

**Outside Sections** ([view all](#))

### ***Local Aid Distribution***

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SECTION 3. Notwithstanding any general or special law to the contrary, for the fiscal year ending June 30, 2009 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 clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws, shall be \$810,875,000 and shall be apportioned to the cities and towns in accordance with this section. Notwithstanding any general or special law to the contrary, the total amounts to be distributed and paid to each city and town from the General Fund, shall be \$124,153,283 and shall be apportioned to the cities and towns in accordance with this section; provided further, that said payments shall be considered part of the distribution to cities and towns of the balance of the State Lottery Fund for the purpose of the definition of "General revenue sharing aid" in section 2 of chapter 70 of the General Laws. Notwithstanding any general or special law to the contrary, the total amounts to be distributed and paid to each city and town from item 0611-5500 of section 2 shall be as set forth in the following lists. The amounts to be distributed from said item 0611-5500 of said section 2 shall be in full satisfaction of the amounts due under section 37 of chapter 21 of the General Laws. Notwithstanding section 2 of chapter 70 of the General Laws or any other general or special law to the contrary, except for section 12B of chapter 76 and section 89 of chapter 71 of the General Laws, for fiscal year 2009 the total amounts to be distributed and paid to each city and town from item 7061-0008 of section 2 shall be as set forth in the following lists. The specified amounts to be distributed from said item 7061-0008 of said section 2 shall be in full satisfaction of the amounts due under chapter 70 of the General Laws. For fiscal year 2009, the foundation budget categories for each district shall be calculated in the same manner as in fiscal year 2008. The target local share shall be calculated using the same methodology used in fiscal year 2008. Preliminary local contribution shall be the municipality's fiscal year 2008 minimum required local contribution, increased or decreased by the municipal revenue growth factor; provided, that if a municipality's preliminary contribution as a percentage of foundation is more than 5 percentage points lower than the target local share, the preliminary contribution shall be recalculated using the municipality's revenue growth factor plus 1 percentage point; provided further, that if a municipality's preliminary contribution as a percentage of foundation is more than 10 percentage points lower than the target local share, the preliminary contribution shall be recalculated using the municipality's revenue growth factor plus 2 percentage points. Required local contributions shall be calculated using the same methodology used in fiscal year 2008; provided, that in any municipality with a preliminary contribution higher than its target local contribution, required local contribution shall be the preliminary local contribution reduced by 33 per cent of the gap between the preliminary local contribution and the target local contribution. Required local contribution shall be allocated among the districts to which a municipality belongs in direct proportion to the foundation budgets for the municipality's pupils at each of those districts. For fiscal year 2009, the "foundation aid increment" shall be the difference between: (a) the positive difference between a district's foundation budget and its required district contribution; and (b) prior year aid. The "down payment aid increment" shall be 33 per cent of the positive difference between 100 per cent of a district's target aid share and its prior year chapter 70 aid, minus the foundation aid increment; provided, that the target aid share shall be calculated in the same way as in fiscal year 2008 using updated income, equalized valuation and foundation budget data. The minimum target aid share shall be 17.5 per cent. The "growth aid increment" shall be equal to (a) the product of the target aid percentage multiplied by the difference between the current and prior year foundation budget minus (b) the foundation aid increment and down payment aid increment. The "minimum aid increment" shall be equal to (a) \$50 multiplied by the district's foundation enrollment minus (b) the sum of the foundation aid increment, down payment aid increment and growth aid increment. In no case shall the foundation aid increment, down-payment aid increment, growth aid increment, or minimum aid increment be less than zero. Chapter 70 aid for fiscal year 2009 shall be the sum of prior year aid plus the foundation aid increment plus the down payment aid increment, if any, plus the growth increment, if any, plus the minimum aid increment, if any. No district shall receive chapter 70 aid in an amount greater than the district's foundation budget. If there is a conflict between the language of this section and the distribution listed below, the distribution below shall control. The department of education shall not consider health care costs for retired teachers to be part of net school spending for any district in which such costs were not considered part of net school spending in fiscal year 1994. No payments to cities, towns or counties maintaining an agricultural school pursuant to this section shall be made after November 30 of the fiscal year by the state treasurer until he receives certification from the commissioner of revenue of the commissioner's acceptance

of the prior fiscal year's annual financial reports submitted pursuant to section 43 of chapter 44 of the General Laws. The state treasurer shall make advance payments for some or all of periodic local reimbursement or assistance programs to any city, town, regional school district or independent agricultural and technical school that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary of administration and finance, pursuant to guidelines established by the secretary.

<i>MUNICIPALITY</i>	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded Through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid
ABINGTON	7,808,577	0	2,123,221	325,087
ACTON	5,228,141	29,696	1,484,039	227,222
ACUSHNET	6,510,503	23,875	1,615,787	247,394
ADAMS	9,141	35,042	2,148,435	328,947
AGAWAM	16,486,547	0	3,976,245	608,804
ALFORD	0	0	14,564	2,230
AMESBURY	9,079,191	0	2,099,746	321,493
AMHERST	6,266,707	222,910	8,513,025	1,303,431
ANDOVER	7,467,975	0	1,928,601	295,289
AQUINNAH	0	0	2,521	386
ARLINGTON	6,229,294	4,491,775	4,293,083	657,315
ASHBURNHAM	0	0	755,093	115,613
ASHBY	0	0	411,706	63,036
ASHFIELD	99,291	0	200,377	30,680
ASHLAND	4,593,982	291,598	1,206,702	184,758
ATHOL	0	4,377	2,464,613	377,358
ATTLEBORO	30,251,302	0	6,157,435	942,766
AUBURN	5,807,803	0	1,848,442	283,015
AVON	880,355	400,636	400,636	61,342
AYER	4,253,186	44,218	778,730	119,232
BARNSTABLE	7,744,649	0	2,270,301	347,606
BARRE	17,858	0	877,692	134,384
BECKET	81,381	8,580	90,577	13,868
BEDFORD	3,025,145	484,271	819,014	125,400
BELCHERTOWN	13,164,100	0	1,836,460	281,181
BELLINGHAM	8,560,993	0	1,831,429	280,411
BELMONT	4,603,815	827,483	1,719,422	263,261
BERKLEY	5,537,165	0	656,712	100,549
BERLIN	539,078	0	217,605	33,318
BERNARDSTON	0	0	306,124	46,871
BEVERLY	7,254,770	2,452,442	4,176,202	639,419
BILLERICA	17,465,958	2,349,321	4,247,616	650,354
BLACKSTONE	127,344	0	1,291,572	197,753
BLANDFORD	45,414	0	136,166	20,849
BOLTON	5,769	0	213,098	32,628
BOSTON	221,422,839	164,211,152	62,079,987	9,505,083
BOURNE	5,049,097	352,555	1,276,459	195,439
BOXBOROUGH	1,394,863	0	272,260	41,686
BOXFORD	1,653,884	36,411	493,108	75,500
BOYLSTON	460,908	0	369,704	56,605
BRAINTREE	9,517,288	3,378,041	3,246,720	497,106
BREWSTER	957,078	0	426,164	65,250
BRIDGEWATER	85,768	0	3,456,202	529,180

<i>MUNICIPALITY</i>	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded Through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid
BRIMFIELD	1,190,971	0	420,808	64,430
BROCKTON	128,909,020	4,310,392	18,861,064	2,887,822
BROOKFIELD	1,369,987	0	532,912	81,594
BROOKLINE	7,473,142	3,497,741	3,819,234	584,764
BUCKLAND	0	0	298,609	45,720
BURLINGTON	5,524,388	1,386,400	1,624,269	248,692
CAMBRIDGE	9,316,701	17,956,060	7,615,265	1,165,975
CANTON	3,760,236	878,002	1,553,135	237,801
CARLISLE	851,812	14,729	223,998	34,296
CARVER	10,319,108	0	1,576,731	241,414
CHARLEMONT	143,418	0	188,665	28,886
CHARLTON	0	0	1,400,782	214,474
CHATHAM	699,107	0	162,435	24,871
CHELMSFORD	9,432,005	2,535,342	3,279,476	502,122
CHELSEA	50,797,335	3,396,864	5,918,634	906,204
CHESHIRE	316,850	0	607,454	93,007
CHESTER	133,451	0	194,318	29,752
CHESTERFIELD	129,211	0	149,018	22,816
CHICOPEE	48,081,058	1,195,616	11,391,855	1,744,210
CHILMARK	0	0	4,047	620
CLARKSBURG	1,723,370	13,114	381,264	58,375
CLINTON	11,212,718	175,517	2,388,550	365,711
COHASSET	1,788,815	166,099	411,254	62,967
COLRAIN	0	0	275,354	42,159
CONCORD	2,154,784	383,959	919,155	140,732
CONWAY	638,732	0	192,895	29,534
CUMMINGTON	70,568	0	90,039	13,786
DALTON	218,598	0	1,088,076	166,596
DANVERS	4,601,706	1,118,972	2,103,687	322,096
DARTMOUTH	9,683,685	0	2,720,814	416,585
DEDHAM	3,935,816	1,550,298	2,185,091	334,560
DEERFIELD	1,106,598	0	518,401	79,373
DENNIS	0	0	587,807	89,999
DEVENS	328,000	0	0	0
DIGHTON	0	0	750,161	114,857
DOUGLAS	8,066,226	0	787,657	120,598
DOVER	648,415	0	207,623	31,789
DRACUT	17,410,464	0	3,781,642	579,008
DUDLEY	0	0	1,666,009	255,083
DUNSTABLE	0	30,076	224,728	34,408
DUXBURY	4,341,487	0	956,721	146,484
EAST BRIDGEWATER	10,896,226	0	1,615,582	247,362
EAST BROOKFIELD	95,548	0	291,291	44,600
EAST LONGMEADOW	8,324,121	0	1,562,302	239,204
EASTHAM	340,536	0	160,802	24,620
EASTHAMPTON	8,158,515	108,874	2,939,329	450,042
EASTON	9,794,246	0	2,363,583	361,889
EDGARTOWN	455,629	28,507	47,174	7,223

<i>MUNICIPALITY</i>	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded Through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid
EGREMONT	0	0	68,100	10,427
ERVING	413,092	13,150	61,140	9,361
ESSEX	0	33,828	234,921	35,969
EVERETT	33,919,780	4,084,357	3,914,642	599,372
FAIRHAVEN	7,657,403	391,434	2,094,396	320,674
FALL RIVER	93,641,102	2,290,951	23,734,037	3,633,925
FALMOUTH	5,224,411	0	1,496,353	229,107
FITCHBURG	41,150,295	214,811	9,024,551	1,381,751
FLORIDA	516,835	0	53,723	8,226
FOXBOROUGH	8,462,796	0	1,607,662	246,150
FRAMINGHAM	17,135,878	4,697,500	6,664,432	1,020,393
FRANKLIN	28,726,706	0	2,666,957	408,338
FREETOWN	1,546,895	0	1,024,891	156,921
GARDNER	19,135,945	120,747	4,468,972	684,245
GEORGETOWN	4,444,922	52,998	727,229	111,346
GILL	0	0	229,543	35,145
GLOUCESTER	6,204,130	1,923,054	2,642,985	404,668
GOSHEN	102,159	0	86,346	13,220
GOSNOLD	17,447	1,962	563	86
GRAFTON	8,180,814	0	1,687,603	258,389
GRANBY	4,732,473	0	952,996	145,913
GRANVILLE	1,344,685	0	173,046	26,495
GREAT BARRINGTON	0	0	819,120	125,416
GREENFIELD	9,734,728	0	3,426,642	524,654
GROTON	0	0	830,706	127,190
GROVELAND	0	0	687,260	105,227
HADLEY	790,348	138,341	369,882	56,633
HALIFAX	2,643,129	0	979,766	150,012
HAMILTON	0	42,887	656,812	100,565
HAMPDEN	0	0	676,114	103,520
HANCOCK	205,303	17,638	45,643	6,988
HANOVER	6,004,648	1,326,394	1,136,124	173,952
HANSON	11,943	0	1,264,731	193,643
HARDWICK	0	3,228	434,673	66,553
HARVARD	1,787,958	55,090	1,550,631	237,417
HARWICH	1,871,266	0	464,916	71,183
HATFIELD	812,018	0	336,777	51,564
HAVERHILL	36,078,018	2,503,145	8,437,205	1,291,823
HAWLEY	11,668	12,924	35,502	5,436
HEATH	0	0	84,583	12,950
HINGHAM	4,850,597	334,151	1,413,614	216,439
HINSDALE	111,270	0	228,618	35,004
HOLBROOK	4,956,102	4,757	1,588,423	243,204
HOLDEN	0	0	1,849,290	283,145
HOLLAND	889,479	0	217,849	33,355
HOLLISTON	6,879,932	412,300	1,313,876	201,168
HOLYOKE	67,779,308	606,646	10,435,570	1,597,793
HOPEDALE	6,268,494	0	703,802	107,759

<i>MUNICIPALITY</i>	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded Through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid
HOPKINTON	5,788,652	120,287	743,552	113,845
HUBBARDSTON	8,587	0	432,746	66,258
HUDSON	8,415,317	0	2,152,286	329,537
HULL	3,891,843	1,388,549	1,083,188	165,847
HUNTINGTON	218,880	0	356,332	54,558
IPSWICH	2,550,997	775,432	1,060,088	162,310
KINGSTON	3,890,145	0	1,035,980	158,619
LAKEVILLE	2,437,801	0	883,125	135,215
LANCASTER	0	0	893,497	136,803
LANESBOROUGH	861,902	0	372,314	57,005
LAWRENCE	136,055,235	190,699	21,026,845	3,219,426
LEE	2,067,656	0	672,180	102,918
LEICESTER	9,911,439	0	1,874,033	286,934
LENOX	1,219,373	72,146	512,735	78,505
LEOMINSTER	40,477,387	11,693	6,167,107	944,247
LEVERETT	287,813	0	192,655	29,498
LEXINGTON	7,601,057	0	1,654,143	253,266
LEYDEN	0	0	88,049	13,481
LINCOLN	774,506	292,012	481,547	73,730
LITTLETON	3,017,400	164,924	624,195	95,571
LONGMEADOW	4,429,510	0	1,507,949	230,882
LOWELL	119,881,735	6,340,746	21,687,224	3,320,537
LUDLOW	12,688,709	0	3,297,199	504,835
LUNENBURG	4,620,790	0	1,141,383	174,757
LYNN	117,607,718	9,477,523	15,946,455	2,441,566
LYNNFIELD	4,095,804	362,288	808,342	123,766
MALDEN	41,237,571	5,586,730	8,696,298	1,331,493
MANCHESTER	0	0	240,028	36,751
MANSFIELD	17,263,411	725,040	1,778,774	272,348
MARBLEHEAD	4,903,471	39,403	1,194,906	182,952
MARION	465,310	0	243,539	37,288
MARLBOROUGH	11,626,039	2,728,327	3,509,376	537,321
MARSHFIELD	14,624,362	202,756	2,162,341	331,077
MASHPEE	4,527,865	0	397,103	60,801
MATTAPOISETT	568,024	0	437,452	66,978
MAYNARD	3,263,163	586,886	1,186,706	181,697
MEDFIELD	6,058,209	744,614	918,834	140,683
MEDFORD	11,681,327	6,432,448	7,209,945	1,103,916
MEDWAY	9,230,437	187,002	1,154,624	176,785
MELROSE	7,541,739	2,704,187	3,190,170	488,448
MENDON	27,663	0	441,076	67,533
MERRIMAC	0	0	785,896	120,329
METHUEN	37,369,988	163,026	5,727,102	876,878
MIDDLEBOROUGH	17,185,388	0	2,661,068	407,437
MIDDLEFIELD	17,650	0	57,379	8,785
MIDDLETON	1,598,957	126,570	480,794	73,615
MILFORD	14,245,479	0	3,296,696	504,758
MILLBURY	6,956,660	0	1,911,265	292,634

<i>MUNICIPALITY</i>	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded Through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid
MILLIS	3,565,161	320,940	851,702	130,404
MILLVILLE	43,194	0	385,261	58,988
MILTON	4,786,872	1,245,145	2,388,246	365,665
MONROE	89,564	13,927	7,769	1,189
MONSON	7,708,640	0	1,408,931	215,722
MONTAGUE	6,507	0	1,364,557	208,928
MONTEREY	0	12,538	37,067	5,675
MONTGOMERY	19,446	0	88,560	13,559
MOUNT WASHINGTON	34,839	33,286	3,489	534
NAHANT	475,089	125,393	299,072	45,791
NANTUCKET	1,438,148	0	85,517	13,094
NATICK	5,843,990	1,942,474	2,428,369	371,808
NEEDHAM	6,118,846	205,993	1,705,544	261,136
NEW ASHFORD	166,015	7,313	15,581	2,386
NEW BEDFORD	110,955,531	716,255	24,207,708	3,706,449
NEW BRAINTREE	0	0	128,668	19,700
NEW MARLBOROUGH	0	0	63,211	9,678
NEW SALEM	0	0	110,683	16,947
NEWBURY	0	0	490,314	75,072
NEWBURYPORT	3,388,114	1,380,057	1,555,935	238,230
NEWTON	14,460,608	1,377,012	5,148,710	788,320
NORFOLK	3,486,975	0	1,035,062	158,479
NORTH ADAMS	14,464,725	185,853	4,627,279	708,484
NORTH ANDOVER	5,551,977	120,549	2,107,405	322,665
NORTH ATTLEBOROUGH	21,050,700	0	3,105,234	475,443
NORTH BROOKFIELD	4,451,604	0	860,039	131,681
NORTH READING	6,170,866	945,499	1,096,475	167,882
NORTHAMPTON	7,376,359	577,922	4,242,771	649,612
NORTHBOROUGH	3,347,474	61,111	1,150,939	176,221
NORTHBRIDGE	14,256,878	3,071	2,275,644	348,424
NORTHFIELD	0	0	341,668	52,313
NORTON	13,094,617	0	2,243,284	343,470
NORWELL	2,778,831	541,079	687,802	105,309
NORWOOD	5,183,560	2,665,880	2,708,514	414,701
OAK BLUFFS	661,462	0	78,496	12,018
OAKHAM	80,415	0	207,077	31,706
ORANGE	5,516,748	2,115	1,742,469	266,790
ORLEANS	256,162	0	185,398	28,386
OTIS	0	0	39,258	6,011
OXFORD	9,416,524	0	2,219,385	339,811
PALMER	11,225,832	0	2,164,580	331,419
PAXTON	0	0	504,288	77,212
PEABODY	20,118,092	3,140,276	5,067,896	775,947
PELHAM	233,169	0	171,807	26,305
PEMBROKE	12,449,176	0	1,814,338	277,794
PEPPERELL	8,877	0	1,380,243	211,329
PERU	91,528	0	120,192	18,403
PETERSHAM	451,377	0	123,738	18,945

<i>MUNICIPALITY</i>	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded Through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid
PHILLIPSTON	0	4,386	188,598	28,876
PITTSFIELD	35,756,340	880,284	8,555,511	1,309,937
PLAINFIELD	54,235	0	54,149	8,291
PLAINVILLE	2,687,691	0	818,839	125,373
PLYMOUTH	21,376,068	0	4,229,280	647,546
PLYMPTON	594,336	0	256,062	39,206
PRINCETON	0	0	319,569	48,929
PROVINCETOWN	278,151	22,181	130,058	19,913
QUINCY	16,126,667	11,567,002	10,578,453	1,619,670
RANDOLPH	12,185,588	1,825,854	4,026,799	616,544
RAYNHAM	0	0	1,227,334	187,918
READING	9,264,215	1,534,901	2,167,997	331,943
REHOBOTH	0	0	1,013,024	155,104
REVERE	33,590,732	5,334,444	6,476,715	991,651
RICHMOND	356,276	0	116,772	17,879
ROCHESTER	1,634,188	0	458,417	70,188
ROCKLAND	10,359,483	394,336	2,511,335	384,511
ROCKPORT	1,370,912	0	472,285	72,312
ROWE	72,924	0	4,252	651
ROWLEY	0	114,232	483,811	74,077
ROYALSTON	0	0	173,785	26,608
RUSSELL	179,065	0	263,112	40,285
RUTLAND	10,197	0	883,378	135,254
SALEM	14,371,186	3,298,731	4,584,849	701,988
SALISBURY	0	0	681,974	104,417
SANDISFIELD	0	0	37,402	5,727
SANDWICH	6,873,318	88,406	1,139,865	174,525
SAUGUS	4,191,423	1,784,087	2,412,605	369,395
SAVOY	527,277	13,801	113,091	17,315
SCITUATE	5,208,715	875,037	1,412,437	216,259
SEEKONK	4,605,053	0	1,328,179	203,358
SHARON	6,964,282	62,495	1,456,723	223,039
SHEFFIELD	14,760	11,938	252,597	38,675
SHELBURNE	0	0	279,810	42,842
SHERBORN	538,802	20,951	215,624	33,014
SHIRLEY	4,484,574	185,558	1,255,183	192,181
SHREWSBURY	18,866,811	298,861	2,747,474	420,666
SHUTESBURY	616,453	0	183,035	28,025
SOMERSET	5,372,323	0	1,655,450	253,466
SOMERVILLE	20,597,265	16,219,924	12,055,660	1,845,845
SOUTH HADLEY	7,665,297	20,214	2,801,393	428,922
SOUTHAMPTON	2,614,089	0	687,738	105,300
SOUTHBOROUGH	2,861,518	0	472,081	72,280
SOUTHBRIDGE	16,282,624	0	3,797,171	581,386
SOUTHWICK	0	0	1,229,576	188,261
SPENCER	0	0	2,109,599	323,001
SPRINGFIELD	262,734,913	1,829,496	39,273,767	6,013,217
STERLING	0	0	742,383	113,666

<i>MUNICIPALITY</i>	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded Through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid
STOCKBRIDGE	0	0	107,589	16,473
STONEHAM	3,532,166	2,028,958	2,251,812	344,776
STOUGHTON	12,759,783	103,134	3,366,896	515,506
STOW	0	6,974	448,322	68,643
STURBRIDGE	2,061,613	0	836,218	128,033
SUDBURY	4,367,981	641,561	954,514	146,146
SUNDERLAND	891,346	0	545,541	83,528
SUTTON	5,496,292	0	842,550	129,003
SWAMPSCOTT	2,701,925	352,328	1,091,550	167,128
SWANSEA	4,735,383	0	2,027,210	310,387
TAUNTON	45,146,596	0	9,078,133	1,389,955
TEMPLETON	0	0	1,307,638	200,213
TEWKSBURY	13,139,908	0	3,004,066	459,953
TISBURY	410,255	0	105,837	16,205
TOLLAND	0	9,864	9,650	1,477
TOPSFIELD	1,105,893	253,284	442,377	67,733
TOWNSEND	8,704	0	1,261,350	193,126
TRURO	264,595	0	32,471	4,972
TYNGSBOROUGH	7,502,677	0	1,043,082	159,707
TYRINGHAM	37,969	0	13,703	2,098
UPTON	24,535	0	528,594	80,933
UXBRIDGE	9,646,402	0	1,485,136	227,389
WAKEFIELD	4,868,148	1,438,080	2,389,038	365,786
WALES	698,579	0	254,937	39,034
WALPOLE	7,504,424	883,775	1,984,388	303,830
WALTHAM	7,619,002	5,458,868	5,630,683	862,115
WARE	8,166,339	15,257	1,850,192	283,283
WAREHAM	12,491,866	0	2,135,501	326,967
WARREN	71,661	0	847,904	129,823
WARWICK	0	28,890	97,670	14,954
WASHINGTON	11,943	23,752	71,998	11,024
WATERTOWN	3,486,296	4,427,251	3,053,794	467,567
WAYLAND	3,389,954	280,373	732,505	112,154
WEBSTER	9,199,351	62,006	2,618,621	400,938
WELLESLEY	6,518,222	96,838	1,314,235	201,223
WELLFLEET	157,726	0	63,088	9,659
WENDELL	0	25,534	158,467	24,263
WENHAM	0	139,794	341,098	52,226
WEST BOYLSTON	3,023,114	67,754	801,213	122,674
WEST BRIDGEWATER	2,226,304	47,212	664,864	101,798
WEST BROOKFIELD	214,017	0	512,575	78,481
WEST NEWBURY	0	0	303,647	46,491
WEST SPRINGFIELD	17,723,986	0	3,868,315	592,279
WEST STOCKBRIDGE	0	0	104,945	16,068
WEST TISBURY	0	182,434	39,094	5,986
WESTBOROUGH	4,432,684	145,058	1,124,964	172,243
WESTFIELD	34,043,025	0	6,794,748	1,040,346
WESTFORD	15,630,525	895,514	1,517,187	232,297

<i>MUNICIPALITY</i>	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded Through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid
WESTHAMPTON	420,422	0	156,403	23,947
WESTMINSTER	0	0	695,629	106,508
WESTON	2,608,444	0	403,737	61,816
WESTPORT	4,478,373	0	1,313,148	201,057
WESTWOOD	3,547,941	36,263	755,991	115,750
WEYMOUTH	24,326,465	2,424,084	7,309,208	1,119,115
WHATELY	246,385	0	144,850	22,178
WHITMAN	119,435	0	2,260,011	346,031
WILBRAHAM	0	0	1,448,849	221,834
WILLIAMSBURG	432,416	0	326,774	50,033
WILLIAMSTOWN	965,143	0	1,030,496	157,779
WILMINGTON	9,957,492	1,254,452	1,595,997	244,363
WINCHENDON	10,861,118	25,366	1,793,833	274,654
WINCHESTER	5,209,589	344,404	1,298,293	198,782
WINDSOR	50,341	28,020	82,451	12,624
WINTHROP	5,184,551	2,287,531	2,566,405	392,943
WOBURN	6,708,151	3,586,952	3,351,079	513,085
WORCESTER	180,493,947	11,809,090	34,612,898	5,299,590
WORTHINGTON	72,731	0	135,577	20,758
WRENTHAM	3,814,719	0	1,006,293	154,074
YARMOUTH	2,607	0	1,362,759	208,652
<b>Total Municipal Aid</b>	<b>3,308,490,410</b>	<b>378,517,988</b>	<b>810,875,000</b>	<b>124,153,283</b>

<i>REGIONAL SCHOOL DISTRICT</i>	Chapter 70
ACTON BOXBOROUGH	6,852,830
ADAMS CHESHIRE	10,464,212
AMHERST PELHAM	9,883,632
ASHBURNHAM WESTMINSTER	10,333,667
ASSABET VALLEY	2,994,328
ATHOL ROYALSTON	18,293,920
BERKSHIRE HILLS	2,864,582
BERLIN BOYLSTON	939,819
BLACKSTONE MILLVILLE	11,330,629
BLACKSTONE VALLEY	7,222,279
BLUE HILLS	4,117,441
BRIDGEWATER RAYNHAM	21,612,939
BRISTOL COUNTY	3,078,101
BRISTOL PLYMOUTH	9,326,406
CAPE COD	2,178,249
CENTRAL BERKSHIRE	8,930,319
CHESTERFIELD GOSHEN	772,802
CONCORD CARLISLE	1,925,396
DENNIS YARMOUTH	6,902,694
DIGHTON REHOBOTH	13,142,953
DOVER SHERBORN	1,465,508
DUDLEY CHARLTON	24,412,589
ESSEX COUNTY	4,314,850

<i>MUNICIPALITY</i>	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded Through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid
FARMINGTON RIVER	414,256			
FRANKLIN COUNTY	3,523,598			
FREETOWN LAKEVILLE	7,565,074			
FRONTIER	2,915,581			
GATEWAY	5,986,331			
GILL MONTAGUE	6,433,023			
GREATER FALL RIVER	14,555,488			
GREATER LAWRENCE	21,416,909			
GREATER LOWELL	21,032,322			
GREATER NEW BEDFORD	22,190,981			
GROTON DUNSTABLE	11,080,035			
HAMILTON WENHAM	3,506,180			
HAMPDEN WILBRAHAM	11,749,844			
HAMPSHIRE	3,066,174			
HAWLEMONT	650,788			
KING PHILIP	7,572,964			
LINCOLN SUDBURY	2,522,250			
MANCHESTER ESSEX	1,718,411			
MARTHAS VINEYARD	2,901,535			
MASCONOMET	5,052,267			
MENDON UPTON	12,546,934			
MINUTEMAN	2,295,103			
MOHAWK TRAIL	6,262,133			
MONTACHUSETT	12,300,386			
MOUNT GREYLOCK	1,776,889			
NARRAGANSETT	10,356,119			
NASHOBA	6,605,746			
NASHOBA VALLEY	2,903,060			
NAUSET	3,453,823			
NEW SALEM WENDELL	669,769			
NORFOLK COUNTY	1,024,400			
NORTH MIDDLESEX	21,025,248			
NORTH SHORE	1,649,764			
NORTHAMPTON SMITH	954,661			
NORTHBORO SOUTHBORO	2,920,581			
NORTHEAST METROPOLITAN	7,766,451			
NORTHERN BERKSHIRE	4,393,857			
OLD COLONY	3,383,947			
OLD ROCHESTER	2,112,657			
PATHFINDER	5,113,578			
PENTUCKET	13,496,924			
PIONEER	4,281,429			
QUABBIN	17,325,703			
QUABOAG	8,505,385			
RALPH C MAHAR	5,664,360			
SHAWSHEEN VALLEY	5,485,056			
SILVER LAKE	6,954,999			
SOUTH MIDDLESEX	2,600,949			

	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded Through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid
<i>MUNICIPALITY</i>				
SOUTH SHORE	3,734,822			
SOUTHEASTERN	12,045,030			
SOUTHERN BERKSHIRE	1,939,087			
SOUTHERN WORCESTER	9,238,460			
SOUTHWICK TOLLAND	8,380,674			
SPENCER EAST BROOKFIELD	14,268,534			
TANTASQUA	8,066,079			
TRI COUNTY	5,427,668			
TRITON	8,743,809			
UPISLAND	842,524			
UPPER CAPE COD	3,070,139			
WACHUSETT	21,928,787			
WHITMAN HANSON	23,979,759			
WHITTIER	5,624,212			
<b>Total Regional Aid</b>	<b>640,333,651</b>			
<b>Total Municipal and Regional Aid</b>	<b>3,948,824,061</b>	<b>378,517,988</b>	<b>810,875,000</b>	<b>124,153,283</b>

**Quality in Health Professions Trust Fund-1**

SECTION 4. [Section 35X of chapter 10](#) of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 22 to 24, inclusive, the words "and that total not more than 20 per cent of the department's expenditures related to health board licensing for the previous fiscal year".

**Quality in Health Professions Trust Fund-2**

SECTION 5. Said [section 35X of said chapter 10](#), as so appearing, is hereby further amended by adding the following subsection:-

(d) Notwithstanding any general or special law to the contrary, the total amount of any new fee and any increase in the fee in effect after the fee increases authorized pursuant to subsection (c) for obtaining or renewing a license, certificate, registration, permit or authority issued by a board within the department of public health, excluding the board of registration in medicine, adopted by the secretary of administration and finance, following a public hearing, shall be deposited in the fund.

**Administrative Costs for Massachusetts Family Relief Fund**

SECTION 6. [Section 35CC of said chapter 10](#), as appearing in the 2006 Official Edition, is hereby amended by the inserting after the word "purposes" , in line 12, the following words:- and for expenses related to the administration of the fund; provided, however, that said administrative expenses shall not exceed \$75,000 annually.

### ***Endowment Incentive Holding Fund***

SECTION 7. Said [chapter 10](#) is hereby further amended by inserting after section 69A, inserted by [section 7 of chapter 86 of the acts of 2008](#), the following section:-

Section 69B. (a) There shall be set up on the books of the commonwealth a separate fund to be known as the Endowment Incentive Holding Fund to be used, without appropriation, for purposes outlined in [section 15E of chapter 15A](#). The board of higher education shall administer the fund and shall be its trustee. No monies deposited into this holding fund that are unexpended at the end of the fiscal year shall revert to the General Fund. No expenditure from said fund shall cause said fund to be in a deficiency at the close of a fiscal year.

### ***Department of Revenue Bimonthly Tax Revenue Report***

SECTION 8. \*\* Item is being returned for amendment. Text of recommendations can be found in [Attachment C](#).

[Section 6 of chapter 14](#) of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following paragraph:-

8. Shall prepare and submit to the governor and the general court a bimonthly report containing the preliminary tax revenue collected. Said report shall be submitted to the governor, the chair and ranking member of the house committee on ways and means and the chair and ranking member of the senate committee on ways and means on or by the first day in each month and the fifteenth day in each month.

### ***Department of Mental Retardation Name Change I***

SECTION 9. [Section 1 of chapter 19B](#) of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "mental retardation" and inserting in place thereof, in each instance, the following words:- developmental services.

### ***Electronic Health Records***

SECTION 10. [Chapter 29](#) of the General Laws is hereby amended by inserting after section 2PPP the following section:

Section 2QQQ. There shall be established and set up on the books of the commonwealth a separate fund to be known as the e-Health Institute Fund. Expenditures from the e-Health Institute Fund shall be subject to appropriation.

### ***Extending PRIT Funding Schedule by Three Years***

SECTION 11. \*\* Item is being returned for amendment. Text of recommendations can be found in [Attachment D](#).

[Section 22C of chapter 32](#) of the General Laws, as so appearing, is hereby amended by striking out, in line 29, the words "as of June thirtieth, two thousand and 23" and inserting in place thereof the following:- on June 30, 2026.

### ***Increasing COLA Base for State and Teachers' Retirement Systems***

SECTION 12. \*\* Item is being returned for amendment. Text of recommendations can be found in [Attachment D](#).

[Section 102 of said chapter 32](#), as so appearing, is hereby amended by striking out, in lines 32, 36 and 43, the figure "\$12,000" and inserting in place thereof, in each instance, the following figure:- \$16,000.

### ***Fees of Registers of Deeds***

SECTION 13. [Section 8 of chapter 44B](#) of the General Laws, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Except as otherwise provided, the fees of the registers of deeds to be paid when a document or instrument is recorded shall be subject to a surcharge of \$20; provided, however, that if the document or instrument to be filed includes multiple references to a document or instrument intending or attempting to assign, discharge, release, partially release, subordinate or notice any other document or instrument, each reference shall be separately indexed and separately assessed an additional \$20 surcharge. The fee for recording a municipal lien certificate shall be subject to a surcharge of \$10; provided, however, that if the certificate includes multiple references to a document or instrument intending or attempting to assign, discharge, release, partially release, subordinate or notice any other document or instrument, each reference shall be separately indexed and separately assessed an additional \$10 surcharge. The surcharges imposed shall be used for community preservation purposes. No surcharge shall apply to a declaration of homestead under [chapter 188](#). No surcharge shall apply to the fees charged for additional pages, photostatic copies, abstract cards or additional square feet for the recording of plans.

### ***Increasing Eligibility Threshold for Senior Property Tax Deferral***

SECTION 14. [Section 5 of chapter 59](#) of the General Laws, as so appearing, is hereby amended by striking out, in line 991, the words "forty thousand dollars" and inserting in place thereof the following words:- the amount of income determined by the commissioner of revenue for the purposes of subsection (k) of [section 6 of chapter 62](#), for a single person who is not a head of household.

### ***Tax Revenue Enforcement Efficiencies (60/15)***

SECTION 15. [Section 15 of chapter 60](#) of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the words "five dollars" and inserting in place thereof the following words:- not more than \$30.

### ***Deferring Auto Excise Taxes for National Guard Members***

SECTION 16. [Section 1 of chapter 60A](#) of the General Laws, as so appearing, is hereby amended by inserting after the seventh paragraph the following 2 paragraphs:-

In any city or town accepting the provisions of this paragraph, the excise imposed by this chapter shall not apply to a motor vehicle owned and registered by a resident who is in active and full-time military service as a member in the armed forces of the United States or the national guard, army or air, of any state, and has been deployed or stationed outside the territorial boundaries of the continental United States for a period of at least 45 days in the calendar year of the exemption. If the military member is wounded or killed in an armed conflict, he shall not be subject to the foregoing period of service qualification for the calendar year in which he is wounded or killed. This exemption shall apply only to a motor vehicle owned and registered by a military member in his own name or jointly with a spouse for a non-commercial purpose and a military member may qualify for this exemption for only 1 motor vehicle for each calendar year. A municipality which accepts the provisions of this paragraph shall, in connection with the issuance of warrant to collect unpaid motor vehicle or trailer excise tax from a delinquent taxpayer, add \$3 to the fee prescribed in clause 9 of [section 15 of chapter 60](#). The acceptance by a municipality of this paragraph shall take effect on the first day of January next occurring after the approval by the municipality to accept this paragraph.

A person who qualifies for any calendar year for exemption from the excise imposed by this section on a motor vehicle owned and registered by him shall be entitled to the exemption upon application to the assessors for that year as provided in section 2 for the procedure of an owner aggrieved by the excise assessed. An application for exemption may be made by such person; his spouse, if the motor vehicle is jointly owned and registered in the names of the person and spouse; or, if the person is deceased, a surviving spouse, administrator, executor or trustee of the estate, will or trust, as the case may be.

### ***Deferring Auto Excise Taxes for National Guard Members***

SECTION 17. Said [chapter 60A](#) is hereby further amended by adding the following section:-

Section 9. In any city or town accepting the provisions of this section and notwithstanding any other provision of this chapter to the contrary, any excise due under this chapter by a member of the Massachusetts National Guard or reservist or a dependent of a member of the Massachusetts National Guard or reservist shall be deferred while that member is on active service outside the commonwealth and for a period of up to 180 days after completion of that service. No interest or penalties shall be assessed for any period before the expiration of the 180 days.

### ***Extend Title V Tax Credit Carry Forward Period to 6 Years***

SECTION 18. ~~Section 6 of chapter 62 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 191, the word "five" and inserting in place thereof the following figure: 6.~~

### ***Duty of Employer Withholding Taxes***

SECTION 19. [Section 2 of chapter 62B](#) of the General Laws, as so appearing, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:-

The commissioner may, if he deems such action necessary for the protection of the revenue of the commonwealth, require persons other than employers: (1) to deduct and withhold taxes from payments made by such persons to residents, nonresidents and part-year residents of the commonwealth or, in the case of S corporations or entities treated as partnerships, from the distributive shares of income of such persons attributable to their shareholders or members; (2) to file withholding returns as prescribed by the commissioner; and (3) to pay over to the commissioner, or to a depository designated by the commissioner, the taxes so required to be deducted and withheld; provided, however, that nothing in this paragraph shall authorize the commissioner to require any corporation, foundation, organization or institution that is exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code, as amended and in effect for the taxable year, to withhold taxes from persons who are not employees, except where the payments made by the exempt person for a particular performance or other event exceed \$10,000. Any person other than an employer required to withhold and deduct taxes under this paragraph shall be treated as an employer for purposes of sections 5 through 12.

### ***Cigar Tobacco Reclassification-1***

SECTION 20. [Section 16 of chapter 62C](#) of the General Laws, as so appearing, is hereby amended by inserting after subsection (c) the following subsection:-

(c½) Every licensee under [section 7B of chapter 64C](#) shall, on or before the twentieth day of each calendar month or on or before the twentieth day of the month following each calendar quarter, as the commissioner shall require, file with the commissioner a return for each place of business maintained, stating the quantity of cigars and smoking tobacco sold by such licensee in the commonwealth during the preceding calendar month or quarter, as the case may be, and such return shall contain or be accompanied by such further information as the commissioner shall require. If a licensee ceases to sell cigars and smoking tobacco within the commonwealth, he shall immediately file with the commissioner a return for the period ending with such cessation.

### ***Tax Revenue Enforcement Efficiencies (62C/33)***

SECTION 21. [Section 33 of said chapter 62C](#), as so appearing, is hereby amended by striking out, in lines 11 and 19, the words "one-half of".

### ***Tax Revenue Enforcement Efficiencies (62C/47A)***

SECTION 22. [Section 47A of said chapter 62C](#), as so appearing, is hereby amended by striking out subsection (d) and inserting in place thereof the following 2 subsections:-

(d) If the commissioner determines from the information furnished pursuant to this section, or otherwise, that any person who holds a license or certificate of authority issued by any such agency or who has agreed to furnish goods, services or real estate space to any such agency has neglected or refused to file any returns or to pay any tax required under this chapter and that such person has not filed in good faith a pending

application for abatement of such tax or a pending petition before the appellate tax board contesting such tax or entered a payment agreement with which the taxpayer is fully compliant, or has been penalized pursuant to [section 9 of chapter 62E](#) for failure to comply with said [chapter 62E](#) relating to reporting of employees and contractors, or has been penalized pursuant to paragraph (3) of subsection (f) of [section 12 of chapter 119A](#) for failure to comply with said [chapter 119A](#) relating to withholding and remitting child support, the commissioner shall notify such agency and such person in writing. Upon the written request of the commissioner, the agency, department, board, commission, division, authority, district or other agency of the commonwealth, shall promptly revoke or suspend that license or certificate of authority. Any license or certificate of authority suspended or revoked under this section shall not be reissued or renewed until the agency receives a certificate issued by the commissioner that the licensee is in good standing with respect to all returns due and taxes payable to the commissioner as of the date of issuance of the certificate, including all taxes and returns referenced in the initial notification or, if the licensee has been penalized for failure to comply with the provisions relating to reporting of employees and contractors under said [chapter 62E](#) or withholding and remitting child support under said [chapter 119A](#), a certificate issued by the commissioner that the licensee is in compliance with those provisions.

(e) Where a license revocation, suspension or nonrenewal is based upon nonpayment of an assessed tax administered under this chapter, the licensee's sole right of appeal and to a hearing shall be pursuant to and within the time limitations of this chapter. The commissioner shall give the licensee not less than 30 days notice of any proposed action, during which time the licensee may enter into a payment agreement with the commissioner or may file a good faith abatement application within the time periods determined under section 37. Such an abatement application shall stay a proposed license revocation, suspension, or nonrenewal until the amount of disputed tax due is finally determined. A licensee who is beyond the time limitations in said section 37 but who disputes that he is liable for the assessment and is unable to resolve that issue with the commissioner during the 30-day period may appeal the proposed revocation, suspension or nonrenewal by filing a civil action under [section 14 of chapter 30A](#). The scope of the appeal shall be limited to assertions of mistake or verification of payments made and shall not include determination or redetermination of the proper amount of tax assessed or any other issues appropriately raised through a timely filed abatement under said section 37. Any stay of the proposed revocation, suspension or nonrenewal pending resolution of the appeal shall be within the discretion of the court.

### ***Tax Revenue Enforcement Efficiencies (62C/47A)***

SECTION 23. Said [chapter 62C](#) is hereby further amended by inserting after said section 47A the following section:-

Section 47B. (a) If the commissioner determines that any person who holds a driver's license, learner's permit, right to operate a motor vehicle or certificate of motor vehicle registration has neglected or refused to file any returns or to pay any tax required under this chapter and that the person has not filed in good faith a pending application for abatement of such tax or a pending petition before the appellate tax board contesting such tax or entered a payment agreement with which the taxpayer is fully compliant, the commissioner shall notify the person in writing and the registry of motor vehicles of that determination. Upon receipt of notice from the commissioner, the registrar shall promptly suspend or revoke, or prohibit issuance or renewal, of the license, learner's permit, right to operate a motor vehicle or certificate of motor vehicle registration of the taxpayer. A license, learner's permit, right to operate a motor vehicle or certificate of motor vehicle registration suspended or revoked under this section shall not be issued, reissued or renewed until the registry receives a certificate from the commissioner stating that the taxpayer is in good standing with respect to all returns due and taxes payable to the commissioner as of the date of issuance of the certificate, including all taxes and returns referenced in the initial notice.

(b) Where a revocation, suspension or nonrenewal of a license, permit, right to operate or certificate of motor vehicle registration is based upon nonpayment of an assessed tax administered under this chapter, the sole right of appeal and to a hearing shall be pursuant to and within the time limitations of this chapter and not pursuant to [chapter 30A](#). The commissioner shall give the taxpayer not less than 30 days notice of any such proposed action, during which time the taxpayer may enter into a payment agreement with the commissioner

or file a good faith abatement application within the time periods determined under section 37. Filing of an abatement application shall stay the proposed revocation, suspension or nonrenewal of a license, permit, right to operate or certificate of motor vehicle registration until the amount of disputed tax due is finally determined. The taxpayer subject to a proposed revocation, suspension or nonrenewal of a license, permit, right to operate or certificate of motor vehicle registration, who is beyond the time limitations in said section 37 but who disputes that he is liable for the assessment and is unable to resolve that issue with the commissioner during the 30-day period, may appeal the proposed revocation, suspension or nonrenewal by filing a civil action as provided in [section 14 of chapter 30A](#). The scope of the appeal shall be limited to assertions of mistake or verification of payments made and shall not include determination or redetermination of the proper amount of tax assessed or any other issues appropriately raised through a timely-filed abatement under said section 37. Any stay of the proposed revocation, suspension or nonrenewal pending resolution of an appeal shall be within the discretion of the court.

### ***Tax Revenue Enforcement Efficiencies (62C/49A)***

SECTION 24. [Section 49A of said chapter 62C](#), as so appearing, is hereby amended by adding the following subsection:-

(f) Where the revocation, suspension or nonrenewal of a license, permit, right to operate or certificate of motor vehicle registration is based upon nonpayment of an assessed tax administered under this chapter, the sole right of appeal and to a hearing shall be pursuant to and within the time limitations of this chapter. The commissioner shall give the taxpayer not less than 30 days notice of any proposed action, during which the taxpayer may enter into a payment agreement with the commissioner or file a good faith abatement application within the time periods determined under section 37. The filing of an abatement application shall stay the proposed revocation, suspension or nonrenewal of a license, permit, right to operate or certificate of motor vehicle registration until the amount of disputed tax due is finally determined. The taxpayer subject to a proposed revocation, suspension or nonrenewal of a license, permit, right to operate or certificate of motor vehicle registration, who is beyond the time limitations in said section 37 but who disputes that he is liable for the assessment and is unable to resolve that issue with the commissioner during the 30-day period, may appeal the proposed revocation, suspension or nonrenewal by filing a civil action as provided in [section 14 of chapter 30A](#). The scope of the appeal shall be limited to assertions of mistake or verification of payments made and shall not include determination or redetermination of the proper amount of tax assessed or any other issues appropriately raised through a timely-filed abatement under said section 37. Any stay of the proposed revocation, suspension or nonrenewal pending resolution of this appeal shall be within the discretion of the court.

### ***Tax Revenue Enforcement Efficiencies (62C/50)***

SECTION 25. [Section 50 of said chapter 62C](#), as so appearing, is hereby amended by striking out, in line 22, the words "Notwithstanding section 65, the" and inserting in place thereof the following word:- The.

### ***Tax Revenue Enforcement Efficiencies (62C/65)***

SECTION 26. [Section 65 of said chapter 62C](#), as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Taxes shall be collected: (i) within 10 years after the assessment of the tax; (ii) within any further period after that 10-year period during which the taxes remain unpaid but only against any real or personal property of the

taxpayer to which a tax lien has attached and for which a notice of lien has been filed or recorded under section 50 in favor of the commonwealth in accordance with applicable state or federal law within 10 years after the assessment of the tax; (iii) before the expiration of any period of collection agreed upon in writing by the commissioner and the taxpayer before the expiration of that 10-year period; or (iv) if there is a release of levy under section 64 after that 10-year period, then before that release. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. When any question relative to such taxes is pending before any agency or court at the end of that 10-year period, the commissioner's right to collect any tax due shall continue until 1 year after the final determination of that question.

### ***Cigar Tobacco Reclassification-2***

SECTION 27. [Section 67 of said chapter 62C](#), as so appearing, is hereby amended by striking out, in line 7, the words "or retailer" and inserting in place thereof the following words:- retailer, cigar distributor or cigar retailer.

### ***Cigar Tobacco Reclassification-3***

SECTION 28. Said [section 67 of said chapter 62C](#), as so appearing, is hereby further amended by striking out, in line 21, the words "or retailer" and inserting in place thereof the following words:- retailer, cigar distributor or cigar retailer.

### ***Cigar Tobacco Reclassification-4***

SECTION 29. Said [section 67 of said chapter 62C](#) of the General Laws, as so appearing, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

All licenses, other than licenses for retailers and cigar retailers as defined in [chapter 64C](#), shall expire annually on a date prescribed by the commissioner. Licenses for retailers and cigar retailers shall expire every other year on a date prescribed by the commissioner. The commissioner may provide for combined forms of licenses and license applications.

### ***Cigar Tobacco Reclassification-5***

SECTION 30. Said [section 67 of said chapter 62C](#), as so appearing, is hereby further amended by striking out, in line 48, the words "and retailers" and inserting in place thereof the following words:- , retailers, cigar distributors and cigar retailers.

### ***Cigar Tobacco Reclassification-6***

SECTION 31. Said [section 67 of said chapter 62C](#), as so appearing, is hereby further amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:-

The secretary of administration and finance shall annually determine the fees for licenses and renewals thereof under [section 3B of chapter 7](#) in the following categories: distributors; unclassified importers; unclassified exporters; manufacturers; wholesalers; vending machine operators; unclassified acquirers; transportation companies; retailers; cigar distributors; cigar retailers; user-sellers; suppliers; users of special fuels; and motor carriers or their vehicles; provided, however, that in case of a manufacturer, wholesaler, cigar distributor or vending machine operator who maintains more than 1 place of business, the fee for each additional place of business shall be one-half of the above determined fee. No fee or part thereof, shall be refunded by reason of relinquishment, suspension or revocation of a license.

#### ***EOHHS Debt Recovery By Tax Refund Intercept-1***

SECTION 32. [Section 1 of chapter 62D](#) of the General Laws, as so appearing, is hereby amended by inserting after the word "assistance," in line 4, as so appearing, the following words:- , the executive office of health and human services.

#### ***EOHHS Debt Recovery By Tax Refund Intercept-2***

SECTION 33. Said [section 1 of said chapter 62D](#), as so appearing, is hereby further amended by inserting after the word "debtor", in line 17, the following words:- ; an amount owed to the executive office of health and human services by a debtor.

#### ***EOHHS Debt Recovery By Tax Refund Intercept-3***

SECTION 34. Said [section 1 of said chapter 62D](#) is hereby further amended by striking out, in lines 57 to 61, inclusive, as so appearing, the words "for costs incurred as a result of noncompliance by that individual with an order to provide coverage for the cost of health services to a child eligible for assistance under Title XIX of the Social Security Act, as further described in [section 23 of chapter 118E](#);" and inserting in place thereof the following words:- or the executive office of health and human services;.

#### ***Cigar Tobacco Reclassification-7***

SECTION 35. [Section 1 of chapter 64C](#) of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 50, the words "and (2)" and inserting in place thereof the following words:- , (2) little cigars, which shall mean rolls of tobacco wrapped in leaf tobacco or any substance containing tobacco and as to which 1,000 units weigh not more than 3 pounds, and (3).

### ***Cigar Tobacco Reclassification-8***

SECTION 36. Said [section 1 of said chapter 64C](#), as so appearing, is hereby further amended by inserting after the word "meaning", in line 56, the following words:- , without limitation, little cigars and.

### ***Cigar Tobacco Reclassification-9***

SECTION 37. [Section 6 of said chapter 64C](#), as so appearing, is hereby amended by striking out the last paragraph.

### ***Cigar Tobacco Reclassification-10***

SECTION 38. Said [chapter 64C](#) is hereby further amended by striking out section 7B, as so appearing, and inserting in place thereof the following section:-

Section 7B. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Cigar", any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco; provided, however, that "cigar" shall not include any roll of tobacco that is a cigarette as defined in section 1.

"Cigar distributor", (i) any person who imports, or causes to be imported, into the commonwealth cigars or smoking tobacco for sale or who manufactures cigars or smoking tobacco in the commonwealth, and (ii) any person within or without the commonwealth who is authorized by the commissioner to make returns and pay the excise on cigars and smoking tobacco sold, shipped or delivered by him to any person in the commonwealth.

"Cigar retailer", any person who sells or furnishes cigars or smoking tobacco in small quantities to consumers for individual use; provided, however, said cigars or smoking tobacco shall not be used for the purpose of resale.

"Person", a natural person, corporation, association, partnership or other legal entity.

"Smoking tobacco", roll-your-own tobacco and pipe tobacco and other kinds and forms of tobacco suitable for smoking.

"Taxed cigars and smoking tobacco", cigars and smoking tobacco upon which the excise has been paid in full by the date on which payment is due, and with respect to which the return has been completed, signed and filed with the commissioner by the date on which the return is due, in accordance with this section and with [section 16 of chapter 62C](#).

"Untaxed cigars and smoking tobacco", cigars and smoking tobacco upon which the excise has not been paid in full by the date on which payment is due, or with respect to which the return has not been completed, signed and filed with the commissioner by the date on which the return is due, in accordance with this section and with [section 16 of chapter 62C](#).

"Wholesale price", (i) in the case of a manufacturer of cigars and smoking tobacco, the price set for such products or, if no price has been set, the wholesale value of these products; (ii) in the case of a cigar distributor who is not a manufacturer of cigars or smoking tobacco, the price at which the cigar distributor purchased these products; or (iii) in the case of a cigar retailer or a consumer, the price at which he purchased these products.

(b) An excise shall be imposed on all cigars and smoking tobacco held in the commonwealth at the rate of 30 per cent of the wholesale price of such products. This excise shall be imposed on cigar distributors at the time cigars or smoking tobacco are manufactured, purchased, imported, received or acquired in the commonwealth. This excise shall not be imposed on any cigars or tobacco products that (i) are exported from the commonwealth; or (ii) are not subject to taxation by the commonwealth pursuant to any law of the United States.

(c) Every cigar retailer shall be liable for the collection of the excise on all cigars or smoking tobacco in his possession at any time, upon which the excise has not been paid by a cigar distributor, and the failure of any cigar retailer to produce or exhibit to the commissioner or his authorized representative, upon demand, an invoice by a cigar distributor for any cigars or smoking tobacco in his possession, shall be presumptive evidence that the excise thereon has not been paid and that such cigar retailer is liable for the collection of the excise thereon.

(d) The amount of the excise advanced and paid by a cigar distributor or cigar retailer, as provided in this section, shall be added to and collected as part of, the sales price of the cigars or smoking tobacco.

(e)(1) A cigar distributor shall be liable for the payment of the excise on cigars and smoking tobacco that he imports or causes to be imported into the commonwealth or that he manufactures in the commonwealth, and every cigar distributor authorized by the commissioner to make returns and pay the excise on cigars or smoking tobacco sold, shipped or delivered by him to any person in the commonwealth shall be liable for the collection and payment of the excise on all cigars and smoking tobacco sold, shipped or delivered.

(2) Every person who does not acquire untaxed cigars or smoking tobacco, but acquires taxed cigars and smoking tobacco for sale at retail, shall not be licensed as a cigar distributor under this section, but shall be required, during the period that such person is a retailer of taxed cigars or smoking tobacco, to be licensed as a cigar retailer.

(f) A person outside the commonwealth who ships or transports cigars or smoking tobacco to cigar retailers in the commonwealth, to be sold by those cigar retailers, may apply for a license as a nonresident cigar distributor and, if the commissioner issues such a license to him, he shall thereafter be subject to all the provisions of this section and be entitled to act as a cigar distributor, provided he files proof with his application that he has appointed the state secretary as his agent for service of process relating to any matter or issue arising under this section. Such a nonresident person shall also agree to submit his books, accounts and records for examination in the commonwealth during reasonable business hours by the commissioner or his authorized representative.

(g) Every resident of the commonwealth shall be liable for the collection of the excise on all cigars or smoking tobacco in his possession at any time, upon which the excise has not been paid by a cigar distributor or cigar retailer, and the failure of any such consumer to produce or exhibit to the commissioner or his authorized representative, upon demand, an invoice or sales receipt by a cigar distributor or cigar retailer for any cigars or smoking tobacco in his possession, shall be presumptive evidence that the excise thereon has not been paid and that such consumer is liable for the collection of the excise thereon.

(h) No person shall act as a cigar distributor or cigar retailer in the commonwealth unless licensed to do so in accordance with [section 67 of chapter 62C](#). If a cigar distributor or cigar retailer acts in more than 1 of said capacities at any 1 place of business, he shall procure a license for every capacity in which he acts, unless, upon application to the commissioner, the commissioner determines otherwise. Each license so issued or a duplicate copy thereof shall be prominently displayed on the premises covered by the license.

(i) Except as this section expressly provides to the contrary, the provisions of this chapter and of [chapter 62C](#) relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, shall so far as pertinent, apply to the excise tax imposed by this section.

(j) For the purposes of section 5, cigars and smoking tobacco shall be tobacco products, cigar distributors shall be wholesalers and cigar retailers shall be retailers.

(k) For the purposes of section 8, untaxed cigars and smoking tobacco found in the commonwealth shall be

cigarettes, which have not been returned and are not returnable under [section 16 of chapter 62C](#) or section 6 as the context requires.

(l)(1) Any person who sells, offers for sale or possesses with intent to sell any cigars or smoking tobacco or otherwise acts as a cigar distributor or cigar retailer without being licensed so to do, shall, in addition to any other penalty provided by this chapter or [chapter 62C](#), be subject to a civil penalty of not more than \$5,000 for the first offense and not more than \$25,000 for each subsequent offense. Any person who knowingly purchases or possesses any cigars or smoking tobacco not manufactured, purchased or imported by a licensed cigar distributor or licensed cigar retailer shall, in addition to any other penalty provided by this chapter or [chapter 62C](#), be subject to a civil penalty of not more than \$5,000 for the first offense and not more than \$25,000 for each subsequent offense.

No person, either as principal or agent, shall sell or solicit orders for cigars or smoking tobacco to be shipped, mailed or otherwise sent or brought into the commonwealth to any person not a licensed cigar distributor or licensed cigar retailer, unless the same is to be sold to or through a licensed cigar distributor or licensed cigar retailer. Any person who knowingly violates this provision shall, in addition to any other penalty provided by this chapter or [chapter 62C](#), be subject to a civil penalty of not more than \$5,000 for the first offense and not more than \$25,000 for each subsequent offense.

It shall be presumed that the cigars and smoking tobacco are subject to the excise until the contrary is established and the burden of proof that they are not shall be upon the person on whose premises the cigars or smoking tobacco were found.

(2) Any person who knowingly has in his possession a shipping case or other container of cigars or smoking tobacco not bearing the name and address of the person receiving the cigars or smoking tobacco from a manufacturer or such other markings as the commissioner may prescribe and any person knowingly in possession of such a shipping case or other container of cigars or smoking tobacco from which this name and address has been erased or defaced shall, in addition to any other penalty provided by this chapter or [chapter 62C](#), be subject to a civil penalty of not more than \$5,000 for the first offense or not more than \$25,000 for each subsequent offense.

(3) Any person who files any false return, affidavit, or statement, or who violates any provision of this section for which no other penalty has been provided shall, in addition to any other penalty provided by this chapter or [chapter 62C](#), be subject to a civil penalty of not more than \$5,000 for the first offense and not more than \$25,000 for each subsequent offense.

(4) Whenever the commissioner or a police officer discovers, in the possession of any person not being a licensed cigar distributor or one authorized by the commissioner, any untaxed cigars or smoking tobacco, he may seize and take possession of those cigars and smoking tobacco, together with any vending machine or other receptacle, which shall include, without limitation, a motor vehicle, boat or airplane, in which they are contained or in which they are transported. Such cigars, smoking tobacco, vending machine or other receptacle seized by a police officer shall be turned over to the commissioner and shall be forfeited to the commonwealth. The commissioner shall destroy such cigars or smoking tobacco and shall destroy or otherwise dispose of such vending machine or other receptacle. The commissioner may, within a reasonable time after the seizure, by a public notice at least 5 days before the day of sale, sell the vending machine or other receptacle at public sale and deposit the proceeds in the General Fund.

(5) The state police and all local police authorities may, and at the request of the commissioner or his duly authorized agent shall, enforce this section. Each violation of this section shall be a separate offense.

### ***Cigar Tobacco Reclassification-11***

SECTION 39. Said [chapter 64C](#) is hereby further amended by striking out section 38A, as so appearing, and inserting in place thereof the following section:-

Section 38A. Whenever the commissioner or a police officer discovers, in the possession of any person not being a stamper, licensed transportation company or one authorized by the commissioner, any cigarettes subject to tax under this chapter that do not have affixed to them the required Massachusetts stamps showing the payment of excise, or any smokeless tobacco on which tax has not been paid, he may seize and take possession of those cigarettes or smokeless tobacco, together with any vending machine or other receptacle, which shall include, without limitation, a motor vehicle, boat or airplane, in which the cigarettes or smokeless tobacco are contained or in which they are transported. The cigarettes, smokeless tobacco, vending machine or other receptacle seized by a police officer shall be turned over to the commissioner and shall be forfeited to the commonwealth. The commissioner shall destroy such cigarettes and smokeless tobacco and shall destroy or otherwise dispose of such vending machine or other receptacle. The commissioner may, within a reasonable time after the seizure, by a public notice at least 5 days before the day of sale, sell the vending machine or other receptacle at public sale and deposit the proceeds in the General Fund.

### ***Tax Revenue Enforcement Efficiencies (64H/3A)***

SECTION 40. [Chapter 64H](#) is hereby further amended by inserting after section 3 the following section:-

Section 3A. (a) Every manufacturer, wholesaler or unclassified acquirer, as defined in [chapter 64C](#), doing business in the commonwealth, or any other person doing business in the commonwealth, selling tobacco products, including cigarettes, cigars, smokeless tobacco and smoking tobacco, to others for resale in the commonwealth, shall pay, as a prepayment for the tax imposed by this chapter, a tax on tobacco products that will be held for retail sale in the commonwealth. The tax shall be computed on each sale of tobacco products by multiplying the tax rate set by this chapter by the wholesale sales price at which such manufacturer, wholesaler, unclassified acquirer or other person sells the tobacco products. The tax imposed by this section shall be paid at the same time and in the same manner as the tax imposed by section 2. Any manufacturer, wholesaler, unclassified acquirer or other person prepaying the tax shall, with respect to such prepayment, be a vendor for purposes of section 1 of this chapter and [section 16 of chapter 62C](#), shall file returns and pay over tax accordingly, and shall separately state on each customer invoice or other written record, as prescribed by the commissioner, the amount of prepaid sales tax charged. This section shall not apply to manufacturers and unclassified acquirers to the extent that said manufacturers and unclassified acquirers distribute such product through a licensed wholesaler or unclassified acquirer.

(b) Every person selling tobacco products at retail in the commonwealth who is required to pay the tax imposed by this chapter shall be allowed a credit in the amount of the prepayment against the total amount of tax it is required to pay over to the commissioner under this chapter. Every such person must maintain invoices and other records substantiating the amount of tax prepaid.

(c) [Chapter 64I](#) shall apply to the extent that the tax under this section is not paid over to the commissioner by any of the persons mentioned in subsection (a) or (b). All taxes imposed by this section shall be presumed to be a direct tax on the retail consumer, pre-collected for the purpose of convenience and facility only.

(d) The commissioner may adopt regulations to implement this section, which regulations shall include a provision to prevent the payment of tax by more than 1 taxpayer.

### ***Sales Tax Exemptions for Pesticides-2***

SECTION 41. Paragraph (p) of [section 6 of said chapter 64H](#), as appearing in the 2006 Official Edition, is hereby amended by striking out clause (3) and inserting in place thereof the following clause:-

(3) sales of fertilizer, including ground limestone, hydrated lime, seed inoculants and plant hormones, as well as other substances commonly regarded in the same category and for the same use, but not including any sales of pesticides, including insecticides, herbicides, fungicides, miticides and all materials registered with

the Environmental Protection Agency as pesticides under the Federal Insecticide, Fungicide and Rodenticide Act and other pesticides commonly regarded in the same category and for the same purpose, except when purchased by a person licensed under [chapter 132B](#) or otherwise exempt under paragraph (r);.

#### ***Tax Revenue Enforcement Efficiencies (64H/33)***

SECTION 42. [Section 33 of said chapter 64H](#), as so appearing, is hereby amended by adding the following sentence:- For the purposes of this section, a vendor shall include a person who has made a prepayment of tax under section 3A.

#### ***Tax Revenue Enforcement Efficiencies (64I/34)***

SECTION 43. [Section 34 of chapter 64I](#) of the General Laws, as so appearing, is hereby amended by adding at the end thereof the following sentence:- For the purposes of this section, a vendor shall include a person who has made a prepayment of tax under [section 3A of chapter 64H](#).

#### ***Motor Vehicle Penalties and Punishments***

SECTION 44. [Section 20 of chapter 90](#) of the General Laws, as so appearing, is hereby amended by striking out, in line 69, the figure "25" and inserting in place thereof the following figure:- 30.

#### ***Driving While Under Influence***

SECTION 45. [Section 24 of said chapter 90](#), as so appearing, is hereby amended by striking out, in lines 16 and 763, the figure "125" and inserting in place thereof, in each instance, the following figure:- 150.

#### ***Reservation of Limited Partnership Corporate Name***

SECTION 46. [Section 3 of chapter 109](#) of the General Laws, as so appearing, is hereby amended by striking out, in lines 18 and 19, the word "thirty" and inserting in place thereof, in each instance, the following figure:- 60.

#### ***Office and Agent for Service of Process***

SECTION 47. Said [chapter 109](#) is hereby further amended by inserting after section 4 the following section:-

Section 4A. (a) A limited partnership may change its resident agent or the street address of the resident agent

by filing a certificate of change of agent or address with the state secretary. The statement shall contain the following information:

- (1) the name of the limited partnership;
  - (2) the name and street address of its current resident agent;
  - (3) if the current resident agent is to be changed, the name and street address of the new resident agent and the new agent's written consent, either on the statement or attached to it, to the appointment; and
  - (4) if the street address of the business office of the resident agent is to be changed, the new street address of the business office of the resident agent.
- (b) If a resident agent changes the street address of his business office, he may change the street address of the business office of any limited partnership for which he is resident agent by notifying the limited partnership in writing of the change and signing, manually or by facsimile, and delivering to the state secretary for filing a statement of change that complies with the requirements of subsection (a) and recites that the limited partnership has been notified of the change. If the street address of more than 1 limited partnership is being changed at the same time, there may be included in a single certificate the names of all limited partnerships the street addresses of the business offices of which are being changed.
- (c) Any resident may resign his agency appointment by signing and delivering to the state secretary a certificate of resignation. The resident agent shall furnish a copy of such statement to the limited partnership. The agency appointment shall be terminated on the thirty-first day following the date on which the statement was filed.

### ***Appointment as Agent***

SECTION 48. [Section 8 of said chapter 109](#), as so appearing, is hereby amended by striking out clause (3) and inserting in place thereof the following clause:-

- (3) the address of the office and the name and address of the agent for service of process required to be maintained by section 4; provided, however, that the agent's written consent to the appointment as agent shall be either in the certificate or attached to it;.

### ***Resident Written Consent***

SECTION 49. The second paragraph of [section 49 of said chapter 109](#), as so appearing, is hereby amended by striking out clause (7) and inserting in place thereof the following clause:-

- (7) the name and business address of its resident agent and the agent's written consent, either on the certificate or attached to it, to his appointment as agent; and.

### ***Appointment of a Resident Agent***

SECTION 50. Said [chapter 109](#) is hereby further amended by striking out section 52 and inserting in place thereof the following section:-

Section 52. A foreign limited partnership doing business in the commonwealth shall appoint a resident agent as its true and lawful attorney upon whom all lawful process in any action or proceeding against the foreign limited partnership in the commonwealth may be served. Sections 15.07, 15.08 and 15.09 of [chapter 156D](#) relative to the appointment and qualifications of a resident agent shall be applicable to the appointment of a resident agent pursuant to this section.

### ***Limited Partnership Filings***

SECTION 51. Said [chapter 109](#) is hereby further amended by adding the following 4 sections:-

Section 63. (a) Each domestic or foreign limited partnership authorized to transact business in the commonwealth shall file an annual report with the state secretary on or before the anniversary date of the filing of the certificate of limited partnership. The annual report shall contain all information required to be included in the certificate of limited partnership.

(b) The fee for filing the annual report shall be \$500 if the report is filed on paper or by facsimile. The fee for filing the annual report electronically shall be \$450.

Section 64. (a) The state secretary may commence a proceeding to dissolve a limited partnership if:

(1) the limited partnership has failed for 2 consecutive years to comply with the laws requiring the filing of annual reports; or

(2) he is satisfied that the limited partnership has become inactive and its dissolution would be in the public interest.

(b) If the state secretary determines that grounds exist under subsection (a), he shall serve the limited partnership with written notice of his determination. The notice shall be sent to the address of the office in the commonwealth required by clause (1) of section 4. If, within 90 days after the notice, the limited partnership fails to correct each ground for dissolution or fails to demonstrate to the reasonable satisfaction of the state secretary that each ground determined by the state secretary does not exist, the state secretary shall administratively dissolve the limited partnership.

(c) A limited partnership administratively dissolved continues in existence but shall not carry on any business except that necessary to wind up and liquidate its affairs.

Section 65. (a) The state secretary may commence a proceeding to revoke the authority of a foreign limited partnership to transact business in the commonwealth if:

(1) the limited partnership has failed for 2 consecutive years to comply with the laws requiring the filing of annual reports; or

(2) he is satisfied that the revocation of the limited partnership's authority to transact business in the commonwealth would be in the public interest.

(b) If the state secretary determines that grounds exist under subsection (a), he shall serve the limited partnership with written notice of his determination. The notice shall be sent to the address of the foreign limited partnership. If, within 90 days after the notice, the limited partnership fails to correct each ground for revocation or fails to demonstrate to the reasonable satisfaction of state secretary that each ground determined by the state secretary does not exist, the state secretary of state shall administratively revoke the authority of the foreign limited partnership to transact business in the commonwealth.

(c) The authority of the foreign limited partnership to transact business in the commonwealth shall cease on the date the state secretary makes such revocation effective.

Section 66. A limited partnership administratively dissolved under section 64 or whose authority to transact business in the commonwealth has been revoked under section 66 may apply to the state secretary for reinstatement at any time. The application for reinstatement shall:

- (1) recite the name of the limited partnership and the effective date of its administrative dissolution or revocation;
- (2) state that the grounds for dissolution or revocation either did not exist or have been corrected; and
- (3) state that the name of the limited partnership satisfies the requirements of section 2; provided, however, that if the state secretary determines that the application contains the full and correct information, he shall reinstate the limited partnership.

### ***Civil Remedies for Violations of Certain Labor Laws***

SECTION 52. Subsection (f) of [section 197B of chapter 111](#) of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out paragraph (4) and inserting in place thereof the following 4 paragraphs:-

(4) In addition to any other penalties under this subsection, the director of labor may issue a written warning or a civil citation for violations of this section or regulations under this section. Subsections (c) to (i), inclusive, of [section 6F1/2 of chapter 149](#) shall apply to these citations.

(5) In addition to the cease-work order authority under this section, whenever the department of labor has reason to believe that a person, firm, corporation or other entity is engaging in or is about to engage in a violation of section 197 or this section, or the regulations under those sections, it may bring an action in the name of the commonwealth against that person, firm, corporation or other entity to restrain the violation by temporary restraining order or preliminary or permanent injunction. Subsections (a) and (b) of said [section 6F1/2 of chapter 149](#) shall apply to these actions.

(6) The director of labor may adopt regulations to carry out this section.

(7) Nothing in this section shall limit the authority of the department of labor and workforce development under [chapter 149](#).

### ***Catastrophic Illness in Children Relief Fund Commission***

SECTION 53. [Section 5 of chapter 111K](#) of the General Laws, as so appearing, is hereby amended by striking out clause (h) and inserting in place thereof the following 2 clauses:-

(h) to authorize and make payment of all administrative costs, not to exceed 5 per cent of the monies transferred into the fund in a given fiscal year, related to the management of the program including, but not limited to, costs for staff to manage the program and coordinate the work assigned by the commission and materials development, printing, postage and telephone expenses; provided, however, that administrative costs shall not include staff costs related to case management services, including the evaluation and processing of applications; and

(i) to review and approve annual operating expenses.

### ***Civil Remedies for Violations of Certain Labor Laws II***

SECTION 54. The first paragraph of [section 46R of chapter 140](#) of the General Laws, as so appearing, is hereby amended by adding the following 3 sentences:- In addition to the penalties provided for in this paragraph, the commissioner may issue a written warning or a civil citation for violations of these sections. Subsections (c) to (i), inclusive, of [section 6F½ of chapter 149](#) shall apply to these citations. The director of labor may adopt regulations for the issuance of the written warnings and citations and for the enforcement thereof.

### ***Civil Remedies for Violations of Certain Labor Laws III***

SECTION 55. [Chapter 149](#) of the General Laws is hereby amended by inserting after section 6F the following section:-

Section 6F½. (a) In addition to the cease and desist authority granted in section 6E and the criminal penalties provided for in section 6F, whenever the commissioner has reason to believe that a person, firm, corporation or other entity is engaging in or is about to engage in a violation of sections 6A to 6E, inclusive, or of any regulations under said sections 6A to 6E, inclusive, he may bring an action in the name of the commonwealth against such person, firm, corporation or other entity to restrain the violation by temporary restraining order or preliminary or permanent injunction. The action may be brought in the superior court of the county in which such person, firm, corporation or other entity resides or has his principal place of business, or the action may be brought in the superior court of Suffolk county with the consent of the parties or if the person, firm, corporation or other entity has no place of business within the commonwealth. If more than 1 person, firm, corporation or other entity is joined as a defendant, the action may be brought in the superior court of the county where any 1 of defendants reside or has his principal place of business, or in Suffolk county. The court may issue temporary restraining orders or preliminary or permanent injunctions.

(b) Any person, firm, corporation or other entity that violates an injunction issued under this section shall be subject to a civil penalty of not more than \$10,000 for each such violation; provided, further, that each day during which a person, firm, corporation or other entity fails to comply with sections 6A to 6E, inclusive, shall be considered a separate violation. For the purposes of this section, the court issuing such an injunction shall retain jurisdiction, and the case shall be continued, and in such case the department may petition for recovery of this civil penalty.

(c) In addition to the remedies under subsections (a) and (b), the commissioner may issue a written warning or a civil citation for violations of this chapter or regulations under this chapter. For each violation, a separate citation may be issued requiring any of the following: that the infraction be rectified or that a civil penalty of not more than \$5,000 for each violation be paid to the commonwealth, within 21 days of the date after issuance of such citation.

(d) In determining the amount of each civil penalty, the department shall include, but not be limited to, the following considerations: the actual and potential impact on public health, safety and welfare and the environment of the failure to comply; whether the person, firm, corporation or other entity being assessed the civil penalty took steps to prevent noncompliance, to promptly come into compliance and to remedy and mitigate whatever harm might have been done as a result of such noncompliance; whether the person, firm, corporation or other entity assessed the civil penalty has previously failed to comply with any regulation, order, license or approval issued or adopted by the department, or any law which the department has authority or responsibility to enforce; deterring future noncompliance; the financial condition of the person, firm, corporation or other entity being assessed the civil penalty; and the public interest.

(e) Notwithstanding this section, the maximum civil penalty that may be imposed upon any person, firm, corporation or other entity who has not previously been either criminally convicted of a violation of this chapter or issued a citation under this chapter, shall be not more than \$2,500, except that in instances in which the commissioner determines that the person, firm, corporation or other entity lacked specific intent to violate this chapter, the maximum civil penalty for the person, firm, corporation or other entity that has not previously

been either criminally convicted of a violation of this chapter or issued a citation under this chapter shall be not more than \$1,000.

(f) Upon a failure to comply with the requirements set forth in a citation, the commissioner may order the cessation of all of the relevant activities of the person, firm, corporation or other entity, and shall, within 10 days after such order, schedule a hearing on the suspension or revocation of the license, under this chapter. Any license suspension or revocation under this section shall also apply to all affiliates of the person, firm, corporation or other entity as well as any successor company or corporation that the commissioner upon investigation, determines to not have a true independent existence apart from that of the violating person, firm, corporation or other entity.

(g) Any person, firm, corporation or other entity aggrieved by a citation or order issued pursuant to this section may appeal by filing a notice of appeal with the commissioner within 10 days after the receipt of the citation or order. [Chapter 30A](#) shall apply to such appeals.

(h) No officer of any corporation which has failed to pay a civil penalty under this section shall incorporate or serve as an officer of any corporation which did not have a legal existence as of the date that the penalty became due and payable to the commonwealth.

(i) The commissioner may adopt regulations to carry out this section.

### ***Reservation of Limited Partnership Corporate Name***

SECTION 56. [Section 4 of chapter 156C](#) of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 18 and 19, the word "thirty" and inserting in place thereof, in each instance, the following figure:- 60.

### ***Office and Agent for Service of Process***

SECTION 57. Said [chapter 156C](#) is hereby further amended by inserting after section 5 the following section:-

Section 5A. (a) A limited liability company may change its resident agent or the street address of the resident agent by filing a certificate of change of agent or address with the state secretary. The statement shall contain the following information:

- (1) the name of the limited liability company;
- (2) the name and street address of its current resident agent;
- (3) if the current resident agent is to be changed, the name and street address of the new resident agent and the new agent's written consent, either on the statement or attached to it, to the appointment; and
- (4) if the street address of the business office of the resident agent is to be changed, the new street address of the business office of the resident agent.

(b) If a resident agent changes the street address of his business office, he may change the street address of the business office of any limited liability company for which he is resident agent by notifying the limited liability company in writing of the change and signing, either manually or by facsimile, and delivering to the state secretary for filing a statement of change that complies with the requirements of subsection (a) and recites that the limited liability company has been notified of the change. If the street address of more than 1 limited liability company is being changed at the same time, there may be included in a single certificate the

names of all limited liability companies the street addresses of the business offices of which are being changed.

(c) Any resident agent may resign his agency appointment by signing and delivering to the state secretary a certificate of resignation. The resident agent shall furnish a copy of such statement to the limited liability company. The agency appointment shall be terminated on the thirty-first day following the date on which the statement was filed.

### ***Appointment as Agent***

SECTION 58. [Section 12 of said chapter 156C](#), as so appearing, is hereby amended by striking clause (3) and inserting in place thereof the following clause:-

(3) the name and address of the resident agent for service of process required to be maintained by section 5; provided, however, that the agent's written consent to the appointment shall be either in the certificate or attached to it;.

### ***Resident Written Consent***

SECTION 59. [Section 48 of said chapter 156C](#), as so appearing, is hereby amended by striking out clause (7) and inserting in place thereof the following clause:-

(7) the name and address of its resident agent and the agent's written consent, either on the certificate or attached to it, to his appointment as agent;.

### ***Appointment of a Resident Agent***

SECTION 60. Said [chapter 156C](#) is hereby further amended by striking out section 51 and inserting in place thereof the following section:-

Section 51. Each foreign limited liability company doing business in the commonwealth shall appoint a resident agent as its true and lawful attorney upon whom all lawful process in any action or proceeding against the foreign limited liability company in the commonwealth may be served. Sections 15.07, 15.08 and 15.09 of [chapter 156D](#) relative to the appointment and qualifications of a resident agent shall be applicable to the appointment of a resident agent pursuant to this section.

### ***Limited Partnership Filings***

SECTION 61. Said [chapter 156C](#) is hereby further amended by adding the following 3 sections:-

Section 70. (a) The state secretary may commence a proceeding to dissolve a limited liability company if:

(1) the limited liability company has failed for 2 consecutive years to comply with the laws requiring the filing of annual reports; or

(2) he is satisfied that the limited liability company has become inactive and its dissolution would be in the public interest.

(b) If the state secretary determines that grounds exist under subsection (a), he shall serve the limited liability company with written notice of his determination. The notice shall be sent to the address of the office in the commonwealth required by clause (1) of section 5. If, within 90 days after the notice, the limited liability company fails to correct each ground for dissolution or demonstrates to the reasonable satisfaction of the state secretary that each ground determined by the state secretary does not exist, the state secretary shall administratively dissolve the limited liability company.

(c) A limited liability company administratively dissolved continues in existence, but shall not carry on any business except that necessary to wind up and liquidate its affairs.

Section 71. A limited liability company administratively dissolved under section 70 or whose authority to transact business in the commonwealth has been revoked under section 72 may apply to the state secretary for reinstatement at any time. The application shall:

(1) recite the name of the limited liability company and the effective date of its administrative dissolution or revocation;

(2) state that the grounds for dissolution or revocation either did not exist or have been corrected;

(3) state that the name of the limited liability company satisfies the requirements of section 3; provided, however, that if the state secretary determines that the application contains the full and correct information, he shall reinstate the limited liability company.

Section 72. (a) The state secretary may commence a proceeding to revoke the authority of a foreign limited liability company to transact business in the commonwealth if:

(1) the limited liability company has failed for 2 consecutive years to comply with the laws requiring the filing of annual reports; or

(2) he is satisfied that the revocation of the limited liability company's authority to transact business in the commonwealth would be in the public interest.

(b) If the state secretary determines that grounds exist under subsection (a), he shall serve the limited liability company with written notice of his determination. The notice shall be sent to the address of the foreign limited liability company. If, within 90 days after the notice, the limited liability company fails to correct each ground for revocation or demonstrates to the reasonable satisfaction of the state secretary that each ground determined by the secretary of state does not exist, the state secretary shall administratively revoke the authority of the foreign limited liability company to transact business in the commonwealth.

(c) The authority of the foreign limited liability company to transact business in the commonwealth shall cease on the date on which the state secretary makes such revocation effective.

### ***Regional Transit Authority Cherry Sheet Assessment -1***

SECTION 62. [Section 9 of chapter 161A](#) of the General Laws, as so appearing, is hereby amended by inserting after the word "assessment", in lines 25 and 26, the following words:- ; and provided further, that the amount credited shall be the most recently audited regional transit authority assessment available on January 1 of each year and shall be used to calculate the upcoming fiscal year's estimated cherry sheet assessments.

### ***Regional Transit Authority Cherry Sheet Assessment -2***

SECTION 63. The second paragraph of [section 9 of chapter 161B](#) of the General Laws, as so appearing, is hereby amended by adding the following sentence:- Amounts assessed under this section shall be the most recently audited regional transit authority assessment available on January 1 of each year and shall be used to calculate the upcoming fiscal year's estimated cherry sheet assessments.

### ***Regional Transit Authority Cherry Sheet Assessment -3***

SECTION 64. The last paragraph of [section 9A of said chapter 161B](#) of the General Laws, as so appearing, is hereby amended by adding the following sentence:- Amounts assessed under this section shall be the most recently audited regional transit authority assessment available on January 1 of each year and shall be used to calculate the upcoming fiscal year's estimated cherry sheet assessments.

### ***Regional Transit Authority Borrowing***

SECTION 65. [Section 10 of said chapter 161B](#), as so appearing, is hereby amended by inserting after the third paragraph the following paragraph:-

If at any time any principal or interest is due or about to come due on any note issued by the authority pursuant to this section and funds to pay the same are not available, the administrator shall certify to the state treasurer the amount required to meet the obligation and the commonwealth shall thereupon pay over to the authority that amount. If the commonwealth shall not make the payment within a reasonable time, the authority or any holder of an unpaid note issued by the authority pursuant to this section, acting in the name and on behalf of the authority, shall have the right to require the commonwealth to pay the authority the amount remaining unpaid, which right shall be enforceable as a claim against the commonwealth. The authority or any holder of an unpaid note issued pursuant to this section may file a petition in the superior court to enforce a claim or intervene in any proceeding already commenced to enforce such a claim. [Chapter 258](#) shall apply to the petition insofar as it relates to the enforcement of a claim against the commonwealth. Any holder of an unpaid note who shall have filed such a petition may apply for an order of the court requiring the authority to apply funds received by the authority on its claim against the commonwealth to the payment of the holder's unpaid note, and, if the court finds such amount to be due to the holder, shall issue the order.

### ***Regional Transit Authority Bond Report***

SECTION 66. [Section 12 of chapter 161B](#) of the General Laws, as so appearing, is hereby amended by inserting the following paragraph:-

A copy of each biennial audit shall be provided to the chairs of the senate and house committees on ways and means and the senate and house chairs of the joint committee on bonding, capital expenditures and state assets.

### ***Cost of Fire Services***

SECTION 67. [Chapter 175](#) of the General Laws is hereby amended by striking out, as so appearing, section 195 and inserting in place thereof the following section:-

Section 195. (a) Sums for the estimated expenses for the purposes specified in subsection (b) shall be paid to the commonwealth by insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth within 30 days after notice from the commissioner of such estimated expenses. The commissioner shall apportion such estimated charges among all such companies and shall assess them for the same on a fair and reasonable basis. The commissioner shall subsequently apportion actual costs among all such companies and shall make assessment adjustments for the same for any variation between estimated and actual costs on a fair and reasonable basis. Such estimated and actual costs shall include an amount equal to the cost of fringe benefits as established by the secretary of administration and finance under [section 6B of chapter 29](#).

(b) The costs to be paid under subsection (a) shall be for the following purposes: (1) the operation of state fire training facilities and curriculum for firefighting personnel; (2) implementing sections 26G1/2 and 34A to 34D, inclusive, of [chapter 148](#), and [chapter 304 of the acts of 2004](#); (3) student awareness of fire education programs; (4) the firefighting equipment grant program; and (5) capital improvements to state fire service facilities, including reimbursing the General Fund for debt service on bonds issued to pay for these capital improvements.

#### ***Appeals Court Clerk***

SECTION 68. [Section 6 of chapter 211A](#) of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the word "three" the first time it appears and inserting in place thereof the following figure:- 4.

#### ***Committee for Public Counsel Service Billable Hours for Homicide Cases***

SECTION 69. [Section 11 of chapter 211D](#) of the General Laws, as so appearing, is hereby amended by striking out, in line 18, the word "is" and inserting in place thereof the following words:- , except any counsel appointed or assigned to represent indigents within the private counsel division in a homicide case, shall be.

#### ***Bar Admission Out of State Attorney***

SECTION 70. [Section 37 of chapter 221](#) of the General Laws, as so appearing, is hereby amended by striking out the eighth sentence.

#### ***Supreme Judicial Court; Salaries of Clerks***

SECTION 71. [Section 93 of said chapter 221](#), as so appearing, is hereby amended by striking out, in line 8, the figure "78.27" and inserting in place thereof the following figure:- 82.50.

***Manner of Payment; Salaries of Clerks and Assistant Clerks***

SECTION 72. [Section 94 of said chapter 221](#), as so appearing, is hereby amended by striking out, in line 16, the figure "78.27" and inserting in place thereof the following figure:- 82.50.

***Powers of State Reclamation and Mosquito Control Board***

SECTION 73. ~~Chapter 252 of the General Laws is hereby amended by inserting after section 14C the following section:-~~

~~Section 14D. Mosquito control projects and mosquito control districts shall have sole authority in all personnel decisions including, but not limited to, the following: the hiring and firing of personnel; the establishment of rates of compensation for personnel representative of the regional economy; and the hiring of appropriate outside professionals deemed necessary to carry out and fulfill statutory obligations.~~

***Registry of Deeds Enumeration of Fees***

SECTION 74. [Chapter 262](#) of the General Laws is hereby amended by striking out section 38 and inserting in place thereof the following section:-

Section 38. Except as otherwise provided, the fees of the registers of deeds to be paid when an instrument is recorded shall be as follows:

For entering and recording any paper, certifying the same on the original, and indexing it and all other duties pertaining thereto, \$50; provided, however, that if the paper includes multiple references to a document or instrument intending or attempting to assign, discharge, release, partially release, subordinate or notice any other document or instrument, each reference shall be separately indexed and separately assessed an additional \$50 fee;

For recording a declaration of trust, \$200;

For recording a deed or conveyance, \$100;

For recording a mortgage, \$150;

For recording a declaration of homestead, \$30;

For recording and filing a plan, \$50 per sheet; and

For all copies of documents, whether copied out of books or generated electronically, \$1 per page, and all coin-operated copy machines shall be \$.50 per page.

Except as otherwise provided, the fees of the registers of deeds to be paid when the instrument is recorded shall be subject to a surcharge under [section 8 of chapter 44B](#).

### ***Suffolk County Clerk Compensation II***

SECTION 75. [Chapter 278](#) of the General Laws is hereby amended by inserting after section 28C the following section:-

Section 28D ½. The clerk of the appellate division shall receive from the commonwealth as salary an amount equal to 10 per cent of, and in addition to, the salary established and paid to said clerk of the superior court for criminal business in the county of Suffolk.

### ***State Forest and Park Renaming***

SECTION 76. Section 44 of chapter 85 of the acts of 1994, as most recently amended by [section 19 of chapter 23 of the acts of 2002](#), is hereby further amended by inserting after the words "Mount Greylock state reservation" the following words:- , Whitehead House at Willowdale state forest, Kerighan House at Bradley Palmer state park.

### ***Extending Sunset for Active Duty State Employees***

SECTION 77. [Chapter 137 of the acts of 2003](#), as amended by [section 2 of chapter 77 of acts of 2005](#), is hereby further amended by striking out section 21 and inserting in place thereof the following section:-

Section 21. Section 1 shall expire on September 11, 2011. Sections 2 and 3 shall expire on September 11, 2005.

### ***Water Supply Protection Trust***

SECTION 78. [Section 417 of chapter 149 of the acts of 2004](#), is hereby amended by striking out, in line 2, the figure "2009", inserted by [section 82 of chapter 139 of the acts of 2006](#), and inserting in place thereof the following figure:- 2011.

### ***Health Maintenance Contract***

SECTION 79. [Chapter 58 of the acts of 2006](#) is hereby amended by striking out section 128, as amended by [section 40 of chapter 61 of the acts of 2007](#), and inserting in place thereof the following section:-

Section 128. Notwithstanding any general or special law to the contrary and in accordance with [section 13B of chapter 118E](#) of the General Laws, in fiscal year 2007, \$90,000,000 shall be made available from the Commonwealth Care Trust Fund, established pursuant to [section 2000 of chapter 29](#) of the General Laws, to pay for an increase in the Medicaid rates paid to acute hospitals and physicians; but not less than 15 per cent of the increase shall be allocated to rate increases for physicians. For fiscal year 2008, an additional \$90,000,000, for a total of \$180,000,000, shall be made available from said Commonwealth Care Trust Fund

in accordance with this section, to pay for an increase in the Medicaid rates paid to acute hospitals and physicians; but not less than 15 per cent of the increase shall be allocated to rate increases for physicians. In fiscal year 2009, an additional \$90,000,000, for a total of \$270,000,000, shall be made available from said Commonwealth Care Trust Fund to pay for an increase in the Medicaid rates paid to acute hospitals, as defined in [section 1 of chapter 118G](#) of the General Laws, and physicians; but not less than 15 per cent of the increase shall be allocated to rate increases for physicians. In fiscal year 2008, not more than \$20,000,000 of the amounts to be made available to acute hospitals under this section shall be contingent on hospital adherence to quality standards and achievement of performance benchmarks, including the reduction of racial and ethnic disparities in the provision of health care, in accordance with said [section 13B of said chapter 118E](#), and may be paid in fiscal year 2009. In fiscal year 2009, not more than \$58,000,000 of the amounts to be made available to acute hospitals under this section shall be contingent on hospital adherence to quality standards and achievement of performance benchmarks, including the reduction of racial and ethnic disparities in the provision of health care, in accordance with said [section 13B of said chapter 118E](#), and may be paid in fiscal year 2010. For fiscal years 2008 and 2009, any such performance benchmarks shall be determined by the secretary of health and human services without any limitation, but in consultation with hospitals, the MassHealth payment policy advisory board and the health care quality and cost council, and may include measures to be reported by hospitals to the federal Centers for Medicare and Medicaid Services for Reporting Hospital Quality Data for Annual Payment Update, to the Joint Commission on Accreditation of Healthcare Organizations for core measures, or to the MassHealth Program pursuant to Appendix G of the contract between MassHealth and acute hospitals for Rate Year 2007 or other nationally-recognized measures that are drawn on those approved by the National Quality Forum and adopted by the Hospitals Quality Alliance Performance benchmarks and quality measures related to racial and ethnic disparities in the provision of health care. The secretary of health and human services shall, after consultation required by said [section 13B of said chapter 118E](#), issue final quality standards and performance benchmarks for use in the hospital fiscal year beginning October 1, 2008. For purposes of payments to hospitals pursuant to this section, "fiscal year" shall mean the hospitals' fiscal year and, for purposes of any payments to physicians pursuant to this section, fiscal year shall mean the state fiscal year.

### ***Extension of the Commission for Development of Financial Assets***

SECTION 80. [Section 117 of chapter 123 of the acts of 2006](#) is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

The commission shall file its recommendations, together with recommendations for legislation, if any, with the house and senate clerks who shall forward the same to the general court not later than 3 years after the passage of this act.

### ***Tourism Fund Formulas***

SECTION 81. Notwithstanding any general or special law to the contrary, [section 35J of chapter 10](#) of the General Laws shall not apply in fiscal year 2009.

### ***Stabilization Fund Transfer***

SECTION 82. Notwithstanding any general or special law to the contrary, the comptroller shall, not later than June 30, 2009, transfer \$310,000,000 to the General Fund from the Commonwealth Stabilization Fund, but the comptroller shall instead transfer a lesser amount if the secretary of administration and finance so requests in writing.

### ***Commonwealth Stabilization Fund***

SECTION 83. Notwithstanding any general or special law to the contrary, during fiscal year 2009 the comptroller shall not transfer 0.5 per cent of the total revenue from taxes in the preceding fiscal year to the Commonwealth Stabilization Fund, established pursuant to [section 2H of chapter 29](#) of the General Laws, as otherwise required pursuant to clause (a) of [section 5C of said chapter 29](#).

### ***Stabilization Interest***

SECTION 84. Notwithstanding any general or special law to the contrary, the comptroller shall, no later than June 30, 2009, transfer the interest earned from the Commonwealth Stabilization Fund during fiscal year 2009 to the General Fund.

### ***Tobacco Settlement Transfer to the General Fund***

SECTION 85. Notwithstanding any general or special law to the contrary, during fiscal year 2009, the comptroller shall transfer from the Health Care Security Trust, established pursuant to [section 1 of chapter 29D](#) of the General Laws, to the General Fund an amount equal to 100 per cent of the total of all payments received by the commonwealth in fiscal year 2009 pursuant to the master settlement agreement in the action known as Commonwealth of Massachusetts v. Phillip Morris, Inc. et. al., Middlesex Superior Court, No. 95-7378 and 100 per cent of the earnings generated in fiscal year 2009 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.

### ***Transfer to State Retiree Benefits Trust Fund***

SECTION 86. Notwithstanding any general or special law to the contrary, during fiscal year 2009, the comptroller shall, according to a schedule developed in consultation with the state treasurer and the secretary of administration and finance, transfer \$372,000,000 from the General Fund to the State Retiree Benefits Trust Fund, established by [section 24 of chapter 32A](#) of the General Laws.

### ***Electronic Health Records***

SECTION 87. Notwithstanding any general or special law to the contrary, on or before October 1, 2008 and without further appropriation, the comptroller shall transfer \$25,000,000 from the General Fund to the e-Health Institute Fund, established in section 10 of this act.

***Health Safety Net Trust Fund to Hospitals and Community Health Centers***

SECTION 88. (a) Notwithstanding any general or special law to the contrary, on or before October 1, 2008 and without further appropriation, the comptroller shall transfer from the General Fund to the Health Safety Net Trust Fund, established pursuant to [section 36 of chapter 118G](#) of the General Laws and in this subsection referred to as the fund, the greater of \$45,000,000 or one-twelfth of the total expenditures to hospitals and community health centers required pursuant to subsection (b), for the purpose of making initial gross payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1, 2008. These payments shall be made to hospitals before, and in anticipation of, the payment by hospitals of their gross liability to the fund. The comptroller shall transfer from the fund to the General Fund not later than June 30, 2009, the amount of the transfer authorized by this subsection and any allocation thereof as certified by the director of the health safety net office.

(b) Notwithstanding any general or special law to the contrary, the comptroller shall, in consultation with the state treasurer, the secretary of administration and finance and the secretary of health and human services, develop a schedule for transferring funds among the General Fund, the Commonwealth Care Trust Fund established pursuant to [section 2000 of chapter 29](#) of the General Laws, and the Health Safety Net Trust Fund established pursuant to [section 36 of chapter 118G](#) of the General Laws. Not less than \$1,117,561,456 shall be transferred from the General Fund to the Commonwealth Care Trust Fund and not less than \$62,996,382 shall be transferred from the Commonwealth Care Trust Fund to the Health Safety Net Trust Fund. The hospital fiscal year 2009 payment amount to each hospital shall be funded by the Health Safety Net Trust Fund. Payments may be made either as safety net care payments under the Commonwealth's 1115 waiver, or as an adjustment to Title XIX service rate payments, or a combination thereof. The executive office of health and human services and the health safety net office may use other federally permissible funding mechanisms available for public service hospitals, as defined in 114.1 CMR 36.02, to reimburse up to \$70,000,000 of uncompensated care at the hospitals using sources distinct from the funding made available to the Health Safety Net Trust Fund. The executive office of health and human services shall make expenditures required for fiscal year 2009 under [section 122 of chapter 58 of the acts of 2006](#). The schedule shall provide for transfers in increments considered appropriate to meet the cash flow needs of these funds. The transfers shall not begin before July 1, 2008 and shall be completed on or before June 30, 2009. The secretary of administration and finance, in consultation with the secretary of health and human services and the executive director of the commonwealth health insurance connector, shall on a quarterly basis evaluate the revenue needs of the health safety net program funded by the Health Safety Net Trust Fund and the Commonwealth Care subsidized health insurance program funded from the Commonwealth Care Trust Fund, and if necessary, transfer monies between these funds for the purpose of ensuring that sufficient revenues are available to support projected program expenditures. The secretary of health and human services in consultation with the secretary of administration and finance and the executive director of the commonwealth health insurance connector shall submit a quarterly report to the house and senate committees on ways and means and joint committee on healthcare financing which shall include, but not be limited to, the projected and actual expenditures and revenues for the Commonwealth Care Trust Fund and any transfers made between the Health Safety Net Trust Fund and the Commonwealth Care Trust Fund.

(c) Notwithstanding any general or special law to the contrary, the comptroller shall, in consultation with the office of the state treasurer, the executive office of administration and finance and the executive office of health and human services, develop a schedule and make a series of transfers not to exceed \$346,000,000 from the General Fund to the MassHealth provider payment account in the Medical Assistance Trust Fund, established pursuant to [section 2QQQ of chapter 29](#) of the General Laws, if the comptroller has determined that General Fund revenues are sufficient to accommodate the schedule of transfers. These funds may be expended only for services provided during state or federal fiscal year 2009, and no amounts previously or subsequently transferred into the Medical Assistance Trust Fund may be expended on payments described in the 1115 demonstration waiver for services provided during state fiscal year 2009 or payments described in the state plan for services provided during federal fiscal year 2009. All payments from the Medical Assistance Trust Fund shall be subject to the availability of federal financial participation, shall be made only in accordance with federally-approved payment methods, shall be consistent with federal funding requirements and all federal payment limits as determined by the secretary of health and human services, and shall be subject to the terms and conditions of an agreement with the executive office of health and human services. Any increase in payment made from the trust fund totaling an amount greater than \$251,000,000 in fiscal year 2009 shall be made only after the secretary of health and human services certifies that any increase in payments from the trust fund shall not exceed the negotiated limit for section 1115 waiver spending. The

secretary of health and human services shall notify, in writing, the house and senate committees on ways and means and the house and the joint committee on healthcare financing for any increases in payments within 15 days. The secretary of the executive office of health and human services shall make a payment of up to \$148,000,000 from the Medical Assistance Trust Fund to the Cambridge public health commission's hospital network for dates of service in state and federal fiscal year 2009 only after the Cambridge public health commission transfers up to \$74,000,000 of its funds to the Medical Assistance Trust Fund, using a federally permissible source of funds which shall fully satisfy the non-federal share of such payment.

(d) Notwithstanding any general or special law to the contrary, the comptroller, in consultation with the secretary of health and human services, shall develop a schedule for transferring not less than \$25,000,000 from the General Fund to the Essential Community Provider Trust Fund, established in [section 2PPP of chapter 29](#) of the General Laws, for the purpose of making expenditures as described in this section in fiscal year 2009. The secretary shall authorize expenditures from the fund without further appropriation to improve and enhance the ability of hospitals and community health centers to serve populations in need, more efficiently and effectively, including, but not limited to, the ability to provide community-based care, clinical support, care coordination services, disease management services, primary care services and pharmacy management services. The office shall consider applications from acute hospitals, non-acute hospitals, and community health centers; provided, however, that the office shall publicize the existence of the program to eligible providers. The eligibility criteria for providers to receive funds shall include, but not be limited to, the following: (i) financial performance measures including negative operating margins, insufficient cash flow, technical bond default and the uncertain ability to cover long-term obligations, as well as potential for loss of critical community services; (ii) the percentage of patients with mental or substance abuse disorders served by a provider; (iii) the numbers of patients served by a provider who are chronically ill, elderly, or disabled, provided that in the case of a community health center, that preference be given to the provision of a program of all-inclusive care for the elderly; (iv) the payer mix of the provider, with preference given to acute hospitals where a minimum of 63 per cent of the acute hospital's gross patient service revenue is attributable to Title XVIII and Title XIX of the federal Social Security Act or other governmental payors, including reimbursements from the Health Safety Net Trust Fund; (v) the percentage of total annual operating revenue that received funding in fiscal years 2005 and 2006 from the Distressed Provider Expendable Trust Fund comprised for the provider; (vi) the percentage of total annual operating revenue that received funding in fiscal year 2008 from the Essential Community Provider Trust Fund, established in [section 2PPP of chapter 29](#) of the General Laws; (vii) the cultural and linguistic challenges presented by the populations served by the provider; (viii) a documented critical need for investment in information technology such as computerized physician order entry systems but without access to capital to finance such investments; and (ix) the provision by a community health center of 24 hour emergency services. The secretary may further authorize distributions on an emergency basis to acute hospitals, non-acute hospitals and community health centers facing extreme financial distress or closure upon petition from the provider. The emergency funds shall be distributed by the secretary within 14 days of petition by a provider that is determined to be facing extreme financial distress or closure at an amount determined by the secretary. The executive office of health and human services shall structure expenditures under this section to maximize allowable federal reimbursement under Title XIX. The secretary of health and human services shall file with the house and senate committees on ways and means on or before September 15, 2008, a distribution plan for the funds, and the extent to which expenditures qualify for federal financial participation. The maximum expenditure from this fund shall not exceed \$37,500,000. Any additional funds shall be deposited in the General Fund.

### ***Bay State Competitiveness Investment Fund***

SECTION 89. Notwithstanding any general or special law to the contrary, after complying with clause (a) of [section 5C of chapter 29](#) of the General Laws the comptroller shall dispose of the consolidated net surplus in the budgetary funds for fiscal year 2008 as follows: (1) if the consolidated net surplus is \$25,000,000 or less, the comptroller shall transfer said amount to the Massachusetts Life Sciences Investment Fund established by [section 6 of chapter 23I](#) of the General Laws; or (2) if the consolidated net surplus is \$34,000,000 or greater, the comptroller shall transfer said amount as follows: (a) \$25,000,000 shall be transferred to the Massachusetts Life Sciences Investment Fund established by [section 6 of chapter 23I](#) of the General Laws, (b) \$3,000,000 shall be transferred to the Workforce Competitiveness Trust Fund, established in [section](#)

[2WWW of chapter 29](#); (c) \$2,000,000 shall be transferred to the Massachusetts Science, Technology, Engineering, and Mathematics Grant Fund established in [section 2MMM of chapter 29](#); (d) \$4,000,000 shall be transferred to the Endowment Incentive Holding Fund established in section 7 of this act; provided, however, that \$2,000,000 from said Endowment Incentive Holding Fund shall be allocated to University of Massachusetts campuses; provided further, that \$1,000,000 from said Endowment Incentive Holding Fund shall be allocated to state college campuses; and provided further, that \$1,000,000 from said Endowment Incentive Holding Fund shall be allocated to community college campuses; and (e) any amount remaining after the transfers pursuant to clause (a) through (d), inclusive, shall be transferred to the Commonwealth Stabilization Fund established pursuant to [section 2H of chapter 29](#) of the General Laws. If the amount remaining after the designations in said clause (a) of said [section 5C of said chapter 29](#) of the General Laws is greater than \$25,000,000 but less than \$34,000,000, then after making the transfer required in clause (a), the comptroller shall proportionately reduce the transfers required in clauses (b), (c) and (d); and provided further, that allocations from the Endowment Incentive Holding Fund pursuant to clause (d) shall also be proportionately reduced.

(b) All transfers specified in this section shall be made from the undesignated fund balances in the budgetary funds proportionally from the undesignated fund balances, provided that no such transfer shall cause a deficit in any of the funds.

### ***Life Sciences STEM Grants***

~~SECTION 90. Notwithstanding any general or special law to the contrary, within 10 days of a transfer to the Massachusetts Life Sciences Investment Fund pursuant to section 89 the Massachusetts Life Sciences Investment Fund shall transfer \$3,400,000 to the Massachusetts Science, Technology, Engineering and Mathematics Grant Fund established pursuant to [section 2MMM of chapter 29](#) of the General Laws.~~

### ***Transfer to the Massachusetts Life Sciences Holding Fund***

~~SECTION 91. Notwithstanding any general or special law to the contrary, within 10 days of a transfer to the Massachusetts Life Sciences Investment Fund pursuant to section 89 the Massachusetts Life Sciences Investment Fund shall transfer \$9,100,000 to the Massachusetts Life Sciences Holding Fund established pursuant to section 92.~~

### ***Creation of Massachusetts Life Sciences Holding Fund***

~~SECTION 92. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Massachusetts Life Sciences Holding Fund. Expenditures from the Massachusetts Life Sciences Holding Fund shall be subject to appropriation.~~

### ***Medicare Part D and Prescription Advantage I***

SECTION 93. Notwithstanding any general or special law to the contrary and 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](#) of the General Laws, cost-sharing required of enrollees in the form of co-payments, premiums and deductibles, or any combination thereof, may be adjusted by the department of elder affairs to reflect price trends for outpatient prescription drugs, as determined by the secretary of elder affairs. The secretary shall not implement such cost sharing increases required of enrollees in the form of co-payments, premiums and deductibles or any combination thereof, unless the executive office has given 90 days notice to the general court. In addition to the eligibility requirements set forth in said [section 39 of said 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 prescription drug plan, a Medicare Advantage prescription drug plan or in a plan which provides creditable prescription drug coverage as defined in section 104 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003, hereinafter referred to as "MMA," and which provides coverage of the cost of prescription drugs actuarially equal to or better than that provided by Medicare Part D, hereinafter referred to as a "creditable coverage" plan. In addition to the eligibility requirements set forth in said [section 39 of said 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, provided under the MMA Subpart P - Premiums and cost-sharing subsidies for low-income individuals, shall apply for such 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 prescription drug plan or for the low-income subsidy provided under MMA and may receive information about the member's eligibility and enrollment status necessary for the operation of the prescription advantage program. For enrollees who qualify for enrollment in a Medicare Part D plan, 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 said [section 39 of said chapter 19A](#). The prescription advantage program will provide supplemental assistance for premiums, deductibles, payments and co-payments required by a Medicare prescription drug plan or Medicare Advantage prescription drug plan and will provide supplemental assistance for deductibles, payments and co-payments required by a creditable coverage 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' Medicare prescription drug plan, Medicare Advantage prescription drug plan or creditable coverage plan. In addition to the eligibility requirements set forth in said [section 39 of said chapter 19A](#), to be considered eligible for the prescription advantage program, an individual shall have a household income of less than 500 per cent of the poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services pursuant to 42 U.S.C. 9902 (2). Residents of the commonwealth who are not eligible for Medicare shall continue to be eligible for the prescription advantage program pursuant to said [section 39 of said chapter 19A](#).

#### ***Local Technical Assistance Fund***

SECTION 94. \*\* Item is being returned for amendment. Text of recommendations can be found in [Attachment E](#).

Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer \$2,000,000 from the General Fund to the District Local Technical Assistance Fund, established in [section 2XXX of chapter 29](#) of the General Laws.

#### ***Massachusetts Cultural Facilities Fund***

SECTION 95. Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer \$6,500,000 from the General Fund to the Massachusetts Cultural Facilities Fund, established in [section 42 of chapter 23G](#) of the General Laws.

#### ***Trial Court Transferability***

SECTION 96. Notwithstanding clause (xxiii) of the third paragraph of [section 9 of chapter 211B](#) of the General Laws, or any other general or special law to the contrary, the chief justice for administration and management may, from the effective date of this act through April 30, 2009, transfer funds from any item of appropriation within the trial court, except items [0339-1001](#), [0339-1003](#) and [0339-1004](#), to any other item of appropriation within the trial court, except items [0339-1001](#), [0339-1003](#) and [0339-1004](#). These transfers shall be made in accordance with schedules submitted to the house and senate committees on ways and means. The schedule shall include the following: (1) the amount of money transferred from 1 item of appropriation to another; (2) the reason for the necessity of the transfer; and (3) the date on which the transfer is to be completed. A transfer under this section shall not occur until 10 days after the revised funding schedules have been submitted in written form to the house and senate committees on ways and means.

#### ***Cigar Tobacco Reclassification-12***

SECTION 97. Notwithstanding any general or special law to the contrary, every vending machine operator or retailer, as defined in [section 1 of chapter 64C](#) of the General Laws, or any other licensee, as prescribed by the commissioner of revenue, who, at the commencement of business on the effective date of this section, has on hand any cigars or smoking tobacco for sale, shall make and file with the commissioner of revenue within 20 days thereafter a return, subscribed under the penalties of perjury, showing a complete inventory of such cigars and smoking tobacco, and shall, at the time he is required to file such return, pay the excise due on any cigars and smoking tobacco on which he has not previously remitted the excise to the commissioner of revenue. All provisions of [chapters 62C](#) and [64C](#) of the General Laws relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, shall, so far as pertinent, apply to the excise imposed by this section.

#### ***Inspector General's Health Safety Net Audit Unit***

SECTION 98. Notwithstanding any general or special law to the contrary, in hospital fiscal year 2009, the office of the inspector general may continue to expend funds appropriated pursuant to [section 1 of chapter 240 of the acts of 2004](#) from the Uncompensated Care Trust Fund, or any successor fund, for the costs associated with maintaining a pool audit unit within said office. The unit shall continue to oversee and examine the practices in all Massachusetts' hospitals including, but not limited to, the care of the uninsured and the resulting free care charges. The inspector general shall submit a report to the house and senate committees on ways and means on the results of the audits and any other completed analyses not later than March 1, 2009. For the purposes of said audits, allowable free care services shall be defined pursuant to [chapter 118G](#) of the General Laws and any regulations promulgated pursuant thereto.

#### ***Pension Cost of Living Adjustment***

SECTION 99. Notwithstanding any general or special law to the contrary, the amounts transferred pursuant to paragraph (1) of [section 22C of chapter 32](#) of the General Laws shall be made available for the Commonwealth's Pension Liability Fund established pursuant to [section 22 of said chapter 32](#). The amounts transferred pursuant to said paragraph (1) of said [section 22C of said chapter 32](#) shall meet the commonwealth's obligations pursuant to said [section 22C of said chapter 32](#), including retirement benefits payable by the state employees' and the state teachers' retirement systems, for the costs associated with a 3 per cent cost-of-living adjustment pursuant to [section 102 of said chapter 32](#), the reimbursement of local retirement systems for previously authorized cost-of-living adjustments pursuant to said [section 102 of said chapter 32](#), and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of 1984. The state board of retirement and each city, town, county and district shall verify these costs, subject to the rules adopted by the treasurer. The treasurer may make payments upon a transfer of funds to reimburse certain cities and towns for pensions to retired teachers, 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 also including the commonwealth's share of the amounts to be transferred pursuant to [section 22B of said chapter 32](#) and the amounts to be transferred pursuant to clause (a) of the last paragraph of [section 21 of chapter 138](#) of the General Laws. All payments for the purposes described in this section shall be made only pursuant to distribution of monies from the fund, and any distribution and the payments for which distributions are required shall be detailed in a written report filed quarterly by the commissioner of administration with the house and senate committees on ways and means and the joint committee on public service in advance of this distribution. Distributions shall not be made in advance of the date on which a payment is actually to be made. The state board of retirement may 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. To the extent that the amount transferred pursuant to paragraph (1) of [section 22C of said chapter 32](#) exceeds the amount necessary to adequately fund the annual pension obligations, the excess amount shall be credited to the Pension Reserves Investment Trust Fund of the commonwealth for the purpose of reducing the unfunded pension liability of the commonwealth.

### ***Chapter 70 Minimum Contribution Waiver***

SECTION 100. (a) Notwithstanding any general or special law to the contrary, upon the request of the board of selectmen in a town, the city council in a plan E city, or the mayor in any other city, the department of revenue may recalculate the minimum required local contribution, as defined in [section 2 of chapter 70](#) of the General Laws, in the fiscal year ending June 30, 2009. Based on the criteria established in this section, the department shall recalculate the minimum required local contribution for a municipality's local and regional schools and shall certify the amounts calculated to the department of education.

(b) A city or town that used qualifying revenue amounts in a fiscal year which will not be available for use in the next fiscal year, or that will be required to use revenues for extraordinary non school-related expenses for which it did not have to use revenues in the preceding fiscal year, or that has an excessive certified municipal revenue growth factor which is also greater than or equal to 1.5 times the state average municipal revenue growth factor, may appeal to the department of revenue on or before October 1, 2008 for an adjustment of its minimum required local contribution and net school spending.

(c) If a claim is determined to be valid, the department of revenue may reduce proportionately the minimum required local contribution amount based on the amount of shortfall in revenue or based on the amount of increase in extraordinary expenditures in the current fiscal year, but no adjustment to the minimum required local contribution on account of an extraordinary expense in the budget for the fiscal year ending on June 30, 2009 shall affect the calculation of the minimum required local contribution in subsequent fiscal years. Qualifying revenue amounts shall include, but not be limited to, extraordinary amounts of free cash, overlay surplus and other available funds.

(d) If, upon submission of adequate documentation, the department of revenue determines that the municipality's claim regarding an excessive municipal revenue growth factor is valid, the department shall recalculate the municipal revenue growth factor and the department of education shall use the revised growth

factor to calculate the preliminary local contribution, the minimum required local contribution and any other factor that directly or indirectly uses the municipal revenue growth factor. Any relief granted as a result of an excessive municipal revenue growth factor shall be a permanent reduction in the minimum required local contribution.

(e) The board of selectmen in a town, the city council in a plan E city, the mayor in any other city, or a majority of the member municipalities of a regional school district, which used qualifying revenue amounts in a fiscal year that will not be available for use in the next fiscal year, may appeal to the department of revenue not later than October 1, 2008 for an adjustment to its net school spending requirement. If the claim is determined to be valid, the department of revenue shall reduce the net school spending requirement based on the amount of the shortfall in revenue and reduce the minimum required local contribution of member municipalities accordingly. Qualifying revenue amounts shall include, but not be limited to, extraordinary amounts of excess and deficiency, surplus and uncommitted reserves.

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

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

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

(i) The amount of financial assistance due from the commonwealth in fiscal year 2009 pursuant to [chapter 70](#) of the General Laws or any other law shall not be changed on account of any redetermination of the minimum required local contribution pursuant to this section.

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

### ***Dental Caseload Cap***

SECTION 101. Notwithstanding any general or special 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 practice in accordance with standards or procedures to be established by the executive office.

### ***UMass/EHS Interagency Service Agreements***

SECTION 102. Notwithstanding any general or special law to the contrary, the executive office of health and human services under [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 as the principal agency for all of the agencies within the executive office, and other federally assisted programs administered by the executive office, may enter into

interdepartmental services agreements with the University of Massachusetts medical school to perform activities that the secretary, in consultation with the comptroller, determines are appropriate and within the scope of the proper administration of Title XIX and other federal funding provisions to support the programs and activities of the executive office. These activities shall include: (1) providing 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) providing consulting services related to quality assurance, program evaluation and development, integrity and soundness and project management; and (3) providing 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 the university provides under these interdepartmental service agreements or other contracts with the executive office of health and human services shall be distributed to the university, and recorded distinctly in the state accounting system. 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 certify these fees and pay them upon the receipt of this revenue, reimbursement or demonstration of costs avoided. Contracts for contingency fees shall not extend longer than 3 years, and shall not be renewed without prior review and approval from the executive office of administration and finance. The secretary shall not pay contingency fees in excess of \$40,000,000 for state fiscal year 2009. The secretary of health and human services shall submit to the secretary of administration and finance and the senate and house 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 the university collected.

### ***Ponkapoag Golf Course Long-Term Leasing Authority***

SECTION 103. (a) Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of [chapter 7](#) of the General Laws or any other general or special law to the contrary, the division of capital asset management and maintenance, on behalf of and in consultation with the department of conservation and recreation may, using such competitive proposal process as the division deems necessary or appropriate, lease and enter into other agreements, for terms not to exceed 25 years with 1 or more operators, for the Ponkapoag golf course in the town of Canton so as to provide for the continued use, operation, maintenance, repair and improvement of the golf courses, practice greens, driving range, restaurant or any other structure and associated lands which constitute the facilities of the Ponkapoag golf course, hereinafter referred to as the golf course; provided, however, that the division of capital asset management and maintenance, in consultation with the department of conservation and recreation shall prefer any proposal submitted by the town of Canton, or by a non-profit organization within the town of Canton, which complies with the requirements of this section; and provided further, that the division of capital asset management and maintenance shall provide the town of Canton no less than 180 days to determine whether said town shall submit a proposal prior to soliciting proposals pursuant to subsection (b); and provided further, that if said town of Canton executes a lease of the golf course pursuant to this section it shall not assign or otherwise transfer the lease to any third party.

There shall be an option for renewal or extension for operations and maintenance services not exceeding an additional 5 years. Such renewal or extension shall be at the discretion of the division of capital asset management and maintenance in accordance with the original contract terms and conditions or contract terms and conditions more favorable to the commonwealth. All leases shall contain a provision that requires the lessee to carry comprehensive general liability insurance with the commonwealth named as a co-insured, protecting the commonwealth against all personal injury or property damage within the golf course or on the land of the golf course during the term of the lease.

Such lease 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 any general or special law to the contrary, shall provide for the lessee to manage, operate, improve, repair and maintain the property. Any such lease or other

arrangement shall stipulate that any required capital improvements to the golf courses, practice greens, driving range, restaurant or any other structure or associated lands which constitute the facilities of the golf course shall be made by the lessee and shall include a description of the required capital improvements and without limitation performance specifications. Said lease and other agreement shall provide that any benefits to the commonwealth and the costs of improvements and repairs made to the properties by the lessee 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 executed pursuant to this section shall be payable to the department of conservation and recreation for deposit into the General Fund.

(b) If no lease agreement is reached with the town of Canton pursuant to subsection (a) and not before April 1, 2009, the division of capital asset management and maintenance, in consultation with and on behalf of the department of conservation and recreation, shall solicit proposals through a request for proposals which shall include key contractual terms and conditions to be incorporated into the contract, including but not limited to: (1) a comprehensive list of all recreational facilities operated by the responsive bidder or offeror in the last 4 years; (2) other facilities management or experience of the responsive bidder or offeror; (3) a residential, senior citizen and children discount program; (4) reservation policies; (5) proposed reasonable rates that will ensure continued public access; (6) required financial audits; (7) policies to encourage use of the golf course by persons of all races and nationalities; (8) safety and security plans; (9) seasonal opening and closing dates; (10) hours of operation; (11) holiday recognition; (12) grievance processes; (13) clubhouse license; (14) a provision that the facility shall be maintained as a 36 hole public golf course; (15) a provision that lessee shall not construct any facilities on the grounds of the golf course or any property appurtenant thereto; provided, however, that said lessee may construct facilities incidental to the operation of a golf course with the written approval of the commissioner of the department of conservation and recreation; (16) a provision that the town of Canton shall receive compensation from the lessee in an amount equal to or greater than the amount said town would receive in property taxes if the golf course were taxed as a commercial property as may be determined by the board of assessors of the town of Canton. Any increase in fees including fees for season passes, and any increase in charges for greens fees, golf cart or club rentals shall be approved in writing by the commissioner of the department of conservation and recreation; provided, however, that in considering any request for an increase in fees, the commissioner shall consider without limitation: (i) any capital investment made by the contractor or lessee; (ii) the fees and charges at other public golf courses within reasonable proximity; and (iii) the length of time since the last fee increase.

It shall be a mandatory term of any request for proposals issued by the division of capital asset management and maintenance and of any contract entered into by the commonwealth with any party that any party which has entered into a contract pursuant to this section with the commonwealth shall require, in order to maintain stable and productive labor relations and to avoid interruption of the operation of the golf course and to preserve the safety and environmental conditions of said golf course, that all employees currently working on the operation and maintenance of the golf course be offered employment by any party entering into a contract pursuant to this section. Upon the execution of any agreements authorized by this section, the department of conservation and recreation shall reassign or relocate those employees who do not accept employment with the lessee, to comparable positions within the department subject to applicable collective bargaining agreements.

(c) The provisions of any general or special law or rule or regulation relating to the advertising, bidding or award of contracts, to the procurement of services or to the construction and design of improvements shall not be applicable to any party leasing the golf course pursuant to this section.

(d) Notwithstanding any general or special law to the contrary, the inspector general shall review and approve any lease executed pursuant to this section and the review shall include an examination of the methodology utilized for establishing a lease price. Within 30 days of receiving the lease, the inspector general shall prepare a report of his review and file the report with the commissioner of the division of capital asset management and maintenance. Within 15 days of receiving the inspector general's report, the commissioner shall submit such report to the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets but no later than 15 days before the execution of any agreement or other document relating to the lease.

(e) Notwithstanding any general or special law to the contrary, the lessee shall be responsible for all costs and expenses, including but not limited to, costs associated with any engineering, surveys, appraisals, and document preparation related to the contracts and leases authorized pursuant to this section as such costs

may be determined by the commissioner of the division of capital asset management and maintenance. Upon conveyance of the parcel, the lessee shall be solely responsible for all costs, liabilities and expenses of any nature and kind for the development, maintenance, use and operation of the golf course.

(f) The division of capital asset management and maintenance and the department of conservation and recreation shall report on the results of any requests for proposals and any subsequent leases executed as a result of this section. The report shall include, but not be limited to: the time required to conduct the request for proposals process; the quality and characteristics of the bids received in response to the request; the criteria used to identify successful bidders; the dates of any executed leases; any service changes resulting from executed leases; any increase or decrease in the length of the season of operations for the golf course; the capital improvements that have been completed, are under construction or are planned by the lessee; and the revenue generated by any executed leases. The report shall be submitted to the clerks of the house and senate and to the house and senate committees on ways and means no later than February 1, 2009.

### ***Blue Hills Observatory and Science Center Long-Term Lease***

SECTION 104. Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of [chapter 7](#) of the General Laws or any other general or special law to the contrary, the division of capital asset management and maintenance, on behalf of and in consultation with the department of conservation and recreation, may using such competitive proposal process as the division deems necessary or appropriate, lease and enter into other agreements, for terms not to exceed 25 years, with 1 or more operators, for the Blue Hills observatory and science center in the town of Canton so as to provide for the continued use, operation, maintenance, repair and improvement of such state-owned recreational facility together with the land and appurtenances associated thereto.

There shall be an option for renewal or extension for operations and maintenance services not exceeding an additional 5 years. Such renewal or extension shall be at the discretion of the division of capital asset management and maintenance in accordance with the original contract terms and conditions or contract terms and conditions more favorable to the commonwealth. All leases shall contain a provision that requires the lessee to carry comprehensive general liability insurance with the commonwealth named as a co-insured, protecting the commonwealth against all personal injury or property damage within the observatory or on the land of the observatory during the term of the lease.

Such lease 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 any general or special law to the contrary, shall provide for the lessee to manage, operate, improve, repair and maintain the property. Any such lease or other arrangement requiring capital improvements to be made to any buildings or surface areas shall include a description of the required capital improvements and, at a minimum, performance specifications. Such lease and other agreement shall provide that any benefits to the commonwealth and the costs of improvements and repairs made to the properties provided by the lessee 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 General Fund.

(b) The division of capital asset management and maintenance, in consultation with and on behalf of the department of conservation and recreation, shall solicit proposals through a request for proposals which shall include key contractual terms and conditions to be incorporated into the contract, including but not limited to (1) a comprehensive list of all recreational facilities operated by the responsive bidder or offeror in the last 4 years, (2) other facilities management or experience of the responsive bidder or offeror, (3) a residential discount program, (4) reservation policies, (5) proposed reasonable rates that will ensure continued public access, (6) required financial audits, (7) policies to encourage use of the observatory by persons of all races and nationalities, (8) safety and security plans, (9) seasonal opening and closing dates, and (10) hours of operation.

The division, in consultation with the department, when evaluating proposals that are otherwise comparable,

shall prefer any proposal submitted by the town of Canton, or by a non-profit organization in the town of Canton; provided, however, that the proposal complies with the guidelines outlined above.

(c) It shall be a mandatory term of any request for proposals issued by the commissioner and of any contract entered into by the commonwealth with any party regarding the subject matter of this section that any party which has entered into a contract pursuant to this section with the commonwealth shall require, in order to maintain stable and productive labor relations and to avoid interruption of the operation of the observatory and to preserve the safety and environmental conditions of the observatory, that all employees currently working on the operation and maintenance of the observatory be offered employment by any party entering into a contract pursuant to this section. Upon the execution of any agreements authorized by this section, the department of conservation and recreation shall reassign or relocate those employees who do not accept employment with the lessor, to comparable positions within the department subject to applicable collective bargaining agreements.

(d) The provisions of any general or special law or rule or regulation relating to the advertising, bidding or award of contracts, to the procurement of services or to the construction and design of improvements shall not be applicable to any selected offeror which is awarded a contract pursuant to this section, except as provided in this section.

(e) Notwithstanding any general or special law to the contrary, the inspector general shall review and approve a lease executed pursuant to this section and the review shall include an examination of the methodology utilized for establishing a lease price. Within 30 days of receiving the lease, the inspector general shall prepare a report of his review and file the report with the commissioner of the division of capital asset management and maintenance. Within 15 days of receiving the inspector general's report, the commissioner shall submit such report to the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets not later than 15 days before the execution of any agreement or other document relating to the lease.

(f) Notwithstanding any general or special law to the contrary, lessor shall be responsible for all costs and expenses, including but not limited to, costs associated with any engineering, surveys, appraisals, and deed preparation related to the transfers and conveyances authorized pursuant to this section as such costs may be determined by the commissioner of the division of capital asset management and maintenance. Upon conveyance of the parcel, the lessor shall be solely responsible for all costs, liabilities and expenses of any nature and kind for the development, maintenance, use and operation of the parcel.

(g) The division and the department shall report on the results of any requests for proposals and subsequent lease executed as a result of this section. The report shall include, but not be limited to, the following: the time required to conduct the request for proposals process; the quality and characteristics of the bids received in response to the request; the criteria used to identify successful bidders; the dates of any executed leases; any service changes resulting from executed leases; any increase or decrease in the length of the season of operations for the observatory; the capital improvements that have been completed, are under construction or are planned for construction; and the monetary results of any executed leases. The report shall be submitted to the clerks of the house and senate and to the house and senate committees on ways and means no later than February 1, 2009.

### ***Blue Hills Ski Area Long-Term Leasing Authority***

SECTION 105. (a) Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of [chapter 7](#) of the General Laws or any other general or special law to the contrary, the division of capital asset management and maintenance, on behalf of and in consultation with the department of conservation and recreation may, using such competitive proposal process as the division deems necessary or appropriate, lease and enter into other agreements, for terms not to exceed 25 years, with 1 or more operators, for the Blue Hills ski area in the town of Canton so as to provide for the continued use, operation, maintenance, repair and improvement of such state-owned recreational facility together with the land and appurtenances associated thereto.

There shall be an option for renewal or extension for operations and maintenance services not exceeding an additional 5 years. Such renewal or extension shall be at the discretion of the division of capital asset management and maintenance in accordance with the original contract terms and conditions or contract terms and conditions more favorable to the commonwealth. All leases shall contain a provision that requires the lessee to carry comprehensive general liability insurance with the commonwealth named as a co-insured, protecting the commonwealth against all personal injury or property damage within the observatory or on the land of the observatory during the term of the lease.

Such lease 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 any general or special law to the contrary, shall provide for the lessee to manage, operate, improve, repair and maintain the property. Any such lease or other arrangement requiring capital improvements to be made to any buildings or surface areas shall include a description of the required capital improvements and, at a minimum, performance specifications. Such lease and other agreement shall provide that any benefits to the commonwealth and the costs of improvements and repairs made to the properties provided by the lessee 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 General Fund.

(b) The division of capital asset management and maintenance, in consultation with and on behalf of the department of conservation and recreation, shall solicit proposals through a request for proposals which shall include key contractual terms and conditions to be incorporated into the contract, including but not limited to: (1) a comprehensive list of all recreational facilities operated by the responsive bidder or offeror in the last 4 years; (2) other facilities management or experience of the responsive bidder or offeror; (3) a residential discount program; (4) reservation policies; (5) proposed reasonable rates that will ensure continued public access; (6) required financial audits; (7) policies to encourage use of the ski area by persons of all races and nationalities; (8) safety and security plans; (9) seasonal opening and closing dates; and (10) hours of operation.

The division, in consultation with the department, when evaluating proposals that are otherwise comparable, shall prefer any proposal submitted by the town of Canton, or by a non profit organization in the town of Canton; provided, however, that the proposal complies with the guidelines outlined above.

(c) It shall be a mandatory term of any request for proposals issued by the commissioner and of any contract entered into by the commonwealth with any party regarding the subject matter of this section that any party which has entered into a contract pursuant to this section with the commonwealth shall require, in order to maintain stable and productive labor relations and to avoid interruption of the operation of the ski area and to preserve the safety and environmental conditions of the ski area, that all employees currently working on the operation and maintenance of the ski area be offered employment by any party entering into a contract pursuant to this section. Upon the execution of any agreements authorized by this section, the department of conservation and recreation shall reassign or relocate those employees who do not accept employment with the lessor, to comparable positions within the department subject to applicable collective bargaining agreements.

(d) The provisions of any general or special law or rule or regulation relating to the advertising, bidding or award of contracts, to the procurement of services or to the construction and design of improvements shall not be applicable to any selected offeror which is awarded a contract pursuant to this section, except as provided in this section.

(e) Notwithstanding any general or special law to the contrary, the inspector general shall review and approve a lease executed pursuant to this section and the review shall include an examination of the methodology utilized for establishing a lease price. Within 30 days of receiving the lease, the inspector general shall prepare a report of his review and file the report with the commissioner of the division of capital asset management and maintenance. Within 15 days of receiving the inspector general's report, the commissioner shall submit such report to the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets but no later than 15 days before the execution of any agreement or other document relating to the lease.

(f) Notwithstanding any general or special law to the contrary, lessor shall be responsible for all costs and expenses, including but not limited to, costs associated with any engineering, surveys, appraisals, and deed preparation related to the transfers and conveyances authorized pursuant to this section as such costs may be determined by the commissioner of the division of capital asset management and maintenance. Upon conveyance of the parcel, the lessor shall be solely responsible for all costs, liabilities and expenses of any nature and kind for the development, maintenance, use and operation of the parcel.

(g) The division and the department shall report on the results of any requests for proposals and subsequent lease executed as a result of this section. The report shall include, but not be limited to, the following: the time required to conduct the request for proposals process; the quality and characteristics of the bids received in response to the request; the criteria used to identify successful bidders; the dates of any executed leases; any service changes resulting from executed leases; any increase or decrease in the length of the season of operations for the ski area; the capital improvements that have been completed, are under construction or are planned for construction; and the monetary results of any executed leases. The report shall be submitted to the clerks of the house and senate and to the house and senate committees on ways and means no later than February 1, 2009.

### ***Special Commission on Civic Engagement***

SECTION 106. (a) There shall be a special commission on civic engagement and learning consisting of 3 members of the senate, 1 of whom shall be the senate chair of the joint committee on education, 1 of whom shall be a member of the majority party and 1 of whom shall be a member of the minority party who shall be appointed by the minority leader; provided, however, that 1 member of the senate shall be designated as co-chair of the commission; 3 members of the house of representatives, 1 of whom shall be the house chair of the joint committee on education, 1 of whom shall be a member of the majority party and 1 of whom shall be a member of the minority party who shall be appointed by the minority leader; provided, however, that 1 member of the house shall be designated as co-chair of the commission; the director of the legislative education office, or his designee; the chancellor of higher education, or his designee; the commissioner of education, or his designee; the president of the Massachusetts Association of School Superintendents, or his designee; the president of the Massachusetts Association of School Committees, or his designee; the president of the Massachusetts Teachers Association, or his designee; the president of the Massachusetts Chapter of the American Federation of Teachers, or his designee; the president of the Massachusetts Council for the Social Studies, or his designee; the president of the Massachusetts League of Women Voters, or his designee; the president of the Massachusetts Bar Association, or his designee; the Massachusetts state coordinator of the Center for Civic Education; a representative of local government appointed by the Massachusetts Municipal Association; a representative of the judicial branch appointed by the chief administrative justice of the trial court; the president of the Massachusetts Secondary Schools Administrators Association, or his designee; and 6 persons to be appointed by the governor, 1 of whom shall be the dean of a school of education or chair of a department of education skilled in the preparation of teachers, 1 of whom shall have expertise in adult education, 1 of whom shall be a scholar in the field of civic education, 1 of whom shall have expertise in curriculum development with special emphasis on civic learning, 1 of whom shall have expertise in the field of civic engagement of youth and 1 of whom shall have expertise in service learning.

(b) The organizational session of the commission shall be convened by the co-chairs not later than 60 days after the effective date of this act whether or not all of the governor's designees have been appointed and qualified.

(c) The special commission shall make an investigation and study of the status of civic engagement and learning including, but not limited to: (1) an assessment of the status of civic education from kindergarten through undergraduate college education, with particular attention to compliance by agencies of public education and public higher education with [section 2 of chapter 71](#) of the General Laws and [section 2A of chapter 73](#) of the General Laws, including an assessment of the civic knowledge of graduates of public high schools; (2) an investigation of the opportunities available to students for service learning that develops an understanding of the relationship of those experiences with democratic government and a review of programs that teach civic engagement knowledge and skills that are essential to the development of active citizens; (3)

an investigation of the status of public and private programs that promote civic engagement and learning including, but not limited to, Student Government Day established in [section 12M of chapter 6](#) of the General Laws and how those programs could be enhanced or expanded through cooperation among themselves and with other entities such as schools and colleges, and through additional resources from public or private sources to be more effective and generally available to a larger number of students or the population at large; (4) an assessment of best practices in civic education in the United States that could serve as models for improving civic engagement and learning in the commonwealth; (5) an assessment of the implementation of the history and social studies curriculum frameworks by the department of education and school districts, including recommendations for the development and assessment of practical skills for civic engagement that are complementary to the knowledge-based aspects of the frameworks; (6) an assessment of the need for a permanent entity to promote civic engagement by a responsible citizenry and to encourage the building of partnerships to enhance the teaching and learning of the principles of representative democracy; and (7) any other matters that the special commission considers relevant to the fulfillment of its mission and purpose.

(d) The special commission may conduct public hearings to gather information and to raise civic awareness, including the sponsorship of statewide or regional conferences involving educators, students or the public at large. The department of education and the board of higher education shall provide staff and other resources as the commission and those agencies consider appropriate. The special commission shall make its final report and recommendations, if any, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the joint committee on education not later than January 1, 2009. The special commission may make such interim reports as it considers appropriate.

### ***Report on Bonding, Capital Expenditures and State Assets of DCAM***

SECTION 107. \*\* Item is being returned for amendment. Text of recommendations can be found in [Attachment F](#).

The secretary of administration and finance shall submit a report to the house and senate clerks who shall forward the same to the house and senate committees on ways and means, the joint committee on bonding, capital expenditures and state assets and the joint committee on transportation not later than January 31, 2009 on all expenditures of the division of capital asset management and maintenance in fiscal year 2008. This report shall include, but not be limited to: the total amount expended on salaries and benefits for the division of capital asset management and maintenance employees and outside contractors, the total amount spent on the administration of the division of capital asset management and maintenance, the total amount spent on the design and development of the division of capital asset management and maintenance projects, the total amount spent on the construction and maintenance of the division of capital asset management and maintenance projects, the total value of all surplus property held by the commonwealth, the annual cost of leasing private space for a state agency; the existence and availability of a state-owned space within each geographical jurisdiction that could accommodate the minimum square footage needs of the agency, and, by each agency, future savings that could be achieved by relocating an office from privately leased space to state-owned space, the cost of maintaining the capital asset management information system, any other cost not included in these categories and the total cost of debt service supporting the administrative and salary expenditures of the division of capital asset management and maintenance in fiscal year 2008.

### ***Advisory Commission on Auto Body Rates***

SECTION 108. There shall be a special commission to study auto body rates. The commission shall study existing practices in setting rates, and investigate the benefits and costs associated with developing a rate setting system, including but not limited to, establishing a tiered rating system for auto body shops, an average national hourly compensation rate, and use of a cost of labor multiplier for the commonwealth utilizing data provided by the Bureau of Statistics for the U.S. Department of Labor. The commission shall

also report on the number of auto body shops in the commonwealth from 2000 until present, including the number of shops that have closed during that time period.

The commission shall consist of the following 11 members: the director of consumer affairs and business regulation, or a designee, who shall chair the commission, 2 members of the senate, 1 of whom shall be the senate chair of the joint committee on financial services and 1 of whom shall be appointed by the senate minority leader, 2 members of the house of representatives, 1 of whom shall be the house chair of the joint committee on financial services and 1 of whom shall be appointed by the house minority leader, 3 members from the auto insurance industry to be appointed by the Automobile Insurers Bureau, 2 members from the auto repairer industry appointed by the state affiliate of the Alliance of Automotive Service Providers, and one member whom shall be a motor vehicle dealer as pursuant to [section 1 of chapter 93B](#) of the General Laws to be appointed by the Massachusetts State Auto Dealers Association. All members of the commission shall serve on a voluntary, unpaid basis.

The commission shall hold at least 2 public hearings and file a report of the results of its study including any legislative or regulatory recommendations with the clerks of the senate and house of representatives who shall forward the same to the joint committee on financial services and the senate and house committees on ways and means not later than December 31, 2008.

### ***Equity Effects of Regional School Allocation***

SECTION 109. Notwithstanding any general or special law to the contrary, the department of education shall report on the equity effects of the recently phased-in regional school allocation methodology on regional vocation technical schools; provided, further, that said report shall be filed with the house and senate committee on ways and means and the joint committee on education by no later than December 31, 2008.

### ***Commission Allowing State Colleges to Become State Universities***

SECTION 110. There shall be a special commission to consist of the following members: the secretary of education, who shall chair the commission; the chair of the board of higher education; the chairman of the State Colleges of Massachusetts Council of presidents; the president of the University of Massachusetts; a member of a board of trustees of a state college, selected by the chairs of such boards of trustees acting jointly; a member of the board of trustees at the University of Massachusetts who shall be appointed by the chair of the board; a person selected by the Massachusetts Teachers Association; and 3 persons selected by the governor who are experienced with the missions and degree-granting authority of public institutions of higher education in the United States. The commission shall make an investigation and study relative to the merit of allowing state colleges to become state universities. Such study shall include, but need not be limited to: the appropriate scope of such change; the educational value of such change for students; the need to allow state colleges to issue doctorate degrees; any increased costs to the commonwealth or to students likely to result from such change; the impact on the public higher education system, including the state colleges; and statutory compliance and degree approval processes for higher education institutions. The commission shall consider the function of state colleges in educating and training citizens of the commonwealth for roles in the economy of the commonwealth. The commission shall file a report on the results of its investigation and study, and any recommendations relative thereto, with the joint committee on higher education not later than November 15, 2008.

### ***Special Commission on Massachusetts' Contributory Retirement Systems***

SECTION 111. There is hereby established a special commission to study the Massachusetts contributory retirement systems. The commission shall consist of 15 members: 1 of whom shall be the secretary of administration and finance, or her designee; 1 of whom shall be the auditor of the commonwealth, or his designee; 1 of whom shall be the executive director of the public employee retirement administration commission, or his designee; 1 of whom shall be the executive director of the state retirement board, or his designee; 1 of whom shall be the executive director of the teachers' retirement board, or her designee; 3 of whom shall be members of the house of representatives, 2 of whom shall be appointed by the speaker of the house and 1 of whom shall be appointed by the house minority leader; 3 of whom shall be members of the senate, 2 of whom shall be appointed by the senate president and 1 of whom shall be appointed by the senate minority leader; and 4 members to be appointed by the governor, 1 of whom shall be a private citizen who shall serve as chair of the commission and shall not be a member of any of the 106 contributory retirement systems, 1 of whom shall have professional experience in employee benefits or in actuarial science, 1 of whom shall be a member of the Massachusetts Municipal Association; and 1 of whom shall be a member of the Retired State, County and Municipal Employees Association of Massachusetts. The commission shall convene its first official meeting no later than September 1, 2008.

The commission shall make a comprehensive study of the Massachusetts contributory retirement systems. The study shall include but shall not be limited to: contribution rates paid by employers and employees; vesting periods; the weight given to age versus years of service in the current system; the portability of benefits in the current system; cost-of-living-adjustments with special attention paid to the cost of increasing the cost-of-living-adjustments base and the cost of any recommendations the commission may make.

The public employee retirement administration commission shall conduct an actuarial analysis to determine the costs of any recommendations made by the commission. The commission shall file a report of its study together with the actuarial analysis and any recommendations for legislation, if any, with the clerks of the house and senate, the chairs of the house and senate committee on ways and means and the chairs of the joint committee on public service no later than July 1, 2009.

### ***Special Commission on Municipal Budgets***

SECTION 112. There shall be established a special commission to investigate and study the manner in which municipalities and towns of the commonwealth balance their fiscal year budgets, including the accounting methods utilized by said cities and towns. The commission shall be appointed by the governor and shall consist of 10 members as follows: the house and senate chairmen of the joint committee on municipalities who shall serve as co-chairs of this special commission, the house and senate chairmen of the committees on ways and means, or their designees, the speaker of the house of representatives or his designee, the president of the senate or her designee, the state auditor, or his designee, the commissioner of the department of revenue or his designee, a representative of the executive office of administration and finance, and a representative of the Massachusetts Municipal Association. The commission shall report to the general court the results of its study, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerks of the house of representatives and senate on or before December 31, 2008.

### ***Department of Mental Retardation Name Change II***

SECTION 113. The department of developmental services shall serve the same population as the department of mental retardation and shall not exclude any class of individuals that is currently receiving services from the department of mental retardation. This name change is solely for administrative purposes and shall not determine the scope of individuals served by the department.

***Regional Transit Authority Cherry Sheet Assessment -4***

SECTION 114. Notwithstanding any general or special law to the contrary, any additional costs that are incurred by a regional transit authority as a result of the implementation of sections 62, 63 and 64 shall not be the obligation of the commonwealth and shall not be paid for by any funds of the commonwealth.

***Sections 9 and 113 Effective Date***

SECTION 115. Sections 9 and 113 of this act shall take effect on June 30, 2009.

***Sections 13 and 74 Effective Date (Deeds Fees)***

SECTION 116. Sections 13 and 74 of this act shall take effect as of March 5, 2003.

***Sections 16 and 18 Effective Date***

SECTION 117. Sections 16 and 18 of this act shall take effect on January 1, 2010.

***Sections 20, 27 to 31, Inclusive, 37, 38 and 97 Effective Date***

SECTION 118. Sections 20, 27 to 31, inclusive, 37, 38 and 97 of this act shall take effect on October 1, 2008.

***Section 26 Effective Date***

SECTION 119. Sections 26 of this act shall take effect on January 1, 2009.

***Sections 40, 42 and 43 Effective Date***

SECTION 120. Sections 40, 42 and 43 of this act shall apply to sales of tobacco products occurring on or after September 1, 2008, by manufacturers, wholesalers, unclassified acquirers and other persons specified in section 43.

***Effective Date***

SECTION 121. Except as otherwise specified, this act shall take effect on July 1, 2008.