

MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2010 TO  
PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR  
CERTAIN OTHER ACTIVITIES AND PROJECTS.

*Whereas*, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2010 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2010, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2010. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

SECTION 2.

JUDICIARY

*Board of Bar Examiners*

0321-0100 .....\$75,000

*Trial Court*

0330-0300	.....	\$3,350,000
0330-3337	.....	\$950,000
0333-0002	.....	\$500,000
0335-0001	.....	\$150,000
0339-1001	.....	\$4,170,000
0339-1003	.....	\$300,000

ATTORNEY GENERAL

*Office of the Attorney General*

0810-0045	.....	\$200,000
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EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

*Appellate Tax Board*

1310-1000	.....	\$300,000
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EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

*Department of Agricultural Resources*

2511-0105	.....	\$1,000,000
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*Department of Conservation and Recreation*

2800-0501	.....	\$25,000
2810-0100	.....	\$25,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

*Office of the Secretary*

4000-0265 ..... \$250,000

4000-0500 ..... \$160,000

*Executive Office of Elder Affairs*

4000-0600 ..... \$13,100,000

*Executive Office of Health and Human Services*

4000-0700 ..... \$5,800,000

4000-0950 ..... \$300,000

*Department of Youth Services*

4200-0200 ..... \$500,000

*Department of Public Health*

4510-0715 ..... \$100,000

4510-0810 ..... \$300,000

4512-0202 ..... \$800,000

4512-0203 ..... \$500,000

4513-1000 ..... \$50,000

4513-1111 ..... \$350,000

*Department of Children and Families*

4800-0038 ..... \$1,000,000

*Department of Mental Health*

5046-0000 ..... \$275,000

EXECUTIVE OFFICE OF TRANSPORTATION

*Office of the Secretary*

6005-0015 .....\$435,854

BOARD OF LIBRARY COMMISSIONERS

*Board of Library Commissioners*

7000-9401 .....\$1,290,000

EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

*Department of Workforce Development*

7003-0605 .....\$350,000

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

*Office of the Secretary*

7004-9005 .....\$1,000,000

7004-9316 .....\$1,000,000

*Department of Business Development*

7007-0500 .....\$50,000

7007-0951 .....\$2,500,000

7007-1000 .....\$950,000

EXECUTIVE OFFICE OF EDUCATION

*Department of Elementary and Secondary Education*

7030-1002 .....\$200,000

7061-0012 .....\$200,000

7061-9604 ..... \$50,000

7061-9634 ..... \$100,000

*Department of Higher Education*

7066-0009 ..... \$67,500

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

*Military Division*

8700-0001 ..... \$100,000

*Sheriffs*

8910-0105 ..... \$1,029,114

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

*Department of Elder Affairs*

9110-1633 ..... \$200,000

LEGISLATURE

*Senate*

9500-0000 ..... \$568,921

*House*

9600-0000 ..... \$1,009,726

*Joint Legislative Expenses*

9700-0000 ..... \$158,808

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

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

*Reserves*

- 1599-1702 For a reserve for the 75 per cent state share of costs to the department of conservation and recreation as identified for reimbursement by the Federal Emergency Management Agency for Emergency Declaration 3296 relating to the December 2008 severe winter storm, for the counties of Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Suffolk and Worcester.....\$4,700,000
- 1599-6425 For a reserve to support municipal regionalization; provided, that the funds in this item shall be used to provide grants and technical assistance to districts and municipalities, including councils on government, counties and regional planning authorities that are applying on behalf of 2 or more municipal entities, in the areas of planning, feasibility, transitional costs and related subject areas to promote cost effective and efficient delivery of local services by regionalization of services including, but not limited to, equipment, hardware, facilities, staff and operations; provided further, that the secretary of administration and finance shall promulgate regulations to

implement this item not later than September 1, 2009; and provided further, that grants and technical assistance shall only be provided to support regionalization of services that results in cost savings .....\$500,000

1599-9003 For a reserve for the implementation of transportation reform.....\$1,000,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

*Department of Public Health*

4510-0716 For the operation of an evidence-based outreach and education program designed to provide information and education on the therapeutic and cost-effective utilization of prescription drugs to physicians, pharmacists and other health care professionals authorized to prescribe and dispense prescription drugs.....\$200,000

*Department of Children and Families*

4800-0016 For the department of children and families which may expend for the operation of the transitional employment program an amount not to exceed \$2,000,000 from revenues collected from various state, county and municipal government entities, as well as state authorities, for the costs related to the provision of services by the participants and the overhead costs and expenses incurred by the not-for-profit managing agent selected by the commissioner for administering the program; provided, that notwithstanding any general or special law to the contrary, the commissioner of the department of children and families may enter into a contract with Roca, Inc., a not-for-profit community-based agency, to manage the transitional employment program and to provide services to participants from the aging out population,

parolees, probationers, youth service releases, or other community residents  
considered to have employment needs .....\$1,500,000

7061-0011 For a reserve to: (1) meet extraordinary increases in the minimum required local contribution of a municipality pursuant to the requirements of section 3 of this act; provided, that a municipality seeking funds hereunder shall apply for a waiver from the department of revenue pursuant to section 114 of this act; provided further, that the commissioner shall issue a finding concerning such waiver applications within 30 days of the receipt thereof, after consulting with the commissioner of elementary and secondary education regarding the merits of such application; (2) assist regional school districts which, prior to fiscal year 2010, have assessed member towns using the provisions of their regional agreement, and which, in fiscal year 2010, will assess member towns using the required contributions calculated pursuant to said section 3; (3) assist towns impacted by stresses in the commercial agricultural, fishing or lobster industry whose required local contribution exceeds 75 per cent of their foundation budget; (4) assist towns negatively impacted by shortfalls in federal impact aid for the education of children in families employed by the federal government on military reservations located within the town's limits; provided, that any grants provided under this item shall be expended by a school committee without further appropriation; (5) assist regional school districts in rural areas which meet each of the following: (a) they have fewer than 30 full-time enrollment students per square mile; and (b) they have experienced more than 7 per cent enrollment decline between fiscal year 2004 and fiscal year 2009; provided further, that preference shall be given to those districts that have joined the group

insurance commission before July 1, 2009; (6) meet extraordinary increases of greater than 10 per cent in a municipality's total required contribution in municipalities whose target required local contribution exceeds 70 per cent of their foundation budget; (7) assist towns in which in excess of one-third of the total land mass of the town is owned and controlled by the commonwealth and which receive payment in lieu of taxes on less than 25 per cent of said land; (8) assist operating districts in which the chapter 70 aid, so-called, distributed in fiscal year 2010 is less than the chapter 70 aid distributed in fiscal year 2002; and (9) assist towns which host a campus of the University of Massachusetts, but which have a target aid percentage of only 17.5 per cent; provided further, that any grants provided to school districts from this item shall be expended by a school committee without further appropriation; provided further, that the department shall make not less than 80 per cent of the awards from this item no later than October 15, 2009; and provided further, that no funds distributed from this item shall be considered prior year chapter 70 aid nor shall they be used in the calculation of the minimum required local contribution for fiscal year 2011 .....\$2,000,000

7061-9634 For a transfer of this item to the Massachusetts Service Alliance, which shall be responsible for administering a competitive statewide grant program for public and private agencies to start or expand youth mentoring programs according to current best practices and for purposes including advancing academic performance, self-esteem, social competence and workforce development; provided, that the department of elementary and secondary education shall transfer the amount appropriated in this item to the Massachusetts Service Alliance for the purpose of these grants; provided

further, that in order to be eligible to receive funds from this item, each public or private agency shall provide a matching amount equal to \$1 for every \$1 disbursed from this item; and provided further, that the Massachusetts Service Alliance shall submit a report detailing the impact of grants, expenditure of funds and the amount and source of matching funds raised to the department of elementary and secondary education .....\$100,000

SECTION 2B. To provide for supplementing certain intragovernmental chargeback authorizations in the general appropriation act and other appropriation acts for fiscal year 2010, to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for an alteration of purpose for current intragovernmental chargeback authorizations, and to meet certain requirements of law, the sums set forth in this section are hereby authorized from the Intragovernmental Service Fund for the several purposes specified in this section or in the appropriation acts, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2010. These sums shall be in addition to any amounts previously authorized and made available for the purposes of those items.

JUDICIARY

*Supreme Judicial Court*

0321-2215 For the expenses of the social law library located in Suffolk county .....\$506,704

SECTION 3. The second paragraph of section 196 of chapter 6 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the second sentence the following sentence:- The commission may charge a fee where so required by the commission’s regulations for the cost of maintaining an emergency referral service, but no part of such fee shall be assessed to a hearing-impaired individual.

SECTION 4. Section 29E of chapter 29, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-

Notwithstanding any general or special law to the contrary, the comptroller may enter into contracts or interdepartmental service agreements for the purpose of identifying and pursuing increased revenue collection, cost avoidance, the maximum reimbursement opportunities for certain federally assisted and other programs of the commonwealth and any other reimbursements of overpayments or other revenues. The contractor payments, or oversight costs or fees related to this section shall be paid from the revenues or reimbursements collected, or as otherwise considered appropriate by the comptroller, without further appropriation, and the comptroller shall establish accounts and procedures within the affected departments as he considers appropriate and necessary to accomplish the revenue generation purposes of this section.

SECTION 5. Section 11C of chapter 85 of the General Laws is hereby repealed.

SECTION 6. Chapter 85 of the General Laws is hereby amended by inserting after section 11D the following section:-

Section 11E. A police officer who observes a traffic law violation committed by a bicyclist may request the offender to state his true name and address. Whoever, upon such request, refuses to state his name and address or whoever states a false name and address or a name and address which is not his name and address in ordinary use, shall be punished by a fine of not less than \$20 nor more than \$50. An offender who refuses to state his true name and address may be arrested without a warrant for such refusal but no person shall be arrested without a warrant for any other traffic law violation committed while operating a bicycle. A police officer shall use the ticketing procedure described in chapter 90C to cite a bicyclist for a traffic law violation but the violation

shall not affect the status of the bicyclist's license to operate a motor vehicle nor shall it affect the bicyclist's status in the safe driver insurance plan. When a citation is issued to a bicyclist, it shall be clearly indicated on the ticket that the violator is a bicyclist, and failure to do so shall be a defense to the violation.

The parent or guardian of a person under 18 years of age shall not authorize or knowingly permit that person to violate this section. A violation of this section by a person under 18 years of age shall not affect any civil right or liability nor shall the violation be a criminal offense. If the offender is under 16 years of age, the officer may give the notice to the parent or guardian of the offender.

All fines collected by a city or town pursuant to this section shall be used by the city or town for the development and implementation of bicycle safety programs.

SECTION 7. Section 1 of chapter 90C of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the definition of "Civil Motor Vehicle Infraction" and inserting in place thereof the following definition:-

"Civil Motor Vehicle Infraction", an automobile law violation for which the maximum penalty does not provide for imprisonment, excepting: (a) operation of a motor vehicle in violation of the first paragraph of section 10 of chapter 90; (b) a violation of sections 23, 25, or 34J of chapter 90; and (c) any automobile law violation committed by a juvenile under the age of 17 who does not hold a valid operators license.

SECTION 8. Section 3 of chapter 111M of the General Laws, as so appearing, is hereby amended by adding the following sentence:-

The department of revenue and the division of health care finance and policy may conduct data matches for purposes of administering this section. The division may disclose to the department

whether a health care provider has submitted data indicating that it has provided health care services during the relevant tax year to an individual claiming an exemption under this section.

SECTION 9. Section 6C of chapter 118G of the General Laws, as so appearing, is hereby amended by striking the first sentence of subsection (c) and inserting in place thereof the following:- Information that is collected pursuant to subsection (a) or that identifies individual employees by name or health insurance status shall not be a public record, but the information may be exchanged with the department of revenue, the commonwealth health insurance connector authority and the health care access bureau in the division of insurance under an interagency service agreement for the purposes of enforcing this section and sections 6B and 11B and section 3 of chapter 118H.

SECTION 10. Subsection (c) of section 46 of chapter 151A of the General Laws, as so appearing, is hereby amended by inserting after paragraph (7) the following paragraph:- (8) to the commonwealth health insurance connector authority, information under an interagency agreement for the administration and enforcement of chapter 118H.

SECTION 11. Section 3 of chapter 176Q of the General Laws, as so appearing, is hereby amended by striking subsection (m) and inserting in place thereof the following:-

(m) to enter into interdepartmental agreements with the department of revenue, the executive office of health and human services, the division of insurance, the division of unemployment assistance and any other state agencies the board deems necessary to implement chapter 111M, chapter 118G and chapter 118H.

SECTION 12. Item 7066-0115 of section 2A of chapter 122 of the acts of 2006 is hereby amended by inserting after the word “campuses”, in line 12, the following words:- ; provided, however, that those funds may be expended by the university for the Edward M. Kennedy Institute to be established at the University of Massachusetts, at Boston”.

SECTION 13. Section 22 of chapter 21 of the acts of 2009 is hereby amended by striking out the word “September” and inserting in place thereof the following word:- November.

SECTION 14. Said section 2 of chapter 27 of the acts of 2009 is hereby amended by striking out item 0610-0050 and inserting in place thereof the following item:-

0610-0050.. For the administration of the alcoholic beverages control commission in its efforts to regulate and control the conduct and condition of traffic in alcoholic beverages; provided, that said commission shall maintain at least 1 chief investigator and other investigators for the purpose of regulating and controlling the traffic of alcoholic beverages; provided further, that said commission shall work and cooperate with the Alcohol, Tobacco, and Firearms division of the United States Department of Justice and other relevant federal agencies to assist in its efforts to regulate and control the traffic of alcoholic beverages; provided further, that \$100,000 shall be expended for the investigation and enforcement division of the alcoholic beverages control commission’s implementation of the enhanced liquor enforcement programs; and provided further, that the commission is directed to seek out matching federal dollars and to apply for federal grants that may be available to assist in the enforcement of laws pertaining to the traffic of alcoholic beverages .....\$2,157,305

SECTION 15. Item 4000-0600 of said section 2 of chapter said 27 is hereby amended by inserting after the words “federal poverty level” the following words:- provided further, that notwithstanding any general or special law to the contrary, funds shall be expended from this item for the purpose of maintaining a personal needs allowance of \$69.68 per month for individuals residing in nursing homes and rest homes who are eligible for MassHealth, Emergency Aid to the Elderly Disabled and Children program or Supplemental Security Income;

SECTION 16. Item 4000-0700 of said section 2 of said chapter 27 is hereby amended by inserting after the word “goals” the following words:- provided further, that the executive office shall not, in fiscal year 2010, fund programs relating to case management with the intention of reducing length of stay for neonatal intensive care unit cases; provided further, that the division of health care finance and policy and the executive office of health and human services shall establish a new rate methodology to cover the cost of care provided by any facility licensed by the department of public health as a chronic disease hospital providing services solely to children and adolescents as follows: (1) the rate of reimbursement for any such facility shall be developed collaboratively through an agreement among the office of Medicaid, the division of health care finance and policy and any such facility; (2) the reimbursement rate for any such facility shall incorporate the following components: (a) utilization of the reimbursement methodology used by the division and the executive office of health and human services to determine payments for Medicaid disproportionate share pediatric hospitals in effect in 2007 utilizing the most recently filed 403 cost report with the division and the payments received from Medicaid-eligible patients for the base period; (b) a per-diem rate for inpatient and a payment on account factor for outpatient shall be established which reimburses the full unrecovered cost, including capital; and (c) the rates shall be inflated over the base period by the applicable Medicare market basket

inflation factors; and (3) notwithstanding any general or special law to the contrary, in no event shall the rates of payment be lower than the rates in effect for such facility in the prior fiscal year;

SECTION 17. Said item 4000-0700 of said section 2 of said chapter 27 is hereby further amended by striking out the figure “\$20,000,000” and inserting in place thereof the following figure:-  
\$22,500,000.

SECTION 18. Said section 2 of said chapter 27 is hereby amended by striking out item 4200-0300 and inserting in place thereof the following item:-

4200-0300 For secure facilities, including purchase-of-service and state operated programs incidental to the operations of the facilities; provided, that funds shall be expended to address the needs of the female population; provided further, that funds shall be expended to address suicide prevention; provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B; provided further, that no charge or contract shall be made with alternate vendors to provide pharmacy services other than the state office of pharmacy services; provided further, that the commissioner may transfer up to 7 per cent of the amount appropriated in this item to items 4200-0100 and 4200-0200; and provided further, that 30 days before any such transfer is made, the commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer.....\$99,676,675

SECTION 19. Item 6030-7201 of said section 2 of said chapter 27 is hereby amended by adding the following words:- ; provided, that notwithstanding any general or special law to the contrary,

for the purpose of accommodating timing discrepancies between the receipt of supplemental funds and related expenditures for snow and ice control, the department may incur expenses in excess of the appropriation in an amount not to exceed \$50,000,000, after notification to the executive office for administration and finance and the office of the comptroller that a projection of deficiency exists.

SECTION 20. Item 7007-0900 of said section 2 of said chapter 27 is hereby amended by adding the following words:- and the Pioneer Valley Visitors and Tourist Information Center in the town of Greenfield.

SECTION 21. Item 8000-0125 of said section 2 of said chapter 27 of the acts of 2009 is hereby amended by inserting the following words:- provided, that the \$75 registration fee paid by convicted sex offenders shall be directed from the General Fund to the Sex Offender Registry Board.

SECTION 22. Item 8000-0125 of said section 2 of said chapter 27 of the acts of 2009 is hereby amended by striking out the words “Massachusetts office for victim assistance” and inserting in place thereof the following words:- Sex Offender Registry Board.

SECTION 23. Said section 2 of said chapter 27 is hereby amended by striking out item 8324-0000 and inserting in place thereof the following item:-

8324-0000.. For the administration of the department of fire services, including the state fire marshal’s office, the hazardous materials emergency response program, the board of fire prevention regulations, established in section 4 of chapter 22D of the General Laws, the expenses of the fire safety commission and the

Massachusetts firefighting academy, including the Massachusetts fire training council certification program, municipal and non-municipal fire training and expenses of the council; provided, that the fire training program shall use the split days option; provided further, that not less than \$1,200,000 shall be expended for the SAFE program, which shall include information about the fire risks caused by smoking; provided further, that not less than \$1,750,000 shall be provided for the Boston fire department training academy; provided further, that \$100,000 shall be expended to Norfolk county to maintain and improve services of the Norfolk county regional fire and rescue dispatch center; provided further, that \$1,296,000 shall be provided for the commonwealth's hazardous material response teams; provided further, that \$500,000 shall be provided for the Boston, Cambridge and Everett fire department hazardous material response teams; provided further, that not less than \$100,000 shall be expended for critical incident stress intervention for the fire departments of the cities, towns and the fire districts of the commonwealth, including but not limited to consultant services, training, equipment and supplies; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the administration of the department of fire services, the state fire marshal's office, the Massachusetts firefighting academy, the Boston fire department training academy and the Norfolk county regional fire and rescue dispatch center shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receipt of notice of such assessment from the commissioner of insurance; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount

appropriated in this item for the operation of the hazardous materials emergency response program shall be assessed upon insurance companies writing commercial multiple peril, non-liability portion, policies on property situated in the commonwealth and commercial auto liability policies as referenced in line 5.1 and line 19.4, respectively, in the most recent annual statement on file with the commissioner of insurance; and provided further, that not more than 10 per cent of the amount designated for the arson prevention program shall be expended for the administrative cost of the program .....\$16,909,693

SECTION 24. Section 2B of said chapter 27 is hereby amended by striking out the preamble and inserting in place thereof the following preamble:-

Notwithstanding any general or special law to the contrary, the agencies listed in this section may expend the amounts listed in this section for the provision of services to agencies listed in section 2. All expenditures made pursuant to this section shall be accompanied by a corresponding transfer of funds from an account listed in section 2 to the Intragovernmental Service Fund, established by section 2Q of chapter 29 of the General Laws. All revenues and other inflows shall be based on rates published by the seller agency that are developed in accordance with cost principles established by the United States Office of Management and Budget Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments." All rates shall be published within 30 days of the enactment of this section. No expenditures shall be made from the Intragovernmental Service Fund which would cause that fund to be in deficit at the close of fiscal year 2010. All authorizations in this section shall be charged to the Intragovernmental Service Fund and shall not be subject to section 5D of chapter 29 of the

General Laws. Any balance remaining in that fund at the close of fiscal year 2010 shall be transferred to the General Fund.

SECTION 25. Section 3 of said chapter 27 is hereby amended by striking out in the column “Unrestricted General Government Aid” for the town of Northfield the figure “278,906” and inserting in place thereof the following figure:- 318,327.

SECTION 26. Said section 3 of said chapter 27 is hereby further amended by striking out in the column “Unrestricted General Government Aid” for the town of West Brookfield the figure “418,419” and inserting in place thereof the following figure:- 429,141.

SECTION 27. Said section 3 of said chapter 27 is hereby further amended by striking out in the column “Unrestricted General Government Aid” for the town of West Tisbury the figure “161,061” and inserting in place thereof the following figure:- 163,654.

SECTION 28. Said section 3 of said chapter 27 is hereby further amended by striking out in the column “Unrestricted General Government Aid” for the town of Westminster the figure “567,847” and inserting in place thereof the following figure:- 576,774.

SECTION 29. Section 119 of said chapter 27 is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) Notwithstanding any general or special law to the contrary, the comptroller shall, in consultation with the state treasurer, the secretary of administration and finance and the secretary of health and human services, develop a schedule for transferring funds among the General Fund, the Commonwealth Care Trust Fund, established pursuant to section 2000 of chapter 29 of the General Laws, and the Health Safety Net Trust Fund, established pursuant to section 57 of

chapter 118E of the General Laws. An amount up to \$631,685,136 shall be transferred from the General Fund to the Commonwealth Care Trust Fund. The hospital fiscal year 2010 payment amount to each hospital shall be funded by the Health Safety Net Trust Fund. Payments may be made either as safety net care payments under the commonwealth's 1115 waiver, or as an adjustment to Title XIX service rate payments, or a combination thereof. The executive office of health and human services and the health safety net office may use other federally permissible funding mechanisms available for public service hospitals, as defined in 114.1 CMR 36.02, to reimburse up to \$70,000,000 of uncompensated care at the hospitals using sources distinct from the funding made available to the Health Safety Net Trust Fund. The schedule shall provide for transfers in increments considered appropriate to meet the cash flow needs of these funds. The transfers shall not begin before July 1, 2009 and shall be completed on or before June 30, 2010. The secretary of administration and finance, in consultation with the secretary of health and human services and the executive director of the commonwealth health insurance connector, shall on a quarterly basis evaluate the revenue needs of the health safety net program funded by the Health Safety Net Trust Fund and the Commonwealth Care subsidized health insurance program funded from the Commonwealth Care Trust Fund, and if necessary, transfer monies between these funds for the purpose of ensuring that sufficient revenues are available to support projected program expenditures. The secretary of health and human services in consultation with the secretary of administration and finance and the executive director of the commonwealth health insurance connector, shall submit a quarterly report to the house and senate committees on ways and means and joint committee on healthcare financing which shall include, but not be limited to, the projected and actual expenditures and revenues for the Commonwealth Care Trust Fund and any transfers made between the Health Safety Net Trust Fund and the Commonwealth Care Trust Fund. Notwithstanding any general or special law to the contrary, if the secretary of administration and finance determines that amounts transferred from the General Fund to the Commonwealth Care Trust Fund under this subsection are not needed to support programs

funded through the Commonwealth Care Trust Fund, the secretary of administration and finance shall notify the comptroller of this determination and the comptroller shall transfer such amounts from the Commonwealth Care Trust Fund to the General Fund.

SECTION 30. (a) (1) Notwithstanding chapter 32 of the General Laws or any other general or special law to the contrary, the state board of retirement shall establish and implement a retirement program for public employees, in this section called the healthcare contribution program. In order to be considered eligible by the board for the benefit established under this program, an employee: (i) shall be an employee of the commonwealth on the effective date of this section; (ii) shall be a member in active service of the state retirement system on the effective date of this section; (iii) shall be eligible to receive a superannuation retirement under subdivision (1) of section 5 of said chapter 32 or subdivision (1) of section 10 of said chapter 32 upon the date of retirement requested in the employee's written application for retirement with the board; (iv) shall have received pay advices via the commonwealth's human resources compensation management system or the University of Massachusetts' human resources management information system or whose regular compensation is funded from federal, trust or capital accounts under chapter 29 of the General Laws; and (v) shall have filed a written application with the board in accordance with subsection(b).

(2) Words used in this section shall have the same meaning assigned to them in chapter 32 unless otherwise expressly provided or unless the context clearly requires otherwise. An employee who retires and receives an additional benefit in accordance with this section shall be considered to be retired for superannuation under said chapter 32 and shall be subject to all of said chapter 32.

(3) Elected officials and anyone serving as a chief justice or an associate justice of the supreme judicial court, a chief justice or an associate justice of the appeals court or a justice of the trial court shall not be eligible to participate in the healthcare contribution program.

(b) An eligible employee shall file an application for retirement with the state board of retirement after the effective date of this section and not later than October 1, 2009. The retirement date requested shall be not later than January 31, 2010. The application filed for retirement under this section may be delivered in person or by mail to the state board of retirement.

(c) Notwithstanding chapter 32 or 32A of the General Laws or any other general or special law to the contrary, the commonwealth's share of the group insurance premium for any state employee who files an application for retirement after the effective date of this section and before October 1, 2009 for a retirement date not later than January 31, 2010 shall be 85 per cent. The commonwealth's share of the group insurance premium for any state employee who files an application for retirement after October 1, 2009 shall be 80 per cent until a different contribution rate is established under section 8 of chapter 32A of the General Laws. The revised contribution rate shall take effect no earlier than the first day of the first month that begins at least 90 days after the effective date of this act.

(d) An executive branch position vacated as a result of an employee's participation in the healthcare contribution program may only be filled if the secretary of administration and finance determines that the position is vital to the public health, public safety or other critical operations of the commonwealth. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2010 for refilled positions in the executive branch shall not exceed 30 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2010 for the positions vacated in the executive branch under the healthcare contribution program had those positions not been vacated, and the total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2011 for refilled positions in the executive branch shall not exceed 30 per cent of the total annualized cost of regular compensation which would have been paid out by the

commonwealth during fiscal year 2011 for the positions vacated in the executive branch under this program had those positions not been vacated.

(e) The refilling of positions vacated by employees from federal and trust accounts under the healthcare contribution program shall not be subject to the limitations set forth in subsection(d), but agencies with positions vacated from federal and trust accounts shall first fill these positions with qualified persons currently employed by the commonwealth and paid with state funds. If no such qualified personnel are currently employed by the commonwealth, agencies may hire new employees to fill those positions vacated from federal and trust accounts.

(f) Notwithstanding any general or special law to the contrary, no person shall be hired or appointed by the trial court on a permanent or temporary basis to fill a position made vacant by the retirement of an employee participating in the healthcare contribution program under this section unless the chief justice for administration and management determines that the position is critical and essential to the operations of or services provided by the commonwealth. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2010 for refilled positions in the trial court shall not exceed 30 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2010 for the positions vacated in the trial court under this program had such positions not been vacated. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2011 for refilled positions in the trial court shall not exceed 30 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2011 for the positions vacated in the trial court under this program had those positions not been vacated.

(g) Notwithstanding any general or special law to the contrary, no person shall be hired by a state or community college in the system of public institutions of higher education, as defined in section 5 of chapter 15A of the General Laws, but excluding the University of

Massachusetts at Amherst, Boston, Dartmouth, Lowell and Worcester, on a permanent or temporary basis to fill any position made vacant by the retirement of an employee participating in the healthcare contribution program under this section unless the secretary of education determines that the position is critical and essential to the operations of or services provided by the commonwealth. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2010 for refilled positions in the state and community colleges shall not exceed 30 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2010 for the positions vacated in the state and community colleges under this program had such positions not been vacated. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2011 for refilled positions in the state and community colleges shall not exceed 30 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2011 for the positions vacated in the state and community colleges under this program had those positions not been vacated.

(h) Notwithstanding any general or special law to the contrary, no person shall be hired by a division of the University of Massachusetts on a permanent or temporary basis to fill any position made vacant by the retirement of an employee participating in the healthcare contribution program under this section unless the secretary of education determines that the position is critical and essential to the operations of or services provided by the commonwealth. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2010 for refilled positions in the University of Massachusetts shall not exceed 30 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2010 for the positions vacated in the University of Massachusetts under this program had such positions not been vacated. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2011 for refilled positions in the University of Massachusetts shall not exceed 30 per cent of

the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2011 for the positions vacated in the University of Massachusetts under this program had those positions not been vacated.

(i) Notwithstanding any general or special law or any collective bargaining agreement or other employment contract to the contrary and in consideration of the benefits conferred in this section, an employee who elects to retire under this section and is eligible to receive a payment in lieu of accrued vacation time, unused sick leave or other benefit under such agreement or contract shall waive the required remittance of that payment within 30 days and shall receive 1/4 of such payment on January 31, 2010, 1/4 of such payment on July 1, 2010, 1/4 of such payment on July 1, 2011 and 1/4 of such payment on July 1, 2012. Each such employee shall sign a statement that he has agreed to receive 1/4 of such payment on January 1, 2010, 1/4 of such payment on July 1, 2010, 1/4 of such payment on July 1, 2011 and 1/4 of such payment on July 1, 2012 prior to the approval by the state board of retirement of the employee's application for superannuation benefits and participation in the healthcare contribution program established under this section. The state board of retirement shall deny an application for participation in this program by an employee who belongs to a bargaining unit for which a collective bargaining agreement inconsistent with this section is in effect at the time of that application, unless the employee organization representing that employee has filed with the board and with the secretary of administration and finance a statement waiving any inconsistent provision of the agreement on behalf of all members of the bargaining unit who file applications under this section.

(j) A state authority, as defined in section 1 of chapter 29 of the General Laws, whose employees are not members of the state retirement system may elect to allow its employees to participate in the healthcare contribution program by a majority vote of its board of directors. If the authority makes this election, the program shall be administered by its retirement system. Eligibility for the healthcare contribution program shall not exceed that provided in

subsection(a) of this section as applied to the circumstances at the particular authority. Employees of each authority that elects to participate in this program shall only be eligible if they file for retirement as provided in subsection(b), and the contribution ratio received by a retiree shall be the same as that provided in subsection(c).

(k) On or before March 15, 2010, the secretary of administration and finance shall file with the joint committee on public service and the house and senate committees on ways and means a report detailing for each state department, including each campus of the University of Massachusetts and each state and community college, the number of employees participating in the healthcare contribution program, the estimated salary savings in fiscal years 2010 and 2011 as a result of those employees' participation, the number of positions vacated or expected to be vacated as a result of those employees' participation that have been or are expected to be refilled and the estimated salary costs in fiscal years 2010 and 2011 on account of the refilled positions.

SECTION 31. Notwithstanding any general or special law to the contrary, during fiscal year 2010, the comptroller shall transfer from the Health Care Security Trust, established pursuant to section 1 of chapter 29D of the General Laws, to the General Fund an amount equal to 100 per cent of the total of all payments received by the commonwealth in fiscal year 2010 pursuant to the master settlement agreement in the action known as Commonwealth of Massachusetts v. Phillip Morris, Inc. et. al., Middlesex Superior Court, No. 95-7378 and 100 per cent of the earnings generated in fiscal year 2010 from the Health Care Security Trust as certified by the comptroller pursuant to paragraph (f) of section 3 of chapter 29D of the General Laws for certain health care expenditures appropriated in said section 2 of said chapter 27.

SECTION 32. (a) Except as provided in subsection (b), notwithstanding any general or special law to the contrary, an eligible individual pursuant to section 3 of chapter 118H of the General Laws shall not include persons who cannot receive federally-funded benefits under sections 401, 402 and 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, as amended, for fiscal year 2010.

(b) Notwithstanding any general or special law to the contrary, the secretary of administration and finance, the secretary of health and human services and the executive director of the Commonwealth Health Insurance Connector Authority, in their full discretion and subject only to the terms and conditions in this subsection, may establish or designate a health insurance plan in which a person who cannot receive federally-funded benefits as of July 1, 2009 under sections 401, 402 and 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, as amended, and who is also an eligible individual pursuant to section 3 of chapter 118H of the General Laws, may enroll effective September 1, 2009 through June 30, 2010. This plan may be contracted for selectively from the health plans that are contracting in fiscal year 2010 to provide insurance coverage to Commonwealth Care or MassHealth enrollees. Total state costs of providing coverage to all such persons, net of enrollee contributions and any federal financial participation, shall not exceed \$40,000,000 for fiscal year 2010. To the extent additional federal financial participation becomes available for paying the costs of such coverage, the secretary of administration and finance may direct the comptroller to make such amounts available from the General Fund for the purpose of paying the costs of such coverage. If the secretary of administration and finance, the secretary of health and human services and the executive director of the Commonwealth Health Insurance Connector Authority determine that the projected costs of enrolling eligible individuals in such coverage in fiscal year 2010 will exceed net state costs of \$40,000,000, they may limit enrollment in such coverage. If the secretary of administration and finance, the secretary of health and human services and the

executive director of the Commonwealth Health Insurance Connector Authority are unable to establish or designate a health insurance plan under this section, the secretary of administration and finance may direct the comptroller to transfer up to \$40,000,000 from the Commonwealth Care Trust Fund to the Health Safety Net Trust Fund for the cost of health safety net claims of said individuals.

SECTION 33. Notwithstanding any general or special law to the contrary, in order to meet federal matching fund requirements, the comptroller shall transfer \$251,735 from item 0521-0000 of section 2 of chapter 182 of the acts of 2008 to trust account 0521-0700.

SECTION 34. Section 6 shall take effect on January 1, 2011.