

SENATE NO. 669

AN ACT ESTABLISHING THE PUBLIC HEALTH HOSPITAL TRUST FUND

*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. Chapter 111 of the General Laws is hereby amended by inserting after section
2 65D, as appearing in the 2002 Official Edition, the following section:

3 Section 65E. Section 65E. (a) Notwithstanding the provisions of any general or special
4 law to the contrary, there shall be established upon the books of the commonwealth a separate
5 fund to be known as the Public Health Hospital Trust Fund, hereinafter called the fund. The
6 purpose of the fund is to improve the health, safety and well being of Massachusetts residents
7 who receive care at state hospitals operated by the Massachusetts Department of Public Health.
8 The fund shall consist of a quarterly credit of 5 per cent of the revenues generated in each fiscal
9 year by the department's public health hospitals, any grants, donations, bequests or gifts
10 explicitly made to the fund by public or private entities and any funds appropriated to the fund
11 by the general court. In addition, any funds appropriated by the general court through fiscal year
12 operating budgets for capital construction, repairs and renovations of the department's public
13 health hospitals and not expended in a given year shall be transferred to the Public Health

14 Hospital Trust Fund and not returned to the general fund. Monies in the fund shall be invested
15 by the treasurer in accordance with law, provided, however, that the treasurer shall make no
16 investment that prevents the treasurer from making timely payment of disbursements. Interest
17 income and dividends from such investments shall be credited to the fund.

18 (b) The commissioner shall submit to the house and senate committees on ways and
19 means and the executive office for administration and finance no later than January 1, of each
20 year, an allocation plan detailing construction, repairs and renovations for building projects, as
21 defined in section 39A of chapter 7, deemed necessary by the commissioner for the health,
22 safety and well-being of the patients, employees and visitors of the public health hospitals, with
23 their estimated costs. The commissioner, in consultation with the Governing Body for the public
24 health hospitals, shall determine the amounts required for building projects at each hospital
25 pursuant to the allocation plan. For the purpose of this section, building projects shall include,
26 but not be limited to major renovations for compliance with health and safety codes, the
27 Americans with Disabilities Act and retrofitting buildings for fiberoptic cable and other
28 technology. However, no monies from the fund shall be expended for routine, non-capital
29 maintenance, including but not limited to janitorial services, ground-keeping and trash
30 collection.

31 (c) Notwithstanding section 40B of chapter 7, the commissioner of asset management
32 and maintenance shall delegate control and supervision to the commissioner of public health
33 over building projects funded by the commonwealth through the Public Health Hospital Trust
34 Fund if the commissioner of capital asset management and maintenance determines that the
35 department of public health has the ability to control and supervise such building projects.

36 (d) The Governing Body for the department of public health hospitals shall advise the
37 commissioner on any proposed or actual expenditure from the Public Health Hospital Trust
38 Fund for building projects. Upon authorization by the commissioner of an allocation plan, the
39 Governing Body shall have the authority to expend monies from the Public Health Hospital
40 Trust Fund for construction, repair and renovations of building projects at the public health
41 hospitals.