

Outside Sections

Local Aid Distribution

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, for the fiscal year ending June 30, 2006, the distribution to cities and towns of the balance of the State Lottery Fund, as paid by the treasurer from the General Fund in accordance with the provisions of clause (c) of the second paragraph of [section 35 of chapter 10](#) of the General Laws, shall be \$761,378,162 and shall be apportioned to the cities and towns in accordance with this section.

Notwithstanding the provisions of any general or special law to the contrary, except for [section 12B of chapter 76](#) of the General Laws and [section 89 of chapter 71](#) of the General Laws, the total amounts to be distributed and paid to each city, town, regional school district, independent agricultural school, and county maintaining an agricultural school from items [0611-5500](#) and [7061-0008](#) of section 2 of this act shall be as set forth in the following lists; provided, that the amounts to be distributed from item [0611-5500](#) of said section 2 are hereby deemed to be in full satisfaction of the amounts due under [section 37 of chapter 21](#) of the General Laws. No payments shall be made after November 30, 2004, to a city, town, or to a county maintaining an agricultural school pursuant to this section until the state treasurer receives certification from the commissioner of revenue of said commissioner's acceptance of the prior fiscal year's annual financial reports submitted by the city, town, or county pursuant to the provisions of [section 43 of chapter 44](#) of the General Laws.

Notwithstanding the provisions of [section 2 of chapter 70](#) of the General Laws or any other general or special law to the contrary, for fiscal year 2006, no school district shall have a wage adjustment factor less than one.

Notwithstanding the provisions of any general or special law to the contrary, minimum required local contributions for fiscal year 2006 as calculated by the department of education shall equal preliminary local contribution in fiscal year 2005 increased by the municipal revenue growth factor.

Notwithstanding the provisions of any general or special law to the contrary, for fiscal year 2006, [chapter 70](#) aid shall be the difference between a district's foundation budget and the sum of that district's share of preliminary local contributions of member communities as determined by the department of education; provided, that each district shall receive at least as much aid as the district received in [chapter 70](#) aid in fiscal year 2005; and provided further, that no district shall receive [chapter 70](#) aid in an amount greater than the district's foundation budget. If there is a conflict between the provisions of this section and the distributions listed below, the distribution below shall control.

Municipality	7061-0008	0611-5500	Lottery Maintenance	First Installment of "20% Lottery Uncapping"	Supplemental Local Aid Distributed Via Lottery Formula
	Chapter 70	Additional Assistance			
ABINGTON	6,752,853	0	1,758,051	116,637	131,527
ACTON	2,603,014	29,696	1,195,284	88,725	100,051

ACUSHNET	6,043,605	23,875	1,349,775	88,508	99,806
ADAMS	0	35,042	1,720,579	130,832	147,533
AGAWAM	10,826,098	0	3,138,137	246,178	277,604
ALFORD	0	0	12,923	661	746
AMESBURY	8,322,927	0	1,763,634	112,564	126,933
AMHERST	5,572,787	222,910	6,883,094	509,753	574,827
ANDOVER	4,945,356	0	1,576,354	108,995	122,910
AQUINNAH	0	0	1,887	172	194
ARLINGTON	4,802,777	4,491,775	3,833,185	192,313	216,864
ASHBURNHAM	0	0	595,717	46,528	52,467
ASHBY	0	0	349,366	21,465	24,206
ASHFIELD	66,103	0	143,485	15,092	17,019
ASHLAND	2,588,396	291,598	909,060	82,159	92,648
ATHOL	0	4,377	1,924,937	156,059	175,982
ATTLEBORO	26,567,844	0	4,874,098	381,609	430,326
AUBURN	3,735,310	0	1,465,175	114,646	129,282
AVON	570,215	400,636	347,387	19,886	22,424

Municipality	7061-0008	0611-5500	Lottery Maintenance	First Installment of "20% Lottery Uncapping"	Supplemental Local Aid Distributed Via Lottery Formula
	Chapter 70	Additional Assistance			
AYER	3,588,964	44,218	653,637	41,967	47,325
BARNSTABLE	6,105,388	0	1,799,394	141,932	160,052
BARRE	14,943	0	677,399	57,403	64,730
BECKET	48,982	8,580	65,888	6,515	7,346
BEDFORD	1,935,588	484,271	699,674	41,912	47,262
BELCHERTOWN	9,504,784	0	1,316,398	137,111	154,614
BELLINGHAM	7,540,956	0	1,618,431	83,990	94,713
BELMONT	2,824,519	827,483	1,520,795	79,732	89,911
BERKLEY	4,865,981	0	478,440	47,374	53,421
BERLIN	494,057	0	190,373	10,246	11,554
BERNARDSTON	0	0	223,551	21,961	24,765
BEVERLY	6,107,219	2,452,442	3,485,521	228,116	257,237
BILLERICA	12,688,538	2,349,321	3,617,520	215,878	243,436

BLACKSTONE	38,454	0	1,130,441	61,065	68,860
BLANDFORD	34,629	0	101,161	9,373	10,570
BOLTON	5,342	0	158,122	14,708	16,585
BOSTON	200,498,366	164,211,152	53,968,473	3,091,291	3,485,924
BOURNE	4,398,105	352,555	1,037,581	74,578	84,098
BOXBOROUGH	1,290,263	0	206,884	18,072	20,378
BOXFORD	1,446,557	36,411	400,102	28,759	32,430
BOYLSTON	381,691	0	302,601	21,023	23,707
BRAINTREE	4,655,171	3,378,041	2,790,848	162,024	182,708
BREWSTER	820,927	0	337,981	26,526	29,912
BRIDGEWATER	88,168	0	2,792,709	198,441	223,774
BRIMFIELD	878,098	0	310,111	29,578	33,353
BROCKTON	110,286,014	4,310,392	15,637,164	1,050,006	1,184,049
BROOKFIELD	1,316,184	0	420,657	33,837	38,157
BROOKLINE	4,922,047	3,497,741	3,380,871	176,522	199,056
BUCKLAND	0	0	232,150	19,377	21,851
BURLINGTON	3,547,194	1,386,400	1,360,578	85,148	96,017
CAMBRIDGE	6,791,105	17,956,060	6,820,267	337,808	380,933
CANTON	2,512,730	878,002	1,260,474	90,284	101,810
CARLISLE	586,786	14,729	187,183	12,212	13,772
CARVER	9,165,331	0	1,255,697	97,012	109,396
CHARLEMONT	66,103	0	134,534	14,068	15,864
CHARLTON	6,063	0	1,090,377	88,484	99,779
CHATHAM	448,125	0	147,795	6,776	7,641
CHELMSFORD	6,593,456	2,535,342	2,759,926	175,443	197,839
CHELSEA	41,971,878	3,396,864	4,747,616	367,609	414,537
CHESHIRE	263,874	0	457,909	42,203	47,590
CHESTER	89,260	0	140,028	14,373	16,207
CHESTERFIELD	84,990	0	105,694	11,374	12,825

Municipality	7061-0008	0611-5500	Lottery Maintenance	First	Supplemental
	Chapter 70	Additional Assistance		Installment of "20% Lottery Uncapping"	Local Aid Distributed Via Lottery Formula
CHICOPEE	37,630,712	1,195,616	8,535,325	789,193	889,942

CHILMARK	0	0	3,358	216	244
CLARKSBURG	1,474,121	13,114	305,399	23,219	26,183
CLINTON	8,861,402	175,517	1,915,036	142,708	160,926
COHASSET	1,147,273	166,099	365,106	18,717	21,107
COLRAIN	0	0	196,429	20,736	23,384
CONCORD	1,542,930	383,959	817,244	41,333	46,609
CONWAY	556,983	0	140,227	14,019	15,809
CUMMINGTON	32,478	0	61,610	7,252	8,178
DALTON	141,724	0	848,429	70,239	79,206
DANVERS	3,570,012	1,118,972	1,722,964	119,404	134,648
DARTMOUTH	8,320,190	0	2,217,842	157,042	177,090
DEDHAM	3,053,874	1,550,298	1,898,464	105,912	119,432
DEERFIELD	712,360	0	421,939	29,977	33,804
DENNIS	0	0	471,165	35,853	40,429
DEVENS	328,000	0	0	0	0
DIGHTON	0	0	601,950	44,647	50,346
DOUGLAS	6,761,884	0	589,300	53,757	60,620
DOVER	331,900	0	179,149	10,301	11,616
DRACUT	14,033,837	0	3,086,109	219,270	247,262
DUDLEY	0	0	1,306,181	104,762	118,136
DUNSTABLE	0	30,076	166,548	15,505	17,485
DUXBURY	2,655,314	0	823,068	47,782	53,882
EAST BRIDGEWATER	9,410,080	0	1,291,216	97,322	109,747
EAST BROOKFIELD	73,001	0	239,424	16,636	18,760
EAST LONGMEADOW	3,278,506	0	1,163,174	108,378	122,214
EASTHAM	242,054	0	128,941	9,751	10,996
EASTHAMPTON	6,987,911	108,874	2,305,254	190,130	214,401
EASTON	7,481,507	0	1,883,909	143,416	161,724
EDGARTOWN	323,078	28,507	40,872	2,308	2,602
EGREMONT	0	0	55,927	3,847	4,339
ERVING	245,334	13,150	54,375	2,676	3,018
ESSEX	0	33,828	203,853	11,411	12,867
EVERETT	20,863,205	4,084,357	3,050,157	253,585	285,958
FAIRHAVEN	6,813,371	391,434	1,756,757	113,300	127,764
FALL RIVER	88,639,659	2,290,951	19,402,249	1,381,169	1,557,488
FALMOUTH	4,231,106	0	1,216,594	87,561	98,738
FITCHBURG	36,454,467	214,811	7,230,474	545,631	615,285
FLORIDA	415,390	0	44,427	3,022	3,408

FOXBOROUGH	6,200,106	0	1,360,167	84,639	95,445
FRAMINGHAM	8,131,671	4,697,500	5,530,116	371,743	419,199
FRANKLIN	23,358,793	0	2,141,760	159,219	179,545

Municipality	7061-0008	0611-5500	Lottery Maintenance	First Installment of "20% Lottery Uncapping"	Supplemental Local Aid Distributed Via Lottery Formula
	Chapter 70	Additional Assistance		Lottery Uncapping"	Lottery Formula
FREETOWN	892,240	0	845,301	57,038	64,320
GARDNER	18,123,386	120,747	3,490,701	285,994	322,504
GEORGETOWN	3,415,872	52,998	596,482	40,525	45,698
GILL	0	0	185,131	13,327	15,028
GLOUCESTER	5,243,302	1,923,054	2,264,906	133,434	150,468
GOSHEN	71,297	0	59,634	6,924	7,807
GOSNOLD	8,046	1,962	468	31	36
GRAFTON	5,916,246	0	1,363,188	96,973	109,352
GRANBY	3,485,299	0	724,012	64,646	72,898
GRANVILLE	1,179,511	0	120,132	13,299	14,996
GREAT BARRINGTON	0	0	681,422	45,217	50,990
GREENFIELD	8,625,218	0	2,656,246	225,320	254,084
GROTON	0	0	633,120	54,490	61,447
GROVELAND	0	0	572,919	36,531	41,195
HADLEY	593,711	138,341	280,365	25,428	28,675
HALIFAX	2,352,694	0	799,621	56,647	63,878
HAMILTON	0	42,887	533,202	38,365	43,262
HAMPDEN	0	0	514,302	45,317	51,102
HANCOCK	178,649	17,638	32,868	3,118	3,516
HANOVER	4,695,733	1,326,394	938,920	62,422	70,390
HANSON	28,330	0	1,096,347	61,454	69,300
HARDWICK	0	3,228	336,620	28,419	32,048
HARVARD	1,145,540	55,090	1,648,035	23,970	27,031
HARWICH	1,363,502	0	376,383	27,565	31,083
HATFIELD	619,676	0	268,720	20,813	23,470
HAVERHILL	31,598,621	2,503,145	6,827,711	494,378	557,491
HAWLEY	27,428	12,924	24,447	2,777	3,132

HEATH	0	0	54,725	7,363	8,304
HINGHAM	3,162,330	334,151	1,214,451	67,344	75,941
HINSDALE	75,547	0	179,555	14,662	16,534
HOLBROOK	4,123,504	4,757	1,370,152	79,409	89,547
HOLDEN	0	0	1,454,110	114,918	129,588
HOLLAND	654,814	0	153,540	16,624	18,746
HOLLISTON	5,801,129	412,300	1,088,152	73,218	82,564
HOLYOKE	61,015,564	606,646	8,164,179	661,133	745,533
HOPEDALE	5,004,900	0	567,333	41,440	46,730
HOPKINTON	4,841,117	120,287	558,625	50,852	57,344
HUBBARDSTON	8,448	0	293,378	34,597	39,014
HUDSON	5,242,895	0	1,824,009	109,218	123,161
HULL	3,613,343	1,388,549	966,033	48,268	54,429
HUNTINGTON	89,327	0	266,546	25,159	28,370
IPSWICH	1,968,840	775,432	894,957	55,949	63,091

Municipality	7061-0008	0611-5500	Lottery Maintenance	First	Supplemental
	Chapter 70	Additional Assistance		Installment of "20% Lottery Uncapping"	Local Aid Distributed Via Lottery Formula
KINGSTON	3,233,959	0	807,788	65,487	73,846
LAKEVILLE	2,140,323	0	669,072	59,325	66,899
LANCASTER	0	0	773,606	43,032	48,525
LANESBOROUGH	498,078	0	311,424	20,399	23,003
LAWRENCE	117,333,804	190,699	16,928,453	1,272,231	1,434,644
LEE	1,482,316	0	575,965	33,894	38,220
LEICESTER	8,490,089	0	1,515,032	110,217	124,287
LENOX	1,073,673	72,146	476,164	19,749	22,271
LEOMINSTER	32,690,560	11,693	4,779,809	401,214	452,433
LEVERETT	217,431	0	153,710	11,700	13,194
LEXINGTON	4,895,754	0	1,392,955	88,389	99,673
LEYDEN	0	0	61,869	6,594	7,435
LINCOLN	458,937	292,012	415,099	24,073	27,146
LITTLETON	1,387,507	164,924	500,608	37,455	42,236
LONGMEADOW	3,385,200	0	1,182,253	95,380	107,557

LOWELL	107,640,518	6,340,746	17,476,479	1,301,392	1,467,527
LUDLOW	9,615,500	0	2,401,815	238,423	268,860
LUNENBURG	3,625,757	0	941,409	63,559	71,673
LYNN	100,175,377	9,477,523	12,851,766	949,187	1,070,359
LYNNFIELD	1,659,938	362,288	674,713	44,195	49,836
MALDEN	32,431,970	5,586,730	7,454,621	443,920	500,590
MANCHESTER	0	0	214,734	10,553	11,900
MANSFIELD	11,432,836	725,040	1,292,920	129,892	146,474
MARBLEHEAD	3,626,744	39,403	1,026,392	60,250	67,941
MARION	317,718	0	198,208	14,081	15,878
MARLBOROUGH	5,916,088	2,728,327	2,786,797	216,685	244,347
MARSHFIELD	12,057,258	202,756	1,832,675	112,887	127,299
MASHPEE	3,939,254	0	236,666	37,697	42,510
MATTAPOISETT	449,798	0	371,347	22,937	25,865
MAYNARD	2,145,808	586,886	1,004,037	62,494	70,471
MEDFIELD	4,716,629	744,614	760,033	51,174	57,707
MEDFORD	9,996,450	6,432,448	6,402,709	330,622	372,830
MEDWAY	6,153,863	187,002	897,832	74,236	83,713
MELROSE	5,012,390	2,704,187	2,786,945	154,281	173,977
MENDON	0	0	333,019	29,591	33,368
MERRIMAC	0	0	652,335	43,421	48,965
METHUEN	30,465,961	163,026	4,603,440	342,900	386,674
MIDDLEBOROUGH	14,891,489	0	2,152,990	155,147	174,954
MIDDLEFIELD	0	0	36,878	5,097	5,748
MIDDLETON	1,073,640	126,570	306,150	41,676	46,997
MILFORD	9,314,774	0	2,740,501	181,458	204,623
MILLBURY	5,790,014	0	1,550,680	111,660	125,915

Municipality	7061-0008	0611-5500	Lottery Maintenance	First	Supplemental
	Chapter 70	Additional Assistance		Installment of	Local Aid
				"20% Lottery Uncapping"	Distributed Via Lottery Formula
MILLIS	1,834,611	320,940	708,699	46,875	52,860
MILLVILLE	0	0	299,243	24,683	27,834
MILTON	3,219,806	1,245,145	2,082,868	114,483	129,097

MONROE	82,880	13,927	6,377	434	490
MONSON	6,615,987	0	1,078,262	92,727	104,564
MONTAGUE	0	0	1,050,583	89,519	100,948
MONTEREY	0	12,538	31,187	1,966	2,218
MONTGOMERY	15,554	0	71,839	5,119	5,772
MOUNT WASHINGTON	19,108	33,286	2,817	201	226
NAHANT	364,640	125,393	265,399	13,663	15,408
NANTUCKET	775,218	0	66,534	5,894	6,647
NATICK	3,945,346	1,942,474	2,069,792	125,420	141,431
NEEDHAM	3,603,998	205,993	1,418,675	94,167	106,189
NEW ASHFORD	149,556	7,313	8,028	1,712	1,930
NEW BEDFORD	104,076,980	716,255	20,272,783	1,317,501	1,485,693
NEW BRAINTREE	0	0	96,712	8,546	9,636
NEW MARLBOROUGH	0	0	48,224	4,136	4,664
NEW SALEM	0	0	79,036	8,171	9,214
NEWBURY	0	0	397,117	28,584	32,234
NEWBURYPORT	2,793,820	1,380,057	1,360,628	73,963	83,405
NEWTON	9,115,550	1,377,012	4,428,398	259,081	292,155
NORFOLK	3,236,571	0	842,604	59,677	67,296
NORTH ADAMS	13,731,726	185,853	3,781,341	269,997	304,464
NORTH ANDOVER	3,911,440	120,549	1,635,892	135,529	152,830
NORTH ATTLEBOROUGH	18,421,579	0	2,538,546	178,246	201,001
NORTH BROOKFIELD	4,395,946	0	707,851	48,657	54,868
NORTH READING	3,784,804	945,499	921,054	58,741	66,239
NORTHAMPTON	6,425,910	577,922	3,460,946	249,025	280,815
NORTHBOROUGH	2,491,114	61,111	918,552	69,437	78,301
NORTHBRIDGE	12,964,638	3,071	1,985,075	108,021	121,810
NORTHFIELD	0	0	259,157	22,405	25,266
NORTON	11,983,737	0	1,794,549	134,495	151,664
NORWELL	1,815,262	541,079	584,616	35,119	39,603
NORWOOD	3,359,544	2,665,880	2,280,261	144,962	163,468
OAK BLUFFS	546,635	0	62,930	4,729	5,333
OAKHAM	64,192	0	146,533	15,322	17,279
ORANGE	4,875,842	2,115	1,393,773	105,725	119,221
ORLEANS	214,362	0	159,824	9,276	10,461
OTIS	0	0	25,525	3,344	3,770
OXFORD	8,477,240	0	1,848,802	121,992	137,565
PALMER	10,232,925	0	1,607,734	151,298	170,612

PAXTON	80,630	0	397,604	31,336	35,337
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Municipality	7061-0008	0611-5500	Lottery Maintenance	First Installment of "20% Lottery Uncapping"	Supplemental Local Aid Distributed Via Lottery Formula
	Chapter 70	Additional Assistance			
PEABODY	18,734,643	3,140,276	4,273,806	263,375	296,998
PELHAM	112,953	0	129,327	11,976	13,504
PEMBROKE	8,469,224	0	1,463,767	107,155	120,834
PEPPERELL	7,761	0	1,104,533	83,278	93,909
PERU	37,021	0	89,232	8,438	9,516
PETERSHAM	331,752	0	94,046	8,130	9,167
PHILLIPSTON	0	4,386	137,975	13,197	14,882
PITTSFIELD	28,094,320	880,284	6,708,257	547,869	617,810
PLAINFIELD	18,887	0	37,273	4,378	4,937
PLAINVILLE	2,352,589	0	655,201	49,989	56,371
PLYMOUTH	16,321,643	0	3,279,583	270,935	305,522
PLYMPTON	478,208	0	208,033	14,688	16,562
PRINCETON	0	0	259,175	18,571	20,941
PROVINCETOWN	247,301	22,181	124,552	4,408	4,971
QUINCY	12,132,223	11,567,002	9,033,749	534,047	602,224
RANDOLPH	10,240,371	1,825,854	3,311,003	229,630	258,944
RAYNHAM	0	0	964,956	71,640	80,786
READING	6,278,435	1,534,901	1,841,015	113,817	128,347
REHOBOTH	0	0	796,592	62,383	70,346
REVERE	24,103,591	5,334,444	5,316,611	376,919	425,037
RICHMOND	308,895	0	99,313	6,036	6,806
ROCHESTER	1,329,572	0	359,839	27,939	31,506
ROCKLAND	8,823,145	394,336	2,104,059	136,583	154,020
ROCKPORT	1,142,321	0	394,035	25,713	28,996
ROWE	42,445	0	3,692	199	225
ROWLEY	0	114,232	391,966	27,597	31,121
ROYALSTON	0	0	124,147	12,735	14,361
RUSSELL	150,280	0	192,357	18,666	21,048
RUTLAND	8,895	0	660,841	59,014	66,548

SALEM	10,290,730	3,298,731	3,582,967	292,026	329,306
SALISBURY	0	0	537,269	41,793	47,129
SANDSFIELD	0	0	25,694	2,972	3,351
SANDWICH	5,453,106	88,406	813,793	86,633	97,693
SAUGUS	3,382,514	1,784,087	1,999,340	131,627	148,430
SAVOY	461,177	13,801	85,489	7,720	8,705
SCITUATE	3,580,818	875,037	1,231,872	67,926	76,597
SEEKONK	2,931,775	0	1,057,967	81,640	92,063
SHARON	6,226,238	62,495	1,196,755	83,184	93,804
SHEFFIELD	0	11,938	190,069	17,271	19,475
SHELBURNE	0	0	224,115	16,896	19,052
SHERBORN	316,331	20,951	179,491	11,927	13,449
SHIRLEY	3,950,169	185,558	993,217	77,863	87,804

Municipality	7061-0008	0611-5500	Lottery Maintenance	First	Supplemental
	Chapter 70	Additional Assistance		Installment of "20% Lottery Uncapping"	Local Aid Distributed Via Lottery Formula
SHREWSBURY	13,800,607	298,861	2,110,492	180,062	203,049
SHUTESBURY	458,403	0	127,296	14,272	16,093
SOMERSET	2,553,323	0	1,240,942	115,102	129,795
SOMERVILLE	19,441,989	16,219,924	10,692,616	554,803	625,628
SOUTH HADLEY	5,531,820	20,214	2,189,688	181,186	204,317
SOUTHAMPTON	2,267,762	0	492,324	51,043	57,559
SOUTHBOROUGH	2,505,027	0	367,543	29,586	33,363
SOUTHBRIDGE	14,736,612	0	3,019,639	234,649	264,604
SOUTHWICK	0	0	937,706	80,705	91,008
SPENCER	209,021	0	1,789,359	109,840	123,862
SPRINGFIELD	225,366,158	1,829,496	28,974,118	2,793,286	3,149,876
STERLING	0	0	595,435	44,187	49,827
STOCKBRIDGE	0	0	93,460	5,209	5,875
STONEHAM	2,627,863	2,028,958	1,915,613	117,889	132,939
STOUGHTON	8,670,666	103,134	2,898,763	170,065	191,776
STOW	0	6,974	367,900	25,497	28,751
STURBRIDGE	1,039,058	0	650,667	52,144	58,800

SUDBURY	3,351,225	641,561	778,236	55,263	62,317
SUNDERLAND	833,349	0	402,993	38,848	43,807
SUTTON	4,670,098	0	661,909	52,916	59,671
SWAMPSCOTT	1,944,830	352,328	892,119	62,753	70,764
SWANSEA	3,973,381	0	1,650,958	118,291	133,393
TAUNTON	40,629,887	0	7,597,724	494,975	558,164
TEMPLETON	0	0	1,052,152	77,270	87,134
TEWKSBURY	11,697,060	0	2,540,701	158,563	178,806
TISBURY	284,186	0	91,244	5,329	6,010
TOLLAND	0	9,864	4,971	1,021	1,152
TOPSFIELD	663,129	253,284	369,587	24,085	27,160
TOWNSEND	7,561	0	1,007,487	76,739	86,535
TRURO	209,577	0	26,236	1,907	2,151
TYNGSBOROUGH	6,567,408	0	793,386	69,356	78,210
TYRINGHAM	29,274	0	11,431	755	852
UPTON	6,830	0	429,828	29,822	33,630
UXBRIDGE	8,869,122	0	1,239,204	79,187	89,296
WAKEFIELD	3,895,320	1,438,080	2,070,499	117,954	133,012
WALES	592,846	0	192,249	17,228	19,427
WALPOLE	4,314,774	883,775	1,661,399	106,949	120,602
WALTHAM	5,727,143	5,458,868	4,764,032	291,658	328,890
WARE	7,030,768	15,257	1,433,470	119,051	134,249
WAREHAM	11,059,830	0	1,824,735	108,848	122,743
WARREN	353,331	0	613,802	61,594	69,457
WARWICK	0	28,890	70,313	7,210	8,130

Municipality	7061-0008	0611-5500	Lottery Maintenance	First	Supplemental
	Chapter 70	Additional Assistance		Installment of "20% Lottery Uncapping"	Local Aid Distributed Via Lottery Formula
WASHINGTON	18,553	23,752	58,939	4,066	4,586
WATERTOWN	2,375,554	4,427,251	2,675,788	145,636	164,227
WAYLAND	2,290,575	280,373	611,716	40,164	45,291
WEBSTER	7,399,344	62,006	2,079,811	161,726	182,372
WELLESLEY	2,949,947	96,838	1,163,702	60,040	67,705

WELLFLEET	116,462	0	54,888	3,076	3,469
WENDELL	0	25,534	109,541	12,463	14,054
WENHAM	0	139,794	285,763	18,263	20,594
WEST BOYLSTON	2,552,355	67,754	595,198	56,546	63,765
WEST BRIDGEWATER	1,570,286	47,212	552,344	36,881	41,590
WEST BROOKFIELD	143,869	0	392,097	34,190	38,555
WEST NEWBURY	0	0	251,169	16,691	18,821
WEST SPRINGFIELD	13,246,420	0	2,851,691	273,787	308,738
WEST STOCKBRIDGE	0	0	91,587	5,039	5,682
WEST TISBURY	0	182,434	30,556	2,446	2,759
WESTBOROUGH	2,592,041	145,058	859,807	74,856	84,413
WESTFIELD	29,604,791	0	5,085,250	470,612	530,691
WESTFORD	11,057,152	895,514	1,196,145	93,569	105,514
WESTHAMPTON	278,415	0	118,799	10,460	11,796
WESTMINSTER	0	0	538,162	44,778	50,494
WESTON	1,367,350	0	346,827	20,290	22,880
WESTPORT	3,945,860	0	1,124,879	66,286	74,748
WESTWOOD	2,108,502	36,263	635,077	40,647	45,836
WEYMOUTH	19,644,236	2,424,084	6,423,581	344,957	388,993
WHATELY	124,453	0	106,535	10,169	11,468
WHITMAN	86,602	0	1,926,372	116,267	131,110
WILBRAHAM	0	0	1,077,658	100,753	113,616
WILLIAMSBURG	350,234	0	271,186	18,283	20,617
WILLIAMSTOWN	880,910	0	835,190	61,055	68,849
WILMINGTON	3,307,933	1,254,452	1,245,458	101,839	114,839
WINCHENDON	9,655,922	25,366	1,367,138	119,501	134,756
WINCHESTER	2,953,621	344,404	1,124,847	63,451	71,552
WINDSOR	18,887	28,020	54,390	7,016	7,912
WINTHROP	4,553,675	2,287,531	2,248,669	126,305	142,430
WOBURN	4,502,553	3,586,952	2,809,553	181,836	205,050
WORCESTER	161,059,359	11,809,090	26,953,316	2,220,254	2,503,690
WORTHINGTON	69,258	0	94,935	10,668	12,029
WRENTHAM	3,386,805	0	846,314	53,340	60,150
YARMOUTH	0	0	1,075,298	86,125	97,120
Total Municipal Aid	2,735,629,458	378,517,988	661,378,162	47,000,000	53,000,000

The amounts listed in this section below for regional school districts shall not be in addition to the municipal aid amounts listed above in this section, but shall be the total amount of state aid owed to a regional school district from cities and towns participating in the regional school district.

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ACTON BOXBOROUGH	3,143,520
ADAMS CHESHIRE	9,545,220
AMHERST PELHAM	9,244,885
ASHBURNHAM WESTMINSTER	8,787,951
ASSABET VALLEY	2,441,550
ATHOL ROYALSTON	16,806,324
BERKSHIRE HILLS	2,614,817
BERLIN BOYLSTON	770,332
BLACKSTONE MILLVILLE	10,270,844
BLACKSTONE VALLEY	4,882,890
BLUE HILLS	3,035,559
BRIDGEWATER RAYNHAM	19,027,611
BRISTOL COUNTY	1,791,686
BRISTOL PLYMOUTH	6,961,382
CAPE COD	1,776,571
CENTRAL BERKSHIRE	7,636,182
CHESTERFIELD GOSHEN	638,591
CONCORD CARLISLE	1,417,979
DENNIS YARMOUTH	6,120,344
DIGHTON REHOBOTH	11,311,613
DOVER SHERBORN	1,138,654
DUDLEY CHARLTON	21,175,112
ESSEX COUNTY	3,664,972
FARMINGTON RIVER	360,806
FRANKLIN COUNTY	2,670,294
FREETOWN LAKEVILLE	6,365,955
FRONTIER	2,613,407
GATEWAY	5,307,852
GILL MONTAGUE	5,837,026
GREATER FALL RIVER	11,246,011
GREATER LAWRENCE	17,353,983
GREATER LOWELL	17,303,655
GREATER NEW BEDFORD	18,124,740

GROTON DUNSTABLE	9,547,245
HAMILTON WENHAM	3,092,519
HAMPDEN WILBRAHAM	9,400,100
HAMPSHIRE	2,383,522
HAWLEMONT	606,785
KING PHILIP	6,239,793

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Regional School District Chapter 70

LINCOLN SUDBURY	1,711,978
MANCHESTER ESSEX	1,317,284
MARTHAS VINEYARD	2,631,535
MASCONOMET	4,313,567
MENDON UPTON	9,676,006
MINUTEMAN	2,052,550
MOHAWK TRAIL	5,904,434
MONTACHUSETT	8,853,716
MOUNT GREYLOCK	1,635,600
NARRAGANSETT	8,750,095
NASHOBA	5,181,573
NASHOBA VALLEY	1,908,915
NAUSET	3,122,423
NEW SALEM WENDELL	595,315
NORFOLK COUNTY	594,178
NORTH MIDDLESEX	18,837,421
NORTH SHORE	1,417,274
NORTHAMPTON SMITH	732,334
NORTHBORO SOUTHBORO	1,673,670
NORTHEAST METROPOLITAN	5,441,142
NORTHERN BERKSHIRE	3,386,527
OLD COLONY	2,524,441
OLD ROCHESTER	1,469,860
PATHFINDER	3,310,805
PENTUCKET	12,199,790
PIONEER	3,808,395
QUABBIN	15,662,779

QUABOAG	7,544,076
RALPH C MAHAR	4,324,323
SHAWSHEEN VALLEY	3,074,457
SILVER LAKE	5,606,085
SOUTH MIDDLESEX	2,131,644
SOUTH SHORE	2,298,821
SOUTHEASTERN	9,550,862
SOUTHERN BERKSHIRE	1,687,824
SOUTHERN WORCESTER	5,332,141
SOUTHWICK TOLLAND	7,241,643
SPENCER EAST BROOKFIELD	12,578,361
TANTASQUA	6,620,229
TRI COUNTY	3,406,264
TRITON	7,786,526
UPISLAND	767,074

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Regional School District	Chapter 70
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UPPER CAPE COD	2,560,503
WACHUSETT	14,504,610
WHITMAN HANSON	21,437,738
WHITTIER	4,779,683
Total Regional Aid	524,604,753

Total Municipal and Regional Aid 3,260,234,211 378,517,988 661,378,162 47,000,000 53,000,000

Operational Services Division Renamed Division of Procurement

SECTION 4. The term "division of procurement" shall be substituted for the term "operational services division" wherever it appears in [section 78A of chapter 6](#) of the General Laws, in [sections 4A and 4L of chapter 7](#) of the General Laws, in [section 29G of chapter 29](#) of the General Laws, in [section 51 of chapter 30](#) of the General Laws, and wherever else it appears in the General Laws.

In [section 4A of chapter 7](#) of the General Laws, the term "procurement" shall be substituted for the term "operational services" in the second sentence thereof, and the term "assistant secretary for procurement and chief procurement officer" shall be substituted for the term "assistant secretary for operational services" in the first sentence of subsection (a) thereof.

Department of Early Education and Care

SECTION 5. [Section 172F of chapter 6](#) of the General Laws, as appearing in the 2002 Official Edition, is hereby stricken and replaced with the following section:-

Section 172F. Notwithstanding the provisions of section 172, the following information shall be available, upon request, to the department of early education and care for the purposes of licensing child care programs under [chapter 15D](#) and to the executive office of health and human services for the purposes of evaluating any residence, facility, program, system, or other entity licensed under [chapter 28A](#), whether public or private, or any non-relative, in-home child care provider that receives federal or state funded child care in order to further the protection of children: conviction data, arrest data, sealed record data, and juvenile arrest or conviction data. The department of early education and care and the executive office of health and human services shall not disseminate such information for any purpose other than to further the protection of children.

Department of Early Education and Care

SECTION 6. [Section 208 of said chapter 6](#), as so appearing, is hereby amended in line 14 by striking the words "office of child care services" and inserting in place thereof the following words:- department of early education and care.

Department of Early Education and Care

SECTION 7. [Section 16 of chapter 6A](#) of the General Laws, as amended by [section 15 of chapter 26 of the acts of 2003](#), is hereby further amended in clause (3) of the second paragraph by striking the following words:- the office of child care services.

Alcoholic Beverage Control Commission Transfer to Public Safety

SECTION 8. [Section 18 of said chapter 6A](#), as amended by [section 19 of chapter 291 of the acts of 2004](#), is hereby further amended by inserting after the word "vehicles;" in line 3, the following:- alcoholic beverage control commission;.

Alcoholic Beverage Control Commission Transfer to Public Safety

SECTION 9. [Section 18A½ of said chapter 6A](#), as appearing in the 2002 Official Edition, is hereby amended by inserting after the word "laboratory," in the second paragraph, the following:- the alcoholic beverage control commission,.

Amendment to the Provider Unfunded Mandate

SECTION 10. Subsection (i) of the next to last paragraph of [section 4A of chapter 7](#) of the General Laws, as amended by [section 20 of chapter 149 the Acts of 2004](#), is hereby further amended by striking out the number "3" and inserting in place thereof the following:- 6.

Amendment to the Provider Unfunded Mandate

SECTION 11. Said [section 4A of said chapter 7](#), as so amended, is hereby further amended by striking out the number "\$5,000" in subsection (ii) of the next to last paragraph and inserting in place thereof the following:- \$25,000.

General Care and Control Authority

SECTION 12. [Section 40F of said chapter 7](#), as appearing in the 2002 Official Edition, is hereby amended by striking out lines 35 through 59, inclusive, and inserting in place thereof the following paragraph:-

The commissioner, with the written approval of the secretary for administration and finance, may transfer use of, and responsibility for maintenance of, land, buildings, including equipment therein, and other real property of the commonwealth within, between, or among state agencies ,including, without limitation, to or from the division of capital asset management and maintenance, and between state agencies and the judiciary. Provided however, that such transfer authority shall not apply to the state house or real property under the care and control of the department of conservation and recreation, the department of fish and game, the department of agricultural resources, or the division of fisheries and wildlife. Any such transfer shall be based on a determination, made by the commissioner after consultation with the executive offices in which any affected agencies are located, and with the chief justice of the administrative office of the trial court in the case of a transfer involving the judiciary, that such property is not needed, is underutilized, or is not being put to optimum use under current conditions. The commissioner shall notify the house and senate

committees on ways and means not less than 30 days prior to the effective date of any such transfer. The 30-day notification requirement may be waived if the commissioner certifies in writing that an emergency exists. Nothing herein shall be construed as diminishing any powers granted to the executive office of transportation or the department of highways pursuant to [chapter 6A](#), [chapter 81](#) or [chapter 161C](#), or any other general or special law relating to the executive office of transportation or the department of highways, as now or hereafter amended.

Massachusetts Office of Dispute Resolution

SECTION 13. [Section 51 of chapter 7](#) of the General Laws is hereby repealed.

Technical Change to Outsourcing Limitations

SECTION 14. [Section 54 of said chapter 7](#), as so appearing, is hereby amended by striking out paragraph (2).

Technical Change to Outsourcing Limitations

SECTION 15. Said [section 54 of said chapter 7](#), as so appearing, is hereby further amended by striking out the first two sentences of paragraph (4) and inserting in place thereof the following sentences:- The agency shall prepare a comprehensive written estimate of the actual costs of regular agency employees providing the subject services. The estimate shall include all direct and indirect costs of regular agency employees providing the subject services, including but not limited to, pension, insurance, and the costs of other employee benefits, capital costs, and overhead.

Technical Change to Outsourcing Limitations

SECTION 16. Said [section 54 of said chapter 7](#), as so appearing, is hereby further amended by striking out the last sentence of paragraph (6).

Separate Audit Guidelines Codification

SECTION 17. The first paragraph of [section 9A of chapter 7A](#) of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting at the end thereof the following paragraph:-

The comptroller shall publish standards for timely submission of audited financial statements by other audited entities that are reported in the statutory basis financial report and the comprehensive annual financial report of the commonwealth in conformity with said standards. Such statements from such entities as determined by the comptroller shall be submitted in accordance with said standards.

Inspector General Transfer to Comptroller

SECTION 18. Said [chapter 7A](#), as amended by [sections 30 and 31 of chapter 26 of the acts of 2003](#), is hereby further amended by inserting after section 18 the following four sections:-

Section 19. The comptroller shall act to prevent and detect fraud, waste, and abuse in the expenditure of public funds, whether state, federal, or local, or relating to programs and operations involving the sections, departments, offices, commissions, institutions, and activities of the commonwealth, including those districts, authorities, instrumentalities, or political subdivisions created by the general court and including cities and towns.

Section 20. The comptroller may supervise, coordinate, and conduct audits and investigations when necessary, relating to programs and operations described in section 19. He shall review legislation and regulations relating to programs and operations described in said section 19 and shall make recommendations concerning the effect of such legislation or regulation on the prevention and detection of fraud, waste, and abuse. He may recommend policies which will assist in the prevention or detection of fraud, waste, or abuse. The person in charge of, or the governing body of, any public body described in said section 19, may request the assistance of the comptroller with respect to implementation of any suggested policy. In that event the comptroller may assign personnel to conduct, supervise, or coordinate such activity. He may recommend policies for the conduct, supervision, or coordination of relationships between state and county agencies and other state and local government agencies, federal agencies, and nongovernmental entities with respect to all matters relating to the prevention and detection of fraud, waste, and abuse in or relating to programs and activities described in said section 19.

Section 21. (a) The comptroller may receive and investigate complaints or information from any public employee concerning the possible existence of any activity constituting fraud, waste, and abuse in or relating to programs and operations described in section 19.

(b) The comptroller shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without written consent of said employee, unless the comptroller determines such disclosure is necessary and unavoidable during the course of the investigation. In such event, the employee shall be notified in writing at least seven days prior to such disclosure.

(c) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to the comptroller, unless the complaint was made or information disclosed with the knowledge that it was false or with willful

disregard of its truth or falsity.

Section 22. In carrying out his duties and responsibilities, the comptroller shall report to the attorney general, the United States Attorney, or both, whenever the comptroller has reasonable grounds to believe there has been a violation of federal or state criminal law. Said attorney general shall institute appropriate further proceedings.

The comptroller shall refer audit or investigative findings to the state ethics commission, or to any other federal, state, or local agency that has an interest in said findings. Any referrals made under this section shall not be made public.

In any case where the comptroller has discovered fraudulent acts and believes that civil recovery proceedings may be appropriate, he shall refer the matter to the attorney general. The attorney general may institute whatever proceedings he deems appropriate, may refer the matter to another state or local agency, may retain the matter for further investigation, or may remand the matter to the comptroller for further investigation.

Inspector General Transfer to Comptroller

SECTION 19. Subsection (a) of [section 2 of chapter 7B](#) of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out, in line 5, the words "the inspector general" and inserting in place thereof the following:- the comptroller.

Bureau of State Office Buildings Repairs Fund

SECTION 20. [Section 6 of chapter 8](#) of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following paragraph:-

In order to provide funds for such repairs and improvements, the superintendent may charge fees of state executive and administrative departments, agencies, and officers for the use and occupancy of state properties under his responsibility, other than the state house, in an amount determined by the secretary for administration and finance. Such fees shall be deposited, along with any other amounts specifically appropriated for such purposes, into a separate fund on the books of the commonwealth hereby known as the State Office Building Repairs and Improvements Fund. Monies in such fund may be expended by the superintendent without further appropriation for the purpose of repairs and improvements to state office buildings.

Board of Registration in Medicine Trust Fund

SECTION 21. [Section 35M of chapter 10](#) of the General Laws, as so appearing, is hereby amended

by striking, in lines 10 and 11, the following phrase:- ; but, any unexpended balance at the end of the fiscal year shall revert to the General Fund.

Department of Professional Licensure Trust Fund Revenue

SECTION 22. [Section 35V of said chapter 10](#), as so appearing, is hereby amended by striking out, in line 22 of subsection (a), the word "previous".

Alcoholic Beverage Control Commission Transfer to Public Safety

SECTION 23. Sections 70, 71, and 72 of said [chapter 10](#), as inserted by [section 48 of chapter 26 of the acts of 2003](#), are hereby repealed.

Inspector General Transfer to Comptroller

SECTION 24. Subsection (13) of [section 5N of chapter 12](#) of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out, in line 130, the words "inspector general" and inserting in place thereof the following:- comptroller.

Inspector General Transfer to Comptroller

SECTION 25. [Chapter 12A](#) of the General Laws is hereby repealed.

Department of Professional Licensure Date Setting Authority

SECTION 26. [Chapter 13](#) of the General Laws, as so appearing, is hereby amended by inserting after section 9B the following section:-

Section 9C. Notwithstanding any general or special law to the contrary, the director may make such rules and regulations as are necessary to achieve administrative efficiencies including setting the initial and renewal term and expiration date of a license, certificate, registration, permit, authority,

variance grant, product approval, plan review, or dual fuel review issued by the various boards of registration and examination within the division of professional licensure.

Department of Early Education and Care

SECTION 27. [Section 54 of chapter 15](#) of the General Laws, as so appearing, is hereby amended by striking out subsections (j) and (k).

Department of Early Education and Care

SECTION 28. Said [section 54 of said chapter 15](#), as so appearing, is hereby repealed effective July 1, 2006.

Repeal of Higher Education Reporting Requirement

SECTION 29. [Section 15C of chapter 15A](#) of the General Laws, as so appearing, is hereby amended in line 3 by striking out the following words:- and non-appropriated.

Repeal of Obsolete Payroll System Reporting Requirement

SECTION 30. [Section 15D of chapter 15A](#) of the General Laws is hereby repealed.

Department of Early Education and Care

SECTION 31. [Section 2 of chapter 15D](#) of the General Laws, as inserted by [chapter 205 of the acts of 2004](#), is hereby amended by inserting at the end thereof the following sentence:- The department shall be supervised and managed by a commissioner of early education and care, hereinafter called the commissioner, appointed by the board of early education and care, pursuant to section 4.

Department of Early Education and Care

SECTION 32. [Section 3 of said chapter 15D](#), as so inserted, is hereby further amended by striking out clauses (10) and (11) in paragraph (c).

Department of Early Education and Care

SECTION 33. [Section 4 of said chapter 15D](#), as so inserted, is hereby further amended by striking out the second paragraph and inserting in place thereof the following new paragraphs:-

Subject to the approval of the board, the commissioner may:

(1) Lease, purchase, hold, and dispose of personal and real property.

(2) Apply for and accept on behalf of the commonwealth any federal, local, or private grants, bequests, gifts or contributions to aid in the financing of any of the programs or policies of the department. Such funds shall be received by the state treasurer on behalf of the commonwealth and deposited in a separate account and shall be expended under the direction of the commissioner, with the approval of the board. Federal funds paid as reimbursement to the commonwealth shall be deposited in the General Fund.

(3) Enter into agreements with other departments and agencies of the commonwealth and may contract with other persons, including private agencies, to carry out any of the functions and purposes set out in this chapter. The commissioner shall establish standards and procedures governing such agreements and contracts subject to the approval of the board.

The commissioner, with the approval of the board, may establish such bureaus, divisions, commissions, and other offices and employ or appoint such staff and consultants as may be necessary for the proper and efficient administration of the department. The commissioner shall, at the time of appointment, have substantial professional or administrative experience in a field concerned with early education or other services designed to meet the needs of young children. The provisions of [chapter 31](#) and [sections 9A, 9B, and 9D of chapter 30](#) shall not apply to the commissioner, to such assistant commissioners as the commissioner may appoint, or to such other supervisory positions as the commissioner may create.

Department of Early Education and Care

SECTION 34. Said [chapter 15D](#), as so inserted, is hereby further amended by inserting at the end thereof the following sections:-

Section 6. (a) The following words as used in this chapter shall, unless the context otherwise requires, have the following meanings:-

"Child", any person under the age 14, or under the age of 19 if the child has special needs.

"Department," the department of early education and care.

"Commissioner", the commissioner of the department of early education and care.

"Person", any individual, partnership, corporation, association, organization, or trust or any department, agency, or institution of the federal government or of the commonwealth or any political subdivision thereof.

(b) The following words as used in this section and sections 8 through 16, inclusive shall, unless the context otherwise requires, have the following meanings:-

"Child with special needs," any child, who, because of temporary or permanent disabilities arising from intellectual, sensory, emotional, physical, or environmental factors, or other specific learning disabilities is unable to progress effectively in an early education and care program and needs additional services to reach his or her full potential.

"School-age child with a disability," a child with a disability who requires special education as determined in accordance with the provisions of [chapter 71B](#), and its regulations.

"Family child care home", any private residence which on a regular basis, receives for temporary custody and care during part or all of the day, children not more than 12 years of age or children under 16 years of age if such children have special needs or meet the definition of a "school-age child with a disability"; provided, however, in either case, that the total number of children under 16 in a family child care home shall not exceed six, including participating children living in the residence. Family child care home shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefor.

"Family child care system", any person who, through contractual arrangement, provides to family child care homes which it has approved as members of said system, central administrative functions including, but not limited to training, technical assistance, and consultation to operators of family child care homes; inspection, supervision, monitoring, and evaluation of family child care homes; referrals of children to available affiliated family child care homes and available health and social services; provided, however, that family child care system shall not mean a placement agency or a child care center.

"Large family child care home", a family child care home in which the total number of children under 16 shall not exceed 10, including participating children living in the residence. A large family child care home shall have at least one approved assistant when the total number of children participating in such child care exceeds six.

"Child care center", any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, or pre-school, or known under any other name, which receives children under seven years of age, or under 16 years of age if the child has special needs or meets the definition of a "school-age child with a disability", for nonresidential custody and care during part or all of the day, separate from their parents. Child care center shall not include: any part of a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to kindergarten, nursery, or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family child care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor.

"School-age child care program", any program or facility operated on a regular basis which provides supervised group care for children who are enrolled in kindergarten and are of sufficient age to enter first grade the following year, or an older child who is not more than 14 years of age, or 16

years of age if such child has special needs or meets the definition of a school-age child with a disability. Such a program may operate before and after school and may also operate during school vacation and holidays. It provides a planned daily program of activities that is attended by children for specifically identified blocks of time during the week, usually over a period of weeks or months. A school-age child care program subject to licensure shall not include: any program operated by a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to a school-age child care program; a Sunday school or classes for religious instruction conducted by a religious organization where the children are cared for during short periods of time while persons responsible for such children are attending religious services; a family child care home except as provided under large family child care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor.

Section 7. The Department shall further the purposes of the board as defined in this chapter, and shall be responsible for:

- (1) determining the need for early education and care services to children within the commonwealth and making recommendations to the board and to the governor on need priorities;
- (2) analyzing and evaluating all budget requests for early education and care services to children under this chapter and making recommendations to the board regarding coordination and approval of such budget requests;
- (3) promoting the coordination of programs for services to children under this chapter;
- (4) evaluating, monitoring, and licensing programs for children under this chapter;
- (5) facilitating the development of and, when appropriate, provide for training programs for persons offering early education and care services;
- (6) providing information and referral to persons seeking children's services;
- (7) providing technical assistance and consultation to providers and potential providers of early education and care services to children; and
- (8) setting and enforcing policies and regulations administering state and federal child care funds, including establishing and updating payment rates and sliding fee scales, as necessary.

In order to promote the development of early education and care services for children the department, subject to the approval of the board, shall seek, accept, and distribute or expend all federal funds available to the department for early education and care and related services and shall assist other agencies of the commonwealth and local agencies to take full advantage of all federal funds available for such services. The department may also provide child care services to children by contracting for such services, or, in the case of demonstration programs, by operating such services or contracting for such services.

Section 8. (a) The department shall issue and may renew a license to any person other than a department, agency, or institution of the commonwealth or any political subdivision thereof, who meets applicable standards and requirements to establish and maintain or to assist in the establishment and maintenance of a school-age child care program, child care center, family child care home or large family child care home. The department may issue an approval to a department, agency, or institution of the commonwealth or any political subdivision thereof which it deems meets such applicable standards and requirements to establish and maintain a school-age child care program, child care center, family child care home, or large family child care home.

- (b) The department may issue a provisional license for or may provisionally approve a school-

age child care program, a child care center, family child care home, or large family child care home any of which has not previously operated or is operating but is temporarily unable to meet applicable standards and requirements.

Section 9. (a) The board of early education and care shall pursuant to the provisions of [chapter 30A](#), and after consultation with the boards of education, the executive office of health and human services, the department of transitional assistance, the department of social services, the executive office of public safety, the department of housing and community development, and the department of economic development, promulgate rules and regulations to carry out the purposes and functions of this chapter.

(b) Such regulations, as they relate to standards and requirements for licensure and approval of school-age child care programs, child care centers, family child care homes or large family child care homes, shall be appropriate for the protection of the health, well-being, and development of children and shall include, but need not be limited to, provisions regarding (1) admission policies and procedures; (2) safe transport of children; (3) physical plant and equipment; (4) the number and qualifications of staff; (5) the nature of programs of care and curriculum; (6) health care and nutrition; (7) rights and responsibilities of parents, children, and staff; (8) record-keeping and other procedures relevant to evaluation; (9) organization, financing, and administration; (10) appropriate supervision requirements; (11) appropriate standards for approved assistants; (12) fire and safety precautions; and (13) the imposition of civil fines and other sanctions.

(c) Fines authorized by this section shall range from \$50 to \$250; provided, however, that the department may impose a separate fine for each violation, per day.

(d) Such regulations may establish classifications for licensure or approval as are necessary to achieve the purposes of this chapter. Such regulations shall establish reasonable license fees and appropriate terms for all licenses granted under the provisions of this section. No such license or approval shall be transferable. Any rule or regulation involving medical treatment shall include appropriate exemptions for children whose parents object thereto on the ground that it conflicts with the tenets and practice of a recognized church or religious denomination of which the parent or child is an adherent or member. The department shall conduct a comprehensive review of rules and regulations established under this section at least once every five years.

(e) The department may, at any reasonable time, conduct announced and unannounced visits and inspections of any facility operated by a person who is subject to licensure or approval under this chapter in order to determine whether such facility is being operated in compliance with law and with the rules and regulations established under this chapter, and may issue administrative subpoenas.

(f) The department shall provide consultation to assist applicants in meeting its requirements for licensure or approval.

(g) The department shall promptly investigate and evaluate any notice transmitted to the department by the department of social services under clause (9) of [section 51B of chapter 119](#). Such investigation and evaluation shall determine whether the facility being operated by a person subject to licensure under this chapter is being operated in compliance with this chapter and with the rules and regulations established under the chapter. If, during the course of any such investigation or licensing study conducted by the department, any agent or employee of the department receives or discovers information concerning the occurrence of child abuse or neglect, such agent or that employee shall make a report to the department of social services, pursuant to the provisions of [section 51A of chapter 119](#).

Section 10. No person shall operate a school-age child care program, a child care center, family child care home, or large family child care home, unless such person is licensed by the department; except that a department, agency, or institution of the commonwealth or any political subdivision thereof may obtain an approval rather than a license in order to operate a school-age child care program, child care center, family child care home, or family child care system.

Section 11. The commissioner with the approval of the board and in accordance with guidelines established by the board may delegate on an annual basis to any city or town the power to issue, suspend, revoke, make probationary, or renew licenses, pursuant to the regulations promulgated by the department under this chapter, to persons operating or seeking to operate school-age child care programs, child care centers, family child care homes, or large family child care homes; provided, that such delegation of authority shall be given only to a city or town that had such a delegation of authority issued by the office of child care services and in effect as of July 1, 2005; provided further, that any such city or town must demonstrate that the delegation will result in more effective exercise of such power; and provided further, that persons subject to licensure by such city or town shall be governed by the same rules and regulations as persons subject to licensure by the department. The commissioner may, at any time, revoke the delegation of authority granted to any city or town if the commissioner finds that the city or town has failed to ensure that persons subject to licensure by such city or town comply with the same rules and regulations as persons subject to licensure by the department.

Section 12. Subject to the requirements of [chapter 30A](#) of the General Laws, and in accordance with the rules and regulations promulgated by the department, the department may suspend, revoke, refuse to issue or renew, or sanction the license of any person. The department may also assess a civil fine within the limits prescribed by section 9 of this chapter, or impose any other sanctions it deems appropriate, including but not limited to placing a license on probationary status, in accordance with rules and regulations promulgated by the department. Such action to suspend, revoke, refuse to issue or renew, or sanction a license may be taken if such person: (1) fails to comply with applicable rules and regulations; (2) furnishes or makes any misleading or false statement or report required under such rules and regulations; (3) refuses to submit any reports or make available any records required by such rules and regulations; or (4) refuses to admit representatives of the department at any reasonable time for purposes of investigation or inspection. The department may temporarily suspend a license in an emergency situation without a prior hearing; provided, however, that upon request of an aggrieved party, a hearing shall be held as soon after the license is suspended as is reasonably possible. Any party aggrieved by a final decision of the department in any adjudicatory proceeding under this section may petition for judicial review in accordance with the provisions of [section 14 of chapter 30A](#).

Section 13. No person shall cause to be published in a newspaper distributed anywhere in the commonwealth or to be broadcast on a radio or television station in the commonwealth an advertisement or notice for the placement or reception of a child in family child care, large family child care, child care center care, or a school-age child care program unless such advertisement is placed by a licensed or approved family child care home, large family child care home, family child care system, child care center, or school-age child care program, or with the written approval of the department. Such advertisement or notice shall include the license number issued to the provider or agency pursuant to this chapter.

Section 14. Any person who violates the provisions of sections 9 or 12 of this chapter may be punished for each such violation by a fine of up to \$5,000 or by imprisonment for not more than one year, or both.

Section 15. Upon petition of the department, the superior court shall have jurisdiction to enjoin any violation of the provisions of sections 9 or 12 of this chapter or to take such other action as equity and justice may require.

Section 16. Upon petition of the department, the superior court shall have jurisdiction to enter an order permitting the department to enter and inspect, under such conditions as the court deems appropriate, a facility operated by a person whom the office has reasonable cause to believe is subject to licensure or approval under this chapter.

TAFDC Reform

SECTION 35. [Section 18A of chapter 18](#) of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out, in line 1, the words "shall impose the sanction required", and inserting in place thereof the following:- is authorized to impose the sanctions permitted.

Preventing Rent Arrearages by Recipients of Public Assistance

SECTION 36. [Section 26 of said chapter 18](#), as so appearing, is hereby amended by inserting, in line 8, after the word "town", the following:- , or the local board of health, a local housing authority, a regional housing agency, or other qualified entity as determined by the department,.

Preventing Rent Arrearages by Recipients of Public Assistance

SECTION 37. [Section 27 of said chapter 18](#), as so appearing, is hereby amended by inserting, in line 5, after the word "town", the following:- , or the local board of health, local housing authority, regional housing agency, or other qualified entity as determined by the department,.

Public Assistance Overpayment Recovery

SECTION 38. [Section 30 of said chapter 18](#), as so appearing, is hereby further amended by inserting

at the end thereof the following paragraph:-

(g) Notwithstanding any special or general law to the contrary, the department may, whenever it determines that an overpayment collection is delinquent, whether the repayment is to be made directly to the department or through a court, institute collection proceedings in accordance with this section and department regulations. Collection proceedings may include, but are not limited to, grant reduction, state and federal tax offset, and any other method permitted by law.

Alcoholic Beverage Control Commission Transfer to Public Safety

SECTION 39. The General Laws are hereby amended by inserting after [chapter 22E](#) the following chapter:-

CHAPTER 22F

THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Section 1. There shall exist within the executive office for public safety a commission to be known as the alcoholic beverages control commission, to consist of a commissioner and two associate commissioners appointed by the governor. Not more than two members shall be members of the same political party. The commissioner and one associate commissioner shall serve terms coterminous with that of the governor. One associate commissioner shall serve a four year term. The commissioner shall serve as chairman. The commission members shall devote their full time during business hours to their official duties. The positions of commissioner and associate commissioners shall be classified in accordance with [section 45 of chapter 30](#) and the salaries shall be determined in accordance with [section 46C of said chapter 30](#). Any vacancy may be filled in like manner for the remainder of the unexpired term. Members of the commission shall serve at the pleasure of the governor and may be removed without cause. Two members shall constitute a quorum for the purpose of conducting the business of the commission. A vacancy shall not impair the right of the remaining members to exercise the powers of the commission. The commissioner, pursuant to [section 14 of chapter 17](#), shall serve as a member of the advisory council on alcoholism.

Section 2. The chairman may appoint and remove a secretary and expend for other clerical assistants pursuant to [section 45 of chapter 6](#). The chairman may appoint a confidential secretary pursuant to [section 7 of chapter 30](#). The chairman may appoint investigators who shall be exempt from [chapter 31](#), for the purpose of enforcing or causing to be enforced the penalties provided for by law against any person in violation of the provisions of this chapter or [chapter 138](#). Each person employed as an investigator shall meet minimum qualifications established by the secretary of public safety and shall complete a basic training and safety course as approved by said secretary. Investigators shall not carry firearms in connection with their duties under this chapter.

Section 3. The commission shall have the following responsibilities:

(1) issuing licenses, suspending licenses, reviewing appeals, and revoking licenses pursuant to sections 12, 13, 15A, 17, 18, 18A, 19, 19A, 19B, 19C, 19D, 20, 22A, 23, 23A, 64, 67, 70, 76 of [chapter 138](#);

- (2) establishing conditions for the destruction of certain alcoholic beverages pursuant to [section 2 of chapter 138](#);
- (3) receiving annual reports from local licensing authorities pursuant to [section 10A of chapter 138](#);
- (4) authorizing vacancy of members of local licensing boards pursuant to [section 10B of chapter 138](#);
- (5) issuing certificates of compliance to export licensees pursuant to [section 18B of chapter 138](#);
- (6) issuing permits to store and warehouse beverages pursuant to [section 20A of chapter 138](#);
- (7) issuing permits for vehicles to transport and deliver alcoholic beverages pursuant to [section 22 of chapter 138](#);
- (8) promulgating regulations for issues regarding alcoholic beverages pursuant to [section 24 of chapter 138](#);
- (9) posting of names of delinquent licensees pursuant to [section 25 of chapter 138](#);
- (10) establishing schedules for sale of alcoholic beverages sold to wholesaler in the commonwealth pursuant to [section 25B of chapter 138](#);
- (11) promulgating rules regarding the resale price of beverages pursuant to [section 25C of chapter 138](#);
- (12) promulgating and enforcing rules regarding price discrimination pursuant to [section 25D of chapter 138](#);
- (13) establishing rules for the sale of alcoholic beverages to churches, hospitals, and other organizations pursuant to [section 28 of chapter 138](#);
- (14) preparing and distributing posters to businesses regarding the sale of alcoholic beverages to minors pursuant to [section 34A of chapter 138](#);
- (15) arresting without a warrant any person illegally manufacturing or selling alcoholic beverages pursuant to [section 56 of chapter 138](#);
- (16) entering premises to ascertain manner of business of licensees pursuant to [section 63 of chapter 138](#); and,
- (17) receiving reports from bottle distributors regarding the amount received from deposits pursuant to [section 323 of chapter 94](#).

Section 4. The commission shall submit to the governor and to the general court as soon as may be feasible after the end of each state fiscal year a full report of its actions and of the conduct and condition of traffic in alcoholic beverages during such year, together with recommendations for such legislation as it deems necessary or desirable for the better regulation and control of such traffic and for the promotion of temperance in the use of such beverages.

Section 5. The chairman, with the approval of the secretary of public safety, may designate any permanently appointed municipal police officer with powers and duties set forth in [section 98 of chapter 41](#) and who is trained pursuant to [section 96B of chapter 41](#), as a special alcohol beverage control officer. Special alcohol beverage control officers shall have all the authority of commission investigators to enforce the provisions of this chapter and [chapter 138](#).

Alcoholic Beverage Control Commission Transfer to Public Safety

SECTION 40. Clause (1) of subsection (b) of [section 1 of chapter 24A](#) of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out the following words:- the alcoholic beverages control commission.

Department of Early Education and Care

SECTION 41. The General Laws are hereby amended by striking out [chapter 28A](#) and inserting in its place the following chapter:-

[CHAPTER 28A](#)

OFFICE OF RESIDENTIAL AND PLACEMENT LICENSURE

Section 1. The following words as used in this chapter shall, unless the context otherwise requires, have the following meanings: -

"Adoption," the establishment of the legal relationship of parent and child in accordance with the provisions of [chapter 210](#).

"Child", any person under the age of 18 or under the age of 22 if such child is meets the definition of a school-age child with a disability

"Family foster care", substitute parental care in a family given in a private residence for up to six children under 18 years of age on a regular, 24 hour-a-day, residential basis by anyone other than a relative by blood or marriage; provided, however, that such care may be provided for more than six children in order to place siblings in the same residence.

"Group care facility", any facility which provides care and custody for one or more children under 18 years of age, on a regular, 24 hour-a-day, residential basis by anyone other than a relative by blood or marriage, notwithstanding the fact that such care may include educational instruction; provided, private schools shall be considered group care facilities only if such schools provide special education services to children with disabilities. Group care facility shall not mean family foster care, a hospital, ward, or comprehensive center licensed under the provisions of [section 19 of chapter 19](#), a hospital, ward, or comprehensive center operated by the commonwealth or any subdivision thereof, a hospital, institution for unwed mothers, convalescent or nursing home, rest home, or infirmary licensed under the provisions of [chapter 111](#) or any facility licensed under the provisions of [section 7 of chapter 111E](#). Group care facility shall not be limited to a facility defined as a group residence in [section 1 of chapter 143](#).

"Office", the office of residential and placement licensure within the executive office of health and human services.

"Person", any individual, partnership, corporation, association, organization, or trust, or any department, agency, or institution of the federal government or of the commonwealth or any political subdivision thereof.

"Placement agency", a department, agency, or institution of the Commonwealth, or any political subdivision thereof, or any organization incorporated under [chapter 180](#), one of whose principal purposes is providing custodial care and social services to children, which receives by agreement with a parent or guardian, by contract with a state agency, or as a result of referral by a court of competent jurisdiction, any child under 18 years of age, for placement in family foster care or a group care facility, or for adoption.

"School-age child with a disability," a child with a disability who requires special education as determined in accordance with the provisions of [chapter 71B](#), and its regulations.

"Temporary shelter facility", any facility which operates to receive children under 18 years of age for temporary shelter during the day or night when such children request shelter therein, or when such children are placed there by a placement agency, a law enforcement agency, or a court with authority to make such placement. Temporary shelter facility shall not mean family foster care or a group care facility, a police station, or a town lockup.

Section 2. (a) There shall be within the executive office of health and human services an office of residential and placement licensure. The secretary may establish such divisions, commissions, units, and other offices and employ or appoint such staff and consultants as may be necessary for the proper and efficient administration of the office, and may establish regional advisory councils, including functions, guidelines, and procedures for recognition of such councils.

(b) The secretary of health and human services (hereinafter, the secretary) shall, pursuant to the provisions of [chapter 30A](#), and after consultation with the boards of education, the executive office of public safety, and the departments of housing and community development, and economic development, promulgate rules and regulations to carry out the purposes and functions of this chapter. Such regulations, as they relate to standards and requirements for licensure and approval of group care, placement agency, or temporary shelter that shall be appropriate for the protection of the health, well-being and development of children and shall include, but need not be limited to, provisions regarding (1) admission policies and procedures; (2) safe transport of children; (3) physical plant and equipment; (4) the number and qualifications of staff; (5) the nature of programs of care or treatment; (6) health care and nutrition; (7) rights and responsibilities of parents, children, and staff; (8) record-keeping and other procedures relevant to evaluation including, but not limited to, reports by placement agencies detailing the number and nature, as defined jointly by the university of Massachusetts center for adoption research and policy in the city of Worcester and the department of social services, of adoptions processed during each calendar year to be filed with the center on or before January 30 of each year; (9) organization, financing, and administration; and (10) the imposition of civil fines and other sanctions. Fines authorized by this section shall range from \$100 to \$1,000 per violation, per day.

(c) Such regulations may establish classifications for licensure or approval as are necessary to achieve the purposes of this chapter; provided, that the standards and requirements for approval of a placement agency, group care facility, or temporary shelter operated by a department, agency, or institution shall be the same as or higher than those applicable to the licensure of comparable facilities or services. Such regulations shall establish reasonable license fees and appropriate terms for all licenses granted under the provisions of this section. No such license or approval shall be transferable. A provisional license or approval shall be issued for a period not to exceed six months and in no case shall a person operate under a provisional license, provisional approval, or renewal thereof for more than 12 consecutive months. Any rule or regulation involving medical treatment shall include appropriate exemptions for children whose parents object thereto on the ground that it conflicts with

the tenets and practice of a recognized church or religious denomination of which the parent or child is an adherent or member. The office shall conduct a comprehensive review of rules and regulations established under this section at least once every five years.

(d) The office may, at any reasonable time, conduct announced and unannounced visits and inspections of any facility operated by a person who is subject to licensure or approval under this chapter in order to determine whether such facility is being operated in compliance with law and with the rules and regulations established under this chapter, and may issue administrative subpoenas.

(e) The office shall provide consultation to assist applicants in meeting its requirements for licensure or approval, and in meeting other applicable state and local requirements relative to fire, safety, and zoning codes.

(f) The office shall promptly evaluate any notice transmitted to the office by the department of social services under clause (9) of [section 51B of chapter 119](#). The office may, at any time, determine that an investigation is necessary and may conduct an investigation in accordance with this chapter. Such investigation and evaluation shall determine whether the facility being operated by a person subject to licensure or approval under this chapter is being operated in compliance with this chapter and with the rules and regulations established under the chapter. If, during the course of any such investigation or licensing study conducted by the office, any agent or employee of the office receives or discovers information concerning the occurrence of child abuse or neglect, such agent or that employee shall make a report to the department of social services, pursuant to the provisions of [section 51A of chapter 119](#).

Section 3. The office shall issue and may renew a license to any organization incorporated under [chapter 180](#) which meets applicable standards and requirements to establish and maintain a placement agency.

Section 4. (a) No person shall operate a group care facility, placement agency, or temporary shelter unless such person is licensed by the department; provided, that a department, agency or institution of the commonwealth or any political subdivision thereof shall obtain an approval rather than a license in order to operate a group care facility, placement agency, or temporary shelter.

(b) No person shall maintain a child in family foster care without placement supervision and approval by a placement agency.

(c) No person shall place or knowingly facilitate the placement of any child as defined in section 2 in the care or control of any other person not related to such child by blood or marriage, or in the care or control of any organization other than a licensed or approved placement agency, for purposes of adoption in the commonwealth. No person unrelated to such a child by blood or marriage, and no organization other than a licensed or approved placement agency, shall receive such a child for purposes of adoption, except from a licensed or approved placement agency. Nothing herein shall prevent the placement of a child who is not a citizen of the United States when a home study of the prospective parent or parents prior to the placement of the child is performed by a licensed placement agency. For the purpose of this section the spouse of the natural parent of such a child shall be deemed to be related by marriage to said child.

Section 5. (a) Notwithstanding any general or special law, rule, or regulation to the contrary, no child shall be placed in a foster home prior to the approval of the home by any individual or agency licensed pursuant to this chapter by the office, except an emergency placement in a foster home limited to relatives or long-term friends of the child's family.

(b) Said approval shall include a criminal offender record information check on all persons 18 years of age or older residing at the home. In the event of any emergency placement, a criminal offender record information check shall be completed on all persons 18 years of age or older residing at said home within ten working days of placement. If the result of any of said checks shows that any occupant of said home has a criminal record involving violence, abuse, or exploitation against any person, which bears adversely upon the person's ability to assume and carry out the responsibilities of a foster parent or poses a serious threat of harm to a child, the home shall not be approved by the office, no child shall be placed in said home, and any emergency placement shall be removed forthwith.

Section 6. (a) A person whose consent is required by [section 2 of chapter 210](#) may, prior to surrender, request from a placement agency background information pertaining to the prospective adoptive family in which the placement agency expects to place the child if surrendered. The nature of the background information shall be established in the rules and regulations promulgated by the office as authorized by section 2; provided, however, that no agency shall be required to reveal the identity or geographical location of the prospective adoptive family to such person. The placement agency shall provide said background information in writing unless the person whose consent is required signs a written waiver of the request.

(b) Each placement agency shall register with an adoption resource exchange in the commonwealth any child whose goal is adoption, whether the child is free for adoption or at legal risk, for whom the placement agency has been unable to identify a specific adoptive family or initiate the adoption process with a prospective adoptive family within 60 days of the determination of the goal of adoption. For the purposes of this chapter, an adoption resource exchange shall mean a nonprofit agency the primary purpose of which is to link children awaiting placement with permanent families by providing information and referral services and by the recruitment of potential adoptive families.

Section 7. Subject to the requirements of [chapter 30A](#), and in accordance with the rules and regulations promulgated by the secretary, the office may suspend, revoke, or refuse to issue or renew the license of any person, assess a civil fine within the limits prescribed by section 3 of this chapter, or impose any other sanctions it deems appropriate, including but not limited to placing a license on probationary status, in accordance with rules and regulations promulgated by the secretary. Such action may be taken if such person: (1) fails to comply with applicable rules and regulations; (2) furnishes or makes any misleading or false statement or report required under such rules and regulations; (3) refuses to submit any reports or make available any records required by such rules and regulations; or (4) refuses to admit representatives of the office at any reasonable time for purposes of investigation or inspection. The office may temporarily suspend a license in an emergency situation without a prior hearing; provided, however, that upon request of an aggrieved party, a hearing shall be held as soon after the license is suspended as is reasonably possible. Any party aggrieved by a final decision of the office in any adjudicatory proceeding under this section may petition for judicial review in accordance with the provisions of [section 14 of chapter 30A](#).

Section 8. No person shall cause to be published in a newspaper distributed anywhere in the commonwealth or to be broadcast on a radio or television station in the commonwealth an advertisement or notice for the placement or reception of a child for family foster care, temporary shelter care, or adoption unless such advertisement is placed by a licensed or approved placement

agency, group care facility, or temporary shelter facility, or with the written approval of the office. Such advertisement or notice shall include the license issued to the provider or agency pursuant to this chapter.

Section 9. Any person who violates the provisions of sections 4 or 8 of this chapter may be punished for each such violation by a fine of up to \$5,000 or by imprisonment for not more than one year, or both.

Section 10. Upon petition of the office, the superior court shall have jurisdiction to enjoin any violation of the provisions of sections 4 or 8 of this chapter or to take such other action as equity and justice may require.

Section 11. Upon petition of the office, the superior court shall have jurisdiction to enter an order permitting the office to enter and inspect, under such conditions as the court deems appropriate, a facility operated by a person whom the office has reasonable cause to believe is subject to licensure or approval under this chapter.

Repeal of Children's and Seniors' Health Care Assistance Fund

SECTION 42. [Section 2FF of chapter 29](#) of the General Laws, as amended by [sections 143 and 144 of chapter 26 of the acts of 2003](#), is hereby repealed. As of the effective date of this section, the comptroller shall transfer any remaining balance in the fund named herein to the General Fund.

Health and Human Services Technology Transformation Fund

SECTION 43. Said [chapter 29](#), as appearing in the 2002 Official Edition, is hereby amended by striking out section 2AAA and inserting in place thereof the following section:-

Section 2AAA. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Health and Human Services Information Technology Transformation Fund. The purposes of the fund shall be to provide agencies under the executive office of health and human services with funding to meet the costs of compliance with the federal Health Insurance Portability and Accountability Act of 1996, HIPAA, as well as to transform the use of information technology within and between the health and human service agencies. There shall be credited to said fund revenues from federal reimbursements from Title XIX and Title XXI of the Social Security Act attributable to funds spent for HIPAA compliance, other federal reimbursements, grants, premiums, gifts, or other contributions received for HIPAA compliance, and federal revenue generated on non-capital spending on health and human service information technology projects. Amounts credited to the fund shall be held as an expendable trust and shall not be subject to further appropriation. No expenditure made from the fund shall cause the fund to be in deficit at the close of each fiscal year.

The secretary for administration and finance may allocate amounts in said fund to agencies within said executive office to meet the costs of compliance with HIPAA where the amounts otherwise available are insufficient for such purpose, and for the transformation of the use of

information technology within and across the health and human service agencies.

State Office Building Repairs and Improvements Fund

SECTION 44. Said [chapter 29](#), as so appearing, is hereby further amended by inserting after Section 2NNN, the following section:-

Section 2000. There shall be established and set up on the books of the commonwealth a separate fund to be known as the State Office Building Repairs and Improvements Fund. Said trust fund shall consist of monies paid to the commonwealth pursuant to [section 6 of chapter 8](#) of the General Laws, and any interest or investment earnings on such monies. The superintendent of buildings shall be the custodian of said trust fund and shall receive, deposit and invest all monies transmitted to him under the provisions of this section and shall credit interest and earnings on the trust fund to said trust fund. Funds collected pursuant to said section 6 shall be expended by the superintendent without further appropriation for the purpose of repairs and improvements to state office buildings.

Inspector General Transfer to Comptroller

SECTION 45. Subsection (b) of [section 29F of said chapter 29](#), as so appearing, is hereby amended by striking out, in line 47, the following:- the inspector general,.

Inspector General Transfer to Comptroller

SECTION 46. Subsection (d) of said [section 29F of said chapter 29](#), as so appearing, is hereby amended by striking the final sentence of the second paragraph.

Inspector General Transfer to Comptroller

SECTION 47. Paragraph (2) of subsection (b) of [section 39R of chapter 30](#) of the General Laws, as so appearing, is hereby amended by striking out, in lines 66 and 67, the words "inspector general" and inserting in place thereof the following:- the state comptroller.

Inspector General Transfer to Comptroller

SECTION 48. Subsection (e) of said [section 39R of said chapter 30](#), as so appearing, is hereby amended by striking out, in lines 121 and 125, the words "inspector general" and inserting in place thereof the following:- comptroller.

Assault Pay Reform

SECTION 49. [Section 58 of said chapter 30](#), as so appearing, is hereby amended by striking the fourth paragraph, and inserting in place thereof the following paragraph:-

Notwithstanding the provisions of this section, an employee who, while in the performance of duty, receives bodily injuries resulting from the acts of violence of patients or prisoners in his or her custody, and who as a result of such injury would be entitled to benefits under [sections 34 or 34A of said chapter 152](#), shall be paid the difference between his or her weekly cash benefits to which he or she would be entitled under said [chapter 152](#) and his regular salary; or, under [section 35 of chapter 152](#), shall be paid the difference between his or regular salary and the sum of the weekly cash benefits to which he or she would be entitled under said [chapter 152](#) and an assigned or agreed upon earning capacity. Employees who are separated from employment for any reason, including but not limited to, resignation, termination, or retirement, shall not be entitled to payments under this section. In addition, employees who refuse to meet with or participate in vocational rehabilitation pursuant to [section 30G of chapter 152](#) shall not be entitled to payments under this section. Any benefit provided by this section shall not pay the employee more than his or her regular base net pay as stated on their last payroll statement prior to the injury, minus an assigned or agreed upon earning capacity, if applicable. To the extent benefits provided by this section are excluded from federal gross income, they shall be added back to the recipient's Massachusetts gross income for purposes of [chapter 62](#).

Inspector General Transfer to Comptroller

SECTION 50. Paragraph (33) of subsection (b) of [section 1 of chapter 30B](#) of the General Laws, as so appearing, is hereby amended by striking out, in line 97, the words "inspector general" and inserting in place thereof the following:- state comptroller.

Inspector General Transfer to Comptroller

SECTION 51. Subsection (c) of said [section 5 of said chapter 30B](#), as so appearing, is hereby amended by striking out, in lines 55 and 56, the words "inspector general" and inserting in place

thereof the following:- comptroller.

Inspector General Transfer to Comptroller

SECTION 52. [Section 17\(d\) of said chapter 30B](#), as so appearing, is hereby repealed.

Inspector General Transfer to Comptroller

SECTION 53. [Section 19 of said chapter 30B](#), as so appearing, is hereby amended by striking out, in lines 16 and 17, the words "inspector general" and inserting in place thereof the following:- state comptroller.

Creditable Service for National Guard Members

SECTION 54. Paragraph (h) of subsection (1) of [section 4 of chapter 32](#) of the General Laws, as so appearing, is hereby amended by striking out, in line 146, the following:- Massachusetts.

Health Claims Trust Fund

SECTION 55. [Section 3A of chapter 32B](#) of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following paragraph:-

Any city, town, county, or other subdivision of the commonwealth maintaining a claims trust fund under this section shall cause an audit of such fund to be made annually. Such audit shall determine whether the accounting for the fund is in accordance with generally accepted accounting principles, including accrual for claims that have been incurred but not paid as of the conclusion of the fiscal year. Such audit may be performed as part of the annual audit of the city, town, county, or other subdivision. The amount of any deficit in a claims trust fund, if not otherwise provided for, shall be raised in the next fiscal year's tax rate for a city or town, or be provided in the next fiscal year's budget for any other subdivision and credited to the claims trust fund. Nothing in this paragraph shall eliminate the requirement of the preceding paragraph with respect to adjusting the future ratio of monthly premium contributions of the subdivision and its employees and retirees to achieve a previously established ratio or ratios of monthly premium contributions.

Inspector General Transfer to Comptroller

SECTION 56. [Section 53F of chapter 44](#) of the General Laws, as so appearing, is hereby amended by striking out, in lines 50 and 51, the words "inspector general" and inserting in place thereof the following:- comptroller.

Assault Pay Reform

SECTION 57. [Section 2 of chapter 62](#) of the General Laws, as so appearing, is hereby amended by adding after subparagraph (A) of paragraph (1) of subsection (a), the following subparagraph:-

(B) Amounts paid under subsection 4 of [section 58 of chapter 30](#) that are excluded under Code section 104(a)(1).

Tax Reduction

SECTION 58. Subparagraph (13) of paragraph (a) of Part B of [section 3 of said chapter 62](#), as so appearing, is hereby repealed in its entirety.

Tax Reduction

SECTION 59. [Section 4 of said chapter 62](#), as so appearing, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) Part B taxable income shall be taxed at the rate of 5.0 per cent for tax years beginning on or after January 1, 2006.

Charter School Cap Elimination

SECTION 60. Subsection (i) of [section 89 of chapter 71](#) of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- In any fiscal year, a public school district's total charter school tuition payment to commonwealth charter schools shall not exceed 9 per cent of said district's net school spending; provided, that if the board determines the MCAS scores for the school district place said

district in the lowest 10 per cent of all districts statewide MCAS test performance scores for two consecutive years there shall be no limit on said public school's total charter school tuition payment to commonwealth charter schools.

Repeal of Duplicative State College Reporting Requirement

SECTION 61. [Section 13 of chapter 73](#) of the General Laws, as so appearing, is hereby repealed.

Repeal of Duplicative University Reporting Requirement

SECTION 62. [Section 10 of chapter 75](#) of the General Laws, as so appearing, is hereby repealed

Massachusetts Office of Dispute Resolution

SECTION 63. Said [chapter 75](#) of the General Laws, as so appearing, is hereby further amended by inserting after section 45 the following section:-

Section 46. There shall be at the university of Massachusetts at Boston an office of dispute resolution under the supervision and control of a director who shall be appointed by the provost with the approval of the chancellor and concurrence of the board of trustees. Said director shall be a person with substantial training and professional experience in dispute resolution, shall maintain complete impartiality with respect to the matters coming before said office of dispute resolution, and shall devote full time to the duties of the office.

Said office of dispute resolution shall be available to assist agencies and offices of the executive, legislative, and judicial branches of the commonwealth, as well as any political subdivision or public instrumentality created by the commonwealth or any county, city, or town, hereafter referred to as public agencies, to improve the resolution of disputes that arise within their respective jurisdictions. Said office is authorized to (a) facilitate the resolution of disputes through provision of impartial mediation and other dispute resolution services; (b) establish standards for the selection, assignment, and conduct of persons acting on behalf of said office in the resolution of disputes; (c) conduct educational programs and provide other services designed to reduce the occurrence, magnitude, or cost of disputes; (d) design, develop, or operate dispute resolution programs or to assist public agencies to improve or extend their existing dispute resolution programs; and (e) take such other action as will promote and facilitate dispute resolution by public agencies in the commonwealth.

The director may establish reasonable fees to be charged to disputants or public agencies for the provision of the educational, consultation, dispute resolution, or other services authorized herein and may apply for and accept on behalf of the commonwealth any federal, local, or private grants,

bequests, gifts, or contributions to aid in the financing of any of the programs or activities of the office. Such fees, grants, bequests, gifts, or contributions shall be received by the university of Massachusetts at Boston and deposited in a separate account and shall be expended, without further appropriation, at the direction of the director, with the approval of the provost, for the cost of operation of the office, including personnel.

The office may make agreements with public agencies and officers and may contract with other persons, including private agencies, corporations, or associations, to carry out any of the functions and purposes of this section.

The office shall prepare annually a report on the activities of the office including all income and expenditures and shall file said report with the ways and means committees of the house of representatives and the senate.

Turnpike Integration

SECTION 64. The second sentence of subsection (a) of [section 2 of chapter 81A](#) of the General Laws, as most recently amended by [section 9 of chapter 196 of the acts of 2004](#), is hereby further amended by striking out the words "Beginning July 1, 2007" and inserting in place thereof the following:- Beginning July 1, 2005.

Turnpike Integration

SECTION 65. Said [section 2 of said chapter 81A](#), as most recently amended by [section 9 of chapter 196 of the acts of 2004](#), is hereby further amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) Except for the chairman, the members of the authority in office before July 31, 2004 shall continue for the remainder of their respective terms. Except for the secretary of transportation, members of the authority appointed after July 1, 2004 shall be appointed for terms of five years. Any person appointed to fill a vacancy shall serve only for the unexpired term. The chairman of the authority whose term of office began before July 31, 2002 shall continue in office until July 1, 2005.

Turnpike Integration

SECTION 66. Subsection (b) of [section 5 of said chapter 81A](#) of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out clause (ii) and inserting in place thereof the following:- (ii) to refund or otherwise pay any or all other debt or obligations of the authority relating to the turnpike, provided that any refunding notes or bonds shall not have a final maturity date later than the final maturity date of the debt or obligations being refunded;

License Plate Transfers to Spouses of Veterans

SECTION 67. The fifteenth paragraph of [section 2 of chapter 90](#) of the General Laws, as so appearing, is hereby amended by adding to the end thereof the following sentence:- The surviving spouse of a deceased recipient may elect to retain the distinctive registration plate for personal use upon payment of the established registration fee and an additional \$20 fee until such time as the spouse remarries or fails to renew or cancels the registration.

Commercial Motor Vehicle Enforcement

SECTION 68. Said [chapter 90](#) of the General Laws, as amended by [section 142 of chapter 149 of the acts of 2004](#), is hereby further amended by inserting after section 19K the following section:-

Section 19L. The registrar is hereby authorized and directed to promulgate rules and regulations to ensure compliance by all interstate and intrastate motor carriers with this section and:

(a) the regulations of the United States Department of Transportation, Federal Motor Carrier Safety Administration, contained in Title 49 of the Code of Federal Regulations relative to:

- (i) proof of financial responsibility;
- (ii) driver qualification files (including all required forms);
- (iii) drug and alcohol testing records as applicable;
- (iv) records of duty status and supporting documents;
- (v) driver vehicle inspection reports and maintenance records;
- (vi) hazardous materials records as applicable; and
- (vii) an accident register and copies of all accident reports required by state or other

governmental entities or insurers.

(b) [sections 2, 3, 9, and 10 of chapter 90](#) relative to operator licensing and registration of commercial vehicles;

(c) [section 2B of chapter 85](#), [section 31 of chapter 90](#), and any regulation established thereunder relative to transportation of freight, passengers, or hazardous materials;

(d) [chapter 90F](#), relative to the operation of commercial vehicles; and

(e) any other applicable state statute.

The department of state police may enter, during regular business hours, the commercial premises owned or leased by any commercial carrier, wherein such records required to be maintained under the regulations established under this section are stored or maintained, and inspect, in a reasonable manner, said records for the purpose of enforcing said regulations. If such records contain evidence of violations of said regulations, the inspecting officer shall produce and take possession of copies of said records, and in the event that the entity subject to inspection does not possess copying equipment, the inspecting officer shall arrange to have copied, in a reasonable time and manner, such

records that contain evidence of such violations, and the costs for such copying shall be assessed against the owner of said records.

Any carrier found to be in violation of regulations established under this section shall be subject to a civil penalty not to exceed \$500 for each offense, and each day of a violation shall constitute a separate offense; provided, however, that the totality of all civil penalties assessed against any violator for all offenses relating to any single violation shall not exceed \$2,500. With the exception of recordkeeping violations and violations of [chapter 90F](#) or such other regulations established under this section relating to commercial driver's licenses, as defined in [section 1 of chapter 90E](#), no civil penalty shall be imposed under this section against an employee of a motor carrier for a violation unless such employee's conduct is found to constitute gross negligence or reckless disregard for safety, in which case such employee shall be subject to a civil penalty not to exceed \$1,000. Any person found to have committed an act in violation of [chapter 90F](#) or regulations established under this section relating to commercial driver's licenses shall be subject to a civil penalty not to exceed \$2,500 for each offense. Notice and appeal of violations issued under this paragraph shall be subject to the provisions of [chapter 90C](#). All fines paid pursuant to this paragraph shall be deposited in the highway fund of the commonwealth.

If a serious pattern of safety violations, other than recordkeeping requirements, exists or has occurred, or if a substantial health or safety violation exists or has occurred which could reasonably lead to, or has resulted in, serious personal injury or death, a civil penalty not to exceed \$10,000 for each offense may be imposed by a judge of the district court after notice and evidentiary hearing on such violations. The amount of any civil penalty so imposed, and a reasonable time for abatement of the violation, shall be by written order and all fines paid pursuant to this paragraph shall be deposited in the Highway Fund of the commonwealth.

Regulating Toxins and Candy-Like Flavors in Tobacco Products

SECTION 69. [Chapter 94](#) of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out section 307B and inserting in place thereof the following section:-

Section 307B. For the purpose of protecting the public health, a manufacturer of tobacco products sold in the commonwealth shall provide the department of public health with an annual report, in a form and at a time specified by the department, which lists for each brand of the product sold in the commonwealth the following information:

- (a) the identity and location of any added constituent, including any candy-like or fruit-like flavoring, to be listed in descending order by weight or other measure;
- (b) nicotine yield ratings, which shall accurately predict human nicotine intake based on standards to be established by the department of public health;
- (c) the identity and quantity of any known toxic constituents that are present in the whole tobacco by brand and a toxicity yield rating by brand, as specified by the department; and
- (d) for cigarettes, the identity and quantity of any known toxic constituents in the mainstream and sidestream smoke by brand and a toxicity yield rating by brand, as specified by the department.

The department of public health shall investigate health risks associated with exposure to added constituents, toxic constituents and nicotine in any form of tobacco product and may develop standards for such products to reduce risks associated with exposure to added constituents, toxic constituents, and nicotine. The use of any added constituent that imparts a candy-like or fruit-like flavor or aroma to a tobacco product or its smoke, including, but not limited to, flavorings such as cherry, vanilla, chocolate, raspberry, and almond, but not including menthol, is hereby prohibited. The sale of a tobacco product containing such an added constituent is prohibited. For purposes of this section, tobacco products shall include cigarettes, cigars, so-called blunt wraps, or any comparable cigar wrapping papers containing tobacco, and smokeless tobacco products.

That portion of an annual report identifying added constituents pursuant to clause (a) shall be protected as a trade secret to the extent provided under federal law. The department may promulgate regulations to implement this section, including specification of those tobacco products with an added constituent imparting a candy-like or fruit-like flavor or aroma for purposes of this statute.

Expanded Bottle Deposit Bill

SECTION 70. [Section 321 of said chapter 94](#), as so appearing, is hereby amended by striking out, in lines 4 through 12 inclusive, the definitions of "Beverage" and "Beverage container" and inserting in place thereof the following:-

"Beverage", noncarbonated water including flavored water, fruit and vegetable juices and drinks, coffee and tea drinks, sport drinks, soda water or similar carbonated soft drinks, mineral water, beer and other malt beverages, but shall not include alcoholic beverages other than beer and malt beverages as defined in [chapter 138](#), wine, and dairy products.

"Beverage container", any sealable bottle, can, jar, or carton which is primarily composed of glass, metal, plastic, or any combination of those materials and is produced for the purpose of containing a beverage. This definition shall not include containers made of biodegradable material or less than 2.5 ounces. This definition shall include containers of two gallon capacity or less for carbonated beverages, beer, and other malt beverages and less than one gallon for noncarbonated water including flavored water, fruit and vegetable drinks, coffee and tea drinks, and sport drinks.

Amending Classification of Controlled Substances

SECTION 71. [Section 31 of chapter 94C](#) of the General Laws, as so appearing, is hereby amended by striking out, in line 85, the following:- Hydrochloride.

Amending Classification of Controlled Substances

SECTION 72. Said [section 31 of said chapter 94C](#), as so appearing, is hereby further amended, by inserting in line 100 after the word "leaves," the following:- including cocaine and ecgonine and their salts, isomers, derivatives and salts of isomers and derivatives,.

Amending Classification of Controlled Substances

SECTION 73. Said [section 31 of said chapter 94C](#), as so appearing, is hereby further amended by inserting in line 108 after "(MDMA)" the following:- its salts, optical isomers and salts of its optical isomers.

Inspector General Transfer to Comptroller

SECTION 74. Subsection (c) of [section 7 of chapter 111H](#) of the General Laws, as so appearing, is hereby repealed.

Inspector General Transfer to Comptroller

SECTION 75. Subsection (b) of [section 22 of said chapter 111H](#), as so appearing, is hereby amended by striking out, in lines 26, the words "inspector general" and inserting in place thereof the following:- state comptroller.

Inspector General Transfer to Comptroller

SECTION 76. Subsection (c) of said [section 22 of said chapter 111H](#), as so appearing, is hereby amended by striking out, in lines 48 and 49, the words "inspector general" and inserting in place thereof the following:- state comptroller.

Inspector General Transfer to Comptroller

SECTION 77. Subsection (f) of [section 27 of said chapter 111H](#), as so appearing, is hereby amended by striking out, in line 45, the words "inspector general" and inserting in place thereof the following:-

comptroller.

Inspector General Transfer to Comptroller

SECTION 78. Subsection (c) of [section 46 of said chapter 111H](#), as so appearing, is hereby amended by striking out, in line 34, the words "inspector general" and inserting in place thereof the following:-
comptroller.

Definition of Long Term Care Pharmacy

SECTION 79. [Section 39C of chapter 112](#) of the General Laws, as inserted by [section 306 of chapter 26 of the acts of 2003](#), is hereby amended by inserting after the first sentence the following sentence:-
Such entities shall be deemed retail pharmacies and not providers of institutional, residential, or long-term care services.

Annuities for Surviving Spouses of Certain Veterans

SECTION 80. [Section 6B of chapter 115](#) of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting at the end thereof the following paragraph:-

The unremarried surviving spouses of veterans and of certain deceased members of the armed forces of the United States, whose death occurred as a result of injury sustained or disease contracted during active service in time of war, insurrection, or combat, and who are in receipt of Dependency Indemnity Compensation from the Veterans Administration of the United States, shall be paid the sum of \$1,500 annually in two equal installments on August 1 and February 1. The first such installment shall be due and payable following the date of the surviving spouse's application.

Emergency Transitional Assistance Reform

SECTION 81. [Section 1 of chapter 117A](#) of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- There is hereby established within the department of transitional assistance a program of emergency transitional assistance for residents of the commonwealth, who have been determined by the department to be eligible for such aid, pursuant to regulations promulgated by the department and subject to appropriation.

TAFDC Reform

SECTION 82. The General Laws are hereby amended by inserting after [chapter 118A](#) the following chapter:-

CHAPTER 118B

TRANSITIONAL AID TO FAMILIES WITH DEPENDENT CHILDREN

Section 1. The program of aid to families with dependent children established by [chapter 118](#) is hereby modified for the purposes of promoting the principles of family unity, individual responsibility, full engagement, and self-reliance; structuring financial and economic incentives and disincentives that promote such principles in the administration of said program; and maximizing the commonwealth's federal work participation rate to avoid federal sanction.

Section 2. For purposes of this chapter the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Assistance", cash grants, special-needs assistance, and other benefits funded from the program.

"Child of record", the youngest child of a recipient on July 1, 1995 or at the time a family first applies for assistance after July 1, 1995; provided, however, that a child born to a woman who was pregnant on July 1, 1995 or at the time of first applying for assistance shall be the child of record; provided further, that the commissioner shall establish exemptions to allow a later-born child to be the child of record if such child was born as a result of rape, incest, or other extraordinary circumstances as determined by the commissioner which may include, at the commissioner's discretion, renewed eligibility for assistance after a 36-month period of ineligibility. Unless the commissioner grants an exemption, the designation of child of record shall not change, even if said child no longer lives in the household, or subsequent children are born to the parent.

"Commissioner", the commissioner of the department.

"Department", the department of transitional assistance known previously as the department of public welfare established by [chapter 18](#).

"Dependent child", "dependent children", "child," or "children", the children of recipients eligible to receive assistance from the program.

"Family", the household unit consisting of dependent children and a recipient or recipients determined eligible for assistance from the program.

"Program", the program of transitional aid to families with dependent children established by this chapter.

"Recipient", parent(s) receiving or otherwise eligible to receive assistance from the program who are responsible for the care of dependent children. Notwithstanding any language to the contrary, for purposes of eligibility for support services or any other related program benefits, the term, "recipient", shall not include parents or other caretakers who are not receiving assistance from the program on their own behalf and whose income and assets are not counted in determining the

eligibility of the household unit.

Section 3. A family shall be eligible for assistance provided its maximum allowable countable resources do not exceed \$2,500 and upon meeting all other eligibility criteria; provided, however, that the department shall disregard the fair market value of a licensed motor vehicle of such family from the family's countable resources up to an amount determined by the department.

Section 4. The department shall not provide any increment in assistance because of the addition to a family of any child born after the "child of record." A caretaker or guardian who is not eligible for assistance but is caring for dependent children shall not be affected by the limit on additional assistance imposed by this section, until said caretaker or guardian gives birth to a child that makes the caretaker or guardian initially eligible for assistance. In cases in which payments for child support are received for a child born after the child of record, a monthly amount equal to the standard increment of assistance shall be retained by the parent and not assigned to the commonwealth.

Section 5. The department shall establish levels of assistance subject to the provisions of the general appropriations act. An earnings disregard of \$30 and 50 per cent of earned income shall be established for recipients.

Section 6. Recipients meeting the following eligibility criteria shall be exempt from the provisions of sections 7, 9 and 11 until such time as their eligibility status has been determined by the department to have changed and they no longer conform to the criteria that define the following exempt categories of assistance:

(a) recipients with a child of record under the age of one year or any child other than the child of record who is under the age of three months, except that section 7(f) shall apply;

(b) caretakers of children in their care, provided, however, that the department shall provide assistance for only the children; or

(c) parents who receive supplemental security income and have children in their care provided, however, that the department shall provide assistance for only the children.

Section 7. (a) A family in which the recipient does not qualify for the exempt categories of assistance established by section 6 shall receive assistance for not more than a maximum and cumulative 24 months during a continuous 60-month period, unless an extension is granted by the commissioner. Said continuous period of 60 months shall commence from the date a recipient first becomes eligible for assistance.

(b) In the event that the eligibility status of a recipient changes to an exempt category of assistance during the 60-month period, the calculation of the maximum assistance period of 24 months within the 60-month period shall be suspended and not resume until such time as the recipient is no longer eligible for an exempt status, at which time the calculation shall resume.

(c) The calculation of the 24-month period of eligibility for assistance shall be suspended when a recipient or a family unenrolls from said program. The calculation of the 24-month period shall resume when said recipient or family is determined upon reapplication to be eligible for assistance. Reapplication for assistance within the continuous 60-month period shall not be considered a new case for purposes of calculating the periods of eligibility and ineligibility for assistance under this section. Determinations of the exempt category status of a recipient under this section shall be subject to a fair hearing; provided, however, that the time during which any appeal is pending shall be

calculated toward the period of maximum assistance eligibility. The commissioner shall establish a procedure by which a recipient may request an extension of benefits.

(d) The commissioner shall establish criteria to be considered in making a determination that the benefits of a recipient should be extended. The criteria shall include, but not be limited to: (1) whether the recipient has received and or rejected offers of employment, has quit a job without good cause or has been fired for cause; and (2) the degree to which the recipient has cooperated, and is cooperating, with the department in work-related activities. In making the determination, the commissioner shall further consider whether appropriate job opportunities actually exist locally at the relevant point in time for recipients. The commissioner may review and revise such determinations as the commissioner deems appropriate.

(e) A recipient who, in order to remain eligible for benefits changes eligibility status, and the change in status is proven in a court of competent jurisdiction to be the result of fraud or deceit, shall not be eligible for any program of assistance provided by the commonwealth including, but not limited to, programs of assistance administered by the department, including programs administered jointly with the federal government or solely on the part of the commonwealth, or programs administered by, the department of public health, the department of social services, the department of early education and care, or under [chapter 118E](#), and shall be required to pay full restitution and any fine levied and shall not be eligible to receive assistance until such amounts have been paid. Any recipient who participates in or assists in procuring payments from the department by falsely depicting himself as exempt as defined herein, shall be punished by a fine of not less than \$200 nor more than \$5,000 or by imprisonment for not less than one year nor more than five years and in all cases repayment of the amount of any such payments procured in addition to and not in lieu of any penalties imposed pursuant to this section shall be ordered.

(f) The department shall promulgate regulations to implement the provisions of federal law concerning a life-time limit on receipt of benefits. A recipient who has received state or federal benefits prior to the effective date of this act shall have the receipt of such benefits counted against the life-time limit, provided that no more than 24 months of benefits shall be counted.

Section 8. A recipient, or an applicant who has received transitional aid to families with dependent children within the last four calendar months, shall be eligible to have \$30 and one-half of the remaining gross earned income, after work-related expenses but before dependent care deductions, disregarded, subject to the provisions of 106 CMR 304.280(c), for the entire period that the recipient is eligible for assistance.

Section 9. (a) Subject to appropriation, the department shall develop for each recipient an employment development plan designed to enable the recipient to attain economic self-sufficiency. The plan shall be prepared by the case manager with the involvement of the recipient. The plan shall include an assessment of the current employability of the recipient and development of a strategy for the recipient to attain economic self-sufficiency. Hourly requirements for the plan of each recipient may differ based on standards, established by the department through regulation, designed to maximize the federal work participation rate for the commonwealth. Each employment development plan can be made up of one or more components, subject to availability and program slots, including work, the full employment program, job search, specified education and training, community service and barrier removal as defined by the department. Component choices will also be designed to maximize the federal work participation rate of the commonwealth, provided that department-approved vocational education and training programs may count for the participation requirement for up to 12 months. The

department shall determine program availability levels for each of the program components after considering the appropriations for said components, for assistance, and for day care services related to the program. Volunteers shall be given first priority for participation in all such program components. No recipient shall be allowed to enroll in a program component if the number of participants already in the program component meets or exceeds the number established as the program availability level for the program component. The department shall consider the availability of transportation in developing said employment development plans; provided, however, that the department shall develop a proposal for an alternative transportation plan.

(b) It shall be the responsibility of the recipient to fulfill the obligations of the employment development plan, contingent upon the provision of needed services or supports as indicated in the plan. Recipients who fail to adhere to the obligations set forth in their employment development plan and experience a reduction of family income due to a reduction or termination of benefits which, in turn, places their children at risk, shall be required to meet with their caseworker for reassessment. Recipients not qualifying as exempt under the provision of section 6 and whose child of record is under the age at which full-time school attendance is mandatory may, without penalty, choose not to participate in the full engagement program established by section 11 if they need child care services and the office of child care services or its successor agency determines that there will not be sufficient funding or space to provide child care services to the recipient's child while the recipient is participating in said full engagement program.

Section 10. (a) In determining the amount of a cash payment to be made to a teen recipient living with her parent(s), the department shall disregard income of the household up to 200 per cent of the poverty level for a family of comparable size unless the income is earned by the recipient living with her parent(s). In situations where no abuse, neglect or addiction is present, the department shall not provide benefits to a family headed by a recipient under the age of 20, hereinafter referred to as "teen recipients" unless the recipient resides with a parent, grandparent, uncle, aunt, adult sibling, spouse, other family member as determined by regulations, or guardian, or lives in structured housing; provided, however, that the department may determine that a teen recipient who has achieved necessary educational and vocational goals and acquired sufficient independent living and parenting skills may live on her own.

(b) In situations where a teen recipient asserts that she cannot stay at home because abuse, neglect or addiction is present, or because of other extraordinary circumstance which the commissioner determines should exempt the teen from this requirement, the home shall be evaluated by a professional, experienced in the field of adolescent development and young parenting, chosen by the department. The department shall establish standards and procedures to govern determinations of abuse, neglect and addiction as required by the section. Whenever it is determined that abuse, neglect or addiction is present or such other extraordinary circumstance requires, the teen shall reside in a structured setting in order to receive benefits from the department. If a structured setting is not available at the time the determination is made, the teen shall be exempt from the provisions requiring the teen recipient to live at home pursuant to this section until such time as a placement in a structured setting shall be made available.

(c) The department shall not provide benefits to a teen recipients, unless the parent has graduated from or is enrolled in a program for a high school diploma or a general education development certificate. The department shall authorize child care for all teen recipients who are unable to find suitable alternative child care arrangements; provided that the department shall promote the use of informal child care for teen recipients subject to the provisions of this section.

(d) Teen recipients residing in structured residential settings shall be required to pay a portion of their income, as determined by their residential program, as a program fee.

(e) For the purposes of this section, a structured setting shall:

(1) require teen recipients to enroll and make acceptable progress in a program for a high school diploma or a general education development certificate;

(2) require teen recipients to participate in basic parenting classes, basic life skills classes and pregnancy prevention classes;

(3) provide necessary rules to promote stability; and

(4) provide regular counseling sessions to enhance the self-esteem of the recipient.

(f) Transitional housing programs serving teenage parents 16 years of age or older shall not be considered to fall within the definition of "group care facility" as appearing in [section 9 of chapter 28A](#).

Section 11. The department shall administer a program, to be known as the full engagement program, for families that are not exempt under section 6. The full engagement program shall require that the head of household in each such family or both parents in a two-parent family shall meet the terms of their employment development plan developed by the department as described in section 9 within 60 days of the receipt of assistance by the family. The department shall promulgate regulations establishing exceptions for good cause for not meeting the employment development plan. The exceptions shall include, but need not be limited to, domestic violence, medical reasons, and emergency circumstances. At the discretion of the commissioner, recipients subject to the full engagement requirement who fail to meet the requirements shall be subject to sanction up to and including the termination of all assistance for their family.

Section 12. (a) The full employment program is hereby established as a program in which recipients, subject to criteria and eligibility rules established by the department, in lieu of receiving food stamp benefits under the food stamp program and cash benefits under the program of transitional aid to families with dependent children, shall be provided with employment in a manner which promotes self-sufficiency and which provides work experience to improve the competitive position of the recipient in the work force. The department may require participation in this program pursuant to an employment development plan as described in s.9; provided, however, that volunteers shall be given first priority for participation.

(b)(1) An eligible individual who participates in the program shall work 40 hours per week in a program job, as available, and shall be paid not less than the applicable minimum wage. If the net wage amount is less than the grant for which the participant would be eligible, the commonwealth shall supplement the amount necessary to equal the eligible grant.

(2) In addition to the participant wage, as defined in paragraph (1) of this subsection, the employer may be required to pay a set amount for each participant hour worked into a qualified Individual Asset Account, hereinafter called the "IAA". The IAA shall be owned by the participant and held in trust by the department. Access shall be restricted until such time as the participant leaves the program for a job of at least thirty hours per week for which compensation is paid or after twelve months in the program, whichever is sooner. The IAA is established in order to improve the financial position of program participants by increasing their asset base; however, the amount in the IAA shall not be counted as an asset for the purpose of determining financial eligibility for benefits authorized by this chapter.

(c) Upon the acceptance of a program job in compliance with the employment development

plan of the participant as set forth herein, transitional aid to families with dependent children and food stamp benefits shall no longer be paid as a grant to the program participant. The commonwealth shall pay to employers a subsidy determined by the department as partial reimbursement for wages paid to program participants.

(d) The department shall seek to ensure that jobs made available to program participants shall not:

(1) Require work in excess of 40 hours per week; and

(2) Be used to displace regular employees nor to fill unfilled positions previously established.

(e)(1) Program employers shall pay all participants a wage rate of not less than the applicable minimum wage per hour.

(2) Sick leave, holiday and vacation absences shall conform to the rules of the employer for new employees.

(3) All persons participating in the program shall be considered to be employees of the employer providing the employment and shall be entitled to all benefits required by state and federal law.

(4) Employers shall provide workers' compensation coverage for each program participant.

(f) Program participants who are eligible for federal- and state-funded medical assistance at the time they enter the program shall remain eligible for as long as they shall continue to participate in such program.

(g) For the purposes of determining the one-year transitional day care and MassHealth provided to certain former recipients of assistance who have left the program for employment, the transitional year, so-called, shall commence on the day a participant is hired into non-subsidized employment.

Section 13. (a) A taxpayer required to file a return under the provisions of [chapter 62](#), shall be allowed a credit against the excise due under said chapter for employing persons that had been employed by such taxpayer through the full employment program defined in section 12. The credit shall be calculated by multiplying the number of full months after cessation of state subsidies a qualifying program participant was employed the taxpayer by \$100.

The maximum credit allowed for all years for the employment of each qualifying program participant shall be \$1,200. A taxpayer entitled to a credit under this section for a taxable year may carry over and apply to its excise for any one or more of the next succeeding five taxable years, the portion, reduced from year to year, of its credit which exceeds its excise for the taxable year.

(b) The department shall report to the department of revenue and to the employer the name and social security number of the program participant, the name and identification number of the employer and the number of complete months of eligible employment for each participant of the program for whom an employer would be eligible to claim the credit provided by this section within 31 days of the end of each calendar year. The department of revenue shall consult with the house and senate committees on ways and means to determine non-confidential data which shall annually be published to determine the effectiveness of the credit provided by this section. The department of revenue shall promulgate rules and regulations necessary to implement the provisions of this section.

(c) A taxpayer required to file a return under the provisions of [chapter 63](#) shall be allowed a credit against the excise due under said chapter for employing persons that had been employed by the taxpayer through the full employment program defined in section 12. The credit shall be calculated by multiplying the number of full months after cessation of state subsidies a qualifying program participant was employed by the taxpayer by \$100. The maximum credit allowed for all years for the employment of each qualifying program participant shall be \$1,200. A taxpayer entitled to a credit under this section for a taxable year may carry over and apply to its excise for any one or more of the

next succeeding 5 taxable years, the portion, reduced from year to year, of its credit which exceeds its excise for the taxable year.

(d) The department shall report to the department of revenue and to the employer the name and social security number of the program participant, the name and identification number of the employer and the number of complete months of eligible employment for each participant of the program for whom an employer would be eligible to claim the credit provided by this section within 31 days of the end of each calendar year. The department of revenue shall consult with the house and senate committee on ways and means to determine the effectiveness of the credit provided by this section. The department of revenue shall also promulgate rules and regulations to implement the provisions of this section.

Section 14. (a) No aid shall be paid under the program, to, or on behalf of, any child under the age of 17 whose school attendance does not meet the requirements of subsection (b), with respect to that period during which the child does not meet these requirements.

(b) Each recipient shall provide documentation to the department, not less than quarterly, that any school age child under the age of 17 receiving assistance has missed not more than eight school days during the previous quarter; provided, however, that absences due to the following reasons shall be considered excused absences:

(1) illness, as certified by a physician or by other proof that the department determines is adequate;

(2) hospitalization;

(3) disability, as defined by the department;

(4) death of a family member; or

(5) crisis situations as defined by the commissioner.

(c) A recipient who does not, without good cause, provide the documentation required by this section within the reasonable time established by the department, or the documentation so provided indicates that the child has had more than eight unexcused absences from school during the prior quarter as defined in subsection (b), the department may determine that no aid shall be paid to, or on behalf of, that child until the recipient provides documentation that the school attendance of the child meets the requirements of this section. The department shall develop standards for making this determination in regulation.

(d) Notwithstanding the provisions of [section 27C of chapter 29](#), and without regard to any acceptance of appropriation by a city, town or regional school district, and without regard to any appropriation by the general court, any school attended by a child to which this section applies shall provide the documentation required by this section upon the request of the recipient.

Section 15. No recipient shall be eligible to receive the recipient's portion of assistance payable under the program without presenting a certificate of immunization from a medical provider for each child to the department. The certificate shall state that the child has been immunized for diseases outlined by [section 15 of chapter 76](#). A recipient shall not be denied assistance until having been provided 60 days to meet the requirements established by this section. The department, in consultation with the executive office of health and human services, shall inform each such recipient about health care providers available in the community of the recipient who are capable of assisting with such immunizations.

Section 16. Notwithstanding the provisions of [section 27A of chapter 18](#), any recipient receiving

assistance in the form of cash benefits under the program with an active account at a banking or financial institution shall have such assistance directly transferred to the account, commonly known as direct deposit or electronic funds transfer. A recipient who is employed and receiving assistance shall be encouraged by the department to establish an account with a banking or financial institution in order to receive the assistance. The commissioner may waive the requirements of this section in the event such institutions are not readily accessible to the recipient; provided, however, that locations where public transportation is available within one mile of the residence of the recipient shall not be eligible for such a waiver. A disabled recipient shall be provided with the opportunity to seek a waiver from this requirement upon a showing that such recipient would be unable to access his or her cash assistance due to the disability.

MassHealth - Nursing Facility Rate Reviews

SECTION 83. [Section 7 of chapter 118G](#) of the General Laws, as amended by [section 340 of chapter 26 of the Acts of 2003](#), is hereby further amended by striking out in line 2, the word "annually" and inserting in place thereof the following:- biennially.

Intergovernmental Transfers - Administrative Clarification

SECTION 84. [Section 18 of said chapter 118G](#), as appearing in the 2002 Official Edition, is hereby amended by striking out subsection (o), and inserting in place thereof the following subsection:-

(o) Within the Uncompensated Care Trust Fund, there shall be established a medical assistance account, administered by the secretary of the executive office of health and human services, consisting of any funds directed to the commonwealth from public entities, and federal reimbursements related to medical assistance payments funded by this account. All amounts credited to this account shall be held in trust and shall be available for expenditure by the secretary of the executive office of health and human services to be used for medical assistance payments to entities authorized by the general court, and for which a public entity has contractually agreed to direct funds to said account; provided, however, that any amount in excess of such medical assistance payments may be credited to the General Fund; provided, further, that the amount of all such expenditures shall be subject to annual approval by the general court. The maximum payments from said account shall not exceed those permissible for federal reimbursement under Title XIX or Title XXI of the Social Security Act or any successor federal statute. The comptroller may make payments, including payments during the accounts payable period, in anticipation of revenues, including receivables due and collectibles during the months of July and August, and shall establish procedures for reconciling overpayments or underpayments from said account; provided, that said procedures shall include, but not be limited to, appropriate mechanisms for refunding public funds directed to this account and federal reimbursements upon recoupment of any such overpayments. The executive office of health and human services shall ensure that the division of health care finance and policy is informed regarding revenue and expenditure activity within said account and submit to the secretary of

administration and finance and the house and senate committees on ways and means a schedule of said payments ten days prior to any expenditures, and no funds shall be expended without an enforceable agreement with or legal obligation imposed upon a public entity to make an intergovernmental transfer in an appropriate amount to said account.

Department of Early Education and Care

SECTION 85. [Section 39H of chapter 119](#) of the General Laws, as so appearing, is hereby amended by striking out in lines 24 to 28, the words "(ii) to a temporary shelter facility licensed or approved by the office for children, a shelter home approved by a temporary shelter facility licensed or approved by said office for children, or a family foster care home approved by a placement agency licensed or approved by said office for children" and inserting in place thereof, the following:- (ii) to a temporary shelter facility licensed or approved by the executive office of health and human services, a shelter home approved by a temporary shelter facility licensed or approved by said executive office, or a family foster care home approved by a placement agency licensed or approved by said executive office.

Department of Early Education and Care

SECTION 86. Subsection (9) of [section 51B of said chapter 119](#), as so appearing, is hereby amended by striking the words "office for children" and inserting in place thereof the words "executive office of health and human services", and by striking the word, "office" wherever it appears, and inserting in place thereof the words "executive office".

Department of Early Education and Care

SECTION 87. Said [section 51B of said chapter 119](#), as so appearing, is hereby amended by inserting after subsection (10) the following subsection:-

(11) notify in writing the department of early education and care by transmitting to said department a copy of the report received under section 51A and a copy of the report prepared under section 51B if and when (a) such report alleges that abuse or neglect occurred at a child care program or facility operated by a person subject to licensure or approval by said department under [chapter 15D](#) and (b) when the department has substantiated said report. Said department and said department of early education and care may coordinate their activities conducted under this section and paragraph (f) of said section 10. No provision of [chapter 66A, section 135 of chapter 112](#), sections 51E and 51F of this chapter, or any other provision of law, shall prohibit the department from transmitting a copy of the reports prepared under the provisions of sections 51A and 51B to said department of early

education and care, or from conducting coordinated activities and sharing information with said department of early education and care, as herein provided, or from having its employees testify at administrative hearings held by said department of early education and care in connection with matters about which said department has provided notice to said department of early education and care under this section. Said department and said department of early education and care shall make all reasonable efforts to minimize the number of interviews of any child-victim which may be necessary. If as a result of any report made under the provisions of section 51A or an investigation made under the provisions of section 51B, said department is made aware of information or circumstances indicating a licensing violation in any facility operated by a person subject to licensure or approval by said department of early education and care, said department shall forthwith notify the department of early education and care. No provision of [chapter 66A](#), sections 51E and 51F of this chapter, or any other provision of law shall prohibit the department of early education and care from providing information to said department in connection with matters about which said department has provided notice to the department of early education and care under this section.

Medical Consent for Children in Department of Youth Services Custody

SECTION 88. [Chapter 120](#) of the General Laws, as so appearing, is hereby amended by striking out section 23 and inserting in place thereof the following section:-

Section 23. The department may act as guardian for a child under 18 years of age in its charge who has neither parent living, or of whom neither parent can be located, and for whom no guardian has been appointed. In such instances, the department may act with all the power and authority conferred by [chapter 201](#), except that once a guardian is appointed, the powers herein conferred shall cease.

With respect to any child under 18 years of age in its charge, the department, without need for parent or guardian approval, shall be deemed to be the child's legal representative for the purpose of making emergency medical decisions, or for the purpose of making routine medical decisions when reasonable efforts to get consent from the child's parent or guardian have been unsuccessful. It shall also serve as the fully authorized representative of a child not living with his parents or guardian for the purpose of completing and submitting an application on the child's behalf to the executive office of health and human services for benefits or assistance under [chapter 118E](#) or to the department of transitional assistance for benefits or assistance which said department is authorized to provide under [chapter 18](#). This paragraph shall not apply to any child for whom the department of social services has been appointed the temporary or permanent guardian of said child.

Redesignating Underutilized Public Housing

SECTION 89. [Section 41 of chapter 121B](#), as so appearing, is hereby amended by inserting at the end thereof the following sentence:- In the event that the housing authority and the department find that a project or portion thereof is surplus to the anticipated need for the housing financed under this

section and that the department finds (i) that the housing authority has maintained the project or portions thereof in decent, safe, and sanitary condition and has made diligent, reasonable efforts to find eligible and qualified occupants for the units, and (ii) that sufficient eligible and qualified occupants cannot be found to occupy the project or portion thereof, the housing authority with the approval of the department may change the use of such project or portion thereof to the use set out in section 34 of this chapter without repayment to the Housing Authority Bonds Sinking Fund on account of such change in use.

Redesignating Underutilized Public Housing

SECTION 90. [Section 41A of said chapter 121B](#), as so appearing, is hereby amended by inserting at the end thereof the following sentence:- In the event that the housing authority and the department find that a project or portion thereof is surplus to the anticipated need for the housing financed under this section and that the department finds (i) that the housing authority has maintained the project or portions thereof in decent, safe and sanitary condition and has made diligent efforts to find eligible and qualified occupants for the units and (ii) that sufficient eligible and qualified occupants cannot be found to occupy the project or portion thereof , the housing authority with the approval of the department may change the use of such project or portion thereof to the use set out in section 34 of this chapter without repayment to the Housing Authority Bonds Sinking Fund on account of such change in use.

Agricultural Resources License Fees

SECTION 91. [Section 2A of chapter 128](#) of the General Laws, as amended by [sections 373 and 374 of chapter 26 of the acts of 2003](#), is hereby further amended by striking out, in the first paragraph thereof, the phrases “of 20 dollars”, “of 30 dollars”, and "shall be 30 dollars" and inserting in place of each phrase the following:- to be determined by the secretary for administration and finance pursuant to [section 3B of chapter 7](#).

Agricultural Resources License Fees

SECTION 92. [Section 2B of said chapter 128](#), as amended by [section 376 of chapter 26 of the Acts of 2003](#), is hereby further amended in the first sentence by striking out the figure "\$100" and inserting in place thereof the following:- determined by the secretary for administration and finance pursuant to [section 3B of chapter 7](#).

Agricultural Resources License Fees

SECTION 93. [Section 52 of said chapter 128](#), as appearing in the 2002 Official Edition, is hereby amended in the final sentence by striking out the phrase "twenty-five dollars" and inserting in place thereof the following:- determined by the secretary for administration and finance pursuant to [section 3B of chapter 7](#).

Agricultural Resources License Fees

SECTION 94. [Section 66 of said chapter 128](#), as so appearing, is hereby amended by striking out in the first sentence the words "one hundred and twenty-five dollar license fee" and inserting in place thereof the following:- license fee which shall be determined by the secretary for administration and finance pursuant to [section 3B of chapter 7](#).

Agricultural Resources License Fees

SECTION 95. Said [section 66 of said chapter 128](#), as so appearing, is hereby further amended by striking out in the fifth sentence the phrase "of twenty-five dollars" and inserting in place thereof the following:- to be determined by the secretary for administration and finance pursuant to [section 3B of chapter 7](#).

Agricultural Resources License Fees

SECTION 96. [Section 68 of said chapter 128](#), as so appearing, is hereby amended by striking out in the first sentence the phrase "set by the commissioner in rules and regulations" and inserting in place thereof the following:- determined by the secretary for administration and finance pursuant to [section 3B of chapter 7](#).

Agricultural Resources License Fees

SECTION 97. Said [section 68 of said chapter 128](#), as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

In lieu of the per-brand and grade annual registration and inspection fees, there shall be paid on individual packages of specialty fertilizers containing 10 pounds or less a combined annual registration fee and inspection fee for each brand and grade sold or distributed, and such fee shall be determined by the secretary for administration and finance pursuant to [section 3B of chapter 7](#). If specialty fertilizer is sold in packages of 10 pounds or less, and in packages of over 10 pounds, the combined annual registration and inspection fee shall apply only to that portion sold in packages of 10 pounds or less, and the portion sold in packages of over 10 pounds shall be subject to the prescribed inspection fee.

Agricultural Resources License Fees

SECTION 98. [Section 7 of chapter 132B](#) of the General Laws, as so appearing, is hereby amended by striking out in the third paragraph the words ", not to exceed twenty-five dollars, as said subcommittee may by regulation require" and inserting in place thereof the following:- to be determined by the secretary for administration and finance pursuant to [section 3B of chapter 7](#).

Agricultural Resources License Fees

SECTION 99. [Section 8 of said chapter 132B](#), as so appearing, is hereby amended by striking out in the third sentence the words ", not to exceed twenty-five dollars, as the department may by regulation require" and inserting in place thereof the following:- to be determined by the secretary for administration and finance pursuant to [section 3B of chapter 7](#).

Agricultural Resources License Fees

SECTION 100. [Section 9 of said chapter 132B](#), as so appearing, is hereby amended by striking out in the third sentence the words ", not to exceed twenty-five dollars, as the department may by regulation require" and inserting in place thereof the following:- as determined by the secretary for administration and finance pursuant to [section 3B of chapter 7](#).

Agricultural Resources License Fees

SECTION 101. [Section 10 of said chapter 132B](#), as so appearing, is hereby amended striking out in the fifth paragraph the words ", not to exceed twenty dollars, as the department may by regulation

require" and inserting in place thereof the following:- as determined by the secretary for administration and finance pursuant to [section 3B of chapter 7](#).

Agricultural Resources License Fees

SECTION 102. Said [section 10 of said chapter 132B](#), as so appearing, is hereby further amended by striking out in the eighth paragraph the words ", not to exceed ten dollars for each exam given, as the department may require by regulation approved by the board" and inserting in place thereof the following:- as determined by the secretary for administration and finance pursuant to [section 3B of chapter 7](#) for each exam given.

Alcoholic Beverage Control Commission Transfer to Public Safety

SECTION 103. [Section 1 of chapter 138](#) of the General Laws, as amended by [section 411 of chapter 26 of the acts of 2003](#), is hereby further amended by striking out, in the definition of "Commission" the words "[section 70 of chapter 10](#)" and inserting in place thereof the following:- [chapter 22F](#).

Alcoholic Beverage Control Commission Transfer to Public Safety

SECTION 104. [Section 24 of said chapter 138](#), as amended by [section 33 of chapter 140 of the acts of 2003](#), is hereby further amended by striking out, in the first sentence, the word "treasurer" and inserting in place thereof the following:- secretary of public safety.

Alternative to First Class Mail Notification of License Expiration

SECTION 105. [Section 129B of chapter 140](#) of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting in line 170 after the word "mail" the following words:- or other reasonable means of notice.

Alternative to First Class Mail Notification of License Expiration

SECTION 106. Subsection (1) of [section 131 of said chapter 140](#), as so appearing, is hereby amended by inserting in line 266 after the word "mail" the following words:- or other reasonable means of notice.

Inspector General Transfer to Comptroller

SECTION 107. [Section 44D¾ of chapter 149](#) of the General Laws, as inserted by [section 19 of chapter 193 of the Acts of 2004](#), is hereby amended in subsection (j) by striking out the following:- in conjunction with the inspector general.

Inspector General Transfer to Comptroller

SECTION 108. [Section 1 of chapter 149A](#) of the General Laws, as inserted by [section 27 of chapter 193 of the Acts of 2004](#), is hereby amended in the second sentence by striking out the words "inspector general" and inserting in place thereof the following:- the commissioner of the division of capital asset management and maintenance.

Inspector General Transfer to Comptroller

SECTION 109. Said [chapter 149A](#), as so inserted, is hereby further amended in sections 4, 12, 13, 14, 16, 21, and 21A by inserting the term "division of capital asset management and maintenance" in place of the term "office of the inspector general" and the term "commissioner of the division of capital asset management and maintenance" in place of the term "inspector general" wherever they appear in said sections.

Alcoholic Beverage Control Commission Transfer to Public Safety

SECTION 110. [Section 1 of chapter 150E](#) of the General Laws, as amended by [section 35 of chapter 140 of the acts of 2003](#), is hereby further amended by striking out the last sentence from the definition of "employee" or "public employee".

Alcoholic Beverage Control Commission Transfer to Public Safety

SECTION 111. [Section 7 of said chapter 150E](#), as amended by [section 36 of chapter 140 of the acts of 2003](#), is hereby further amended by striking out in subsections (b) and (c) the words, " the alcoholic beverage control commission" wherever they appear.

MassHealth - Indigent Verification and Deduction of Counsel Fees

SECTION 112. The first paragraph of [section 2½ of chapter 211D](#) of the General Laws, as inserted by [section 195 of chapter 149 of the acts of 2004](#), is hereby amended by striking out the following:- the department of transitional assistance, the department of medical assistance, and.

MassHealth - Indigent Verification and Deduction of Counsel Fees

SECTION 113. Said [section 2½ of said chapter 211D](#), as so inserted, is hereby further amended by striking out in the third paragraph the following:- the department of transitional assistance, the department of medical assistance, and.

MassHealth - Indigent Verification and Deduction of Counsel Fees

SECTION 114. Said [section 2½ of said chapter 211D](#), as so inserted, is hereby further amended by striking out in the first sentence of the ninth paragraph the words "the departments of transitional assistance, medical assistance and", and inserting in place thereof the following:- the department of.

MassHealth - Indigent Verification and Deduction of Counsel Fees

SECTION 115. Said [section 2½ of said chapter 211D](#), as so inserted, is hereby further amended by striking out the third sentence of the ninth paragraph.

Alcoholic Beverage Control Commission Transfer to Public Safety

SECTION 116. [Section 8 of chapter 233](#) of the General Laws, as amended by [section 493 of chapter 26 of the acts of 2003](#), is hereby further amended by striking out the words "section forty-three of chapter six" and inserting in place thereof the following:- [chapter 22F](#).

Settlement Reform

SECTION 117. [Section 5 of chapter 258](#) of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out in lines 3 through 4, the words "two thousand five hundred dollars", and inserting in place thereof the following:- \$20,000.

Emergency Transitional Assistance Reform

SECTION 118. [Section 27A of chapter 261](#), as appearing in the 2002 Official Edition, is hereby amended by striking out, in lines 4 and 5, the words "emergency aid for elderly and disabled residents" and inserting in place thereof the following:- emergency transitional assistance.

Sexual Assault Testing

SECTION 119. [Chapter 265](#) of the General Laws, as appearing in the 2002 Official Edition is hereby amended by inserting after section 24C the following section:-

Section 24D. Whoever has been convicted or adjudicated a delinquent by reason of having committed any sexual offense, including but not limited to those crimes defined in [section 1 of chapter 123A](#), shall submit to a blood test pursuant to this section for the presence of any sexually transmittable disease including, but not limited to, the human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS). Upon petition of the victim, immediate family member of the victim, or legal guardian of the victim such test shall be ordered by the court where a possibility exists of the victim having contracted a sexually transmittable disease as a result of the crime.

The results of such a test shall be reported to the court within 30 days from the date of the order and shall be impounded and not otherwise disclosed except to the victim of the sexual offense, immediate family member of the victim, or legal guardian of the victim.

Transfer of Lyman School to Environmental Affairs

SECTION 120. Section 7 of chapter 660 of the acts of 1987 is hereby amended by inserting at the end thereof the following paragraph:-

Notwithstanding the foregoing or any other general or special law to the contrary, the division of capital asset management and maintenance is hereby authorized to transfer to the executive office of environmental affairs, for use by the environmental police, use of and responsibility for a parcel of land containing 2± acres of land, together with any building or other structure thereon, located on Parcel "G". The exact size and boundaries of the parcel to be so transferred shall be determined by the division of capital asset management and maintenance. Transfer of said parcel shall be without consideration and shall not be subject to the provisions of [chapter 7](#) of the General Laws.

TAFDC Reform

SECTION 121. Sections 110, 119, 121, 122, 140, 141 and 142 of chapter 5 of the Acts of 1995 are hereby repealed.

Workforce Training Fund Extension

SECTION 122. [Chapter 175 of the acts of 1998](#) is hereby amended by striking out section 25 and inserting in place thereof the following section:-

Section 25. Sections 3A, 20A, and 21A of this act shall take effect on December 31, 2008.

Workforce Training Fund Extension

SECTION 123. [Chapter 175 of the Acts of 1998](#) is hereby amended by striking out sections 19A and 26.

Workforce Training Fund Extension

SECTION 124. [Chapter 141 of the Acts of 2003](#) is hereby amended by striking out section 79 and inserting in place thereof the following section:-

Section 79. Section 11 shall take effect on December 31, 2008.

Turnpike Integration

SECTION 125. [Chapter 196 of the acts of 2004](#) is hereby amended by striking out section 19 and inserting in place thereof the following sections:-

Section 19. Sections 1 and 12 of this act shall take effect on July 1, 2007.

Section 20. Section 9 of this act shall take effect on July 1, 2005.

Lottery Uncapping

SECTION 126. Notwithstanding any general or special law to the contrary, for fiscal years 2006 and thereafter, the total amount allocated for distribution to cities and towns pursuant to [section 35 of chapter 10](#) of the General Laws shall be the sum of the amount distributed in fiscal year 2005 pursuant to [section 3 of chapter 149 of the Acts of 2004](#), and: (i) in fiscal year 2006, 20 per cent of the difference between said fiscal year 2005 distribution and the amount that would otherwise be payable; (ii) in fiscal year 2007, 40 per cent of the difference between said fiscal year 2005 distribution and the amount that would otherwise be payable; (iii) in fiscal year 2008, 60 per cent of the difference between said 2005 distribution and the amount that would otherwise be payable; and (iv) in fiscal year 2009, 80 per cent of the difference between said fiscal year 2005 distribution and the amount that would otherwise be payable. For fiscal year 2010 and thereafter the distribution of lottery proceeds shall be determined pursuant to [section 35 of chapter 10](#) of the General Laws.

Inspector General Transfer to Comptroller

SECTION 127. The office of inspector general is hereby abolished. Unless a contrary intent clearly appears, all powers and duties exercised by said office immediately prior to the effective date of this act are hereby transferred to the office of the state comptroller.

Inspector General Transfer to Comptroller

SECTION 128. All books, papers, records, documents, equipment, lands, interests in land, buildings, facilities, and other property, both personal and real, which immediately prior to the effective date of this act are in the custody of the inspector general, and which relate to or are maintained for the

purpose of the exercise of such powers or the performance of such duties, are hereby transferred to the comptroller; provided, that all such property held in trust shall continue to be held in trust and be administered in accordance with the terms of such trust, by the trustees appointed by any court of competent jurisdiction upon application of any interested persons for such appointment or for instructions in connection therewith. All questions regarding the identification of such property shall be determined by the secretary for administration and finance.

Inspector General Transfer to Comptroller

SECTION 129. All monies heretofore appropriated for the inspector general for the purpose of the exercise of such powers or the performance of such duties and remaining unexpended on the effective date of this act, are hereby transferred to, and shall be available for expenditure by, the comptroller. All questions regarding the identification of such monies shall be determined by the secretary for administration and finance.

Inspector General Transfer to Comptroller

SECTION 130. All duly existing contracts, leases, and obligations of the inspector general that relate to the exercise of such powers for the performance of such duties, and which are in force immediately prior to the effective date of this act, shall thereafter be performed by the comptroller. This section shall not affect any renewal provisions or option to renew contained in any such leases in existence on said effective date, all of which may thereafter be exercised by the comptroller. All questions regarding the identification of such contracts, leases, and obligations of the inspector general shall be determined by the secretary for administration and finance.

Inspector General Transfer to Comptroller

SECTION 131. All petitions, hearings, and other proceedings duly brought before, and all prosecutions and legal and other proceedings begun by, the inspector general that arise from or relate to the exercise of such powers or the performance of such duties, and which are pending immediately prior to the effective date of this act, shall thereafter be completed by the comptroller.

All orders, rules, and regulations duly made, and all licenses, permits, certificates, and approvals duly granted by the inspector general that arise from or relate to the exercise of such powers or the performance of such duties, and which are in force immediately prior to said effective date, shall continue in force, and the provisions thereof shall thereafter be enforced, until superceded, revised, rescinded, or cancelled in accordance with law, by the comptroller. All questions regarding the identification of such petitions, hearings, prosecutions, proceedings, orders, rules, regulations,

licenses, permits, certificates, and approvals, and of the agencies to which the completion or enforcement thereof is transferred shall be determined by the secretary for administration and finance.

Inspector General Transfer to Comptroller

SECTION 132. Wherever the name "inspector general", or "the office of the inspector general" or "the inspector general's office", or the name of any department, agency, office, commission, committee, council, board, division, bureau, institution, other administrative unit, or officer within the office of the inspector general, from which powers and duties are transferred by the provisions of this act, appear in any statute, special act or resolve, order, rule, regulation, or other document related to the exercise of such powers or the performance of such duties, such name shall be construed as referring to the office of the state comptroller, unless a contrary intent clearly appears.

Community Preservation Trust Transfer to Smart Growth Housing Trust

SECTION 133. Notwithstanding any general or special law to the contrary, no later than August 1, 2005, the comptroller shall transfer \$10,000,000 from the Massachusetts Community Preservation Trust, established under [chapter 44B](#) of the General Laws, and deposit said funds into the Smart Growth Housing Trust Fund established in [section 35AA of chapter 10](#) of the General Laws.

Payments in Lieu of Taxes

SECTION 134. Notwithstanding any general or special law to the contrary, for fiscal years 2006 and thereafter, the total amount allocated for distribution to cities and towns pursuant to sections 13 to 17, inclusive, of [chapter 58](#) of the General Laws shall be the sum of the amount distributed in fiscal year 2005 and: (i) in fiscal year 2006, 20 per cent of the difference between the fiscal year 2005 distribution and the total obligation; (ii) in fiscal year 2007, 40 per cent of the difference between the fiscal year 2005 distribution and the total obligation; (iii) in fiscal year 2008, 60 per cent of the difference between the 2005 distribution and the total obligation; and (iv) in fiscal year 2009, 80 per cent of the difference between the fiscal year 2005 distribution and the total obligation. For fiscal year 2010 and thereafter, the distribution shall be the total obligation as determined pursuant to [section 13 of said chapter 58](#).

Payment of Certain Pensions

SECTION 135. Notwithstanding any general or special law to the contrary, pension benefits formerly funded through item 0612-2000 in fiscal year 2004 shall be funded from the Pension Reserves Investment Trust Fund, established pursuant to chapter 661 of the acts of 1983. The state treasurer shall report to the house and senate committees on ways and means not later than November 15, 2005 on the benefits funded pursuant to this section. Said report shall list the amount of benefit received by each individual through this funding in fiscal year 2005 and the amount of benefit projected to be received by each individual through this funding in fiscal year 2006.

Pension Cost of Living Adjustment

SECTION 136. Notwithstanding the provisions of any general or special law to the contrary, the amounts transferred to the commonwealth's Pension Liability Fund, pursuant to [section 22C of chapter 32](#) of the General Laws shall be made available to meet the commonwealth's obligations pursuant to said section 22C, including retirement benefits payable by the state employees' and the state teachers' retirement systems, the costs associated with a three per cent cost-of-living adjustment pursuant to the provisions of [section 102 of said chapter 32](#), the reimbursement of local retirement systems for previously authorized cost-of-living adjustments pursuant to said section 102, and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of 1984. Subject to rules and regulations promulgated by the treasurer, the state retirement board and each city, town, county, or district shall verify the cost of said obligations and the treasurer may make payments therefor upon a transfer of funds as hereinafter provided, to reimburse certain cities and towns for pensions to retired teachers, and including any other obligations which the commonwealth has assumed on behalf of any retirement system other than the state employees' or state teachers' retirement systems, and including the commonwealth's share of the amounts to be appropriated pursuant to [section 22B of said chapter 32](#) and the amounts to be appropriated pursuant to clause (a) of the last paragraph of [section 21 of chapter 138](#) of the General Laws. All payments for the purposes herein described shall be made only pursuant to distribution of monies from said fund; provided, that such distributions shall not be made in advance of the date on which any payment is actually to be made. Any request for distribution from said fund shall not be in excess of the amount necessary to provide sufficient monies to make all payments for the purposes herein before described. The state retirement board is authorized to expend an amount for the purposes of the board of higher education's optional retirement program pursuant to [section 40 of chapter 15A](#) of the General Laws.

Turnpike Integration

SECTION 137. Notwithstanding any general or special law to the contrary, the highway department is hereby authorized to enter into any agreement with the Massachusetts turnpike authority deemed necessary or desirable by said authority and the highway department, in order for the highway department to exercise or fulfill, on behalf of said authority, any of the powers, obligations, or responsibilities of said authority under [chapter 81A](#) of the General Laws; provided, that with respect

to any period during which any agreement authorized by this section between said authority and the highway department is in effect, the liability of said authority for any claim pertaining to any property of said authority that is subject to such agreement, or otherwise arising out of the subject matter of such agreement shall be no greater than that of the commonwealth under the provisions of [section 18 of chapter 81](#) of the General Laws and [chapter 258](#) of the General Laws.

Notwithstanding any general or special law to the contrary, other commonwealth executive offices, departments, agencies, boards, commissions, and authorities are each hereby authorized to enter into any agreement with said authority deemed necessary or desirable by said authority and such executive office, department, agency, board, commission, or other authority in order for such executive office, department, agency, board, commission, or other authority to exercise or fulfill, on behalf of said authority, any of the powers, obligations, or responsibilities of said authority under [chapter 81A](#) of the General Laws. With respect to any period during which any such agreement authorized by this section between said authority and such executive office, department, agency, board, commission, or other authority is in effect, the liability of said authority for any claim pertaining to any property of said authority that is subject to such agreement, or otherwise arising out of the subject matter of any such agreement, shall be no greater than that of the commonwealth under the provisions of [section 18 of chapter 81](#) of the General Laws and [chapter 258](#) of the General Laws.

Authority to Grant Easements

SECTION 138. Notwithstanding any general or special law to the contrary, the commissioner of the division of capital asset management and maintenance may grant easements, including, but not limited to, utility easements, which the commissioner deems necessary and appropriate for the development, operation, use, occupancy, maintenance, or disposition of any state building or real property on such terms and conditions as said commissioner deems reasonable and in the best interests of the commonwealth; provided, however, that this section shall not apply to real property under the care and control of the department of conservation and recreation, the department of fish and game, the department of agricultural resources, or the division of fisheries and wildlife.

At least 30 days before the date of any such grant of easement, the commissioner shall place a notice in the central register published by the state secretary pursuant to [section 20A of chapter 9](#) of the General Laws describing the easement granted and identifying the individual or firm to which any easement has been granted.

Notwithstanding any general or special law to the contrary, the commissioner of the division of capital asset management and maintenance may grant easements including, but not limited to, utility easements, to publicly-regulated utilities and to political subdivisions of the commonwealth, on such terms and conditions as said commissioner deems reasonable and in the best interests of the commonwealth. Such terms and conditions may include, but not be limited to, the payment of consideration as determined by the commissioner using such customarily accepted appraisal or valuation methodologies as the commissioner deems reasonable.

At least 30 days before the date of any such grant of easement, the commissioner shall place a notice in the central register published by the state secretary pursuant to said [section 20A of said chapter 9](#) describing the easement granted, stating any consideration paid, and identifying the individual or firm to which any easement has been granted.

Nothing herein shall be construed as diminishing any power granted to the executive office of transportation or the highway department pursuant to [chapter 6A](#) of [chapter 81](#) or [chapter 161C](#) of the General Laws, or any other general or special law relating to the executive office of transportation or the highway department.

Transfer of Former County Lands to Environmental Affairs

SECTION 139. The commissioner of the division of capital asset management and maintenance, with the written approval of the secretary for administration and finance, and after consultation with the secretary of environmental affairs, may transfer to one or more agencies within the executive office of environmental affairs the use of, and responsibility for maintenance of, dams, ponds, lakes, other natural resources, and lands acquired for open space, conservation, and public access, together with any buildings, structures, and equipment thereon, which the commonwealth acquired from abolished counties pursuant to [chapter 34B](#) of the General Laws or pursuant to other relevant provisions of law.

Transfer of Hingham Property to Environmental Affairs

SECTION 140. The division of capital asset management and maintenance is hereby authorized to transfer from the highway department to one or more agencies within the executive office of environmental affairs, as determined by the division after consultation with the secretary of said executive office, use of and responsibility for a parcel of land containing 15.73± acres of land, located in the town of Hingham. The exact size and boundaries of the parcel to be so transferred shall be determined by the division of capital asset management and maintenance. Transfer of said parcel shall be without consideration and shall not be subject to the provisions of [chapter 7](#) of the General Laws.

Transfer of Peabody Property to Environmental Affairs

SECTION 141. The division of capital asset management and maintenance is hereby authorized to transfer from the department of public safety to the highway department, use of and responsibility for a parcel of land containing 5± acres of land, together with the buildings thereon, located in the city of Peabody. The exact size and boundaries of the parcel to be so transferred shall be determined by the division of capital asset management and maintenance. Transfer of said parcel shall be without consideration and shall not be subject to the provisions of [chapter 7](#) of the General Laws.

Transfer of Westborough Property to the Department of Youth Services

SECTION 142. The division of capital asset management and maintenance is hereby authorized to transfer use of and responsibility for a parcel of vacant state-owned land in the town of Westborough to the department of youth services for use as a location for a new facility for girls committed to the department. The exact size and boundaries of the parcel to be so transferred shall be determined by the division of capital asset management and maintenance. Transfer of said parcel shall be without consideration and shall not be subject to the provisions of [chapter 7](#) of the General Laws.

Transfer of West Boylston Property to Conservation and Recreation

SECTION 143. The division of capital asset management and maintenance is hereby authorized to transfer from the department of youth services to the department of conservation and recreation use of and responsibility for the building known as John Augustus hall and the associated Oakdale facility, together with 39± acres of land, all located in the town of West Boylston. The exact size and boundaries of the parcel to be so transferred shall be determined by the division of capital asset management and maintenance. Transfer of said parcel shall be without consideration and shall not be subject to the provisions of [chapter 7](#) of the General Laws.

Health Claims Security Trust Fund

SECTION 144. Notwithstanding any general or special law to the contrary, any city, town, county, or other subdivision of the commonwealth which has a deficit in its claims trust fund at the end of fiscal year 2004 attributable to failure to accrue claims which had been incurred but not paid as of the conclusion of that fiscal year, is authorized to capitalize the deficit and amortize the amount over the three fiscal years beginning July 1, 2005 in three equal amounts, or on a schedule providing for a more rapid amortization.

Ponkapoag Golf Course Lease Agreement

SECTION 145. The division of capital asset management and maintenance, in consultation with the department of conservation and recreation, may, notwithstanding the provisions of sections 40E to 40K and 52 to 55, inclusive, of [chapter 7](#) of the General Laws, and utilizing such competitive proposal process or processes as said division deems necessary or appropriate, lease and enter into other agreements, for terms not to exceed 25 years, to one or more proponents, so as to provide for the continued use, operation, maintenance, repair, and improvement of all or a portion of the golf courses,

practice greens, driving ranges, restaurant, or any other structure and associated lands that comprise the facilities of the Ponkapoag golf course of said department.

Such leases and other agreements shall be on terms acceptable to the commissioner of the division of capital asset management and maintenance, after consultation with the commissioner of the department of conservation and recreation, and, notwithstanding the provisions of any general or special law to the contrary, shall provide for the lessees to operate, manage, improve, repair, and maintain the facilities, and may provide for the department to make initial capital improvements or direct grant funds to the lessee to undertake initial capital improvements as the commissioner of said department determines is necessary due to the condition of the facilities. Any such leases or other arrangements requiring improvements to be made to any portion of the facilities may include a description of the initially required improvements and, at minimum, performance specifications. Such leases and other agreements authorized herein may provide that any benefits to the communities and the costs of improvements and repairs made to the facilities provided by the lessees or the recipients of the properties shall be taken into account as part of the consideration for such leases or other agreements. All consideration received from the leases or other agreements shall be payable to the department of conservation and recreation for deposit into the Urban Parks Trust Fund in accordance with the provisions of [section 34 of chapter 92](#) of the General Laws. The lessees or the recipients of said facilities shall bear all costs deemed necessary or appropriate by the commissioner of the department of conservation and recreation for the transactions, including without limitation, all costs for legal work, survey, title, and the preparation of plans and specifications.

Skating Rink Lease Agreements

SECTION 146. The division of capital asset management and maintenance, in consultation with the department of conservation and recreation, may, notwithstanding the provisions of sections 40E to 40K and 52 to 55, inclusive, of [chapter 7](#) of the General Laws, and utilizing such competitive proposal process or processes as said division deems necessary or appropriate, lease and enter into other agreements, for terms not to exceed 25 years, to one or more proponents, for one or more skating rinks, so as to provide for the continued use, operation, maintenance, repair, and improvement of the following state-owned buildings and facilities together with the land and appurtenances associated therewith, comprising those ice skating rinks and facilities formerly under the jurisdiction of the metropolitan district commission: Bajko memorial rink, Hyde Park district, Boston; Jim Roche memorial rink, West Roxbury district, Boston; Connell memorial rink, Weymouth; Daly memorial rink, Brighton district, Boston; Devine memorial rink, Dorchester district, Boston; Emmons Horrigan O'Neill memorial rink, Charlestown district, Boston; Flynn memorial rink, Medford; LoConte memorial rink, Medford; Murphy memorial rink, South Boston district, Boston; Reilly memorial rink, Brighton district, Boston; Shea memorial rink, Quincy; Steriti memorial rink, Boston; and, Ulin memorial rink, Milton.

Such leases and other agreements shall be on terms acceptable to the commissioner of the division of capital asset management and maintenance, after consultation with the commissioner of department of conservation and recreation, and, notwithstanding the provisions of any general or special law to the contrary, shall provide for the lessees to operate, manage, improve, repair, and maintain the properties, and may provide for the department to make initial capital improvements or

direct grant funds to the lessee to undertake initial capital improvements at one or more of the properties that the commissioner of said department determines is necessary due to the structural condition of any of the properties. Any such leases or other arrangements requiring improvements to be made to any buildings may include a description of the initially required improvements and, at minimum, performance specifications. Ice time at rinks under the jurisdiction of the division of urban parks and recreation shall be allocated to user groups in the following priority order: general public skating; youth groups; high school hockey; and adult organizations or informal groups. Ice time may be allocated at the discretion of the operator with the following restrictions: general public skating shall be booked at a minimum of 16 hours per week, with a range of times and days which reasonably allow for public skaters of all ages to participate in some public skating sessions. Every effort shall be made to balance the ice allocation needs of long-established youth organizations and newly-formed youth organizations in a manner that provides equal opportunity and equal access for youths of each gender. Such leases and other agreements authorized herein shall provide that any benefits to the communities and the costs of improvements and repairs made to the properties provided by the lessees or the recipients of the properties shall be taken into account as part of the consideration for such leases or other agreements. All consideration received from the leases or other agreements shall be payable to the department of conservation and recreation for deposit into the Urban Parks Trust Fund in accordance with the provisions of [section 34 of chapter 92](#) of the General Laws; provided, that any such consideration received for the Jim Roche memorial rink shall be payable to said department for deposit into the Roche Community Rink Fund in accordance with the provisions of [section 2NNN of chapter 29](#) of the General Laws. The lessees or the recipients of said properties shall bear all costs deemed necessary or appropriate by the commissioner of the department of conservation and recreation for the transactions including, without limitation, all costs for legal work, survey, title, and the preparation of plans and specifications.

Department of Early Education and Care

SECTION 147. (a) Notwithstanding any general or special law to the contrary, this section shall facilitate the orderly transfer of the employees, proceedings, rules and regulations, property, and legal obligations of the following agencies of state government from the transferor agency to the transferee agency, defined as follows:

(1) Certain early education and care functions of the department of education, as the transferor agency to the department of early education and care, as the transferee;

(2) The functions of the office of child care services with regard to licensure or approval and subsidy administration of child care and day care, as presently defined in [section 2 of chapter 28A](#) of the General Laws, but excluding the functions listed below in (a)(3) as the transferor agency, to the department of early education and care, as the transferee; and

(3) The functions of the office of child care services with regard to licensure of adoption or foster care placement agencies or residential group care facilities or temporary shelters, as the transferor agency to the executive office of health and human services, as the transferee.

(b) Subject to appropriation, those employees to be transferred from each transferor agency, including those who immediately before the effective date of this act hold permanent appointment in positions classified under [chapter 31](#) of the General Laws or have tenure in their positions as provided

by [section 9A of chapter 30](#) of the General Laws or do not hold such tenure, or hold confidential positions, are hereby transferred to the respective transferee agency, without interruption of service within the meaning of said [section 9A of said chapter 30](#), without impairment of seniority, retirement, or other rights of the employee, and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such reorganization, and without loss of accrued rights to holidays, sick leave, vacation, and benefits, and without change in union representation or certified collective bargaining unit as certified by the state labor relations commission or in local union representation or affiliation. Any collective bargaining agreement in effect immediately before the transfer date shall continue in effect and the terms and conditions of employment therein shall continue as if the employees had not been so transferred. The reorganization shall not impair the civil service status of any such reassigned employee who immediately before the effective date of this act either holds a permanent appointment in a position classified under [chapter 31](#) of the General Laws or has tenure in a position by reason of [section 9A of chapter 30](#) of the General Laws. Notwithstanding any general or special law to the contrary, all such employees shall continue to retain their right to collectively bargain pursuant to [chapter 150E](#) of the General Laws and shall be considered employees for the purposes of said [chapter 150E](#). Nothing in this section shall be construed to confer upon any employee any right not held immediately before the date of said transfer, or to prohibit any reduction of salary grade, transfer, reassignment, suspension, discharge, layoff, or abolition of position not prohibited before such date.

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

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

(e) All books, papers, records, documents, equipment, buildings, facilities, cash, and other property, both personal and real, including all such property held in trust, which immediately before the effective date of this act are in the custody of each transferor agency, shall be transferred to the respective transferee agency.

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

Department of Early Education and Care

SECTION 148. Notwithstanding any general or special law to the contrary, in order to ensure an orderly transfer of programs and services from the office of child care services to the department of early education and care, in particular the transfer of the administration of child care services for recipients authorized by the department of transitional assistance and children in foster care and supportive care of the department of social services to the department of early education and care, the department of early education and care shall enter into one or more memoranda of understanding with

the executive office of health and human services and its departments of transitional assistance and social services, and with the department of education. Such memoranda of understanding will outline the parties' respective responsibilities during the transition period and shall establish the means and methods for interagency communication and linkages to ensure the effective continuation of services, in accordance with state and federal requirements.

General Fund Transfer to the Uncompensated Care Pool

SECTION 149. Notwithstanding any general or special law to the contrary, the comptroller shall, in consultation with the office of the state treasurer, the executive office for administration and finance, and the executive office of health and human services, develop a schedule for making a series of transfers not to exceed \$85,900,000 from the General Fund to the Uncompensated Care Trust Fund for the purpose of making revenues available for the administration of the uncompensated care pool, established under subsection (d) of [section 18 of chapter 118G](#) of the General Laws and [section 161](#) of this act. Said schedule shall make said transfers in increments as deemed appropriate to meet the cash flow needs of the commonwealth and said uncompensated care pool; provided, that said transfers shall not begin before October 1, 2005 and shall be completed on or before June 30, 2006.

Transfer of Annual Tobacco Payment

SECTION 150. Notwithstanding any general or special law to the contrary, during fiscal year 2006, the comptroller shall transfer from the Health Care Security Trust, established under [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 2006 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 50 per cent of the earnings generated in fiscal year 2006 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 section 2.

Health Facility Federal Reimbursement for Low-Income Care Costs

SECTION 151. Notwithstanding any general or special law to the contrary, the department of mental health, the department of public health, the executive office of health and human services as the single state agency responsible for administering the Medicaid program under Title XIX of the Social Security Act, and the division of health care finance and policy shall take appropriate action to obtain the maximum amount of federal financial participation available for amounts paid for low-income care costs at those mental health and public health facilities determined to be disproportionate share

hospitals in accordance with requirements of Title XIX of the Social Security Act. Such appropriate action may include, but shall not be limited to, the establishment of a separate account within the Uncompensated Care Trust Fund, established by [section 18 of chapter 118G](#) of the General Laws, for the purpose of making disproportionate share payment adjustments to such qualifying mental health and public health facilities under relevant division of health care finance and policy regulations and the Title XIX state plan on file with the Centers for Medicare and Medicaid Services. The executive office of health and human services, the department of public health, and the department of mental health may expend amounts transferred to them from such separate account within the Uncompensated Care Trust Fund without further appropriation. Any federal funds obtained as a result of actions taken pursuant to this section shall be deposited in the General Fund. The state treasurer and the comptroller shall establish such procedures as may be necessary to accomplish the purpose of this section, including procedures for the proper accounting and expenditure of funds under this section.

Initial Gross Payments to Qualifying Acute Care Hospitals

SECTION 152. Notwithstanding the provisions of any general or special law to the contrary, the comptroller shall transfer on or before October 1, 2005, the greater of \$30,000,000 or one-twelfth of the total expenditures to hospitals and community health centers required pursuant to Section [161](#) of this Act, from the General Fund to the Uncompensated Care Trust Fund established pursuant to [section 18 of chapter 118G](#) of the General Laws, for the purpose of making initial gross payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1, 2005. Said payments shall be made, without further appropriation, to hospitals prior to, and in anticipation of, the payment by hospitals of their gross liability to the Uncompensated Care Trust Fund. The comptroller shall transfer from the Uncompensated Care Trust Fund to the General Fund not later than June 30, 2006, the amount of the transfer authorized herein and any allocation thereof as certified by the commissioner of the division of health care finance and policy.

Intergovernmental Transfer - MassHealth Managed Care Contracts

SECTION 153. Notwithstanding any general or special law to the contrary, during fiscal year 2006 the executive office of health and human services may expend from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund an amount not to exceed the actual amount paid for fiscal year 2005 for a program of MassHealth supplemental payments to certain publicly operated entities providing Title XIX reimbursable services, directly or through contracts with hospitals under an agreement with the executive office of health and human services relating to such payments and transfers as established in accordance with Title XIX of the Social Security Act or federal waivers thereof, federal regulations promulgated thereunder, the terms of the waiver under section 1115 of the Social Security Act, state law, and the Medicaid state plan. The funds may be expended only for payment obligations arising during fiscal year 2006. Such

expenditures shall reduce payments from the Uncompensated Care Trust Fund to such entities by an amount comparable to the net revenues received by such entities under this section. The executive office of health and human services shall notify the house and senate committees on ways and means if such expenditures are rendered ineligible for federal reimbursement. All expenditures made pursuant to this section shall be reported quarterly to the house and senate committees on ways and means. Amounts so authorized for said expenditure shall be funded in part through intergovernmental transfers to the commonwealth of municipal or other non-federal public funds. The Boston public health commission and the Cambridge public health commission shall transfer to said medical assistance intergovernmental transfer account an amount not less than 55 per cent of the gross amounts of supplemental payments made by the executive office of health and human services under managed care contracts with the commissions. An amount equal to 9.09 per cent of the total amount that the Boston and Cambridge public health commissions transfer to the medical assistance intergovernmental transfer account pursuant to this section shall be transferred from the medical assistance intergovernmental transfer account and credited to the Essential Community Provider Expendable Trust Fund, established pursuant to [section 133 of chapter 140 of the acts of 2003](#).

MassHealth - Clarification of Regulatory Administration

SECTION 154. Notwithstanding any general or special law to the contrary, the state secretary shall assign title 130 of the code of Massachusetts regulations to the executive office of health and human services in recognition of the designation of such executive office, under [section 16 of chapter 6A](#) of the General Laws, as the single state agency authorized to supervise and administer the state programs under Titles XIX and XX of the Social Security Act.

MassHealth - Dental Program Caseload Capacity

SECTION 155. Notwithstanding any special or general law to the contrary, the executive office of health and human services may promulgate regulations allowing any dentist participating in the MassHealth program to limit the number of MassHealth patients in his or her practice in accordance with standards to be established by the executive office of health and human services.

MassHealth - Spending Authorization for Nursing Facility Assessment

SECTION 156. Notwithstanding any general or special law to the contrary, in fiscal year 2006, the division of health care finance and policy, hereinafter referred to as the division, shall establish nursing facility Medicaid rates, payable out of the Health Care Quality Improvement Trust Fund, established under [section 2EEE of chapter 29](#) of the General Laws, effective July 1, 2005 through

June 30, 2006 that cumulatively total \$288,500,000 more than the annual payment rates established by the division under the rates in effect as of June 30, 2002, as mandated under [section 1 of chapter 42 of the acts of 2003](#). Payments from the fund shall be allocated in the following manner for fiscal year 2006:

(1) \$287,950,000 for the purposes of Medicaid per diem rate payments to nursing homes participating in the MassHealth program for services provided to MassHealth members during fiscal year 2006, provided that as a condition for such funds, the division shall require that each nursing home document to the division that at least \$50,000,000 of such funds are spent only on direct care staff by increasing the wages, hours, and benefits of direct care staff, increasing the facility's staff-to-patient ratio, or by demonstrably improving the facility's recruitment and retention of nursing staff to provide quality care, which shall include expenditure of funds for nursing facilities which document actual nursing spending that is higher than the median nursing cost per management minute in the base year used to calculate Medicaid nursing facility rates. A facility's direct care staff shall include any and all nursing personnel including registered nurses, licensed practical nurses, and certified nurses' aides hired by the facility from any temporary nursing agency or nursing pool registered with the department of public health. The division shall credit wage increases that are over and above any previously collectively-bargained wage increases. In monitoring compliance under this clause, the division's regulations shall adjust any spending compliance test to reflect any Medicaid nursing facility payment reductions, including, but not limited to, rate reductions imposed on or after October 1, 2002. The expenditure of these funds shall be subject to audit by the division in consultation with the department of public health and the executive office of health and human services;

(2) \$300,000 for the purposes of an audit of funds distributed pursuant to subsection (1). The division of health care finance and policy, in consultation with the department of public health and with the assistance of the executive office of health and human services, shall establish penalties sufficient to deter noncompliance to be imposed against any facility that expends any or all monies in violation of subsection (1), including, but not limited to, recoupment and assessment of fines or interest; and

(3) \$250,000 to fund expenses at the division of health care finance and policy related to the implementation and administration of [section 25 of chapter 118G](#) of the General Laws. The comptroller shall transfer from the Health Care Security Trust Fund to the Health Care Quality Improvement Trust Fund on the first business day of each quarter, the amount indicated by the division of health care finance and policy to fund the expenditures described herein.

MassHealth - Utilization Control and Review

SECTION 157. Notwithstanding the provisions of any special or general law to the contrary, the secretary of health and human services may make expenditures from items [4000-0430](#), [4000-0500](#), [4000-0600](#), [4000-0620](#), [4000-0700](#), [4000-0860](#), [4000-0870](#), [4000-0875](#), [4000-0880](#), [4000-0890](#), [4000-0891](#), [4000-0895](#), [4000-0990](#), [4000-1400](#), and [4000-1405](#) of section 2, for activities relating to disability determinations or utilization management and review, including, but not limited to, patient screenings and evaluations, regardless of whether such activities are performed by a state agency, contractor, agent, or provider.

Medicaid - Maximization of Third Party and Federal Revenue

SECTION 158. Notwithstanding any general or special law to the contrary, state agencies and direct and subcontracted providers of health-related services, including purchase-of-service providers financed from appropriation items for any state agency, shall maximize Title XIX and all other federal, state, and private health insurance coverage available to offset costs to the commonwealth. The agencies or providers shall collect information from clients, or from the parent or guardian of a minor receiving services, necessary to determine the extent to which clients may be eligible for medical assistance benefits under [chapter 118E](#) of the General Laws or are beneficiaries of any health insurance policy. The agency or provider shall forward client information collected under this section to the executive office of health and human services and such data shall only be used to match against available databases for the purpose of identifying all sources of potential payment for health services or health insurance coverage. As required or permitted by federal law, the executive office of health and human services shall return the results of any such data matches to the originating agency, which shall take the appropriate action to ensure that costs to the commonwealth are minimized. Such actions shall include, but not be limited to, the agency or provider billing or re-billing all verified third-party sources. The executive office of administration and finance may grant an agency or provider an exemption from this section for good cause. The executive office of health and human services and the division of procurement within the executive office of administration and finance shall review regulations, contracting forms, service delivery reports, and uniform financial reporting requirements to determine what changes are necessary for the successful implementation of this section.

Transfer to the Uncompensated Care Pool

SECTION 159. Notwithstanding the provisions of any general or special law to the contrary, the comptroller shall, in consultation with the office of the state treasurer, the executive office for administration and finance, and the executive office of health and human services, develop a schedule for transferring the unexpended balance from account 4000-0896 in the state accounting system, to the Uncompensated Care Trust Fund for the purpose of making revenues available for the administration of the uncompensated care pool, established under subsection (d) of [section 18 of chapter 118G](#) of the General Laws and [section 161](#) of this act. Said schedule shall make said transfers in increments as deemed appropriate to meet the cash flow needs of the commonwealth and said uncompensated care pool; provided, that said transfers shall not begin before October 1, 2005 and shall be completed on or before June 30, 2006.

SECTION 160. Notwithstanding the provisions of any general or special law to the contrary, the executive office of health and human services pursuant to [section 16 of chapter 6A](#) of the general laws, acting in its capacity as the single state agency under Title XIX of the Social Security Act, and other federally assisted programs administered by said secretariat, and as the principal agency for all of the agencies within the secretariat, is authorized to enter into interdepartmental services agreements with the university of Massachusetts medical school to perform such activities as the secretary, in consultation with the comptroller, determines are appropriate and within the scope of the proper administration of said Title XIX and other federal funding provisions to otherwise support the programs and activities of the executive office. Such activities shall include: (1) provision of administrative services, including, but not limited to, activities such as providing the medical expertise to support or administer utilization management activities, determining eligibility based on disability, supporting case management activities, and similar initiatives; (2) consulting services related to quality assurance, program evaluation and development, integrity and soundness, and project management; and (3) activities and services for the purpose of pursuing federal reimbursement or avoiding costs, third party liability, and recouping payments to third parties. Federal reimbursement for any expenditures made by the university of Massachusetts medical school relative to federally-reimbursable services said university provides under said interdepartmental service agreements or other contracts with the executive office of health and human services shall be distributed to said university. The secretary may negotiate contingency fees for activities and services related to the purpose of pursuing federal reimbursement or avoiding costs, and the comptroller shall be directed to certify said fees and pay upon the receipt of such revenue, reimbursement, or demonstration of costs avoided; provided, however, that the secretary shall not pay contingency fees in excess of \$40,000,000 for state fiscal year 2006. The secretary of health and human services shall submit to the secretary of administration and finance and the senate committees on ways and means a quarterly report detailing the amounts of the agreements, the ongoing and new projects undertaken by the university, the amounts spent on personnel, and the amount of federal reimbursement and recoupment payments that said university was able to collect.

Uncompensated Care Trust Fund - Sources and Uses of Funds

SECTION 161. Notwithstanding any general or special law to the contrary, in hospital fiscal year 2006, the division of health care finance and policy may administer, as provided in this section, the Uncompensated Care Trust Fund established by [section 18 of chapter 118G](#) of the General Laws, to collect assessments as specified in [section 1 of said chapter 118G](#) for deposit to the fund, and make certain payments to acute hospitals and community health centers from the uncompensated care pool to offset the costs of services provided to uninsured or low income residents. Said division and the executive office of health and human services may promulgate regulations to implement this section.

The division of health care finance and policy, in consultation with the executive office of health and human services, shall ensure that assessment liability to the fund and payments from the uncompensated care pool are structured in a manner that would secure for the General Fund the maximum allowable federal reimbursement under Title XIX, XXI, or any successor federal law.

In hospital fiscal year 2006, the total liability of all acute care hospitals to the fund shall be \$160,000,000, The division of health care finance and policy shall calculate an assessment percentage

rate by dividing \$160,000,000 by the projected annual aggregate private sector charges in the fiscal year for all acute care hospitals. Each acute care hospital's liability to the fund shall be equal to the product of the percentage rate and its private sector charges.

In hospital fiscal year 2006, the total surcharge liability of surcharge payers to the Uncompensated Care Trust Fund shall be \$160,000,000. The surcharge amount for each surcharge payer shall be equal to the product of: (a) the surcharge percentage; and (b) amounts paid for services of an acute hospital or ambulatory surgical center by each surcharge payer. The division of health care finance and policy shall calculate the surcharge percentage by dividing \$160,000,000 by the projected annual aggregate payments subject to surcharge, as defined in said [section 1 of said chapter 118G](#).

All Title XIX federal financial participation revenue generated by hospital payments funded by the Uncompensated Care Trust Fund, whether the payments are made by the division of health care finance and policy or the executive office of health and human services, shall be credited to the General Fund.

All hospital payments made pursuant to this section shall be subject to federal approval and conditioned on the receipt of full federal financial participation. All such payments shall be established in accordance with Title XIX of the Social Security Act, or any successor federal law, any regulations promulgated thereunder, and the commonwealth's Title XIX state plan.

The division of health care finance and policy shall calculate an annual payment liability from the uncompensated care pool to each acute care hospital for fiscal year 2006. In determining the liability amount, the division shall (a):

(1) calculate each hospital's actual free care cost for the 12-month period from October 1, 2003 to September 30, 2004 by using each hospital's actual submitted free care charges to the division on the UC-04 times its ratio of costs to charges for pool fiscal year 2004;

(2) project each hospital's free care costs above for Pool Fiscal Year 2005 by using a cost growth factor of 7.6 per cent;

(3) project each hospital's total free care costs for pool fiscal year 2006 by multiplying each hospital's pool fiscal year 2005 projected free care costs from subclause (2) by a cost growth factor of 7.6 per cent; and

(4) take into account such factors as the financial burden of hospitals that provide proportionately the largest volume of free care and the situation of any free-standing pediatric hospital with a disproportionately low volume of Title XVIII payments; and (b) allocate the available funds in a manner that pays to each hospital a fixed percentage of its projected free care costs for hospital fiscal year 2006, as determined by the division using prior year data and considering the total funds available for the purpose; provided, however, that the fixed percentage shall not be less than 85 per cent of free care costs as defined in said [section 1 of said chapter 118G](#) for the two disproportionate share hospitals with the highest relative volume of free care costs in hospital fiscal year 2003, and not less than 88 per cent of free care costs, as defined in said [section 1 of said chapter 118G](#), for the 14 acute hospitals with the next highest relative volume of free care costs in that year; provided further, that in order to identify said 16 hospitals, the division shall rank all hospitals based on the percentage of each hospital's free care costs divided by the total free care costs of all hospitals in the commonwealth. All other acute care hospitals shall receive the highest possible percentage of free care costs given available remaining funds. The hospital fiscal year 2006 annual liability amount to each hospital shall be funded by the trust fund; provided, however, that the liability may be satisfied through either a disproportionate share payment or adjustment to Title XIX service rate adjustment payment, or combination thereof, in accordance with the terms provided for in an agreement entered into by an acute care hospital and the executive office of health and human services. The comptroller,

in consultation with the division of health care finance and policy and the executive office of health and human services, shall transfer funds from the trust fund to the executive office of health and human services for the purpose of the Title XIX service rate adjustment payments.

The executive office of health and human services may use of other federally-permissible funding mechanisms available for publicly-operated hospitals and hospitals with an affiliation with a publicly-operated health care entity to reimburse up to \$70,000,000 of uncompensated care costs at the hospitals using sources distinct from the funding made available to the trust fund under this section.

The executive office of health and human services shall make payments from the uncompensated care pool for services provided by community health centers to low income residents. The executive office shall structure such payments to maximize allowable federal reimbursement under Title XIX. Pursuant to [section 117 of chapter 140 of the Acts of 2003](#), all Title XIX federal financial participation revenue generated by community health center payments funded by the Uncompensated Care Trust Fund, whether the payments are made by the division of health care finance and policy or the executive office of health and human services, shall be retained in a separate account within the Uncompensated Care Trust Fund and expended, without further appropriation, for uncompensated care pool payments to community health centers, in addition to the amount specified in the following paragraph.

In hospital fiscal year 2006, \$380,000,000 from the trust fund shall be credited to the uncompensated care pool for payments to acute hospitals provided for herein. In addition to the federal financial participation to be retained in, and expended from, the trust fund for community health centers pursuant to the preceding paragraph of this section, \$56,000,000 from the trust fund shall be credited to the pool for payments to community health centers provided for in this section; and \$4,000,000 shall be credited for administrative expenses including demonstration projects pursuant to [sections 21 and 22 of chapter 47 of the acts of 1997](#), as amended by [sections 156, 157, and 158 of chapter 184 of the acts of 2002](#).

Uncompensated Care Trust Fund Federal Reimbursement

SECTION 162. Notwithstanding the provisions of any general or special law to the contrary, the executive office of health and human services, and the division of health care finance and policy shall take any appropriate action to obtain the maximum amount of federal financial participation available for amounts paid to hospitals, determined by the division to be disproportionate share hospitals in accordance with Title XIX requirements, for low income care costs of such hospitals. Such appropriate action may include, but shall not be limited to, the assessment on hospitals for their liability to the uncompensated care pool pursuant to [chapter 118G](#) of the General Laws. Such appropriate action shall include the establishment or renewal of an interdepartmental services agreement between the executive office of health and human services and the division of health care finance and policy which may authorize the division to make deposits into and payments from an account established for the purposes of this section within the Uncompensated Care Trust Fund, established by [section 18 of said chapter 118G](#), or authorize the division of health care finance and policy to transfer uncompensated care fee revenue collected from hospitals pursuant to said [chapter 118G](#) or funds otherwise made available to said trust fund by the general court, to the executive office

of health and human services for the purposes of making disproportionate share adjustment payments to hospitals qualifying for such payments in accordance with the commonwealth's Title XIX state plan and relevant provisions of Title XIX. The executive office of health and human services may expend amounts transferred to it from the Uncompensated Care Trust Fund by the division of health care finance and policy under such interdepartmental services agreement without further appropriation. In no event shall the amount of money assessed upon each hospital exceed the hospital's gross liability to the uncompensated care trust fund as determined by the division of health care finance and policy pursuant to said [section 18 of said chapter 118G](#). Any federal funds obtained as a result of said actions shall be deposited into the General Fund. The offices of the state treasurer and the comptroller shall establish such procedures as may be necessary to accomplish the purpose of this section, including procedures to facilitate the expeditious assessment, collection, and expenditure of funds pursuant to this section.

Medicare Part D and Prescription Advantage

SECTION 163. Notwithstanding any special or general law to the contrary, in order to maintain the fiscal viability of the subsidized catastrophic prescription drug insurance program, hereinafter referred to as the "prescription advantage program", authorized by [section 39 of chapter 19A](#), cost sharing required of enrollees in the form of co-payments, premiums, and deductibles, or any combination thereof, shall be adjusted by the department of elder affairs to reflect price trends for outpatient prescription drugs, as determined by the secretary of elder affairs.

Beginning January 1, 2006, in addition to the eligibility requirements set forth in [section 39 of chapter 19A](#), to be considered eligible for the prescription advantage program, individuals who receive Medicare and are applying for, or are then enrolled in, the prescription advantage program shall also be enrolled in a Medicare Part D plan, or in a Medicare Advantage plan if that plan provides prescription drug benefits equivalent to or better than Medicare Part D. In addition to the eligibility requirements set forth in [section 39 of chapter 19A](#), to be considered eligible for the prescription advantage program, individuals who receive Medicare and are applying for, or are then enrolled in, the prescription advantage program, who may qualify for the low-income subsidy, so-called, provided under the Medicare Prescription Drug, Improvement and Modernization Act of 2003 hereinafter referred to as "MMA", Subpart P - Premiums and cost-sharing subsidies for low-income individuals shall apply for those subsidies. To the extent permitted by MMA and regulations promulgated thereunder, and all other applicable federal law, the prescription advantage program may apply on behalf of a member for enrollment into a Medicare Part D plan or for the low-income subsidy provided under MMA.

Beginning January 1, 2006, for enrollees who qualify for Medicare Part D, the prescription advantage program will provide a supplemental source of financial assistance for prescription drug costs, hereinafter referred to as "supplemental assistance" in lieu of the catastrophic prescription drug coverage provided pursuant to [section 39 of chapter 19A](#). The prescription advantage program will provide supplemental assistance for premiums, deductibles, payments, and co-payments required by the Part D plan or Medicare Advantage plan. The department shall establish the amount of the supplemental assistance it will provide enrollees based on a sliding income scale and the coverage provided by the enrollees' Part D or Medicare Advantage plan. Residents of the commonwealth who

are not eligible for Medicare will continue to be eligible for the prescription advantage program pursuant to [section 39 of chapter 19A](#).

Collaborative Drug Purchasing for Sheriffs

SECTION 164. The state office of pharmacy services at the department of public health, hereinafter referred to as SOPS, shall conduct a cost-benefit analysis comparing the cost of each county and state sheriff's current pharmacy services arrangements with the cost of comparable services provided by SOPS. Each county and state sheriff is hereby directed to provide all data and information requested by SOPS no later than August 15, 2005 for the purpose of conducting the cost benefit analysis. Whenever a county or state sheriff engages in negotiations, renegotiations, or bids for pharmacy services, said sheriff shall request a proposal from SOPS. Notwithstanding any general or special law to the contrary, the state sheriffs, and the county sheriffs through the executive office of public safety, shall enter into interagency service agreements with SOPS for the provision of pharmacy services when the SOPS proposal is more cost-effective than other providers, and when SOPS determines that it would be able to provide appropriate services.

Emergency Transitional Assistance Reform

SECTION 165. Notwithstanding the provisions of section 2 of this act or of any other general or special law to the contrary, recipients of MassHealth benefits under subclause (i) of clause (g) of subsection (2) of [section 9A of chapter 118E](#) of the General Laws shall continue to receive such benefits until such time that said recipients no longer meet the eligibility requirements in place as of June 30, 2005 for the emergency assistance to the elderly, disabled, and children program, as established under [chapter 117A](#) of the General Laws.

Freeze Special Education Provider Rates

SECTION 166. Notwithstanding any general or special law to the contrary, the division of purchased services of the department of procurement which, under section 274 of chapter 110 of the acts of 1993, is responsible for determining prices for programs under [chapter 71B](#) of the General Laws, shall set all such prices in fiscal year 2006 at the same level calculated for fiscal year 2005 except the prices for those programs for extraordinary relief, as defined in 808 CMR 1.06(4). Programs for which prices in fiscal year 2005 were lower than the full amount permitted by the division of purchased services shall be permitted to charge in fiscal year 2006 the full price calculated for fiscal year 2005.

Promote Housing on Surplus Property

SECTION 167. For purposes of this section, the following terms shall have the following meanings: "Council", the commonwealth development coordinating council, as established pursuant to [section 8B of chapter 6A](#) of the General Laws.

"Commissioner", the commissioner of the division of capital asset management and maintenance.

"Division", the division of capital asset management and maintenance.

"Housing allowance action", an official action taken by a municipality after September 30, 2003 that makes surplus real property available for housing use, including housing for low and middle income households, by a change in zoning classification from a non-residential use to residential use or by an increase in the permitted density of surplus real property zoned for residential use.

"Housing allowance offset", an amount to be paid to a municipality from the net cash proceeds derived by the commonwealth from a sale of surplus real property in said municipality. The amount shall be determined by the commissioner, in consultation with the council, based upon such criteria as the commissioner, in consultation with the council, deems appropriate. Such criteria may include, but are not limited to, the number and type of housing units that will be made available as a result of the housing allowance action, the time frame for the introduction of new housing units at the surplus real property site, the estimated cost of the housing allowance action to the municipality, and the estimated benefit of the housing allowance action to the municipality, including any projected increase in property tax revenues for the municipality resulting from such action. Such housing allowance offset may consist of an amount up to, but not in excess of, 50 per cent of that portion of the net cash proceeds derived by the commonwealth from the sale of the surplus real property which the commissioner, in consultation with the council, deems to be attributable to the housing allowance action taken by said municipality; provided, however, that such amount shall be reduced by the value of any real property transferred to the municipality for municipal use in connection with the sale of the surplus real property.

"Surplus real property", real property of the commonwealth determined to be surplus to current and foreseeable state needs pursuant to [sections 40F or 40F 1/2 of chapter 7](#) of the General Laws, as appearing in the 2002 Official Edition, or pursuant to [section 548 of chapter 26 of the Acts of 2003](#), or any other general or special law.

(a) The commissioner, in consultation with the council, may negotiate with any municipality in which surplus real property is located for the payment of a housing allowance offset to said municipality in the event that the municipality takes a housing allowance action. For each such parcel of surplus real property, the commissioner, in consultation with the council, is authorized to determine the appropriate amount of the housing allowance offset, the appropriate housing allowance action to be taken by the municipality, the time frame within which such housing allowance action must be taken, and such other terms and conditions as the commissioner, in consultation with the council, deems appropriate.

(b) The commissioner shall, on an ongoing basis, provide the council with information concerning surplus real property that may be suitable for residential use and for the payment of a housing allowance offset.

(c) The commissioner, in consultation with the council, may modify or withdraw the designation of a housing allowance offset at any time prior to the taking of a housing allowance action by the

municipality; provided, however, that the commissioner shall notify the council and the affected municipality of any such modification or withdrawal.

(d) Notwithstanding any general or special law to the contrary, including [section 548\(n\) of chapter 26 of the Acts of 2003](#), the commissioner shall, upon the sale of surplus real property that is subject to a housing allowance offset as determined by the commissioner, distribute from the proceeds of such sale any housing allowance offset to the municipality entitled to receive such offset.

(e) Nothing in this section shall be construed to grant to a municipality, or any other third party, the right to participate in negotiations between the division and a developer concerning the sale of surplus real property.

UMass Amherst Non-Resident Tuition Retention

SECTION 168. Notwithstanding any general or special law to the contrary, the board of trustees for the university of Massachusetts system and the president of the university are hereby authorized to retain all tuition for out-of-state students at the Amherst campus. The board shall promulgate regulations to allow the administration of the Amherst campus to retain all tuition paid by students who are not residents of Massachusetts. The regulations shall ensure that no resident of Massachusetts is denied admission to the Amherst campus as a result of the tuition retention program. The board of trustees for the university system shall issue a report on the progress of said initiative no later than February 1, 2006 to the house and senate chairs of the joint committee on education, arts, and humanities, and the chairs of the house and senate ways and means committees and the executive office for administration and finance. The report shall include the number of out-of-state students attending the school, the amount of tuition revenue retained under the program, and any programs or initiatives funded with the retained revenue.

Notwithstanding any general or special law to the contrary, for employees of the university who are paid from tuition retained pursuant to this section, fringe benefits shall be funded as if those employees' salaries were supported by state appropriations. This section shall apply only to fringe benefits associated with salaries paid from tuition retained by the board of trustees of the university as a direct result of the implementation of this section.

Repeal of Children's and Seniors' Fund - Effective Date

SECTION 169. The effective date for section [42](#) is June 30, 2005.

TAFDC Reform - Effective Date

SECTION 170. Sections [35](#), [82](#), and [121](#) of this act shall take effect on October 1, 2005.

Effective Date

SECTION 171. Except as otherwise specified, this act shall take effect on July 1, 2005.