

HOUSE No. 5022

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 29, 2008.

The committee on Ways and Means, to whom was referred the message from His Excellency the Governor submitting requests for making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4971), reports, in part, recommending that the accompanying bill (House, No. 5022) ought to pass. [Cost: \$116,132,084.00].

For the committee,

ROBERT A. DeLEO.

The Commonwealth of Massachusetts

In the Year Two Thousand and Eight.

AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2008 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 2008 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 2008, 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, 2008. These sums
9 shall be in addition to any amounts previously appropriated and
10 made available for the purposes of those items. Notwithstanding
11 any general or special law to the contrary, appropriations made in
12 section 2 shall not revert and shall be available for expenditure
13 until June 30, 2009.

1 SECTION 2.

JUDICIARY.
Trial Court.

0330-3337 4,000,000

DISTRICT ATTORNEYS.*Suffolk District Attorney.*

0340-0101 41,802

Northern District Attorney.

0340-0201 74,813

Eastern District Attorney.

0340-0301 27,584

Worcester District Attorney.

0340-0401 11,000

Hampden District Attorney.

0340-0501 64,973

Northwestern District Attorney.

0340-0601 37,829

Norfolk District Attorney.

0340-0701 107,524

Plymouth District Attorney.

0340-0801 82,151

Bristol District Attorney.

0340-0901 23,899

Berkshire District Attorney.

0340-1101 107,955

**EXECUTIVE OFFICE FOR
ADMINISTRATION AND FINANCE.***Bureau of State Office Buildings.*

1102-3302 176,000

Office of the Secretary of Administration and Finance.

1599-0050 983,939

Department of Revenue.

1232-0100 4,277,710

Human Resources Division.

1750-0300 116,780

EXECUTIVE OFFICE OF EDUCATION.*Department of Elementary and Secondary Education.*

7061-9010 4,700,178

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 2008. Notwithstanding any general or special law to the contrary,
 10 appropriations made in this section shall not revert and shall be
 11 available for expenditure until June 30, 2009. These sums shall
 12 be in addition to any amounts previously appropriated and made
 13 available for the purposes of those items.

**EXECUTIVE OFFICE FOR
 ADMINISTRATION AND FINANCE.**

Office of the Secretary of Administration and Finance.

- 1599-4276

For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Middlesex sheriff's department and the Teamsters, Local 122, and to meet the fiscal year 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 these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; 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 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

12,577
- 1599-4280

For a reserve to meet the fiscal year 2007, 2008 and 2009 costs of salary adjustments and other economic benefits authorized by the December 21, 2006 temporary pay law agreement between the commonwealth and the National Association of Government Employees, and to meet the fiscal year 2007, 2008 and 2009 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 these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal years 2008 and 2009 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

1599-6379	For a reserve to fund the payment of the fiscal year 2009 incremental costs of contractual obligations of expiring collective bargaining contracts required by section 7 of chapter 150E of the General Laws; provided, that once an agreement has been reached between the employer and the exclusive representative, executed by the parties and ratified by the membership, the governor shall file a bill requesting that the legislature appropriate funding for the contract, a portion of which may be drawn from this reserve.....	1,000,000
	For a reserve to fund the payment of the fiscal year 2009 incremental costs of contractual obligations of expiring collective bargaining contracts required by section 7 of chapter 150E of the General Laws; provided, that once an agreement has been reached between the employer and the exclusive representative, executed by the parties and ratified by the membership, the governor shall file a bill requesting that the legislature appropriate funding for the contract, a portion of which may be drawn from this reserve.....	20,000,000

**EXECUTIVE OFFICE OF
HOUSING AND ECONOMIC DEVELOPMENT.**
Department of Housing and Community Development.

7004-1000	For a state supplement to the federal Low Income Home Energy Assistance Program 42 U.S.C. Section 8621 et seq., for the purpose of assisting low-income elders, working families and other households with the purchase of heating oil, propane, natural gas, electricity and other primary or secondary heating sources; provided, that expenditure of these supplemental funds shall be made in accordance with the state plan to be submitted by the department of housing and community development for operation of the FY 08 program, in accordance with federal law; provided further, that the department shall establish the maximum assistance for which a household is eligible commensurate with the increased funding provided in this item; provided further, that up to \$10,000,000 may be released prior to receipt of any federal funds, to allow for timely start-up of the program, including both administrative costs and payment of benefits	10,000,000
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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 2008, 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, 2008. Notwith-
 12 standing any general or special law to the contrary, appropriations
 13 made in this section shall not revert and shall be available for
 14 expenditure until June 30, 2009. These sums shall be in addition
 15 to any amounts previously authorized and made available for the
 16 purposes of those items.

**EXECUTIVE OFFICE OF
 PUBLIC SAFETY AND SECURITY.**
Department of State Police.

8100-0002 376,461

1 SECTION 2C. For the purpose of making available in fiscal
 2 year 2009 balances of appropriations which otherwise would
 3 revert on June 30, 2008, the unexpended balances of the mainte-
 4 nance appropriations listed below, not to exceed the amount speci-
 5 fied below for each item, and the unexpended balance of all
 6 appropriations in the Massachusetts management accounting and
 7 reporting system with a secretariat code of 01 or 17, are hereby re-
 8 appropriated for the purposes of and subject to the conditions
 9 stated for the corresponding item in section 2 of chapter 61 of the
 10 acts of 2007; provided, however, that for items which do not
 11 appear in section 2 of the general appropriation act, the amounts
 12 in this section are re-appropriated for the purposes of and subject
 13 to the conditions stated for the corresponding item in section 2 or
 14 2A of this act or in prior appropriation acts. Amounts in this
 15 section are re-appropriated from the fund or funds designated for
 16 the corresponding item in said section 2 of said chapter 61 of the
 17 acts of 2007; but for items which do not appear in said section 2
 18 said chapter 61 of the acts of 2007, the amounts in this section are
 19 re-appropriated from the fund or funds designated for the corre-
 20 sponding item in said section 2 or said section 2A of this act or in
 21 prior appropriation acts. The sums re-appropriated in this section
 22 shall be in addition to any amounts available for these purposes.

JUDICIARY.

Committee for Public Counsel Services.

0321-1520 1,100,000

DISTRICT ATTORNEYS.

Norfolk District Attorney.

0340-0700 93,500

TREASURER AND RECEIVER-GENERAL.

Office of the Treasurer and Receiver-General.

0610-0000 150,000

0610-0050 221,731

Massachusetts Cultural Council.

0640-0300 127,653

OFFICE OF THE STATE COMPTROLLER.

Office of the Comptroller.

1000-0001 70,000

**EXECUTIVE OFFICE FOR
ADMINISTRATION AND FINANCE.**

Office of the Secretary of Administration and Finance.

1100-1100 200,000

1100-1560 950,000

1100-2010 172,052

1599-0045 1,500,000

1599-2005 2,155,994

1599-3859 1,300,000

1599-4279 606,504

Information Technology Division.

1790-0100 270,000

**EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS.**

Department of Conservation and Recreation.

2800-0700 100,000

2820-0100 272,000

**EXECUTIVE OFFICE OF
HEALTH AND HUMAN SERVICES.**

Office of the Secretary of Health and Human Services.

4000-0050 200,000

Department of Public Health.

4590-0914 327,400

**EXECUTIVE OFFICE OF
TRANSPORTATION AND PUBLIC WORKS.**

Office of the Secretary of Transportation and Public Works.

6000-0300 400,000

**EXECUTIVE OFFICE OF
HOUSING AND ECONOMIC DEVELOPMENT.**

Office of the Secretary of Housing and Economic Development.

7002-0013 944,640

Business and Technology.

7007-0500 145,000

7007-0900 626,500

Department of Housing and Community Development.

7004-0001 100,000

Department of Telecommunications and Cable.

7006-0071 50,000

**EXECUTIVE OFFICE OF
LABOR AND WORKFORCE DEVELOPMENT.**

Department of Workforce Development.

7003-0701 21,000,000

EXECUTIVE OFFICE OF EDUCATION.

Department of Elementary and Secondary Education.

7010-0016 250,000

7061-9412 128,265

**EXECUTIVE OFFICE OF
PUBLIC SAFETY AND SECURITY.**

Office of the Secretary of Public Safety and Security.

8000-0000 70,000

8000-0036 3,977,740

Department of Fire Services.

8324-0000 430,000

Military Division.

8700-1150 2,633,917

SHERIFFS.

Hampden Sheriff's Department.

8910-0102 150,000

1 SECTION 3. Subsection (a) of section 16G of chapter 6A of
2 the General Laws, as amended by section 6 of chapter 19 of the
3 acts of 2007, is hereby further amended by striking out the first
4 sentence and inserting in place thereof the following sentence:- In
5 the executive office of housing and economic development, there
6 shall be a department of business development, a department of
7 consumer affairs and business regulation, and a department of
8 housing and community development.

1 SECTION 4. Section 6 of chapter 22 of the General Laws, as
2 appearing in the 2006 Official Edition, is hereby amended by
3 striking out, in lines 6 through 7, inclusive, the following words
4 "over forty-five years of age when first appointed, and shall not
5 be".

1 SECTION 5. Section 5C of said chapter 29 of the General
2 Laws, as so appearing, is hereby amended by striking out clause
3 (c) and inserting in place thereof the following clause:—
4 (c) all transfers specified in this section shall be made from the
5 undesignated fund balances in the budgetary funds proportionally
6 from those undesignated fund balances, but no such transfer shall
7 cause a deficit in any of those funds. Prior to certifying the con-
8 solidated net surplus in accordance with this section, the comp-
9 troller shall, to the extent possible, eliminate deficits in any fund
10 contributing to the surplus by transferring positive fund balances
11 from any other fund contributing to the surplus.

1 SECTION 6. Said chapter 29 is hereby further amended by
2 striking out section 5D, as so appearing, and inserting in place
3 thereof the following section:—

4 Section 5D. At the close of each fiscal year, the comptroller
5 shall determine, based on such procedures as are established by
6 the commissioner, the amount expended during the fiscal year
7 from each state fund or accounts comprising such funds, other
8 than the General Fund, for indirect costs and for the compensation
9 of state personnel. On the basis of said determination, the comp-
10 troller shall charge each fund or accounts therein an amount for
11 indirect costs and for fringe benefit costs attributable to compen-
12 sation paid from said other funds, based on an indirect costs rate
13 and on a fringe benefit rate to be set annually by the commissioner
14 of administration. The amount so charged shall be credited to the
15 General Fund. Upon approval by the commissioner of administra-
16 tion, and subject to regulations established by him, the amount of
17 indirect costs, either in whole or in part, charged to an account
18 may be waived. The costs of fringe benefits must, in all cases, be
19 recovered in cash.

20 The comptroller shall make charges to recover the common-
21 wealth's indirect costs and the cost of fringe benefits provided to
22 or on behalf of any person paid compensation by any state agency,
23 state authority, or public institution of higher education, or by any
24 entity otherwise directly or indirectly receiving state funds, from
25 any source other than a direct expenditure of an appropriation
26 charged to a state fund subject to the preceding paragraph. The
27 comptroller may establish such systems of periodic charges or
28 billings as he considers necessary and appropriate to ensure the
29 recovery of these costs. Any bill rendered for the purpose of
30 recovery of these costs shall be payable to the comptroller within
31 30 days after receipt of the bill, and all amounts so paid shall be
32 credited to the General Fund.

1 SECTION 7. Section 4 of chapter 32 of the General Laws, as
2 appearing in the 2006 Official Edition, is hereby amended by
3 striking out, in lines 88, 208, 218, 227, 250, 261, 269, 278, 294
4 and 516, the word "regular" and inserting in place thereof, in each
5 instance, the following word:— buyback

1 SECTION 8. Said section 4 of said chapter 32 of the General
2 Laws, as so appearing, is hereby further amended by inserting
3 after the word "system", in line 379, the following words:— plus
4 buyback interest thereon

1 SECTION 9. Section 105 of said chapter 32 of the General
2 Laws, as so appearing, is hereby amended by striking out, in lines
3 5 and 6, the words “actuarial assumed interest thereon” and
4 inserting in place thereof the following words:— buyback interest

1 SECTION 10. The second paragraph of section 4 of
2 chapter 32A of the General Laws, as so appearing, is hereby
3 amended by striking out the second sentence.

1 SECTION 11. Section 7 of chapter 44 of the General Laws, as
2 appearing in the 2006 Official Edition, is hereby amended by
3 adding the following subsection:—

4 (32) For feasibility studies related to any school project for
5 which a city, town or district is authorized to borrow, five years.

1 SECTION 12. Section 2A of chapter 64C of the General Laws,
2 as so appearing, is hereby amended by inserting after the word
3 “safety”, in line 13, the following words:— and security, or his
4 designee

1 SECTION 13. Section 6 of chapter 64C of the General Laws, as
2 amended by section 2 of chapter 168 of the acts of 2008, is hereby
3 further amended by striking out the last paragraph and inserting in
4 place thereof the following paragraph:—

5 Notwithstanding section 28, a portion of cigarette excise rev-
6 enues paid under this section shall be credited to the Common-
7 wealth Care Trust Fund, established under section 2000 of
8 chapter 29. The amount credited to the Fund in fiscal year 2009
9 shall be the sum of: (1) all revenues received in fiscal year 2009
10 attributable to the inventory tax under chapter 168 of the acts of
11 2008; and (2) the monthly excess, if any, on cigarette excise pay-
12 ments received in August 2008 through June 2009 over the ciga-
13 rette excise payments received in the same months in the previous
14 fiscal year, less the amount that the commissioner may reasonably
15 determine equals increased revenues in 2009 due to cigarette
16 stamp encryption and due to taxation of little cigars as cigarettes.
17 The amount credited to the Fund in fiscal year 2010 shall be the
18 monthly excess in cigarette excise payments received in fiscal
19 year 2010 over cigarette excise payments received in the same

20 months in fiscal year 2008, less the amounts that the commis-
21 sioner may reasonably determine are increased revenues in 2009
22 due to cigarette stamp encryption and due to taxation of little
23 cigars as cigarettes. The amount credited to the fund in fiscal year
24 2011 and thereafter shall be the monthly cigarette revenue
25 received in each such year multiplied by the percentage of ciga-
26 rette excise collections in 2010 that were credited to the Fund.

1 SECTION 14. Subparagraph (1) of paragraph (a) of subdivision
2 (1) of section 24 of chapter 90 of the General Laws, as so
3 appearing, is hereby amended by striking out the second para-
4 graph and inserting in place thereof the following paragraph:—

5 There shall be an assessment of \$250 against a person who, by
6 a court of the commonwealth, is convicted of, is placed on proba-
7 tion for, or is granted a continuance without a finding for or other-
8 wise pleads guilty to or admits to a finding of sufficient facts of
9 operating a motor vehicle while under the influence of intoxi-
10 cating liquor, marijuana, narcotic drugs, depressants or stimulant
11 substances under this section, but \$150 of the \$250 collected
12 under this assessment shall be deposited monthly by the court
13 with the state treasurer, who shall deposit it in the Head Injury
14 Treatment Services Trust Fund, and the remaining amount of the
15 assessment shall be credited to the General Fund. The assessment
16 shall not be subject to reduction or waiver by the court for any
17 reason.

1 SECTION 15. Paragraph (a) of subdivision (2) of said
2 section 24 of said chapter 90, as so appearing, is hereby amended
3 by striking out the second paragraph and inserting in place thereof
4 the following paragraph:—

5 There shall be an assessment of \$250 against a person who, by
6 a court of the commonwealth, is convicted of, is placed on proba-
7 tion for or is granted a continuance without a finding for or other-
8 wise pleads guilty to or admits to a finding of sufficient facts of
9 operating a motor vehicle negligently so that the lives or safety of
10 the public might be endangered under this section, but \$150 of the
11 \$250 collected under this assessment shall be deposited monthly
12 by the court with the state treasurer, who shall deposit it in the
13 Head Injury Treatment Services Trust Fund, and the remaining

14 amount of the assessment shall be credited to the General Fund.
15 The assessment shall not be subject to reduction or waiver by the
16 court for any reason.

1 SECTION 16. Section 66 of chapter 109 of the General Laws,
2 as inserted by section 51 of the chapter 182 of the acts of 2008, is
3 hereby amended by striking out, in the first sentence, the figure
4 “66” and inserting in place thereof the following figure:— 65

1 SECTION 17. Chapter 118G of the General Laws is hereby
2 amended by inserting after section 39 the following section:—

3 Section 40. (a). Each health insurer, including health insurance
4 companies, health maintenance organizations, hospital service
5 corporations, and medical service corporations, as defined in
6 section 1, which conducts business in Massachusetts shall pay an
7 assessment for fiscal year 2009 for deposit into the General Fund
8 for expenses associated with health care costs. Said assessment
9 shall be based on the net worth surplus available to health insur-
10 ance carriers in accordance with criteria developed by the division
11 of insurance, in consultation with the division of health care
12 finance and policy. The division of health care finance and policy
13 shall specify by regulation the method of calculating the assess-
14 ment, procedures for payment of the assessment, and requirements
15 for submission of data by health insurers.

16 (b) The assessment established by the division of health care
17 finance and policy for fiscal year 2009 shall not exceed the max-
18 imum rate of assessment that the laws of the United States or any
19 rules, regulations, or standards issued under those laws, relating to
20 health care assessments will allow without reduction in federal
21 financial participation. The assessment shall be implemented as a
22 broad-based health care related fee as defined in 42 U.S.C. section
23 1396b(w)(3)(B). The amount of the assessment shall be sufficient
24 in the aggregate to generate \$33,000,000 in fiscal year 2009.

25 (c) The division shall establish by regulation an appropriate
26 mechanism for enforcing the assessment liability under this
27 section in the event that a health insurer does not make a sched-
28 uled payment, but the division may, for the purpose of administra-
29 tive simplicity, establish threshold liability amounts below which
30 enforcement may be modified or waived. This enforcement mech-

31 anism may include assessment of interest on the unpaid liability at
32 a rate not to exceed an annual percentage rate of 18 per cent and
33 late fees or penalties at a rate not to exceed 5 per cent per month.

1 SECTION 18. Subsection (b) of section 188 of chapter 149 of
2 the General Laws, as appearing in the 2006 Official Edition, is
3 hereby amended by striking out the last sentence and inserting in
4 place thereof the following sentence:— This contribution shall be
5 pro-rated by a fraction which shall not exceed 1, the numerator of
6 which is the number of hours worked in the quarter by all of the
7 employer’s employees and the denominator of which is the
8 product of the number of employees employed by an employer
9 during that quarter multiplied by 500 hours.

1 SECTION 19. Subsection (d) of said section 188 of said
2 chapter 149 of the General Laws, as so appearing, is hereby
3 amended by striking out the first sentence and inserting in place
4 thereof the following 2 sentences:— The director of the division
5 of unemployment assistance shall determine quarterly each
6 employer’s liability for a fair share contribution. The director
7 shall assess each employer liable for a fair share contribution in a
8 quarter an amount based on 25 per cent of the annual fair share
9 contribution rate applicable to that quarterly period and shall
10 implement penalties for employers who fail to make contributions
11 as required by this section.

1 SECTION 20. Section 70 of chapter 156C of the General Laws,
2 as inserted by section 61 of the chapter 182 of the acts of 2008, is
3 hereby amended by striking out, in subsection (b), the word
4 “demonstrates” and inserting in place thereof the following
5 words:— fails to demonstrate

1 SECTION 21. Section 72 of said chapter 156C of the General
2 Laws, as so inserted, is hereby amended by striking out, in subsec-
3 tion (b), the word “demonstrates” and inserting in place thereof
4 the following words:— fails to demonstrate

1 SECTION 22. Section 44 of chapter 85 of the acts of 1994, as
2 amended by section 76 of chapter 182 of the acts of 2008, is

3 hereby further amended by inserting after the word “reservation”,
 4 in line 45, the following words:- , Wilbur Farmhouse and Barn at
 5 Borderland state park, police station, dormitory, laundry and
 6 waiting room structures at Nantasket Beach reservation, Care-
 7 taker’s Cottage and the Barn at Brookwood Farm in the Blue Hills
 8 reservation, 1 Woodland Road in the Middlesex Fells reservation,
 9 Print Shop at the Brook Farm Historic Site in West Roxbury, Car-
 10 riage House at Havey Beach in West Roxbury, CCC Camp in
 11 Upton state forest and the Teahouse and Boathouse in Maudsley
 12 state park

1 SECTION 23. Section 4 of chapter 135 of the acts of 2006 is
 2 hereby amended by striking out, in line 3, the words “May 1,
 3 2008” and inserting in place thereof the following words:—
 4 December 1, 2009

1 SECTION 24. Section 2 of chapter 61 of the acts of 2007 is
 2 hereby amended by inserting after item 0330-0317 the following
 3 item:—

0330-0338	For the costs in fiscal year 2008 of salary increases, benefit adjustments and other employee economic benefits autho- rized for employees of the supreme judicial court, the appeals court and the trial court that are covered by the collective bargaining agreements between the trial court of the commonwealth and the Office and Professional Employees International Union Local 6 (AFL-CIO), pro- fessional and clerical units and personnel of the trial court employed in confidential positions who would otherwise be covered by said agreements in effect for fiscal year 2008 and to meet the costs of providing equal salary adjustments and other economic benefits to employees who are not otherwise classified in any such collective bargaining unit of the trial court, the mental health legal advisors committee, the board of bar examiners and the commission on judicial conduct, prior appropriation continued	8,187,426
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1 SECTION 25. Item 4000-1420 of section 2 of chapter 61 of
 2 the acts of 2007, as amended by section 5 of chapter 135 of the
 3 acts of 2008, is hereby further amended by striking out the figure
 4 “\$222,916,047” and inserting in place thereof the following
 5 figure:— \$223,218,902

1 SECTION 26. Section 55 of said chapter 61 of the acts of 2007,
2 as amended by section 4 of chapter 120 of the acts of 2008, is
3 hereby further amended by striking out the figure “\$976,954,249”
4 and inserting in place thereof the following figure:—
5 \$1,045,863,158

1 SECTION 27. Section 55 of said chapter 61 of the acts of 2007,
2 as amended by section 5 of chapter 120 of the acts of 2008, is
3 hereby further amended by striking out the figure “\$49,600,000”
4 and inserting in place thereof the following figure:—
5 \$113,600,000

1 SECTION 28. The second sentence of said section 55 of said
2 chapter 61 of the acts of 2007, as so amended, is hereby further
3 amended by inserting after the words “Health Safety Net Trust
4 Fund;” the following words:— provided, that \$64,000,000 shall
5 be paid for a certain public-service hospital operated by the
6 Boston Medical Center Corporation; and

1 SECTION 29. Section 2 of chapter 120 of the acts of 2008 is
2 hereby amended by striking out item 0330-0337.

1 SECTION 30. Section 2A of chapter 130 of the acts of 2008 is
2 hereby amended by striking out the number “1599-7107” and
3 inserting in place thereof the following number:— 1599-7108

1 SECTION 31. Chapter 168 of the acts of 2008 is hereby
2 amended by striking out section 5 and inserting in place thereof
3 the following 2 sections:—
4 Section 5. Notwithstanding section 4, a retailer or vending
5 machine operator who did not collect the additional tax specified
6 in section 1 or a substantially equivalent additional dollar amount,
7 however designated, from its customers when making retail sales
8 of cigarettes on July 1, 2008 may determine and pay the amount
9 due under section 4 on the basis of its inventory of cigarettes on
10 hand for sale as of the commencement of business on July 2,
11 2008. Any retailer or vending machine operator determining its
12 tax due under this section shall retain sales register tapes or other
13 contemporaneous business records to document its retail sales

14 price for cigarettes both on and immediately before July 1, 2008,
15 and shall produce such tapes or other business records upon
16 request of the commissioner.

17 Section 6. This act shall take effect as of July 1, 2008.

1 SECTION 32. Section 90 of chapter 169 of the acts of 2008 is
2 hereby amended by striking out the words “January 1, 2009, but
3 not later than December 31, 2009”, and inserting in place thereof
4 the following words:— August 1, 2008, but not later than
5 December 31, 2009

1 SECTION 33. Item 1750-0102 of section 2 of the chapter 182
2 of the acts of 2008 is hereby amended by striking out the figure
3 “1,627,500” and inserting in place thereof the following figure:—
4 2,833,750

1 SECTION 34. Item 4000-0300 of said section 2 of said
2 chapter 182 of the acts of 2008 is hereby amended by inserting
3 after the words “application submitted through the virtual
4 gateway;” the following words:— provided further that not less
5 than \$500,000 will be made available for supplemental payments
6 to one or more of the three largest Medicaid participating licensed
7 non-profit chronic and rehabilitation hospitals with less than 500
8 beds, with Medicaid participation measured and ranked by the
9 number of Medicaid days in the most recently completed fiscal
10 year, but excluding for purposes of this clause any of such hospi-
11 tals that are authorized to receive supplemental payments pursuant
12 to line items 4000-0500 and 4000-0600; provided further, that the
13 executive office shall not reduce the outpatient rates for any spe-
14 cialty hospital which limits its admissions to patients under active
15 diagnosis and treatment of the eyes, ears, nose, and throat, below
16 that which was granted during hospital fiscal year 2005; provided
17 further, that notwithstanding section 1 of chapter 118G of the
18 General Laws or any general or special law to the contrary, for
19 fiscal year 2009 the definition of a ‘pediatric specialty unit’ shall
20 mean an acute care hospital with a burn center verified by the
21 American Burn Center and the American College of Surgeons and
22 a level 1 trauma center for pediatrics verified by the American
23 College of Surgeons or a pediatric unit of an acute care hospital in

24 which the ratio of licensed pediatric beds to total licensed hospital
25 beds as of July 1, 1994, exceeded 0.20; provided further, that in
26 calculating that ratio, licensed pediatric beds shall include the
27 total of all pediatric service beds, and the total of all licensed hos-
28 pital beds shall include the total of all licensed acute care hospital
29 beds, consistent with Medicare's acute care hospital reimburse-
30 ment methodology as put forth in the Provider Reimbursement
31 Manual Part 1, Section 2405.3G; provided further, that in calcu-
32 lating rates of payment for children enrolled in MassHealth
33 receiving inpatient services at acute care pediatric hospitals and
34 pediatric subspecialty units as defined in section 1 of chapter
35 118G of the General Laws, the executive office shall make a sup-
36 plemental payment, if necessary, sufficient to assure that inpatient
37 SPAD and outlier payments for discharges with a case mix acuity
38 greater than 3.5 shall be at least equal to 85 per cent of the
39 expenses incurred in providing services to those children; and pro-
40 vided further, that the executive office shall not reduce the pay-
41 ment rates by no less than 75 per cent for any specialty hospital
42 which limits its services to patients under active diagnosis and
43 treatment of cancer below that which was granted in the previous
44 year;

1 SECTION 35. Item 4000-0300 of said section 2 of said chapter
2 182 of the acts of 2008 is hereby amended by striking out the
3 figure "\$145,368,773" and inserting in place thereof the figure:—
4 \$153,568,773

1 SECTION 36. Item 4000-0500 of said section 2 of said
2 chapter 182 of the acts of 2008 is hereby amended by inserting
3 after the words "verbal consent to the reassignment;" the
4 following words:— provided further, that not less than
5 \$10,000,000 shall be expended for disproportionate share pay-
6 ments for inpatient services provided at pediatric specialty hospi-
7 tals and units, including pediatric chronic and rehabilitation
8 long-term care hospitals as allowable under federal law; and pro-
9 vided further, that \$5,950,000 shall be expended on dispropor-
10 tionate share payments to high public payer hospitals;

1 SECTION 37. Item 4000-0500 of said section 2 of said chapter
2 182 of the acts of 2008 is hereby amended by striking out the
3 figure “\$3,121,385,000” and inserting in place thereof the
4 figure:— \$3,139,085,000

1 SECTION 38. Item 4000-0600 of said section 2 of said
2 chapter 182 of the acts of 2008 is hereby amended by inserting
3 after the words “shall be proportionally reduced;” the following
4 words:— provided further, that notwithstanding any general or
5 special law to the contrary, the regulations, criteria and standards
6 for determining admission to and continued stay in a nursing
7 home in fiscal year 2009 shall not be more restrictive than those
8 regulations, criteria and standards in effect on January 1, 2004
9 until the executive office of health and human services and the
10 executive office of elder affairs submit a multi-year plan to the
11 house and senate committees on ways and means and the joint
12 committee on health care financing detailing the suggested time-
13 line for phasing in changes to nursing home clinical criteria, pro-
14 vided that these changes shall not adversely affect current nursing
15 home residents and shall not jeopardize the effectiveness of the
16 2176 home and community based waiver;

1 SECTION 39. Item 4000-0600 of said section 2 of said chapter
2 182 of the acts of 2008 is hereby amended by striking out the
3 figure “\$2,158,355,058” and inserting in place thereof the
4 figure:— \$2,175,860,000

1 SECTION 40. Item 4000-0640 of said section 2 of said chapter
2 182 of the acts of 2008 is hereby amended by inserting after the
3 words “collectively-bargained wage increases;” the following
4 words:— provided further, that the division shall adjust per diem
5 rates to reflect any reductions in Medicaid utilization;

1 SECTION 41. Item 4000-0700 of said section 2 of said chapter
2 182 of the acts of 2008 is hereby amended by striking out the
3 following words:— “provided further, that not less than
4 \$4,200,000 shall be expended to pay for an increase in Medicaid
5 rates for community health centers, as defined in section 1 of
6 chapter 118G of the General Laws” and inserting in place thereof

7 the following language:— provided further, that not less than
8 \$10,000,000 shall be expended to pay for an increase in Medicaid
9 rates for community health centers, as defined in section 1 of
10 chapter 118G of the General Laws;

1 SECTION 42. Item 4000-0700 of said section 2 of said
2 chapter 182 of the acts of 2008 is hereby amended by inserting
3 after the words “neonatal intensive care unit cases;” the following
4 words:— provided further, that not less than \$2,000,000 shall be
5 expended to an acute care hospital located in Holyoke that pro-
6 vides clinical training programs for nurses, allied health profes-
7 sionals, and technicians through affiliations with community
8 colleges and private universities; provided further, that not less
9 than \$2,000,000 shall be expended for a grant to a pediatric
10 chronic and rehabilitation long-term care hospital for which fed-
11 eral financial participation and federal approval need not be
12 obtained;

1 SECTION 43. Item 4000-0700 of said section 2 of said chapter
2 182 of the acts of 2008 is hereby amended by striking out the
3 figure “:\$1,535,816,000” and inserting in place thereof the
4 figure:— \$1,539,816,000

1 SECTION 44. Said section 2 of said chapter 182 of the acts of
2 2008 is hereby amended by striking out, in items 4510-0110,
3 4512-0103, 4512-0200, 4512-0500, 4513-1000, 4513-1002, 4513-
4 1020, 4530-9000, 4580-1000 and 4590-0250, the words “that no
5 funds shall be expended in the AA object class; provided further.”

1 SECTION 45. Item 4513-1023 of said section 2 of said chapter
2 182 of the acts of 2008 is hereby amended by striking out the
3 words “that no funds shall be expended in the AA object class;
4 and provided further”.

1 SECTION 46. Item 4590-0300 of said section 2 of said chapter
2 182 of the acts of 2008 is hereby amended by striking out the
3 words “; provided, that no funds shall be expended in the AA
4 object class.”

1 SECTION 47. Item 7006-1003 of said section 2 of said chapter
2 182 of the acts of 2008 is hereby amended by striking out the
3 figure “441,404” and inserting in place thereof the following
4 figure:— 1,087,969

1 SECTION 48. Item 7007-0900 of said section 2 of said
2 chapter 182 of the acts of 2008 is hereby amended by striking out
3 the words “provided further, that not less than \$100,000 shall be
4 expended for the marketing, promotion and operation of Sail
5 Boston 2009” and inserting in place thereof the following
6 words:— provided further, that not less than \$1,100,000 shall be
7 expended for the marketing, promotion and operation of Sail
8 Boston 2009.

1 SECTION 49. Said item 8100-0002 of said section 2B of said
2 chapter 182 of the acts of 2008 is hereby amended by striking out
3 the figure “6,481,181” and inserting in place thereof the following
4 figure:— 7,049,711

1 SECTION 50. Item 8324-0000 of said section 2 of said
2 chapter 182 of the acts of 2008 is hereby amended by striking out
3 the words “provided further, that notwithstanding any general or
4 special law to the contrary, funds scheduled in the PP object class,
5 pursuant to section 27 of chapter 29 of the General Laws for this
6 item in fiscal year 2009 shall not be transferred to any other object
7 class in said fiscal year;”

1 SECTION 51. Item 8324-0000 of said section 2 of said
2 chapter 182 of the acts of 2008 is hereby further amended by
3 striking out the words “executive office of public safety” and
4 inserting in place thereof the following words:— department of
5 fire services

1 SECTION 52. Paragraph (d) of section 88 of said chapter 182
2 of the acts of 2008 is hereby amended by inserting after the eighth
3 sentence the following sentence:— All federal financial participa-
4 tion received for expenditures from the Essential Community
5 Provider Trust Fund shall be deposited in the General Fund and
6 shall be available for further appropriation for purposes specified
7 in this paragraph.

1 SECTION 53. Subsection (e) of said section 103 of said
1 chapter 182 of the acts of 2008 is hereby amended by striking out
2 the words “Upon conveyance of the parcel, the” and inserting in
3 place thereof the following word:— The.

1 SECTION 54. Chapter 182 of the acts of 2008 is hereby
2 amended by striking out section 128 and replacing it with the
3 following:—

4 Section 128. Notwithstanding any general or special law to the
5 contrary and in accordance with section 13B of chapter 118E of
6 the General Laws, in fiscal year 2007, \$90,000,000 shall be made
7 available from the Commonwealth Care Trust Fund, established
8 pursuant to section 2000 of chapter 29 of the General Laws, to
9 pay for an increase in the Medicaid rates paid to acute hospitals
10 and physicians; but not less than 15 per cent of the increase shall
11 be allocated to rate increases for physicians. For fiscal year 2008,
12 an additional \$90,000,000, for a total of \$180,000,000, shall be
13 made available from said Commonwealth Care Trust Fund in
14 accordance with this section, to pay for an increase in the Med-
15 icaid rates paid to acute hospitals and physicians; but not less than
16 15 per cent of the increase shall be allocated to rate increases for
17 physicians. In fiscal year 2009, an additional \$90,000,000, for a
18 total of \$270,000,000, shall be made available from said Com-
19 monwealth Care Trust Fund to pay for an increase in the Medicaid
20 rates paid to acute hospitals, as defined in section 1 of chapter
21 118G of the General Laws, and physicians; but not less than 15
22 per cent of the increase shall be allocated to rate increases for
23 physicians. In fiscal year 2008, not more than \$20,000,000 of the
24 amounts to be made available to acute hospitals under this section
25 shall be contingent on hospital adherence to quality standards and
26 achievement of performance benchmarks, including the reduction
27 of racial and ethnic disparities in the provision of health care, in
28 accordance with said section 13B of said chapter 118E, and may
29 be paid in fiscal year 2009. In fiscal year 2009, not more than
30 \$58,000,000 of the amounts to be made available to acute hospi-
31 tals under this section shall be contingent on hospital adherence to
32 quality standards and achievement of performance benchmarks,
33 including the reduction of racial and ethnic disparities in the pro-
34 vision of health care, in accordance with said section 13B of said

35 chapter 118E, and may be paid in fiscal year 2010. For fiscal
36 years 2008 and 2009, any such performance benchmarks shall be
37 determined by the secretary of health and human services without
38 any limitation, but in consultation with hospitals, the MassHealth
39 payment policy advisory board and the health care quality and
40 cost council, and may include measures to be reported by hospi-
41 tals to the federal Centers for Medicare and Medicaid Services for
42 Reporting Hospital Quality Data for Annual Payment Update, to
43 the Joint Commission on Accreditation of Healthcare Organiza-
44 tions for core measures, or to the MassHealth Program pursuant to
45 Appendix G of the contract between MassHealth and acute hospi-
46 tals for Rate Year 2007 or other nationally-recognized measures
47 that are drawn on those approved by the National Quality Forum
48 and adopted by the Hospitals Quality Alliance Performance
49 benchmarks and quality measures related to racial and ethnic dis-
50 parities in the provision of health care. The secretary of health and
51 human services shall, after consultation required by said
52 section 13B of said chapter 118E, issue final quality standards and
53 performance benchmarks for use in the hospital fiscal year begin-
54 ning October 1, 2008. In fiscal year 2009, not more than
55 \$4,200,000 of the amounts to be made available for physician
56 services under this section shall be contingent on primary care
57 clinician plan providers' adherence to quality standards and
58 achievement of performance benchmarks, and may be paid in
59 fiscal year 2010. For purposes of payments to hospitals pursuant
60 to this section, "fiscal year" shall mean the hospitals' fiscal year
61 and, for purposes of any payments to physicians pursuant to this
62 section, fiscal year shall mean the state fiscal year.

1 SECTION 55. Notwithstanding any general or special law to
2 the contrary, for fiscal year 2009, \$5,800,000 of the amounts des-
3 ignated in item 4000-0700 for Medicaid rate increases for commu-
4 nity health centers shall be contingent on community health center
5 adherence to quality standards and achievement of performance
6 benchmarks or for infrastructure and system of care development
7 including, but not limited to, infrastructure and system of care
8 development necessary to enable community health centers to
9 meet performance standards and achieve benchmarks, and may be
10 paid in fiscal year 2010.

1 SECTION 56. There shall be established a special commission
2 to investigate and study the impact of the OxyContin and heroin
3 epidemic on state and municipal government, the substance abuse
4 treatment system and to identify potential strategies to more effec-
5 tively cope with said epidemic. The commission shall consist of 3
6 members of the senate, 2 of whom shall be appointed by the presi-
7 dent of the senate and 1 of whom shall be appointed by the
8 minority leader; 3 members of the house of representatives, 2 of
9 whom shall be appointed by the speaker of the house and 1 of
10 whom shall be appointed by the minority leader; and 5 members
11 to be appointed by the governor; 1 of whom shall be a representa-
12 tive from the bureau of substance abuse services; 1 of whom shall
13 be a representative from the Massachusetts District Attorneys
14 Association; 1 of whom shall be the chair of the department of
15 psychiatry at the University of Massachusetts Medical School; 1
16 of whom shall be a representative from the trial court; and 1 of
17 whom shall be a representative from the department of correction.

18 Said study shall include, without limitation a review and
19 analysis of: the total direct and indirect cost to the commonwealth
20 as a result of substance abuse; the number of repeat detoxifica-
21 tions on an annual basis; recidivism of those committed in civil
22 commitment programs for abuse of OxyContin or heroin; modifi-
23 cations to the civil commitment laws to reflect the long-term neu-
24 robiological impact that OxyContin and heroin abuse has on those
25 addicted; the benefits of long-term residential programs that are of
26 at least 90 days and how the commonwealth may transition to
27 such a model; the juncture at which an addicted individual that is
28 committed for OxyContin or heroin abuse may make competent
29 decisions relative to his own course of treatment; the implementa-
30 tion of an intensive case management system in the common-
31 wealth and how other states have incorporated such a system; the
32 establishment of a system of regional secure treatment centers; the
33 number of inmates suffering from opiate dependence; recidivism
34 in the criminal justice system for OxyContin and heroin abuse;
35 statutory restrictions on parents and families with adolescents
36 addicted to OxyContin or heroin; the sources of heroin, Oxy-
37 Contin and other prescription opiates available on the street;
38 enhancements to the commonwealth's prescription monitoring
39 program so that the data collected is a preventative resource for

40 prescribers, law enforcement and treatment professionals; and the
41 establishment of an outpatient commitment program.

42 The commission shall consult the department of public health,
43 the executive office of public safety and security, the trial court,
44 the department of correction and other entities as appropriate. The
45 commission shall submit a report of its findings and recommenda-
46 tions, together with legislation, if any, necessary to implement
47 said recommendations, by filing the same with the clerks of the
48 house of representatives and the senate, the joint committee on
49 mental health and substance abuse and the house and senate com-
50 mittees on ways and means not later than January 1, 2009.

1 SECTION 57. Notwithstanding any general or special law to
2 the contrary, in hospital fiscal year 2009, an acute hospital's lia-
3 bility to the Health Safety Net Trust Fund under section 37 of
4 chapter 118G of the General Laws shall equal the product of
5 (1) the ratio of its private sector charges to all acute hospitals' pri-
6 vate sector charges; and (2) \$180,000,000. The comptroller shall
7 transfer \$20,000,000 to the Commonwealth Care Trust Fund,
8 established under section 2000 of chapter 29 of the General
9 Laws. Said funds shall be available for fiscal year 2009 expenses
10 associated with health care costs. If these funds are not required
11 for fiscal year 2009 expenses associated with health care costs, the
12 funds shall be credited to the acute hospital liability to the Health
13 Safety Net Trust Fund for fiscal year 2010.

1 SECTION 58. Notwithstanding any general or special law to
2 the contrary, all fair share contribution liability for the period
3 from October 1, 2007 to September 30, 2008 shall be paid not
4 later than June 30, 2009.

1 SECTION 59. Notwithstanding subsection (k) of section 14G
2 of chapter 151A of the General Laws or any general or special law
3 to the contrary, the secretary of labor and workforce development
4 may direct the comptroller to transfer up to \$35,000,000 in 3 sepa-
5 rate payments from the Medical Security Trust Fund, established
6 under subsection (k) of section 14G of chapter 151A, to the
7 General Fund for expenses associated with health care costs. The
8 comptroller shall make the first payment in the amount of

9 \$15,000,000 upon the effective date of this act. The remaining
10 balance, up to \$20,000,000, shall be paid in no more than 2 pay-
11 ments of up to \$10,000,000 each, provided that the secretary of
12 labor and workforce development certifies to the secretary of
13 administration and finance that, based on projections made by the
14 division of unemployment assistance, sufficient funds remain
15 available in the Medical Security Trust Fund after said transfer or
16 transfers to meet the requirements of section 14G of
17 chapter 151A.

1 SECTION 60. The executive office of labor and workforce
2 development, working with its division of unemployment assis-
3 tance, the executive offices for administration and finance and of
4 health and human services, and other agencies, shall undertake a
5 study of the Medical Security Plan program to examine the possi-
6 bility of long-term efforts to integrate and align the program with
7 other health insurance programs offered by the commonwealth in
8 light of the commonwealth's health care reform effort.

1 SECTION 61. Notwithstanding any general or special law to
2 the contrary, as of June 30, 2008, the comptroller shall transfer
3 \$100,000,000 from the General Fund to the Commonwealth Stabi-
4 lization Fund.

1 SECTION 62. The trial court shall work and cooperate with
2 the district attorneys and the state and municipal police depart-
3 ments to provide for the efficient management of court appear-
4 ances by state and municipal police personnel. The chief justice
5 for administration and management of the trial court shall con-
6 vene a working group consisting of representatives of the justices
7 and clerk-magistrates of the district and municipal courts and one
8 representative to be designated by each of the following entities:
9 the executive office of public safety and security, the department
10 of state police, the Massachusetts Chiefs of Police Association
11 and the Massachusetts District Attorney's Association. The
12 working group shall study and make recommendations to the chief
13 justice concerning the effective methods to schedule, manage and
14 control court appearances by police personnel to create efficien-
15 cies and reduce police overtime costs. The working group shall

16 report its recommendations to the chief justice no later than Jan-
17 uary 31, 2009, and the trial court shall work with the district attor-
18 neys and state and local municipal police departments promptly to
19 implement these recommendations.

1 SECTION 63. Notwithstanding any general or special law to
2 the contrary, not less than 10 days after the effective date of this
3 act, the comptroller shall transfer \$118,830,389 from the General
4 Fund to the State Lottery Fund for payments made to cities and
5 towns during fiscal year 2007.

1 SECTION 64. Notwithstanding any general or special law to
2 the contrary, not less than 10 days after the effective date of this
3 act, the comptroller shall transfer not more than \$117,000,000
4 from the General Fund to the State Lottery Fund for payments
5 made to cities and towns for fiscal year 2008.

1 SECTION 65. Notwithstanding any general or special law to
2 the contrary, the information technology division may process
3 fiscal year 2007 expenditure refunds not to exceed \$1,200,000 as
4 fiscal year 2008 expenditure refunds in item 1790-0200 of
5 section 2B of chapter 228 of the acts of 2007, and the amount of
6 this deposit shall be available for expenditure in fiscal year 2009.

1 SECTION 66. Section 6 shall take effect as of July 1, 2007.

1 SECTION 67. Section 11 shall take effect as of January 1,
2 2008.

1 SECTION 68. Sections 5, 24, 26, 27, 28, 29, 61, 63, 64 and 65
2 shall take effect as of June 30, 2008.

1 SECTION 69. Sections 4, 7, 8, 9, 12, 13, 14, 15, 16, 20, 21, 22
2 and 31 to shall take effect as of July 1, 2008.

1 SECTION 70. Sections 18, 19 and 58 shall take effect on
2 October 1, 2008.