 53 and 54, 60 and 74, in each instance, the following words:- of state police.

746 **SECTION 44.** Said section 47A of said chapter 94C of the General Laws, as so
747 appearing, is hereby further amended by striking out the seventh paragraph.

748 **SECTION 45.** Sections 11, 12 and 13 of chapter 111 of the General Laws are hereby
749 repealed.

750 **SECTION 46.** Section 2 of chapter 111N of the General Laws is hereby repealed.

751 **SECTION 47.** Section 9 of chapter 117A of the General Laws, as appearing in the 2010
752 Official Edition, is hereby amended by striking out the second sentence and inserting in
753 place thereof the following 2 sentences:- The commonwealth may recover this expense
754 from any legally liable family members in the manner provided in this chapter, and if
755 such family members do not pay this expense, the commonwealth shall pay an amount
756 not exceeding \$1,100 to the funeral establishment if the total expense of the funeral and
757 final disposition does not exceed \$3,500. The commonwealth shall have the right of
758 reimbursement from whatever resources may exist in the estate of the deceased person.

759 **SECTION 48.** Section 10 of said chapter 117A is hereby repealed.

760 **SECTION 49.** Section 2 of chapter 118 of the General Laws, as appearing in the 2010
761 Official Edition, is hereby amended by inserting after the word "disposition", in line 32,
762 the following words:- and if the total expense of the funeral and final disposition does not
763 exceed \$3,500.

764 **SECTION 50.** Section 7 of chapter 118A of the General Laws, as so appearing, is hereby
765 amended by inserting after the word "disposition", in line 8, the following words:- and if
766 the total expense of the funeral and final disposition does not exceed \$3,500.

767 **SECTION 51.** Section 36 of chapter 138 of the General Laws, as so appearing, is hereby
768 amended by striking out, in line 2, the words "public health" and inserting in place
769 thereof the following words:- state police.

770 **SECTION 52.** Section 37 of said chapter 138 of the General Laws, as so appearing, is
771 hereby amended by striking out, in lines 2 and 9, the words "public health" and inserting
772 in place thereof, in each instance, the following words:- state police.

773 **SECTION 53.** Section 38 of said chapter 138 of the General Laws, as so appearing, is
774 hereby amended by striking out, in line 3, the words "public health" and inserting in place
775 thereof the following words:- state police.

776 **SECTION 54.** The third sentence of subsection (c) of section 2A of chapter 211D of the
777 General Laws, as appearing in section 112 of chapter 68 of the acts of 2011, is hereby
778 amended by striking out the word "may" and inserting in place thereof the following
779 word:- shall.

780 **SECTION 55.** The fifth sentence of subsection (c) of said section 2A of said chapter
781 211D of the General Laws, as amended by said section 112 of said chapter 68, is hereby
782 amended by inserting after the words "chief probation officer" the following words:- or
783 the officer's designee.

784 **SECTION 56.** The third sentence of subsection (d) of said section 2A of said chapter
785 211D of the General Laws, as amended by said section 112 of said chapter 68, is hereby
786 amended by inserting after the words "chief probation officer" the following words:- or
787 the officer's designee.

788 **SECTION 57.** Section 26 of chapter 218 of the General Laws, as appearing in the 2010
789 Official Edition, is hereby amended by inserting after the words "the crimes listed in", in
790 line 10, the following words:- section 5J of chapter 18,.

791 **SECTION 58.** Subsection (2) of section 95 of chapter 173 of the acts of 2008 is hereby
792 amended by striking out the figure "2013", inserted by section 136 of chapter 68 of the
793 acts of 2011, and inserting in place thereof the following figure:- 2014.

794 **SECTION 59.** Section 23 of chapter 5 of the acts of 2009 is hereby amended by striking
795 out the figure "2012", inserted by section 137 of chapter 68 of the acts of 2011, and
796 inserting in place thereof the following figure:- 2013.

797 **SECTION 60.** The first sentence of section 152 of chapter 25 of the acts of 2009 is
798 hereby amended by striking out the figure "2013", inserted by section 138 of chapter 68
799 of the acts of 2011, and inserting in place thereof the following figure:- 2014.

800 **SECTION 61.** Section 178 of chapter 131 of the acts of 2010 is hereby amended by
801 striking out the second paragraph and inserting in place thereof the following 2
802 paragraphs:-

803
804 The advisory committee shall utilize any previously collected data, where relevant, to
805 compare the current and projected impact of the managed care program, the primary care
806 clinician plan, accountable care organizations and patient-centered medical homes on the

807 following: (1) the quality and continuity of care provided to MassHealth members; (2)
808 access to primary care or other specialty care providers; (3) access to behavioral health or
809 long term care support services; (4) the availability of care coordination programs,
810 excluding any proposed demonstration projects involving dual-eligible populations; (5)
811 the overall quality of care for all MassHealth members, with particular emphasis on
812 quality of care for disabled members; (6) accountability through the reporting of quality
813 data; (7) the potential to address racial and ethnic disparities; and (8) appropriations to the
814 Medicaid program, including, but not limited to, an estimate of the potential increase or
815 decrease in programmatic costs of transitioning from 1 care delivery system to another
816 and the impact of the different delivery systems on the financial risk borne by the
817 commonwealth.

818
819 The secretary of health and human services shall make any data requested by the advisory
820 committee available in a timely manner. For the purpose of conducting this analysis, the
821 secretary of administration and finance, in consultation with the advisory committee and
822 subject to appropriation, shall contract with a private or not-for-profit organization with
823 expertise in fiscal analysis of the Medicaid program and the managed care model within
824 state Medicaid programs. The advisory committee shall file a report of its findings with
825 the clerks of the senate and house of representatives, the house and senate committees on
826 ways and means and the joint committee on health care financing on or before October 1,
827 2012.

828 **SECTION 62.** Section 195 of chapter 131 of the acts of 2010 is hereby amended by
829 striking out the figure "2012", inserted by section 144 of chapter 68 of the acts of 2011,
830 and inserting in place thereof the following figure:- 2013.

831 **SECTION 63.** Section 124 of chapter 359 of the acts of 2010 is hereby amended by
832 striking out the words "and June 30, 2012", inserted by section 145 of chapter 68 of the
833 acts of 2011, and inserting in place thereof the following words:- , June 30, 2012 and
834 June 30, 2013.

835 **SECTION 64.** The second paragraph of section 181 of chapter 68 of the acts of 2011 is
836 hereby amended by striking out the figure "2012" and inserting in place thereof the
837 following figure:- 2013.

838 **SECTION 65.** Section 220 of chapter 68 of the acts of 2011 is hereby amended by
839 striking out the figure "2012" and inserting in place thereof the following figure:- 2013.

840 **SECTION 66.** Notwithstanding any general or special law to the contrary, when the
841 comptroller disposes of the consolidated net surplus for fiscal year 2013 under subsection
842 (a) of section 5C of chapter 29 of the General Laws, the comptroller shall not carry
843 forward 0.5 per cent of the total revenue from taxes in fiscal year 2013.

844 **SECTION 67.** Notwithstanding any general or special law to the contrary, upon
845 receiving a written request from the secretary of administration and finance, the
846 comptroller shall transfer to the General Fund the unexpended balance of a fund, trust

847 fund or other separate account in existence on April 1, 2012, including the balance of any
848 amounts transferred to the Water Pollution Abatement Trust by the state treasurer
849 pursuant to paragraph (a) of section 16 of chapter 275 of the acts of 1989 for the Water
850 Pollution Abatement Revolving Fund, and applied to the trust to make loans to local
851 governmental units pursuant to section 26 of chapter 203 of the acts of 1992, including
852 repayments of such loans and any investment earnings thereon, whether established
853 administratively or by law, and including a separate account established under section 6
854 of chapter 6A of the General Laws or section 4F of chapter 7 of the General Laws;
855 provided, however, the secretary and comptroller shall report to the house and senate
856 committees on ways and means 45 days prior to any such transfer. The request shall
857 certify that the secretary, in consultation with the comptroller, has determined this
858 balance not to be necessary for the purposes for which it was made available.

859 **SECTION 68.** Notwithstanding any general or special law to the contrary, in hospital
860 fiscal year 2013, the office of the inspector general may continue to expend funds from
861 the Health Safety Net Trust Fund, established by section 36 of chapter 118G of the
862 General Laws, for costs associated with maintaining a pool audit unit within the office.
863 The unit shall continue to oversee and examine the practices in all hospitals including,
864 but not limited to, the care of the uninsured and the resulting free charges. The inspector
865 general shall submit a report to the house and senate committees on ways and means on
866 the results of the audits and any other completed analyses on or before March 1, 2013.
867 For the purposes of these audits, allowable free care services shall be defined pursuant to
868 said chapter 118G and any regulations adopted under that chapter.

869 **SECTION 69.** Notwithstanding any general or special law to the contrary, the nursing
870 home assessment established by subsection (b) of section 25 of chapter 118G of the
871 General Laws shall be sufficient in the aggregate to generate \$220,000,000 in fiscal year
872 2013.

873 **SECTION 70.** Notwithstanding any general or special law to the contrary, the amounts
874 transferred pursuant to subdivision (1) of section 22C of chapter 32 of the General Laws
875 shall be made available for the commonwealth's Pension Liability Fund established by
876 section 22 of said chapter 32. The amounts transferred pursuant to said subdivision (1) of
877 said section 22C of said chapter 32 shall meet the commonwealth's obligations pursuant
878 to said section 22C of said chapter 32, including retirement benefits payable by the state
879 employees' and the state teachers' retirement systems, for the costs associated with a 3 per
880 cent cost-of-living adjustment pursuant to section 102 of said chapter 32, for the
881 reimbursement of local retirement systems for previously authorized cost-of-living
882 adjustments pursuant to said section 102 of said chapter 32 and for the costs of increased
883 survivor benefits pursuant to chapter 389 of the acts of 1984. The state board of
884 retirement and each city, town, county and district shall verify these costs, subject to the
885 rules adopted by the state treasurer. The state treasurer may make payments upon a
886 transfer of funds to reimburse certain cities and towns for pensions to retired teachers,
887 including any other obligations which the commonwealth has assumed on behalf of any
888 retirement system other than the state employees' or state teachers' retirement systems
889 and also including the commonwealth's share of the amounts to be transferred pursuant to

890 section 22B of said chapter 32 and the amounts to be transferred pursuant to clause (a) of
891 the last paragraph of section 21 of chapter 138 of the General Laws. All payments for the
892 purposes described in this section shall be made only pursuant to distribution of monies
893 from the fund, and any distribution and the payments for which distributions are required
894 shall be detailed in a written report filed quarterly by the secretary of the executive office
895 for administration and finance with the house and senate committees on ways and means
896 and the joint committee on public service in advance of this distribution. Distributions
897 shall not be made in advance of the date on which a payment is actually to be made. The
898 state board of retirement may expend an amount for the purposes of the board of higher
899 education's optional retirement program pursuant to section 40 of chapter 15A of the
900 General Laws. To the extent that the amount transferred pursuant to said subdivision (1)
901 of said section 22C of said chapter 32 exceeds the amount necessary to adequately fund
902 the annual pension obligations, the excess amount shall be credited to the Pension
903 Reserves Investment Trust Fund, established by subdivision (8) of section 22 of said
904 chapter 32, for the purpose of reducing the unfunded pension liability of the
905 commonwealth.

906 **SECTION 71.** (a) Notwithstanding any general or special law to the contrary, the
907 comptroller shall, on or before June 30, 2013, transfer \$400,000,000 to the General Fund
908 from the Commonwealth Stabilization Fund; provided, however, the comptroller shall
909 instead transfer a lesser amount if the secretary of administration and finance so requests
910 in writing. The comptroller, in consultation with the secretary of administration and
911 finance, may take the overall cash flow needs of the commonwealth into consideration in
912 determining the timing of any transfer of funds. The comptroller shall provide a schedule
913 of transfers to the secretary of administration and finance and to the house and senate
914 committees on ways and means.

915
916 (b) Notwithstanding any general or special law to the contrary, during fiscal year 2013
917 the comptroller shall not transfer 0.5 per cent of the total revenue from taxes in the
918 preceding fiscal year to the Commonwealth Stabilization Fund, as otherwise required
919 pursuant to clause (a) of section 5C of chapter 29 of the General Laws. However, upon
920 written certification by the secretary of administration and finance that there are sufficient
921 funds to make some or all of the transfer required under said clause (a), the comptroller
922 shall so transfer the amount certified. The comptroller, in consultation with the secretary,
923 may take the overall cash flow needs of the commonwealth into consideration in
924 determining the timing of any transfer of funds under this subsection. The comptroller
925 shall provide a schedule of transfers to the secretary of administration and finance and to
926 the house and senate committees on ways and means.

927
928 (c) Notwithstanding any general or special law to the contrary, the comptroller shall, on
929 or before June 30, 2013, transfer the interest earned from the Commonwealth
930 Stabilization Fund during fiscal year 2013 to the General Fund.

931 **SECTION 72.** Notwithstanding any general or special law to the contrary, the formula
932 for application of funds provided in section 35J of chapter 10 of the General Laws shall
933 not apply in fiscal year 2013.

934 **SECTION 73.** Notwithstanding any general or special law to the contrary, the executive
935 office of health and human services, acting in its capacity as the single state agency under
936 Title XIX of the Social Security Act and as the principal agency for all of the agencies
937 within the executive office and other federally-assisted programs administered by the
938 executive office, may enter into interdepartmental services agreements with the
939 University of Massachusetts Medical School to perform activities that the secretary of
940 health and human services, in consultation with the comptroller, determines appropriate
941 and within the scope of the proper administration of said Title XIX and other federal
942 funding provisions to support the programs and activities of the executive office. The
943 activities may include: (1) providing administrative services including, but not limited to,
944 providing the medical expertise to support or administer utilization management
945 activities, determining eligibility based on disability, supporting case management
946 activities and similar initiatives; (2) providing consulting services related to quality
947 assurance, program evaluation and development, integrity and soundness and project
948 management; and (3) providing activities and services for the purpose of pursuing federal
949 reimbursement or avoiding costs, third-party liability and recouping payments to third
950 parties. Federal reimbursement for any expenditures made by the University of
951 Massachusetts medical school relative to federally-reimbursable services the University
952 provides under these interdepartmental service agreements or other contracts with the
953 executive office shall be distributed to the University and recorded distinctly in the state
954 accounting system. The secretary may negotiate contingency fees for activities and
955 services related to pursuing federal reimbursement or avoiding costs and the comptroller
956 shall certify these fees and pay them upon the receipt of this revenue, reimbursement or
957 demonstration of costs avoided. Contracts for contingency fees shall not exceed 3 years
958 and shall not be renewed without prior review and approval by the executive office for
959 administration and finance. The secretary shall not pay contingency fees in excess of
960 \$40,000,000 for state fiscal year 2013; provided, however, contingency fees paid to the
961 University of Massachusetts medical school under an interagency service agreement for
962 recoveries related to the special disability workload projects shall be excluded from that
963 \$40,000,000 limit for fiscal year 2013. The secretary of health and human services shall
964 submit to the secretary of administration and finance and the senate and house
965 committees on ways and means a quarterly report detailing the amounts of the
966 agreements, the ongoing and new projects undertaken by the university, the amounts
967 expended on personnel and the amount of federal reimbursement and recoupment
968 payments that the university collected.

969 **SECTION 74.** Notwithstanding section 53 of chapter 118E of the General Laws or any
970 other general or special law to the contrary, the secretary of health and human services
971 may manage the MassHealth program within the appropriated levels in items 4000-0430,
972 4000-0500, 4000-0600, 4000-0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890,
973 4000-0895, 4000-0950, 4000-0990, 4000-1400 and 4000-1405 by restructuring benefits
974 to the extent permitted by federal law. At least 90 days before restructuring any
975 MassHealth benefits under this section, the secretary shall file a report with the executive
976 office for administration and finance and the house and senate committees on ways and
977 means detailing the proposed changes and the anticipated fiscal impact of those changes.

978 **SECTION 75.** Notwithstanding any general or special law to the contrary, on or before
979 October 1, 2012 and without further appropriation, the comptroller shall transfer from the
980 General Fund to the Health Safety Net Trust Fund, established pursuant to section 36 of
981 chapter 118G of the General Laws, in this section called the fund, the greater of
982 \$45,000,000 or one-twelfth of the total expenditures to hospitals and community health
983 centers required pursuant to this act, for the purposes of making initial gross payments to
984 qualifying acute care hospitals for the hospital fiscal year beginning October 1, 2012.
985 These payments shall be made to hospitals before, and in anticipation of, the payment by
986 hospitals of their gross liability to the fund. The comptroller shall transfer from the fund
987 to the General Fund on or before June 30, 2013, the amount of the transfer authorized by
988 this section and any allocation of that amount as certified by the director of the health
989 safety net office.

990 **SECTION 76.** (a) Notwithstanding section 53 of chapter 118E of the General Laws, for
991 fiscal year 2013, the executive office of health and human services may determine the
992 extent to which to include within its covered services for adults the federally optional
993 dental services that were included in its state plan or demonstration program in effect on
994 January 1, 2002 and the dental services that were covered for adults in the MassHealth
995 basic program as of January 1, 2002.

996
997 (b) Notwithstanding subsection (a) of section 6 of chapter 118H of the General Laws, for
998 fiscal year 2013, medically necessary dental services covered through health insurance
999 plans procured by the board of the commonwealth health insurance connector authority
1000 for any resident with a household income that does not exceed 100 per cent of the federal
1001 poverty level shall include preventative procedures but shall exclude those categories of
1002 services that are not provided through MassHealth.

1003 **SECTION 77.** Notwithstanding any general or special law to the contrary, nursing
1004 facility and resident care facility rates effective July 1, 2012 under section 7 of chapter
1005 118G of the General Laws may be developed using the costs of calendar year 2005.

1006 **SECTION 78.** Notwithstanding any general or special law to the contrary, the court
1007 administrator may execute a memorandum of understanding with an interested sheriff's
1008 office to initiate the use of a video conferencing technology program to conduct certain
1009 court proceedings for the purposes of decreasing inmate transportation costs and
1010 improving court efficiency. The terms of the agreement shall specify the court
1011 appearances that may be conducted by video conferencing.

1012
1013 The sheriffs of the counties of Bristol, Plymouth and Middlesex shall provide technical
1014 assistance and program guidance to other sheriffs' departments.

1015
1016 The Massachusetts Sheriffs' Association and the court administrator shall, on or before
1017 January 15, 2013, file a report with the house and senate committees on ways and means
1018 which shall include, but not be limited to, the number of sheriffs' departments
1019 participating in the program and the number of courthouses where video conferencing is
1020 being utilized, the number of inmate transportation trips to and from courthouses that

1021 have been eliminated, the feasibility of expanding video conferencing technology to
1022 additional courthouses and sheriffs' departments, and the savings associated with the
1023 elimination of inmate trips to courthouses.

1024 **SECTION 79.** Notwithstanding clause (xxiii) of the third paragraph of section 9 of
1025 chapter 211B of the General Laws or any other general or special law to the contrary, the
1026 court administrator may, from the effective date of this act through April 30, 2013,
1027 transfer funds from any item of appropriation within the trial court; provided, however,
1028 that the court administrator may transfer not more than 5 per cent of funds from each of
1029 the items 0339-1001 and 0339-1003 to any other item of appropriation within the trial
1030 court. These transfers shall be made in accordance with schedules submitted to the house
1031 and senate committees on ways and means. The schedule shall include: (1) the amount of
1032 money transferred from any item of appropriation to any other item of appropriation; (2)
1033 the reason for the necessity of the transfer; and (3) the date on which the transfer shall be
1034 completed. A transfer under this section shall not occur until 10 days after the revised
1035 funding schedules have been submitted in written form to the house and senate
1036 committees on ways and means.

1037 **SECTION 80.** Notwithstanding any general or special law to the contrary, the
1038 department of correction shall reprocure medical services provided at all institutions with
1039 1 or more contracts to decrease healthcare expenses and increase efficiencies. The
1040 department shall solicit new bids for such services and shall include, but not be limited
1041 to, mental health and dental services. Reprocurement shall be subject to an open and
1042 competitive bid process. Eligible applications shall include plans to track claims and
1043 treatment data. When entering into a new healthcare contract, the department of
1044 correction may give preference to vendors with a demonstrated ability to most effectively
1045 secure federal reimbursements. In executing the reprocurement of such services, the
1046 department shall notify the sheriffs in each of the departments of county sheriffs who
1047 may elect to participate in the reprocurement of such services.

1048 **SECTION 81.** Notwithstanding chapter 66A of the General Laws or any other general or
1049 special law to the contrary, the Massachusetts Bay Transportation Authority may provide
1050 to the executive office of health and human services data relative to customers using the
1051 authority's paratransit services for the purposes of securing federal reimbursement and of
1052 administering the MassHealth program.

1053 **SECTION 82.** Notwithstanding any general or special law to the contrary, at the
1054 conclusion of a pilot program pursuant to a memorandum of understanding between the
1055 office of the inspector general and the department of transitional assistance to use live
1056 verification in eligibility intake processes for the department's cash assistance program,
1057 the office of the inspector general and the department shall make a report to the house
1058 and senate committees on ways and means on the effectiveness of the live verification
1059 pilot program. The report shall include any legislative recommendations for the
1060 implementation of live verification in eligibility for other state benefits including, but not
1061 limited to, benefits provided through the executive office of health and human services,
1062 the executive office of housing and economic development, the executive office of labor

1063 and workforce development and the committee for public counsel services. The report
1064 shall include the cost estimate for full implementation and any modifications that may
1065 need to be made to the cash assistance program.

1066 **SECTION 83.** (a) Notwithstanding any general or special law to the contrary, this
1067 section shall facilitate the orderly transfer of certain employees, proceedings, rules and
1068 regulations, property and legal obligations of the department of public health, as the
1069 transferor agency, to the department of state police, as the transferee agency, as follows.
1070

1071 (b) Subject to appropriation and chapter 22C of the General Laws, the employees of the
1072 laboratories of the department of public health that analyze illicit and seized drugs for law
1073 enforcement purposes, including those employees who immediately before the effective
1074 date of this act held permanent appointment in positions classified under chapter 31 of the
1075 General Laws or were granted tenure in their positions as provided by section 9A of
1076 chapter 30 of the General Laws or did not hold such tenure, or held confidential
1077 positions, are hereby transferred to the department of state police, without interruption of
1078 service within the meaning of said section 9A of said chapter 30, without impairment of
1079 seniority, retirement or other rights of the employee, and without reduction in
1080 compensation or salary grade, notwithstanding any change in title or duties resulting from
1081 such reorganization, and without loss of accrued rights to holidays, sick leave, vacation or
1082 benefits, and without change in union representation or certified collective bargaining
1083 unit as certified by the state labor relations commission or in local union representation or
1084 affiliation. Any collective bargaining agreement in effect immediately before the transfer
1085 date shall continue in effect and the terms and conditions of employment in that
1086 agreement shall continue as if the employees had not been so transferred. The transfer
1087 shall not impair the civil service status of any such reassigned employee who
1088 immediately before the effective date of this act either held a permanent appointment in a
1089 position classified under chapter 31 of the General Laws or was granted tenure in a
1090 position pursuant to section 9A of chapter 30 of the General Laws.
1091

1092 Notwithstanding any general or special law to the contrary, all such employees shall
1093 continue to retain their right to collectively bargain under chapter 150E of the General
1094 Laws and shall be considered employees of the department of state police for the
1095 purposes of said chapter 150E.
1096

1097 Nothing in this section shall be construed to confer upon any employee any right not held
1098 immediately before the date of the transfer, or prohibit any reduction of salary grade,
1099 transfer, reassignment, suspension discharge layoff or abolition of position not prohibited
1100 before such date.
1101

1102 (c) All petitions, requests, investigations and other proceedings appropriately and duly
1103 brought before the laboratories of the department of public health that analyze illicit and
1104 seized drugs for law enforcement purposes or duly begun by the laboratories and pending
1105 before them prior to the effective date of this act, shall continue unabated and remain in
1106 force, but shall be assumed and completed by the department of state police.
1107
1108

1109 (d) All orders, rules and regulations duly made and all approvals duly granted by the
1110 laboratories of the department of public health that analyze illicit and seized drugs for law
1111 enforcement purposes, which were in force immediately before the effective date of this
1112 act, shall continue in force and shall thereafter be enforced, until superseded, revised,
1113 rescinded or canceled, in accordance with law, by the department of state police or the
1114 department of public health.

1115
1116 (e) Books, papers, records, documents, equipment, buildings, facilities, cash and other
1117 property, both personal and real, including all such property held in trust, which
1118 immediately before the effective date of this act were in the custody of the laboratories of
1119 the department of public health that analyze illicit and seized drugs for law enforcement
1120 purposes, shall be transferred to the department of state police, to the extent agreed by
1121 both departments.

1122
1123 (f) All duly existing contracts, leases and obligations of the laboratories of the department
1124 of public health entered into to enable the analysis of illicit and seized drugs for law
1125 enforcement purposes shall continue in effect, but shall be assumed by the department of
1126 state police. No existing right or remedy of any character shall be lost, impaired or
1127 affected by this act.

1128 **SECTION 84.** (a) Notwithstanding any general or special law to the contrary, this
1129 section shall facilitate the orderly transfer of employees, proceedings, rules and
1130 regulations, property and legal obligations of the following functions of state government
1131 from the bureau of state office buildings, except for functions related to the operation and
1132 maintenance of the state house, as the transferor agency, to the division of capital asset
1133 management and maintenance, as the transferee agency.

1134
1135 (b) To the extent that employees of the transferor agency, including those who hold
1136 permanent appointment in positions classified under chapter 31 of the General Laws or
1137 have tenure in their positions as provided by section 9A of chapter 30 of the General
1138 Laws or do not hold such tenure, or hold confidential positions, are transferred to the
1139 respective transferee agency, such transfers shall be effected without interruption of
1140 service within the meaning of said section 9A of said chapter 30, without impairment of
1141 seniority, retirement or other rights of the employee, and without reduction in
1142 compensation or salary grade, notwithstanding any change in title or duties resulting from
1143 such reorganization, and without loss of accrued rights to holidays, sick leave, vacation
1144 and benefits, and without change in union representation or certified collective bargaining
1145 unit as certified by the state division of labor relations or in local union representation or
1146 affiliation. Any collective bargaining agreement in effect immediately before the transfer
1147 date shall continue in effect and the terms and conditions of employment therein shall
1148 continue as if the employees had not been so transferred. The reorganization shall not
1149 impair the civil service status of any such reassigned employee who immediately, before
1150 the effective date of this act, either holds a permanent appointment in a position classified
1151 under chapter 31 of the General Laws or has tenure in a position by reason of section 9A
1152 of chapter 30 of the General Laws.

1153

1154 Notwithstanding any other general or special law to the contrary, all such employees shall
1155 continue to retain their right to collectively bargain under chapter 150E of the General
1156 Laws and shall be considered employees for the purposes of said chapter 150E. Nothing
1157 in this section shall be construed to confer upon any employee any right not held
1158 immediately before the date of said transfer, or to prohibit any reduction of salary grade,
1159 transfer, reassignment, suspension, discharge, layoff or abolition of position not
1160 prohibited before such date.

1161
1162 (c) All petitions, requests, investigations and other proceedings appropriately and duly
1163 brought before the transferor agency or duly begun by the transferor agency and pending
1164 before it before the effective date of this act, shall continue unabated and remain in force,
1165 but shall be assumed and completed by the transferee agency.

1166
1167 (d) All orders, rules and regulations duly made and all approvals duly granted by the
1168 transferor agency, which are in force immediately before the effective date of this act,
1169 shall continue in force and shall thereafter be enforced, until superseded, revised,
1170 rescinded or canceled, in accordance with law, by the transferee agency.

1171
1172 (e) All books, papers, records, documents, equipment, buildings, facilities, cash and other
1173 property, both personal and real, including all such property held in trust, which
1174 immediately before the effective date of this act are in the custody of the transferor
1175 agency shall be transferred to the transferee agency; provided, however, that this shall not
1176 include any property related to the operation and maintenance of the state house,
1177 including, but not limited to, the community crew transportation vehicle.

1178
1179 (f) All duly existing contracts, leases and obligations of the transferor agency shall
1180 continue in effect but shall be assumed by the transferee agency. No existing right or
1181 remedy of any character shall be lost, impaired or affected by this act.

1182 **SECTION 85.** Notwithstanding any general or special law to the contrary, the
1183 commissioner of capital asset management and maintenance and the superintendent of
1184 the state house shall enter into a memorandum of understanding regarding the negotiation
1185 of and participation in bulk purchasing contracts. The memorandum shall ensure the
1186 continued participation of the bureau of the state house in all bulk purchasing contracts
1187 currently in place under the bureau of state office buildings and shall require the
1188 superintendent of the state house or a designee to participate in all such future contract
1189 negotiations; provided, further, that the memorandum shall ensure that the state house is a
1190 priority in all contracts for mechanical and building maintenance during emergency
1191 situations; provided, further, that the memorandum shall require said division to continue
1192 to provide access control cards and parking services currently in place under the bureau
1193 of state office buildings for the legislature; provided, further, that the memorandum shall
1194 require said division to provide to the bureau of the state house engineers and specialists
1195 for consultation on projects or in the event of an emergency; and provided, further, that
1196 the memorandum shall require said division to continue to provide access to equipment
1197 currently used by the bureau of state office buildings. The memorandum shall authorize

1198 the bureau of the state house to use work order management system software at no cost of
1199 the division of capital asset management and maintenance.

1200 **SECTION 86.** The secretary of administration and finance shall ensure the orderly
1201 transition of the bureau of state office building employees to the division of capital asset
1202 management and maintenance under section 84 and shall maintain the continued, orderly
1203 operation of the state house during the transition period.

1204 **SECTION 87.** The commissioner of higher education, in consultation with the presidents
1205 of the community colleges, shall develop a funding formula for the community colleges
1206 which incorporates the allocation of appropriations to the individual community colleges
1207 based, in part, on performance. In developing the system of allocations, the commissioner
1208 and community college presidents shall consider: (1) accurate enrollment data for each
1209 college and the operational goals and needs for each college; (2) institutional
1210 performance with respect to clearly defined goals and metrics; and (3) the relationship of
1211 the allocation formula to state initiatives relative to innovation and institutional action in
1212 support of workforce development, partnerships with commonwealth businesses and
1213 industry, collaboration with state universities and vocational-technical schools, and
1214 overall revenue available to each institution.

1215
1216 The commissioner of higher education, in consultation with the presidents of the
1217 community colleges, shall establish the goals and metrics for measuring community
1218 college performance. The goals and metrics shall include, but not be limited to:
1219 increasing the number, and rate of completion, of degrees and certificates awarded
1220 annually; the transferability of credits among the community colleges, and to other
1221 training institutions, and to 4 year higher education institutions; alignment of degree and
1222 certificate programs with existing and emerging business and industry sectors in the
1223 commonwealth; coordinated procurement of goods and services among the community
1224 colleges and other public higher education institution, including consolidation of
1225 information technology platforms and services; and post-graduate job placement rates.

1226
1227 The commissioner of higher education shall submit a report including, but not
1228 limited to, the funding formula, clearly defined goals and metrics for the performance-
1229 based portion of the formula, and other recommendations relative to the promotion of
1230 stable, equitable funding of the institutions including efforts to contain the growth in
1231 student costs and borrowing. Said report shall be filed with the house and senate
1232 committees on ways and means, the joint committee on higher education, and the
1233 secretary of administration and finance on or before December 1, 2012.

1234 **SECTION 88.** There shall be established a community college workforce grant advisory
1235 committee, hereinafter referred to as the committee, to provide recommendations to the
1236 board of higher education for grant awards to community colleges from the Community
1237 College Fund, established pursuant to section 99 of chapter 194 of the acts of 2011, to
1238 promote the development of workforce training programs and partnerships with
1239 commonwealth businesses and industry, other educational and training institutions, labor

1240 organizations, and other organizations supporting workforce development in the
1241 commonwealth.

1242
1243 The committee shall consist of the commissioner of higher education, or a
1244 designee, who shall serve as chair; the secretary of the executive office of education, or a
1245 designee; the secretary of labor and workforce development, or a designee; the secretary
1246 of housing and economic development, or a designee; the commissioner of elementary
1247 and secondary education, or a designee; the president of the Massachusetts Association of
1248 Vocational Administrators, or a designee; the president of the Commonwealth
1249 Corporation, or a designee; the chair of the Massachusetts Workforce Investment Board
1250 Association, or a designee; the president of the Associated Industries of Massachusetts, or
1251 a designee; the president and chief executive officer of the Massachusetts Competitive
1252 Partnership, or a designee; a member of the Massachusetts Business Roundtable, or a
1253 designee; a member of the Governor's Science Technology Engineering and Math
1254 Advisory Council, or a designee; and 1 member appointed by the Governor who
1255 represents organized labor. The members of the committee shall serve without
1256 compensation, but each member shall be entitled to reimbursement for his actual and
1257 necessary expenses incurred in the performance of his official duties.
1258

1259 The committee shall establish criteria and guidelines for the award of grants to
1260 community colleges. The criteria for the award of grants to community colleges shall
1261 focus on workforce development programs and partnerships and shall include, but not be
1262 limited to: collaboration, coordination and partnerships with commonwealth businesses
1263 and other educational and training institutions, including vocational-technical schools,
1264 state universities and career centers; a focus on existing and emerging business and
1265 industry sectors in the commonwealth, as identified by the committee; alignment of
1266 degree and certificate programs with regional workforce development demands; an
1267 ability or likelihood to foster high rates of completion of certificate and degree programs
1268 by students served by the program; and a record of, or explicit commitment to, successful
1269 job placement for program graduates. Partnerships with vocational schools shall include,
1270 but not be limited to, agreements to utilize facilities at vocational high schools and offer
1271 degrees and certificates that build upon current vocational offerings
1272

1273 The committee shall make recommendations to the board of higher education and
1274 the board shall promulgate regulations to develop a formula for required matching grants
1275 to be made by business and industry partners of applicants. Required matching grants
1276 shall range from 30 cents for each state dollar invested to \$3 for each state dollar
1277 invested. The lowest match amounts shall be reserved for those programs with the highest
1278 concentration of credits and credentials that articulate with other educational degrees or
1279 certifications at other educational and training institutions. The committee shall establish
1280 a formula for the geographic distribution of grant awards among the community colleges.
1281

1282 The committee shall solicit grant applications from community colleges and
1283 review such applications according to the criteria so established. The committee shall
1284 establish timely deadlines for the submission of applications and recommendations of
1285 grant awards including provision for an expedited process of consideration and

1286 recommendation in instances when the secretary of housing and economic
1287 development and secretary of labor and workforce development jointly certify the need
1288 for timely evaluation and disposition of the application. The board of higher education
1289 shall make the final determination as to the distribution of the grants. No more than
1290 \$12,000,000 in grants shall be awarded from the fund in any given fiscal year.
1291

1292 Each grant recipient shall submit an annual report for the duration of the program
1293 or partnership funded through a grant to the committee for its review.
1294

1295 The committee shall submit an annual report to the clerks of the house of
1296 representatives and the senate who shall forward the same to the senate and house
1297 committees on ways and means, the joint committee on higher education, the joint
1298 committee on economic development and emerging technologies, and the joint
1299 committee on labor and workforce development on or before December 31. Said report
1300 shall include a list of grant recommendations and recipients, including the amount of each
1301 grant. The report shall include a current assessment of the progress of each program
1302 funded through the grant program and the progress of the committee's activity, including
1303 any recommendations for legislation. The report shall be made available on a public
1304 website.
1305

1306 The board of higher education, in consultation with the committee, may
1307 promulgate rules and regulations for the implementation and administration of this
1308 section.

1309 **SECTION 89.** (a) There shall be a pilot program to equip students with the knowledge
1310 and skills needed to become self-supporting and to enable students to make critical
1311 decisions regarding personal finances. The department of elementary and secondary
1312 education shall develop a 3-year pilot program for 10 public high schools on financial
1313 literacy education for implementation in the school year beginning in 2013. The pilot
1314 program shall be a competitive grant process for high schools in gateway municipalities,
1315 as defined in section 3A of chapter 23A of the General Laws. The proposed curricula on
1316 financial literacy of schools applying for the pilot program shall be aligned with the math
1317 curriculum frameworks. The department shall identify and offer to schools applying for
1318 the pilot program information on cost-effective methods for fulfilling the professional
1319 development activities and resources needed for program implementation. The
1320 department may consult with private, nonprofit or other government institutions in order
1321 to identify and offer said information. The department shall develop guidelines for an
1322 annual review of the progress being made by each pilot school. Each school shall
1323 participate in any evaluation or accountability process implemented by or authorized by
1324 the department.
1325

1326 The department shall prepare and submit an annual report describing and analyzing the
1327 implementation of the pilot program in all participating schools to the joint committee on
1328 education, the house and senate committees on ways and means, and the office of the
1329 state treasurer on or before September 30 of each pilot year.
1330

1331 (b) The department shall establish an advisory committee to consist of 11 members: the
1332 commissioner of the department of elementary and secondary education, or a designee,
1333 who shall serve as co-chair; the state treasurer, or a designee, who shall serve as co-chair;
1334 2 public high school educators who have taught programs on financial literacy, 1 of
1335 whom shall be appointed by the Massachusetts Teachers Association and 1 of whom
1336 shall be appointed by American Federation of Teachers Massachusetts; 1 superintendent
1337 of a public high school, selected by the Massachusetts Association of School
1338 Superintendents; the undersecretary of the Massachusetts office of consumer affairs and
1339 business regulation, or a designee; 1 member appointed by the Massachusetts Bankers
1340 Association; 1 member appointed by the Massachusetts Credit Union League; 1 member
1341 appointed by the Massachusetts Council on Economic Education; and 2 Massachusetts
1342 community college or state university professors who teach financial literacy or personal
1343 finance, to be appointed by the commissioner of higher education.

1344
1345 The advisory committee shall meet no less than quarterly for the first 4 years after the
1346 effective date of this section. The committee shall continue to meet thereafter for a time
1347 period to be determined by the advisory committee co-chairs. The department shall
1348 consult with the advisory committee regarding metrics and guidelines for evaluating the
1349 success of the pilot program, as established in subsection (a). Following the first 3 years
1350 of implementation, the advisory committee shall review the pilot program and issue a
1351 report of its findings including an analysis of all relevant data so as to determine the
1352 effectiveness of the program. The report shall include specific legislative
1353 recommendations, including whether the program should be expanded, maintained or
1354 discontinued. The advisory committee shall report to the joint committee on education,
1355 the house and senate committees on ways and means, and the office of the state treasurer
1356 on or before December 31, 2016.

1357 **SECTION 90.** There shall be a special commission to make an investigation and study of
1358 elder protective services and to make recommendations to enhance said services where
1359 appropriate and necessary. The special commission shall consist of the house and senate
1360 chairs of the committee on elder affairs, or their designees, who shall serve as co-chairs;
1361 the commissioner of public health, or a designee; the attorney general, or a designee; a
1362 district attorney as designated by the Massachusetts District Attorneys Association; the
1363 president of the Massachusetts chiefs of police association, or a designee; the executive
1364 director of the Massachusetts Association of Home Care Programs, or a designee; the
1365 head of the elder, health and disability unit of Greater Boston Legal Services, Inc., or a
1366 designee; the state director of AARP Massachusetts, or a designee; the executive director
1367 of the Massachusetts Association of Councils on Aging Inc., or a designee; the executive
1368 director of Jane Doe, Inc., or a designee; the executive director of the Massachusetts
1369 office of victim assistance, or a designee; and 4 members appointed by the governor, 1 of
1370 whom shall be a member of the Massachusetts bar who practices in the area of elder law,
1371 1 of whom shall be an expert in financial services, 1 of whom shall be a representative of
1372 a visiting nurse association, and 1 of whom shall be an expert in geriatric mental health.

1373
1374 The commission shall examine strategies to increase public awareness of elder abuse and
1375 mechanisms for reporting said abuse. The commission shall assess the funding and

1376 programming needed to enhance elder protective services to the growing elder population
1377 and examine best practices for the prevention and detection of elder abuse. The
1378 commission shall also examine methods for addressing the high cost of financial
1379 exploitation investigations and expanding the availability of affordable legal services and
1380 financial advisory services for elders. The commission shall also examine the
1381 development of elder abuse multidisciplinary teams to provide consultation on protective
1382 services cases and perform critical incident case reviews.

1383
1384 The commission, in formulating its recommendations, shall take into account the best
1385 policies and practices in other states and jurisdictions, including, but not limited to, those
1386 relating to elder abuse prevention strategies. The commission shall be empowered to hold
1387 regular public meetings, fact-finding hearings and other public forums as it considers
1388 necessary.

1389
1390 The commission shall file its recommendations, together with recommendations for
1391 legislation, if any, with the clerks of the house of representatives and senate on or before
1392 June 30, 2013.

1393 **SECTION 91.** Notwithstanding any general or special law to the contrary, the board of
1394 higher education shall, within 120 days of the effective date of this act, establish and
1395 issue guidelines and procedures for the search, selection, appointment, compensation,
1396 evaluation and removal of the chief executive officers of the community colleges. Such
1397 guidelines shall be established pursuant to and without limitation to the generality of the
1398 board's responsibilities in sections 9 and 21 of chapter 15A of the General Laws to
1399 approve the appointment and removal and to fix the compensation of the chief executive
1400 officers, and in furtherance of the board's responsibility in clause (u) of said section 9 of
1401 said chapter 15A to establish coordination between and among post-secondary public
1402 institutions and to resolve conflicts of policies or operations arising in public higher
1403 education.

1404 **SECTION 92.** All references in any general or special law, regulation, or contract to the
1405 laboratories of the department of public health that analyze illicit and seized drugs for law
1406 enforcement purposes or to a principal officer thereof shall be taken to refer to the
1407 department of state police or to a principal officer of that department.

1408 **SECTION 93.** Sections 4, 6 to 15, inclusive, 84, 85 and 86 shall take effect on October
1409 31, 2012.

1410 **SECTION 94.** Section 38 of this act shall take effect on November 22, 2011.

1411 **SECTION 95.** Section 38 of this act is hereby repealed.

1412 **SECTION 96.** Section 88 of this act shall take effect on January 1, 2013.

1413 **SECTION 97.** Section 95 of this act shall take effect on July 31, 2014

1414 **SECTION 98.** Except as otherwise specified, this act shall take effect on July 1, 2012.