

HOUSE No. 4020

The Commonwealth of Massachusetts



EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133
(617) 725-4000

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

May 10, 2007.

To the Honorable Senate and House of Representatives:

I am filing for your consideration a bill recommending Fiscal Year 2007 supplemental appropriations totaling \$88.9 million. This legislation is necessary to address \$70.3 million in immediate deficiencies in addition to the \$23.5 million in Fiscal Year 2007 appropriations be made available for expenditure in Fiscal Year 2008 for collective bargaining costs, the Summer Jobs program and the Public Safety initiatives.

The supplemental items to fund existing obligations include:

- \$17 million for county corrections costs related to rising inmate populations and fixed costs along with decreases in deeds revenue;
- \$15.6 million for unanticipated costs due to the re-procurement of the system of care at Department of Social Services (DDS);
- \$8 million for snow and ice removal from the past winter season.

In addition, \$15 million has been added for public safety initiatives, which includes \$11 million for “Shannon Grants” in an effort to combat gang violence through coordinated prevention and intervention programs. These grants will be distributed by the Executive Office of Public Safety on a competitive basis. Separately, \$4 million has been recommended for municipal police officer grants for targeted police hiring, training and other related costs.

Lastly, \$3.6 million has been added to support the dairy farmers of Massachusetts including an outside section to study the problem further.

Pursuant to Section 7 of Chapter 150E of the General Laws, I submit for your consideration appropriation recommendations to fund the Fiscal Year 2007 and 2008 incremental costs contained in two collective bargaining agreements between the Berkshire Sheriff and the Berkshire County Sheriff's Office Employees' Association and the Berkshire County Sheriff's Office Communications Center. This legislation places a total of \$472, 438 in 2 reserves from which funds may be transferred to departments' operating accounts to meet the Fiscal Year 2007 and 2008 costs of the salary adjustments and other economic benefits which are required by the agreements. Copies of the agreements, and estimates of the costs thereof for Fiscal Years 2007 and 2008 are being submitted separately to the Committees on Ways and Means.

Sufficient revenues are estimated to be available to finance these appropriations. I urge your prompt and favorable consideration of this bill.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deval L. Patrick", with a large, stylized flourish at the beginning.

DEVAL L. PATRICK,

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2007 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purposes, which are forthwith to make supplemental
3 appropriations for fiscal year 2007 and to make certain changes in
4 law, each of which is immediately necessary to carry out those
5 appropriations or to accomplish other important public purposes,
6 therefore it is hereby declared to be an emergency law, necessary
7 for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. To provide for supplementing certain items in the
2 general appropriation act and other appropriation acts for fiscal
3 year 2007, the sums set forth in section 2 are hereby appropriated
4 from the General Fund unless specifically designated otherwise in
5 this act or in those appropriation acts, for the several purposes and
6 subject to the conditions specified in this act or in those appropri-
7 ation acts, and subject to the laws regulating the disbursement of
8 public funds for the fiscal year ending June 30, 2007. These sums
9 shall be in addition to any amounts previously appropriated and
10 made available for the purposes of those items.

1 SECTION 2.

JUDICIARY.

Committee for Public Counsel Service.

0321-1520 4,133,657

	<i>Trial Court.</i>	
0330-0102	.....	500,307
0330-3200	.....	3,600,000
	SHERIFFS.	
	<i>Franklin Sheriff's Department.</i>	
8910-0108	.....	546,303
	<i>Essex Sheriff's Department.</i>	
8910-0619	.....	752,012
	OFFICE OF THE STATE COMPTROLLER.	
	<i>Office of the State Comptroller.</i>	
1599-3384	.....	3,620,000
	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.	
	<i>Bureau of State Office Buildings.</i>	
1102-3302	.....	1,314,303
	EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS.	
	<i>Department of Conservation and Recreation.</i>	
2820-9005	.....	581,000
	EXECUTIVE OFFICE OF TRANSPORTATION AND PUBLIC WORKS.	
	<i>Highway Department.</i>	
6030-7201	.....	8,000,000
	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.	
	<i>Department of Public Health.</i>	
4590-0915	.....	1,799,000
	<i>Department of Social Services.</i>	
4800-0038	.....	7,007,359
4800-0041	.....	8,547,306
	<i>Department of Mental Retardation.</i>	
5930-1000	.....	1,593,525
	<i>Department of Veterans' Services.</i>	
1410-0400	.....	1,054,000
	EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY.	
	<i>County Corrections.</i>	
8910-0000	.....	17,000,000
	<i>Department of State Police.</i>	
8100-0000	.....	211,000
	<i>Department of Fire Services.</i>	
8324-0000	.....	267,000
	<i>Department of Correction.</i>	
8900-0001	.....	6,223,877

1 SECTION 2A. To provide for certain unanticipated obligations
 2 of the commonwealth, to provide for an alteration of purpose for
 3 current appropriations, and to meet certain requirements of law,
 4 the sums set forth in this section are hereby appropriated from the
 5 General Fund unless specifically designated otherwise in this
 6 section, for the several purposes and subject to the conditions
 7 specified in this section, and subject to the laws regulating the dis-
 8 bursement of public funds for the fiscal year ending June 30,
 9 2007. These sums shall be in addition to any amounts previously
 10 appropriated and made available for the purposes of those items.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of the Secretary.

1599-1001	For a reserve to provide grants to dairy farmers based upon a distribution formula developed by the department of agricultural resources; provided, that the department of agricultural resources shall file the distribution plan with the executive office for administration and finance and the house and senate committees on ways and means by July 31, 2007	3,600,000
1599-1005	For a reserve to support Our Father's House in Fitchburg	100,000
1599-4229	For a reserve to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Berkshire sheriff and the Berkshire County Sheriff's Office Employees' Association, and to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2007 and 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means	454,350
1599-4230	For a reserve to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Berkshire sheriff and the Berkshire County Sheriff's Office Communications Center, and to meet the fiscal year 2007 and 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and bene-	

fits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2007 and 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 18,088

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY.

Office of the Secretary.

8000-0054 For municipal police officer grants administered by the secretary of public safety and security to be expended for, but not limited to, targeted police hiring, training and related costs 4,000,000

8100-0111 For a grant program to be known as the “Senator Charles E. Shannon, Jr. Community Safety Initiative”, to be administered by the executive office of public safety and security, to support regional, multi-disciplinary approaches to combat gang violence through coordinated programs for prevention and intervention, coordinated law enforcement, including regional gang task forces and regional crime mapping strategies, focused prosecutions, and reintegration strategies for ex-convicts; provided, that the secretary of public safety and security shall distribute grant funds through a competitive grant program that gives preference to applications that: (1) demonstrate high levels of youth violence, gang problems and substance abuse in a region; (2) demonstrate a commitment to regional, multi-jurisdictional strategies to deal with those community safety issues including, written commitments for municipalities, law enforcement agencies, community-based organizations and government agencies to work together; (3) clearly outline a comprehensive plan for municipalities to work with law enforcement, community-based organizations and government agencies to address gang activity; (4) make a written commitment to match grant funds with a 25 per cent match provided either by municipal or private contributions; and (5) identify a local governmental unit to serve as fiscal agent; provided further, that clusters of municipalities, in partnership with nonprofit organizations and other agencies, including district attorney’s offices, shall be eligible to apply for these funds; provided further, that those funds shall be considered one-time and grants awarded to public agencies shall not annualize into fiscal year 2008 and beyond; provided further, that administrative costs for successful grant applications shall not exceed 3 per cent of the value of the grant; provided fur-

ther, that no grants shall be awarded to the department of state police; provided further, that no grant funds shall be expended on food or beverages; provided further, that the executive office of public safety and security shall publish guidelines and an application for the competitive portion of the grant program not later than August 15, 2007 and that awards shall be made to applicants not later than December 15, 2007; and provided further, that the executive office of public safety and security may expend not more than \$100,000 of the sum appropriated in this item for its costs in administering this program 11,000,000

1 SECTION 2B. To provide for supplementing certain intragov-
 2 ernmental chargeback authorizations in the general appropriation
 3 act and other appropriation acts for fiscal year 2007, to provide
 4 for certain unanticipated intragovernmental chargeback authoriza-
 5 tions, to provide for an alteration of purpose for current intragov-
 6 ernmental chargeback authorizations, and to meet certain
 7 requirements of law, the sums set forth in this section are hereby
 8 authorized from the Intragovernmental Service Fund for the sev-
 9 eral purposes specified in this section or in the appropriation acts,
 10 and subject to the provisions of law regulating the disbursement of
 11 public funds for the fiscal year ending June 30, 2007. These sums
 12 shall be in addition to any amounts previously authorized and
 13 made available for the purposes of those items.

OFFICE OF THE STATE COMPTROLLER.

Office of the State Comptroller.

1599-2040 3,000,000

1 SECTION 2C.I. For the purpose of making available in fiscal
 2 year 2008 balances of appropriations which otherwise would
 3 revert on June 30, 2007, the unexpended balances of the mainte-
 4 nance appropriations listed below, not to exceed the amount speci-
 5 fied below for each item, are hereby re-appropriated for the
 6 purposes of and subject to the conditions stated for the corre-
 7 sponding item in section 2 of the general appropriation act for
 8 fiscal year 2007. However, for items which do not appear in
 9 section 2 of the general appropriation act, the amounts in this
 10 section are re-appropriated for the purposes of and subject to the
 11 conditions stated for the corresponding item in section 2 or 2A of
 12 this act or in prior appropriation acts. Amounts in this section are
 13 re-appropriated from the fund or funds designated for the corre-

14 sponding item in section 2 of the general appropriation act; but for
 15 items which do not appear in section 2 of the general appropria-
 16 tion act, the amounts in this section are re-appropriated from the
 17 fund or funds designated for the corresponding item in section 2
 18 or 2A of this act or in prior appropriation acts. The sums re-
 19 appropriated in this section shall be in addition to any amounts
 20 available for these purposes.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Executive Office for Administration and Finance.

1599-1001	.....	3,600,000
1599-4229	.....	454,350
1599-4230	.....	18,088

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT.

Department of Workforce Development.

7002-0012	4,400,000
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EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY.

Office of the Secretary.

8000-0054	For municipal police officer grants administered by the secretary of public safety and security to be expended for, but not limited to, targeted police hiring, training and related costs	4,000,000
8100-0111	For a grant program to be known as the “Senator Charles E. Shannon, Jr. Community Safety Initiative”, to be administered by the executive office of public safety and security, to support regional, multi-disciplinary approaches to combat gang violence through coordinated programs for prevention and intervention, coordinated law enforcement, including regional gang task forces and regional crime mapping strategies, focused prosecutions, and reintegration strategies for ex-convicts; provided, that the secretary of public safety and security shall distribute grant funds through a competitive grant program that gives preference to applications that: (1) demonstrate high levels of youth violence, gang problems and substance abuse in a region; (2) demonstrate a commitment to regional, multi-jurisdictional strategies to deal with those community safety issues including, written commitments for municipalities, law enforcement agencies, community-based organizations and government agencies to work together; (3) clearly outline a comprehensive plan for municipalities to work with law enforcement, community-based organizations and government agencies to address gang activity; (4) make a written commitment to match grant funds with a 25 per cent match provided either by municipal or private contributions; and (5) identify a local governmental unit to serve as fiscal agent; provided further, that clusters of municipalities, in partnership with nonprofit organizations and other agencies, including district attorney’s	

offices, shall be eligible to apply for these funds; provided further, that those funds shall be considered one-time and grants awarded to public agencies shall not annualize into fiscal year 2008 and beyond; provided further, that administrative costs for successful grant applications shall not exceed 3 per cent of the value of the grant; provided further, that no grants shall be awarded to the department of state police; provided further, that no grant funds shall be expended on food or beverages; provided further, that the executive office of public safety and security shall publish guidelines and an application for the competitive portion of the grant program not later than August 15, 2007 and that awards shall be made to applicants not later than December 15, 2007; and provided further, that the executive office of public safety and security may expend not more than \$100,000 of the sum appropriated in this item for its costs in administering this program 11,000,000

1 SECTION 3. Section 61 of chapter 10 of the General Laws, as
 2 appearing in the 2004 Official Edition, is hereby amended by
 3 striking out, in lines 4 and 5, the words “from that portion of the
 4 fee owed to” and inserting in place thereof the following word:—
 5 by.

1 SECTION 4. Section 61 of chapter 10, as so appearing, is
 2 hereby further amended by striking out, in line 14, the figure
 3 “2009” and inserting in place thereof the following figure:—
 4 2012.

1 SECTION 5. The sixth paragraph of section 1 of chapter 58A
 2 of the General Laws, as so appearing, is hereby amended by
 3 inserting after the first sentence the following sentence:— A tem-
 4 porary member who was previously a member may also vote on
 5 the decision of any case that he heard as a member.

1 SECTION 6. Section 1A of chapter 58A, as so appearing, is
 2 hereby amended by striking out the first paragraph and inserting
 3 in place thereof the following paragraph:—
 4 The majority of the members of the board shall constitute a
 5 quorum for the transaction of its business. For purposes of this
 6 section, except as provided in section 1 for former members, tem-
 7 porary members shall not be counted for purposes of a quorum,
 8 and shall not vote on board matters other than upon specific cases
 9 to which they are assigned by the chairman. A single member of
 10 the board may decide the following types of cases:

11 (i) cases on appeal from a board of assessors where the
12 assessed value of the property involved does not exceed
13 \$1,000,000;

14 (ii) cases on appeal from a board of assessors when the appel-
15 lant and appellee give written consent to a decision by a single
16 member;

17 (iii) cases heard under the informal procedure as provided in
18 section 7A or the small claims procedure as provided in
19 section 7B.

1 SECTION 7. Section 7B of chapter 58A, as so appearing, is
2 hereby amended by striking out the figure “\$5,000”, in lines 7, 8,
3 9, 11, 12 and 18, and inserting in place thereof, in each instance,
4 the following figure:— \$25,000.

1 SECTION 8. Section 13 of chapter 58A, as so appearing, is
2 hereby amended by inserting after the figure “7B”, in line 15, the
3 following words:— , or decided by a single member as provided
4 in section 1A.

1 SECTION 9. Section 142M of chapter 111 of the General
2 Laws, as so appearing, is hereby amended by inserting after the
3 word “exhaust”, in line 17, the following words:— , or a device
4 which analyzes a motor vehicle’s computer system relating to
5 emissions.

1 SECTION 10. Section 142M of chapter 111, as so appearing,
2 is hereby further amended by striking out, in lines 19 and 20, the
3 words “including, but not” and inserting in place thereof the
4 following words:— which may include, but not be.

1 SECTION 11. Section 142M of chapter 111, as so appearing, is
2 hereby further amended by striking out, in line 134, the word
3 “shall” and inserting in place thereof the following word:— may.

1 SECTION 12. Section 142M of chapter 111, as so appearing,
2 is hereby further amended by striking out, in line 174, the words
3 “a private entity” and inserting in place thereof the following
4 words:— 1 or more private entities.

1 SECTION 13. Section 142M of chapter 111, as so appearing, is
2 hereby further amended by striking out, in line 229, the words
3 “and (iv)” and inserting in place thereof the following words:—
4 (iv) any motor vehicle that United States Environmental Protec-
5 tion Agency or California Air Resources Board new vehicle certi-
6 fication requirements do not require to be equipped with an
7 onboard diagnostic system, as determined by the commissioner;
8 and (v).

1 SECTION 14. Chapter 118E of the General Laws is hereby
2 amended by striking out section 23, as amended by section 28 of
3 chapter 58 of the acts of 2006, and inserting in place thereof the
4 following section:—

5 Section 23. (a) As used in this section, health care insurer,
6 health insurer and health insurance shall include, but not be lim-
7 ited to, any health insurance company, health maintenance organi-
8 zation, group or nongroup health plan, self-insured plan, service
9 benefit plan, managed care organization, pharmacy benefit man-
10 ager, or other public or private third party that is, by statute, con-
11 tract, agreement, or arrangement legally responsible for payment
12 of a claim for health care benefits.

13 (b) Notwithstanding any general or special law, rule or regula-
14 tion to the contrary, the division shall be subrogated to the rights
15 of any recipient of medical assistance under this chapter and may
16 take any and all actions available to that recipient to secure bene-
17 fits under any policy issued by any health care insurer that is or
18 may be liable to pay for health care benefits obtained by a recip-
19 ient of medical assistance to the extent of any health care benefits
20 provided by the division on behalf of the recipient or the recipi-
21 ent’s dependents. A health care insurer shall reimburse the divi-
22 sion for any health care benefits provided by the division on
23 behalf of a recipient of medical assistance, and shall not reduce
24 the amount of the total reimbursement by any division payment,
25 but any part of the total that is a reimbursement for a division pay-
26 ment shall not exceed the amount actually paid by the division.

27 (c) No health care insurer shall require written authorization
28 from the recipient before honoring the division’s rights under this
29 section. A health insurer must respond to any inquiry by the divi-
30 sion about a claim for payment for any health care benefits and
31 may not deny any claim for payment for any health care benefits

32 solely on the basis of the date of submission of the claim, the type
33 of format for the claim form, or a failure to present proper docu-
34 mentation at the point of sale that is the basis of the claim, if the
35 claim is submitted by the division within a 3-year period begin-
36 ning on the date on which the service was furnished, and if any
37 action by the division to enforce its rights with respect to a claim
38 is filed within 6 years after the submission of the claim to the
39 health insurer.

40 (d) A recipient of medical assistance or any person legally
41 obligated to support and have actual or legal custody of a recipient
42 of medical assistance shall inform the division of any health insur-
43 ance available to that recipient upon initial application and rede-
44 termination for eligibility for assistance and shall make known the
45 nature and extent of any health insurance coverage to any person
46 or institution that provides medical benefits to the recipient or his
47 or her dependent.

48 (e) A health care insurer shall not take into account that an indi-
49 vidual is eligible for or is receiving benefits from the division
50 when enrolling an individual or issuing a policy or agreement cov-
51 ering the individual, or administering or renewing a policy or
52 agreement, or when making any payment for health care benefits
53 to the individual or on behalf of the individual; nor shall any
54 policy or agreement issued, administered, or renewed by a health
55 care insurer contain any provision denying or reducing health care
56 benefits to an individual who is eligible for or is receiving bene-
57 fits from the division.

58 (f) A provider of medical assistance under this chapter shall
59 determine whether any recipient for whom it provides medical
60 care or services which are or may be eligible for reimbursement
61 under this chapter is a subscriber or beneficiary of a health insur-
62 ance plan. The division is the payor of last resort, and accordingly
63 a provider shall request payment for medical care or services it
64 provides from a health insurer which is or may be liable for the
65 medical care or services so provided, before payment is requested
66 from the division.

67 (g) Payment by the division under the medical assistance pro-
68 grams established by this chapter shall constitute payment in full;
69 after receiving this payment a provider may not recover from any
70 health insurer an amount greater than the amount paid by the divi-
71 sion for any service for which the division is to be the payor of
72 last resort.

73 (h) Notwithstanding any general or special law or rule or regu-
74 lation to the contrary, all holders of health insurance information,
75 including, but not limited to, health insurers doing business in the
76 commonwealth, all private and public entities who employ indi-
77 viduals in the commonwealth, and all agencies of the common-
78 wealth, shall provide sufficient information to the division, or in
79 the case of those agencies, shall make other arrangements mutu-
80 ally satisfactory to both agencies, to enable the division: (a) to
81 identify whether any of the following persons are or could be ben-
82 efiiciaries under any policy of insurance in the commonwealth:
83 (1) persons applying for or receiving medical assistance or bene-
84 fits under this chapter or health services through an agency under
85 the executive office of health and human services, (2) persons for
86 whom hospitals and community health centers claim reimburse-
87 ment payments from the Health Safety Net Fund, established by
88 section 35 of chapter 118G; and (b) to determine the nature of the
89 coverage that is or was provided, including cost, scope, terms,
90 periods of coverage, and any identifying name, address or number
91 of the policy of insurance. .All public and private entities who
92 employ individuals in the commonwealth shall provide, when
93 requested by any employee applying for or receiving benefits pro-
94 vided by the division, written information to the employee
95 describing the availability of health insurance, if any, provided by
96 or through the employer. The failure of an employer to provide an
97 employee with the information shall not be grounds for denial of
98 benefits by the division.

99 (i) The division may, after notice and opportunity for hearing,
100 garnish the wages, salary, or other employment income of, and
101 shall, with the assistance of the department of revenue under
102 section 3 of chapter 62D, withhold amounts from state tax refunds
103 to, any person who: (a) is required by court or administrative
104 order to provide coverage of the costs of health services to a child
105 who is eligible for medical assistance under this chapter; (b) has
106 received payment from a third party for the costs of those services
107 to the child; but, (c) has not used the payments to reimburse either
108 the other parent or guardian of the child or the provider of the
109 services, to the extent necessary to reimburse the division for
110 expenditures for those costs.

1 SECTION 15. Subsection (b) of section 31 of chapter 118G of
2 the General Laws, inserted by section 1 of chapter 268 of the acts

3 of 2006, is hereby amended by striking out the third, fourth and
4 fifth sentences and inserting in place thereof the following 4 sen-
5 tences:— In addition, personal care attendants shall be treated as
6 state employees solely for the purposes of sections 17A and 17G
7 of chapter 180. Personal care attendants shall not be considered
8 public employees or state employees for any purpose other than
9 those set forth in this paragraph. The PCA quality home care
10 workforce council is the employer, as defined by and solely for
11 the purposes of, chapter 150E and sections 17A, 17G and 17J of
12 chapter 180 and deductions under sections 17A, 17G and 17J may
13 be made by any entity authorized by the commonwealth to com-
14 pensate personal care attendants through the MassHealth personal
15 care attendant program. Personal care attendants shall not be eli-
16 gible for benefits through the group insurance commission, the
17 state board of retirement or the state employee workers' compen-
18 sation program.

1 SECTION 16. Subsection (d) of section 32 of chapter 118G, as
2 so inserted, is hereby amended by striking out the words “The
3 council” and inserting in place thereof the following words:—
4 Subject to appropriation, the chairperson of the council with the
5 council’s approval.

1 SECTION 17. The definition of “Employer” in section 1 of
2 chapter 150E of the General Laws, as appearing in the 2004 Offi-
3 cial Edition, is hereby amended by adding the following sen-
4 tence:— In the case of personal care attendants as defined in
5 section 28 of chapter 118G, the employer shall mean the personal
6 care attendant quality home care workforce council or its
7 designee.

1 SECTION 18. Section 7 of chapter 150E, as so appearing, is
2 hereby amended by inserting after the word “sheriff”, in line 8 and
3 line 23, the following words:—, the personal care attendant
4 quality home care workforce council.

1 SECTION 19. Section 2A of chapter 58 of the acts of 2006 is
2 hereby amended by striking out item 4000-0301 and inserting in
3 place thereof the following item:—

4000-0301	For the costs of MassHealth provider and member audit and utilization review activities including, but not limited to, eligibility verification, disability evaluations, provider financial and clinical audits and other initiatives intended to enhance program integrity; provided, that \$150,000 shall be expended for MassHealth auditing within the office of the state auditor.....	1,350,000
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1 SECTION 20. Item 0321-1520 of section 2 of chapter 139 of
 2 the acts of 2006 is hereby amended by striking out the words
 3 “provided, that not more than \$500,000 of the sum appropriated in
 4 this item may be expended for services rendered before fiscal year
 5 2007” and inserting in place thereof the following words:— pro-
 6 vided, that not more than \$1,068,670 of the sum appropriated in
 7 this item may be expended for services rendered before fiscal year
 8 2007.

1 SECTION 21. Item 0810-0021 of section 2 of chapter 139 of
 2 the acts of 2006 is hereby amended by striking out the figure
 3 “\$2,656,033” and inserting in place thereof the following
 4 figure:— \$2,806,033.

1 SECTION 22. Item 4000-0320 of section 2 of chapter 139 of
 2 the acts of 2006 is hereby amended by inserting, after the words
 3 “rendered in the current fiscal year”, the following words:— ; pro-
 4 vided further, that for the purpose of accommodating discrepan-
 5 cies between the receipt of retained revenues and related
 6 expenditures, the department may incur expenses and the comp-
 7 troller may certify for payment amounts not to exceed the lower
 8 of this authorization or the most recent revenue estimate as
 9 reported in the state accounting system.

1 SECTION 23. Notwithstanding any general or special law to
 2 the contrary, the chief justice for administration and management
 3 may transfer among any items of appropriation within the trial
 4 court. The chief justice shall provide written notification to the
 5 house and senate committees on ways and means of any such
 6 transfers of funds within 30 days of the transfer.

1 SECTION 24. Notwithstanding any general or special law to
 2 the contrary, the executive office of health and human services

3 may release the names and home addresses of personal care atten-
4 dants to the American Arbitration Association for the purposes of
5 section 31 of chapter 118G and chapter 150E of the General Laws.

1 SECTION 25. There shall be a dairy farm revitalization task
2 force to study short and long-term solutions to preserve and
3 strengthen the dairy industry in Massachusetts. The task force
4 shall consist of 11 members including 2 members who shall be
5 appointed by the secretary of energy and environmental affairs;
6 2 members who shall be appointed by the commissioner of agri-
7 cultural resources; 1 member who shall be appointed by the com-
8 missioner of energy resources; 1 member who shall be appointed
9 by the commissioner of public health; 1 member who shall be
10 appointed by the speaker of the house of representatives;
11 1 member who shall be appointed by the president of the senate;
12 1 farming representative who shall be appointed by the governor;
13 1 member from the milk processing community who shall be
14 appointed by the governor; and 1 member from the Massachusetts
15 Food Association. The task force shall be chaired jointly by the
16 secretary of energy and environmental affairs and the commis-
17 sioner of agricultural resources, or their designees. The task force
18 shall investigate options to promote innovation and revitalization
19 of the Massachusetts dairy farming community. In carrying out
20 this mission, the task force shall investigate, but not be limited to,
21 increased fixed costs borne by the dairy farming community
22 including fuel prices, healthcare and insurance; promoting locally
23 produced milk; and promoting alternative and renewable energy
24 uses for farmers. The task force shall submit a report containing
25 its recommendations by filing the report with the clerks of the
26 senate and house of representatives, and the senate and house
27 committees on ways and means not later than 90 days after the
28 effective date of this act.

1 SECTION 26. Notwithstanding any general or special law to
2 the contrary, the secretary of health and human services may
3 authorize transfers from items 4000-0430, 4000-0600, 4000-0620,
4 4000-0700, 4000-0860, 4000-0870, 4000-0875, 4000-0880, 4000-
5 0890, 4000-0891, 4000-0895, 4000-0990, 4000-1400, and 4000-
6 1405 of section 2 of chapter 139 of the acts of 2006 to item

7 4000-0500 of section 2 of chapter 139 for the purposes of
8 reducing any deficiency in item 4000-0500, but the sum of these
9 transfers shall not exceed \$230,000,000, and any such transfer
10 shall take place not later than June 30, 2007.