Senate, No. 2714

SENATE, May 22, 2008 -- Text of the Senate amendments to the House Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4701).

In the Year Two Thousand and Eight

SECTION 1 To provide for the maintenance of the several departments, boards, commissions and institutions and other services, and for certain permanent improvements and to meet certain requirements of law, the sums set forth in sections 2, 2B, 2D and 3, for the several purposes and subject to the conditions specified in sections 2, 2B, 2D and 3, are hereby appropriated from the General Fund unless specifically designated otherwise, subject to the provisions of law regulating the disbursement of public funds and the approval thereof for the fiscal year ending June 30, 2009. All sums appropriated under this act, including supplemental and deficiency budgets, shall be expended in a manner reflecting and encouraging a policy of nondiscrimination and equal opportunity for members of minority groups, women and handicapped persons. All officials and employees of an agency, board, department, commission or division receiving monies under this act shall take affirmative steps to ensure equality of opportunity in the internal affairs of state government, as well as in their relations with the public, including those persons and organizations doing business with the commonwealth. Each agency, board, department, commission or division, in spending appropriated sums and discharging its statutory responsibilities, shall adopt measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rates of compensation, in-service or apprenticeship training programs and all terms and conditions of employment.

SECTION 1A. In accordance with Articles LXIII and CVII of the Articles of Amendment to the Constitution of the Commonwealth and section 6D of chapter 29 of the General Laws, it is hereby declared that the amounts of revenue set forth in this section by source for the respective funds of the commonwealth for the fiscal year ending June 30, 2009 are necessary and sufficient to provide the means to defray the appropriations and expenditures from such funds for said fiscal year as set forth and

authorized in sections 2 and 2B. The comptroller shall keep a distinct account of actual receipts from each such source by each such fund to furnish the executive office for administration and finance and the house and senate committees on ways and means with quarterly statements comparing such receipts with the projected receipts set forth herein and to include a full statement comparing such actual and projected receipts in the annual report for said fiscal year pursuant to section 13 of chapter 7A of the General Laws. The quarterly and annual reports shall also include detailed statements of any other sources of revenue for the budgeted funds in addition to those specified in this section.

Fiscal Year 2009 Revenue by Source and Budgeted Fund (in Millions)

Source	All Budgeted Funds*	General Fund	Highway Fund	School Building Trust	MBTA
Alcohol. Bev.	75.4	75.4			
Cigarettes	439.8	439.8			
Corporations	1,404.6	1,404.6			
Deeds	169.4	169.4			
Estate Inheritance	233.3	233.3			
Financial Institutions	254.0	254.0			
Income	12,739.7	12,739.7			
Insurance	420.7	420.7			
Motor Fuels	674.6	96.9	577.7		
Public Utilities	150.0	150.0			
Room Occupancy	123.2	80.1			
Sales-Regular	3098.4	1,840.4		601.0	657.0
Sales-Meals	665.1	665.1			
Sales-Motor Vehicles	514.2	302.2		101.0	111.0
Miscellaneous	3.5	3.5			
UI Surcharges	21.0				
Total Consensus Tax Revenues:	**20,986.9**	**18,875.1**	**577.7**	**702.0**	**768.0**
SBAB Transfer	**(702.0)**			**(702.0)**	
MBTA Transfer	**(768.0)**				**(768.0)**
Pension Transfer	**(1,465.0)**	**(1,465.0)**			
Total Consensus Tax Revenue for Budget	**18,051.9**	**17,410.1**	**577.7**	**0.0**	**0.0**
Adjustments to Taxation Laws					
Cigarette Excise	175.0	175.0			
Combined Reporting	188.0	188.0			
Conformity of Classification (Check-the-Box)	101.0	101.0			

Clarify Earned Income Credit	2.0	2.0	
Room Occupancy Tax; Internet Resellers	5.6	5.6	
Adjustments Total	**471.6**	**471.6**	
DOR Enforcement and Efficiencies			
Annualized Value of Additional Auditors	60.3	60.3	
Wage Enforcement	30.0	30.0	
Cigarette Stamp Encryption	12.0	12.0	
Reclassification of Cigar Tobacco	11.0	11.0	
Elimination of Sales Tax Exemption for Pesticides	3.0	3.0	
License Revocation	7.0	7.0	
Prepaid Sales Tax on Cigarettes	10.0	10.0	
Electronic Recording of Liens	6.0	6.0	
Withholding on Real Estate Sales Tax	2.0	2.0	
Demand Notice Fee	4.0	4.0	
Late Filing Fee Increase	12.0	12.0	
DOR Collection Totals	**157.3**	**157.3**	
Total Tax Initiatives	**628.9**	**628.9**	
Total Taxes Available for Budget	**18,680.8**	**18,039.0**	**577.7**
Non-Tax Revenue			
Federal Reimbursements	6,991.7	6,984.3	3.6
Departmental Revenue	2,421.4	2,059.8	263.7
Consolidated Transfers	(250.2)	131.6	(89.0)
GRAND TOTAL	**27,843.7**	**27,214.7**	**756.0**

* Includes revenue deposited into and transfers out of the Workforce Training Fund, Mass Tourism Fund, Inland Fish and Game Fund, and Stabilization Fund.

SECTION 1B. The comptroller shall keep a distinct account of actual receipts of non-tax revenues by each department, board, commission or institution to furnish the executive office for administration and finance and the house and senate committees on ways and means with quarterly statements comparing such receipts with projected receipts set forth herein and to include a full statement comparing such receipts with projected receipts in the annual report for such fiscal year pursuant to section 13 of

chapter 7A of the General Laws. The quarterly and annual reports shall also include detailed statements of any other sources of revenue for the budgeted funds in addition to those specified in this section.

Non-Tax Revenue: Department Summary

Revenue Source		Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Judiciary				
Supreme Judicial Court		$2,859,859	$0	$2,859,859
Committee for Public Counsel Services		$25,505	$750,000	$775,505
Appeals Court		$471,853	$0	$471,853
Trial Court System		$82,178,373	$43,000,000	$125,178,373
	TOTALS :	**$85,535,590**	**$43,750,000**	**$129,285,590**
District Attorneys				
Berkshire District Attorney's Office		$83	$0	$83
Bristol District Attorney's Office		$254	$0	$254
District Attorney's Association		$0	$0	$0
Middlesex District Attorney's Office		$379	$0	$379
Northwestern District Attorney's Office		$185	$0	$185
Plymouth District Attorney's Office		$4,875	$0	$4,875
	TOTALS :	**$5,776**	**$0**	**$5,776**
Governor's Office				
Executive Office		$8,686	$0	$8,686
	TOTALS :	**$8,686**	**$0**	**$8,686**
Secretary of the Commonwealth				
Secretary of the Commonwealth		$206,917,790	$80,000	$206,997,790
	TOTALS :	**$206,917,790**	**$80,000**	**$206,997,790**

Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Treasurer and Receiver-General			
Office of the Treasurer	$344,195,465	$0	$344,195,465
State Lottery Commission	$217,428,233	$810,875,000	$1,028,303,233
Massachusetts Cultural Council	$0	$0	$0

Alcohol Beverages Control Commission	$3,707,200	$0	$3,707,200
TOTALS :	**$565,330,898**	**$810,875,000**	**$1,376,205,898**
State Auditor's Office			
State Auditor's Office	$492	$0	$492
TOTALS :	**$492**	**$0**	**$492**
Attorney General			
Office of the Attorney General	$17,758,042	$650,000	$18,408,042
TOTALS :	**$17,758,042**	**$650,000**	**$18,408,042**
State Ethics Commission			
State Ethics Commission	$74,220	$0	$74,220
TOTALS :	**$74,220**	**$0**	**$74,220**
Inspector General			
Office of the Inspector General	$0	$400,000	$400,000
TOTALS :	**$0**	**$400,000**	**$400,000**
Office of Campaign and Political Finance			
Office of Campaign and Political Finance	$57,528	$0	$57,528
TOTALS :	**$57,528**	**$0**	**$57,528**
Office of State Comptroller	$404,887,391	$0	$404,887,391
Office of State Comptroller	$70,912,098	$0	$70,912,098
TOTALS :	**$475,799,489**	**$0**	**$475,799,489**
Executive Office for Administration and Finance			
Massachusetts Office on Disability	$41	$0	$41
Public Employee Retirement Administration	$179	$0	$179
Executive Office for Administration and Finance	($1,862,964,111)	$1,000,000	($1,861,964,111)
Division of Capital Asset Management and Maintenance	$3,491,271	$16,550,000	$20,041,271
Bureau of State Office Buildings	$165,397	$0	$165,397
Civil Service Commission	$20,364	$0	$20,364
Group Insurance Commission	$328,620,852	$1,000,000	$329,620,852

Revenue Source	**Unrestricted Non-Tax**	**Restricted Non-Tax**	**Total Non-Tax**
Division of Administrative Law Appeals	$84,500	$0	$84,500
George Fingold Library	$5,000	$8,000	$13,000
Department of Revenue	$188,295,843	$6,547,280	$194,843,123

Appellate Tax Board	$1,698,692	$300,000	$1,998,692
Human Resources Division	$307,283	$2,427,500	$2,734,783
Operational Services Division	$1,316,983	$1,358,000	$2,674,983
Information Technology Division	$11,134	$601,850	$612,984
TOTALS :	**($1,338,946,572)**	**$29,792,630**	**($1,309,153,942)**
Executive Office of Energy and Environmental Affairs			
Department of Public Utilities	$17,480,188	$2,375,000	$19,855,188
Division of Energy Resources	$738,380	$0	$738,380
Executive Office of Energy and Environmental Affairs	$5,512,375	$625,000	$6,137,375
Department of Environmental Protection	$44,595,780	$1,200,000	$45,795,780
Department of Fish and Game	$14,077,526	$217,989	$14,295,515
Department of Agricultural Resources	$4,564,025	$0	$4,564,025
Department of Conservation and Recreation	$14,632,432	$10,054,826	$24,687,258
TOTALS :	**$101,600,706**	**$14,472,815**	**$116,073,521**
Department of Early Education and Care			
Department of Early Education and Care	$199,477,321	$0	$199,477,321
TOTALS :	**$199,477,321**	**$0**	**$199,477,321**
Executive Office of Health and Human Services			
Department of Veterans' Services	$15,188	$300,000	$315,188
Executive Office of Health and Human Services	$4,137,569,920	$225,000,000	$4,362,569,920
Division of Health Care Finance and Policy	$20,605,773	$0	$20,605,773
Massachusetts Commission for the Blind	$3,187,781	$0	$3,187,781
Massachusetts Rehabilitation Commission	$3,134,048	$0	$3,134,048
Mass Commission for the Deaf $174,175	$174,175	$0	
Soldiers Home Massachusetts	$11,256,315	$300,661	$11,556,976
Soldiers Home in Holyoke	$12,410,564	$458,956	$12,869,520
Department of Youth Services	$5,688,249	$0	$5,688,249
Department of Transitional Assistance	$400,319,455	$7,000,000	$407,319,455
Department of Public Health	$89,596,194	$60,474,712	$150,070,906
Department of Social Services	$225,840,219	$5,000,000	$230,840,219

Revenue Source	**Unrestricted Non-Tax**	**Restricted Non-Tax**	**Total Non-Tax**
Department of Mental Health	$115,737,374	$125,000	$115,862,374

Department of Mental Retardation	$438,998,874	$150,000	$439,148,874
Department of Elder Affairs	$1,382,803,826	$0	$1,382,803,826
TOTALS :	**$6,847,337,955**	**$298,809,329**	**$7,146,147,284**
Executive Office of Transportation and Public Works			
Executive Office of Transportation and Public Works	$695,563	$27,344	$722,907
Massachusetts Aeronautics Commission	$418,069	$0	$418,069
Highway Department	$9,586,702	$1,000,000	$10,586,702
Registry of Motor Vehicles	$443,382,480	$0	$443,382,480
TOTALS :	**$454,082,814**	**$1,027,344**	**$455,110,158**
Board of Library Commissioners			
Board of Library Commissioners	$1,600	$0	$1,600
TOTALS :	**$1,600**	**$0**	**$1,600**
Executive Office of Housing and Economic Development			
Business and Technology	$506	$0	$506
Department of Telecommunications and Cable	$0	$0	$0
Division of Professional Licensure	$12,170,565	$0	$12,170,565
Division of Standards	$1,629,269	$818,900	$2,448,169
State Racing Commission	$4,325,129	$0	$4,325,129
Division of Banks	$23,940,736	$5,000,000	$28,940,736
Division of Insurance	$73,207,253	$0	$73,207,253
Department of Housing and Community Development	$2,623,636	$2,334,014	$4,957,636
TOTALS :	**$117,897,094**	**$8,152,914**	**$126,050,008**
Executive Office of Labor and Workforce Development			
Department of Labor	$1,666,305	$152,850	$1,819,155
Division of Industrial Accidents	$20,960,075	$0	$20,960,075
Labor Relations Commission	$25	$0	$25
Board of Concilliation and Arbitration	$92,867	$0	$92,867
Department of Workforce Development	$287,189	$0	$287,189
TOTALS :	**$23,006,461**	**$152,850**	**$23,159,311**
Executive Office of Education			
Department of Elementary and Secondary Education	$14,307,763	$0	$14,307,763
TOTALS :	**$14,307,763**	**$0**	**$14,307,763**

Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Executive Office of Education			
Board of Higher Education	$420,417	$0	$420,417
University of Massachusetts	$47,142,280	$0	$47,142,280
Bridgewater State College	$3,043,997	$0	$3,043,997
Fitchburg State College	$3,014,630	$0	$3,014,630
Framingham State College	$2,478,160	$0	$2,478,160
Massachusetts College of Liberal Arts	$371,415	$0	$371,415
Salem State College	$2,979,194	$0	$2,979,194
Westfield State College	$2,421,044	$0	$2,421,044
Worcester State College	$2,793,692	$0	$2,793,692
Berkshire Community College	$289,641	$0	$289,641
Bristol Community College	$637,356	$0	$637,356
Cape Cod Community College	$553,076	$0	$553,076
Greenfield Community College	$318,597	$0	$318,597
Holyoke Community College	$812,149	$0	$812,149
Mass Bay Community College	$919,717	$0	$919,717
Massasoit Community College	$832,410	$0	$832,410
Mount Wachusett Community College	$421,978	$0	$421,978
Northern Essex Community College	$782,537	$0	$782,537
North Shore Community College	$889,664	$0	$889,664
Quinsigamond Community College	$442,659	$0	$442,659
Springfield Technical Community College	$1,041,234	$0	$1,041,234
Roxbury Community College	$243,750	$529,843	$773,593
Middlesex Community College	$573,085	$0	$573,085
Bunker Hill Community College	$1,295,698	$0	$1,295,698
Massachusetts Maritime Academy	$318	$0	$318
TOTALS :	**$74,718,698**	**$529,843**	**$75,248,541**
Executive Office of Public Safety and Security			
Executive Office of of Public Safety and Security	$100,000	$0	$100,000
Chief Medical Examiner	$468	$1,300,000	$1,300,468
Sex Offender Registry Board	$245,531	$0	$245,531
Criminal History Systems Board	$8,152,982	$0	$8,152,982
Department of State Police	$865,980	$23,966,200	$24,832,180
Municipal Police Training Committee	$31,949	$1,262,500	$1,294,449

Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Department of Public Safety	$19,648,858	$1,898,600	$21,547,458
Department of Fire Services	$13,108,606	$300,000	$13,408,606
Merit Rating Board	$30,701	$0	$30,701
Military Division	$2,021	$400,000	$402,021
Emergency Management Agency	$5,891,907	$0	$5,891,907
Department of Correction	$12,840,537	$4,600,000	$17,440,537
Parole Board	$304,117	$600,000	$904,117
TOTALS :	**$61,223,657**	**$34,327,300**	**$95,550,957**
Sheriffs			
Sheriff's Department Barnstable	$0	$0	$0
Sheriff's Department Berkshire	$0	$0	$0
Sheriff's Department Bristol	$0	$0	$0
Sheriff's Department Dukes	$0	$0	$0
Sheriff's Department Nantucket	$0	$0	$0
Sheriff's Department Norfolk	$0	$0	$0
Sheriff's Department Plymouth	$0	$0	$0
Sheriff's Department Suffolk	$0	$0	$0
Sheriff's Department Worcester	$17,000	$0	$17,000
Sheriff's Department Hampden	$747,540	$1,914,460	$2,662,000
Sheriff's Department Worcester	$169,157	$0	$169,157
Sheriff's Department Middlesex	$129,050	$1,000,000	$1,129,050
Sheriff's Department Franklin	$1,449,900	$1,312,000	$2,761,900
Sheriff's Department Hampshire	$78,276	$150,000	$228,276
Sheriff's Department Berkshire	$46,448	$1,300,000	$1,346,448
Sheriff's Department Essex	$664,500	$2,000,000	$2,664,500
TOTALS :	**$3,301,871**	**$7,676,460**	**$10,978,331**
Mass Commission Against Discrimination			
Massachusetts Commission Against Discrimination	$815,650	$1,990,010	$2,805,660
TOTALS :	**$815,650**	**$1,990,010**	**$2,805,660**
Legislature			
House of Representatives	$0	$0	$0
Joint Legislative Expenses	$0	$0	$0
Senate	$0	$0	$0

TOTALS:	**$0**	**$0**	**$0**
Total Tax and Non-Tax Revenue:	**$7,910,313,529**	**$1,252,686,495**	**$9,163,000,024**

SECTION 2

JUDICIARY.

Supreme Judicial Court.

0320-0003 For the operation of the supreme judicial court, including salaries of the chief justice and the 6 associate justices $8,294,996

0320-0010 For the operation of the clerk's office of the supreme judicial court for Suffolk county.....$1,283,205

0321-0001 For the operation of the commission on judicial conduct.....$574,398

0321-0100 For the services of the board of bar examiners.....$1,108,593

Committee for Public Counsel Services.

0321-1500 For the operation of the committee for public counsel services, as authorized by chapter 211D of the General Laws; provided, that the committee shall submit a report to the clerks of the house of representatives and senate not later than January 30, 2009, that shall include, but not be limited to, the following: (a) the number of clients assisted by the committee in the prior fiscal year; (b) any proposed expansion of legal services delineated by type of service, target population and cost; (c) the total number of persons who received legal services by the committee, by type of case and geographic location; (d) the costs for services rendered per client, by type of case and geographic location; (e) the amount paid, if any, to the committee by clients for services rendered by type of case and geographic location; (f) the average cost for services rendered by the committee by type of case; and (g) the average number of hours spent per attorney or staff per type of case $29,353,636

0321-1510 For compensation paid to private counsel assigned to criminal or civil cases pursuant to subsection (b) of section 6 of chapter 211D of the General Laws; provided, that not more than $2,000,000 of the sum appropriated in this item may be expended for services rendered before fiscal year 2009.....$140,345,728

0321-1518 For the chief counsel for the committee for public counsel services; provided, that the chief counsel may expend an amount not to exceed $750,000 from revenues collected from fees charged for attorney representation of indigent clients.....$750,000

0321-1520 For fees and costs as defined in section 27A of chapter 261 of the General Laws, as ordered by a justice of the appeals court or a justice of

a department of the trial court of the commonwealth on behalf of indigent persons, as defined in said section 27A of said chapter 261; provided, that not more than $1,000,000 of the sum appropriated in this item may be expended for services rendered before fiscal year 2009 ...$11,456,513

0321-1600 For the Massachusetts Legal Assistance Corporation to provide legal representation to indigent or otherwise disadvantaged residents of the commonwealth; provided, that notwithstanding the first paragraph of section 9 of chapter 221A of the General Laws, not less than $1,204,604 shall be expended for the disability benefits project; provided further, that not less than $544,286 shall be expended for the Medicare Advocacy Project; provided further, that not less than $2,490,993 shall be expended for the Battered Women's Legal Assistance Project; provided further, that the corporation shall submit a report to the house and senate committees on ways and means not later than January 30, 2009 that shall include, but not be limited to, the following: (a) the number of persons assisted by the programs funded by the corporation in the prior fiscal year; (b) any proposed expansion of legal services delineated by type of service, target population, and cost; and (c) the total number of indigent or otherwise disadvantaged residents of the commonwealth who received services of the corporation, by type of case and geographic location; and provided further, that the corporation may contract with any organization for the purpose of providing the representation $11,070,424

0321-2000 For the operation of the mental health legal advisors committee and for certain programs for the indigent mentally ill, established pursuant to section 34E of chapter 221 of the General Laws $813,797

0321-2100 For the Massachusetts correctional legal services committee $985,824

0321-2205 For the expenses of the social law library located in Suffolk county $2,229,671

Appeals Court.

0322-0100 For the appeals court, including the salaries, traveling allowances and expenses of the chief justice, recall judges and the associate justices ...$11,264,740

Trial Court.

0330-0101 For the salaries of the justices of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfer of funds from this item to any other item of appropriation within 30 days of the transfer.....$50,653,065

0330-0300 For the central administration of the trial court, including costs associated

with trial court non-employee services, trial court dental and vision health plan agreement, jury expenses, trial court law libraries, statewide telecommunications, private and municipal court rental and leases, operation of courthouse facilities, rental of county court facilities, witness fees, printing expenses, equipment maintenance and repairs, court interpreter program, and insurance and chargeback costs; provided, that funds may be expended for the judicial training institute; provided further, that 50 per cent of all fees payable pursuant to Massachusetts Rules of Criminal Procedure 15(d) and 30(c)(8) shall be paid from this item; provided further, that notwithstanding section 9A of chapter 30, or any other general or special law to the contrary, the rights afforded to a veteran, pursuant to said section 9A of said chapter 30, shall also be afforded to any such veteran, who holds a trial court office or position in the service of the commonwealth not classified under chapter 31, other than an elective office, an appointive office for a fixed term or an office or position under section 7 of chapter 30, and who: (1) has held the office or position for not less than 1 year; and (2) has 30 years of total creditable service to the commonwealth, as defined in chapter 32; provided further, that not less than $100,000 shall be expended for the changing lives through literature program; provided further, that the trial court shall submit a report to the victim and witness assistance board detailing the amount of assessments imposed within each court by a justice or clerk-magistrate during the previous calendar year pursuant to section 8 of chapter 258B of the General Laws; provided further, that the report shall include, but not be limited to, the number of cases in which the assessment was reduced or waived by a judge or clerk-magistrate within the courts; and provided further, that the report shall be submitted to the victim and witness assistance board on or before January 12, 2009 .....$135,665,342

0330-0317 For the operation and expenses of the Massachusetts sentencing commission, pursuant to chapter 211E of the General Laws.....$246,380

0330-0410 For alternative dispute resolution services for the trial court; provided, that the services shall be made available, to the extent possible, in connection with child care, protection and custody proceedings in juvenile and probate courts; provided further, that not less than $75,000 shall be expended for the Housing Services and Mediation Program operated by the Berkshire County Regional Housing Authority in Pittsfield; provided further, that not less than $60,000 shall be expended for North Central Court Services, Inc.; provided further, that not less than $65,000 shall be expended for the North Shore Community Mediation Program in Salem; provided further, that not less than $65,000 shall be expended for Metropolitan Mediation Services; provided further, that not less than $62,811 shall be expended for Mediation Works, Inc.; provided further, that not less than $50,000 shall be expended for Quabbin Mediation in Athol; provided further,

that not less than $50,000 shall be expended for the Mediation and Training Collaborative of Franklin County in Greenfield; provided further, that not less than $65,000 shall be expended for Framingham Court Mediation Services; provided further, that not less than $60,000 shall be expended for the Cape Cod Dispute Resolution Center; provided further, that not less than $65,000 shall be expended for the Community Dispute Settlement Center, Inc., of Cambridge; provided further, that not less than $50,000 shall be expended for the Greater Brockton Center for Dispute Resolution; provided further, that not less than $48,031 shall be expended for the Somerville Mediation Program; provided further, that not less than $65,000 shall be expended for the Middlesex Multi-door Court House Program; provided further, that not less than $40,000 shall be expended for the Martha's Vineyard Mediation Program; provided further, that not less than $42,737 shall be expended for Dispute Resolution Services, Inc., in the city of Springfield; and provided further, that not less than $50,000 shall be expended for Community Mediation of Worcester $962,768

0330-0441 For permanency mediation services in the probate and juvenile courts $540,000

0330-3200 For the court security program, including personnel and expenses; provided, that the chief justice for administration and management shall submit a report to the house and senate committees on ways and means not later than January 30, 2009, detailing the number of court officers, per diem court officers and security personnel located in each trial court of the commonwealth.....$66,111,070

0330-3333 For the chief justice for administration and management; provided, that the chief justice may expend an amount not to exceed $20,000,000 from fees charged and collected pursuant to section 3 of chapter 90C, chapter 185, section 22 of chapter 218 and sections 2, 4A, 4C, 39 and 40 of chapter 262 of the General Laws; provided further, that any expenditures or allocations shall be made in accordance with schedules submitted to the house and senate committees on ways and means not later than 30 days before the expenditures or allocations are made; provided further, that a schedule detailing the full allotment of said $20,000,000 shall be submitted to the house and senate committees on ways and means not later than February 2, 2009; provided further, that the only revenue available for expenditure in this item for fiscal year 2009 shall be revenue collected from the fees in excess of the amount collected and deposited into the General Fund in fiscal year 2003 from the fees; provided further, that no allocation shall occur until the schedules have been approved by the committees; provided further, that the fees shall continue to be transmitted to the treasurer for deposit into the General Fund before the expenditure authorized by this item; and provided further, that notwithstanding any general or special law to the

contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the chief justice may incur expenses and the comptroller shall certify for payments amounts not to exceed the lower of one half of this authorization or the most recent revenue estimate therefor, as reported in the state accounting system.....$20,000,000

0330-3334 For the chief justice for administration and management; provided, that the chief justice may expend an amount not to exceed $23,000,000 from fees charged and collected pursuant to section 87A of chapter 276 of the General Laws; provided further, that any expenditures or allocations shall be made in accordance with schedules submitted to the house and senate committees on ways and means not later than 30 days before the expenditures or allocations are made; provided further, that a schedule detailing the full allotment of said $23,000,000 shall be submitted to the house and senate committees on ways and means not later than February 2, 2009; and provided further, that the fees shall continue to be transmitted to the treasurer for deposit into the General Fund before the expenditure authorized by this item.....$23,000,000

0330-3337 For additional expenses associated with the operation of the trial court; provided, that any expenditures or allocations shall be made in accordance with schedules submitted to the house and senate committees on ways and means not later than 30 days before the expenditures or allocations are made.....$21,223,059

Superior Court Department.

0331-0100 For the operation of the superior court department, including costs associated with the administrative office of the superior court department and the 15 divisions of the superior court.....$24,345,283

District Court Department.

0332-0100 For the administrative office of the district court department, including a civil conciliation program and the 62 divisions of the district court $40,664,038

Probate and Family Court Department.

0333-0002 For the administrative office of the probate and family court department, the 14 divisions of the probate court, the operation of the Berkshire, Franklin, Hampden and Hampshire family court clinic to be administratively located in the city of Springfield and to serve the Berkshire, Franklin, Hampden and Hampshire divisions of the probate court, the Middlesex probate court family services clinic, the Norfolk probate court family services clinic, the Worcester probate court family services clinic, the Middlesex community access program of

community outreach and education, which shall be administered by the register of probate of Middlesex county and which shall target low income persons who experience educational and language barriers to court access, the Suffolk probate community access program of community outreach and education, which shall be administered by the register of probate of Suffolk county and which shall target low income persons who experience educational and language barriers to court access, and for the operation of a child and parents program in the Barnstable probate court $21,899,361

Land Court Department.

0334-0001 For the operation of the land court.....$2,479,415

Boston Municipal Court Department.

0335-0001 For the operation of the Boston municipal court department, including costs associated with the administrative office of the Boston municipal court department and the 8 divisions of the Boston municipal court $8,032,000

Housing Court Department.

0336-0002 For the operation of the housing court department, including costs associated with the administrative office of the housing court department and the 5 divisions of the housing court $4,455,805

Juvenile Court Department.

0337-0002 For the administrative office of the juvenile court department and the costs associated with the 11 juvenile courts; provided, that $145,841 shall be expended for the CASA program in the Springfield juvenile courts; provided further, that $72,920 shall be expended for the CASA program in the Worcester juvenile court; provided further, that $100,000 shall be expended for the CASA program in the Lawrence juvenile court; provided further, that $77,478 shall be expended for the Franklin/Hampshire CASA program, including the Northampton, Greenfield, Orange, and Ware district courts; provided further, that $72,920 shall be expended for the CASA program in the Plymouth County juvenile courts; and provided further, that $54,690 shall be expended for a Berkshire CASA program in the Berkshire County juvenile courts.....$12,191,060

Office of the Commissioner of Probation.

0339-1001 For the office of the commissioner of probation; provided, that notwithstanding any general or special law, rule or regulation to the contrary, the commissioner, subject to appropriation, shall have exclusive authority to appoint, dismiss, assign and discipline probation

officers, associate probation officers, probation officers-in-charge, assistant chief probation officers and chief probation officers; provided further, that the associate probation officers shall only perform in-court functions and shall assume the in-court duties of the currently employed probation officers who shall be reassigned within the probation service subject to collective bargaining agreements to perform intensive, community-based supervision of probationers, including the provisions of intensive supervision and community restraint services as described in item 0339-1004; provided further, that not less than $2,771,000 shall be expended for costs associated with full implementation of chapters 303 and 418 of the acts of 2006 to ensure effective supervision of probationers who are monitored through global positioning system bracelets; provided further, that no funds shall be expended from this line item to cover the costs of building leases; provided further, that notwithstanding any general or special law, rule or regulation to the contrary, probation officer personnel and probation clerical support staff assigned to the courts shall be provided with suitable office space in their current location in and around the various divisions and departments of the trial court, as the case may be, or in suitable office space as appropriate, with the advice and consent of the commissioner; provided further, that the office shall enter into an interagency service agreement with the department of revenue to verify income data and to utilize the department's wage reporting and bank match system for the purpose of weekly tape-matching, so-called, for the purposes of determining an individual's eligibility for appointment of indigent counsel, as defined in chapter 211D of the General Laws; provided further, that the office shall submit quarterly reports to the house and senate committees on ways and means detailing the progress of eligibility verification with the department; and provided further, that the report shall include, but not be limited to, the number of individuals to be found misrepresenting assets, revenue generated through collection of indigent client fees, the average indigent client fee that each court division collects per case since the effective date of this act, recommendations on improvements in verifying eligibility for counsel and other pertinent information to ascertain the effectiveness of verification $138,034,452

0339-1003 For the operation of the trial court office of community corrections, including the costs of personnel; provided, that no funds shall be expended from this item to cover the costs of building leases $7,234,529

0339-1004 For the cost of intensive supervision and community corrections programs; provided, that the programs shall include, but not be limited to, tracking, community service, educational assistance, drug and alcohol testing and treatment, curfew enforcement, home confinement, day reporting, means-tested fines, restitution, and community

incapacitation or restraint; provided further, that the number of placements in the programs shall not exceed a daily average goal of 5,000 intensively-supervised probationers; provided further, that funds from this item shall be expended to cover the costs of the programs that are undertaken and administered by court probation offices and county sheriffs' offices; provided further, that said funds shall be expended for the purpose of providing such programs in Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester counties in fiscal year 2009; provided further, that the executive director of the office of community corrections of the trial court shall enter into interagency service agreements and memoranda of understanding with the probation offices and sheriffs' offices for the provision of such programs, including the contracting for detention space for probationers arrested for violating probation and awaiting court action and detention space for probationers who have been ordered by the trial court to be supervised at a higher level of restraint; provided further, that such agreements and memoranda shall be entered into at the direction of the executive director; provided further, that the executive director shall submit a spending and management plan for the programs to the house and senate committees on ways and means not later than January 30, 2009; and provided further, that the plan shall include the projected number of probationers to be served by each program and include a description of the oversight and services provided to the probationers.$19,316,186

Office of the Jury Commissioner.

0339-2100 For the office of the jury commissioner in accordance with chapter 234A of the General Laws $2,702,029

Suffolk District Attorney.

0340-0100 For the Suffolk district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, the domestic violence unit and the children's advocacy center; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2008 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that not more than $100,000 shall be expended for additional support of the gun prosecution task force, known as the gun court;

provided further, that not more than $150,000 shall be expended for support of an additional grand jury for Suffolk county, to be known as the special homicide grand jury, to investigate unsolved homicides; provided further, that the report shall include, but not be limited to, the following: (1) the total number of personnel from private law firms participating in the program; (2) the name and address of the law firms; (3) the duties performed by the personnel; and (4) the benefits and cost savings associated with the program; provided further, that not more than $125,000 shall be expended for a North Dorchester safe neighborhood initiative in Suffolk county; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 16, 2009, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2006, 2007 and 2008; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2009; provided further, that no assistant district attorney shall be paid an annual salary of less than $37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer; and provided further, that not more than $230,000 shall be expended for the cost of rent increases and property tax pass-through increases at One Bullfinch place $16,593,097

0340-0101 For the overtime costs of state police officers assigned to the Suffolk district attorney's office $384,537

General Fund.....11.80%
Highway Fund.....88.20%

Middlesex District Attorney.

0340-0200 For the Middlesex district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2008 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted;

provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 16, 2009, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2006, 2007 and 2008; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2009; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, summarizing the number and types of criminal cases managed or prosecuted by said office in calendar year 2009 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) the total number of personnel from private law firms participating in the program; (2) the name and address of the law firms; (3) the duties performed by the personnel; and (4) the benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than $37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer $14,245,849

0340-0201 For the overtime costs of state police officers assigned to the Middlesex district attorney's office $560,558

General Fund.....11.80%
Highway Fund.....88.20%

Eastern District Attorney.

0340-0300 For the Eastern district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2008 and the disposition or status thereof, which shall be delineated by

each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 16, 2009, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2006, 2007 and 2008; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2009; provided further, that no assistant district attorney shall be paid an annual salary of less than $37,500; provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; and provided further, that the report shall include, but not be limited to, the following: (1) the total number of personnel from private law firms participating in the program; (2) the name and address of the law firms; (3) the duties performed by the personnel; and (4) the benefits and cost savings associated with the program $8,751,724

0340-0301 For the overtime costs of state police officers assigned to the Eastern district attorney's office $547,389

General Fund.....11.80%
Highway Fund.....88.20%

Worcester District Attorney.

0340-0400 For the Worcester district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2008 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that $75,000 may be expended for financial criminal investigations; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30

(c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 16, 2009, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2006, 2007 and 2008; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2009; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) the total number of personnel from private law firms participating in the program; (2) the name and address of the law firms; (3) the duties performed by the personnel; and (4) the benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than $37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer; and provided further, that not more than $45,000 shall be expended for the Victim Survivor Care Program at Anna Maria College.....$9,250,428

0340-0401 For the overtime costs of state police officers assigned to the Worcester district attorney's office.....$448,786

General Fund.....11.80%
Highway Fund.....88.20%

0340-0410 For the analysis of narcotic drug synthetic substitutes, poisons, drugs, medicines and chemicals at the University of Massachusetts Medical School in order to support the law enforcement efforts of the district attorneys, the state police and municipal police departments.....$450,000

Hampden District Attorney.

0340-0500 For the Hampden district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2008 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate or

superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 16, 2009, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2006, 2007 and 2008; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2009; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) the total number of personnel from private law firms participating in the program; (2) the name and address of the law firms; (3) the duties performed by the personnel; and (4) the benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than $37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer $8,328,979

0340-0501 For the overtime costs of state police officers assigned to the Hampden district attorney's office $359,681

General Fund.....11.80%
Highway Fund.....88.20%

Hampshire/Franklin District Attorney.

0340-0600 For the Hampshire/Franklin district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2008 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided

further, that the office shall submit a report to the house and senate committees on ways and means not later than February 16, 2009, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2006, 2007 and 2008; (b) a description of how the funds were used in said fiscal years; and (c) the balance of the trust fund as of January 1, 2009; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) the total number of personnel from private law firms participating in the program; (2) the name and address of the law firms; (3) the duties performed by the personnel; and (4) the benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than $37,500; provided further, that not less than $150,000 shall be expended for the salaries and expenses of a children's advocacy project**;** and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer.....$5,185,922

0340-0601 For the overtime costs of state police officers assigned to the Hampshire/Franklin district attorney's office.....$319,357

General Fund.....11.80%
Highway Fund.....88.20%

Norfolk District Attorney.

0340-0700 For the Norfolk district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2008 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 16, 2009,

detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2006, 2007 and 2008; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2009; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) the total number of personnel from private law firms participating in the program; (2) the name and address of the law firms; (3) the duties performed by the personnel; and (4) the benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than $37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer $8,529,225

0340-0701 For the overtime costs of state police officers assigned to the Norfolk district attorney's office $463,770

General Fund.....11.80%
Highway Fund.....88.20%

Plymouth District Attorney.

0340-0800 For the Plymouth district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2008 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 16, 2009, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal

years 2006, 2007 and 2008; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2009; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) the total number of personnel from private law firms participating in the program; (2) the name and address of the law firms; (3) the duties performed by the personnel; and (4) the benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than $37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer $7,399,913

0340-0801 For the overtime costs of state police officers assigned to the Plymouth district attorney's office $466,522

General Fund.....11.80%
Highway Fund.....88.20%

Bristol District Attorney.

0340-0900 For the Bristol district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2008 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) the total number of personnel from private law firms participating in the program; (2) the name and address of the law firms; (3) the duties performed by the personnel; and (4) the benefits and cost savings associated with the program; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 16, 2009, detailing the office's use of

drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2006, 2007 and 2008; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2009; provided further, that no assistant district attorney shall be paid an annual salary of less than $37,500; provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer; and provided further, that not less than $150,000 shall be expended for the Katie Brown domestic violence prevention program for the provision of classroom-based educational programs in schools within Bristol county to be administered by the Bristol county district attorney, to prevent relationship violence $7,551,237

0340-0901 For the overtime costs of state police officers assigned to the Bristol district attorney's office $354,165

General Fund.....11.80%
Highway Fund.....88.20%

Cape and Islands District Attorney.

0340-1000 For the Cape and Islands district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that $125,000 shall be expended to support the sex offender management unit; provided further, that 2 prosecutors and administrative support shall be provided to the Cape Cod offender management task force; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2008 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) the total number of personnel from private law firms participating in the program; (2) the name and address of the law firms; (3) the duties

performed by the personnel; and (4) the benefits and cost savings associated with the program; provided further, that not more than $20,000 be expended for Cape & Islands Child Advocacy Center at Children's Cove in Hyannis; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 16, 2009, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2006, 2007 and 2008; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2009; provided further, that no assistant district attorney shall be paid an annual salary of less than $37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer.....$3,763,148

0340-1001 For the overtime costs of state police officers assigned to the Cape and Islands district attorney's office..... $302,521

General Fund.....11.80%
Highway Fund.....88.20%

Berkshire District Attorney.

0340-1100 For the Berkshire district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2008 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 16, 2009, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2006, 2007 and 2008; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2009; provided further, that $150,000 shall be expended for

the operation and management of the Berkshire county drug task force; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (1) the total number of personnel from private law firms participating in the program; (2) the name and address of the law firms; (3) the duties performed by the personnel; and (4) the benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than $37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer $3,665,579

0340-1101 For the overtime costs of state police officers assigned to the Berkshire district attorney's office $233,484

General Fund.....11.80%
Highway Fund.....88.20%

DISTRICT ATTORNEYS' ASSOCIATION.

0340-2100 For the operation of the Massachusetts District Attorney's Association, including the implementation and related expenses of the district attorney's office automation and case management and tracking system; provided, that expenses associated with the system may be charged directly to this item; provided further, that the 11 district attorneys of the commonwealth may contribute a portion of their fiscal year 2009 appropriation to the Massachusetts District Attorney's Association in order to alleviate the cost of the case management and tracking system as well as the cost of data lines associated with the district attorney's computer network; provided further, that the department shall work in conjunction with the disabled persons protection commission and the 11 district attorney's offices to prepare a report that shall include, but not be limited to, the following: (1) the number of abuse cases that are referred to each district attorney's office for further investigation pursuant to section 51B of chapter 199 of the General Laws; (2) the number of such referrals resulting in the filing of criminal charges, delineated by type of charge; (3) the number of such cases referred to each district attorney's office that remain open as of the date for submission of such report; and (4) the number of such cases resulting in a criminal prosecution, and the disposition of each such prosecution; provided further, that the report shall be submitted to the house and senate committees on ways and mean on or before March 16, 2009; provided further, that each district attorney shall submit a report

to the Massachusetts District Attorney's Association and the house and senate committees on ways and means delineating all funds expended for the purpose of implementing the case management and tracking system not later than January 30, 2009; provided further, that the report shall include, but not be limited to, an analysis of the total cost of the district attorney's computer network, the total cost incurred by each district attorney's office, a detailed list of all hardware and software leased, owned or operated by each district attorney, a plan for any purchases to be made in the remainder of fiscal year 2009 and a detailed summary of any policies implemented to contain the costs of the network by either the Massachusetts District Attorney's Association or the individual district attorney's offices; provided further, that no expenditures shall be made, on or after the effective date of this act, which would cause the commonwealth's obligation, for the purpose of this item, to exceed the amount appropriated in this item; and provided further, that the association shall submit a report to the house and senate committees on ways and means not later than January 30, 2009 detailing, by district attorney office, all sources of revenue, including, but not limited to, federal and state grants that were received in fiscal year 2008, and the amount of each source of revenue.....$1,786,550

0340-2117 For the retention of assistant district attorneys with more than 3 years of experience; provided, that the Massachusetts District Attorneys Association shall transfer funds to the AA object class in each of the 11 district attorney offices in the commonwealth; provided further, that the association shall develop a formula for distribution of the funds; provided further, that funds distributed from this item to the district attorneys' offices shall be used for retention purposes and shall not be transferred out of the AA object class; provided further, that not more than $100,000 shall be distributed to any 1 district attorney's office; provided further, that the association shall submit a report to the house and senate committees on ways and means not later than December 1, 2008 detailing the following: (1) the formula used to distribute the funds; (2) the amount given to each district attorney's office; (3) the number of assistant district attorneys from each office who received funds from this item; and (4) the success of the retention initiative in each office; and provided further, that no funds shall be expended on the administrative costs of the association.....$500,000

0340-8908 For the costs associated with maintaining the Massachusetts District Attorneys Association's wide area network $1,362,600

EXECUTIVE.

0411-1000 For the offices of the governor, the lieutenant governor and the governor's council; provided, that the amount appropriated in this item may be used at the discretion of the governor for the payment of

extraordinary expenses not otherwise provided for and for transfer to appropriation accounts where the amounts otherwise available may be insufficient; provided further, that funds may be expended for the governor's commission on mental retardation; and provided further, that the advisory council on Alzheimer diseases and related disorders, as established in the office of the governor by section 379 of chapter 194 of the acts of 1998 and section 80 of chapter 236 of the acts of 2000, shall continue during fiscal year 2009; provided further, that all expenditures made under this item shall be semiannually reported to the clerks of the house of representatives and the senate and the chairpersons of the house and senate committees on ways and means and shall be publicly posted on the official website of the commonwealth in a conspicuous manner; provided, further, that the report shall include: (1) a detailed description, including titles and official duties, of all positions funded through this item; (2) descriptions, including titles and official duties, of all staffed positions within the executive office of the governor, whether funded under this item or otherwise, including positions funded by items 0411-1003 and 0411-1005; and (3) a detailed explanation of the relationships between each of the positions described under clauses (1) and (2), which may be in the form of an organizational chart which identifies the supervising duties and authority of each position; and provided further, that the initial report shall be submitted July 31, 2008. .....$5,564,771

0411-1001 For the operation of the development coordinating council $246,720

0411-1002 For a contract with the Massachusetts Service Alliance to operate the commonwealth corps program, prior appropriation continued.

0411-1003 For costs associated with maintaining and enhancing the commonwealth's Washington, DC office for the purpose of better coordinating all activities and programs that receive or may potentially receive federal funds or are regulated by federal agencies $453,292

0411-1005 For the operation of the office of the child advocate $300,000

SECRETARY OF THE COMMONWEALTH.

Office of the Secretary of the Commonwealth.

0511-0000 For the operation of the office of the secretary; provided, that the office shall submit a report detailing staffing patterns for each program operated by the office; provided further, that the report shall include, but not be limited to, actual and functional job titles by program and compensation rates and lengths of service for each employee; provided further, that the office shall submit the report not later than February 2, 2009, to the house and senate committees on ways and means; provided

further, that the secretary may transfer funds between items 0540-0900, 0540-1000, 0540-1100, 0540-1200, 0540-1300, 0540-1400, 0540-1500, 0540-1600, 0540-1700, 0540-1800, 0540-1900, 0540-2000 and 0540-2100 pursuant to an allocation schedule filed with the house and senate committees on ways and means not less than 30 days before the transfer; provided further, that each register of deeds using electronic record books shall ensure that all methods of electronically recording instruments conform to any regulation or standard established by the state secretary or the records conservation board; and provided further, that those regulations shall be adopted not later than June 30, 2009.....$7,328,088

0511-0001 For the office of the state secretary; provided, that the secretary may expend revenues not to exceed $30,000 from the sale of merchandise at the state house gift shop for replenishing and restocking gift shop inventory $30,000

0511-0108 For the state secretary, acting on behalf of the commonwealth; provided, that the secretary may sell, transfer or license the division of corporations' software and related documents pertaining to its web-based searching and filing applications, including uniform commercial code software, developed by the department of the secretary and copyrighted by it to other states, multi-state or regional associations or other sovereign governments on such terms or conditions as, in his sole discretion, reasonably compensates the commonwealth for its interests; provided further, that the secretary may retain and expend revenues collected from the sales, licensure or user agreements in an amount not to exceed $50,000 for technical activities of the corporations division, the remainder to be deposited in the General Fund; provided further, that the secretary may also provide web hosting, and on-going support and maintenance to other states, provinces or territories of Canada relative to their UCC and corporate applications; and provided further, that the department of the state secretary may accept credit and debit cards from individuals and corporations filing documents with the department.....$50,000

0511-0200 For the operation of the state archives division $550,353

0511-0230 For the operation of the records center $154,311

0511-0250 For the operation of the archives facility $481,881

0511-0260 For the operation of the commonwealth museum $959,755

0511-0270 For the state secretary who may contract with the University of Massachusetts Donahue Institute to provide the commonwealth with technical assistance on United States census data and to prepare annual

population estimates.....$800,000

0511-0420 For the operation of the address confidentiality program.....$113,269

0517-0000 For the printing of public documents.....$909,008

0521-0000 For the operation of the elections division, including preparation, printing and distribution of ballots and for other miscellaneous expenses for primary and other elections; provided, that the state secretary may award grants for voter registration and education in the cities of Boston, Springfield, Lawrence and Worcester; provided further, that the registration and education activities may be conducted by community-based voter registration and education organizations; and provided further, that the secretary shall submit a report to the house and senate committees on ways and means not later than February 2, 2009, detailing the amount appropriated for the purposes of providing reimbursements for the costs of extended polling hours from this item to each city or town; and provided further, that the secretary shall investigate issues relative to preservation and storage of vital municipal records in cities and towns in the commonwealth and shall report to the general court by June 30, 2009 with recommendations on how to fund and staff a grant program for cities and towns to facilitate preservation of such records $7,800,543

0521-0001 For the operation of the central voter registration computer system; provided, that an annual report detailing voter registration activity shall be submitted to the house and senate committees on ways and means on or before February 2, 2009.....$6,156,294

0524-0000 For providing information to voters.....$1,782,807

0526-0100 For the operation of the Massachusetts historical commission $1,070,676

0527-0100 For the operation of the ballot law commission $12,380

0528-0100 For the operation of the records conservation board $39,459

0540-0900 For the registry of deeds located in Lawrence in the former county of Essex $1,312,644

0540-1000 For the registry of deeds located in Salem in the former county of Essex .$3,488,372

0540-1100 For the registry of deeds in the former county of Franklin.....$579,706

0540-1200 For the registry of deeds in the former county of Hampden.....$2,173,462

0540-1300 For the registry of deeds in the former county of Hampshire.....$608,265

0540-1400 For the registry of deeds located in Lowell in the former county of Middlesex.....$1,436,869

0540-1500 For the registry of deeds located in Cambridge in the former county of Middlesex.....$3,719,768

0540-1600 For the registry of deeds located in Adams in the former county of Berkshire.....$331,237

0540-1700 For the registry of deeds located in Pittsfield in the former county of Berkshire.....$563,922

0540-1800 For the registry of deeds located in Great Barrington in the former county of Berkshire.....$278,861

0540-1900 For the registry of deeds in the former county of Suffolk $2,319,509

0540-2000 For the registry of deeds located in Fitchburg in the former county of Worcester.....$863,722

0540-2100 For the registry of deeds located in the city of Worcester in the former county of Worcester.....$2,788,908

TREASURER AND RECEIVER-GENERAL.

Office of the Treasurer and Receiver General.

0610-0000 For the office of the treasurer and receiver-general; provided, that the treasurer shall provide computer services required by the teachers' retirement board; provided further, that not less than $37,000 shall be granted to the elder advocacy organization known as the Silver-Haired Legislature; provided further, that the treasurer's office shall submit a report to the victim and witness assistance board which details the amount of assessments transmitted to the treasurer during the previous calendar year on a monthly basis from the courts, the registrar of motor vehicles and the sheriff or superintendent of any correctional facility pursuant to section 8 of chapter 258B; provided further, that the report shall be submitted to the board on or before January 30, 2009; provided further, that up to $3,600,000 may be expended for the payment of bank fees; and provided further, that the treasurer's office shall pay half of the administrative costs of the municipal finance oversight board from this item.....$11,132,804

General Fund.....90.0%
Highway Fund.....10.0%

0610-0050 For the administration of the alcoholic beverages control commission in its efforts to regulate and control the conduct and condition of traffic in alcoholic beverages; provided, that said commission shall maintain at least 1 chief investigator and other investigators for the purpose of regulating and controlling the traffic of alcoholic beverages; provided further, that said commission shall work and cooperate with the Alcohol, Tobacco, and Firearms division of the United States Department of Justice and other relevant federal agencies to assist in its efforts to regulate and control the traffic of alcoholic beverages; and provided further, that said commission is directed to seek out matching federal dollars and to apply for federal grants that may be available to assist in the enforcement of laws pertaining to the traffic of alcoholic beverages.....$2,037,649

0610-0060 For the costs associated with the investigation and enforcement division of the alcoholic beverages control commission's implementation of the enhanced liquor enforcement programs, known as Safe Campus, Safe Holidays, Safe Prom, and Safe Summer; provided, that funds from this appropriation shall not support other operating costs of item 0610-0050; and provided further, that said commission shall submit a report to the house and senate committees on ways and means not later than March 2, 2009 detailing the results of said program.....$350,000

0610-0140 For the purpose of funding administrative, transactional and research expenses associated with maintaining and increasing the interest earnings on the Commonwealth's General and Stabilization Fund investments $25,000

0610-2000 For payments made to veterans pursuant to section 16 of chapter 130 of the acts of 2005; provided, that the office of the state treasurer may expend not more than $150,000 for costs incurred in the administration of these payments; and provided further, that funds available in fiscal year 2008 shall be available for expenditure until June 30, 2009.....$5,159,080

0611-1000 For bonus payments to war veterans..... $50,000

0611-1010 For the cost of life insurance premiums for National Guard members pursuant to section 88B of chapter 33 of the General Laws.....$1,700,000

0611-5500 For additional assistance to cities and towns to be distributed according to section 3 and for assistance to certain public entities of the commonwealth which have constructed water pollution abatement facilities; provided, that the distribution to the public entities shall equal $1,249,948; and provided further, that if there is a conflict between the provisions of the distribution set forth in section 3 and any other

provisions of this act, the distribution set forth in section 3 shall control$379,767,936

0611-5510 For reimbursements to cities and towns in lieu of taxes on state-owned land pursuant to sections 13 to 17, inclusive, of chapter 58 of the General Laws $28,300,000

0611-5800 For distribution to each city and town within which racing meetings are conducted pursuant to section 18D of chapter 58 of the General Laws ..$1,592,500

Pension Benefits.

0612-0105 For payment of the public safety employee killed in the line of duty benefit authorized by section 100A of chapter 32 of the General Laws; provided that the Treasurer's office shall provide immediate written notification to the secretary of administration and finance and the house and senate committees on ways and means upon the expenditure of the funds appropriated herein $200,000

Commission on Firefighters' Relief.

0620-0000 For financial assistance to injured firefighters.....$9,808

Lottery Commission.

0640-0000 For the operation of the state lottery commission and arts lottery; provided, that no funds shall be expended from this item for any costs associated with the promotion or advertising of lottery games; provided further, that the state lottery commission will perform a study of programs to ensure responsible gaming habits for consumers; provided further, that the commission shall provide results of the study to the chairpersons of the house and senate ways and means committees not later than December 31, 2008; provided further, that positions funded by this item shall not be subject to chapters 30 and 31 of the General Laws; and provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the State Lottery Fund to the General Fund.....$81,152,622

0640-0005 For the costs associated with the continued implementation of the monitor games; provided, that any sums expended on promotional activities shall be limited to point-of-sale promotions and agent newsletters; and provided further, that 25 per cent of the amount appropriated in this item shall be transferred quarterly from the State Lottery fund to the General Fund.....$4,175,484

0640-0010 For the promotional activities associated with the state lottery program; provided, that 25 per cent of the amount appropriated in this item shall be transferred quarterly from the State Lottery Fund to the General

Fund $10,000,000

0640-0013 For the costs of the anti-litter program; provided, that the lottery commission may continue to develop regional environmental awareness events to limit the number of discarded instant tickets that become litter; provided further, that not later than November 15, 2008, the treasurer shall submit a report to the secretary of administration and finance and the chairpersons of the house and senate ways and means committees on the anti-litter program and its effectiveness since it was developed; and provided further, that 25 per cent of the amount appropriated in this item shall be transferred quarterly from the State Lottery Fund to the General Fund.....$75,000

0640-0096 For the purpose of the commonwealth's fiscal year 2009 contributions to the health and welfare fund established pursuant to the collective-bargaining agreement between the lottery commission and the service employees international union, Local 254, AFL-CIO; provided, that the contributions shall be paid to the trust fund on such basis as the collective bargaining agreement provides; and provided further, that 25 per cent of the amount appropriated in this item shall be transferred quarterly from the State Lottery Fund to the General Fund.....$355,945

MASSACHUSETTS CULTURAL COUNCIL.

0640-0300 For the services and operations of the council, including grants to or contracts with public and non-public entities; provided, that notwithstanding any general or special law to the contrary, the council may expend the amounts herein appropriated for the purposes of the council as provided in sections 52 to 58, inclusive, of chapter 10 of the General Laws in amounts and at times as the council may determine pursuant to section 54 of said chapter 10; provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the Arts Lottery Fund to the General Fund; provided further, that any funds expended from this item for the benefit of schoolchildren shall be expended for the benefit of all Massachusetts schoolchildren and on the same terms and conditions; provided further, that the council shall not expend funds from this item for any grant or contract recipient that, in any program or activity for Massachusetts schoolchildren, does not apply the same terms and conditions to all such schoolchildren; provided further, that not more than $1,000,000 of the funds appropriated herein shall be used to assist cultural organizations in augmenting or initiating endowments to promote the financial stability of the organizations and the assistance shall be in the form of challenge grants to the organizations; provided further, that in order to receive a grant a cultural organization shall raise an amount at least equal to the amount of the grant for the organization's endowment; provided further, that funds provided by the grants shall, in perpetuity, be used

solely to provide free or reduced rate public programs or services to citizens of the commonwealth; provided further, that a grant made under this program shall not exceed $100,000; provided further, that a person employed under this item shall be considered an employee within the meaning of section 1 of chapter 150E of the General Laws and shall be placed in the appropriate bargaining unit; provided further, that the Local Cultural Council Grant Program provide for a minimum grant of $5,000 per municipality; and provided further, that not less than $350,000 shall be expended to establish the Cultural Tourism Initiative under the Massachusetts Cultural Council, which shall provide matching funds for marketing programs created through regional or local partnerships between tourism professional and nonprofit cultural organizations through 4 pilot programs to be created in 4 different regions of the state $12,351,697

Debt Service.

0699-0015 For the payment of interest, discount and principal on certain bonded debt and the sale of bonds of the commonwealth, previously charged to the Local Aid Fund, the State Recreation Areas Fund, the Metropolitan Parks District Fund, the Metropolitan Water District Fund, the Metropolitan Sewerage District Fund, the Watershed Management Fund, the Highway Fund, and the Inter-City Bus Fund; provided, that payments of certain serial bonds maturing previously charged to the Local Aid Fund, the State Recreation Areas Fund, the Metropolitan Water District Fund, the Metropolitan Sewerage District Fund, and the Highway Fund shall be paid from this item; provided further, that notwithstanding any general or special law to the contrary, the state treasurer may make payments pursuant to section 38C of chapter 29 of the General Laws from this item and item 0699-9100; provided further, that the payments shall pertain to the bonds, notes, or other obligations authorized to be paid from each item; provided further, that notwithstanding any general or special law to the contrary, the comptroller may transfer the amounts that would otherwise be unexpended on June 30, 2009, from item 0699-0015 to item 0699-9100 or from item 0699-9100 to item 0699-0015 which would otherwise have insufficient amounts to meet debt service obligations for the fiscal year ending June 30, 2009; provided further, that each amount transferred shall be charged to the funds as specified in the item to which the amount is transferred; provided further, that payments on bonds issued pursuant to section 2O of chapter 29 of the General Laws shall be paid from this item and shall be charged to the Infrastructure sub-fund of the Highway fund; provided further, that payments of interest, discount and principal on certain bonded debt of the commonwealth associated with the Watershed Management Fund for the acquisition of development rights and other interests in land, including fee simple acquisitions of watershed lands of the Quabbin

and Wachusett reservoirs and the Ware river watershed above the Ware river intake pipe shall be paid from this item; provided further, that notwithstanding any general or special law to the contrary or other provisions of this item, the comptroller may charge the payments authorized herein to the appropriate budgetary or other fund subject to a plan which the comptroller shall file 10 days in advance with the house and senate committees on ways and means; and provided further, that the comptroller shall transfer from this item to the Government Land Bank Fund an amount equal to the amount by which debt service charged to said fund exceeds revenue deposited to said funds.....$1,806,346,000

General Fund.....68.07%
Highway Fund.....31.93%

0699-2004 For the payment of interest, discount and principal on certain indebtedness which may be incurred for financing the central artery/third harbor tunnel funding shortfall $102,161,000

Highway Fund.....100.0%

0699-9100 For the payment of interest and issuance costs on bonds and bond and revenue anticipation notes and other notes pursuant to sections 47 and 49B of chapter 29 of the General Laws and for the payment to the United States pursuant to section 148 of the Internal Revenue Code of 1986 of any rebate amount or yield reduction payment owed with respect to any bonds or notes or other obligations of the commonwealth; provided, that the treasurer shall certify to the comptroller a schedule of the distribution of costs among the various funds of the commonwealth; provided further, that the comptroller shall charge costs to the funds in accordance with the schedule; and provided further, that any deficit in this item at the close of the fiscal year ending June 30, 2009 shall be charged to the various funds or to the General Fund or Highway Fund debt service reserves.....$28,728,000

0699-9101 For the purpose of depositing with the trustee under the trust agreement authorized in section 10B of chapter 11 of the acts of 1997 an amount to be used to pay the interest due on notes of the commonwealth issued pursuant to section 9 of said chapter 11 and secured by the Federal Highway Grant Anticipation Note Trust Fund $45,664,000

STATE AUDITOR.

Office of the State Auditor.

0710-0000 For the office of the state auditor, including the review and monitoring of privatization contracts in accordance with sections 52 to 55, inclusive, of chapter 7 of the General Laws and shared oversight of the central

artery/third harbor tunnel project $16,317,826

0710-0100 For the operation of the division of local mandates $650,162

0710-0200 For the operation of the bureau of special investigations; provided, that the office shall file quarterly reports with the house and senate committees on ways and means detailing the total amount of fraudulently obtained benefits identified by the bureau of special investigations of the office of the state auditor, the total value of settlement restitution payments, actual monthly collections, and any circumstances that produce shortfalls in collections.....$1,928,775

0710-0225 For the operation of the Medicaid Audit Unit within the Division of Audit Operations in an effort to prevent and to identify fraud and abuse in the MassHealth system; provided, that the federal reimbursement for any expenditure from this line item shall not be less than 50 per cent; and provided further, that the division shall submit a report no later than December 1, 2008 to the house and senate committee ways and means detailing all findings on activities and payments made through the MassHealth system $859,745

ATTORNEY GENERAL.

Office of the Attorney General.

0810-0000 For the office of the attorney general, including the administration of the local consumer aid fund, the operation of the anti-trust division, all regional offices, a high-tech crime unit and the victim and witness compensation program; provided, that the victim and witness compensation program shall be administered in accordance with chapters 258B and 258C of the General Laws; provided further, that the attorney general shall submit to the general court and the secretary for administration and finance a report detailing the claims submitted to the state treasurer for payment under item 0810-0004 indicating both the number and costs for each category of claim; provided further, that not more than $320,000 shall be expended for predatory lending and consumer credit units; provided further, that not more than $355,000 shall be expended for a health care division; provided further, that not more than $300,000 shall be expended for a victim witness rights services unit; provided further, that not less than $300,000 shall be expended for the United Teen Equality Center; provided further, that not more than $250,000 shall be expended for a grants program for the safe neighborhood initiative-jobs for youth program; provided further, that not more than $250,000 shall be expended for a safe neighborhood initiative program in the Grove Hall area of Boston; provided further, that not more than $250,000 shall be expended from the funds appropriated in this item for a safe neighborhood initiative pilot

program in the Bowdoin/Geneva area of the Dorchester section of the city of Boston and in the city of New Bedford; provided further, that the public proceedings unit shall review the water rate increases; provided further, that not more than $240,000 shall be expended for the operation of a child protection unit; provided further, that funds may be expended for the commission on uniform state laws; provided further, that not more than $200,000 shall be provided for the Dorchester Youth Collaborative; and provided further, that $50,000 shall be expended for the Trauma Intervention Program of Merrimack Valley $27,660,277

0810-0004 For compensation to victims of violent crimes; provided, that notwithstanding chapter 258C of the General Laws, if a claimant is 60 years of age or older at the time of the crime and is not employed or receiving unemployment compensation, such claimant shall be eligible for compensation in accordance with said chapter 258C even if the claimant has suffered no out-of-pocket loss; provided further, that compensation to such claimant shall be limited to a maximum of $50; and provided further, that notwithstanding any general or special law to the contrary, victims of the crime of rape shall be notified of all available services designed to assist rape victims including, but not limited to, the provisions outlined in section 5 of chapter 258B of the General Laws $2,188,340

0810-0007 For the overtime costs of state police officers assigned to the attorney general; provided, that costs associated with those officers shall not be funded from item 8100-0007; and provided further, that expenditures shall not be made on or after the effective date of this act which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated in this item $541,201

Highway Fund.....88.20%
General Fund.....11.80%

0810-0013 For a false claims program the office of the attorney general may expend an amount not to exceed $650,000 from revenues collected from enforcement of the false claims act; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system $650,000

0810-0014 For the operation of the department of telecommunications and energy proceedings unit, pursuant to section 11E of chapter 12 of the General Laws; provided, that notwithstanding any general or special law to the

contrary, the amount assessed under said section 11E of said chapter 12 of the General Laws, shall equal the amount expended from this item; and provided further, that not less than $200,000 shall be expended for the expenses of legal and technical personnel and associated administrative and travel expenses relative to participation in regulatory proceedings at the Federal Energy Regulatory Commission on behalf of Massachusetts ratepayers.....$2,355,145

0810-0021 For the operation of the Medicaid fraud control unit; provided, that the federal reimbursement for any expenditure from this item shall not be less than 75 per cent of the expenditure; provided further, that not less than $225,000 shall continue to be used specifically for the investigation and prosecution of abuse, neglect, mistreatment and misappropriation based on referrals from the department of public health pursuant to section 72H of chapter 111 of the General Laws; provided further, that the unit shall provide training for all investigators of the department's division of health care quality responsible for the investigations on a periodic basis pursuant to a comprehensive training program to be developed by the division and the unit; and provided further, that training shall include instruction on techniques for improving the efficiency and quality of investigations of abuse, neglect, mistreatment and misappropriation pursuant to said section 72H of said chapter 111.....$2,920,262

0810-0045 For the labor law enforcement program pursuant to subsection (b) of section 1 of chapter 23 of the General Laws; provided, that notwithstanding any general or special law to the contrary, a non-management position funded by this item shall be considered a job title in a collective bargaining unit as prescribed by the labor relations commission and shall be subject to chapter 150E of the General Laws..$3,576,934

0810-0201 For the costs incurred in administrative or judicial proceedings on insurance as authorized by section 11F of chapter 12 of the General Laws; provided, that funds made available in this item may be used to supplement the automobile insurance fraud unit and the workers' compensation fraud unit of the office of the attorney general; provided further, that not less than $250,000 shall be expended for costs associated with health insurance rate hearings; and provided further, that notwithstanding any general or special law to the contrary, the amount assessed for the costs shall be equal to the amount expended from this item.....$1,664,942

0810-0338 For the investigation and prosecution of automobile insurance fraud; provided, that notwithstanding section 3 of chapter 399 of the acts of 1991, the amount assessed pursuant to said section 3 for the cost of this program shall be $438,506.....$438,506

0810-0399 For the investigation and prosecution of workers' compensation fraud; provided, that notwithstanding section 3 of chapter 399 of the acts of 1991, the amount assessed pursuant to said section 3 for the cost of this program shall be $284,456; provided further, that the attorney general shall investigate and prosecute, when appropriate, employers who fail to provide workers' compensation insurance in accordance with the laws of the commonwealth; and provided further, that the unit shall investigate and report on all companies not in compliance with chapter 152 of the General Laws $284,456

Victim and Witness Assistance Board.

0840-0100 For the operation of the victim and witness assistance board; provided, that the board shall submit a comprehensive report compiled from the information required of and submitted to the office by the trial court, the registry of motor vehicles and the state treasurer relative to the collection of assessments for the previous calendar year under section 8 of chapter 258B of the General Laws; and provided further, that the report shall be submitted to the house and senate committees on ways and means on or before February 16, 2009.....$610,100

0840-0101 For the salaries and administration of the SAFEPLAN advocacy program, to be administered by the Massachusetts office of victim assistance; provided, that the office shall submit to the house and senate committees on ways and means, not later than February 3, 2009, a report detailing the effectiveness of contracting for the program including, but not limited to, the number and type of incidents to which the advocates responded, the type of services and service referrals provided by the domestic violence advocates, the cost of providing such services and the extent of coordination with other service providers and state agencies $789,788

STATE ETHICS COMMISSION.

0900-0100 For the operation of the state ethics commission.....$1,782,433

OFFICE OF THE INSPECTOR GENERAL.

0910-0200 For the operation of the office of the inspector general.....$2,721,715

0910-0210 For the office of the inspector general which may expend revenues collected up to a maximum of $400,000 from the fees charged to participants in the Massachusetts public purchasing official certification program and the certified public manager program for the operation of such programs; provided, that for the purpose of accommodating discrepancies between the receipts of retained revenues and related

expenditures, the office of the inspector general may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system $400,000

OFFICE OF CAMPAIGN AND POLITICAL FINANCE.

0920-0300 For the operation of the office of campaign and political finance.....$1,285,141

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION.

0940-0100 For the office of the commission, including the processing and resolution of cases pending before the commission that were filed on or before July 1, 2005; provided, that on or before November 3, 2008, the commission shall submit to the house and senate committees on ways and means a report on the total number of all currently pending cases and the total number of the cases in the investigation, conciliation, post-probable cause and pre-public hearing and post-hearing stages; provided further, that the commission shall file an update of the report with the committees on or before March 2, 2009; provided further, that the commission shall identify in the reports the number of cases in which the commission has determined there is probable cause to believe that a violation of chapter 151B of the General Laws has been committed in a case in which the Massachusetts Bay Transportation Authority is named as a respondent; provided further, that the commission shall report to the house and senate committees on ways and means, on or before November 3, 2008, the number of cases pending before the commission in which a state agency or state authority is named as a respondent, specifying those cases in which the Massachusetts Bay Transportation Authority is named as a respondent, and the number of the cases in which there is probable cause to believe that a violation of said chapter 151B has been committed; provided further, that the commission shall include in the report the total number of new cases filed in fiscal year 2008 and the total number of cases closed by the commission in fiscal year 2008; provided further, that funds made available in this item shall be in addition to funds available in item 0940-0101; provided further, that all positions, except clerical, shall be exempt from chapter 31 of the General Laws; and provided further, that the commission shall pursue the highest allowable rate of federal reimbursement $2,332,903

0940-0101 For the Massachusetts commission against discrimination which may expend not more than $1,920,010 from revenues from federal reimbursements received for the purposes of the United States Department of Housing and Urban Development fair housing type 1 program and the equal opportunity resolution contract program during fiscal year 2009 and federal reimbursements received for these and

other programs in prior years; provided, that notwithstanding any general or special law to the contrary, the commission may also expend revenues generated through the collection of fees and costs so authorized; and provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the commission may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system.....$1,920,010

0940-0102 For the Massachusetts commission against discrimination which may expend not more than $70,000 from revenues collected from fees charged for the training and certification of diversity trainers for the operation of the discrimination prevention certification program $70,000

COMMISSION ON THE STATUS OF WOMEN.

0950-0000 For the commission on the status of women.....$250,480

OFFICE OF THE STATE COMPTROLLER.

1000-0001 For the office of the state comptroller for the purpose and cost of compliance with the Single Audit Act of 1984, Public Law 89-502, and for the federally required comprehensive, statewide single audit of state operations for the fiscal year ending June 30, 2009, in accordance with generally accepted accounting principles; provided, that the office of the comptroller shall charge other items of appropriation for the cost of the audit from allocated federal funds transferred from federal reimbursement and grant receipts; provided further, that the office of the comptroller shall charge not more than a total of $750,000 to other items of appropriation for the cost of the audit; provided further, that notwithstanding any general or special law to the contrary, allocated federal funds transferred from federal reimbursement and grant receipts shall be retained and expended from a separate item without further appropriation, in addition to state funds appropriated to this item, for the cost of compliance with the mandate of the federal law and the office of management and budget regulations; provided further, that the amount of any such federal funds and grant receipts so credited and expended from this item shall be reported to the house and senate committees on ways and means; provided further, that the comptroller shall maintain a special federal and non-tax revenue unit which shall operate under policies and procedures developed in conjunction with the secretary for administration and finance; provided further, that the comptroller shall provide quarterly reports to the house and senate committees on ways and means which shall include for each state agency for which the commonwealth is billing, the eligible state services and the full-year estimate of revenues and revenues collected;

provided further, that notwithstanding any general or special law to the contrary, the comptroller shall deduct an amount of $1,000 from any item of appropriation in section 2 in which a reporting requirement is stipulated within such item and which report is not filed within 10 days of the stated due date; provided further, that all amounts deducted shall be deposited into the General Fund and the comptroller shall notify the house and senate committees on ways and means of all amounts so deducted; provided further, that notwithstanding any general or special law to the contrary, the comptroller may enter into contracts with private vendors to identify and pursue cost avoidance opportunities for programs of the commonwealth and to enter into interdepartmental service agreements with state agencies, as applicable, for such purpose; provided further, that 60 days before entering into any interdepartmental service agreements the comptroller shall notify the house and senate committees on ways and means; provided further, that such notification shall include, but not be limited to, a description of the project, the purpose and intent of the interdepartmental service agreement, a projection of the costs avoided in the current fiscal year, a copy of the proposed contract with the private vendor, including the proposed rate of compensation and any previous agreements related or similar to the proposed agreement as well as the information on such previous agreements as required to be submitted for the proposed agreement; provided further, that payments to private vendors on account of such cost avoidance projects shall be made only from such actual cost savings as have been certified in writing to the house and senate committees on ways and means by the comptroller and the budget director as attributable to such cost avoidance projects; provided further, that the comptroller may establish such procedures, in consultation with the budget director and the affected departments as he deems appropriate and necessary to accomplish the purpose of this item; and provided further, that the comptroller shall submit a report on such projects as a part of his annual report pursuant to section 12 of chapter 7A of the General Laws $8,990,602

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary of Administration and Finance.

1100-1100 For the office of the secretary and the administration of the fiscal affairs division; provided, that the secretary shall conduct an ongoing review of affirmative action steps taken by the various agencies, boards, departments, commissions or divisions to determine whether such agencies, boards, departments, commissions or divisions are complying with the commonwealth's policies of non-discrimination and equal opportunity; provided further, that whenever non-compliance is determined by the secretary, the secretary shall hold a public hearing on the matter and report his resulting recommendations to the head of the

relevant agency, board, department, commission or division, to the governor and to the Massachusetts Commission Against Discrimination; provided further, that the secretary shall report on the status of each agency, board, department, commission or division receiving monies under this item, including supplemental and deficiency budgets, as to compliance or non-compliance with affirmative action policies to the chairs of the house and senate committees on ways and means, the joint committee on public service and the joint committee on labor and workforce development on or before December 1, 2008; provided further, that agencies within the executive office may, with the prior approval of the secretary, streamline and improve administrative operations pursuant to interdepartmental service agreements; provided further, that the secretary of administration and finance, in conjunction with the trial court, the executive office of health and human services, the division of capital asset management and maintenance, the bureau of state office buildings and the division of energy resources, shall submit a report to the house and senate committees on ways and means relative to the commonwealth's energy costs, which shall include, but not be limited to, the following: (a) energy consumption and costs incurred by commonwealth-owned or operated facilities, including the state house, state office buildings, hospitals, courthouses, correction facilities and related properties; (b) cost saving initiatives relating to energy consumption and procurement; (c) the energy consumption and costs for all vehicles operated by the commonwealth and its subsidiary secretariats and agencies; and (d) the current status of the state's energy infrastructure and plans for either replacement or conversion of existing systems; provided further, that the report shall be submitted not later than January 26, 2009; and provided further, that the budget director shall report on a quarterly basis to the house and senate committees on ways and means the status of all cost avoidance projects which are undertaken pursuant to item 1000-0001 .....$3,826,821

1100-1200 For the executive office for administration and finance to carry out expanded responsibilities associated with an analysis of the commonwealth's capital planning, the development of performance budgeting and improving the efficiency of state government $500,000

Division of Capital Asset Management and Maintenance.

1102-3205 For the division which may expend for the maintenance and operation of the Massachusetts information technology center an amount not to exceed $7,800,000 in revenues collected from rentals, commissions, fees, parking fees and all other sources pertaining to the operations of said center; provided, that notwithstanding any general or special law to the contrary, and for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the

division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate, as reported in the state accounting system $7,800,000

1102-3214 For the state transportation building; provided, that the division may expend revenues collected, up to a maximum of $7,600,000, from rentals, commissions, fees, parking fees and from all other sources pertaining to the operation of the state transportation building for the maintenance and operation of said building; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system.....$7,600,000

1102-3231 For the Springfield state office building; provided, that the division may expend not more than $850,000 in revenues from rents charged to agencies occupying the building for the maintenance and operation of the building; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate, as reported in the state accounting system.....$850,000

1102-3232 For the division of capital asset maintenance and management; provided, that the division may expend not more than $300,000 received from application fees charged in conjunction with the certification of contractors and subcontractors pursuant to section 44D of chapter 149 of the General Laws; and provided further, that only expenses, including staffing, incurred to implement and operate the certification program shall be funded from this item.....$300,000

Bureau of State Office Buildings.

1102-3301 For the operation of the bureau and for the maintenance and operation of buildings under the jurisdiction of the state superintendent of buildings; provided, that the bureau shall retain jurisdiction over all contracts, purchases and payments for materials and services required in the operation of the bureau $6,843,449

1102-3302 For the purposes of utility costs and associated contracts for the properties managed by the bureau of state office buildings $7,485,633

1102-3306 For the maintenance and joint operation of the state house under the jurisdiction of the state superintendent of state office buildings and the legislature's joint committee on rules; provided, that the bureau shall

work in coordination with the house of representatives and the senate relative to the maintenance, repair, purchases and payments for materials and services $774,135

1102-3307 For state house accessibility coordination, including communications access to public hearings and meetings $245,824

Office on Disability.

1107-2400 For the office on disability..... $739,477

Disabled Persons Protection Commission.

1107-2501 For the disabled persons protection commission; provided, that the commission shall facilitate compliance by the department of mental health and the department of mental retardation with uniform investigative standards; provided further, that the commission shall report to the house and senate committees on ways and means not later than the last day of each quarter on the number of claims of abuse by caretakers made by employees or contracted service employees of the departments of mental retardation and mental health and the Massachusetts rehabilitation commission; provided further, that the report shall include: (i) the number of claims found to be substantiated; (ii) the number of claims found to be unsubstantiated; and (iii) the number of claims found to be falsely reported as a result of intentional and malicious action; and provided further, that the commission shall ensure that all calls received by the commission's 24-hour hotline are capable of being recorded, that all persons who call the hotline are immediately informed that all calls are routinely recorded and that each such person is provided with the opportunity to elect that the call not be recorded.....$2,328,012

Civil Service Commission.

1108-1011 For the civil service commission; provided, that the General Fund shall be reimbursed for the appropriation herein through a fee charged on a per claim basis; provided further, that said commission shall develop and implement regulations to implement said reimbursement to the General Fund; and provided further, that the civil service commission shall have the power to assess a fee upon the appointing authority when inappropriate action has occurred $522,613

Group Insurance Commission.

1108-5100 For the administration of the group insurance commission; provided, that the commission shall generate the maximum amounts allowable under the federal Consolidated Omnibus Budget Reconciliation Act, as amended, and from reimbursements allowed by sections 8, 10B, 10C

and 12 of chapter 32A of the General Laws $3,077,738

1108-5200 For the commonwealth's share of the group insurance premium and plan costs incurred in fiscal year 2009; provided, that notwithstanding any general or special law to the contrary, funds in this item shall not be available during the accounts-payable period of fiscal year 2009, and any unexpended balance in this item shall revert to the General Fund on June 30, 2009; provided, that the secretary of administration and finance shall charge the division of unemployment assistance and other departments, authorities, agencies and divisions, which have federal or other funds allocated to them for this purpose, for that portion of insurance premiums and plan costs as the secretary determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds and amounts received in payment of all such charges or such transfers shall be credited to the General Fund; provided further, that funds may be expended from this item for the commonwealth's share of group insurance premium and plan costs provided to employees and retirees in prior fiscal years; provided further, that the group insurance commission shall report quarterly to the house and senate committees on ways and means the amounts expended from this item for prior year costs; provided further, that the group insurance commission shall obtain reimbursement for premium and administrative expenses from other agencies and authorities not funded by state appropriation; provided further, that the secretary of administration and finance may charge all agencies for the commonwealth's share of the health insurance costs incurred on behalf of any employees of those agencies who are on leave of absence for a period of more than 1 year; provided further, that the amounts received in payment for the charges shall be credited to the General Fund; provided further, that notwithstanding section 26 of chapter 29 of the General Laws, the commission may negotiate, purchase and execute contracts before July 1 of each year for policies of group insurance as authorized by chapter 32A of the General Laws; provided further, that notwithstanding chapter 150E of the General Laws and as provided in section 8 of chapter 32A and for the purposes of section 14 of chapter 32A, the commonwealth's share of the group insurance premium for state employees who have retired before July 1, 1994, shall be 90 per cent and the commonwealth's share of the group insurance premium for state employees who have retired on or after July 1, 1994, shall be 85 per cent; provided further, that the commonwealth's share of the group insurance premium for active employees upon retirement shall be 85 per cent; provided further, that the commonwealth's share of the premiums for active state employees and their dependents shall be 85 per cent; provided further, that the commonwealth's share of the premiums for active state employees hired after June 30, 2003, and

their dependents shall be 80 per cent; provided further, that the commission shall notify the house and senate committees on ways and means by March 15 of each year of the cost of the commonwealth's projected share of group insurance premiums for the next fiscal year; and provided further, that the group insurance commission may pay premium and plan costs for municipal employees and retirees who are enrolled in the group insurance commission's health plans pursuant to the commission's regulations.....$839,000,000

1108-5201 For the costs incurred by the group insurance commission associated with providing municipal health insurance coverage pursuant to section 19 of chapter 32B of the General Laws; provided, that the commission may expend revenues in an amount not to exceed $1,000,000 from the revenue received from administrative fees associated with providing municipal health insurance coverage pursuant to said section 19 of said chapter 32B; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the commission may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of this authorization or the most recent revenue estimate, as reported in the state accounting system $1,000,000

1108-5350 For elderly governmental retired employee premium payments.....$714,237

1108-5400 For the costs of the retired municipal teachers' premiums and the audit of such premiums $84,636,654

1108-5500 For the costs, notwithstanding chapter 32A of the General Laws to the contrary, of dental and vision benefits for those active employees of the commonwealth, not including employees of authorities and any other political subdivision, who are not otherwise provided those benefits pursuant to a separate appropriation or the terms of a contract or collective bargaining agreement; provided, that the employees shall pay 15 per cent of the monthly premium established by the commission for the benefits.....$7,366,759

Division of Administrative Law Appeals.

1110-1000 For the operation of the division of administrative law appeals, established by section 4H of chapter 7 of the General Laws; provided, that the division shall maintain, to the fullest extent practicable, a complete physical and technological separation from any agency, department, board, commission or program whose decisions,

determinations or actions may be appealed to it; provided further, that every decision issued by a commissioner or other head of agency, or designee, following the issuance of a recommended decision by an administrative law judge of the division, shall be an agency decision subject to judicial review pursuant to chapter 30A of the General Laws; and provided further, that funds shall be expended for the processing and adjudication of all pending and newly-filed department of environmental protection appeals $1,388,052

George Fingold Library.

1120-4005 For the administration of the library; provided, that the library shall maintain regular hours of operation from 9:00 a.m. to 5:00 p.m. $1,273,692

1120-4006 For the George Fingold Library which may expend revenues collected up to a maximum of $8,000 from the fees charged for copying services; provided, that the Library shall submit a report that details revenue collected and expenditures made to the house and senate committees on ways and means on or before January 1, 2009 .....$8,000

Department of Revenue.

1201-0100 For the operation of the department of revenue, including tax collection administration and audits of certain foreign corporations; provided, that the department may allocate an amount not to exceed $250,000 to the office of the attorney general for the purpose of the tax prosecution unit; provided further, that the department may charge the expenses for computer services, including the cost of personnel and other support costs provided to the child support enforcement unit, from this item to item 1201-0160, consistent with the costs attributable to said unit; provided further, that the department shall maintain regional offices in the cities of Springfield, Pittsfield, Fall River, and Worcester and in the Hyannis section of the town of Barnstable; provided further, that the department shall provide to the general court access to the municipal data bank; provided further, that notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this account are positions requiring the services of an incumbent, on either a full-time or less than full-time basis beginning no earlier than December 1 and ending no later than November 30; and provided further, that seasonal positions funded by this account may not be filled by an incumbent for more than 10 months within a 12 month period; provided further, that the department shall conduct a pilot public awareness and education outreach campaign about state and local tax credits, deductions, deferrals and exemptions and other tax information available to persons age 65 and over including, but not limited to, section 6 of chapter 62 and section 5 of chapter 59 of the General Laws; provided further, that the department shall work in conjunction with the executive office of

elder affairs in disseminating information and conducting the campaign; provided further, that the department shall conduct the campaign from July 1, 2008, to April 15, 2009, inclusive, and shall report their efforts to the house and senate committee on ways and means and the joint committee on elder affairs not later than May 15, 2009; and provided further, that the department shall also file an interim report to the house and senate committee on ways and means and the joint committee on elder affairs not later than January 1, 2009.$118,337,707

General Fund.....95.0%
Highway Fund.....5.0%

1201-0118 For the operation of the division of local services.....$6,181,357

1201-0130 For the department of revenue which may expend for the operation of the department an amount not to exceed $16,330,000 from revenues collected by the additional auditors for an enhanced audit program; provided, that the auditors shall: (1) discover and identify persons who are delinquent either in the filing of a tax return or the payment of a tax due and payable to the commonwealth; (2) obtain said delinquent returns; and (3) collect such delinquent taxes for a prior fiscal year; provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses, and the comptroller may certify for payment, amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, that the department shall submit quarterly reports to the house and senate committees on ways and means that shall include, but not be limited to, the following: the amount of revenue produced from these additional auditors; and the amount of revenue produced by this item in fiscal years 2005, 2006, 2007, and 2008.....$16,330,000

1201-0160 For the child support enforcement unit; provided, that the department may allocate funds appropriated herein to the department of state police, the district courts, the probate and family courts, the district attorneys and other state agencies for the performance of certain child support enforcement activities, and that those agencies may expend the funds for the purposes of this item; provided further, that all such allocations shall be reported quarterly to the house and senate committees on ways and means upon the allocation of said funds; provided further, that the federal

receipts associated with the child support computer network shall be drawn down at the highest possible rate of reimbursement and deposited into a revolving account to be expended for the network; provided further, that federal receipts associated with child support enforcement grants shall be deposited into a revolving account to be drawn down at the highest possible rate of reimbursement and to be expended for the grant authority; provided further, that the department shall file quarterly reports with the house and senate committees on ways and means, detailing the balance, year-to-date and projected receipts and year-to-date and projected expenditures, by subsidiary, of the child support trust fund established pursuant to section 9 of chapter 119A of the General Laws; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of the authorization or the most recent revenue estimate as reported in the state accounting system for federal incentives and said network in accounts 1201-0161, 1201-0410 and 1201-0412; provided further, in fiscal year 2009, the department will identify the steps necessary to enable the commonwealth to implement, by October 1, 2009, the requirements in 42 U.S.C. § 608(a)(3) and the options set forth in 42 U.S.C. §§ 657(a)(2)(B)(i), 657(a)(7)(B) and 657(b)(2) to pay the federal share of certain child support collections to families; provided further, that on or before November 1, 2008, the department shall report to the chairs of the senate and house committees on ways and means and the senate and house chairs of the joint committee on revenue the steps the department has taken and those it would still need to take, along with a timetable for accomplishing each of the steps still necessary and

identification of any additional funding or statutory changes needed to implement such requirements and options by October 1, 2009.

$52,012,766

1201-0164 For the child support enforcement division; provided, that the division may expend revenues in an amount not to exceed $6,547,280 from the federal reimbursements awarded for personnel and lower subsidiary related expenditures; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of this authorization or the most recent revenue estimate, as reported in the state accounting system $6,547,280

1231-1000 For the Commonwealth Sewer Rate Relief Fund, established in section 2Z of chapter 29 of the General Laws $10,000,000

1231-1020 For a program of loans, loan purchases or loan guarantees or interest subsidies to assist homeowners, homeowner associations or condominium associations in complying with revised state environmental code for subsurface disposal of sanitary waste, Title V; provided, that the program shall be in addition to the loan program established pursuant to item 2200-9959 in section 2 of chapter 85 of the acts of 1994; provided further, that the department may contract with third parties, including, but not limited to, commonwealth-based financial institutions to manage the program; provided further, that the department and the third parties shall take all steps necessary to minimize the program's administrative costs; provided further, that the loans, loan purchases or loan guarantees shall be available on the basis of a sliding scale that relates a homeowner's income and assets to the cost of Title V compliance; provided further, that interest subsidies shall be means-tested and may be for zero-interest loans pursuant to income standards developed by the department; and provided further, that the department of revenue shall consult with the department of environmental protection in developing rules, regulations and guidelines for said program, prior appropriation continued.

1232-0100 For underground storage tank reimbursements to parties that have remediated spills of petroleum products pursuant to chapter 21J of the General Laws; provided, that in the prioritization of claims, consideration shall be given to claimants who own not more than 2 dispensing facilities.....$18,200,000

1232-0200 For the Underground Storage Tank Petroleum Cleanup Fund Administrative Review Board established by section 8 of chapter 21J of the General Laws and for the administration of the underground storage tank program associated with the implementation of said chapter 21J; provided, that notwithstanding section 4 of said chapter 21J or any other general or special law to the contrary, appropriations made in this item shall be sufficient to cover the administrative expenses of the underground storage tank program; provided further, that the board shall submit to the house and senate committees on ways and means a report on the status of the underground storage program, including, but not limited to, the number of municipal grants made for the removal and replacement of underground storage tanks and the reimbursements for remediated petroleum spills; provided further, that the report shall detail how many tanks are out of compliance with said chapter 21J; and provided further, that the report shall be submitted not later than February 16, 2009 ..... $1,791,327

1232-0300 For underground storage tank municipal grants to remove and replace the tanks pursuant to section 2 of chapter 21J of the General Laws and section 37A of chapter 148 of the General Laws $465,406

1233-2000 For the tax abatement program for certain veterans, widows, blind persons, and the elderly; provided, that cities and towns shall be reimbursed for the abatements granted pursuant to clauses Seventeenth, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, Thirty-seventh, Thirty-seventh A and Fifty-second of section 5 of chapter 59 of the General Laws $17,241,130

1233-2006 For reimbursements to cities and towns for additional exemptions from the motor vehicle excise granted pursuant to the seventh paragraph of section 1 of chapter 60A of the General Laws, as amended by sections 13 to 14 of section 1 of chapter 260 of the acts of 2006 ..... $1,468,525

1233-2310 For reimbursing cities and towns for taxes abated pursuant to the clauses Forty-first, Forty-first B and Forty-first C of section 5 of chapter 59 of the General Laws; provided, that the commonwealth shall reimburse each city or town that accepts said clause Forty-first B or clause Forty-first C for additional costs incurred in determining eligibility of applicants under those clauses in an amount not to exceed $2 per exemption granted $9,890,345

Appellate Tax Board.

1310-1000 For the operation of the appellate tax board; provided, that the board shall schedule hearings in Barnstable, Gardner, Lawrence, Milford, Northampton, Pittsfield, Springfield, Worcester and southeastern Massachusetts; and provided further, that the board shall report to the

house and senate committees on ways and means not later than December 1, 2008, on the number of hearings held at each location $2,182,786

1310-1001 The appellate tax board may expend revenues up to a maximum of $300,000 from fees collected; provided, that in order to accommodate discrepancies between the receipt of retained revenues and related expenditures, the board may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system.....$300,000

Department of Veterans' Services.

1410-0010 For the operation of the department of veterans' services; provided, that the department may fund a housing specialist from this item; provided further, that the department may expend funds for the Glory 54th Brigade; provided further, that not less than $25,000 shall be expended for the purpose of maintaining the Massachusetts Vietnam veterans memorial located in the Green Hill park in Worcester; provided further, that not less than $10,000 shall be expended for the Korean War memorial located in the Charlestown navy yard; provided further, that the secretary of veterans' affairs shall submit a report to the joint committee on veterans' and federal affairs and the house and senate committees on ways and means not later than December 31, 2008, on the secretariat's implementation of and the outreach efforts of the "welcome home bill"; and provided further, that the report shall include the participation rates for service, hindrances to enrollment for the program, and recommendations, including any necessary statutory or other changes to increase the number of service men and women who apply for such service; and provided further, that not less than $10,000 shall be provided to the registry of motor vehicles to design and make available a decal for veterans' registration plates commemorating the veterans who served in Operation Enduring Freedom and a decal commemorating the veterans who served in Operation Iraqi Freedom. The registrar shall consult with the adjutant general of the Massachusetts National Guard, or his designee, and the secretary of veterans' services, or his designee before the final approval of the design $2,223,552

1410-0012 For services to veterans, including the maintenance and operation of outreach centers; provided, that the centers shall provide counseling to incarcerated veterans and to Vietnam era veterans and their families who may have been exposed to agent orange; provided further, that these centers shall also provide services to veterans who were discharged after September 11, 2001, and their families; provided further, that not less than $367,422 shall be obligated for a contract with the Montachusett Veterans Outreach Center in the city of Gardner;

provided further, that not less than $200,000 shall be obligated for a contract with the Puerto Rican Veterans Association of Massachusetts, Inc., in the city of Springfield; provided further, that $150,000 shall be expended for the Worcester Veterans Outreach Center; provided further, that not less than $131,500 shall be obligated for a contract with Nam Vets Association of the Cape and Islands in the Hyannis section of the town of Barnstable; provided further, that not less than $100,000 shall be expended for veteran's services to be administered by the Cape Community Health Center of Cape Cod; provided further, that not less than $100,000 shall be obligated for a contract with the Veterans Northeast Outreach Center in the city of Haverhill; provided further, that not less than $100,000 be obligated for the Boston metropolitan area for a contract with the Puerto Rican Veterans Association of Massachusetts, Inc.; provided further, that not less than $100,000 shall be expended to United Veterans of America for the purpose of providing services to homeless veterans in Berkshire County; provided further, that not less than $100,000 shall be expended for the Veterans Association of Bristol County in Fall River; provided further, that not less than $150,000shall be expended for the Nathan Hale Foundation of Plymouth to assist veterans with transportation; provided further, that not less than $84,453 shall be obligated for a contract with the Metrowest/Metrosouth Outreach Center in the town of Framingham; provided further, that not less than $50,000 shall be expended for the Middleborough Veteran Outreach Center; provided further that not less than $70,000 shall be expended for the Mason Square Veterans Outreach Center in the city of Springfield and provided further, that not less than $30,000 shall be expended for the oral history project at the Morse Institute Library in Natick; and provided further, that not less than $200,000 shall be expended for outreach and counseling to newly-returned Massachusetts veterans in support of Operation Iraqi Freedom and Operation Enduring Freedom..$1,943,222

1410-0015 For the women veterans' outreach program $50,000

1410-0018 For the department which may expend not more than $300,000 for the maintenance and operation of Agawam and Winchendon veterans' cemeteries from revenue collected from fees, grants, gifts or other contributions to the cemeteries; prior appropriations continued.....$300,000

1410-0100 For the revenue maximization project of the executive office of elder affairs to identify individuals eligible for veterans' pensions who are currently receiving home health care services $98,000

1410-0250 For homelessness services; provided, that not less than $652,395 shall be obligated for a contract with the Southeastern Massachusetts Veterans Housing Program, Inc., in the city of New Bedford; provided further,

that not less than $625,105 shall be obligated for a contract with the central Massachusetts Shelter for Homeless Veterans in the city of Worcester; provided further, that not less than $405,500 shall be obligated for contracts with the Veteran Homestead in the city of Leominster and the Veteran Homestead in the town of Fitchburg; provided further, that not less than $220,000 shall be obligated for a contract with the United Veterans of America shelter in the town of Leeds; provided further, that not less than $199,405 shall be obligated for a contract with Unity House in the city of Gardner; provided further, that not less than $190,000 shall be expended for a contract with Habitat P.L.U.S. in the city of Lynn; provided further, that not less than $80,000 shall be obligated for a contract with the Veterans Northeast Outreach Center in the city of Haverhill for homelessness services; provided further, that not less than $75,000 shall be expended for a contract with the Springfield Bilingual Veterans Outreach Center for the operation and maintenance of a homeless veterans transition house located in the city of Springfield; provided further, that not less than $51,975 shall be expended for a contract with the Springfield Bilingual Veterans Outreach Center for the operation and maintenance of homeless veterans transitional housing units at the YMCA of Springfield; provided further, that not less than $42,000 shall be obligated for a contract with the Turner House located in the town of Williamstown; provided further, that not less than $37,350 shall be obligated for a contract with the Homestead in the town of Hyannis; and provided further, that not less than $25,000 shall be expended for transitional services at Our Neighbor's Table in Amesbury..... $2,603,730

1410-0251 For the maintenance and operation of homeless shelters and transitional housing for veterans at the New England Shelter for Homeless Veterans located in the city of Boston $2,276,862

1410-0300 For the payment of annuities to certain disabled veterans and the parents and un-remarried spouses of certain deceased veterans; provided, that the payments shall be made pursuant to section 6B of chapter 115 of the General Laws; provided further, that the department shall take reasonable steps to terminate payments upon the death of a recipient; provided further, that the department shall prorate annuity payments to ensure that the total payments in fiscal year 2009 shall not exceed the amount appropriated herein; and provided further, that the secretary of veterans' services shall file with the house and senate committees on ways and means a report detailing the number of applications received for annuities offered under this program at the end of each fiscal quarter$18,524,424

1410-0400 For reimbursing cities and towns for money paid for veterans' benefits and for payments to certain veterans under section 6 of chapter 115 of the General Laws; provided, that notwithstanding any general or special

law to the contrary, 100 per cent of the amounts of veterans' benefits paid by cities and towns to residents of a soldiers' home shall be paid by the commonwealth to the several cities and towns; provided further, that pursuant to section 9 of said chapter 115, the department shall reimburse cities and towns for the cost of United States flags placed on the graves of veterans on Memorial Day; provided further, that notwithstanding any general or special law to the contrary, the secretary of veterans' services shall continue a training program for veterans' agents and directors of veterans' services in cities and towns; provided further, that the department of veterans' services shall provide such training in several locations across the commonwealth including, but not limited to, providing training programs at the Massachusetts Veterans' Service Officers Association statewide training conferences; provided further, that the purpose of the training program shall be to maximize federal assistance available for veterans and to assure that the agents and directors receive uniform instruction on providing veterans and dependents with advice relative to procurement of state, federal and local benefits to which they are entitled, including employment, education, health care, retirement and other veterans' benefits; provided further, that the subject matter of the training program shall include benefits available under said chapter 115 and alternative resources, including those which are partially or wholly subsidized by the federal government, such as Medicaid, Supplemental Security Income and Social Security Disability benefits, as well as federal pension and compensation entitlements; provided further, that the secretary shall promulgate regulations for the training program; provided further, that upon successful participation by the veterans' agents or directors of veterans' services in the training program, the costs of the training program incurred by the several cities and towns shall be reimbursed by the commonwealth on or before November 10 following the fiscal year in which the costs were paid; provided further, that any person applying for veterans' benefits to pay for services available under chapter 118E of the General Laws, shall also apply for medical assistance under said chapter 118E to minimize cost of the commonwealth and its municipalities; provided further, that veterans' agents shall complete applications authorized by the executive office under said chapter 118E for any veteran, widow and dependent applying for medical assistance under said chapter 115; provided further, that the veterans' agent shall file the application for the veteran or dependent for assistance under said chapter 118E; provided further, that the executive office shall act on all said chapter 118E applications and advise the applicant and the veterans' agent of the applicant's eligibility for said chapter 118E healthcare; provided further, that the veterans' agent shall advise the applicant of the right to assistance for medical benefits under said chapter 115 pending approval of the application for assistance under said chapter 118E by the executive office; provided further, that the

secretary may supplement healthcare pursuant to said chapter 118E with healthcare coverage under said chapter 115 if he determines that supplemental coverage is necessary to afford the veteran or dependent sufficient relief and support; provided further, that payments to or on behalf of a veteran or dependent pursuant to said chapter 115 shall not be considered income for the purposes of determining eligibility under said chapter 118E; and provided further, that benefits awarded pursuant to section 6B of said chapter 115 shall be considered countable income$20,904,223

1410-0630 For the administration of the veterans' cemeteries in the towns of Agawam and Winchendon.....$912,670

Reserves.

1599-0025 For the secretary of administration and finance to provide the commonwealth's customers with the convenience of expanded access to internet payment options and to improve revenue collections and cash flow; provided, that the secretary may expend an amount not to exceed $1,000,000 collected from payments made electronically to subsidize the costs associated with processing those payments; provided, that the secretary, in consultation with the comptroller, may enter into agreements with state agencies to provide for an electronic transaction fee subsidy, which shall be structured to expire after 3 years$1,000,000

1599-0042 For a reserve to improve the quality ofearly education and care system; provided, that payments from the reserve shall be distributed by the department to increase reimbursement rates for subsidized early education and care; provided further, that the increases shall be directed to expenditures for salaries, benefits and stipends for professional development of early education and care workers or programmatic quality improvements, and provided further, that the funds from this item shall be used solely for equal percentage adjustments to wages, compensation or salary..... $5,000,000.

1599-0050 For Route 3 North contract assistance payments.....$23,700,022

1599-0093 For contract assistance to the water pollution abatement trust for debt service obligations of the trust, pursuant to sections 6, 6A and 18 of chapter 29C of the General Laws.....$67,489,026

1599-1004 For a reserve to support the implementation of the recommendations of the special commission to end homelessness in the commonwealth under chapter 2 of the resolves of 2006; provided, that this implementation shall be developed in collaboration with the Massachusetts Interagency Council on Homelessness and Housing, established in Executive Order 492; provided further, that the funding made available in this item shall support the implementation of a

comprehensive plan to end homelessness in the commonwealth; provided further, that funding provided in this item shall be in addition to $1,750,000 in funding from the Massachusetts Housing Finance Agency; provided further, that the funding shall be made available for purposes recommended by the commission including, but not limited to, rental assistance, emergency assistance, and the development of assessment tools to provide the necessary means to identify and serve homeless populations and those at-risk of homelessness; and provided further, that prior to the distribution of any funds from this item, the interagency council shall submit a detailed fiscal year 2009 spending plan for approval to the chairs of the house and senate committees on ways and means and the secretary of administration and finance by September 1, 2008 .....$8,250,000

1599-1970 For a reserve for the Massachusetts Turnpike Authority for costs incurred in fiscal year 2007 for the operation and maintenance of the central artery/tunnel project pursuant to chapter 235 of the acts of 1998.....$25,000,000

1599-1971 For the cost of hired and leased equipment, vehicle repair, and sand, salt, and other control chemicals used for snow and ice control; provided, that the secretary for administration and finance shall submit to the house and senate committees on post audit and oversight, the house and senate committees on transportation and the house and senate committees on ways and means a report on snow and ice control efforts no later than September 1, 2009, which shall include, but not be limited to, the following: (a) a detailed account of the administrative oversight exercised by either the secretary for administration and finance, the secretary of transportation or the department of highways for snow and ice control efforts, including an explanation of measures taken to verify services provided, audit vendor payment vouchers, or any other measures taken to ensure accountability relative to the expenditure of the state funds for snow and ice control efforts; and (b) a statement of how many salt storage facilities in the commonwealth are in conformity with section 7A of chapter 85 of the General Laws and how many are not $2,000,000

1599-2008 For a reserve to fund the additional administrative costs associated with the design and implementation of initiatives to promote cost containment, transparency, and efficiency in the delivery of quality health care including, but not limited to: costs of personnel and overtime, contracts, and the purchase of new information technologies as necessary; provided, that the secretary of administration and finance may transfer from the sum appropriated herein to other items such amounts as are necessary to meet said 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; and provided further, that the secretary may only transfer such amounts to other items within the executive office for administration and finance, the health care quality and cost council, the executive office of health and human services, the department of public health, the division of health care finance and policy, the office of Medicaid, the attorney general's office, the inspector general's office, the department of housing and community development, and the division of insurance.....$1,500,000

1599-2009 For a reserve for Hale Hospital in the city of Haverhill $1,000,000

1599-3234 For the commonwealth's South Essex sewerage district debt service assessment.....$89,763

1599-3384 For a reserve for the payment of certain court judgments, settlements and legal fees, in accordance with regulations promulgated by the comptroller, which were ordered to be paid in the current fiscal year or a prior fiscal year; provided, that the comptroller shall report quarterly to the house and senate committees on ways and means on the amounts expended from this item.....$2,500,000

1599-3856 For rent and associated costs at the Massachusetts information technology center in Chelsea $7,115,000

1599-3857 For capital lease payments from the University of Massachusetts to the Massachusetts Development Finance Agency and for annual operations of the advanced technology and manufacturing center in Fall River $1,581,922

1599-4231 For the fiscal year 2009 costs of the salary classification pool provided for in article 12 of the contract between the commonwealth and the National Association of Government Employees (Units 1, 3 and 6); provided, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 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.....$1,000,000

1599-4233 For the fiscal year 2009 costs of the salary classification pool provided for in article 12 of the contract between the commonwealth and the Service Employees International Union (Units 8 & 10); provided, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 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.....$2,000,000

1599-4417 For the operation of the Edward J. Collins, Jr. Center for Public Management at the University of Massachusetts at Boston's McCormack Graduate School of Policy Studies……..$541,000

1599-6901 For a reserve to adjust the wages, compensation or salary and associated employee-related costs to personnel earning less than $40,000 in annual compensation who are employed by private human service providers that deliver human and social services under contracts with departments within the executive office of health and human services and the executive office of elder affairs; provided, that home care workers shall be eligible for funding from this appropriation; provided further, that the secretary of administration and finance may allocate the funds appropriated in this item to the departments in order to implement this initiative; provided further, that the executive office of health and human services shall condition the expenditure of appropriation upon assurances that the funds shall be used solely for the purposes of equal percentage adjustments to wages, compensation or salary; provided further, that not later than January 15, 2009, the executive office of health and human services shall submit to the house and senate committees on ways and means a report delineating the number of employees, by job title and average salary, receiving the adjustment in fiscal year 2009 and the average percentage adjustment funded herein; provided further, that the report shall also include, for each contract scheduled to receive any allocation from this item in each such department, the total payroll expenditures in each contract for the categories of personnel scheduled to receive the adjustments; provided further, that no funds from this item shall be allocated to special education programs under chapter 71B of the General Laws, contracts for early education and care services or programs for which payment rates are negotiated and paid as class rates as established by the division of health care finance and policy; provided further, that no funds shall be allocated from this item to contracts funded exclusively by federal grants as delineated in section 2D; provided further, that the total fiscal year 2009 costs of salary adjustments and any other associated employee costs authorized there under shall not exceed $23,000,000; provided further, that the executive office health and human services shall submit an allocation schedule to the house and senate committees on ways and means not less than 30 days after disbursement of funds; and provided further, that the annualized cost of the adjustments in fiscal year 2010 shall not exceed the amount appropriated herein $23,000,000

1599-7050 For the purposes of administrative and program expenses associated with the settlement agreement in the case of Rosie D. et al v. Romney, civil

action No. 01-30199-MAP, filed in the United States District Court, in order to provide community-based services to children suffering from severe emotional disturbances; provided, that the executive office of health and human services shall, not later than October 1, 2008, and April 1, 2009, submit to the executive office for administration and finance and to the house and senate committees on ways and means a report detailing the implementation plan to date as well as the results of the scheduled plan, which shall include a schedule detailing the commencement of services and the cost to implement the settlement by service type $25,000,000

1599-7104 For a reserve for the facilities costs associated with the college of visual and performing arts at the University of Massachusetts at Dartmouth; provided, that funds may be expended for Bristol Community College .$2,700,000

Division of Human Resources.

1750-0100 For the operation of the human resources division and the costs of administration, training, and customer support related to the commonwealth's human resources and compensation management system; provided, that the information technology division shall continue a chargeback system for its bureau of computer services including the operation of the commonwealth's human resources and compensation management system, which complies with the requirements of section 2B; provided further, that the division shall be responsible for the administration of examinations for state and municipal civil service titles, establishment of eligible lists, certification of eligible candidates to state and municipal appointing authorities, technical assistance in selection and appointment to state and municipal appointing authorities; provided further, that notwithstanding clause (n) of section 5 of chapter 31 of the General Laws or any other general or special law to the contrary, the secretary of administration and finance shall charge a fee of not less than $50 to be collected from each applicant for a civil service examination; provided further, that the division shall administer a program of state employee unemployment management, including, but not limited to, agency training and assistance; provided further, that the division shall administer the statewide classification system, including, but not limited to, maintaining a classification pay plan for civil service titles within the commonwealth in accordance with generally accepted compensation standards and reviewing appeals for reclassification; provided further, that the secretary for administration and finance shall file with the house and senate committees on ways and means the amounts of all economic benefits necessary to fund any incremental cost items contained in any collective bargaining agreements with the various classified public employees' unions; provided further, that the nature and scope of economic proposals contained in those agreements shall

include all fixed percentage or dollar based salary adjustments, non-base payments or other forms of compensation and all supplemental fringe benefits resulting in any incremental costs; and provided further, that any employee of the commonwealth who chooses to participate in a bone marrow donor program or an organ donor transplant program shall be granted a leave of absence with pay to undergo the medical procedure and for associated physical recovery time, but this leave shall not exceed 5 days $4,125,345

1750-0102 For the human resources division which may expend not more than $1,627,500 from revenues collected from fees charged to applicants for civil service and non-civil service examinations and fees charged for the costs of goods and services rendered in administering training programs; provided, that the division shall collect from participating non-state agencies, political subdivisions, and the general public fees sufficient to cover all costs of the programs, including, but not limited to, a fee to be collected from each applicant for a civil service examination or non-civil examination, notwithstanding paragraph (n) of section 5 of chapter 31 of the General Laws or any other general or special law to the contrary; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system $1,627,500

1750-0111 For the planning and implementation of a civil service continuous testing program and the operation of the bypass appeals process program; provided, that the division shall file quarterly reports with the house and senate committees on ways and means detailing the number of tests administered and the amount of revenue collected through the program...$106,058

1750-0119 For payment of workers' compensation benefits to certain former employees of Middlesex and Worcester counties; provided, that the division shall routinely recertify the former employees pursuant to current workers' compensation procedures $76,350

1750-0201 For the human resources division which may expend not more than $800,000 from revenues collected for implementation of the medical and physical fitness standards program established pursuant to sections 61A and 61B of chapter 31 of the General Laws and chapter 32 of the General Laws; provided, that the personnel administrator shall charge a fee of not less than $50 to be collected from each applicant who participates in the physical ability test; provided further, that the human resources division shall submit a semi-annual report to the house and

senate committees on ways and means detailing all expenditures on the program including, but not limited to, the costs of personnel, consultants, administration of the wellness program, establishment of standards and any other related costs of the program; and provided further, that the division shall report to the house and senate committees on ways and means by February 2, 2009, on the projected costs of the program for fiscal year 2009.....$800,000

1750-0300 For the commonwealth's contributions in fiscal year 2009 to health and welfare funds established pursuant to certain collective bargaining agreements; provided, that the contributions shall be calculated as provided in the applicable collective bargaining agreement and shall be paid to the health and welfare trust funds on a monthly basis or on such other basis as the applicable collective bargaining agreement provides$27,800,000

Operational Services Division.

1775-0100 For the operation of the operational services division; provided, that the division shall expend funds for the purpose of achieving savings pursuant to this act; provided further, that notwithstanding any general or special law to the contrary, the division of purchased services of the operational services division which, under section 274 of chapter 110 of the acts of 1993, is responsible for determining prices for programs under chapter 71B of the General Laws, shall set the prices in fiscal year 2009 by increasing the final fiscal year 2008 price by the rate of inflation as determined by the division; provided further, that the division shall also adjust prices for Extraordinary Relief, as defined in 808 CMR 1.06(4); provided further, that the department shall accept applications for Program Reconstruction in fiscal year 2009; provided further, that programs for which prices in fiscal year 2008 were lower than the full amount permitted by the division of purchased services shall be permitted to charge in fiscal year 2009 the full price calculated for fiscal year 2008 adjusted by the rate of inflation as determined by the division; provided further, that upon the request of a program, the operational services division shall authorize a minimum price for the program to charge out-of-state purchasers; and provided further, that the division shall determine the minimum price for out-of-state purchasers by identifying the most recent price calculated for the program and applying the estimated rates of inflation which are established by December 1 of each year pursuant to section 274 of chapter 110 of the acts of 1993 in a compounded manner for each fiscal year following the most recent calculated price $2,093,556

1775-0102 For the operation of the online procurement system $541,791

1775-0124 For the operational services division which may expend an amount not to exceed $500,000 from revenue collected in the recovery of cost-

reimbursement and non-reimbursable over billing and recoupment for health and human service agencies and as a result of administrative reviews, as determined during the division's audits and reviews of providers pursuant to section 274 of chapter 110 of the acts of 1993; provided, that the division may only retain revenues collected in excess of $207,350 .....$500,000

1775-0600 For the operational services division which may expend not more than $150,000 in revenues from the sale of state surplus personal property, including the payment, expenses and liabilities for the acquisition, warehousing, allocation and distribution of surplus property; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the operational services division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, including the costs of personnel.....$150,000

1775-0700 For the operational services division which may expend not more than $53,000 in revenues collected in addition to the amount authorized in item 1775-1000 of section 2B, for printing, photocopying, related graphic art or design work and other reprographic goods and services provided to the general public, including all necessary incidental expenses $53,000

1775-0900 For the operational services division which may expend not more than $55,000 in revenues collected pursuant to chapter 449 of the acts of 1984 and section 4L of chapter 7 of the General Laws, including the costs of personnel, from the sale of federal surplus property, including the payment, expenses and liabilities for the acquisition, warehousing, allocation and distribution of federal surplus property; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the operational services division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system $55,000

1775-1100 For the operational services division which may expend not more than $600,000 in revenues collected from the disposal of surplus motor vehicles, including, but not limited to, state police vehicles from vehicle accident and damage claims and from manufacturer warranties, rebates and settlements, for the purchase of motor vehicles; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the operational services division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the

most recent revenue estimate as reported in the state accounting system, including the costs of personnel.....$600,000

1775-1101 For the operation of the affirmative marketing program, housed within the operational services division, for costs associated with the administration of services for minority and women business owners to develop and maintain equitable practices and policies in the public marketplace.....$291,124

Information Technology Division.

1790-0100 For the operation of the information technology division; provided, that the division shall continue a chargeback system for its bureau of computer services including the operation of the commonwealth's human resources and compensation management system, which complies with the requirements of section 2B; provided further, that the division shall develop a formula to determine the cost that will be charged to each agency for its use of the human resources and compensation management system; provided further, that the division may coordinate with any state agency or state authority which administers a grant program to develop a statewide grant information page on the commonwealth's official worldwide web site, that shall include all necessary application forms and a grant program reference in a format that is retrievable and printable; provided further, that the state comptroller shall establish accounts and procedures as he deems appropriate and necessary to assist in accomplishing the purposes of this item; provided further, that any planned information technology development project or purchase by any agency under the authority of the governor for which the total projected cost exceeds $200,000 including the cost of any related hardware, software, or consulting fees, and regardless of fiscal year or source of funds, shall be reviewed and approved by the chief information officer before such agency may obligate funds for the project or purchase; and provided further, that the chief information officer may establish rules and procedures necessary to implement this item $4,866,479

1790-0300 For the information technology division which may expend not more than $601,850 from revenues collected from the provision of computer resources and services to the general public for the costs of the bureau of computer services, including the purchase, lease or rental of telecommunications lines, services and equipment $601,850

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

2000-0100 For the operation of the office of the secretary of energy and

environmental affairs, including the water resources commission, the hazardous waste facility site safety council, the coastal zone management program, environmental impact reviews conducted pursuant to chapter 30 of the General Laws, the mosquito-borne disease vector control chapter program, and a central data processing center for the secretariat; provided, that the secretary of energy and environmental affairs may enter into interagency agreements with any line agency within the secretariat, whereby the line agency may render data processing services to said secretary; provided further, that the comptroller may allocate the costs for such data processing services to the several state and other funds to which items of appropriation of such agencies are charged; provided further, that $75,000 shall be expended to the University of Massachusetts Lowell's Technical Assistance and Research Center for Housing and Sustainability to develop an outreach partnership with the executive office of energy and environmental affairs based on the Green Building Initiative; provided further, that not less than $70,000 shall be expended for the Falmouth Kids Global Climate Change Institute; provided further, that $118,308 shall be expended to the town of Rutland; provided further, that not less than $150,000 shall be expended for a one-to-one matching grant to the Cape Cod bay sanctuary program; and provided further, that not less than $150,000 shall be expended for a coastal shore water testing program administered by the Coalition for Buzzards Bay.....$7,474,564

2000-9900 For the office of geographic and environmental information established in section 4B of chapter 21A of the General Laws.....$296,032

2001-1001 For the secretary of energy and environmental affairs who may expend not more than $125,000 from fees charged to entities other than political subdivisions of the commonwealth for the distribution of digital cartographic and other data for the review of environmental notification forms pursuant to sections 61 to 62H, inclusive, of chapter 30 of the General Laws.....$125,000

2010-0100 For recycling and related purposes consistent with the recycling plan of the solid waste master plan which includes municipal equipment, a municipal recycling incentive program, recycled product procurement, guaranteed annual tonnage assistance, recycling transfer stations, source reduction and technical assistance, consumer education and participation campaign, municipal household hazardous waste program, the recycling loan program, research and development, recycling market development and recycling business development, and the operation of the Springfield materials recycling facility; provided, that funds may be expended for a recycling industry reimbursement program pursuant to section 241 of chapter 43 of the acts of 1997; and provided further, that funds may be expended on municipal recycling

incentives and equipment grants.....$1,961,987

2010-0200 For redemption centers; provided, that the department of environmental protection shall expend the funds appropriated in this item for a program to preserve the continuing ability of redemption centers to maintain operations in pursuit of the commonwealth's recycling goals consistent with section 323 of chapter 94 of the General Laws; provided further, that for the purposes of this item and said chapter 94, a redemption center shall be any business registered with the commonwealth whose primary purpose is the redemption of reusable beverage containers; provided further, that the program shall take into consideration the volume of redeemables per redemption center, the length of time the center has been in operation, the number of returnables redeemed quarterly by the centers, the submission by the centers of documentation of their redeemed returnables to the department and the costs of transportation, packing, storage and labor; and provided further, that a redemption center shall be eligible for the funds if registered with the commonwealth as of April 1, 2003.....$550,000

2020-0100 For toxics use reduction technical assistance and technology in accordance with chapter 21I of the General Laws.....$1,711,245

2030-1000 For the operation of the office of environmental law enforcement; provided, that officers shall provide monitoring pursuant to the National Shellfish Sanitation Program; provided further, that the department shall maintain and operate the boat registration and titling offices in Hyannis and Fall River; and provided further, that funds from this item shall not be expended for the purposes of item 2030-1004 ....$11,170,989

2030-1004 For environmental police private details; provided, that the office may expend revenues of up to $500,000 collected from the fees charged for private details; provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system.....$500,000

Department of Public Utilities.

2100-0012 For the operations of the department of public utilities; provided, that notwithstanding the second sentence of the first paragraph of section 18 of chapter 25 of the General Laws, the assessments levied for fiscal year 2009 under that paragraph shall be made at a rate sufficient to produce $6,401,534.....$6,618,993

2100-0013 For the operation of the transportation division.....$593,360

2100-0014 For the department of public utilities which may expend for the operation of the energy facilities siting board an amount not to exceed $75,000 from application fees collected in fiscal year 2009 and prior fiscal years from utility companies $75,000

2100-0015 For the department of public utilities which may expend for the operation of the transportation division an amount not to exceed $2,300,000 from unified carrier registration fees collected in fiscal year 2009 and prior fiscal years from motor carrier companies.....$2,300,000

Department of Environmental Protection.

2200-0100 For the operation of the department of environmental protection, including the environmental strike force, the office of environmental results and strategic planning, the bureau of resource protection, the Senator William X. Wall experimental station, and a contract with the University of Massachusetts for environmental research; provided, that section 3B of chapter 7 of the General Laws shall not apply to fees established pursuant to section 18 of chapter 21A of the General Laws; provided further, that $200,000 shall be expended for the administration and enforcement of the mercury management act; and provided further, that the department shall investigate ways to ease the financial burden on municipalities of compliance with state and federal mandates, whether imposed judicially, statutorily, or through regulation, regarding clean water requirements, including, but not limited to, the extension of time periods for compliance and financing.....$35,641,864

2200-0102 For the department of environmental protection which may expend an amount not to exceed $1,200,000 from revenues collected from fees collected from wetland permits; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that the department shall submit a report by January 12, 2009 on implementation of the wetlands fee, the amount of the fee increase and the revenue that has been collected; and provided further, that the wetlands fees that will be directed into the General Fund shall not be lower than the amount deposited at the end of fiscal year 2004.....$1,200,000

2210-0100 For the implementation and administration of chapter 21I of the General Laws $1,007,733

2220-2220 For the administration and implementation of the federal Clean Air Act, including the operating permit program, the emissions banking program, the auto-related state implementation program, the low emission vehicle program, the non-auto-related state implementation program, and the commonwealth's commitments under the New England Governor's/Eastern Canadian Premier's Action Plans for reducing acid rain deposition and mercury emissions $1,079,944

2220-2221 For the administration and implementation of the operating permit and compliance program required under the federal Clean Air Act.....$2,104,090

2250-2000 For the purposes of state implementation of the federal Safe Drinking Water Act under section 18A of chapter 21A of the General Laws $1,674,347

2260-8870 For the expenses of the hazardous waste cleanup and underground storage tank programs, notwithstanding section 4 of chapter 21J of the General Laws $16,572,923

2260-8872 For the brownfields site audit program.....$1,911,111

2260-8881 For the operations of the board of registration of hazardous waste site cleanup professionals, notwithstanding section 19A of chapter 21A of the General Laws $414,879

Department of Fish and Game.

2300-0100 For the office of the commissioner; provided, that the commissioner's office shall assess and receive payments from the division of marine fisheries, the division of fisheries and wildlife, the public access board, the riverways programs, and all other programs under the control of the department of fish and game; provided further, that the purpose of those assessments shall be to cover appropriate administrative costs of the department, including but not limited to payroll, personnel, legal and budgetary costs; provided further, that the amount and contribution from each division or program shall be determined by the commissioner of fish and game; provided further, that $50,000 in matching funds shall be provided to the National Marine Life Center for animal care; and provided further, that the department shall file a report with the house and senate committees on ways and means not later than October 1, 2008 that details the level of assessments to each department under the control of the office of the commissioner in fiscal years 2007 and 2008 .....$793,896

2300-0101 For a program of riverways protection, restoration and promotion of public access to rivers, including grants to public and nonpublic entities; provided, that the positions funded in this item shall not be

subject to chapter 31 of the General Laws.....$650,000

2310-0200 For the administration of the division of fisheries and wildlife, including expenses of the fisheries and wildlife board, the administration of game farms and wildlife restoration projects, for wildlife research and management, the administration of fish hatcheries, the improvement and management of lakes, ponds and rivers, for fish and wildlife restoration projects, the commonwealth's share of certain cooperative fishery and wildlife programs, and for certain programs reimbursable under the federal Aid to Fish and Wildlife Restoration Act; provided, that funds from this item shall be made available to the University of Massachusetts at Amherst for the purposes of wildlife and fisheries research in an amount not to exceed the amount received in fiscal year 2008 for such research; provided further, that $200,000 shall be expended to continue to operate fish hatcheries in the towns of Montague and Sandwich; provided further, that the department may expend the amount necessary to restore anadromous fish in the Connecticut and Merrimack river systems; provided further, that expenditures for such programs shall be contingent upon prior approval of the proper federal authorities for reimbursement of at least 75 per cent of the amount so expended; and provided further, that funds may be expended to supplement the natural heritage and endangered species program.....$10,127,287

Inland Fisheries and Game Fund 100.0%

2310-0300 For the operation of the natural heritage and endangered species program…… …….$250,000

2310-0306 For the hunter safety training program $497,148

Inland Fisheries and Game Fund 100.0%

2310-0316 For the purpose of land containing wildlife habitat and for the costs of the division of fisheries and wildlife directly related to the administration of the wildlands stamp program pursuant to sections 2A and 2C of chapter 131 of the General Laws; provided, that funds shall not be expended from this item in the AA object class for the compensation of state employees assigned to any item $1,500,000

Inland Fisheries and Game Fund 100.0%

2310-0317 For the waterfowl management program pursuant to section 11 of chapter

131 of the General Laws $85,000

Inland Fisheries and Game Fund 100.0%

2320-0100 For the administration of the public access board, including the maintenance, operation, and improvements of public access land and water areas; provided, that positions funded in this item shall not be subject to chapter 31 of the General Law $635,647

2330-0100 For the operation of the division of marine fisheries, including expenses of the Annisquam river marine research laboratory, marine research programs, a commercial fisheries program, a shellfish management program, including coastal area classification, mapping and technical assistance, and for the operation of the Newburyport shellfish purification plant and shellfish classification program; provided, that $300,000 shall be expended on a recreational fisheries program to be reimbursed by federal funds; provided further, that not less than $333,000 shall be expended for the operation of the Newburyport shellfish purification plant and that plant shall generate not less than $115,000 from purification fees; provided further, that not less than $90,000 shall be expended for the joint operation of a shellfish propagation program on Cape Cod between the division and the Barnstable county department of health and environment; provided further, that $50,000 shall be expended for the Family Fishing Assistance Center in the city of New Bedford; and provided further, that $50,000 shall be expended for the Family Fishing Assistance Center in the city of Gloucester; and provided further, that the division shall continue to develop strategies to improve federal regulations governing the commercial fishing industry so as to promote its sustainability $5,453,068

2330-0120 For the division of marine fisheries for a program of enhancement and development of marine recreational fishing and related programs and activities, including the cost of equipment maintenance, staff and the maintenance and updating of data.....$609,040

2330-0121 For the division of marine fisheries to utilize reimbursable federal Sport Fish restoration funds to further develop marine recreational fishing and related programs, including the costs of activities that increase public access for marine recreational fishing, support research on artificial reefs, and otherwise provide for the development of marine recreational fishing; provided, that the division of marine fisheries may expend revenues up to $217,989 collected from federal Sport Fish restoration funds and from the sale of materials which promote marine recreational fishing $217,989

2511-0100 For the operation of the department of agricultural resources, including the division of administration, the expenses of the board of agriculture, the division of animal health, the division of agricultural technical assistance, the division of crop management and inspectional services, including a program of laboratory services at the University of Massachusetts at Amherst, the expenses of the pesticides board, and the division of agricultural development; provided, that not less than $45,000 shall be expended for shellfish propagation on the islands of Martha's Vineyard and Nantucket to be administered by the state aquaculture coordinator and Dukes and Nantucket counties; provided further, that $100,000 shall be expended for 4H activities from this item; provided further, that $50,000 shall be expended on the YouthGROW program; provided further, that not less than $200,000 shall be expended to enhance the buy local effort in western, central, northeastern, and southeastern Massachusetts; provided further, that not less than $50,000 shall be expended for agricultural fair prizes and rehabilitation, including the expenses of the agricultural lands board; and provided further, that the department shall, to the extent possible, encourage corporate sponsorships for the purposes of providing agricultural fair prizes $5,021,927

2511-0105 For the purchase of supplemental foods for the Massachusetts emergency food assistance program within the America's second harvest nationally-certified food bank system of Massachusetts; provided, that the funds appropriated herein shall reflect the America's second harvest allocation formula, to benefit the four regional food banks in Massachusetts: The Greater Boston Food Bank, Merrimack Valley Good Bank, The Food Bank of Western Massachusetts and Worcester County Food Bank; and provided further, that the department may assess an administrative charge not to exceed 2 per cent of the total appropriation herein $12,000,000

2511-2000 For the Agricultural Innovation Center; provided, that the Agricultural Innovation Center shall provide a broad range of technical and business development services to the commonwealth's agricultural producers that may add value to the producers products and services; provided further, that the Agricultural Innovation Center shall develop an outreach program to identify and foster new, innovative ideas and approaches to adding value to the commonwealth's agricultural economy; and provided further, that the Agricultural Innovation Center shall solicit requests from the commonwealth's agricultural industry for funding and technical assistance in training, marketing, distribution, applied research, agritourism, aquaculture, forestry, processing, fiber and agricultural resource management $1,500,000

2511-3002 For the Integrated Pest Management program.....$300,593

Department of Conservation and Recreation.

2800-0100 For the operation of the department of conservation and recreation; provided, that said department shall enter into an interagency service agreement with the department of state police to provide police coverage on department of conservation and recreation properties and parkways; provided further, that the department of state police shall reimburse said department of conservation and recreation for costs incurred by said department including, but not limited to, vehicle maintenance and repairs, the operation of department of state police buildings and other related costs; provided further, that notwithstanding any general or special law to the contrary, all offices and positions of the division performing construction activities for the department of conservation and recreation shall be subject to classification under sections 45 to 50, inclusive, of chapter 30 of the General Laws; provided further, that notwithstanding section 3B of chapter 7 of the General Laws, the department shall establish or renegotiate fees, licenses, permits, rents and leases, and to adjust or develop other revenue sources to fund the maintenance, operation, and administration of the department; provided further, that an annual report shall be submitted to the house and senate committees on ways and means regarding fee adjustments not later than February 13, 2009; provided further, that not less than $200,000 shall be expended for the operation of the Bellegarde Boathouse in the city of Lowell; provided further, that no funds shall be expended from this item for personnel overtime costs; provided further, that the amount transferred pursuant to interagency service agreements shall not increase from fiscal year 2008; and provided further, that notwithstanding any general or special law to the contrary, the department shall continue to fund a maintenance contract for daily trash removal at Revere beach through proceeds received by the city of Revere and the department of conservation and recreation pursuant to section 29 of chapter 236 of the acts of 2002 and section 2 of this act; provided further, that a bench may be erected within Webb Memorial State Park honoring the memory of Brenda Dunker for her life as a selfless volunteer for many worthy causes and for the gardening enthusiasm and skill she graciously displayed in enhancing the beauty and prestige of Webb Memorial State Park and that a suitable marker bearing this designation shall be placed on the memorial bench by the department of conservation and recreation in compliance with the standards of the department; and provided further, that not less than $100,000 shall be expended for the park rangers mounted unit in the Blue Hills Reservation; and provided further, that $100,000 shall be allocated to completing Resource Management Plans for state parks and urban parks in the commonwealth; and provided further, that not less than

$150,000 shall be expended to the town of Shutesbury for aquatic management for Lake Wyola.....$6,664,096

2800-0101 For the watershed management program to operate and maintain reservoirs, watershed lands and related infrastructure of the department and the office of water resources in the department of conservation and recreation; provided, that $500,000 shall be paid to the town of Clinton, under section 8 of chapter 307 of the acts of 1987, to compensate for the use of certain land; provided further, that the amount of the payment shall be charged to the General Fund and shall not be included in the amount of the annual determination of fiscal year charges to the Massachusetts Water Resources Authority assessed to the authority under the General Laws; provided further, that $48,000 shall be expended for the flood control activities undertaken by the Thames river valley communities of Massachusetts in conjunction with the state of Connecticut; provided further, that $50,000 shall be expended for the maintenance of invasive aquatic weeds on the Charles river in Auburndale; provided further, that not less than $25,000 shall be expended for aquatic weed control in the Upper Mystic lake in Winchester; provided further, that not less than $15,000 shall be expended for weed control in Winter pond in Winchester; and provided further, that $40,000 shall be expended for aquatic nuisance control in Sluice pond and Flax pond in the city of Lynn; and provided further, that not less than $35,000 shall be expended for storm water remediation along the Cole river or Lee river by the town of Swansea . $1,715,310

2800-0401 For a program to provide stormwater management for all properties and roadways under the care, custody and control of the department of conservation and recreation; provided, that the department shall develop and implement a stormwater management program in compliance with federal and state stormwater management requirements; provided further, that the department shall inventory all existing stormwater infrastructure, assess its current stormwater practices, analyze long term capital and operational needs, and develop a stormwater management plan to comply with federal and state regulatory requirements; and provided further, that in order to protect public safety and to protect water resources for water supply, recreational and ecosystem uses, the department shall immediately implement interim stormwater management practices including, but not limited to, street sweeping, inspection and cleaning of catch basins, and emergency repairs to roadway drainage $944,643

2800-0500 For the upkeep of the freshwater and saltwater beaches under the control of the department of conservation and recreation; provided, that all beaches shall remain open and staffed from Memorial Day through Labor Day; provided further, that the beaches shall be fully maintained;

provided further, that no less than $35,000 shall be expended for the cleanup of Pilayella algae on Nahant Beach Reservation; provided further, that not less than $100,000 shall be expended for the Jones River Watershed Association of Kingston; provided further, that the department shall file a report with the house and senate committees on ways and means not later than December 15, 2008, that shall include, but not be limited to, the following: (1) the amount of funding provided to each beach under the control of the department in fiscal years 2007 and 2008; (2) a breakdown of how the funds were spent for each beach and the services that were provided; (3) the items of appropriation used to provide funding; (4) the amount of funding to be provided for each beach in fiscal year 2009 from this item; and (5) a list of the services or materials for each beach that will be provided from this item; provided further, that not less than $1,000,000 shall be expended for personnel for the metropolitan beaches commission, as recommended by the Beaches We Can Be Proud Of report which was prepared for the metropolitan beaches commission; and provided further, that no less than $50,000 shall be expended for the cleanup of Pilayella algae on Kings Beach and Long beach in Lynn.....$4,020,000

2800-0600 For the pools and spray pools under the control of the department of conservation and recreation; provided, that all pools and spray pools shall remain open and staffed from Memorial Day through Labor Day; provided further, that the pools and spray pools shall have their full amount of required maintenance and upkeep; and provided further, that the department shall file a report with the house and senate committees on ways and means not later than December 15, 2008, that shall include, but not be limited to, the following: (1) the amount of funding provided to each pool under the control of the department in fiscal years 2007 and 2008; (2) a breakdown of how the funds were spent for each pool and the services that were provided; (3) the items of appropriation used to provide funding; (4) the amount of funding to be provided for each pool in fiscal year 2009 from this item; and (5) a list of the services or materials for each pool that will be provided from this item $750,000

2800-0700 For the office of dam safety; provided, that the department shall, in collaboration with the department of environmental protection and the department of fish and game, establish and maintain a comprehensive inventory of all dams, and develop a coordinated permitting and regulatory approach to dam removal for stream restoration and public safety; provided further, that not less than $500,000 shall be directed toward the hiring of dam safety inspectors; provided further, that the department shall file a report with the house and senate committees on ways and means not later than December 15, 2008, that shall include, but not be limited to, the following: (a) the number of staff that are

assigned from this item and their job title, (b) the number of dam inspections that are scheduled for fiscal year 2009, and (c) the number of dams that are in need of repairs or need to be replaced.....$1,035,428

2800-2000 For the state licensed foresters program; provided, that the department of conservation and recreation may expend not more than $600,000 from revenues collected from the sale of timber for materials, supplies, equipment and compensation of employees of the program; and provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded in the Massachusetts management accounting and reporting system.....$600,000

2800-9004 For certain payments for the maintenance and use of the Trailside Museum and the Chickatawbut Hill center.....$425,000

2810-0100 For the operations of the division of state parks and recreation; provided, that funds appropriated in this item shall be used to operate all of the division's parks, heritage state parks, reservations, campgrounds, beaches and pools and for the oversight of rinks, to protect and manage the division's lands and natural resources, including the forest and parks conservation services and the bureau of forestry development; provided further, that no funds from this item shall be expended for payment to true seasonal employees; provided further, that the department may issue grants to public and nonpublic entities from this item; provided further, that the level of funding for the beaches and pools from this item in fiscal year 2009 shall not be reduced from fiscal year 2008; provided further, that not less than $185,000 shall be expended for the Schooner Ernestina Commission; provided further that the department shall submit a report on the staffing levels at all state and urban parks to the house and senate committees on ways and means not later than January 30, 2009, it shall include, but not be limited to, the following: (a) the number of staff assigned to each park; (b) the total number of visitors to each park; and (c) the total acreage of each park; and provided further, that Watson's Pond state park in Taunton and Ames Nowell state park in Abington shall remain open and appropriately staffed to allow public swimming and recreation for the season.....$22,696,714

2810-0200 For summer employment programs at department of conservation and recreation facilities; provided, that the programs shall include peer-led youth recreation and interpretive programs, a youth all-star band, and a park repair and improvement program by skilled and unskilled laborers; and provided further, that the programs shall provide opportunities for underprivileged populations, especially in economic development areas$2,000,000

2810-2000 For the seasonal hires of the division of state parks and recreation,

including hires for the forest fire control unit; provided, that no funds from this item shall be expended for year-round seasonal employees; provided further, that seasonal employees who are hired before the second Sunday before Memorial Day and whose employment continues beyond the Saturday following Labor Day and who received health insurance benefits in fiscal year 2008 shall continue to receive such benefits in fiscal year 2009 during the period of their seasonal employment; provided further, that no expenditures shall be made from this item other than for the purposes identified in this item; provided further, that notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this item shall be positions requiring the services of an incumbent, on either a full-time or less than full-time basis beginning not earlier than April 1 and ending not later than November 30, or beginning not earlier than September 1 and ending not later than April 30; and provided further, that notwithstanding said section 1 of said chapter 31, seasonal positions funded by this item shall not be filled by an incumbent for more than 8 months within a 12-month period $5,570,015

2810-2040 For the division of state parks and recreation which may expend not more than $6,004,826 from revenue collected from fees charged by the division, including revenues collected from campsite reservation transactions from the automated campground reservation and registration program for additional expenses, upkeep and improvements to the parks and recreation system and for the personnel costs of seasonal employees; provided, that no funds from this item shall be expended for the costs of full-time equivalent personnel; provided further, that for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that no expenditures made in advance of the receipts shall exceed 75 per cent of the amount of revenues projected by the first quarterly statement required by section 1B; provided further, that the comptroller shall notify house and senate committees on ways and means at the time subsequent quarterly statements are published of the variance between actual and projected receipts in each such quarter and the implications of that variance for expenditures made; and provided further, that the division may issue grants to public and nonpublic entities from this item $6,004,826

2820-0100 For the administration, operation and maintenance of the division of urban parks and recreation, including for the maintenance, operation and related costs of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the

division, flood control activities of the division, purchase of all necessary supplies and related equipment, and the civilianization of crossing guards located at division intersections where state police previously performed such duties; provided, that no less than $45,000 shall be expended for the maintenance of Red Rock park on Lynn Shore drive in the city of Lynn, including $5,000 for the replacement of dead vegetation in the park; provided further, that the parkways, boulevards, roadways, bridges and related appurtenances under the care and custody of the metropolitan district commission in fiscal year 2003 shall remain solely under the jurisdiction, custody and care of the division of urban parks and recreation; provided further, that not less than $3,900 shall be expended on the Senator Charles E. Shannon Crossing Guard Corps at the corner of Mystic avenue and Shore drive in the city of Somerville; provided further, that $297,000 shall be expended for the James Michael Curley Recreation Center in the city of Boston; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that the rinks under the control of the department shall remain open and staffed for the full rink season; and provided further, that the level of funding for the beaches and pools from this item in fiscal year 2009 shall not be reduced from fiscal year 2008 .....$26,981,754

2820-0101 For the costs associated with the department's urban park rangers specific to the security of the state house; provided, that funds appropriated in this item shall only be expended for the costs of security and urban park rangers at the state house $1,953,099

2820-0200 For seasonal hires of the division of urban parks and recreation; provided, that no funds in this item shall be used for year-round employees; provided further, that notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this item are positions requiring the services of an incumbent, on either a full-time or less than full-time basis beginning not earlier than April 1 and ending not later than November 30, or beginning not earlier than September 1 and ending not later than April 30; and provided further, that notwithstanding said section 1 of said chapter 31, seasonal positions funded by this item shall not be filled by an incumbent for more than 8 months within a 12-month period $3,000,000

2820-0300 For the operation and maintenance of the central artery/tunnel parks and Spectacle island.....$1,371,000

2820-1000 For the division of urban parks and recreation which may expend for the operation of the division not more than $200,000 from revenue collected pursuant to section 34B of chapter 92 of the General Laws.....$200,000

2820-1001 For the division of urban parks and recreation; provided, that the division may expend not more than $50,000 from revenue collected for the operation and maintenance of the it's telecommunications system from revenues received from the Massachusetts Water Resources Authority, the Massachusetts Convention Center Authority, the department of highways, central artery/Ted Williams tunnel project, the department of state police and quasi-public and private entities through a system of user fees and other charges established by the commissioner of conservation and recreation; provided, that nothing in this item shall impair or diminish the rights of access and utilization of all current users of the system under agreements previously entered into; and provided further, that this item may be reimbursed by political subdivisions of the commonwealth and private entities for direct and indirect costs expended by the division to maintain the telecommunications system $50,000

2820-2000 For the expenses of maintaining the parkways within the division of urban parks and recreation, including the costs of personnel and snow and ice removal expenses; provided, that the department of conservation and recreation shall take all measures to ensure that the department's snow and ice control efforts are efficient and cost effective.....$1,000,000

2820-3001 For the division of urban parks and recreation; provided, that the division may expend not more than $1,000,000 from revenue collected from skating rink fees and rentals for the operation and maintenance, including personnel costs, of 4 rinks between September 1, 2008 and April 30, 2009 for an expanded and extended rink season; provided, that when assigning time for the use of its rinks, the division shall give priority to those which qualify under applicable state and federal law as nonprofit organizations or public schools.....$1,000,000

2820-4420 For the operation and maintenance of the Ponkapoag golf course; provided, that the division of urban parks and recreation may expend not more than $1,100,000 from revenue collected from fees generated by the golf course; provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenue and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this account shall be positions requiring the services of an incumbent on either a full-time or less than a full-time basis beginning not earlier than April 1 and ending not later than November 30.....$1,100,000

2820-4421 For the operation and maintenance of the Leo J. Martin golf course; provided, that the division of urban parks and recreation may expend not more than $1,100,000 from revenue collected from fees generated by the golf course; provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenue and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this account shall be positions requiring the services of an incumbent on either a full-time or less than a full-time basis beginning not earlier than April 1 and ending not later than November 30.....$1,100,000

2820-9005 For the operation of street lighting on the division of urban parks and recreation parkways; provided, that no expenditure shall be made other than in the GG object class; provided further, that the department of conservation and recreation shall take all measures to further ensure that said department's street lighting efforts are efficient and cost effective; and provided further, that said department shall implement a plan to achieve efficiencies and reduce lighting costs.....$3,315,033

Division of Energy Resources.

7006-1000 For the operation of the division of energy resources $1,714,580

7006-1001 For the residential conservation service program under chapter 465 of the acts of 1980, and the commercial and apartment conservation service program pursuant to section 11A of chapter 25A of the General Laws $201,631

7006-1003 For the operation of the division of energy resources; provided, that notwithstanding any general or special law to the contrary, the amount assessed under section 11H of chapter 25A of the General Laws shall be equal to the amount expended from this item $441,404

Department of Early Education and Care.

3000-1000 For the administration of the department of early education and care and the costs of field operations and licensing provided through the department; provided, that funds from this item shall be expended on the development of a comprehensive evaluation system for all early education and care programs in the commonwealth; provided further, that the department shall report on the first business day of each month to the joint committee on education, the joint committee on children, families and persons with disabilities, the house and senate committees on ways and means, and the secretary of administration and finance on the unduplicated number of children on waiting lists for state-

subsidized early education and care programs and services, including supportive child care services; provided further, that notwithstanding chapter 66A of the General Laws, the department of early education and care, the lead agencies of community partnership councils, the child care resource and referral agencies, the department of education, the department of transitional assistance, the department of social services and the department of public health may share with each other personal data regarding the parents and children who receive services provided under early education and care programs administered by the commonwealth for waitlist management, program implementation and evaluation, reporting, and policy development purposes; provided further, that funds from this item shall be expended to develop an implementation plan for a workforce development system in collaboration with the board and commissioner of higher education, pursuant to section 5 of chapter 15D of the General Laws; provided further, that as part of the development of said workforce implementation plan, the department shall expend funds for the development of core competencies for those working with children in early education programs; provided further, that the department shall issue a report, not later than February 16, 2009, on the status of the department's programming to the secretary of administration and finance, the senate president, the speaker of the house, the chairpersons of the house and senate committees on ways and means, and the house and senate chairperson of the joint committee on education; provided further, that the report shall contain the proposed core competencies to be issued by the department, and the status and findings of the department's quality rating system; provided further, that the report shall contain a multi-year plan for the alignment of rates and quality standards and for programs to move toward meeting the quality standards enumerated in item 3000-5075; provided further, that the report shall contain details on the implementation of universal pre-kindergarten grants, along with any legislative recommendations for the improvement of the program; provided further, that the report shall contain a multi-year plan for the alignment of all classroom based quality enhancement grants funded by the department in order to ensure fairness and consistency across all preschool grant programs; provided further, that the report shall include the department's recommendations on the consistent implementation of accreditation assistance across the commonwealth; provided further, that the report shall include the number of early childhood educators and providers who have received such training, the estimated number who have requested such additional training, and a review and analysis of the most effective types of professional development; and provided further, that the report shall include the estimated number of preschool suspensions and expulsions that occur each year in the commonwealth, the relative frequency of each type of mental illness or behavioral issues among children

receiving programs and services from the department, and an analysis of the most effective intervention strategies $13,766,213

3000-2000 For local and regional administration and coordination of services provided by child care resource and referral agencies and community partnerships for children lead agencies; provided, that funding for eligible early education and care activities shall include, but not be limited to, administrative costs of these agencies, program coordination and support, voucher management, outreach to hard to reach populations, intake and eligibility services for families seeking financial assistance to enroll in early education and care programs, resource and referral for families with disabilities in child care programs, support of comprehensive services for children and families, maintenance of the department's centralized waiting list for state-subsidized early education and care, community-based programs that provide direct services to parents, walk-in services for homeless families, and comprehensive planning at the local level through interagency and community collaboration; provided further, that community partnership councils receiving grants distributed from this item shall not expend more than $4,625,533 for administrative costs, as defined by the department; and provided further, that the department shall assist the community partnership councils receiving grants of less than $100,000 that choose to regionalize with the implementation of any regionalization plans $25,060,771

3000-2050 For the administration of the Children's Trust Fund; provided, that the department shall not exercise any supervision or control with respect to the board.....$1,349,658

3000-3050 For supportive early education and care associated with the family stabilization program; provided, that funds from this item shall only be expended for early education and care costs of children with active cases at the department of social services; provided further, that the department of early education and care, in collaboration with the department of social services, shall maintain a centralized list detailing the number of children eligible for services in this item, the number of supportive slots filled, and the number of supportive slots available; provided further, that no waiting list for the services shall exist; provided further, that all children eligible for services under this item shall receive said services; provided further, that if the department determines that available appropriations for this program will be insufficient to meet projected expenses, the commissioner shall file with the house and senate committees on ways and means and the secretary of administration and finance, a report detailing the amount of appropriation needed to address such deficiency; and provided further, that the commissioner of early education and care may transfer funds to

this item from items 3000-1000, 3000-4050 and 3000-4060, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days before the transfer.....$79,091,314

3000-4050 For financial assistance for families currently involved with or transitioning from transitional aid to families with dependent children to enroll in an early education and care program; provided, that early education and care shall be available to former participants who are working for up to 1 year after termination of their transitional benefits; provided further, that post-transitional early education and care benefits shall be provided to participants who are working for up to 1 year after the transitional period; provided further, that all early education and care providers that are part of a public school system shall accept vouchers funded through this item; provided further, that the department may provide early education and care benefits to parents who are under 18 years of age, who are currently enrolled in a job training program, and who would qualify for benefits under chapter 118 of the General Laws but for the deeming of the grandparents' income; provided further, that all teens eligible for year-round full-time early education and care services shall be participating in school, education, work and training-related activities or a combination thereof for at least the minimum number of hours required by regulations; provided further, that recipients of transitional aid shall not be charged fees for care provided under this item; provided further, that early education and care slots funded from this item shall be distributed geographically in a manner that provides fair and adequate access to early education and care for all eligible individuals; provided further, that informal early education and care benefits may be funded from this item; provided further, that not more than $2 per child per hour shall be paid for the services; provided further, that all children eligible for services under this item shall receive the services; provided further, that the commissioner of early education and care may transfer funds to this item from items 3000-1000 and 3000-4060, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means at least 30 days before the transfer; and provided further, that not more than 3 per cent of any item may be transferred in fiscal year 2009 …….....$176,367,855

3000-4060 For income-eligible early education and care programs; provided, that the department shall give priority status to former temporary assistance to needy families recipients whose benefits have been terminated for more than 2 years and who are working; provided further, that teen

parents at risk of becoming eligible for that assistance may be paid from this item; provided further, that informal early education and care benefits for families meeting income-eligibility criteria may be funded from this item; provided further, that not more than $2 per child per hour shall be paid for the services; provided further, that early education and care slots funded from this item shall be distributed geographically in a manner that provides fair and adequate access to early education and care for all eligible individuals; provided further, that all early education and care providers that are part of a public school system shall accept early education and care vouchers from recipients funded through this appropriation; provided further, that the community partnership councils shall enroll any new children receiving services in fiscal year 2009 from the centralized waitlist maintained by the department under terms and conditions to be determined by the department including, but not limited to, a maximum rate capped at the seventy fifth percentile of the regional market rate; provided further, that children receiving services through this allocation shall retain priority status for future services available through the department upon attaining the age of 5; provided further, that the department shall maintain not less than the same number of vouchers funded in fiscal year 2008; and provided further, that any payment made under any such grant with a school district shall be deposited with the treasurer of such city, town, or regional school district and held as a separate account and shall be expended by the school committee of such city, town, or regional school district without municipal appropriation, notwithstanding any general or special law to the contrary.....$234,947,336

3000-5000 For grants to head start programs; provided, that funds from this item may be expended on early head start programs.....$10,000,000

3000-5075 For the Universal Pre-Kindergarten Program; provided, that funds from this item shall be expended on grants to improve the quality of and expand access to preschool programs and services to children from the age of 2 years and 9 months until they are kindergarten-eligible, through a mixed system of service delivery, including public, private, non-profit and for-profit preschools, child care centers, nursery schools, preschools operating within public and private schools and school districts, Head Start programs, and independent and system-affiliated family child care homes; provided further, that funds shall be awarded directly to the programs; provided further, that in awarding grant funds under this program, preference shall be given to establishing pre-school classrooms in towns and cities with schools and districts at risk of or determined to be under-performing in accordance with sections 1J and 1K of chapter 69 of the General Laws, schools and districts which have been placed in the accountability status of identified for improvement, corrective action, or restructuring pursuant to departmental regulations,

or which have been designated commonwealth priority schools or commonwealth pilot schools pursuant to said regulations, schools or districts with a high percentage of students scoring in level 1 and 2 on the Massachusetts Comprehensive Assessment System exams, or programs which serve children not less than 50 per cent of whom are from families earning at or below 85 per cent of the state median income; provided further, that all programs designated as Universal Pre-Kindergarten program participants shall meet high program quality standards, including those outlined in the Early Childhood Program Standards for Three and Four Year Olds and the Guidelines for Preschool Learning Experiences, and including appropriate standards for teacher and staff quality, teacher to child ratios and group size, age-appropriate curriculum and child assessment practices, kindergarten readiness assessments, comprehensive services such as health and dental screenings and mental health supports where needed, transition to kindergarten policies, and program evaluation; provided further, that any newly-funded programs designated as Universal Pre-Kindergarten program participants shall have been accredited by the National Association for the Education of Young Children, the New England Association of Schools and Colleges, the National Association of Family Child Care or a Child Development Associate credential; provided further, that funds may be expended on programs working towards the designation of being a Universal Pre-Kindergarten Program participant; provided further, that programs shall have in place an assessment tool approved by the department including, but not limited to: work sampling, high scope child observation record, creative curriculum developmental continuum, or ages and stages; provided further, funds remaining after grants are made to eligible programs may be expended on programs working towards the designation of being a Universal Pre-Kindergarten Program participant; provided further, that the grant program shall be sufficiently flexible to serve families with various work schedules; provided further, that programs receiving grant funds may use the funds to enhance teacher and staff quality and compensation, enhance program ability to interpret and use assessment data effectively, enhance developmentally appropriate practice, incorporate ancillary services into the program, facilitate or provide access to wrap-around services for working families, or to increase capacity to expand access to age-eligible children on the centralized wait list maintained by the department; provided further, that preference shall be given in awarding grants to those programs which demonstrate affordability for middle class and working class parents according to standards to be developed by the department; and provided further, that any payment made under any such grant with a school district shall be deposited with the treasurer of such city, town, or regional school district and held as a separate account and shall be expended by the school committee of such city, town, or regional

school district without municipal appropriation, notwithstanding any general or special law to the contrary $12,138,739

3000-6000 For grants to early education and care providers for the costs associated with accreditation by the National Association for the Education of Young Children, the National Association for Family Child Care, or such other accreditation agencies approved by the board; provided, that funds shall be distributed by the department with approval of the board; provided, that eligible recipients for such grants shall include community partnership councils, municipal school districts, regional school districts, educational collaboratives, head start programs, licensed child care providers, and child care resource and referral centers $1,738,739

3000-6050 For grants to provide professional development for early education and care providers to be distributed by the department with approval of the board; provided, that eligible recipients for such grants shall include community partnership councils, municipal school districts, regional school districts, educational collaboratives, head start programs, licensed child care providers, and child care resource and referral centers; provided further, that the department shall only approve professional development courses and offerings with proven, replicable results in improving early education and care, and which shall have demonstrated the use of best practices, as determined by the department; provided further, that said professional development courses shall be aligned with core competencies identified by the department and with the Universal Pre-Kindergarten program quality standards; and provided further, that the department shall encourage and support early childhood education and care providers to obtain associate and bachelor degrees through the Building Careers program model.....$3,658,000

3000-6075 For early childhood mental health consultation services in early education and care programs; provided, that preference shall be given to those services designed to limit the number of expulsions and suspensions from said programs; provided further, that eligible recipients for such grants shall include community partnership councils, municipal school districts, regional school districts, educational collaboratives, head start programs, licensed child care providers, child care resource and referral centers, and other qualified entities; and provided further, that all grants shall be made only upon solicitation of new applications in the current fiscal year.....$2,900,000

3000-7000 For statewide neonatal and postnatal home parenting education and home visiting programs for at-risk newborns to be administered by the Children's Trust Fund; provided, that such services shall be made

available statewide to parents under the age of 21; provided further, that the department shall collaborate with the Children's Trust Fund, whenever feasible and appropriate, to coordinate services provided though this item with services provided through item 3000-7050 in order to ensure that parents receiving services through this item are aware of all opportunities available to them and their children through the department; and provided further, that notwithstanding any general or special law to the contrary, priority for such services shall be given to low-income parents.....$13,192,235

3000-7050 For grants to programs which improve the parenting skills of participants in early education and care programs; provided further, that not less than $5,395,694 shall be expended on the Mass Family Networks program; provided, that not less than $3,100,000 shall be expended for grants for the home-based parenting, family literacy, and school readiness program known as the Parent-Child Home Program; provided further, that the department shall distribute said $3,100,000 not later than September 15, 2008; provided further, that $1,000,000 shall be made available for matching grants to fund a Reach Out and Read program, to provide books to at-risk children through book distribution programs established in community health centers, medical practices, and hospitals for at-risk children; provided further, that the funds distributed through the Reach Out and Read program shall be contingent upon a match of not less than $1 in private or corporate contributions for every $1 in state grant funding; and provided further, that the department shall, to the maximum extent feasible, coordinate services provided though this item with services provided through items 3000-7000 in order to ensure that parents receiving services through this item are aware of all opportunities available to them and their children through the department $9,555,694

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Office of the Secretary.

4000-0050 For the PCA quality home care workforce council established under section 29 of chapter 118G of the General Laws.....$300,000

4000-0112 For matching grants to boys and girls clubs, Young Men's Christian Association and Young Women's Christian Association, nonprofit community centers, and youth development programs; provided, that the secretary of health and human services shall award the full amount of each grant to each organization upon commitment of matching funds from the organization; provided further, that not less than $3,300,000 shall be expended for the Massachusetts Alliance of Boys and Girls Clubs; provided further, that $50,000 shall be expended for the Oak Square YMCA in the Brighton section of the city of Boston; provided further, that not less than $50,000 shall be expended for the Methuen

branch of the Merrimack Valley YMCA; provided further, that not less than $80,000 shall be expended for the young parents program of the Newton Community Service Centers; provided further, that not less than $50,000 shall be expended for the Project Adventure Youth Leadership Program administered by Family Service, Inc. of Lawrence; provided further, that not less than $50,000 shall be expended for the West Suburban Young Men's Christian Association; provided further, that not less than $100,000 shall be expended for the Young Women's Christian Association of Newburyport; provided further, that not less than $100,000 shall be expended for Square One, formerly the Springfield Day Nursery; provided further, that not less than $50,000 shall be expended to the Franklin Community Action Corporation for youth services; provided further, that not less than $50,000 shall be expended for programs at the Young Women's Christian Association of Haverhill; provided further, that not less than $100,000 be expended for health and wellness programming at the Young Women's Christian Association of Greater Lawrence; provided further, that not less than $125,000 shall be expended for the Young Men's Christian Association of Greater Worcester youth programs; provided further, that not less than $50,000 shall be expended for the Girls Incorporated of Holyoke; provided further, that not less than $35,000 shall be expended for the United Way of Tri-County for services at the Milford Youth Center; provided further, that not less than $500,000 shall be expended for youth programs in the commonwealth administered by the Cal Ripken, Sr. Foundation; provided further, that not less than $100,000 shall be expended for Dot-Well youth services and out of school time activities; provided further, that not less than $300,000 shall be expended for the United Teen Equity Center in Lowell; provided further, that not less than $50,000 shall be expended for Fit Students for Life, Inc., formerly Boston Boxing and Fitness, Inc.; provided further, that not less than $100,000 shall be expended for the Children's Friend and Family Services of Salem; provided further, that not less than $40,000 shall be expended for the public partnership program between the Young Men's Christian Association and Young Women's Christian Association of Lynn YMCA and YWCA and the public partnership program between the town of Saugus and the Saugus YMCA and YWCA; provided further, that not less than $25,000 shall be expended for programs at The Fishing Academy, Inc.; and provided further, that the secretary shall report to the house and senate committees on ways and means on the exact amount distributed in fiscal year 2009 by February 2, 2009; and provided further, that not less than $5,000 be expended for the Gardner Community Action Committee Fellowship Table; and provided further, that $50,000 shall be expended for programs at the Athol Area YMCA.....$5,360,000

4000-0265 For a primary care workforce development and loan forgiveness grant

program at community health centers and community hospitals, for the purpose of enhancing recruitment and retention of primary care physicians and other clinicians at community health centers and community hospitals; provided, that the grant shall be administered by the Massachusetts League of Community Health Centers in consultation with the secretary of health and human services and relevant member agencies; provided further, that the funds shall be matched by other public and private funds; and provided further, that the League shall work with said secretary and said agencies to maximize all sources of public and private funds.....$1,700,000

4000-0300 For the operation of the executive office, including the operation of the managed care oversight board; provided, that the executive office shall provide technical and administrative assistance to agencies under the purview of the secretariat receiving federal funds; provided further, that the executive office and its agencies, when contracting for services on the islands of Martha's Vineyard and Nantucket, shall take into consideration the increased costs associated with the provision of goods, services, and housing on said islands; provided further, that the executive office shall monitor the expenditures and completion timetables for systems development projects and enhancements undertaken by all agencies under the purview of the secretariat, and shall ensure that all measures are taken to make such systems compatible with one another for enhanced interagency interaction; provided further, that the executive office shall continue to develop and implement the common client identifier; provided further, that the executive office shall ensure that any collaborative assessments for children receiving services from multiple agencies within the secretariat shall be performed within existing resources; provided further, that funds appropriated in this item shall be expended for the administrative, contracted services and non-personnel systems costs related to the implementation and operation of programs authorized by sections 9A to 9C, inclusive, and sections 16B and 16C of chapter 118E of the General Laws; provided further, that the costs shall include, but not be limited to, pre-admission screening, utilization review, medical consultants, disability determination reviews, health benefit managers, interagency service agreements, the management and operation of the central automated vendor payment system, including the recipient eligibility verification system, vendor contracts to upgrade and enhance the central automated vendor payment system, the Medicaid management information system and the recipient eligibility verification system MA21, costs related to the information technology chargebacks, contractors responsible for system maintenance and development, personal computers and other information technology equipment; provided further, that 50 per cent of the cost of provider point of service eligibility verification devices purchased shall be assumed by the

providers utilizing the devices; provided further, that the executive office shall assume the full cost of provider point of service eligibility verification devices utilized by all participating dental care providers; provided further, that in consultation with the division of health care finance and policy, no rate increase shall be provided to existing Medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs which shall be incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, an office of health equity shall be established within the executive office of health and human services*;* provided further, that not more than $250,000 shall be expended to staff the health disparities council; provided further, that, subject to appropriation, the executive office of health and human services may employ such additional staff or consultants as it may deem necessary; provided further, that the office may prepare an annual health disparities report card with regional disparities data, evaluate effectiveness of interventions and replicate successful programs across the commonwealth; provided further, that the office shall work with a disparities reduction program with a focus on supporting efforts by community-based health agencies and community health workers to eliminate racial and ethnic health disparities, including efforts addressing social factors integral to such disparities; provided further, that expenditures for the purposes of each item appropriated for the purpose of programs authorized by said chapter 118E shall be accounted for according to such purpose on the Massachusetts management accounting and reporting system not more than 10 days after the expenditures have been made by the Medicaid management information system; provided further, that no expenditures shall be made for the purpose of programs that are not federally reimbursable, including those related to Titles XIX or XXI of the Social Security Act or the MassHealth demonstration waiver approved under section 115(a) of the act or the Community First section 1115 demonstration waiver, whether made by the executive office or another commonwealth entity, except as specifically authorized herein, or unless made for cost containment efforts the purposes and amounts of which have been submitted to the house and senate committees on ways and means 30 days prior to making such expenditures; provided further, that the executive office may continue to recover provider overpayments made in the current and prior fiscal years through the Medicaid management information system, and the recoveries shall be considered current fiscal year expenditure refunds; provided further, that the executive office may collect directly from a liable third party any amounts paid to contracted providers under said chapter 118E for which the executive office later discovers another third party is liable if no other course of recoupment is possible; provided further, that no

funds shall be expended for the purpose of funding interpretive services directly or indirectly related to a settlement or resolution agreement, with the office of civil rights or any other office, group or entity; provided further, that interpretive services currently provided shall not give rise to enforceable legal rights for any party or to an enforceable entitlement to interpretive services; provided further, that the federal financial participation received from claims filed for the costs of outreach and eligibility activities performed by certain community organization under the covering kids initiative, and in accordance with the federal revenue criteria in 45 CFR 74.23 or any other federal regulation which provides a basis for federal financial participation, shall be credited to this item and may be expended, without further appropriation, on administrative services including those covered under an agreement with the organizations participating in the initiative; provided further, that notwithstanding any general or special law to the contrary, the executive office shall require the commissioner of mental health to approve any prior authorization or other restriction on medication used to treat mental illness in accordance with written policies, procedures and regulations of the department of mental health; provided further, that the secretary shall ensure that supplemental Medicaid rates required pursuant to section 128 of chapter 58 of the acts of 2006 are implemented in fiscal year 2009; provided further, that the secretary shall ensure that all Medicaid benefit restorations, program expansions, and rate increases required pursuant to said chapter 58 are implemented in fiscal year 2009; provided further, that the executive office shall include smoking and tobacco use cessation treatment and information within MassHealth-covered services pursuant to section 108 of chapter 58 of the acts of 2006; provided further, that the executive office shall develop a process whereby all participating providers who have signed the Virtual Gateway Services Agreement shall have access to the contents of the consolidated summary of any individual's application submitted through the virtual gateway; provided further, that said information access shall comply with all HIPAA requirements and state privacy laws; provided further, that not later than September 1, 2009, the executive office of health and human services shall submit a report to the house and senate committees on ways and means detailing planned fiscal year 2009 expenditures by the executive office as funded by chargebacks to the 17 executive office cluster agencies; provided further, that there shall be a health care reform outreach and education unit within the executive office for the purpose of coordinating statewide activities in marketing outreach and the dissemination of educational materials related to the change in laws in chapter 58 of the acts of 2006; provided further, that the unit shall collaborate with the office of Medicaid, the executive office of administration and finance, the division of insurance and the Commonwealth Health Insurance Connector Authority to develop

common strategies, best practices, and guidelines for providing informational support and assistance to consumers, employers, and businesses; provided further, that any projection of deficiency in item 4000-0320, 4000-0430, 4000-0500, 4000-0600, 4000-0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0891, 4000-0895, 4000-0990, 4000-1400 or 4000-1405, shall be reported to the house and senate committees on ways and means not less than 90 days before the projected exhaustion of funding; and provided further, that any unexpended balance in these accounts shall revert to the General Fund on June 30, 2009 .....$145,368,773

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.....$2,225,904

4000-0320 For the executive office; provided that the executive office may expend an amount not to exceed $225,000,000 from the monies received from recoveries of any current or prior year expenditures and collections from liens, estate recoveries, third party recoveries, drug rebates, accident and trauma recoveries, case mix recoveries, computer audits, insurance recoveries, provider overpayment recoveries, bankruptcy settlements, Masspro and Healthpro refunds, Medicaid fraud returns, data match returns, Medicare appeals, and program and utilization review audits; provided further, that additional categories of recoveries and collections, including the balance of any personal needs accounts collected from nursing and other medical institutions upon a recipient's death and held by the executive office for more than 3 years, may, notwithstanding any general or special law to the contrary, be credited to this item; provided further, that any revenues collected by the division that are not attributable to the aforementioned categories shall be deposited in the General Fund and shall be tracked separately; provided further, that additional categories of recoveries and collections may be credited to this item after providing written notice to the house and senate committees on ways and means; provided further, that no funds from this item shall be used for the purposes of item 4000-0300; provided further, that expenditures from this item shall be limited solely to payments for the provision of medical care and assistance rendered in the current fiscal year; and provided further, that the executive office shall file quarterly reports with the house and senate committees on ways and means delineating the amount of current year rebates from pharmaceutical companies or other current year collections which are being used to supplement current year expenditures $225,000,000

4000-0355 For the operation of a health care quality and cost council established in section 16K of chapter 6A of the General Laws to promote high-quality, cost-effective, patient-centered care; provided, that the council

shall file quarterly reports with the house and senate committees on ways and means delineating the progress made pursuant to the goals stated in said section 16K of said chapter 6A $1,888,616

4000-0360 For the health care quality and cost council established pursuant to section 16K of chapter 6A of the General Laws; provided further, that the council may expend an amount not to exceed $100,000 from the monies received from the sale of data reports; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the council may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization and the most recent revenue estimate as reported in the state accounting system……..…$100,000.

4000-0430 For the commonhealth program to provide primary and supplemental medical care and assistance to disabled adults and children under sections 9A, 16 and 16A of chapter 118E of the General Laws; provided, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years; provided further, that the executive office shall maximize federal reimbursement for state expenditures made on behalf of such adults and children; provided further, that children shall be determined eligible for the medical care and assistance if they meet the disability standards as defined by the executive office, which standards shall be no more restrictive than the standards in effect on July 1, 1996; and provided further, that the executive office shall process commonhealth applications within 45 days of receipt of a completed application or within 90 days if a determination of disability is required $111,900,000

4000-0500 For health care services provided to medical assistance recipients under the executive office's primary care clinician/mental health and substance abuse plan or through a health maintenance organization under contract with the executive office and for MassHealth benefits provided to children, adolescents and adults under clauses (a) to (d), inclusive and clause (h) of subsection (2) of section 9A and section 16C of chapter 118E of the General Laws; provided, that no funds shall be expended from this item for children and adolescents under clause (c) of said subsection (2) of said section 9A whose family incomes, as determined by the executive office, exceeds 150 per cent of the federal poverty level; provided further, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years; provided further, that expenditures from this item shall be made only for the purposes expressly stated herein; provided further, that the secretary of health and human services and the commissioner of mental

health shall report quarterly to the house and senate committees on ways and means relative to the performance of the managed care organization under contract with the executive office to administer the mental health and substance abuse benefit; provided further, that such quarterly reports shall include, but not be limited to, analyses of utilization trends, quality of care and costs across all service categories and modalities of care purchased from providers through the mental health and substance abuse program, including those services provided to clients of the department of mental health; provided further, that in conjunction with the new Medicaid management information system project, said executive office shall continue to study the feasibility of modifying its claim payment system, in collaboration with the MassHealth behavioral health contractor, to routinely process for payment valid claims for medically-necessary covered medical services to eligible recipients with psychiatric and substance abuse diagnoses on a timely basis in an effort to avoid delay and expenses incurred by lengthy appeals processes; provided further, that said secretary shall report to the house and senate committee on ways and means any proposed modifications to said payment system, and a timeline of steps to be taken to implement said modifications; and provided further, that notwithstanding any general or special law to the contrary, the secretary of health and human services shall not reassign to a managed care plan under contract with the office of MassHealth the behavioral health benefit of any eligible person when the benefit is managed by MassHealth's specialty behavioral health managed care contactor, after the benefit is elected by or initially assigned to that person, unless the person provides written or verbal consent to the reassignment; and provided further, that the executive office shall implement payments required pursuant to chapter 58 of the acts of 2006 for the public entity in fiscal year 2009; provided further, that not less than $7,000,000 shall be expended as payments for pediatric specialty hospitals and units, including pediatric chronic rehabilitation hospitals; provided further, that $5,000,000 of said $7,000,000 shall be expended for disproportionate share payments for inpatient services provided at pediatric specialty hospitals and units, including pediatric chronic and rehabilitation long-term care hospitals as allowable under federal law; and provided further, that $2,000,000 of said $7,000,000 shall be expended for a grant to said pediatric chronic and rehabilitation long-term care hospitals for which federal financial participation and federal approval need not be obtained; and provided further, that $5,950,000 shall be expended on disproportionate share payments to high public payer hospitals $3,130,469,323

Executive Office of Elder Affairs.

4000-0600 For health care services provided to MassHealth members who are seniors, and for the operation of the senior care options program under

section 9D of chapter 118E of the General Laws; provided, that funds may be expended from this item for health care services provided to these recipients in prior fiscal years; provided further, that funds shall be expended for the community choices initiative; provided further, that no payment for special provider cost shall be made from this item without prior written approval of the secretary of administration and finance; provided further, that benefits for this demonstration project shall not be reduced below the services provided in fiscal year 2008; provided further, that the eligibility requirements for this demonstration project shall not be more restrictive than those established in fiscal year 2008; provided further, that the executive office of health and human services shall submit a report to the house and senate committees on ways and means detailing the projected costs and the number of individuals served by the community choices initiative in fiscal year 2009 delineated by the federal poverty level; provided further, that the report shall be submitted not later than February 2, 2009; provided further, that notwithstanding any general or special law to the contrary, the regulations, criteria and standards for determining admission to a nursing home in fiscal year 2009 shall not be more restrictive than those regulations, criteria and standards in effect on January 1, 2004 until the executive office of health and human services and the executive office of elder affairs submit a multi-year plan to the house and senate committees on ways and means and the joint committee on health care financing detailing the suggested timeline for phasing in changes to nursing home clinical criteria; provided, however, that these changes shall not adversely affect current nursing home residents and shall not jeopardize the effectiveness of the 2176 home and community based-waiver; provided further, that notwithstanding any general or special law to the contrary, for any nursing home or non-acute chronic disease hospital that provides kosher food to its residents, the department, in consultation with the division, in recognition of the unique special innovative program status granted by the executive office, shall continue to make the standard payment rates established in fiscal year 2006 to reflect the high dietary costs incurred in providing kosher food; provided further, that funds shall be expended for the purpose of a housing with services demonstration project known as the Caring Homes initiative designed to delay or prevent nursing home placement by providing care-giving services to an elder; provided further, that under said demonstration project, eligible MassHealth enrollees shall be able to live in the home of an individual or relative, with the exception of spouses and dependent children, to provide for their long-term supports, pursuant to regulations promulgated by said executive office; and provided further, that notwithstanding any general or special law to the contrary, not less than $5,000,000 shall be expended from this item for the purpose of providing an increase to $72.80 per month in the personal needs allowance for individuals

residing in nursing homes and rest homes who are eligible for MassHealth, Emergency to the Elderly, Disabled and Children Program or Supplemental Security Income; provided further, that the secretary of elder affairs and the director of the office of Medicaid shall report quarterly to the house and senate committees on ways and means the total projected spending in this item for the current fiscal year; and provided further, that any additional funds that may become available through this item due to decreased Medicaid utilization and that are not otherwise projected to be expended for other services from this item, shall fund, for the purpose of funding inflationary labor and benefit costs, nursing facility MassHealth rates established by the division of health care finance and policy that are not more than $45 million in payments above the payments made to nursing facilities for fiscal year 2008.....$2,158,355,058

4000-0640 For nursing facility Medicaid rates; provided, that notwithstanding any general or special law to the contrary, in fiscal year 2009 the division of health care finance and policy shall establish nursing facility Medicaid rates that cumulatively total $288,500,000 more than the annual payment rates established by the division under the rates in effect as of June 30, 2002; provided further, that $287,950,000 shall be expended for the purposes of Medicaid per diem rate payments to nursing homes participating in the MassHealth program for services provided to MassHealth members during fiscal year 2009; provided further, that the payments made pursuant to this item shall be allocated in the following manner in fiscal year 2009: (1) effective July 1, 2008, an annual amount of $99,000,000 in the aggregate to fund the use of 2000 base year cost information for rate determination purposes; provided, that not more than $9,000,000 of this amount shall be expended for reimbursing nursing facilities for up to 10 bed hold days for patients of the facility on medical and non-medical leaves of absence; (2) effective July 1, 2008, an annual amount of $122,500,000 for enhanced payment rates to nursing homes; (3) effective July 1, 2008, an annual amount of $50,000,000 to fund a rate add-on for wages, hours and benefits and related employee costs of direct care staff of nursing homes; provided further, that as a condition for such rate add-on, the division shall require that each nursing home document to the division that such funds are spent only on direct care staff by increasing the wages, hours and benefits of direct care staff, increasing the facility's staff-to-patient ratio, or by demonstrably improving the facility's recruitment and retention of nursing staff to provide quality care, which shall include expenditure of funds for nursing facilities which document actual nursing spending that is higher than the median nursing cost per management minute in the base year used to calculate Medicaid nursing facility rates; provided further, that a facility's direct care staff shall include all nursing personnel including registered nurses, licensed

practical nurses, and certified nurses' aides hired by the facility from any temporary nursing agency or nursing pool registered with the department of public health; provided further, that the division shall credit wage increases that are over any previously collectively-bargained wage increases; provided further, that in monitoring compliance for this rate add-on, the division's regulations shall adjust any spending compliance test to reflect any Medicaid nursing facility payment reductions including, but not limited to, rate reductions imposed on or after October 1, 2002; provided further, that the expenditure of these funds shall be subject to audit by the division in consultation with the department of public health and the executive office of health and human services; provided further, that in implementing this section, the division shall consult with the Nursing Home Advisory Council; (4) effective July 1, 2008, an annual amount of $16,450,000: (a) to fund rate adjustments for reasonable capital expenditures by nursing homes, giving priority to nursing homes located or constructed in under-bedded areas as determined by said executive office, in consultation with the division, that meet quality standards established by the executive office of health and human services in conjunction with the department of public health and the division for the purposes of encouraging the upgrading and maintenance of quality of care in nursing homes; and (b) to fund rate adjustments to eligible nursing homes that meet utilization standards established by the executive office of health and human services in conjunction with the division for the purpose of reducing unnecessary nursing home admissions and facilitating the return of nursing homes residents of non-institutional settings; provided, however, that to the extent that the annual amount of $16,450,000 in this clause shall not fully be allocated, the division shall provide operating rate adjustments in equal amounts to the following nursing homes: (1) publicly-operated nursing homes located in the city of Taunton and the city of Holyoke, and (2) a geographically-isolated nursing home located in the town of Oak Bluffs; (5) $300,000 for the purposes of an audit of funds distributed under clause (3); provided further, that the division, in consultation with the department of public health and with the assistance of the executive office of health and human services, shall establish penalties sufficient to deter noncompliance to be imposed against any facility that expends any or all monies in violation of clause (3) including, but not limited to, recoupment, assessment of fines or interest; provided further, that the division shall report to the house and senate committees on ways and means not later than October 1, 2008 a preliminary analysis of funds expended under this subsection in fiscal year 2008 and a description and timeline for auditing of these funds; (6) $250,000 to fund expenses of the division related to the implementation and administration of section 25 of chapter 118G of the General Laws; and (7) an amount sufficient to implement section 622 of chapter 151 of

the acts of 1996 .....$288,500,000

4000-0650 For community-based services for elderly and disabled individuals under age 65 provided under the Community First section 1115 demonstration waiver or for costs necessary to prepare for or implement the waiver ..$20,000,000

4000-0700 For health care services provided to medical assistance recipients under the executive office's health care indemnity/third party liability plan and medical assistance recipients not otherwise covered under the executive office's managed care or senior care plans, and for MassHealth benefits provided to children, adolescents and adults under clauses (a) to (d), inclusive and clause (h) of subsection (2) of section 9A and section 16C of chapter 118E of the General Laws; provided, that no payments for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that no funds shall be expended from this item for children and adolescents under clause (c) of said subsection (2) of said section 9A of said chapter 118E whose family incomes, as determined by the executive office, exceeds 150 per cent of the federal poverty level; provided further, that children who have aged out of the custody of the department of social services shall be eligible for benefits until they reach age 21; provided further, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years; provided further, that notwithstanding the foregoing, funds may be expended from this item for the purchase of third party insurance including, but not limited to, Medicare for any medical assistance recipient including, but not limited to, seniors; provided further, that the executive office may reduce MassHealth premiums or copayments or offer other incentives to encourage enrollees to comply with wellness goals; the executive office shall report annually to the joint committee on health care financing and the house and senate committees on ways and means on the number of enrollees who met at least 1 wellness goal, any reduction of copayments or premiums, and any other incentives provide because enrollees met wellness goals; provided further, that the executive office shall not, in fiscal year 2009, fund programs relating to case management with the intention of reducing length of stay for neonatal intensive care unit cases; provided further, that funds may be expended from this item for activities relating to disability determinations or utilization management and review, including patient screenings and evaluations, regardless of whether such activities are performed by a state agency, contractor, agent or provider; provided further, that the executive office shall submit a report to the executive office of administration and finance and the house and senate committees on ways and means not later than March 1, 2009 detailing the activities described in the preceding proviso to be expended from this item during

fiscal year 2009; provided further, that not less than $10,000,000 shall be expended to pay for an increase in Medicaid rates for community health centers, as defined in section 1 of chapter 118G of the General Laws; and provided further, that not less than $5,000,000 shall be expended for a medical home demonstration program that shall provide targeted, accessible, continuous and coordinated family-centered care to high need populations including, but not limited to, those with multiple chronic illnesses that require regular monitoring, advising or treatment$1,541,616,319

4000-0870 For health care services provided to adults participating in the medical assistance program pursuant to clause (g) of subsection (2) of section 9A of chapter 118E of the General Laws; provided, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years.....$122,700,000

4000-0875 For the provision of benefits to eligible women who require medical treatment for either breast or cervical cancer in accordance with 1902(a)(10)(A)(ii)(XVIII) of the Breast and Cervical Cancer Prevention and Treatment Act of 2000, Public Law 106-354, and in accordance with section 10D of chapter 118E of the General Laws; provided, that the executive office shall provide those benefits to women whose income, as determined by the executive office, does not exceed 250 per cent of the federal poverty level, subject to continued federal approval; provided further, that eligibility for the benefits shall be extended solely for the duration of the cancerous condition; provided further, that before the provision of any benefits covered by this item, the executive office shall require screening for either breast or cervical cancer at the comprehensive breast and cervical cancer early detection program operated by the department of public health, in accordance with item 4570-1512 of section 2D; and provided further, that funds may be expended from this item for health care services provided to these recipients in prior fiscal years.....$5,500,000

4000-0880 For MassHealth benefits under clause (c) of subsection (2) of section 9A and section 16C of chapter 118E of the General Laws for children and adolescents whose family incomes as determined by the executive office are above 150 per cent of the federal poverty level; and provided further, that funds may be expended from this item for health care services provided to the children and adolescents in prior fiscal years$211,100,000

4000-0890 For the cost of health insurance premium subsidies paid to employees of small businesses participating in the insurance reimbursement program under section 9C of chapter 118E of the General Laws $40,300,000

4000-0891 For the cost of health insurance subsidies paid to employers participating in the insurance reimbursement program under section 9C of chapter

118E of the General Laws; provided, that the executive office shall directly market the program to private human service providers that deliver human and social services under contract with departments within the executive office and the executive office of elder affairs for the purpose of mitigating health insurance costs to the employers and their employees; provided further, that the executive office of health and human services shall report quarterly to the house and senate committees on ways and means and the executive office of administration and finance monthly expenditure data for the program, including the total number of employers participating in the program, the percentage of the employers who purchased health insurance for employees prior to participating in the program and total monthly expenditures delineated by payments to small employers and self-employed persons for individual, 2-person family and family subsidies; and provided further, that the executive office of health and human services shall seek federal reimbursement for the payments to employers $5,200,000

4000-0895 For the healthy start program to provide medical care and assistance to pregnant women and infants residing in the commonwealth pursuant to section 10E of chapter 118E of the General Laws; provided, that the executive office shall, not later than February 14, 2009, report to the house and senate committees on ways and means on the population served by the program delineated by the federal poverty level; and provided further, that funds may be expended from this item for health care services provided to these persons in prior fiscal years $19,400,000

4000-0990 For the children's medical security plan to provide primary and preventive health services for uninsured children from birth through age 18; provided, that the executive office shall prescreen enrollees and applicants for Medicaid eligibility; provided further, that no applicant shall be enrolled in the program until the applicant has been denied eligibility for the MassHealth program; provided further, that the MassHealth benefit request shall be used as a joint application to determine the eligibility for both MassHealth and the children's medical security plan; provided further, that the executive office shall maximize federal reimbursements for state expenditures made on behalf of the children; provided further, that the executive office shall expend all necessary funds from this item to ensure the provision of the maximum benefit levels for this program, as authorized by section 10F of chapter 118E of the General Laws; provided further, that the maximum benefit levels for this program shall be made available only to those children who have been determined by the executive office to be ineligible for MassHealth benefits; and provided further, that funds may be expended from this item for health care services provided to these persons in prior fiscal years $16,500,000

4000-1400 For the purposes of providing MassHealth benefits to persons with a diagnosis of human immunodeficiency virus with incomes up to 200 per cent of the federal poverty level; provided, that funds may be expended from this item for health care services provided to these persons in prior fiscal years $16,591,488

4000-1405 For the operation of a program of preventive and primary care for chronically unemployed persons who are not receiving unemployment insurance benefits and who are not eligible for medical assistance but who are determined by the executive office of health and human services to be long-term unemployed; provided, that such persons shall meet the eligibility requirements of the MassHealth program established in section 9A of chapter 118E of the General Laws; provided further, that persons eligible under subsection (7) of section 16D of said chapter 118E shall be also eligible to receive benefits under this item; provided further, that the income of such persons shall not exceed 100 per cent of the federal poverty level; provided further, that said eligibility requirements shall not exclude from eligibility persons who are employed intermittently or on a non-regular basis; provided further, that the provision of care to such persons under this program may, taking into account capacity, continuity of care, and geographic considerations, be restricted to certain providers; provided further, that the secretary may limit or close enrollment if necessary in order to ensure that expenditures from this item do not exceed the amount appropriated herein; provided further, however, that no such limitation shall be implemented unless the secretary has given 90 days notice to the house and senate committees on ways and means and the joint committee on health care financing; and provided further, that funds may be expended from this item for health care services provided to recipients in prior fiscal years $304,600,000

4000-1420 For the purposes of making payment to the federal Centers for Medicare and Medicaid Services in compliance with Title XIX of the Social Security Act, as amended by the Medicare Prescription Drug Improvement and Modernization Act of 2003.....$238,900,000

Office for Refugees and Immigrants.

4003-0122 For a Citizenship for New Americans Program to assist legal permanent residents in the commonwealth in becoming citizens of the United States; provided, that the office for refugees and immigrants shall administer the program; provided further, that said program shall be provided through community-based organizations to the maximum extent possible as determined by the office for refugees and immigrants; provided further, that the program funded by this item shall provide assistance to persons who are within 3 years of eligibility to

become citizens of the United States; provided further, that services shall be designed to include: ESOL/civics classes, citizenship application assistance, interview preparation and support services such as interpretation and referral services; provided further, that persons who would qualify for benefits under chapter 118A of the General Laws but for their status as legal non-citizens shall be given highest priority for services; and provided further, that persons who currently receive state-funded benefits which could be replaced in whole or in part by federally-funded benefits if these persons become citizens, shall be given priority for services $650,000

Division of Health Care Finance and Policy.

4100-0060 For the operation of the division and the administration of the Health Safety Net Trust Fund established in section 36 of chapter 118G of the General Laws; provided, that notwithstanding any general or special law to the contrary, the assessment to acute hospitals authorized pursuant to section 5 of said chapter 118G for the estimated expenses of the division shall include in fiscal year 2009, the estimated expenses, including indirect costs, of the division and shall be equal to the amount appropriated in this item less amounts projected to be collected in fiscal year 2009 from: (1) filing fees; (2) fees and charges generated by the division's publication or dissemination of reports and information; and (3) federal financial participation received as reimbursement for the division's administrative costs; provided further, that the assessed amount shall not be less than 65 per cent of the total expenses appropriated for the division in the health safety net office; provided further, that the division shall promulgate regulations requiring all hospitals receiving payments from the Health Safety Net Trust Fund to report to the division the following utilization information: the number of inpatient admissions and outpatient visits by age category, income category, diagnostic category and average charge per admission; provided further, that the division shall submit quarterly reports to the house and senate committees on ways and means compiling said data; provided further, that the division, in consultation with the executive office of health and human services, shall not promulgate any increase in Medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act or any successor federal statute to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that the division shall meet the reporting requirements of section 25 of chapter 203 of the acts of 1996; provided further, that funds may be expended for the purposes of a survey and study of the uninsured and underinsured in the commonwealth, including the health insurance needs of the residents of the commonwealth; provided further, that said study shall examine the

overall impact of programs administered by the executive office of health and human services on the uninsured, the underinsured, and the role of employers in assisting their employees in affording health insurance pursuant to section 23 of chapter 118G of the General Laws; provided further, that the division shall publish annual reports on the financial condition of hospitals and other health care providers through the Health Benchmarks project website, in collaboration with the executive office of health and human services, the office of the attorney general, and the University of Massachusetts; provided further, that the division shall submit to the house and senate committees on ways and means and the joint committee on health care financing not later than December 6, 2008 a report detailing utilization of the Health Safety Net Trust Fund; provided further, that the report shall include: (1) the number of persons in the commonwealth whose medical expenses were billed to the Health Safety Net Trust Fund in fiscal year 2008; (2) the total dollar amount billed to the Health Safety Net Trust Fund in fiscal year 2008; (3) the demographics of the population using the Health Safety Net Trust Fund and (4) the types of services paid for out of the Health Safety Net Trust Fund in fiscal year 2008; provided further, that the division shall include in the report an analysis on hospitals' responsiveness to enrolling eligible individuals into the MassHealth program upon the date of service rather than charging those individuals to the Health Safety Net Trust Fund; provided further, that the division shall include in the report possible disincentives the state could provide to hospitals to discourage such behavior; provided further, that notwithstanding any general or special law or rule or regulation to the contrary, the division shall not allow any exceptions to the usual and customary charge defining rule as defined in 114.3 CMR 31.02, for the purposes of drug cost reimbursement to eligible pharmacy providers for publicly-aided and industrial accident patients; provided further, that the division may change the pricing standard used by said division when determining the rate of payment to pharmacy providers for prescribed drugs for publicly-aided or industrial accident patients if such a change would financially benefit the commonwealth; provided further the division, after consultation with the secretary and the chairs of the senate and house committees on ways and means, may adjust pharmacy dispensing fees for multiple source prescription drugs to compensate for any reduction as a result of the upper limits implemented under the Deficit Reduction Act of 2005; provided further, that the division shall submit to the house and senate committees on way and mean and the joint committee on heath care financing, not later than December 6, 2008, a report detailing rate or other payment appeals submitted to the division by skilled nursing facilities and rest homes including: (1) the initial date of appeal; (2) the amount of payment in dispute; (3) the status of each appeal; and (4) the commonwealth's response and date issued; provided further, that not

less than $500,000 shall be expended to examine the factors that contribute to the cost increases of the health care delivery system and strategies employed by the provider community to reduce cost growth; provided further, that in preparing its report the division shall conduct a public hearing on the matter; and provided further, that the division shall submit its findings to the joint committees on health care financing and the house and senate committees on ways and means no later than February 14, 2009; provided further, that the division shall provide a quarterly report on the projected costs and enrollment figures of Commonwealth Care and shall file the report with the clerks of the senate and house of representatives $17,513,039

OFFICE OF DISABILITIES AND COMMUNITY SERVICES.

Massachusetts Commission for the Blind.

4110-0001 For the office of the commissioner; provided, that the commissioner may transfer funds between items 4110-0001, 4110-1000, 4110-1010, 4110-1020, 4110-2000, 4110-3010 and 4110-4000; provided further, that the amount transferred from any of those items shall not exceed 5 per cent of the total amount appropriated for that item; provided further, that 30 days before any such transfer, the commissioner shall submit an allocation plan detailing the distribution of the funds to be transferred to the house and senate committees on ways and means; and provided further, that amounts appropriated to the commission in fiscal year 2009 that extend or expand services beyond the level of services provided in fiscal year 2008 shall not annualize above those amounts in fiscal year 2010 .....$1,143,989

4110-1000 For the community services program; provided, that the Massachusetts commission for the blind shall work in collaboration with the Massachusetts commission for the deaf and hard of hearing to provide assistance and services to the deaf-blind community through the deaf-blind community access network; provided further, that not less than $500,000 shall be expended for the talking information center; provided further, that not less than $450,000 shall be expended for the deaf-blind community access network; and provided further, that not less than $10,000 shall be expended for the Audible Local Ledger of Falmouth ..$4,365,633

4110-1010 For aid to the adult blind; provided, that funds may be expended from this item for burial expenses incurred in the prior fiscal year.....$8,351,643

4110-1020 For eligibility determination for the medical assistance program for the blind; provided, that the commission shall work with the executive office of health and human services, the department of mental retardation and other state agencies to maximize federal reimbursement for clients so determined through this item including, but not limited to,

reimbursement for home and community-based waiver clients $369,796

4110-2000 For the turning 22 program of the commission; provided, that the commission shall work in conjunction with the department of mental retardation to secure the maximum amount of federal reimbursements available for the care of turning 22 clients; and provided further, that the commission shall work in conjunction with the department of mental retardation to secure similar rates for contracted residential services..... $10,663,291

4110-3010 For a program of vocational rehabilitation for the blind in cooperation with the federal government; provided, that no funds from the federal vocational rehabilitation grants or state appropriation shall be deducted for pensions, group health and life insurance, or any other such indirect cost of federally-reimbursed state employees.....$2,920,455

4110-4000 For the administration of the Ferguson Industries for the Blind; provided, that retired workshop employees shall receive grants equal to three-fourths of the salaries of current workshop employees; and provided further, that any funds received for goods and services purchased by private and public sector entities at Ferguson Industries shall be remitted to the General Fund $1,923,538

Massachusetts Rehabilitation Commission.

4120-1000 For the operation of the commission; provided, that the commissioner may transfer funds between items 4120-1000, 4120-2000, 4120-3000, 4120-4000, 4120-4001, 4120-4010, 4120-5000, and 4120-6000; provided further, that the amount transferred from any of those items shall not exceed 5 per cent of the total amount appropriated for that item; provided further, that 30 days before any such transfer, the commissioner shall submit an allocation plan to the house and senate committees on ways and means detailing the distribution of the funds to be transferred; provided further, that amounts appropriated to the commission that extend or expand services beyond the level of services provided in fiscal year 2009 shall not annualize above those amounts in fiscal year 2010; provided further, that the commissioner shall report quarterly to the house and senate committees on ways and means and the secretary of administration and finance on the number of clients served and the amount expended on each type of service; provided further, that upon the written request of the commissioner of revenue, the commission shall provide lists of individual clients to whom or on behalf of whom payments have been made for the purpose of verifying eligibility and detecting and preventing fraud, error and abuse in the programs administered by the commission; and provided further, that the lists shall include client names and social security numbers and payee names and other identification, if different from a client's $598,128

4120-2000 For vocational rehabilitation services operated in cooperation with the federal government; provided, that no funds from the federal vocational rehabilitation grant or state appropriation shall be deducted for pensions, group health and life insurance and any other such indirect cost of the federally-reimbursed state employees; and provided further, that the commissioner, in making referrals to service providers, shall take into account the client's place of residence and the geographic proximity of the nearest provider to the residence.....$10,782,471

4120-3000 For employment assistance services; provided, that vocational evaluation and employment services for severely disabled adults may, subject to appropriation, be provided.....$8,361,446

4120-4000 For independent living assistance service; provided, that not less than $949,295 shall be expended for assistive technology devices and training for individuals with severe disabilities; provided further, that not less than $200,000 shall be expended for the SHARE Foundation at the University of Massachusetts at Dartmouth; and provided further, that not less than $100,000 shall be expended for the Joseph F. Timilty Adult Day Health and Memory Loss Center $12,424,034

4120-4001 For the housing registry for the disabled $88,889

4120-4010 For services to clients of the department who turn 22 years of age; provided, that the amount appropriated in this item shall not annualize to more than $1,572,888 in state fiscal year 2010 .....$884,393

4120-5000 For homemaking services $5,868,362

4120-6000 For head injured services; provided, that the commission shall work with the executive office of health and human services to maximize federal reimbursements for clients receiving head injured services; provided further, that the commission shall expend funds on a 24-hour basis for persons with severe head injuries in western Massachusetts; provided further, that not less than $100,000 shall be expended for the Cape Cod head injury program; and provided further, that not less than $75,000 shall be expended on the Keeping Every Youth Safe program at the Massachusetts Brain Injury Association.....$10,933,588

Massachusetts Commission for the Deaf and Hard of Hearing.

4125-0100 For the operation of and services provided by the Massachusetts commission for the deaf and hard of hearing.....$5,783,283

Soldiers' Home in Massachusetts.

4180-0100 For the maintenance and operation of the Soldiers' Home in Massachusetts located in the city of Chelsea, including a specialized unit for the treatment of Alzheimer's disease patients; provided, that graduates from the LPN school of nursing shall work in state-operated facilities for at least 1 year; provided further, that no fee, assessment or other charge shall be imposed upon or required of any person for any outpatient treatment, admission or hospitalization which exceeds the amount of fees charged in fiscal year 2008; provided further, that no new fee, assessment or other charge shall be implemented in fiscal year 2009; provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B; and provided further, that no charge or contract shall be made with any alternate vendor to provide pharmacy services other than the state office of pharmacy services $26,794,694

4180-1100 For the Soldiers' Home in Massachusetts which may expend not more than $300,661 in revenues for facility maintenance and patient care, including personnel costs; provided, that 60 per cent of all revenues generated pursuant to section 2 of chapter 90 of the General Laws through the purchase of license plates with the designation VETERAN by eligible veterans of the commonwealth, upon compensating the registry of motor vehicles for the cost associated with the license plates, shall be deposited into and for the purposes of this retained revenue account of the Soldiers' Home; provided further, that the Soldiers' Home may accept gifts, grants, donations and bequests; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the Soldiers' Home may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, prior appropriation continued $300,661

Soldiers' Home in Holyoke.

4190-0100 For the maintenance and operation of the Soldiers' Home in Holyoke, including the adult day care program, the Maguder House and the Chapin Mansion; provided, that no fee, assessment or other charge shall be imposed upon or required of any person for any outpatient treatment, admission or hospitalization which exceeds the amount of fees charged in fiscal year 2008; provided further, that no new fee, assessment or other charge shall be implemented in fiscal year 2009 except those associated with the use of telephones and televisions; provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B; and

provided further, that no charge or contract shall be made with any alternate vendor to provide pharmacy services other than the state office of pharmacy services $20,322,654

4190-0101 For the Soldiers' Home in Holyoke which may expend for its operation an amount not to exceed $82,709 from the licensing of the property for placement of aerial antennas $82,709

4190-0102 For the Soldiers' Home in Holyoke which may expend for the outpatient pharmacy program an amount not to exceed $150,805 from co-payments which it may charge to users of the program; provided, that no co-payments shall be imposed or required of any person which exceed the level of co-payments charged in fiscal year 2008; provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B; and provided further, that no charge or contract shall be made with any alternate vendor to provide pharmacy services other than the state office of pharmacy services $150,805

4190-0200 For the Soldiers' Home in Holyoke which may expend not more than $25,000 from fees collected from veterans in its care for the purposes of providing television and telephone services to residents; provided, that fees from the use of telephones and televisions shall only be expended for payments to vendors for said services.....$25,000

4190-1100 For the Soldiers' Home in Holyoke which may expend not more than $200,442 for facility maintenance and patient care, including personnel costs; provided, that 40 per cent of all revenues generated pursuant to section 2 of chapter 90 of the General Laws through the purchase of license plates with the designation VETERAN by eligible veterans of the commonwealth, upon compensating the registry of motor vehicles for the cost associated with the license plates, shall be deposited into and for the purposes of this retained revenue account of the Soldiers' Home; provided further, that the Soldiers' Home may accept gifts, grants, donations, and bequests; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the Soldiers' Home may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, prior appropriation continued..... $225,000

Department of Youth Services.

4200-0010 For the administration of the department of youth services; provided, that the department shall continue to collaborate with the department of

education in order to align curriculum at the department of youth services with the statewide curriculum frameworks and to ease the reintegration of youth from facilities at the department of youth services into regular public school settings; provided further, that the department shall continue to execute its education funding initiative; provided further, that the commissioner of youth services, in conjunction with the department of education, shall submit a report on progress made and projected needs in fiscal years 2009 and 2010, to the house and senate committees on ways and means by December 1, 2008; and provided further, that the department shall expend not more than $300,000 on the juvenile case management system $5,657,621

4200-0100 For supervision, counseling and other community-based services provided to committed youths in nonresidential care programs of the department; provided, that not less than $400,000 shall be expended for the Boston juvenile re-entry program; provided further, that the commissioner may transfer up to 7 per cent of the amount appropriated in this item to items 4200-0200 and 4200-0300; and provided further, that 30 days before any such transfer is made, the commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer.....$22,828,627

4200-0200 For pretrial detention programs, including purchase-of-service and state-operated programs; provided, that the commissioner may transfer up to 7 per cent of the amount appropriated herein to items 4200-0100 and 4200-0300; and provided further, that 30 days before any transfer is made, the commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer.....$25,719,287

4200-0300 For secure facilities, including purchase-of-service and state operated programs incidental to the operations of the facilities; provided, that funds shall be expended to address the needs of the female population; provided further, that funds shall be expended to address suicide prevention; provided further, that all pharmacy services costs shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B; provided further, that no charge or contract shall be made with any alternate vendor to provide pharmacy services other than the state office of pharmacy services; provided further, that the commissioner may transfer up to 7 per cent of the amount appropriated in this item to items 4200-0100 and 4200-0200; and provided further, that 30 days before any such transfer is made, the commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan

showing the amounts to be transferred and the reason for the proposed transfer $105,563,546

4200-0500 For the department of youth services' education system; provided, that not less than $2,550,000 shall be expended for the annualization of enhanced salaries of teachers $3,300,000

OFFICE OF CHILDREN, YOUTH AND FAMILY SERVICES.

Department of Transitional Assistance.

4400-1000 For the central administration of the department of transitional assistance; provided, that during fiscal year 2009 the department shall maintain 2 transitional assistance offices in the city of Springfield; provided further, that all costs associated with verifying disability for all programs of the department shall be paid from this item; provided further, that the department shall submit on a monthly basis to the house and senate committees on ways and means and the secretary of administration and finance a status report on program expenditures, savings and revenues, error rate measurements, and public assistance caseloads and benefits; provided further, that the department shall collect all out-of-court settlement restitution payments; provided further, that the restitution payments shall include, but not be limited to, installment and lump sum payments; provided further, that notwithstanding any general or special law to the contrary, unless otherwise expressly provided, federal reimbursements received for the purposes of the department, including reimbursements for administrative, fringe and overhead costs, for the current fiscal year and prior fiscal years, shall be credited to the General Fund; provided further, that an application for assistance under chapter 118 of the General Laws shall be deemed an application for assistance under chapter 118E of the General Laws; provided further, that if assistance under said chapter 118 is denied, the application shall be transmitted by the department to the executive office of health and human services for a determination of eligibility under said chapter 118E; provided further, that the department shall, to the extent feasible within the appropriation provided, provide for extended office hours; and provided further, that the department shall accomplish the staffing of these extended office hours to the maximum extent possible through the use of flex-time that will allow workers to modify their working hours to accommodate their specific personal and family needs $68,136,719

4400-1001 For programs to increase the commonwealth's participation rate in food stamps and other federal nutrition programs; provided, that not less than $1,500,000 shall be expended for a grant with Project Bread-The Walk for Hunger, Inc. which shall be solely responsible for administering a comprehensive, community-based program to alleviate and prevent hunger and to expand participation in federal nutrition programs;

provided however, that any activities, educational programs and materials, including the annual report on the status of hunger in the commonwealth, developed and implemented by Project Bread with funds provided through this grant for the purpose of expanding participation and outreach for school based federal child nutrition programs, shall be conducted in collaboration with state agencies and private nonprofit organizations working on behalf of child health and nutrition issues including, but not limited to, the department of elementary and secondary education and the School Nutrition Association of Massachusetts; provided further, that Project Bread shall focus on communities with the highest rates of hunger as defined by the United States Census Bureau; provided further, that Project Bread shall file with the clerk of the house of representatives and the clerk of the senate an annual report on the status of hunger in the commonwealth and a detailed explanation of the hunger prevention strategies that have been developed and implemented not later than December 1, 2008; provided further, that the department shall fund a unit staffed by department employees to respond to food stamp inquiries, and arrange for and conduct telephone interviews for initial food stamp applications from this item; provided further, that the department shall fund a system to image and catalogue eligibility documents electronically from this item; provided further, that not less than $350,000 shall be expended for food stamp outreach; provided further, that not less than $250,000 shall be expended for the Food Source Hotline; provided further, that the work of department employees paid for from this item shall be restricted to processing food stamp applications; provided further, that the department shall not require food stamp applicants to provide re-verification of eligibility factors previously verified and not subject to change; and provided further, that, notwithstanding any general or special law to the contrary, the department shall require only 1 signature from food stamp applicants; provided further, that the department may expend up to $100,000 for a program of nutritional assistance to residents of the commonwealth who are qualified aliens within the meaning of section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and noncitizens otherwise permanently residing under color of law in the United States; provided, however, that such a resident shall be eligible for those benefits only if the resident: (1) is ineligible for federal food stamp benefits pursuant to sections 401, 402 or 403 of said Personal Responsibility and Work Opportunity Reconciliation Act of 1996; and (2) would be eligible for federally- funded food stamps but for his citizenship status; provided further, that the department shall maximize eligibility for federal food stamp benefits wherever possible; provided further, that the department shall establish a schedule of benefits so as not to exceed the amounts appropriated for such program.....$3,032,760

4400-1025 For domestic violence specialists at local area offices $722,345

4400-1100 For the payroll of the department's caseworkers; provided, that only employees of bargaining unit eight shall be paid from this item $58,872,706

4401-1000 For employment and training services, including support services, for recipients of benefits provided under the transitional aid to families with dependent children program and the absent parents of those recipients; provided, that funds from this item may be expended on former recipients of the program for up to 1 year after termination of their benefits; provided further, that not less than $4,600,000 shall be expended for the Young Parents Program; and provided further, that certain parents who have not yet reached the age of 18 years, including those who are ineligible for transitional aid to families with dependent children and who would qualify for benefits under chapter 118 of the General Laws but for the deeming of the grandparents' income, shall be eligible to receive services $27,220,672

4401-1100 For the department of transitional assistance which may expend not more than $7,000,000 from federal bonuses and from reimbursements received from the United States Department of Agriculture for food stamp outreach and employment and training programs and any enhanced funding or bonuses; provided, that the department may expend such revenue for employment and training services provided to recipients of transitional aid to families with dependant children $7,000,000

4403-2000 For a program of transitional aid to families with dependent children; provided, that notwithstanding any general or special law to the contrary, benefits under the program of transitional aid to families with dependent children shall be paid only to citizens of the United States and to non-citizens for whom federal funds may be used to provide benefits; provided further, that notwithstanding any general or special law or any provisions of this act to the contrary, no benefits under this item shall be made available to illegal or undocumented aliens; provided further, that the need standard shall be equal to the standard in effect in fiscal year 2008 unless the department determines that a reduction in the monthly payment standard should be implemented before the end of the fiscal year to keep program expenditures within the amounts appropriated in this item; provided further, that the payment standard shall be equal to the need standard; provided further, that the payment standard for families who do not qualify for an exempt category of assistance under subsection (e) of section 110 of chapter 5 of the acts of 1995, or any successor statute, shall be 2.75 per cent below the otherwise applicable payment standard, in fiscal year 2009, pursuant to the state plan required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; provided further,

that the department shall notify parents under the age of 20 receiving benefits from the program of the requirements in clause (2) of subsection (i) of said section 110 of said chapter 5 of the acts of 1995, or any successor statute; provided further, that a $40 per month rent allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing; provided further, that a nonrecurring children's clothing allowance in the amount of $150 shall be provided to each child eligible under this program in September 2008; provided further, that the children's clothing allowance shall be included in the standard of need for the month of September 2008; provided further, that benefits under this program shall not be available to those families where a child has been removed from the household pursuant to a court order after a care and protection hearing under chapter 119 of the General Laws, nor to adult recipients otherwise eligible for transitional aid to families with dependent children but for the temporary removal of the dependent child from the home by the department of social services in accordance with department procedures; provided further, that notwithstanding section 2 of chapter 118 of the General Laws, or any other general or special law to the contrary, the department shall render aid to pregnant women with no other eligible dependent children only if it has been medically verified that the child is expected to be born within the month the payments are to be made or within the 3-month period after the month of payment and who, if the child had been born and was living with her in the month of payment would be categorically and financially eligible for transitional aid to families with dependent children benefits; provided further, that certain families that suffer a reduction in benefits due to a loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for the loss; provided further, that the department shall review its disability standards to determine the extent to which they reflect current medical and vocational criteria and report to the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities on the results of that review before any changes to the standards are proposed; provided further, that no funds from this item shall be expended by the department for child care, family reunification benefits, or transportation services for the employment and training program; provided further, that the department shall provide oral and written notification to all recipients of their child care benefits, including the full range of child care options, at the time of application and on a semi-annual basis; provided further, that the notice shall further advise recipients of the availability of food stamps benefits; provided further, that all recipients of transitional aid to families with dependent children shall be screened for food stamp eligibility at the time of application; provided further, that the department may provide state-funded

transitional benefits alternative payments to those recipients ineligible for these payments through the federal food stamp program because assistance under this item was paid by a solely state-funded program; provided further, that the department may reimburse the United States Department of Agriculture for such transitional benefit alternative payments made in fiscal year 2009; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility for, or levels of benefits under the program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating any eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the senate and house of representatives a detailed and comprehensive report setting forth the text of, basis, and reasons for the proposed changes; and provided further, that the report shall state the department's most accurate assessment of the probable effects of benefit or eligibility changes upon recipient families.....$302,742,675

4403-2007 For the department of transitional assistance to develop and implement a nutritional benefit program for low-income workers; provided, that benefits shall be provided only to those whose receipt of these benefits will improve the work participation rate under the federal program of temporary assistance for needy families.....$1,200,000

4403-2119 For the provision of structured settings as provided in subsection (i) of section 110 of chapter 5 of the acts of 1995, or any successor statute, for parents under the age of 20 who are receiving benefits under the transitional aid to families with dependent children program $6,927,953

4403-2120 For certain expenses of the emergency assistance program as follows: (i) contracted family shelters; (ii) transitional housing programs; (iii) programs to reduce homelessness in Barnstable, Dukes and Nantucket counties; (iv) residential education centers for single mothers with children; (v) intake centers; and (vi) voucher shelters; provided, that eligibility shall be limited to families with income at or below 130 per cent of the federal poverty level; provided, however, that any family whose income exceeds 130 per cent of the federal poverty level while the family is receiving assistance funded by this item shall not become ineligible for assistance due to exceeding the income limit for a period of 6 months from the date that the 130 per cent level was exceeded; provided further, that the department shall establish reasonable requirements for such families to escrow some or all of the portion of their income which exceeds 130 per cent of the federal poverty level; provided further, that any such escrowed funds shall be exempt from

otherwise applicable asset limits; provided further, that the family may withdraw the amount placed in escrow upon transition to permanent housing or losing eligibility for shelter services; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States; provided further, that the department shall take all steps necessary to enforce regulations to prevent abuse in the emergency assistance program; provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized; provided further, that eligible households shall be placed in shelters as close as possible to their home community unless a household requests otherwise; provided further, that if the closest available placement is not within 20 miles of the household's home community, the household shall be transferred to an appropriate shelter within 20 miles of its home community at the earliest possible date unless the household requests otherwise; provided further, that eligibility for shelter by an otherwise eligible family shall not be impaired by prior receipt of any non-shelter benefit; provided further, that the department shall make every effort to ensure that children receiving services from this item shall continue attending school in the community in which they lived prior to receiving services funded from this item; provided further, that notwithstanding any other general or special law to the contrary, the department shall immediately provide shelter for up to 30 days to families who appear to be eligible for such shelter based on statements provided by the family and any other information in the possession of the department but who need additional time to obtain any third-party verifications reasonably required by the department; provided further, that shelter benefits received under the preceding proviso shall not render a family ineligible under any regulation providing that a family who previously received shelter is ineligible for shelter benefits for a period of 12 months; provided further, that families receiving such shelter benefits who are found not to be eligible for continuing shelter benefits shall be eligible for aid pending a timely appeal pursuant to section 16 of chapter 18 of the General Laws; provided further, that the department shall not impose unreasonable requirements for third-party verification and shall accept verifications from the family whenever reasonable; provided further, that in promulgating, amending or rescinding regulations with respect to eligibility or benefits under this program, the department shall take into account the amounts available to it for expenditure in this item so as not to exceed the amount appropriated in this item; provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the

secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that all of this item shall be subject to appropriation and, in the event of a deficiency, nothing in this item shall give rise to or shall be construed as giving rise to any enforceable right or entitlement to services in excess of the amounts appropriated by this item; provided further, that the department shall report quarterly to the house and senate committees on ways and means on the emergency assistance family shelter program; provided further, that the report shall contain the same data required in this item in chapter 139 of the acts of 2006; and provided further, that the Massachusetts Coalition for the Homeless First Stop Homelessness Prevention Initiative and the Horizons for Homeless Children Playspace Program shall receive not less than the same amount of funding as in fiscal year 2008 .....$85,567,847

4405-2000 For the state supplement to the supplemental security income program for the aged and disabled, including a program for emergency needs for supplemental security income recipients; provided, that the expenses of special grants recipients residing in rest homes, as provided in section 7A of chapter 118A of the General Laws, may be paid from this item; provided further, that the department, in collaboration with the executive office of health and human services, may fund an optional supplemental living arrangement category under the supplemental security income program that makes payments to persons living in assisted living residences certified under chapter 19D of the General Laws who meet the income and clinical eligibility criteria established by the department and the office; provided further, that the optional category of payments shall only be administered in conjunction with the Medicaid group adult foster care benefit; and provided further, that reimbursements to providers for services rendered in prior fiscal years may be expended from this item $219,054,536

4406-3000 For the homelessness program to assist individuals who are homeless or in danger of becoming homeless, including assistance to organizations which provide food, shelter, housing search and limited related services to the homeless and indigent; provided, that no organization providing services to the homeless shall receive less than an average per bed/per night rate of $12.92; provided further, that the department may allocate funds to other agencies for the purposes of this program; provided further, that organizations which received funds through this item in fiscal year 2008 shall receive not less than that same percentage share of this appropriation in fiscal year 2009; provided further, that no funds shall be expended for costs associated with the homeless management information system; and provided further, that funds appropriated to this item from item 4000-0117 shall be calculated and distributed

separately from any additional rate increase provided $36,281,684

4406-3010 For a grant to the Home and Healthy for Good pilot program operated by the Massachusetts Housing and Shelter Alliance for the purpose of reducing the incidence of chronic homelessness; provided, that the Massachusetts Housing and Shelter Alliance shall be solely responsible for the administration of this program; provided further, that the Massachusetts Housing and Shelter Alliance shall file a report with the clerks of the house and senate, the commissioner of transitional assistance and the chairpersons of the house and senate committees on ways and means no later than March 2, 2009, detailing the implementation of this program; and provided further, that the report shall include information on the number of people served, the average cost per participant, the demographics of those served, whether participants have previously received government services and any projected cost-savings in other state-funded programs.....$1,200,000

4408-1000 For a program of cash assistance to certain residents of the commonwealth, entitled emergency aid to the elderly, disabled and children found by the department to be eligible for the aid under chapter 117A of the General Laws and regulations promulgated by the department and subject to the limitations of appropriation therefor; provided, that benefits under this item shall only be provided to residents who are citizens of the United States or qualified aliens or non-citizens otherwise permanently residing in the United States under color of law and shall not be provided to illegal or undocumented aliens; provided further, that the individual shall not be a subject to sponsor income deeming or related restrictions; provided further, that the payment standard shall equal the payment standard in effect under the general relief program in fiscal year 1991; provided further, that the department may provide benefits to persons age 65 or older who have applied for benefits under chapter 118A of the General Laws, to persons suffering from a medically-determinable impairment or combination of impairments which is expected to last for a period as determined by department regulations and which substantially reduces or eliminates the individual's capacity to support himself and which has been verified by a competent authority, to certain persons caring for a disabled person, to otherwise eligible participants in the vocational rehabilitation program of the Massachusetts rehabilitation commission and to dependent children who are ineligible for benefits under both chapter 118 of the General Laws and the separate program created by section 210 of chapter 43 of the acts of 1997 and parents or other caretakers of dependent children who are ineligible under said chapter 118 and under the separate program; provided further, that no ex-offender, person over age 45 without a prior work history or person in a residential treatment facility shall be eligible for benefits under this

program unless the person otherwise meets the eligibility criteria described in this item and defined by regulations of the department; provided further, that no person incarcerated in a correctional institution shall be eligible for benefits under the program; provided further, that no funds shall be expended from this item for the payment of expenses associated with any medical review team, other disability screening process or costs associated with verifying disability for this program; provided further, that the department shall adopt emergency regulations under chapter 30A of the General Laws to implement the changes to this program required by this item promptly and within the appropriation; provided further, that in initially implementing the program for this fiscal year, the department shall include all eligibility categories permitted in this item at the payment standard in effect for the former general relief program in fiscal year 1991; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility or benefits, including the payment standard, medical benefits and any other benefits under this program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the amount appropriated in this item; provided further, that the department may promulgate emergency regulations under chapter 30A of the General Laws to implement these eligibility or benefit changes or both; provided further, that nothing in this item shall be construed as creating any right accruing to recipients of the former general relief program; provided further, that reimbursements collected from the Social Security Administration on behalf of former clients of the emergency aid to the elderly, disabled and children program or unprocessed payments from the program that are returned to the department shall be credited to the General Fund; provided further, that notwithstanding any general or special law to the contrary, the funds made available in this item shall be the only funds available for the program, and the department shall not spend funds for the program in excess of the amount made available in this item; and provided further, that, notwithstanding any general or special law to the contrary, 60 days before implementing any eligibility or benefit changes, the commissioner shall file with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth the proposed changes.....$71,976,084

OFFICE OF HEALTH SERVICES.

Department of Public Health.

4510-0100 For the operation of the department; provided, that the department of public health shall report to the joint committee on public health, the joint committee on health care financing and the house and senate

committees on ways and means not later than February 2, 2009 on the impact of increased private and public health insurance coverage, pursuant to chapter 58 of the acts of 2006, and on the utilization and financial needs of public health programs; and provided further, that the report shall include, but not be limited to, the following: (1) an estimate of cost-savings to public health programs generated by increased public and private health insurance coverage in the commonwealth; (2) an assessment of the utilization of public health programs since 2006 including, early intervention services, state laboratory testing services, communicable disease testing services, HIV and AIDS-related services, substance abuse treatment services, family planning services, immunizations, and disease prevention and management services; (3) an assessment of the extent to which health insurance carriers offer benefits coverage for health services provided by public health programs; and (4) any regulatory, legislative and other recommendations necessary to identify and recoup payment for public health services from liable private insurance carriers and other parties in order to minimize costs to the commonwealth $21,911,667

4510-0106 For the end of life care commission, established in section 480 of chapter 159 of the acts of 2000; provided, that not more than $35,000 shall be expended from revenues associated with grant and development activities $35,000

4510-0110 For community health center services; provided, that no funds shall be expended in the AA object class; provided further, that $1,000,000 shall be expended for the managed care program at community health centers known as CenterCare; provided further, that not less than $200,000 shall be expended for the Community Health Center of Cape Cod; provided further, that $225,000 shall be expended on a statewide program of technical assistance to community health centers to be provided by a state primary care association qualified under section 330(f)(1) of the United States Public Health Service Act, 42 U.S.C. section 254c(f)(1); provided further, that not less than $150,000 shall be expended for the Duffy Health Center; provided further, that not less than $150,000 shall be expended for the Manet Community Health Center; and provided further, that not less than $125,000 shall be expended for Merrimack Valley Hospice Home Care; and provided further, that $40,000 shall be expended for the Dismas House at the Worcester county house of correction $7,147,772

4510-0600 For an environmental and community health hazards program, including control of radiation and nuclear hazards, consumer products protection, food and drug inspection, lead poisoning prevention under sections 189A to199B of chapter 111 of the General Laws, lead-based paint inspections in day care facilities, inspection of radiological facilities,

and licensing of x-ray technologists, and for the administration of the bureau of environmental health assessment for the purpose of implementing chapter 111F of the General Laws; provided further, that the department shall file a report with the house and senate ways and means committees, the joint committee on public health, and the joint committee on health care financing, on the status of local health inspections of food establishments, consistent with the department of public health food safety regulations and a report on the current waiting list for indoor air inspections by October 1, 2008; provided further, that $195,000 shall be expended for the purpose of the director of the bureau of environmental health assessment of the department of public health to continue an environmental risk assessment of the health impacts of the General Lawrence Logan Airport in the East Boston section of the city of Boston on any community that is located within a 5 mile radius of the airport and is potentially impacted by the airport; provided further, that the assessment may include, but not be limited to, examining incidences of respiratory diseases and cancers and performing medical and laboratory tests and examinations of residents of these communities; provided further, that the bureau shall report its findings, together with any recommended response actions by the commonwealth, to the house and senate committees on ways and means not later than February 2, 2009; provided further, that $150,000 shall be expended for the completion of the comprehensive study of the exposure routes and patterns of contaminants in the Maple Meadowbrook Aquifer migrating to and affecting the Wilmington drinking water supply and the study of incidents of childhood cancer in the town of Wilmington; and provided further, that not more than $14,800 shall be allocated to the Franklin Regional Council of Governments for costs associated with the regional public health program.....$4,023,923

4510-0615 For the department which may expend not more than $75,000 from assessments collected under section 5K of chapter 111 of the General Laws for services provided to monitor, survey and inspect nuclear power reactors; provided, that the department may expend not more than $1,449,195 from fees collected from licensing and inspecting users of radioactive material within the commonwealth under licenses presently issued by the Nuclear Regulatory Commission; provided further, that the revenues may be used for the costs of both programs, including the compensation of employees; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system.....$1,449,195

4510-0616 For the department which may expend not more than $601,110 for a drug registration and monitoring program from revenues collected from fees charged to registered practitioners, including physicians, dentists, veterinarians, podiatrists and optometrists, for controlled substance registration; provided, that funds may be expended from this item for the costs of personnel; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system.....$601,110

4510-0710 For the operation of the division of health care quality and the office of patient protection; provided, that the division shall be responsible for assuring the quality of patient care provided by the commonwealth's health care facilities and services, and for protecting the health and safety of patients who receive care and services in nursing homes, rest homes, clinical laboratories, clinics, institutions for the mentally retarded and the mentally ill, hospitals and infirmaries, including the inspection of ambulance services; provided further, that investigators shall conduct investigations of abuse, neglect, mistreatment and misappropriation; provided further, that all investigators in the division of health care quality responsible for the investigations shall receive training by the Medicaid fraud control unit in the office of the attorney general; provided further, that the division shall continue a comprehensive training, education and outreach program for nursing home administrators and managers and other supervisory personnel in long-term care to improve the quality of care in long-term care facilities; provided further, that the program shall promote the use of best practices, models of quality care giving and the culture of workforce retention within the facilities and shall focus on systemic ways to reduce deficiencies; and provided further, that $40,000 shall be expended for Bedside Advocates, Inc. for the development of a pilot project focused on transitional care for geriatric patients transitioning to their homes from acute care hospitals; and provided further; that not less than $100,000 shall be expended to oversee the operation and administration of the Primary Stroke Service programs established pursuant to 105 CMR 130.1400; provided, however, that all funds shall be used for the purpose of collecting and analyzing data from all Primary Stroke Service-designated hospitals and for a full-time surveyor for the purpose of ensuring compliance with Primary Stroke Center designation criteria.....$8,817,714

4510-0712 For the department of public health; provided, that the department may expend not more than $504,922 in revenues collected from the licensure of health facilities for program costs of the division of health

care quality; provided further, that the department may expend not more than $800,000 from revenues collected from individuals applying for emergency medical technician licensure and recertification; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate therefor as reported in the state accounting system.....$1,304,922

4510-0715 For the operation of a center for primary care recruitment and placement to improve access to primary care services; provided, that not less than $500,000 shall be expended for a primary care workforce development and loan forgiveness grant program.....$850,000

4510-0716 For the operation of an evidence-based outreach and education program designed to provide information and education on the therapeutic and cost-effective utilization of prescription drugs to physicians, pharmacists and other health care professionals authorized to prescribe and dispense prescription drugs.....$500,000

4510-0720 For a scholarship program for certified nurses' aide and direct care worker training; provided, that recipients of the scholarship shall commit to working in the commonwealth for 2 years following certification; provided further, that no funds shall be expended in the AA object class; provided further, that the scholarships shall cover the full cost of tuition to an approved certified nurses' aide or long-term care direct worker training program, including approved programs providing for cross-training; provided further, that funds shall also be available to provide adult basic education and English as a second language training for applicants otherwise meeting criteria for the scholarships, as well as pilot training programs using enhanced curricula designed to support increased retention; provided further, that the department shall, in consultation with the nursing home industry, consumer groups, the department of labor and workforce development, the Commonwealth Corporation, training providers and other appropriate state and local agencies, conduct outreach regarding the availability of such scholarships; provided further, that the department shall consult with the scholarship program advisory council and the extended care career ladder initiative to review and recommend new training requirements for certified nurses' aides, home health aides and home care workers to improve the quality of the direct care workforce and the quality of care provided in all long-term care settings by developing skill standards, supporting the transition from training to work, improving retention, promoting portability, recognizing career

advancement curricula and addressing language and education barriers; and provided further, that costs for outreach activities shall not exceed 5 per cent of the amount appropriated in this item and administrative costs of the program shall not exceed 5 per cent of the amount appropriated in this item $250,000

4510-0721 For the operation and administration of the board of registration in nursing.....$1,675,170

4510-0722 For the operation and administration of the board of registration in pharmacy.....$541,311

4510-0723 For the operation and administration of the board of registration in medicine and the committee on acupuncture.....$2,670,027

4510-0725 For the operation and administration of certain health boards of registration, including the boards of registration in dentistry, nursing home administrators, physician assistants, perfusionists, genetic counselors and respiratory care.....$472,097

4510-0726 For the board of registration in medicine which may expend for the administration of the board, including the physician profiles program, an amount not to exceed $300,000 from new revenues associated with increased license and renewal fees $300,000

4510-0790 For regional emergency medical services; provided, that no funds shall be expended in the AA object class; provided further, that the regional emergency medical services councils, designated under 105 CMR 170.101 and the C-MED medical emergency communications centers that were in existence on January 1, 1992, shall remain the designated councils and C-MED communications centers.....$1,246,896

4510-0810 For a statewide sexual assault nurse examiner program and pediatric sexual assault nurse examiner program for the care of victims of sexual assault; provided, that funds shall be expended for a contract with the Massachusetts Children's Alliance to support children's advocacy centers $3,623,068

4512-0103 For human immunodeficiency virus and acquired immune deficiency syndrome services and programs; provided, that no funds shall be expended in the AA object class; provided further, that particular attention shall be paid to direct funding proportionately to each of the demographic groups afflicted by HIV/AIDS; provided further, that funds shall be expended for rental housing subsidies for the purposes of preventing admissions to acute hospitals, chronic hospitals and nursing homes for persons with acquired immune deficiency syndrome; and

provided further, that no funds from this item shall be expended for disease research in fiscal year 2009 .....$37,166,608

4512-0106 For the department of public health which may expend for the human immunodeficiency virus and acquired immune deficiency syndrome drug assistance program an amount not to exceed $1,500,000 from revenues received from pharmaceutical manufacturers participating in the section 340B rebate program of the Public Health Service Act, administered by the federal Health Resources and Services Administration and Office of Pharmacy Affairs.....$1,500,000

4512-0200 For the operation of the division of substance abuse services; provided, that no funds shall be expended in the AA object class; provided further, that not less than $3,000,000 shall be expended for the establishment of 60 community-based beds in locked-down, non-correctional settings for men who have been civilly committed to a substance abuse treatment program pursuant to section 35 of chapter 123 of the General Laws; provided further, that not less than $250,000 shall be expended for Phoenix House, for the purposes of establishing an independent 18-bed women's sober-living facility in the Dorchester section of the city of Boston, for females with alcohol and chemical dependency; provided further, that not less than $200,000 shall be expended for the operation of 24-hour services at the Albany Street Shelter operated by Cambridge and Somerville Program for Drug and Alcohol Rehabilitation; provided further, that not less than $150,000 shall be expended for the Lowell House; provided further, that not less than $1,500,000 shall be expended for 3 Sobriety High Schools; provided further, that not less than $1,500,000 shall be expended for maintaining the substance abuse and mental health pilot programs in houses of correction in Hampden county, Norfolk county, Middlesex county and Barnstable county; provided further, that 1 counselor shall continue to be assigned for every 200 inmates within each facility; provided further, that not less than $1,149,750 shall be expended to Gavin Foundation for a male adolescent residential facility for substance abuse and rehabilitation services and for an adjoining female adolescent residential facility for substance abuse and rehabilitation services, totaling 28 beds, located in the South Boston section of the city of Boston; provided further, that not less than $933,000 shall be expended for the Volunteers of America Rebound Youth Residential Recovery Program at Long Island Hospital in the city of Boston for substance abuse and rehabilitation services to youths with addictions; provided further, that not less than $500,000 shall be provided to the Essex county district attorney to continue to develop a pilot program for non-violent offenders in a non-correctional locked down substance abuse treatment facility; provided further, that not less than $400,000 shall be provided to the Boston municipal court to fund treatment

coordinators for the drug court program to treat nonviolent, substance-abusing offenders; provided further, that not less than $475,000 shall be expended to fund 10 beds through the CAB program in conjunction with the H.E.A.T. program at Woburn the division of the district court provided further, that not less than $319,500 shall be expended for a contract with Gavin Foundation, Inc., to provide a Total Immersion program in conjunction with the probation departments of the South Boston division of the district court, the Somerville division of the district court, the Hingham division of the district court, the Brighton division of the district court, and other district courts and that the funding shall be expended for the maintenance of a training program by the Gavin Foundation for a statewide Total Immersion program; provided further, that not less than $250,000 shall be expended for the New Beginnings program; provided further, that not less than $225,000 shall be expended for the operation of the Barnstable Action for New Directions (BAND) program facilitated by the Gosnold Society of Cape Cod Inc., in conjunction with the Barnstable district court and the Cape and Islands district attorney; provided further, that not less than $200,000 shall be expended for a substance abuse treatment program for children in the custody of the department of youth services; provided further, that not less than $200,000 shall be expended for the Link House, Inc., in the town of Salisbury, for purposes of establishing transitional housing for women in recovery from substance abuse; provided further, that not less than $200,000 shall be expended for The Gavin Foundation, Inc. to provide drug and alcohol abuse prevention education through the Speakers for Hope Program; provided further, that $200,000 shall be expended for the Massachusetts Interscholastic Athletic Association's substance abuse program; provided further, that not less than $155,000 shall be expended for the maintenance and operation of the Intensive Outpatient Program at the South Boston Collaborative for the purposes of responding to adolescent suicide clusters and drug abuse in the South Boston section of the city of Boston; provided further, that not less than $150,000 shall be expended to the Berkshire County Youth Development Project for youth intervention services; provided further, that there shall be a recovery support center in each region; provided further, that $300,000 shall be expended for the Hampden county Residential Program For Women; provided further, that $150,000 shall be expended for the Northern Educational Services, Inc., in Springfield, to operate the Youth Zone Program; provided further, that not less than $145,000 shall be expended in grants for the Framingham Coalition for the Prevention of Drug and Alcohol Abuse; provided further, that not less than $125,000 shall be expended for Self Esteem Boston's substance abuse direct service prevention programs and provider training programs; provided further, that not less than $100,000 shall be expended on the Russian Teens-at-Risk program operated by the Jewish Family Children's

Service in the cities of Boston and Lynn and the town of Brookline; provided further, that not less than $100,000 shall be expended for the Winchester Substance Abuse Coalition in the town of Winchester; provided further, that not less than $90,000 shall expended for Franklin Medical Center's Beacon Recovery Program at the Orange Recovery House; provided further, that $75,000 shall be expended to continue an Opiate Abuse Prevention and Intervention Program for Youth in the city of Melrose; provided further, that not less than $75,000 shall be provided to Second Step, Inc. in the city of Newton for the provision of substance abuse prevention and education programs to the survivors of domestic violence and their children; provided further, that not less than $75,000 shall be expended for the Tynan Community Center's Adolescence Wellness Program in the South Boston section of the city of Boston; provided further, that not less than $70,000 shall be expended for the Adolescent Education program of the South Boston Neighborhood House in the South Boston section of the city of Boston; provided further, that not less than $50,000 shall be expended for teens through programs provided by the Ashland Recreational Department; and provided further, that not less than $50,000 shall be expended for the Louis D. Brown Peace Institute for homicide victims' family support services and anti-violence advocacy programs; provided further, that not less than $100,000 shall be expended for the substance abuse prevention programs of the Arlington Youth Health and Safety Coalition; provided further, that not less than $290,000 shall be expended for the Arlington Youth Consultation Center; and provided further, that not less than $250,000 shall be expended for the Albany Street Shelter operated by Cambridge and Somerville Program for Drug and Alcohol Rehabilitation or CASPAR; and provided further, that not less than $75,000 shall be expended for the Charlestown Substance Abuse Coalition for securing placement of at-risk adults in job-training programs, apprenticeships and permanent employment.....$79,337,940

4512-0202 For 2 pilot jail diversion programs for nonviolent offenders with OxyContin or heroin addiction to be operated by the department of public health; provided, that each program shall have at least 60 beds and shall provide inpatient treatment for up to 90 days; provided further, that individuals may be diverted prior to or after their arraignment to this program by a district attorney in conjunction with the office of the commissioner of probation if: (1) there is reason to believe that the individual being diverted suffers from a dependency to OxyContin or heroin; and (2) the diversion of an individual is clinically appropriate and consistent with public safety; provided further, that both programs shall be established in separate counties on property administered by the county's sheriff or an alternative location deemed suitable by the department of public health; and provided further, that the department of public health shall coordinate operations with county

sheriffs, the district attorneys, the office of the commissioner of probation and the department of correction; and provided further, that prior to release from the facility, a 1 year treatment plan shall be developed for the individual $5,000,000

4512-0225 For the department of public health; provided, that the department may expend not more than $1,000,000 for a compulsive gamblers' treatment program from unclaimed prize money held in the State Lottery Fund for more than 1 year from the date of the drawing when the unclaimed prize money was won and from the proceeds of a multi-jurisdictional lottery game under subsection (e) of section 24A of chapter 10 of the General Laws; provided, that the state comptroller shall transfer the amount to the General Fund; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate therefor as reported in the state accounting system.....$1,000,000

4512-0500 For dental health services; provided, that no funds shall be expended in the AA object class; provided further, that funds shall be expended to maintain a program of dental services for the developmentally disabled; provided further, that not less than $750,000 shall be expended for the Forsyth Institute's Center for Children's Oral Health to fund a school-based demonstration project to offer preventative oral health care to children in high need areas including Boston, Lynn, and the Cape and Islands; provided further, that not less than $500,000 shall be expended on the open wide health pilot program in Hampden county; provided further, that not less than $150,000 shall be allotted to the Taunton Oral Health Clinic in the city of Taunton for the basic dental needs of moderate and low-income residents of southeastern Massachusetts; and provided further, that not less than $90,000 shall be expended to The Community Coalition of Cape Cod, Inc.. for support and implementation of a model dental program that provides comprehensive dental care for low-income uninsured adults on Cape Cod.....$3,147,016

4513-1000 For the provision of family health services; provided, that no funds shall be expended in the AA object class; provided further, that not less than $350,000 shall be expended for the operations of the Regional Poison Control Center; provided further, that not less than $450,000 shall be expended for the Massachusetts Birth Defects Monitoring Program; provided further, that not less than $6,000,000 shall be provided for comprehensive family planning services, including HIV counseling and testing, community-based health education and outreach services,

provided by agencies certified as comprehensive family planning agencies, family planning clinics and primary care services for women and children; provided further, that not less than $350,000 shall be expended for ROCA, Inc. for outreach and youth development for at-risk youth and young adults in Chelsea, Revere, and East Boston; provided further, that not less than $100,000 shall be expended for the Massachusetts Sudden Infant Death Center at Boston Medical Center; provided further, that not less than $150,000 of said funds shall be expended for such programs in the Bowdoin/Geneva and the Uphams Corner/North Dorchester sections of the city of Boston; provided further, that not less than $50,000 shall be expended for Falmouth Family Planning; provided further, that not less than $50,000 shall be expended for the Molly Bish Institute for Child Safety at Mount Wachusett Community College; and provided further, that $10,000 shall be expended for the Cancer House of Hope in the city of Westfield.....$7,360,000

4513-1002 For women, infants and children's (WIC) nutrition services in addition to funds received under the federal nutrition program; provided, that no funds shall be expended in the AA object class; provided further, that all new WIC cases, in excess of fiscal year 1991 caseload levels, shall be served in accordance with priority categories 1 through 7, as defined by the state WIC program; and provided further, that not less than $680,000 shall be expended for the Growth and Nutrition Program.....$13,327,092

4513-1010 For the department of public health which may expend for the early intervention program not more than $6,500,000 in revenue received from the collection of federal financial participation for early intervention services delivered to Medicaid-eligible children by developmental educators and professionals in related disciplines; provided, that nothing in this item shall give rise to or shall be construed as giving rise to enforceable legal rights to any such services or an enforceable entitlement to the services funded in this item; and provided further, that the revenue may be used to pay for current and prior year claims $6,500,000

4513-1012 For the department of public health which may expend not more than $24,600,000 from revenues received from the federal cost-containment initiatives including, but not limited to, infant formula rebates and Northeast Dairy Compact reimbursements; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate as reported in the state accounting system.....$24,600,000

4513-1020 For the early intervention program; provided, that no funds shall be expended in the AA object class; provided further, that the department shall report quarterly to the house and senate committees on ways and means the total number of units of service purchased and the total expenditures for the units of service paid by the department, the executive office of health and human services and third party payers for early intervention services for the following services categories: home visit, center-based individual, child-focused group, parent-focused group, screening and assessment; provided further, that the department shall make all reasonable efforts to secure third party and Medicaid reimbursements for the services funded in this item; provided further, that funds from this item shall be expended for a reserve to provide respite services to families of children enrolled in early intervention programs who have complex care requirements, multiple disabilities and extensive medical and health needs; provided further, that priority shall be given to low and moderate income families; provided further, that the department shall submit to the house and senate committees on ways and means a report on the number of families served by the program and the amount of funds appropriated in this item granted to qualified families not later than February 2, 2009; provided further, that no claim for reimbursement made on behalf of an uninsured person shall be paid from this item until the program receives notice of a denial of eligibility for the MassHealth program from the executive office of health and human services; provided further, that nothing in this item shall give rise to or shall be construed as giving rise to enforceable legal rights to any such services or an enforceable entitlement to the early intervention services funded in this item; provided further, that funds from this item may be expended for a rate increase; and provided further, that not less than $1,000,000 shall be expended for the provision of cost reimbursement funding to certified Early Intervention programs; and provided further, that the department shall provide written notification to the senate and house committees on ways and means 90 days prior to any change to its current eligibility criteria.....$42,936,049

4513-1023 For the universal newborn hearing screening program; provided, that no funds shall be expended in the AA object class.....$84,076

4513-1024 For the operation of a comprehensive, state wide shaken baby syndrome prevention program including community-based, hospital-based and statewide activities; provided, that services funded through this item shall include, but not be limited to, education, training, intervention, support, surveillance and evaluation.....$350,000

4513-1026 For the provision of statewide and community-based suicide prevention, intervention, post-intervention, and surveillance activities; provided, that funds shall be expended for the costs of a collaborative study with

the geriatric mental health services program within the department of elder affairs for the purpose of creating a program to address elder suicide behavior and attempts; and provided further, that funds shall be expended for the operation of the Veterans in Crisis Hotline.....$3,750,000

4513-1111 For the promotion of health and disease prevention including, but not limited to, the following programs: breast cancer prevention, diabetes screening and outreach, ovarian cancer screening, a statewide STOP stroke program and ongoing stroke prevention and education, hepatitis C prevention and management, multiple sclerosis screening, information, education, treatment programs and the Multiple Sclerosis Home Living Navigating Key Services program administered by the Central New England Chapter of the National Multiple Sclerosis Society,, renal disease prevention and management, Lyme disease prevention and research, colorectal cancer prevention, prostate cancer screening, education and treatment with a particular focus on African American males, osteoporosis education, a program to combat mental retardation in children suffering from a genetic effect causing phenylketonuria**,** maintenance of the Amyotrophic Lateral Sclerosis registry created pursuant section 25A of chapter 111 of the General Laws, maintenance of the statewide lupus database, early detection and treatment of lung cancer and the operation of the Betsy Lehman Center for patient safety; provided further, that the department shall expend not less than the same amount available in each item in fiscal year 2008; and provided further, that sites for Hepatitis C services shall be distributed throughout the commonwealth so as to ensure coverage in all geographic regions, including currently underserved areas proximate to Boston, Cape Ann, Fitchburg, Leominster, Lowell, Pittsfield, Springfield and Worcester $14,397,093

4513-1130 For the domestic violence and sexual assault prevention and treatment program; provided, that of the amount appropriated in this item, funds shall be expended for rape prevention and victim services, including the statewide Spanish language hotline for sexual abuse and domestic violence services and domestic violence services and statewide suicide and violence prevention outreach to gay and lesbian youth; provided further, that funds shall be expended for certified batterer intervention program services; and provided further, that not less than $350,000 shall be expended for the public health model of community engagement and intervention services and crisis housing for sexual violence and intimate partner violence in the gay, lesbian, bisexual and transgender community; and provided further, that not less than $75,000 shall be expended for the Alternative House $5,271,677

4516-0263 For the department of public health which may expend not more than $1,442,468 in revenues from various blood lead testing fees collected

from insurers and individuals for the purpose of conducting such tests; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate therefor, as reported in the state accounting system.....$1,442,468

4516-1000 For the administration of the center for laboratory and communicable disease control services, including the division of communicable venereal diseases, the division of tuberculosis control and the state laboratory institute; provided, that the department shall give priority to the analysis of samples used in the prosecution of controlled substances offenses; provided further, that not less than $240,000 shall be expended for the maintenance of the statewide rabies control program coordinated by the department of public health, providing assistance to cities, towns and the public and for the interagency collaboration through the rabies advisory committee, the 24-hour epidemiological and clinical consultation for rabies exposures and the rapid laboratory diagnostic services; and provided further, that of the $240,000, not less than $150,000 shall be expended for the continuation of the Oral Rabies Vaccine Project on Cape Cod operated through a contract with Tufts University School of Veterinary Medicine in collaboration with the federal Centers for Disease Control and Prevention.....$15,576,978

4516-1022 For the department of public health which may expend not more than $300,000 generated by fees collected from insurers for tuberculosis tests performed at the state laboratory institute; provided, that revenues collected may be used to supplement the costs of said laboratory; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most-recent revenue estimate, as reported in the state accounting system $300,000

4518-0200 For the department of public health which may expend not more than $400,000 generated by fees collected from the following services provided at the registry of vital records and statistics: amendments of vital records, requests for vital records not issued in person at the registry and research requests performed by registry staff at the registry; provided, that revenues so collected may be used for all program costs, including the compensation of employees; provided further, that the registrar of vital records and statistics shall exempt from the payment of a fee any person requesting a copy of a birth

certificate for the purpose of establishing eligibility for Medicaid; and provided further, that, for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate, as reported in the state accounting system .$400,000

4530-9000 For teenage pregnancy prevention services; provided, that no funds shall be expended in the AA object class; provided further, that funding shall be expended on those communities with the highest teen birth rates according to an annual statistical estimate conducted by the department; provided further, that funds shall be expended on programming directed at children under the care of the department of social services who are at high risk for teenage pregnancy; provided further, that the department shall report to the house and senate committees on ways and means not later than January 15, 2009, on the progress of this programming; provided further, that not less than $400,000 shall be expended for the Northern Berkshire Community Coalition in the Berkshire region; provided further, that of said $400,000, not more than 10 per cent shall be used for administrative services; provided further, that of said $400,000, not less than $250,000 shall be expended for the teen pregnancy prevention programs in the cities of North Adams and Pittsfield; provided further, that of said $250,000, not less than $125,000 shall be expended for said program in the city of Pittsfield; provided further, that $100,000 shall be expended for teen pregnancy prevention services in the town of Orange; provided further, that $50,000 shall be expended for teen pregnancy prevention programs in the town of Southbridge; and provided further, that not less than $15,000 shall be provided to Girls, Inc., of Lynn for teen pregnancy prevention $4,055,586

4570-1502 For the purposes of implementing a proactive statewide infection prevention and control program.....$1,000,000

4580-1000 For the operation of the universal immunization program; provided, that no funds shall be expended in the AA object class.....$51,581,508

4590-0250 For school health services and school-based health centers in public and non-public schools; provided, that no funds shall be expended in the AA object class; provided further, that not less than $15,000,000 shall be expended for school nurses and school-based health centers; provided further, that not less than $550,000 shall be expended for the commission on gay and lesbian youth; provided further, that not less than $300,000 shall be expended for mental health and substance abuse services in school-based health centers; provided further, that not less than $200,000 shall be expended for the North Quabbin Community

Coalition for support and implementation of 4 model community coalitions and community capacity-building activities; provided further, that $150,000 shall be expended for the Childhood Obesity School Nutrition Pilot Project within the department of public health to initiate or maintain school lunch programs focused on diminishing the epidemic of childhood obesity; provided further, that food service providers, working with public schools, wishing to institute or maintain a school nutrition program designed to reduce childhood obesity, may submit an application to the department of public health indicating the various nutritional and educational steps the school plans to implement with the grant, not to exceed $10,000 per school per year; provided further, that eligible programs shall focus on providing healthier choices for lunch programs and provide incentives and information to make healthier meal choices in the school lunch line; provided further, that 1 or more schools may be included in an application; provided further, that grant applications and other appropriate criteria shall be determined and reviewed by the department; and provided further, that not less than $100,000 shall be expended for the H.E.L.P. program for black male health; and provided further, that not less than $75,000 shall be expended for a pilot program to provide community health services through the school-based health center at the Helen A. Bowditch Health Center at Elm Park school in the city of Worcester.....$17,057,134

4590-0300 For smoking prevention and cessation programs; provided, that no funds shall be expended in the AA object class.....$12,750,000

4590-0912 For the department of public health which may expend an amount not to exceed $16,542,017 from reimbursements collected for western Massachusetts hospital services; provided, that notwithstanding any general or special law to the contrary, the hospital shall be eligible to receive and retain full reimbursement from the Medicaid program; provided further, that notwithstanding any general or special law to the contrary, the western Massachusetts hospital shall reimburse the General Fund for a portion of employee benefit expenses, according to a schedule submitted by the commissioner of public health and approved by the secretary for administration and finance; provided further, that such reimbursement shall not exceed 10 per cent of total personnel costs for the hospital; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate as reported in the state accounting system $16,542,017

4590-0913 For the department of public health which may expend not more than $500,000 for payments received for those services provided by the

Lemuel Shattuck hospital to inmates of county correctional facilities; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate as reported in the state accounting system ..$500,000

4590-0915 For the maintenance and operation of Tewksbury state hospital, the Massachusetts hospital school, the Lemuel Shattuck hospital and the hospital bureau, including the state office of pharmacy services; provided further, that $45,000 shall be made available for the position of volunteer and development coordinator at the Massachusetts Hospital School; provided further, that not less than $855,000 shall be expended for a new dialysis unit at Tewksbury State Hospital; provided further, that the department shall submit a report to the house and senate committees on ways and means not later than January 31, 2008, on the progress of the expansion and the use of the funds**;** provided further, that $241,743 shall be made available for the fifth of 6 annual tax-exempt lease payments for a computed tomography scanner procured for Lemuel Shattuck hospital; provided further, that reimbursements received for medical services provided at the Lemuel Shattuck hospital to inmates of county correctional facilities not managed by private health care vendors shall be credited to item 4590-0903 of section 2B $144,926,131

4590-0917 For the department of public health which may expend an amount not to exceed $4,000,000 from payments received from the vendor managing health services for state correctional facilities for inmate medical services provided by the Lemuel Shattuck hospital; provided, that the payments may include capitation payments, fee for service payments, advance payments and other compensation arrangements established by contract between the vendor and the hospital; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system.....$4,000,000

4590-1503 For the pediatric palliative care program established in section 24K of chapter 111 of the General Laws $1,000,000

4590-1506 For a grant program to be administered by the department of public health to support the establishment of a comprehensive youth violence prevention program; provided, that the commissioner of public health shall distribute grant funds through a competitive grant program that

gives preference to applications that: (1) serve communities that have been identified by the department as being high risk communities for youth violence; (2) demonstrate multi-disciplinary collaboration, including youth serving community organizations, state agencies, local law enforcement, medical and public health professionals, and faith-based organizations; (3) utilize a youth development framework that includes addressing out-of-school time activities, mentoring, leadership training, employment readiness training, conflict resolution, education support, family support services and financial literacy; (4) provide positive programming during, but not limited to, the hours of 2 pm and 10 pm; and (5) demonstrate the ability to work with the department staff to conduct comprehensive evaluations of program development and implementation activities; provided further, that no grants shall be awarded to law enforcement agencies; provided further, that funds shall be considered one-time and grants shall not annualize in fiscal year 2010; 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 grant funds shall be expended on food or beverages; provided further, that the department of public health shall publish guidelines and an application for the grant program not later than July 31, 2008; provided further, that awards shall be made to applicants not later than September 1, 2008; provided further, that the department of public health shall report to the house and senate committees on ways and means and the executive office of administration and finance not later than November 1, 2008, detailing the grant amount awarded to each recipient and a description of each grant; and provided further, that each grant recipient shall provide the department of public health with a comprehensive list of best practices that have been instituted as a result of these grants $3,500,000

OFFICE OF CHILDREN, YOUTH AND FAMILY SERVICES.

Department of Social Services.

4800-0015 For central and area office administration; provided, that the associated expenses of employees whose AA and DD object class costs are paid from item 4800-1100 shall be paid from this item; provided further, that no funds shall be expended from this item for the compensation of unit 8 employees; provided further, that the department shall not place a child or adolescent referred by, or discharged from, the care of the department of mental health until the latter department forwards an assessment and recommendation as to whether the child or adolescent may be appropriately placed in foster care or, if due to severe emotional disturbance, is more appropriate for group care; provided further, that, unless otherwise authorized, all funds, including federal reimbursements received by the department, shall be credited to the General Fund; provided further, that the department shall expend not less than $1,000,000 in the AA or CC object codes to hire four to five

full-time board certified or board eligible child psychiatrists to serve in each of the area offices; provided further, that hiring and supervision shall be done in conjunction with the department of mental health; provided further, that such physicians shall collaborate with the department's social workers; provided further, that the department shall employ not less than 1 full-time board-certified physician; provided further, that the department of social services, in collaboration with the department of early education and care, shall maintain a centralized list detailing the number of children eligible for supportive child care services, the number of supportive slots filled and the number of supportive slots available; provided further, that notwithstanding any general or special law to the contrary, the department shall not reduce recoupment amounts recommended by the state auditor; provided further, that not later than February 17 of the current fiscal year, the department shall provide to the house and senate committees on ways and means and the chairs of the joint committee on children and families a report detailing the number of medical and psychiatric personnel currently employed by or under contract with the department; provided further, that the report shall include the number of foster care reviews conducted by the department and the average length of time in which each review is completed; provided further, that the report shall contain the number of the department's contracts reviewed by the state auditor and the number of corrective action plans issued; provided further, that the report shall also include the number of corrective action plans entered into by the department; provided further, that the report shall include the number of social workers and supervisors who have earned a bachelors' or masters' degree in social work; provided further, that the report shall include the total number of social workers and the total number of social workers holding licensure, by level; provided further, that the comptroller shall act in accordance with item 1000-0001 if the report, with all of its components, is not filed within 10 days of the stated due date; provided further, that the department shall file a report on the first business day of each month to the chairs of the senate and house committees on ways and means and the chairs of the joint committee on children and families on the caseload of the department; provided further, that caseloads provided in this report shall include: residential placements, group care, foster care, therapeutic foster care, adoption, guardianship, 51A reports, substantiated 51A reports, the number of children who die in the care and custody of the department, the number of children on the waitlist for supportive child care and the number of medical and psychiatric consultation requests made by the department's social workers; provided further, that the report shall include the number of approved foster care placements; provided further, that the report shall also include the number of children in psychiatric hospitals and community based acute treatment programs who remain hospitalized beyond their medically-necessary stay while

awaiting placement and the number of days each case remains in placement beyond that which is medically necessary; provided further, that the report shall include the number of children under department of social services care and custody who are being served in medical or psychiatric care provided through other publicly-funded sources; provided further, that the report shall also contain the number of children served by supervised visitation centers and the number of those children who are reunified with their families; provided further, that the report shall contain information on the total number of children served, their ages, the number of children served in each service plan, the number of children in out-of-home placements and the number of placements each child has had before receiving an out-of-home placement; provided further, that the report shall also contain the number of families receiving multiple 51A reports within a 10-month period, the number of cases reopened within 6 months of being closed and the number of children who return home and then re-enter an out-of-home placement within 6 months; provided further, that the report shall detail the number of children diverted from residential settings, the programs in which they were placed, the associated cost savings from the diversion and any other measurements that would help assess the success of these programs in promoting the health and well-being of children; provided further, that the commissioner of the department of social services may transfer funds between items 4800-0030, 4800-0038, and 4800-0041, as necessary, pursuant to an allocation plan, which shall detail, by object class, the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days prior to any such transfer; and provided further, that not more than 5 per cent of any item shall be transferred in fiscal year 2009 .....$77,337,703

4800-0016 For the department of social services which may expend for the operation of the transitional employment program an amount not to exceed $2,000,000 from revenues collected from various state, county and municipal government entities, as well as state authorities, for the costs related to the provision of services by the participants and the overhead costs and expenses incurred by the not-for-profit managing agent selected by the commissioner for administering the program; provided, that notwithstanding any general or special law to the contrary, the commissioner of social services may enter into a contract with Roca, Inc., a not-for-profit community based agency, to manage the transitional employment program and to provide services to participants from the aging out population, parolees, probationers, youth service releases, or other community residents considered to have employment needs $2,000,000

4800-0025 For foster care review services $2,976,282

4800-0030 For local and regional administration and coordination of services provided by lead agencies and regional resource centers; provided, that flex services provided by these agencies shall be funded from this item$21,020,794

4800-0036 For a sexual abuse intervention network program to be administered in conjunction with the district attorneys; provided, that each district attorney shall receive not less than the amount it received in the previous fiscal year for the sexual abuse intervention program $740,076

4800-0038 For stabilization, unification, reunification, permanency, adoption, guardianship and foster care services provided by the department of social services; provided, that services funded through this item shall include shelter services, substance abuse treatment, family reunification networks, young parent programs, parent aides, education and counseling services, family preservation services, foster care, adoption and guardianship subsidies, tiered reimbursements used to promote the foster care placement of children with special medical and social needs, assessment of the appropriateness of adoption for children in the care of the department for more than 12 months, protective services provided by partnership agencies, targeted recruitment and retention of foster families, respite care services, post-adoption services, support services for foster, kinship and adoptive families and juvenile firesetter programs; provided further, that any child who would have been eligible for a clothing benefit under regulations in place on January 1, 2006, shall receive a clothing benefit in fiscal year 2009; provided further, that not less than $2,300,000 shall be expended for the Young Parent Support Program; provided further, that not less than $498,850 shall be expended for Latinas y Ninos and Casa Esperanza; provided further, that not less than $300,000 shall be expended for Massachusetts Families for Kids; provided further, that not less than $298,000 shall be expended for alternative schools for students aged 14 to 16, inclusive, who are placed before the court on child in need of services petitions in region 6; provided further, that not less than $257,000 shall be expended for the Laboure Center in South Boston; provided further, that not less than $200,000 shall be expended to support the family center component of the Greater Lowell Family Resource Center; provided further, that not less than $187,500 shall be expended for the Center for Family Connections to provide therapeutic and rehabilitative mental health services, targeted research on well-being outcomes and permanency planning for older, hard-to-place youth and those aging out of the system; provided further, that not less than $150,000 shall be expended for a contract with Julie's Family Learning program in the South Boston section of the city of Boston; provided further, that not less than $130,000 shall be expended for the Children's Cove Cape and Islands Child Advocacy Center; provided further, that not less than

$125,000 shall be expended for North End Outreach Network of Springfield; provided further, that not less than $125,000 shall be expended for the South End Community Center of Springfield, Inc.; provided further, that not less than $104,123 shall be expended on the Teen Parenting program at Framingham High School; provided further, that not less than $100,000 shall be expended for the Dunbar Community Center in the city of Springfield; provided further, that not less than $60,000 shall be expended by the Framingham office of the department of social services for the Metrowest Campership program operated by the Ashland youth advisory board; provided further, that not less than $50,000 shall be expended for the purpose of providing case management services for the Amity Transitional Housing program in the city of Lynn; provided further, that not less than $45,000 shall be expended for a contract with Big Brothers and Sisters of Cape Cod and the Islands; and provided further, that not less than $15,000 shall be expended for a contract with Child and Family Services of Cape Cod for the court diversion program; provided further, that not less than $7,500 shall be expended for House of Peace & Education, Inc in Gardner for the Hope for Kids program; and provided further, that not less than $300,000 shall be expended for a statewide contract with Northeastern University for the violence prevention and conflict resolution program; and provided further, that not less than $140,000 shall be expended for the MSPCC Franklin County Supervised Visitation Program provided further, that not less than $100,000 shall be expended for the Conway Children's Advocacy Center of Plymouth County; and provided further, that not less than $187,000 shall be expended for the Bristol County Child Advocacy Center's operating expenses located in the city of Fall River; provided further, that not less than $35,000 shall be expended for the Barnstable county council for children, youth and families.....$312,979,052

4800-0041 For group care services; provided, that funds may be expended from this item to provide intensive community-based services to children who would otherwise be placed in residential settings; and provided further, that the department shall form area review teams that shall evaluate the feasibility of maintaining the child in the community in this manner wherever possible before recommending placement in a residential setting.....$229,554,705

4800-0091 For the department of social services which may expend not more than $3,000,000 in federal reimbursements received under Title IV-E of the Social Security Act during fiscal year 2008 for the purposes of developing a training institute for professional development of social workers at the department of social services with the University of Massachusetts Medical School and Salem State College; provided, that for the purposes of accommodating discrepancies between the receipt

of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that notwithstanding section 1 or any other general or special law to the contrary, federal reimbursements received in excess of $3,000,000 shall be credited to the General Fund; and provided further, that no funds shall be expended from this item for lease-purchases or the Family Networks system.....$3,000,000

4800-0151 For a program to provide alternative overnight non-secure placements for status offenders and nonviolent delinquent youths up to the age of 17 in order to prevent the inappropriate use of juvenile cells in police stations for such offenders, in compliance with the federal Juvenile Justice and Delinquency Prevention Act of 1974, as amended; provided, that the programs which provide the alternative non-secure placements shall collaborate with the appropriate county sheriff's office to provide referrals of those offenders and delinquent youths to any programs within the sheriff's office designed to positively influence youths or reduce, if not altogether eliminate, juvenile crime $319,171

4800-1100 For the AA and DD object class costs of the department's social workers; provided, that funds shall be directed toward mitigating social worker caseloads in those area offices furthest above the statewide weighted caseload standard and toward achieving a social worker caseload ratio of 17 to 1 statewide; and provided further, that only employees of bargaining unit 8 shall be paid from this item $157,262,697

4800-1400 For shelters and support services for people at risk of domestic violence; provided, that the department shall pursue the establishment of public-private partnership agreements established for family stabilization services funded from sources other than the commonwealth; provided further, that services shall include supervised visitation programs and scattered site transitional housing programs, including programs to assist victims of domestic violence in finding and maintaining permanent housing; provided further, that participants in battered women's programs shall be provided with information regarding local transitional housing resources; provided further, that funding shall be made available to enhance counseling services for children who have witnessed domestic violence; provided further, that funding shall be made available for emergency shelters for substance abusing battered women; provided further, that funding shall be made available for a statewide domestic violence hotline; provided further, that the department shall continue to provide any match funding required by federal program regulations; provided further, that domestic violence prevention specialists shall be funded from this item; provided further,

that not less than $1,037,000 shall be expended for the YWCA battered Women's shelter in the city of Springfield; provided further, that not less than $150,000 shall be expended for a domestic violence prevention program called 'Teens-At-Risk', operated by Portal To Hope for the communities of Everett, Lynn, Malden, Medford, and Winthrop; provided further, that not less than $90,000 shall be expended for the Western Mass Women's Initiative Survivor's Project; provided further, that not less than $60,000 shall be expended for the Planned Learning Achievement for Youth program in Amherst, in collaboration with the department of elementary and secondary education, through an interagency service agreement; provided further, that not less than $15,000 shall be expended for the Words not Weapons mentoring project in the town of Saugus; provided further, that not less than $10,000 shall be expended for the Southern Hilltown Domestic Violence Coalition; and provided further, that not less than $10,000 shall be expended for the Melrose Alliance Against Violence; and provided further, that not less than $10,000 shall be expended for the Wakefield Alliance Against Violence; and provided further, that not less than $75,000 shall be expended for a contract with House of Hope in the city of Lowell.....$23,373,406

OFFICE OF HEALTH SERVICES.

Department of Mental Health.

5011-0100 For the operation of the department of mental health.....$38,359,864

5042-5000 For child and adolescent services, including the costs of psychiatric and related services provided to children and adolescents determined to be medically ready for discharge from acute hospital units or mental health facilities and who are experiencing unnecessary delays in being discharged due to the lack of more appropriate settings; provided, that for the purpose of funding those services, the commissioner of mental health may allocate funds from the amount appropriated in this item to other departments within the executive office of health and human services; provided further, that not less than $2,500,000 shall be expended for the Child Psychiatric Access project; and provided further, that of the $2,750,000, not less than $250,000 shall be expended for expansion of the Massachusetts Child Psychiatry Access Project to begin implementation of service to public schools in each region using the model piloted during fiscal year 2008 as a performance initiative.....$76,201,535

5046-0000 For adult mental health and support services; provided, that the department shall allocate funds in an amount not to exceed $5,000,000 from item 5095-0015 to this item, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means

30 days prior to any such transfer, for residential and day services for clients formerly receiving care at department facilities; provided further, that not less than $1,900,000 shall be expended on mental health research; provided further, that not less than $100,000 shall be expended for the jail diversion program in Framingham; and provided further, that not less than $125,000shall be expended for the Fairwinds Clubhouse in Falmouth; provided further, that not less than $300,000 shall be expended for a pre-trial diversion grant program at the department of mental health for 5 new programs;and provided further, that not less than $50
…….……
$321,868,305

5046-2000 For homelessness services $22,402,466

5046-4000 For the department of mental health which may expend not more than $125,000 in revenue collected from occupancy fees charged to the tenants in the creative housing option in community environments, the CHOICE program authorized by chapter 167 of the acts of 1987; provided, that all fees collected under that program shall be expended for the routine maintenance and repair of facilities in the CHOICE program including the costs of personnel $125,000

5047-0001 For emergency service programs and acute inpatient mental health care services; provided, that the department shall continue an interagency service agreement with the executive office of health and human services for the purchase of services and for such other services as the agreement may provide; provided further, that the department shall require a performance specification to be developed for safe aftercare options for adults upon release from acute inpatient mental health care services; and provided further, that the emergency service programs shall take all reasonable steps to identify and invoice the third party insurer of all persons serviced by the programs..... $36,228,259

5500-0000 For forensic services provided by the department; provided, that not less than $1,186,000 shall be expended to sustain and expand services provided through juvenile court clinics in fiscal year 2009……$8,105,485

5095-0015 For the operation of adult inpatient facilities and community-based mental heath services $181,899,591

Department of Mental Retardation.

5911-1003 For the administration and operations of the department of mental retardation $73,213,906

5911-2000 For transportation costs associated with the adult services program;

provided, that the department shall provide transportation on the basis of priority of need as determined by the department $14,137,324

5920-2000 For vendor-operated, community-based, residential adult services, including intensive individual supports; provided, that $13,145,837 shall be expended in annualized funding for turning 22 clients who began receiving the services in fiscal year 2008 pursuant to item 5920-5000 of section 2 of chapter 61 of the acts of 2007; provided further, that the commissioner of the department of mental retardation shall transfer funds from this item to item 5920-2010, as necessary, pursuant to an allocation plan, which shall detail, by object class, the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days before any such transfer; provided further, that not more than $5,000,000 shall be transferred from this item in fiscal year 2009; provided further, that not less than $100,000 shall be expended for services to the developmentally disabled provided by Grow Associates, Inc.; and provided further, that $50,000 shall be expended for Mass Citizens Advocacy $568,961,352

5920-2010 For state-operated, community-based, residential services for adults, including community-based health services; provided, that the department shall maximize federal reimbursement, whenever possible under federal regulation, for the direct and indirect costs of services provided by the employees funded in this item $137,187,683

5920-2020 For the provision of services, including residential and interim services, to clients of the department, including those on the waiting list on July 14, 2000.....$87,971,902

5920-2025 For community-based day and work programs for adults and for $4,518,823 in annualized funding for turning 22 clients who began receiving services in fiscal year 2008 pursuant to item 5920-5000 of section 2 of chapter 61 of the acts of 2007; provided, that an additional $400,000 shall be expended on a contract with Work, Inc. for enhanced or expanded services and employment opportunities for citizens with disabilities $129,259,457

5920-3000 For respite services and intensive family supports; provided, that the department shall pursue the highest rates of federal reimbursement possible for such services.....$55,994,228

5920-3010 For contracted support services for families with autistic children through the autism division at the department of mental retardation; provided, that not less than $4,000,000 shall be expended for the purposes of providing services under the children's autism Medicaid waiver

application submitted pursuant to chapter 107 of the acts of 2005; provided further, that at a minimum, this waiver shall include children with autism spectrum disorder ages 0 to 8, inclusive, including children with autism spectrum disorder ages 0 to 3, inclusive, receiving services through the department of public health's early intervention program; provided further, that the department shall take all steps necessary to ensure that eligible children with autism immediately begin to receive services pursuant to such waiver; provided further, that the department shall immediately file any waiver amendments necessary to comply with the requirements of this item with the Centers for Medicare and Medicaid Services; provided, that no later than January 2, 2009 the department shall report to the house and senate committees on ways and means, the joint committee on education, and the joint committee on children, families and persons with disabilities on the implementation of the children's autism Medicaid waiver program pursuant to chapter 107 of the acts of 2005 including, but not limited to, information regarding the number of applicants for the waiver program, number of children enrolled in the waiver and receiving services, linguistic and cultural diversity, age, gender, and geographic representation of the applicants and the children enrolled in the program, department plans to continue to assess the demand for waiver services applicants and to open enrollment to new applicants, and department plans to expand the waiver for children of all ages in the future; provided further, that the department shall submit copies of any amended waiver to the house and senate committees on ways and means and the joint committee on education upon submission of the amendment; provided further, that not less than $200,000 shall be expended for the purposes of a contract with Melmark New England, Inc. to provide training and support to families, educational collaboratives and public school districts on methods for coping with behavioral challenges associated with children who have autism spectrum disorders; and provided further, that not less than $75,000 shall be expended for the Youth Enhanced Services Non-Profit; and provided further, that not less than $30,000 shall be allocated to Whole Children, Inc. of Hadley; and provided further, that $100,000 be allocated to the Asperger's Association of New England to provide support services to individuals with high functioning autism or Asperger's syndrome $6,064,413

5920-5000 For services to clients of the department who turn 22 years of age during state fiscal year 2008; provided, that the amount appropriated under this item shall not annualize to more than $17,664,660 in fiscal year 2010; provided further, that the department shall report to the house and senate committees on ways and means not later than January 2, 2009 on the use of any funds encumbered or expended from this item including, but not limited to, the number of clients served in each region and the

types of services purchased in each region $7,700,000

5930-1000 For the operation of facilities for the mentally retarded, including the maintenance and operation of the Glavin Regional Center; provided, that in order to comply with the provisions of the Olmstead decision and to enhance care within available resources to clients served by the department, the department shall take steps to consolidate or close intermittent care facilities for the mentally retarded, in this item called ICF/MRs, managed by the department and shall endeavor, within available resources, to discharge clients residing in the ICF/MRs to residential services in the community if the following criteria are met: 1) the client is deemed clinically suited for a more integrated setting; 2) community residential service capacity and resources available are sufficient to provide each client with an equal or improved level of service; and 3) the cost to the commonwealth of serving the client in the community is less than or equal to the cost of serving the client in ICF/MRs; provided further, that any client transferred to another ICF/MR as the result of a facility closure shall receive a level of care that is equal to or better than the care that had been received at the closed ICF/MR; provided further, that the department shall report to the joint committee on children, families and persons with disabilities and the house and senate committees on ways and means on the progress of this initiative by December 1, 2008, including both past actions and proposed future actions; provided further, that the department may allocate funds from this item to items 5920-2000, 5920-2010, and 5920-2025, as necessary, under allocation plans submitted to the house and senate committees on ways and means 30 days before any transfer, for residential and day services for clients formerly receiving inpatient care at ICF/MRs; and provided further, that the department shall maximize federal reimbursement, whenever possible under federal regulation, for the direct and indirect costs of services provided by the employees funded in this item $186,997,359

5982-1000 For the department of mental retardation; provided, that the department may expend not more than $150,000 accrued through the sale of milk and other farm-related and forestry products at the Templeton Developmental Center for program costs of the center, including supplies, equipment and maintenance of the facility; provided, that notwithstanding any general or special law to the contrary and for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system.....$150,000

EXECUTIVE OFFICE OF TRANSPORTATION.

Office of the Secretary.

6000-0100 For the office of the secretary of transportation; provided, that the office shall collaborate with the department of transitional assistance in its efforts to develop a program of transportation services for current and former recipients of the transitional aid to families with dependent children program pursuant to item 4401-1000; provided further, that the office shall submit to the joint committee on transportation and the house and senate committees on ways and means monthly reports detailing projects funded through the statewide transportation improvement program including, but not limited to, the location of the projects, the cost of the projects, the date of advertisement of the projects, the commencement date of the projects, the projected completion date of the projects and the source of funds for the projects; provided further, that the office shall also provide the committees with quarterly reports detailing construction and reconstruction projects on town and county ways as described in paragraph (a) of clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws for which municipalities are projected to seek, have filed claims or have been paid state reimbursement; provided further, that a city or town shall comply with the procedures established by the secretary to obtain the necessary information to produce the reports; provided further, that the reports shall include, but not be limited to, the cost of the projects by city or town, the source of funding of the projects by city or town and the commencement and completion dates of the projects by city or town; provided further, that the secretary of transportation, in collaboration with the commissioner of highways, shall file an annual report with the joint committee on transportation and the house and senate committees on ways and means not later than June 30; provided further, that the report shall include spending in the commonwealth through the statewide road and bridge program, the Chapter 90 program, the Small Town Road Assistance Program and all other programs expending funds for road and bridge projects within the commonwealth; provided further, that the report shall detail the location of the project by city or town, a brief project description, the project cost, the expected completion date, the source of funding and any other information deemed necessary; provided further, that the office shall submit to the house and senate committees on ways and means quarterly reports detailing all personnel-related expenditures made from capital funds; provided further, that the reports shall delineate for the executive office and for each agency, board, authority or commission under its control, the amounts paid in the prior quarter as compensation for each type of position assigned to capital projects that were charged to each such funding source; provided further, that the reports shall also delineate by funding source any other amounts paid for personnel-related costs that were charged to those funds, including payroll allocations for budgetary employees, fringe recovery

and other chargebacks; provided further, that the reports shall identify the number of full time equivalent personnel classified in each position type; provided further, that the reports shall list all employees who are paid from this item and items 6010-0002 and 6006-0003 who also receive payments from any capital funds; provided further, that the reports shall include for each of those employees how much money the employees receive from the items and how much money each employee receives from any capital funds; provided further, that the reports shall delineate the information for full-time employees, part-time employees and contracted personnel; and provided further, that agencies within the executive office may, with the prior approval of the secretary, streamline and improve administrative operations pursuant to interdepartmental service agreements.....$4,040,987

Highway Fund.....100.0%

6000-0110 For the purpose of property management and maintenance of railroad properties owned by the executive office of transportation on behalf of the commonwealth, including the cost of personnel; provided, that the office may expend an amount not to exceed $27,344 from the rents and fees received pursuant to section 4 of chapter 161C of the General Laws.....$27,344

6000-0200 For the inter-district transportation program; provided, that such program shall include maintenance and expansion on routes serviced through the inter-district transportation program in fiscal year 2008; provided further, in fiscal year 2009, the level of service shall remain the same as fiscal year 2008; provided further, that $740,000 shall be distributed among regional transit authorities with member municipalities located within the Massachusetts Bay Transportation Authority district and that do not pay assessments during fiscal year 2009 for service provided in fiscal year 2008 pursuant to this act in a manner that reflects the proportional relationship that the total of such unpaid assessments due to such a regional transit authority bears to the total of all such unpaid assessments due to the regional transit authorities affected by this act; provided, that the program shall be administered by the executive office of transportation; provided further, that the executive office of transportation shall negotiate an extension of all existing contracts for fiscal year 2009; provided further, that before the execution of the extensions and at the end of fiscal year 2009, the executive office shall request and each contractor shall provide all necessary books, materials, records and other compilations of data from each contractor to establish the appropriate state subsidy associated with each bus route; and provided further, that the compilations of data shall be made available to the senate and house committees on ways and means and the joint committee on transportation not later than December 15, 2008.....$2,000,000

6005-0015 For certain assistance to the regional transit authorities, including operating grants and reimbursements to increase the accessibility of transit provided to the elderly and disabled under the mobility assistance program, the regional transit authority program and the inter-city bus capital assistance program; provided, that the commonwealth, acting by and through the executive office for administration and finance, for the period beginning July 1, 2008 and ending June 30, 2009, may enter into contracts with the authorities; provided further, that notwithstanding section 152A of chapter 161 of the General Laws, and section 23 of chapter 161B of the General Laws, the amount shall be at least 50 per cent but not more than 75 per cent of the net cost of service of each authority incurred in fiscal year 2009, shall be paid by the commonwealth, and shall not be assessed upon the cities and towns constituting the authorities; provided further, that the share assessed upon the cities and towns shall be at least 25 per cent of the net cost of service; provided further, that in the event that 25 per cent of the net cost of service of each authority exceeds 102.5 per cent of the previous year's local assessment, excluding payments made by cities and towns for the costs of new service for which the cities and towns have not previously been assessed as allowed by chapter 580 of the acts of 1980, the regional transit authority shall reduce its operating expenses or increase its revenues to meet the difference; provided further, that operating expenditures of each of the regional transit authorities for fiscal year 2009 shall not exceed 102.5 per cent of its operating expenditures for fiscal year 2008; provided further, that for the purposes of this item, operating expenditures shall not include federal, private or additional municipal non-state revenue sources or any expenses arising from the provision of services required by the Americans with Disabilities Act, or new services implemented after July 1, 1999, in an amount not to exceed a total of $3,613,905 for the 16 regional transit authorities; provided further, that the new services shall have first received approval of the appropriate regional transit authority advisory board; provided further, that not less than 25 per cent of the net cost of service of the new services shall be assessed to the cities and towns of the appropriate transit authority, as detailed previously in this item; provided further, that each regional transit authority which provides the new services shall file a report with the house and senate committees on ways and means and the joint committee on transportation, detailing the total costs and revenues associated with the new service; provided further, that the cost of the new services shall not annualize to more than $3,613,905; provided further, that not later than January 1, 2009, each of the 16 regional transit authorities shall submit to the house and senate committees on ways and means a report detailing all revenues collected as a result of services provided under item 4401-1000; provided further, that the

executive office of transportation shall work cooperatively with the authorities and other public and private funding sources to maximize new revenue sources to expand transit services; provided further, that the authorities and the executive office of transportation shall develop processes and procedures for contracts for services with other state agencies; provided further, that the executive office of transportation and the authorities shall develop a 5-year transit plan for operational and capital objectives that the parties may measure against and plan toward and shall file the plan with the house and senate committees on ways and means not later than April 1, 2009; provided further, that the executive office of transportation and the authorities shall work cooperatively to implement multi-year contracting for regional transit authority capital projects, particularly for construction projects and other multi-year commitments of the authorities; provided further, that the regional transit authorities shall implement structural, managerial and administrative reforms in order to achieve cost savings in services provided by the authorities; provided further, that the reforms shall include, but not be limited to, improved financing procedures for capital needs, approved plans for short and long-term service, a coordinated program of mass transportation for the regional transit authorities that provides standards of service for the authorities for types of service, passenger miles, hours of service, cost of service by route and mile and passenger, non-transportation revenue and system revenue generating options including, but not limited to, fare revenue and advertising revenue, assessments on member cities and towns, net operating investment per passenger-mile ratio and service quality standards; provided further, that the program shall involve an approach to service coordinated with the Massachusetts Bay Transportation Authority and other transit providers in order to achieve maximum efficiency of regional transit authority service routes; provided further, that all regional transit authorities shall achieve the fare and/or revenue recovery ratio of 40 per cent within 18 months after the effective date of this act; and provided further, that the Massachusetts Association of Regional Transit Authorities shall, on or before November 15, 2008, report to the joint committee on transportation and the house and senate committees on ways and means on the operations of the authorities in the first half of fiscal year 2009 and focus the report on the reforms and improvements.....$56,638,391

General Fund..... 80.0%
Highway Fund.....20.0%

Massachusetts Aeronautics Commission.

6006-0003 For the administration of the commission, including the expenses of the commissioners.....$602,663

Department of Highways.

6010-0001 For personnel costs of the department of highways, for certain administrative and engineering expenses and equipment of the highways commission, the office of the commissioner of highways, the division of administrative services, highway engineering, highway maintenance, highway construction, the outdoor advertising board, district and other highway activity offices, materials, supplies, fleet maintenance and equipment, general maintenance and equipment and the maintenance and operation of state highways and bridges and for the costs associated with the global positioning system program; provided, that no expenditures shall be made from the AA object code; provided further, that notwithstanding any general or special law to the contrary, the department may expend from capital authorizations amounts necessary to cover operational costs of the department in excess of amounts appropriated in this item to ensure that adequate staffing levels are maintained to support the services and programs offered by the department; provided further, that the department shall file quarterly reports with the house and senate committees on ways and means detailing all amounts expended on bond-funded capital projects under the jurisdiction of the department and for all administrative and personnel expenses of the department charged to such bonds; provided further, that the reports shall be filed not later than 30 days after the end of each quarter; provided further, that the department shall not be subject to section 36A of chapter 30 of the General Laws and section 22 of chapter 7 of the General Laws, but shall submit to the to the secretary of transportation for approval requests to repair such vehicles costing in excess of the limit set forth in said section 7; provided further, that the costs of routine highway maintenance provided by private and union workers in contract areas 1A, 1B, 2A, 2B, 3A, 3B, 3C, 4A, 4B, 4C, 4D, 5A, 5B and 5C and for costs associated with police services and overtime within such areas shall be paid from this item; provided further, that $90,000 shall be made available for all contractual contingency costs associated with highway maintenance in such areas; and provided further, that the department shall submit quarterly reports to the house and senate committees on ways and means detailing for each contract area expenditures for the costs of contractual contingency fees, personnel, police services, overtime, materials and vehicle repairs.....$16,906,691

Highway Fund.....100.0%

6010-0002 For AA object class payroll costs of item 6010-0001; provided, that the funds appropriated in this item shall be the only source of funding for all overtime expenses associated with the department's snow and ice control efforts; provided further, that not later than June 30, 2012, the department shall develop a plan that phases into the budgetary

appropriation all personnel costs transferred to capital authorizations since June 30, 2002; provided further, the department shall complete an overview of the employment levels paid by capital authorizations since June 30, 2002, and the anticipated number of employees scheduled to be transferred to budgetary appropriations each fiscal year through June 30, 2012; and provided further, such plan shall be submitted to the house and senate committees on ways and means and the clerks of the house and senate not later than December 31, 2008.....$21,069,425

6010-0003 For the department of highways; provided, that the department may expend revenues collected up to $1,000,000 from revenue generated from promotional programs; provided, that funds collected shall be used for the management of that program and for highway maintenance costs; provided further, that the department shall prepare a report delineating the proposed allocation of funds to be expended for the management of such program and highway maintenance costs; provided further, that the report shall be filed with the house and senate committees on ways and means not later than 30 days prior to any encumbrance of the funds; and provided further, that the program and any expenditures made under the program shall comply with all statutes, rules and regulations governing billboards, signs and other outdoor advertising devices $1,000,000

Highway Fund.....100.0%

6030-7201 For the costs of hired and leased equipment, vehicle repair, fuel costs and sand, salt and other control chemicals used for snow and ice control ...$20,000,000

Board of Library Commissioners.

7000-9101 For the operation of the board of library commissioners.....$1,048,560

7000-9401 For state aid to regional public libraries; provided, that the board of library commissioners may provide quarterly advances of funds for purposes authorized by clauses (1) and (2) of section 19C of chapter 78 of the General Laws, as it considers proper, to regional public library systems throughout each fiscal year, in compliance with the office of the comptroller's regulations on state grants, 815 CMR 2.00; provided further, that notwithstanding said section 19C of said chapter 78 or any other general or special law to the contrary, the Boston Public Library shall, as the library of last recourse for reference and research services for the commonwealth, be paid from this item an amount equal to $1.10 per resident in the commonwealth; and provided further, that notwithstanding any general or special law to the contrary, in calculating the fiscal year 2009 distribution of funds appropriated in this item, the board of library commissioners shall employ population figures used to calculate the fiscal year 2008 distribution.....$17,166,071

7000-9402 For the talking book library at the Worcester Public Library.....$440,000

7000-9406 For the Braille and talking book library at Watertown, including the operation of the machine lending agency; provided, that not less than $100,000 shall be expended for the National Federation of the Blind Newsline Program.....$2,341,359

7000-9501 For state aid to public libraries; provided, that notwithstanding any general or special law to the contrary, no city or town shall receive any money under this item in any year when the appropriation of the city or town for free public library services is below an amount equal to 102.5 per cent of the average of the appropriations for free public library service for the 3 years immediately preceding; provided further, that notwithstanding any general or special law to the contrary, the board of library commissioners may grant no more than 55 additional waivers in excess of the waiver limit set forth in the second paragraph of section 19A of chapter 78 of the General Laws in fiscal year 2009 for a period of not more than 1 year; provided further, that notwithstanding any general or special law to the contrary, of the amount by which this item exceeds the amount appropriated in chapter 194 of the acts of 1998, funds shall be distributed under the guidelines of the municipal equalization grant program and under the guidelines for the library incentive grant program and under the guidelines for the nonresident circulation offset program; and provided further, that any payment made under this item shall be deposited with the treasurer of the city or town and held as a separate account and shall be expended by the public library of that city or town without appropriation, notwithstanding any general or special law to the contrary.....$9,489,844

7000-9506 For the technology and automated resource sharing networks.....$3,101,000

7000-9507 For the purposes of implementing a public library matching incentive grant program; provided, that a $.50 state match shall be made for each $1 that local trustees, public library foundations, friends of the library or other support organizations raise; provided further, that eligible state matching funds shall be made available to municipalities that raise at least $2,000 and only up to $100,000 raised; and provided further, that funds from this item shall be made available to the local public library trustees for the enhancement of library services and shall not be used as part of the local match for an approved public library project as defined in section 19H of chapter 78 of the General Laws or to meet the appropriation requirement as provided in section 19A of said chapter 78 .$250,000

EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT.

7002-0100 For the operation of the executive office of labor and workforce

development, including the divisions under the control of the department; provided, that not later than January 5, 2009, the director of workforce development shall submit to the house and senate committees on ways and means a comprehensive report describing in detail the job training services, including labor exchange, skills training and remedial education services related thereto which have been provided during the course of the fiscal year, systems for delivery of such services, the costs of such services and the sources of revenue for such services $1,362,069

Department of Labor.

7002-0200 For the operation of the division of occupational safety; provided, that the division may employ staff not subject to chapter 31 of the General Laws for a program to evaluate asbestos levels in public schools and other public buildings $2,390,193

7002-0201 For the division of occupational safety; provided, that the division may expend an amount not to exceed $252,850 received from fees authorized under section 3A of chapter 23 of the General Laws; and civil fines issued under sections 197B of chapter 111 of the Geenral Laws, section 46R of chapter 140 of the General Laws and section 6F1/2 of chapter 149 of the General Laws.....$252,850

7002-0500 For the operation and administrative expenses of the division of industrial accidents; provided, that not less than $800,000 shall be expended for occupational safety training grants; provided further, that said division shall submit a report not later than February 2, 2009 to the house and senate committees on ways and means detailing the scope, objective and results of grant recipients' safety training program; provided further, that the General Fund shall be reimbursed the amount appropriated in this item and for associated indirect and direct fringe benefit costs from assessments levied pursuant to section 65 of chapter 152 of the General Laws; provided further, that the division shall assign a judge to hear cases in Berkshire county not less than once a month; and provided further, that the treasurer may release to the division, subject to adequate and appropriate documentation of the need, to the workers' compensation advisory council and the affirmative vote of at least 7 members of the workers' compensation advisory council, sufficient funds from the special reserve account established in clause (c) of subsection (4) of said section 65 of said chapter 152 to pay for expenses to continue expansion of the conversion of the agency's computer system from unify to oracle $21,196,452

7002-0900 For the division of labor relations.....$2,328,909

7002-0012 For a youth-at-risk program targeted at reducing juvenile delinquency in high risk areas; provided, that Greenfield, Montague, Orange and Ware shall be designated high-risk areas for the purposes of this item; provided further that these funds may be expended for the development and implementation of a year-round employment program for at-risk youth as well as existing year-round employment programs; provided further, that $500,000 shall be matched by private organizations; and provided further, that funds shall be available for expenditure through September 1, 2009 .....$8,000,000

7002-0101 For the operation of the apprentice training program; provided, that no position in the apprentice training division shall be subject to chapter 31 of the General Laws; provided further, that notwithstanding any general or special law to the contrary, the deputy director shall require each apprentice entering into a written agreement to submit an application to the division for an apprentice identification card; provided further, that an apprentice identification card shall contain the photograph of the apprentice, the apprentice registration number or another number that the deputy director requires, the name and business address of the appropriate apprenticeship committee or single employee sponsor, the steps of progression and related dates applicable to the apprentice and the projected date on which the apprentice is to complete the apprenticeship; provided further, that as a condition of his apprenticeship, the apprentice shall keep the apprentice identification card on his person during his hours of employment during the apprenticeship; provided further, that an apprentice performing work on a project subject to this item shall maintain in his possession an apprentice identification card; provided further, that any apprentice who is determined by the deputy director to be not enrolled in related classroom instruction classes shall be paid at the journey level rate for the duration of the public works project; and provided further, that for every week in which an apprentice is employed by a contractor, subcontractor or public body subject to this item, a photocopy of the apprentice's apprentice identification card shall be attached to the records submitted under this item $445,181

7003-0604 For the career ladder grant program in long-term care established under section 410 of chapter 159 of the acts of 2000; provided, that grants shall be available for certified nurses' aides, home health aides, homemakers and other entry level workers in long-term care; provided further, that the grants may include training for English for speakers of other languages and other language and adult basic education programs to improve quality of care and improve direct care worker access to and participation in career ladder training; provided further, that the length of such grants shall not exceed 3 years; provided further, that

notwithstanding section 410 of chapter 159 of the acts of 2000, grants may be awarded on a competitive basis to long-term care labor management workforce partnerships, nursing homes, home care organizations or consortiums of nursing homes and home care organizations; provided further, that the Commonwealth Corporation shall submit quarterly reports to the house and senate committees on ways and means on such grant program including, but not limited to, the number of grants awarded, the amount of each grant, a description of the career ladder programs, changes in care-giving and workplace practices that have occurred and their impact on quality of care and worker retention and the certificates, degrees or professional status attained by each participating employee; provided further, that the administrative and program management costs for the implementation of the grant program shall not exceed 4 per cent of the amount appropriated in this item; and provided further, that each grant may include funding for technical assistance and evaluation.....$1,500,000

7003-0605 For the operation and maintenance of the Massachusetts Manufacturing Extension Partnership for the purpose of maintaining and promoting manufacturing as an integral part of the Massachusetts economy and for programs designed to assist small and mid-sized manufacturing companies; provided, that not less than $75,000 shall be expended for the Regional Employment Board of Hampden County for a pilot program for precision machining training; provided, that not less than $200,000 shall be made available from this item to operate the machine operator skills training program using a mobile training unit..... $1,375,000

7003-0701 For grants and technical assistance administered by the department of workforce development, under section 2RR of chapter 29 of the General Laws and for the cost of collecting the assessment established in section 14L of chapter 151A of the General Laws; provided, that the department of workforce development shall provide a report on the grants and technical assistance programs authorized in this item detailing the firms receiving grants, by number of employees, revenues, and industry, to the house and senate ways and means committees by January 15, 2009; provided further, that the report shall include specific measures of how grant recipients were able to increase job growth, retention rates, and productivity as a result of the grants; provided further, that the report shall include measures of whether training participants received promotions and increased incomes as a result of training; and provided further, that the director shall demonstrate that each dollar expended generates not less than $5 in private investment in job training.....$21,000,000

Workforce Training Fund. 100.0%

7003-0702 For grants to be administered by the department of workforce development; provided, that not less than $900,000 shall be expended on the Massachusetts Service Alliance for the operation of the youth, senior service and conservation corps program; provided further, that not less than $400,000 shall be expended on the Commonwealth Corporation; provided further, that not less than $50,000 shall be expended to provide employment, training and job placement by the New Skills Academy in the City of Lawrence; provided further, that not less than $400,000 shall be expended to provide employment, training and job placement by Year Up, Inc. of Boston; provided further, that not less than $300,000 shall be expended for a hospital skill training program operated by the Commonwealth Corporation; provided further, that not less than $200,000 shall be expended for the Massachusetts Career Development Institute in Springfield to provide job training, employability development and career counseling to the unemployed and underemployed; provided further, that not less than $250,000 shall be expended for the Charles E. Shannon, Jr. At-Risk Youth Project, operated by the Center for Teen Empowerment Inc., for the city of Somerville; provided further, that not less than $250,000 shall be expended to the New England Farm Workers Council; provided further, that not less than $250,000 shall be expended to support the Technology Initiative of the Metro South/West Regional Employment Board for the development of the Technology Centers of Excellence serving the region's youth and businesses, and said grant shall require a 200 per cent match from the private sector; provided further, that not less than $250,000 shall be expended for the Center for Women and Enterprise; provided further, that not less than $250,000 shall be expended for the 495/Metrowest Corridor Partnership; provided further, that not less than $250,000 shall be expended for a health center skilled training program on lower and outer Cape Cod; provided further, that not less than $200,000 shall be expended for Centro Latino de Chelsea to provide workforce training, educational services, and other transitional services in the city of Chelsea; provided further, that not less than $200,000 shall be expended on the Southeastern Economic Development Corporation's microenterprise programs as a supplemental match to conduct an entrepreneurial training and technical assistance program for support of emerging high-growth microenterprises that are owned by or employ income-eligible residents; provided further, that not less than $200,000 shall be expended for the Western Massachusetts Enterprise fund; provided further, that not less than $215,000 shall be expended for rapid response labor specialists at the Massachusetts AFL-CIO; provided further, that not less than $150,000 shall be expended for worker coordinators at the Massachusetts AFL-CIO; provided further, that not less than $150,000 shall be expended for the Latino After-School Initiative (LASI) Youth Development Project; provided further, that not less than $150,000

shall be expended for the Martin Luther King, Jr. Business Empowerment Center in the city of Worcester; provided further, that not less than $150,000 shall be expended for the International Institute to provide long-term case management and employment training for highly skilled legal immigrants; provided further, that not less than $141,000 shall be expended for Just-a-Start Corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed, underemployed or displaced workers, or persons receiving benefits from transitional aid to families with dependent children; provided further, that not less than $127,000 shall be expended for the employee involvement and ownership program; provided further, that not less than $150,000 be expended for the 1199 SEIU Training and Upgrading Fund; provided further, that not less than $105,000 shall be expended for the operation of the E-Team Machinist Program of the North Shore; provided further, that not less than $100,000 shall be expended for the Lower Pioneer Valley Education Collaborative for the purpose of expanding their existing programs and services to better serve students with disabilities; provided further, that not less than $100,000 shall be expended for Centro Las Americas to provide workforce training, educational services and other transitional services in the city of Worcester; provided further, that not less than $50,000 shall be expended for a post-secondary nursing degree and certification program at the Blackstone Valley Vocational Regional School in partnership with Quinsigamond Community College; provided further, that not less than $100,000 shall be expended for the Paul Sullivan Foundation at Middlesex Community College; provided further, that not less than $50,000 shall be expended for the purpose of providing training for members of the Massachusetts Superior Clerks Association as well as employees of the Superior Court Clerks' offices; provided further, that not less than $100,000 shall be provided to the Workforce Investment Association of MA, Inc., for the purpose of providing technical assistance and assisting administrators, career center directors, and fiscal agents; provided further, that not less than $95,000 shall be expended for the Mature Workers Program of the Cape and Islands Workforce Investment Board; provided further, that not less than $75,000 shall be expended for Middlesex Community College to develop, plan and conduct a pilot program in preparation for establishing a new program in Entrepreneurship Education; provided further, that not less than $50,000 shall be expended for the Massachusetts Latino Chamber of Commerce in the city of Springfield; provided further, that not less than $50,000 shall be made available to More Than Words in the city of Waltham for the purpose of job training operations; provided further, that not less than $100,000 shall be expended for both the Reunion Center in the city of Easthampton and the Easthampton Youth Entrepreneurship Project; provided further, that not less than $50,000 shall be expended for the Allston-Brighton

Vocational Center (VAC) for the continued operation of a job training and placement center; provided further, that not less than $15,000 shall be expended by WE CAN of Cape Cod for workforce training and career mentoring for women in transition; provided further, that not less than $9,000 shall be expended for Quincy Asian Resources, Inc., to provide outreach and services to the Asian American community; and provided further, that not less than $7,500 shall be expended for the Bonnie Brae Day Camp in the city of Gardner; and provided further, that not less than $200,000 shall be expended for the women's career mentoring program to be operated by the Jewish Vocational Service's Center for Careers and Lifelong Learning and the Crittenton Women's Union Woman to Woman Program; and provided further, that not less than $15,000 shall be expended for the Draper Complex Reuse Committee in Hopedale; and provided further, that not less than $75,000 shall be expended on the Lower Pioneer Valley Educational Collaborative for the purpose of implementing an educational program enabling on-site technical training; and provided further, that not less than $300,000 shall be expended for Radius Specialty Hospital Boston for the purposes of developing and implementing an information technology skill upgrading program for its employees; and provided further, that not less $250,000 shall be expended for a hospital-based skilled training program at a teaching hospital in Hampden county $7,579,500

7003-0803 For the one-stop career centers; provided, that not less than $2,750,000 shall be expended for the one-stop career centers that were in existence on May 1, 1997, located in the Boston, Hampden county and metro north service delivery areas and any satellite offices of said centers which opened on or before December 1, 1997; provided further, that not less than $1,000,000 shall be expended for one-stop career centers that opened after January 1, 1999; provided further, that each career center shall inform unemployed or underemployed recipients of transitional aid to families with dependent children benefits who seek assistance from the center of the full range of education and training programs that are available to them, the availability of jobs in the professions for which the programs prepare participants and the average wage rates in the professions within the commonwealth; provided further, that this information shall encompass certified nurses' aide training programs, job availability and wage rates; provided further, that the department of workforce development shall conduct an annual evaluation of the use of one-stop career centers, including, but not limited to, the numbers of individuals and employers served in each region, the services provided by each one-stop career center, the number of persons served by and costs of operating the connecting unemployment insurance claimant initiative in one-stops and the costs of providing each person served the range of one-stop career center services; provided further, that the department shall provide an analysis

of the level of funds needed to adequately support the services at one-stop career centers; and provided further, that the director shall annually, by September 30, report to the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on economic development and emerging technologies and the joint committee on labor and workforce development on the status of the evaluation required under this item and the allocation of said funds.....$5,500,000

7003-1641 For a grant for the Small Business Association of New England for the layoff aversion through management assistance program for consultant and technical assistance to manufacturing companies to prevent business closure and employee displacement; provided, that the expenditure of the layoff aversion through management program shall leverage at least $1 in matching funds for every $1 granted pursuant to this item; provided further, that the president of the Small Business Association of New England shall file a quarterly report with the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, and the joint committee on labor and workforce development on the number of employees and manufacturing-based companies that have received financial assistance through this item, a detailed description of the services provided to manufacturing companies through the layoff aversion through management program, and a detailed account of the expenditures of the layoff aversion program, including administrative costs.....$200,000

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT.

Office of the Secretary.

7002-0010 For the operation of the office of the secretary of housing and economic development and the Massachusetts business-to-business program; provided, that agencies within the executive office may, with the prior approval of the secretary, streamline and improve administrative operations pursuant to interdepartmental service agreements; and provided further, that a report shall be submitted to the house and senate committees on ways and means not later than February 2, 2009, which shall include, but not be limited to, the following: (1) the number of businesses that have used the Massachusetts business-to-business program in fiscal year 2009, including both businesses located in the commonwealth and those that were attracted to Massachusetts by the program; (2) the number of jobs the commonwealth has retained as a result of the funding of this program; and (3) the amount of private investment that has occurred as a result of the funding of this program $591,642

7002-0013 For the operation of expedited permitting at the executive office of

housing and economic development, related technical assistance grants to local municipalities and related payments to the Massachusetts Development Finance Agency $4,000,000

7002-0045 For the operation of the office of the wireless and broadband affairs director $250,000

Department of Housing and Community Development.

7004-0001 For the commission on Indian affairs; provided, that not less than $100,000 shall be expended for a Native American institute to be developed in conjunction with the commission on Indian affairs and tribal leaders in the commonwealth $206,894

7004-0099 For the operation of the department of housing and community development; provided, that notwithstanding any general or special law to the contrary, the department may make expenditures for the purposes of the department against federal grants for certain direct and indirect costs under a cost overhead allocation plan approved by the comptroller; provided further, that the comptroller shall maintain an account on the Massachusetts management accounting and reporting system for the purpose of making these expenditures; provided further, that expenditures made against the account shall not be subject to appropriation and may include the cost of personnel; provided further, that notwithstanding any general or special law or rule, or regulation to the contrary, the department of housing and community development may conduct annual verifications of household income levels based upon state tax returns for the purposes of administering the state and federal housing subsidy programs funded in items 7004-9005, 7004-9009, 7004-9014, 7004-9019, 7004-9020, 7004-9024, 7004-9030, 7004-9033 and 7004-9316; provided further, that as a condition of eligibility or continued occupancy by an applicant or a tenant, the department may require disclosure of the social security number of an applicant or tenant and members of the applicant's or tenant's household for use in verification of income eligibility; provided further, that the department may deny or terminate participation in subsidy programs for failure by an applicant or a tenant to provide a social security number for use in verification of income eligibility; provided further, that the department may also consult with the department of revenue, the department of transitional assistance or any other state or federal agency which it considers necessary to conduct this income verification; provided further, that notwithstanding any general or special law to the contrary, these state agencies shall consult and cooperate with the department and furnish any information in the possession of the agencies including, but not limited to, tax returns and applications for public assistance or financial aid; provided further, that for the purposes of conducting this income verification, the director of

the department may enter into an interdepartmental service agreement with the commissioner of revenue to utilize the department of revenue's wage reporting and bank match system for the purpose of verifying the income and eligibility of participants in federally assisted housing programs and that of members of the participants' households; provided further, that for the purposes of clarification only, notwithstanding section 12 of chapter 490 of the acts of 1980, the department may authorize neighborhood housing services corporations to retain, re-assign, and reloan funds received in repayment of loans made under the neighborhood housing services rehabilitation program; provided further, that not less than $500,000 shall be expended for the Jackson-Appleton-Middlesex plan in the city of Lowell; provided further, that not less than $100,000 shall be expended for the Safe Neighborhood Initiative Pilot Program in the Grove Hall area of Roxbury and Dorchester; provided further, that not less than $15,000 shall be expended for the Turning Point Day Resource Center for the Homeless in the town of Wareham; provided further, that not less than $125,000 shall be expended for the Hungry Hill Development Corporation in the city of Springfield; provided further, that $100,000 shall be expended for the ABCD North End elderly program; provided further, that not less than $100,000 shall be expended for the Pleasant Street Neighborhood Network Center in the city of Worcester; provided further, that not less than $50,000 shall be expended for the Boston Housing Authority for a program to provide certain tenant services for the West Broadway Task Force; provided, however, that funds appropriated shall be obligated for expenditure by the West Broadway Task Force for the purposes of tenant services provided by said Task Force; provided further, that not less than $40,000 shall be expended for Methuen-Arlington Neighborhood, Inc.; provided further, that not less than $75,000 shall be expended for the Greater Gardner Community Development Corporation; provided further, that not less than $100,000 shall be expended to the Housing Families, Inc in the city of Malden for providing educational support programming for homeless children through the Children and Family Program; provided further, that not less than $50,000 shall be expended for Kamp for Kids in Westfield; provided further, that $100,000 shall be expended for Homeowner Options for Massachusetts Elders; provided further, that not less than $50,000 shall be expended for the Center for Sustainability to assist in its mission; provided further, that not less than $50,000 shall be expended for a technology program at the Watertown Housing Authority.; and provided further, that not less than $75,000 shall be expended for the Lowell Wish Project; and provided further, that not less than $100,000 shall be expended for the Homeless Connections Outreach program in the city of Fall River; and provided further, that not less than $100,000 shall be expended for a contract with the St. Frances Samaritan House in the city of Taunton; and

provided further, that not less than $175,000 shall be expended for Needham Heights.....$10,005,805

7004-2475 For the homeownership opportunity affordable housing program; provided, that all sums appropriated shall be used to write down interest rates on soft second mortgage loans for low and moderate-income first-time home buyers.....$5,750,000

7004-3036 For housing services and counseling; provided, that not less than $1,850,000 shall be expended as grants for the operation of 9 regional housing consumer education centers operated by the regional nonprofit housing authorities; provided further, that the grants shall be distributed through a competitive application process under criteria created by the department; provided further, that the department shall submit annual reports to the secretary of administration and finance, the house and senate committees on ways and means and the joint committee on housing detailing all expenditures of said program including for each regional housing consumer education center the total number of persons who received information and referral services, the costs for such services rendered per consumer and the identification of consumer issues and trends; provided further, that said department shall report to the house and senate committees on ways and means no later than March 2, 2009 on possible savings and efficiencies through consolidation of said services and counseling; provided further, that no funds shall be expended from this item in the AA object class for the compensation of state employees; and provided further, that not less than $80,925 shall be expended for the Central Massachusetts Housing Alliance Inc. Donations Clearinghouse Program.....$1,930,925

7004-3045 For a tenancy preservation program for neutral party consultation services in eviction cases before the housing court department of the trial court for individuals with disabilities and for families that have individuals with disabilities in cases where the disability is directly related to the reason for eviction.....$500,000

7004-4314 For the expenses of a service coordinators program established by the department to assist tenants residing in housing developed pursuant to sections 39 and 40 of chapter 121B of the General Laws to meet tenancy requirements in order to maintain and enhance the quality of life in that housing $490,401

7004-9005 For subsidies to housing authorities and nonprofit organizations including funds for deficiencies caused by certain reduced rentals in housing for the elderly, handicapped, veterans and relocated persons under sections 32 and 40 of chapter 121B of the General Laws; provided, that notwithstanding any general or special law to the contrary, all housing

authorities operating elderly public housing shall offer first preference for elderly public housing units which are vacant on the effective date of this act to those receiving rental assistance from the Massachusetts rental voucher program, and thereafter to those persons 60 years of age or older as of June 30, 2008; provided further, that the department may expend funds appropriated in this item for deficiencies caused by certain reduced rentals which may be anticipated in the operation of housing authorities for the first quarter of the subsequent fiscal year; provided further, that no monies shall be expended from this item for the purpose of reimbursing the debt service reserve included in the budgets of housing authorities; provided further, that no funds shall be expended from this item in the AA object class for the compensation of state employees; provided further, that the amount appropriated in this item shall be considered to meet all obligations under said sections 32 and 40 of said chapter 121B; provided further, that any new reduced rental units developed in fiscal year 2009 eligible for subsidies under this item shall not cause any annualization that results in an amount exceeding the amount appropriated in this item; provided further, that no funds shall be expended from this item for the purpose of reimbursing the debt service included in the budgets of housing authorities; and provided further, that all funds in excess of normal utilities, operations and maintenance costs may be expended for capital repairs.....$66,000,000

7004-9024 For a program of rental assistance for low-income families and elderly persons through mobile and project-based vouchers; provided, that rental assistance shall only be paid under a program to be known as the Massachusetts rental voucher program; provided further, that the income of the households shall not exceed 200 per cent of the federal poverty level; provided further, that the department may award mobile vouchers to eligible households currently occupying project-based units that shall expire due to the nonrenewal of project-based rental assistance contracts; provided further, that the department, as a condition of continued eligibility for vouchers and voucher payments, may require disclosure of social security numbers by participants and members of participants' households in the Massachusetts rental voucher program for use in verification of income with other agencies, departments and executive offices; provided further, that any household in which a participant or member of a participant's household shall fail to provide a social security number for use in verifying the household's income and eligibility shall no longer be eligible for a voucher or to receive benefits from the voucher program; provided further, that the vouchers shall be in varying dollar amounts and shall be set by the department based on considerations, including, but not limited to, family size, composition, income level and geographic location; provided further, that notwithstanding any general or special law to the

contrary, the monthly dollar amount of each voucher shall be the department-approved total monthly rent of the unit less the monthly amount paid for rent by the household; provided further, that notwithstanding any general or special law to the contrary, the use of rent surveys shall not be required in determining the amounts of the mobile vouchers or the project-based units; provided further, that any household which is proven to have caused intentional damage to its rental unit in an amount exceeding 2 month's rent during any 1-year lease period shall be terminated from the program; provided further, that notwithstanding any general or special law to the contrary, a mobile voucher whose use is or has been discontinued shall be re-assigned within 90 days; provided further, that the department shall pay agencies $32.50 per voucher per month for the costs of administering the program; provided further, that subsidies shall not be reduced for the cost of accommodating the cost of the inspections; provided further, that notwithstanding any general or special law to the contrary, each household holding a project-based voucher shall pay at least 30 per cent but not more than 40 per cent of its income as rent and each household holding a mobile voucher shall pay at least 30 per cent but not more than 40 per cent of its income as rent; provided further, that the department shall establish the amounts of the mobile vouchers and the project-based vouchers so that the appropriation in this item is not exceeded by payments for rental assistance and administration; provided further, that the department shall not enter into commitments which shall cause it to exceed the appropriation set forth in this item; provided further, that the households holding mobile vouchers shall have priority for occupancy of the project-based dwelling units in the event of a vacancy; provided further, that the department may impose certain obligations for each participant in the Massachusetts rental voucher program through a 12-month contract which shall be executed by the participant and the department; provided further, that such obligations may include, but shall not be limited to, job training, counseling, household budgeting and education, as defined in regulations promulgated by the department and to the extent these programs are available; provided further, that each participant shall be required to undertake and meet these contractually established obligations as a condition for continued eligibility in the program; provided further, that for continued eligibility, each participant shall execute this 12-month contract on or before September 1, 2008, if the participant's annual eligibility recertification date occurs between June 30, 2008, and September 1, 2008, and otherwise on or before the annual eligibility recertification date; provided further, that any participant who is over the age of 60 years or who is disabled may be exempted from any obligations unsuitable under particular circumstances; provided further, that no funds shall be expended from this item in the AA object class for the compensation of state employees; provided

further, that the department may assist housing authorities, at their written request, in the immediate implementation of a homeless prevention program utilizing alternative housing resources available to them for low-income families and the elderly by designating participants in the Massachusetts rental voucher program as at risk of displacement by public action through no fault of their own; provided further, that participating local housing authorities may take all steps necessary to enable them to transfer mobile voucher program participants from the Massachusetts rental voucher program into another housing subsidy program; and provided further, that the department of housing and community development shall strive to avoid a reduction in the value of the Massachusetts rental voucher from its value as of June 30, 2008 .....$33,047,202

7004-9030 For the transitional rental assistance program established under section 16 of chapter 179 of the acts of 1995; provided, that notwithstanding any general or special law to the contrary, the transitional rental assistance shall be in the form of mobile vouchers; provided further, that the vouchers shall be in varying dollar amounts set by the department based on considerations including, but not limited to, household size, composition, household income and geographic location; provided further, that any household which is proven to have caused intentional damages to its rental unit in an amount exceeding 2 month's rent during any 1 year shall be terminated from the program; provided further, that the department shall pay agencies that administer this program an allowance not to exceed $25 per voucher per month for the costs of administration; provided further, that notwithstanding any general or special law to the contrary, there shall be no maximum percentage applicable to the amount of income paid for rent by each household holding a mobile voucher, but each household shall be required to pay not less than 25 per cent of its net income, as defined in regulations promulgated by the department, for units if utilities are not provided by the unit owner, or not less than 30 per cent of its income for units if utilities are provided by the unit owner; provided further, that payments for the transitional rental assistance may be provided in advance; provided further, that the department shall establish the amounts of the mobile vouchers, so that the appropriation in this item is not exceeded by payments for rental assistance and administration; provided further, that the department shall not enter into commitments which will cause it to exceed the appropriation set forth in this item; provided further, that the amount of a rental assistance voucher payment for an eligible household shall not exceed the rent less the household's minimum rent obligation; provided further, that the word "rent", as used in this item, shall mean payments to the landlord or owner of a dwelling unit under a lease or other agreement for a tenant's occupancy of the dwelling unit, but shall not include payments made by the tenant separately for the

cost of heat, cooking fuel, and electricity; provided further, that the department shall submit an annual report to the budget director, the secretary of administration and finance, and the house and senate committees on ways and means detailing expenditures, the number of outstanding rental vouchers, and the number and types of units leased; provided further, that consistent with chapter 179 of the acts of 1995 the amount appropriated in this item shall not annualize to more than $4,000,000 in fiscal year 2010; and provided further, that the program shall provide funding for not more than 800 mobile vouchers.....$4,000,000

7004-9033 For rental subsidies to eligible clients of the department of mental health; provided, that the department shall establish the amounts of such subsidies so that payment thereof and of any other commitments from this item shall not exceed the amount appropriated herein.....$4,000,000

7004-9201 For interest subsidies for the private development of affordable housing; provided, that notwithstanding any general or special law to the contrary, no new commitments shall be entered into during fiscal year 2009 for said fiscal year or any subsequent fiscal years; and provided further, that funds may be allocated by said agency to its existing interest subsidy contracts in a manner as it may determine necessary to maximize the preservation of existing affordable housing units throughout the commonwealth $4,500,000

7004-9315 For the low-income housing tax credit program; provided, that the department may expend not more than $2,334,014 from revenue collected from fees collected under Executive Order No. 291, pertaining to low-income housing tax credits, for the costs of administering and monitoring the programs, including the costs of personnel, subject to the approval of the director of the department; and provided further, that notwithstanding any general or special law to the contrary and for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, prior appropriation continued $2,334,014

7004-9316 For a program to provide assistance for homeless families moving into subsidized or private housing and families at risk of becoming homeless due to a significant reduction of income or increase in expenses; provided, that the amount of financial assistance shall not exceed $3,000 per family; provided further, that funds may be used for security deposits, first and last month's rent, electric, gas, sewer and water utility payments for utility arrearages incurred on or after December 1, 2006; provided further, that assistance shall be

administered by the department through contracts with the regional non-profit housing agencies; provided further, that no assistance shall be provided to any family with an income in excess of 50 per cent of the area median income; provided further, that prior to authorizing a residential assistance payment for a family, the non-profit housing agency shall make a finding that the family experienced a significant reduction of income or increase in expenses and has secured new income or a change in circumstances and that the payment will enable the family to retain its current housing, obtain new housing, or otherwise avoid homelessness; provided further, that in making these findings the agency shall, unless the facts of the case warrant otherwise, apply a presumption that the payment will enable a family to retain its housing, obtain new housing, or otherwise avoid homelessness if the family is paying less than or equal to 50 per cent of its income for that housing; provided further, that a family who is paying more than 50 per cent of its income for its housing shall be provided a fair opportunity to establish that a residential assistance payment will enable it to retain its housing, obtain new housing, or otherwise avoid homelessness; provided further, that residential assistance payments may be made through direct vendor payments according to standards to be established by the department; provided further, that the agencies shall establish a system for referring families approved for residential assistance payments who the agencies determine would benefit from these services to existing community-based programs that provide additional housing stabilization supports, including assistance in obtaining housing subsidies and locating alternative housing that is safe and affordable for those families; provided further, that the program shall be administered under guidelines established by the department; and provided further, that the department shall provide a status report to the secretary of administration and finance and the house and senate committees on ways and means no later than March 2, 2009, that includes, but is not limited to, all program expenditures, the number of recipients of the funds, the housing status of the recipients before and after receiving assistance, the purposes for which each family used the assistance, the administrative costs and other related costs of the program, including whether such recipient resided or continues to reside in state or federal public housing, and any other information necessary to determine the effectiveness of the program $5,500,000

7004-9317 For the Individual Development Account (IDA) program; provided, that households residing in state-subsidized housing, as defined by the department, shall receive preference for enrollment in the program; provided further, that funds may be awarded to community–based organizations to establish or support local IDA programs; provided further, that funds may be used for administrative costs to operate an IDA program for financial literacy and asset-specific training and as a

match for program participant savings for qualified acquisition costs with respect to a qualified principal residence for a qualified first-time homebuyer, as defined by the department; provided further, that the department may determine other qualified match uses consistent with the guidelines established in federal IDA guidelines pursuant to 42 USC 604; and provided further, that funds may be used to secure federal asset building programs funds $700,000

Office of Consumer Affairs and Business Regulation.

7006-0000 For the office of the director of consumer affairs and business regulation, including expenses of an administrative services unit.....$1,689,673

Division of Banks.

7006-0010 For the operation of the division of banks; provided, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item shall be assessed upon financial institutions which the division currently regulates pursuant to powers granted to the division by the general or special laws or by regulations; and provided further, that this assessment shall be in addition to any assessments that the division currently assesses upon financial institutions and shall be made at a rate sufficient to produce $12,582,991 in additional revenue that shall pay for this item.....$12,582,991

7006-0011 For the costs incurred by the division of banks associated with licensure of loan originators pursuant to chapter 255F of the General Laws; provided, that the division may expend revenues in an amount not to exceed $5,000,000 from the revenue received from administrative fees associated with said licensure fees and from civil administrative penalties pursuant to said chapter 255F; provided further, that $2,000,000 shall be expended from such revenue as grants for the operation of a pilot program for best lending practices, first-time homeowner counseling for non-traditional loans and 10 or more foreclosure education centers pursuant to section 16 and that the grants shall be awarded through a competitive application process under criteria created by the division and that no funds shall be expended from this item in the AA object class for the compensation of state employees for such program; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the commissioner may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of this authorization or the most recent revenue estimate, as reported in the state accounting system $5,000,000

Division of Insurance.

7006-0020 For the operation of the division of insurance, including the expenses of the board of appeal on motor vehicle liability policies and bonds and certain other costs of supervising motor vehicle liability insurance and the expenses of the fraudulent claims board; provided, that the positions of counsel I and counsel II shall not be subject to chapter 31 of the General Laws; provided further, that contracts or orders for the purchase of statement blanks for the making of annual reports to the commissioner of insurance shall not be subject to the restrictions prescribed by section 1 of chapter 5 of the General Laws; provided further, that the division shall maintain a phone system in its western Massachusetts office that shall immediately transfer calls made to that office to the consumer assistance office in the city of Boston during any business hours when the western Massachusetts office is closed; provided further, that the division shall have an employee or other person answering all initial incoming telephone calls, excluding all direct in-dial calls, between the hours of 9:00 a.m. and 5:00 p.m.; provided further, that the division shall designate an employee to handle all incoming calls relative to chapter 218 of the acts of 1995 or regulations promulgated under section 51 of chapter 111 of the General Laws; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item shall be assessed upon the institutions which the division currently regulates except for licensed business entity producers under powers granted to the division by general or special law or regulation; and provided further, that such assessment shall be in addition to any assessments that the division currently assesses upon such institutions and shall be made at a rate sufficient to produce $11,132,928 in additional revenue that will pay for this item $11,132,928

7006-0029 For the operation of the health care access bureau of the division of insurance; provided, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item shall be assessed upon the institutions which the division currently regulates except for licensed business entity producers under powers granted to the division by general or special law or regulation; provided further, that not less than $500,000 shall be expended for costs associated with health insurance rate hearings; and provided further, that such assessment shall be in addition to any assessments that the division currently assesses upon such institutions and shall be made at a rate sufficient to produce $1,100,000 in additional revenue that will pay for this item.....$1,100,000

Division of Professional Licensure.

7006-0040 For the operation and administration of the division of professional

licensure; provided, that of the funds appropriated in this item, sufficient monies shall be expended for the reduction of case backlog at the boards of registration; provided further, that the division shall at all times employ not less than 2 hearing officers to facilitate the processing of cases pending before the various boards; provided further, that the position of investigator of radio and television technicians shall not be subject to chapter 31 of the General Laws; and provided further, that the division shall maintain and staff an office in the city of Springfield.$4,228,906

Division of Standards.

7006-0060 For the operation of the division of standards $746,958

7006-0066 For the support of the division of standards' municipal inspection efforts; provided, that up to 15 per cent of the amount appropriated herein may be expended for administrative costs of the division.....$300,000

7006-0067 For the division of standards; provided, that the division may expend for enforcement of weights and measures laws an amount not to exceed $458,900 from revenues received from item pricing violations collected through municipal inspection efforts, and from weights and measures fees and fines collected from cities and towns.....$458,900

7006-0068 For the division of standards; provided, that the division may expend an amount not to exceed $360,000 from revenue received from license fees assessed to owners of motor vehicle repair shops $360,000

Department of Telecommunications and Cable.

7006-0071 For the operation of the department of telecommunications and cable; provided, that notwithstanding the second sentence of section 7 of chapter 25C of the General Laws, the assessments levied for fiscal year 2009 pursuant to said section 7 of said chapter 25C shall be made at a rate sufficient to produce $2,454,049 ..... $2,513,616

State Racing Commission.

7006-0110 For the operation of the state racing commission $1,977,538

Department of Business and Technology.

7007-0100 For the office of the director of business and technology.....$394,608

7007-0300 For the operation of the Massachusetts office of business development, including the Massachusetts Opportunity Relocation and Expansion Jobs Capital Program established in chapter 123 of the acts of 2006, and for marketing and promoting the commonwealth in order to attract and retain targeted businesses and industries; provided, that the office

shall maintain business development assistance services at an office to be located at the University of Massachusetts at Dartmouth for the purposes of responding to inquiries and providing assistance to businesses seeking to expand or relocate to southeastern Massachusetts$3,808,692

7007-0334 For the operation of the office of small business and entrepreneurship and for grants to community development corporations, community development financial institutions or non-profit community-based organizations for the purpose of providing technical assistance or training programs to businesses with 20 employees or fewer $750,000

7007-0500 For the operation and maintenance of the Massachusetts Biotechnology Research Institute for the purpose of promoting the commercialization of new, academic-based research and development, and raising the scientific awareness of the communities of the commonwealth.....$700,000

7007-0515 For economic development grants to be administered by the department of business and technology; provided, that not less than $200,000 shall be expended for the operation of the Massachusetts Fisheries Recovery Commission; provided further, that not less than $125,000 shall be expended to the Massachusetts Alliance for Economic Development for the purpose of enhancing economic development related services, including but not limited to implementation of a statewide online site finder to assist business growth; provided further, that not less than $250,000 shall be expended for a grant to the south shore tri-town development corporation established pursuant to chapter 301 of the acts of 1998; provided further, that not less than $300,000 shall be expended on the Cape Cod Regional Incubator Project to be operated by the Cape Cod Chamber of Commerce; and provided further, that not less than $250,000 shall be expended for the North Shore Alliance for Economic Development.....$1,125,000

7007-0800 For a grant for the state match for a small business development center; provided, that no funds shall be expended from this item until such time as the United States Small Business Administration has made a payment or has executed a contract to pay the University of Massachusetts at Amherst for the operation of the center; provided further, that the funds expended from this item shall not exceed 25 per cent of the gross operating cost of said center; provided further, that not more than $300,000 of the amount appropriated herein shall be expended for the purpose of operating federal procurement technical assistance services within said center; provided further, that the services shall include, but not be limited to, assisting businesses in securing federal contracts, obtaining contract financing, generating responses to requests-for-proposals, interpreting bid documents, providing educational workshops and seminars and for the electronic

identification and tracking of federal bid opportunities; provided further, that the expenditure of said $300,000 shall be subject to the receipt of matching funds from federal or private sources, including the United States Department of Defense; and provided further, that quarterly expenditure reports shall be filed with the house and senate committees on ways and means.....$1,204,286

7007-0900 For the operation and administration of the office of travel and tourism; provided, that performance-based standards shall be incorporated in all contracts executed by said office for the procurement of tourism marketing and advertising services; provided further, that the organizations shall be required, as a condition of receiving a grant, to submit a total operating budget which identifies each source and use of operating and capital funds; provided further, that not less than $1,250,000 of the amount appropriated herein shall be expended for the operation and administration of the Massachusetts Sports and Entertainment Commission; provided further, that the Massachusetts Sports and Entertainment Commission shall be the official and lead agency to facilitate and attract major sports events and championships to the commonwealth; provided further, that the Massachusetts Sports and Entertainment Commission shall establish a division within the Commission which shall be the official and lead agency to facilitate motion picture production and development within the commonwealth; provided further, that $100,000 shall be expended for the Old Provincial State House; provided further, that not less than $1,000,000 shall be made available through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2009 for the highway information centers operating year round on state highways and federally-assisted highways and the visitor information centers on Boston Common and at the Prudential Center, both in the city of Boston, and the Adams Visitor Center in the town of Adams; provided further, that the grants shall not replace or supplant funding otherwise available to said centers from local chambers of commerce, regional tourist councils and other public or private funding sources; provided further, that not less than $1,500,000 shall be expended for a promotional program by the Office of Travel and Tourism to enhance the international tourism market share of the Commonwealth, said program to include but not be limited to the countries of Canada, Argentina, Brazil, Great Britain, Ireland, Italy, France, Germany, Japan and Spain; provided further, that not less than $500,000 shall be expended for the Museum of Afro-American History located in the city of Boston; provided further, that not less than $300,000 shall be expended for the Merrimack Valley Economic Development Council; provided further, that not less than $300,000 shall be expended for the Sturbridge Heritage and Preservation Partnership; provided further, that not less than $250,000 shall be

expended for the North Central Massachusetts Development Corporation; provided further, that not less than $250,000 shall be expended for the SouthCoast Development Partnership for the purposes of regional tourism and economic development; provided further, that not less than $250,000, subject to a 100 per cent matching fund, shall be available for the Berkshire Economic Development Corporation; provided further, that not less than $100,000 shall be expended for the Wilmington Historical Commission for historic research and preservation relative to Butters Farm; provided further, that not less than $200,000 shall be expended for City Stage in Springfield; provided further, that not less than $200,000 shall be expended for the Spirit of Springfield; provided further, that not less than $200,000 shall be expended by the local chambers of commerce on Cape Cod to include Cape Cod Canal Region, Brewster, Chatham, Dennis, Eastham, Falmouth, Harwich, Hyannis, Mashpee, Orleans and Yarmouth, for the purpose of operating visitor centers; provided further, that not less than $200,000 shall be appropriated to the Spanish American Union, Incorporated, in the city of Springfield; provided further, that not less than $75,000 of said funds shall be dedicated to the Puerto Rican Cuatro Project, a cultural development project under said Spanish American Union Incorporated; provided further, that not less than $225,000 shall be expended for the Regional Technology Development Corporation of Cape Cod; provided further, that not less than $185,000 shall be expended for the International Trade Assistance Center in the city of Fall River; provided further, that not less than $150,000 shall be expended for the Naismith Memorial Basketball Hall of Fame for the purpose of promoting and hosting the NCAA Men's Division II Basketball Championship in the City of Springfield; provided further, that $100,000 shall be expended for the Essex National Heritage Commission Cooperative Agreement; provided further, that not less than $100,000 shall be expended for the operation of Discover Quincy; provided further, that not less than $100,000 shall be expended for the Merrimack Repertory Theatre; provided further, that not less than $200,000 shall be expended for the Zeiterion Performing Arts Center; provided further, that not less than $100,000 shall be allocated to the city of Worcester to implement a comprehensive marketing initiative; provided further, that not less than $100,000 shall be expended for the Cape Cod Economic Development Council; provided further that not less than $100,000 shall be expended for the Head of the Charles Regatta; provided further, that not less than $100,000 shall be expended for the Russian Community Association of Massachusetts (RCAM) in Boston; provided further, that not less than $100,000 shall be expended for a youth recreation and enrichment program in the town of Pembroke; provided further, that not less than $100,000 shall be expended for Battleship Cove in the city of Fall River to assist the commonwealth's official World War II and 9/11 memorials'

educational and tourism endeavors; provided further, that not less than $100,000 shall be expended for the Waltham Tourism Council; provided further, that not less than $80,000 shall be expended as a grant for the Pioneer Valley Visitors and Tourist Information Center; provided further, that not less than $70,000 shall be expended for Heritage Museums for their Winter Spectacle of Lights; provided further, that not less than $75,000 shall be expended for the Samuel Harrison House in the city of Pittsfield; provided further, that not less than $65,000 shall be expended for the Creative Economy Association of the North Shore; provided further, that not less then $60,000 shall be expended for the Boston Irish Tourism Association marketing initiatives and for an analysis of the marketability of the Massachusetts Irish Community; provided further, that not less than $50,000 be expended for Marlborough 2010; provided further, that not less than $50,000 shall be expended for Plimoth Plantation, Inc., to establish the Cultural Coast Program to promote the southeast region of Massachusetts; provided further, that not less than $50,000 shall be expended for the Caribbean Carnival Association; provided further, that not less than $10,000 shall be expended for adolescent outreach awareness in the city of Methuen; provided further, that not less than $50,000 shall be expended for activities to promote tourism and cultural events in and around the historic downtown in the town of Franklin; provided further, that not less than $50,000 shall be expended for the START Partnership in Framingham; provided further, that not less than $50,000 shall be expended for the Holyoke Merry-Go-Round at Heritage State Park; provided further, that not less than $100,000 shall be shall be expended for the Greater Haverhill Chamber of Commerce for the expansion of the Haverhill Means Business program; provided further, that not less than $50,000 shall be expended for the New Bedford Art Museum for tourism production; provided further, that not less that $50,000 shall be expended for the Louis D. Brown Peace Institute; provided further, that not less than $50,000 shall be expended for the Johnny Appleseed Visitors' Center; provided further, that not less than $50,000 shall be expended for the Attleboro Museum; provided further, that not less than $50,000 shall be expended for the Russian Community Association in the city of Springfield; provided further, that not less than $150,000 shall be expended for the Greater Food Warehouse of Plymouth Emergency Food Assistance Program;; provided further, that not less than $50,000 shall be expended for the operation of the historic Jenney Grist Mill in the town of Plymouth; provided further, that not less than $50,000 shall be expended for the Cultural Office of Lowell to promote the downtown Lowell arts district in conjunction with the Revolving Museum; provided further, that not less than $80,000 shall be expended for the Hull Lifesaving Museum to plan the Massachusetts Maritime Trail; provided further, that not less than $50,000 shall be expended for Framingham Downtown

Renaissance economic, tourism and cultural development programs; provided further, that not less than $50,000 shall be expended for the Claflin Hill Symphony Orchestra; provided further, that not less than $50,000 shall be expended for the Mansfield Music and Arts Society; provided further, that not less than $50,000 be expended on the Springfield Symphony Orchestra; provided further, that not less than $25,000 shall be expended for the economic development project at the Salisbury Chamber of Commerce; provided further, that not less than $40,000 shall be expended for the Newburyport Economic Development Department's Jump Start Program; provided further, that not less than $40,000 shall be expended for the operation and the promotion of the Ipswich Shuttle Bus service; provided further, that not less than $30,000 shall be expended for the landmark Ohabei Shalom Chapel Building in East Boston; provided further, that not less $50,000 shall be expended for the operation of the Cape Cod Junior Technology Council; provided further, that not less than $25,000 shall be expended for the Sandwich Glass Museum to promote the education of the glass blowing industry in Massachusetts history; provided further, that not less than $25,000 shall be expended for the Freedom's Way Heritage Commission; provided further, that not less than $25,000 shall be expended for the Salisbury Beach Maritime Festival; provided further, that not less than $25,000 shall be expended for the Plymouth County Development Council for a matching grant program in support of nonprofit organizations; provided further, that not less than $20,000 shall be expended for the Captain Gerald F. DeConto program in the town of Sandwich; provided further, that not less than $20,000 shall be expended for the Berkshire Theater Festival in Stockbridge; and provided further, that not less than $15,000 shall be provided to the Cape Cod Cranberry Growers for the production of a Cranberry Harvest Map; provided further that, not less than $150,00 be expended for the enhancement of youth programs in the city of Everett; provided further, that not less than $50,000 shall be expended for the Hopkinton Athletic Association for facilitation, promotion and coordination of activities in connection with the international "Running for the Human Race" project; provided further, that not less than $25,000 shall be expended for costs associated with making Goff Hall in Rehoboth handicapped accessible; and provided further, that not less than $50,000 shall be provided for the Galaxy Community Council for promoting and hosting the Westover Air Show in the city of Chicopee; and provided further, that not less than $25,000 shall be expended for the town of West Boylston's Bicentennial; and provided further that not less than $150,000 shall be expended for the Central Square Theater in Cambridge; provided further, that not less than $100,000 shall be expended for the Freedom Trail Foundation for marketing the Freedom Trail; provided further that not less than $100,000 shall be expended for the North End Visitor Center; and provided further, that not less than

$40,000 shall be expended for the Revere Beach Partnership; and provided further, that not less than $200,000 shall be expended for ZUMIX's cultural programming for young people; and provided further, that not less than $50,000 shall be expended for El Jolgorio de Massachusetts Inc. for enhancing literacy and promoting art among Latino youth; and, provided further, that not less than $200,000 shall be expended for From the Top, Inc; provided further, that $50,000 shall be expended to assist in the planning of a performing arts and cultural center in the town of Milton, including but not limited to feasibility studies and architectural drawings; and provided further, that the town of Milton shall serve as fiscal agent for the project until the establishment of an independent nonprofit corporation to establish and operate a Milton Center for the Performing Arts; and provided further, that $250,000 shall be expended for the promotion of the performing arts in the town of Wakefield; and provided further, that $100,000 shall be expended for the Stoneham Theater in the town of Stoneham; and provided further, that not less than $75,000 shall be expended for the Boston Landmarks Orchestra to support interactive performances with public school orchestras in such communities as Charlestown, Chelsea, Dorchester, East Boston, Everett, Jamaica Plain, Quincy, Roxbury, Somerville and Cambridge; and provided further, that not less than $200,000 shall be expended for the Barrington Stage Company in the city of Pittsfield; and provided further, that not less than $51,000 shall be expended for the Francis Wyman Project; and provided further, that not less than $250,000 shall be expended for the Free Shakespeare Company, a program of the Citi Performing Arts Center, for production support for performances offered to the public free of charge and for a pilot program to expand performances to Springfield and other cities; and provided further, that not less than $100,000 shall be expended for the marketing, promotion and operation of Sail Boston 2009; provided further, that $200,000 shall be expended to Old Sturbridge Village for an international marketing campaign; provided further that $10,000 be expended to the Town of Palmer for its annual winter festival; provided further, that $35,000 be expended to Monson Bellman, Inc. to support museum activities; provided further, that $20,000 be expended to the Town of Palmer for the Palmer Youth Program; and provided further, that not less than $25,000 shall be expended for the Edson and Westlawn cemeteries $22,693,209

Tourism Fund.....100.0%

7007-0951 For the operation of the Commonwealth Zoological Corporation pursuant to chapter 92B of the General Laws; provided, that funds appropriated in this item shall be expended for the purposes of promoting private fundraising, achieving self-sufficiency and serving as a catalyst for urban economic development and job opportunities for local residents;

provided further, that the corporation shall take all steps necessary to increase the amount of private funding available for the operation of the zoos; provided further, that funding in this line item may not be transferred through interdepartmental service agreements; provided further, that the corporation shall report to the house and senate committees on ways and means not later than February 2, 2009, on the status of, and amounts collected from, the private fundraising and enhanced revenue efforts identified in the draft Massachusetts Zoos Business and Operations Plan, dated December, 1996; provided further, that the corporation shall continue to provide free services and supplies including, but not limited to, routine animal check-ups, diagnosis and care, emergency veterinary needs, medications and medical supplies, vitamins and diet supplements and Zoo Prem feline diet, to the Trailside Museum and the Chickatawbut Hill Center in the town of Milton; provided further, that $750,000 shall be expended on a matching program to encourage private and corporate donations to support the Franklin Park Zoo and Stone Zoo; and provided further, that not less than $50,000 shall be expended for the Buttonwood Park Zoological Society to establish educational programs, exhibits, and other enhancements; and provided further, that not less than $50,000 shall be expended for the forest park zoo in the city of Springfield.....$7,150,000

7007-1000 For assistance to regional tourist councils under section 14 of chapter 23A of the General Laws; provided, that notwithstanding any general or special law or rule or regulation to the contrary, each of the councils may expend an amount not to exceed 20 per cent of the funds appropriated in this item for the cost of administrative services $9,000,000

Tourism Fund.....100.0%

7007-1200 For a program to create and maintain a more favorable and responsive environment for the attraction and retention of technology-intensive clusters for the commonwealth; provided, that such clusters may be characterized by technological or market focus, geographic proximity or other shared interests; provided further, that such cluster-support activities shall be deemed to be the exercise of an essential governmental function intended to: (1) foster increased collaboration among cluster organizations; (2) facilitate improved communications between the commonwealth and cluster organizations; (3) identify and respond to challenges and opportunities related to cluster organizations; (4) enhance the competitive position of cluster firms; (5) reduce the costs of doing business in the commonwealth through purchasing cooperatives; and (6) generally improve the perception of the value and benefits of doing business in the commonwealth; provided further, that amounts appropriated in this item shall be expended to the Massachusetts Technology Park Corporation to be held, applied and

administered through its Massachusetts Technology Collaborative; provided further, that said corporation shall establish an independent advisory panel to advise said corporation relative to the most effective application of funds appropriated in this item; and provided further, that the executive director shall file a report with the house and senate committees on ways and means detailing the activities undertaken with the funds appropriated herein not later than January 15, 2009 .....$250,000

7007-1300 For the operation of the Massachusetts International Trade Council, for the purpose of enhancing global market penetration for product exports, service exports and technology transfer by Massachusetts businesses and institutions, and for the promotion of Massachusetts as a location for foreign direct investment; provided, that not more than $100,000 shall be used for trade show programs enhancing regional small and medium enterprise participation at foreign trade shows in concert with regional economic development agencies; provided further, that not more than $60,000 shall be applied as a 25% match to the European Commission's Research and Innovation Fund for the operation of a technology commercialization center in Massachusetts; provided further, that not more than $100,000 shall be used for the establishment of two additional foreign trade representative agency offices; provided further, that not more than $120,000 shall be spent toward the establishment of a Foreign Direct Investment Foundation to coordinate the resources of public and private institutions in promoting Massachusetts as a location for foreign direct investment; provided further, that not more than $180,000 shall be used to plan and implement two Massachusetts foreign trade missions to be coordinated with Massachusetts based industry councils or associations; provided further, that not more than $50,000 shall be spent for a trade mission coordinator and industry council liaison; provided further, that not more than $30,000 shall be transferred to the Donahue Institute at the University of Massachusetts to study the feasibility of establishing a Center for International Trade at the University in conjunction with United States Department of Education programs; provided further, that not more than $25,000 shall be used for the implementation of bilateral technology transfer programs with foreign regional economic development entities; and provided further, that not more than $120,000 shall be transferred to the Massachusetts Export Center to develop and implement a regionally based support program to assist high potential export industry clusters $1,460,000

Tourism Fund.....100.0%

7007-1500 For the operation and administration of the office of minority and women business assistance; provided, that the office shall administer an electronic business certification application which shall be accessible to

business applicants through use of the internet; provided further, that the office shall ensure the integrity and security of personal and financial information transmitted by electronic application; provided further, that the office shall, using all existing available resources, provide certification services within each of the 1-stop regional assistance centers of the Massachusetts office of business development; and provided further, that the office shall develop and implement measures and procedures to continue to improve the efficiency and the timeliness of the certification process.....$1,102,854

EXECUTIVE OFFICE OF EDUCATION.

Office of the Secretary of Education

7009-6379 For the operation of the office of the secretary of education; provided, that agencies within the executive office may, with the prior approval of the secretary, streamline and improve administrative operations under interdepartmental service agreements; provided, that on a semiannual basis the secretary shall report expenditures made relating to the implementation of project readiness, so-called, as well as anticipated future expenses relating to the implementation And provided further, that the report shall be submitted to the clerks of the house of representatives and the senate, the joint committee on education, the joint committee on higher education and the house and senate committee on ways and means not later December 1 and July 1 each year; provided further, the secretary shall expend not less than $15,000 for the commission relative to the scope of the degree-granting authority of state colleges and the feasibility of establishing a system of state universities pursuant to this act..... $500,000 .....

Department of Elementary and Secondary Education.

7010-0005 For the operation of the department of elementary and secondary education; provided, that the department, in collaboration with the commission on gay and lesbian youth established by section 67 of chapter 3 of the General Laws, shall allocate not less than $300,000 for programming to ensure public schools' compliance with the board of elementary and secondary education's recommendations for the support and safety of gay and lesbian students and the implementation of related suicide-prevention and violence-prevention efforts; and provided further, that not later than November 17, 2008, the department shall submit a progress report to the secretary of administration and finance, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education on efforts by the department to further define and advance the strategic vision of the department, along with a detailed implementation plan for realizing that vision.....$16,680,047

7010-0012 For grants to cities, towns and regional school districts for payments of certain costs and related expenses for the program to eliminate racial imbalance established under section 12A of chapter 76 of the General Laws; provided, that funds shall be made available for payment for services rendered by METCO, Inc. and Springfield public schools.....$21,615,313

7010-0020 For the Bay State Reading Institute, Inc.; provided, that the program shall be administered under contract to Middlesex Community College in programmatic collaboration with Fitchburg State College; provided further, that the Institute shall provide literacy based intervention in schools and districts at risk of or determined to be underperforming in accordance with sections 1J and 1K of chapter 69 of the General Laws; provided further, that schools not meeting the above criteria may be selected for assistance if they contribute not less than half of the cost of the services they receive; provided further, that preference in the awarding of said funds shall be given to schools and districts with a high percentage of minority or low-income students; provided further, that such school-wide literacy-based intervention programs shall be based on effective, research-based instruction in reading, as called for in Reading First; provided further, that in its evaluation of applications for said initiative, the executive director of said initiative may take into consideration schools' cumulative grade 3 Massachusetts Comprehensive Assessment System scores; provided further, that such school-wide literacy-based intervention programs shall provide for the evaluation and tracking of all students' reading and writing skills at least annually, shall include measurable goals and benchmarks, shall be led by a school-based planning team which includes teaching faculty and the school principal, shall provide for the training of teachers in effective, research-based strategies for reading instruction and shall include a school-wide literacy coordinator who shall be responsible for the coordination and training of other school staff; provided further, that said initiative shall require that participating schools engage in frequent assessment of the progress of individual students, including diagnostics to pin-point the source of difficulty for struggling students, use small-group, student-centered instruction for a substantial part of the school day in order to allow teachers to meet the needs of individual students and differentiate instruction to help every student reach his or her potential, use research-based interventions that address the particular needs of struggling students, focus on literacy instruction, including writing across the curriculum, monitor progress frequently to make sure that the strategies used with these students are working, and seek out additional funding for after-school time and for substitutes to give teachers an opportunity to plan together, to take a leadership role in implementing change, and to meet with and observe their peers in partner schools; provided further, that funds may be used for a program to train new reading coaches and reading coach trainers; and provided

further, that funds appropriated in this item for said initiative may be expended through June 30, 2010; and provided further, that not less than $250,000 shall be expended for the Massachusetts Center for Evidence-Based Literacy Instruction, the purpose of which is to incorporate data-driven instruction, particularly in reading, into the undergraduate teacher education programs at Fitchburg and Framingham State Colleges, in partnership with the Bay State Reading Institute, and to expand advanced degree programs in reading at those colleges to increase the supply of reading specialists and reading coaches who can work with or in schools, such as those who partner with the Bay State Reading Institute, to adopt evidence-based reading instruction $1,450,000

7010-0216 For the teacher, principal, and superintendent retention programs established in sections 19B, 19C, and 19E of chapter 15A of the General Laws; provided, that no funds shall be expended for personnel costs.....$595,881

7010-1022 For the development and implementation of certificates of occupational proficiency $1,300,000

7027-0016 For matching grants for various school-to-work programs; provided, that the board of elementary and secondary education shall establish guidelines for such programs in consultation with the department of workforce development; provided further, that any funds distributed from this item to cities, towns or regional school districts shall be deposited with the treasurer of the city, town, or regional school district and held in a separate account and shall be expended by the school committee without further appropriation, notwithstanding any general or special laws to the contrary; provided further, that each grant awarded herein shall be matched by the recipient from local, federal, or private funds; provided further, that the board of elementary and secondary education may determine the percentage match required on an individual grant basis; provided further, that the department of elementary and secondary education shall make available a payment of $734,400 for the state's matching grant for the CS-squared program at the Commonwealth Corporation; provided further, that the department of elementary and secondary education shall make available a payment of $942,191 to Jobs for Bay State Graduates, Inc., for the purpose of school-to-work activities; provided further, that the department of elementary and secondary education shall make available a payment of $42,975 to the Blue Hills regional vocation school for the School to Careers Partnership to fund a teacher externship program and a student internship program; provided further, that not less than $200,000 shall be allocated to the Massachusetts Foundation for the Humanities in Northampton for an adult education Program; provided further, that not

less than $50,000 shall be expended for the Diploma Plus Program at Cape Cod Community College; provided further, that not less than $100,000 shall be expended for the pilot program in the town of Southbridge for preventing violence and hate crimes in Kindergarten through 8; provided further, that the pilot program shall also offer parent training and education in violence prevention and racial tolerance; and provided further, that not less than $50,000 shall be expended for MY TURN, INC. for the purpose of school to work activities, connecting to college activities and youth workforce development activities; provided further, that not less than $125,000 shall be expended for the Latino After School Initiative.....$2,244,566

7027-0019 For school-to-career connecting activities; provided, that notwithstanding any general or special law to the contrary, the board of elementary and secondary education, in cooperation with the department of workforce development and the state workforce investment board, may establish and support a public-private partnership to link high school students with economic and learning opportunities on the job as part of the school-to-work transition program; provided further, that such program may include the award of matching grants to workforce investment boards or other local public-private partnerships involving local community job commitments and work site learning opportunities for students; provided further, that the grants shall require at least a 200 per cent match in wages for the students from private sector participants; provided further, that the program shall include, but not be limited to, a provision that business leaders commit resources to pay salaries, to provide mentoring and instruction on the job and to work closely with teachers; and provided further, that public funds shall assume the costs of connecting schools and businesses to ensure that students serve productively on the job $4,379,687

7027-1004 For English language acquisition professional development to improve the academic performance of English language learners and effectively implement sheltered English immersion as outlined in chapter 386 of the acts of 2002; provided, that the department shall only approve professional development courses and offerings with proven, replicable results in improving teacher performance, and which shall have demonstrated the use of best practices, as determined by the department, including data comparing pre-training and post-training knowledge; provided further, that the department shall, not later than February 16, 2009, provide a report on the number of educators who have received such training since passage of chapter 386 of the acts of 2002, the estimated number who need such additional training, and a review and analysis of the most effective types of professional development and the most common gaps in the knowledge base of educators implementing English immersion and teaching English

language acquisition, along with legislative or regulatory recommendations of the department; provided further, that said report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education; and provided further, that no funds shall be expended for personnel costs.....$470,987

7028-0031 For the expenses of school age children in institutional schools under section 12 of chapter 71B of the General Laws; provided, that the department may provide special education services to eligible inmates in county houses of correction; provided further, that the department of youth services shall continue to collaborate with the department of elementary and secondary education in order to align curriculum at the department of youth services with the statewide curriculum frameworks and to ease the reintegration of youth from facilities at the department of youth services into regular public school settings; and provided further, that the department of elementary and secondary education, in conjunction with, the commissioner of youth services shall submit a report on progress made to the house and senate committees on ways and means by December 1, 2008 .....$7,726,719

7030-1002 For kindergarten development grants to provide ongoing grant awards to continue quality enhancement of existing full-day kindergarten classrooms and to encourage the transition of half day classrooms into full-day kindergarten classrooms; provided, that the department shall administer a grant program to encourage the voluntary expansion of high quality, full-day kindergarten education throughout the commonwealth; provided further, that grants of not more than $18,000 per classroom shall be made available to public schools for the enhancement of existing full-day kindergarten classrooms and for the transition of existing half-day kindergarten classrooms into full-day kindergarten classrooms; provided further, that said grants shall be awarded pursuant to guidelines established by the department relative to the application and award process which shall include eligibility criteria, allowable grant expenditures and grant recipient obligations; provided further, that guidelines for transition grants shall require applicants for such grants to identify obstacles that impede the transition to full-day kindergarten; provided further, that the guidelines shall require grant recipients to identify the anticipated date by which the implementation of quality enhancement or transition projects shall commence; provided further, that the guidelines shall detail the range of permissible grant expenditures which shall include, but not be limited to, the expenditure of funds for facility improvements or other expenses necessary to provide adequate space for the transition from half-day kindergarten classrooms into full-day kindergarten classrooms;

provided further, that grants funded through this appropriation shall not annualize to more than $18,000 per classroom in subsequent fiscal years; provided further, that preference shall be given to grant applicants with high percentages of students scoring in levels 1 or 2 on the Massachusetts comprehensive assessment system exam, as determined by the department based on available data; provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding any general or special law to the contrary; provided further, that such program shall supplement and shall not supplant currently funded local, state and federal programs at the school or district; provided further, that not less than $3,000,000 shall be expended on grants to expand half-day classrooms to new full-day classrooms; provided further, that not later than January 15, 2009, the department shall report to the house and senate committees on ways and means on the total number of grants requested and awarded; provided further, that the report shall detail common factors associated with both successful and unsuccessful applications and shall include the total number of full-day and half-day kindergarten classrooms projected to be in operation in public schools in fiscal year 2010; provided further, that funds appropriated in this item for transition grant awards may be expended through August 31, 2009, for the purposes of transition projects scheduled for the school year beginning in September 2009; provided further, that all kindergarten programs previously funded through community partnership councils at the department for early education and care shall receive grants from this item in amounts not less than they received in fiscal year 2008; and provided further, that no funds shall be expended for personnel costs..$33,802,216

7030-1003 For the John Silber early literacy program to promote research based school-wide literacy education and to promote literacy among children in grades K through 3; provided, that the office of reading and language arts shall administer said early literacy grant programs to improve the quality and effectiveness of literacy education to the greatest extent possible; provided further, that these early literacy education programs shall be based on a scientifically-based reading research program consistent with the federal Reading First Initiative; provided further, that such programs shall supplement currently funded local, state and federal programs at the school or district; provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district, without further appropriation, notwithstanding the provisions of any general or special

law to the contrary; provided further, that $435,000 shall be expended for JFY.net, a Jobs for Youth initiative for high technology, literacy and job skill instruction to youth and adults through advanced software and existing infrastructure capacity in schools and community agencies; and provided further, that no funds shall be expended for personnel costs; provided further that not less than $200,000 shall be expended for the SouthCoast Mentoring Initiative for Learning, Education and Service for the dropout monitoring programs.....$3,640,000

7030-1005 For Reading Recovery, an early intervention individual tutorial literacy program designed as a pre-special education referral and short-term intervention for children who are at risk of failing to read in the first grade; provided, that not less than $500,000 shall be expended for matching grants to school districts to support the funding of Reading Recovery teachers salaries in one-to-one early intervention tutorial literacy programs; and provided further, that said program shall provide ongoing documentation and evaluation of results $2,900,000

7035-0002 For grants to provide and strengthen adult basic education services, including reading, writing and mathematics, to a diverse network of organizations which have demonstrated commitment and effectiveness in the provision of such services and that are selected competitively by the department of elementary and secondary education; provided, that such grants shall support the successful transition of students from other adult basic education programs to community college certificate and degree-granting programs; provided further, that such grants shall be contingent upon satisfactory levels of performance as defined and determined by the department; provided further, that in no case shall grants be considered an entitlement to a grant recipient; provided further, that the department shall consult with the community colleges and other service providers in establishing and implementing content, performance and professional standards for adult basic education programs and services; and provided further, that not less than $50,000 shall be expended for an English as a Second Language Adult Evening School Program in Everett.....$31,176,348

7035-0006 For reimbursements to regional school districts for the transportation of pupils; provided, that notwithstanding any general or special law to the contrary, the commonwealth's obligation shall not exceed the amount appropriated in this item $61,300,000

7035-0007 For reimbursements to cities, towns, regional vocational or county agricultural school districts, independent vocational schools, or collaboratives for certain expenditures for transportation of nonresident pupils to any approved vocational-technical program of any regional or county agricultural school district, city, town, independent school or

collaborative pursuant to section 8A of chapter 74 of the General Laws; provided, that should the amount appropriated herein be insufficient to fully fund said section 8A, initial reimbursements made by the department of elementary and secondary education may be pro-rated by the department to all eligible cities, towns, regional vocational or county agricultural school districts, independent vocational schools, or collaboratives; and provided further, that upon a determination by the department that the funds appropriated in this item are insufficient to meet the commonwealth's full obligation under said section 8A, the department shall, within 10 days, notify the secretary of administration and finance, the house and senate chairs of the joint committee on education, and the chairs of the house and senate ways and means committees of the amount needed to fully fund said obligation.....$1,950,000

7051-0015 For operating funds to distribute food for the Massachusetts emergency food assistance program.....$1,247,000

7053-1909 For reimbursements to cities and towns for partial assistance in the furnishing of lunches to school children, including partial assistance in the furnishing of lunches to school children as authorized by chapter 538 of the acts of 1951, and for supplementing funds allocated for the special milk program; provided, that notwithstanding any general or special law to the contrary, payments so authorized in the aggregate for partial assistance in the furnishing of lunches to school children shall not exceed the required state revenue match contained in Public Law 79-396, as amended, cited as the National School Lunch Act and in the regulations implementing the act.....$5,426,986

7053-1925 For the school breakfast program for public and nonpublic schools and for grants to improve summer food programs during the summer school vacation period; provided, that of the sum appropriated in this item, not less than $300,000 shall be expended for the summer food service outreach program and not less than $200,000 shall be expended for the school breakfast outreach program, including reimbursement of municipal expenses; provided further, that within the summer food program, priority shall be given to extending such programs for the full summer vacation period and promoting increased participation in such programs; provided further, that the department of elementary and secondary education shall solicit proposals from returning sponsors and school food authorities in time for implementation of such grant program during the summer of 2009; provided further, that such grants shall only be awarded to sponsors who can demonstrate their intent to offer full summer programs or increase participation; provided further, that the department shall require sufficient reporting from each grantee to measure the success of such grant program; provided further, that the department shall select grantees for the program authorized by this item

not later than March 30, 2009; provided further, that not less than $2,011,060 shall be expended for the universal school breakfast program whereby all children in schools receiving funds under the program shall be provided free, nutritious breakfasts at no cost to them; provided further, that subject to regulations of the board that specify time and learning standards, breakfasts shall be served during regular school hours; provided further, that participation shall be limited to those elementary schools mandated to serve breakfast under section 1C of chapter 69 of the General Laws where 60 per cent or more of the students are eligible for free or reduced-price meals under the federally-funded school meals program; provided further, that the department shall select school sites for programs authorized by this item not later than November 14, 2008, and shall report to the house and senate committees on ways and means on the preliminary results of these grants not later than January 9, 2009; provided further, that nothing in the universal school breakfast program shall give rise to enforceable legal rights in any party or enforceable entitlement to services; and provided further, that the department shall select grantees for the program authorized by this item not later than March 30, 2009, prior appropriation continued $4,277,646

7061-0008 For school aid to cities, towns, regional school districts, counties maintaining agricultural schools, independent vocational schools and independent agricultural and technical schools to be distributed under chapters 70 and 76 of the General Laws and section 3; provided, that $200,000 of the funds allocated from this item to the city of Lawrence by said section 3 shall be transferred to the University of Massachusetts at Lowell for its college preparation program; provided further, that each school district shall report annually to the department of elementary and secondary education on its professional development expenditures, in a manner and form prescribed by the commissioner and consistent with the accountability requirements of the federal No Child Left Behind Act; and provided further, that the department of elementary and secondary education shall report annually to the house and senate committees on ways and means on school districts' professional development spending.....$3,948,824,061

7061-0011.. For a reserve to: (1) assist regional school districts which, prior to fiscal year 2009, have assessed member towns using the provisions of their regional agreement and which, in fiscal year 2009, will assess member towns using the required contributions calculated pursuant to section 3; (2) assist towns impacted by stresses in the commercial agricultural, fishing or lobster industry whose required local contribution exceeds 75 per cent of their foundation budget; (3) towns negatively impacted by shortfalls in federal impact aid for the education of children in families employed by the federal government on military reservations located

within the town's limits; provided, that any grants provided under this item shall be expended by a school committee without further appropriation; provided further, that not less than $250,000 from this item shall be awarded to a qualifying community that hosts a Veterans Administration Hospital; (4) assist regional school districts in rural areas which meet each of the following: (a) they have fewer than 30 full-time enrollment students per square mile; and (b) they have experienced more than 7 per cent enrollment decline between fiscal year 2003 and fiscal year 2008; provided further, that preference shall be given to those districts that have joined the group insurance commission before July 1, 2008; provided further, that any grants provided to school districts from this item shall be expended by a school committee without further appropriation; provided further, that the department shall make not less than 80 per cent of the awards from this item not later than October 15, 2008; and provided further, that no funds distributed from this item shall be considered prior year chapter 70 aid nor shall they be used in the calculation of the minimum required local contribution for fiscal year 2010..... $5,500,000

7061-0012 For the reimbursement of extraordinary special education costs under section 5A of chapter 71B of the General Laws; provided, that reimbursements shall be prorated so that expenses of this item do not exceed the amount appropriated in this item; provided further, that upon receipt by the department of elementary and secondary education of required special education cost reports from school districts, the department shall reimburse districts based on fiscal year 2008 claims; provided further, that not more than $11,250,000 shall be used to continue and expand voluntary residential placement prevention programs between the department of elementary and secondary education and other departments within the executive office of health and human services that develop community-based support services for children and their families; provided further, that of this $11,250,000, not less than $10,000,000”

shall be made available to the department of mental retardation for the voluntary residential placement prevention program administered by that department; provided further, that $800,000 shall be expended for Recording for the Blind & Dyslexic to provide books in accessible

synthetic audio format made available through the federal NIMAS-NIMAC book repository, to do outreach and training of teachers and students for the use of NIMAS-NIMAC and human speech audio digital textbooks, and for human voice recording of MCAS exams; provided further, that, of this $800,000 $285,000 shall be expended for the costs of borrowing audio textbooks by special education students; provided further, that $200,000 of said $800,000 shall be targeted toward underserved communities in Barnstable, Bristol and Plymouth counties; provided further, that of this $800,000, not less than $25,000 shall be expended for the continuation of a pilot program for Recording for the Blind and Dyslexic to provide the tenth grade math and English learning arts MCAS tests in audio digital format; provided further, that no funds shall be expended for the MCAS pilot program until the department of elementary and secondary education examines all security issues related to the pilot program and certifies to the legislature that the pilot program may be carried out without jeopardizing the security of the MCAS exams; provided further, that the report shall be completed not later than November 17, 2008 and shall be forwarded to the house and senate chairpersons of the joint committee on education and the chairpersons of the house and senate committees on ways and means; provided further, that $450,000 shall be expended for the funding of the costs of 10 intercollaborate networks throughout the Commonwealth to provide partial funding for transportation coordination, administrative support, software updates, maintenance and training; provided further, that the funding shall be expended for the purpose of expanding the pilot program to demonstrate that transportation of students to out-of-district special education placements can be accomplished at a lower cost and with improved quality of service by delegating the planning and contracting for such transportation to education collaborative networks; provided further, that $100,000 shall be expended for the administrative costs for statewide transportation network coordination that will provide funding for staff, supplies and materials; provided further that the funding shall be expended for providing coordination and support services to the ten collaborative transportation networks; provided further that the special education transportation task force shall submit a report, detailing the reduction in routes, vendors, and savings for participating districts and also a cost model for regions served by the collaborative network by June 30, 2009 to the joint committee on education, and the house and senate committees on ways and means; provided further, that not more than $1,000,000 shall be expended for the monitoring and follow-up activities of the department's complaint management system, review and approval of local educational agency applications, and local school districts' compliance with the part B requirements of the federal Special Education Law, known as the Individuals with Disabilities Education Act, in the provision of special education and related services to

children with disabilities; provided further, that these monitoring activities shall occur in each school district in cycles of not less than 3 years; provided further, that not more than $500,000 shall be expended to administer the reimbursements funded herein; provided further, that notwithstanding said section 5A of said chapter 71B, the department, at the discretion of the commissioner, may expend up to $5,000,000 to reimburse districts for extraordinary increases in costs incurred during fiscal year 2009 which would be reimbursable under said section 5A of said chapter 71B; provided further, that reimbursements for current year costs shall be limited to school districts which experience increases of greater than 25 per cent from costs reimbursable under said section 5A of said chapter 71B and incurred during fiscal year 2008 to costs reimbursable under said section 5A of said chapter 71B and incurred during fiscal year 2009 or other cases of extraordinary hardship where special education costs increase in relationship to total district costs as the department may define through regulation or guidelines; provided further, that reimbursements for current year costs shall be allocated as one-time grants and shall not decrease reimbursements in the following fiscal year; provided further, that the department shall conduct audits of fiscal year 2008 claims; provided further, that if the claims are found to be inaccurate, the department shall recalculate the fiscal year 2009 reimbursement amount and adjust the third and fourth quarter payments to the districts to reflect the new reimbursement amount; and provided further, that the department shall file a report with the house and senate committees on ways and means not later than February 13, 2009 on the results of the audits; provided further, that the department of elementary and secondary education, based on the availability of funding, may expend up to $500,000 to identify, analyze and certify promising and best practices in public and approved special educational programs that can prevent or ameliorate either neurodevelopmental problems or other deficits leading to learning deficiencies or behavior problems that result in high cost Individual Education Plans; provided further, that a portion of these available funds shall be expended to provide grants for training, dissemination and applications of research identified as promising and best practices; and provided further, that a report shall be provided to the chairs of the house and senate committees on ways and means and the house and senate chairs of the joint committee on education not later than March 31, 2009 .....$228,043,700

7061-0029 For the office of educational quality and accountability established pursuant to section 55A of chapter 15 of the General Laws.....$2,974,554

7061-9010 For fiscal year 2009 reimbursements to certain cities, towns and regional school districts of charter school tuition and the per pupil capital needs component included in the charter school tuition amount for

commonwealth charter schools, as calculated under subsections (nn) and (oo) of section 89 of chapter 71 of the General Laws; provided, that notwithstanding the provisions of subsection (nn) of section 89 of chapter 71 of the General Laws or any other general or special law to the contrary, the per pupil capital needs component of the commonwealth charter school tuition rate for fiscal year 2009 shall be $893; and provided further, that if the amount appropriated is insufficient to fully fund all reimbursements required by said section 89, the department shall fully reimburse the cost of said per pupil capital needs component and shall pro-rate the tuition reimbursements calculated under said subsection (oo) $79,751,579

7061-9200 For the education technology program; provided that not less than $650,000 shall be expended for the ongoing costs associated with the Education Data Warehouse and Reporting System (Data Warehouse) ...$5,395,768

7061-9400 For student and school assessment including the administration of the Massachusetts comprehensive assessment system (MCAS) exam established by the board of elementary and secondary education pursuant to sections 1D and 1I of chapter 69 of the General Laws and for grants to school districts to develop portfolio assessments for use in individual classrooms as an enhancement to student assessment; provided, that as much as is practicable, especially in the case of students whose performance is difficult to assess using conventional methods, such instruments shall include consideration of work samples and projects and shall facilitate authentic and direct gauges of student performance; provided further, that such portfolio assessments shall not replace the statewide standardized assessment based on the curriculum frameworks; provided further, that all school assessments shall center on the academic standards embodied in the curriculum frameworks and shall involve gauges which shall be relevant and meaningful to students, parents, teachers, administrators and taxpayers pursuant to the first paragraph of section 1L of chapter 69 of the General Laws; and provided further, that notwithstanding any general or special law to the contrary, assessment of proficiency in English shall be administered in English $29,310,695

7061-9404 For grants to cities, towns and regional school districts to provide targeted remediation programs in English and math to students in the classes of 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and beyond, scoring in level one or two on the Massachusetts Comprehensive Assessment System (MCAS) exam established by the board of elementary and secondary education pursuant to the provisions of sections 1D and 1I of said chapter 69 of the General Laws; provided, that the department and districts shall ensure that services are available to students with disabilities; provided further, that in awarding

remediation funds, preference may be given to schools and districts at risk of or determined to be under-performing in accordance with said sections 1J and 1K of said chapter 69; provided further, that the purpose of this program shall be to improve students' performance on the MCAS exam through replication of services and educational strategies with proven results as determined by the department of elementary and secondary education; provided further, that such programs shall supplement currently funded local, state, and federal programs at the school or district; provided further, that funds shall be expended for a competitive grant program to fund academic support and college transition services to be implemented in fiscal year 2009, and operated by public institutions of higher learning or by public-private partnerships in the commonwealth, for students in the graduating classes of 2003, 2004, 2005, 2006, 2007, 2008 and 2009 who have completed high school but have not yet obtained a competency determination as defined in section 1D of chapter 69 as measured by the MCAS assessment instrument authorized by said section 1I of said chapter 69, but who are working to pass the English and math MCAS tests, obtain a competency determination, and earn a high school diploma; provided further, that for the purpose of the programs, appropriated funds may be expended through August 31, 2009 to allow for summer remediation programs; provided further, that funds shall be expended for a competitive grant program to fund Pathways programs targeting eleventh and twelfth graders, instituted by local school districts, public institutions of higher education and qualified public and private educational services organizations and One Stop Career Centers including, but not limited to, school-to-work connecting activities, creating worksite learning experiences for students as an extension of the classroom, outreach programs for students who will need post-twelfth grade remediation to attain the skills necessary to pass MCAS, and counseling programs to educate parents and high school students on post-twelfth grade remediation options; provided further, that funds shall be expended for a competitive grant program, guidelines for which shall be developed by the department of elementary and secondary education, for intensive remediation programs, in communities with students in the graduating classes of 2003 to 2013, inclusive, who have not obtained a competency determination or have scored in levels one or two on either the English or math MCAS exams; provided further, that the department of elementary and secondary education may give preference for such assistance to those districts with a high percentage of high school students scoring in level one on the MCAS exam in English and math; provided further, that eligible applicants shall include individual high schools, and those institutions which shall have partnered with a high school or group of high schools; provided further, that no district shall receive a grant from this appropriation until said district submits to the department of elementary

and secondary education a comprehensive district plan pursuant to the provisions of section 1I of chapter 69, to improve performance of all student populations including, but not limited to, students with disabilities; provided further, that not less than $75,000 shall be expended for Link Services at the Pettengill House to provide advocacy counseling, referrals, emergency assistance and prevention education programs to the children and families of both Triton Regional and Amesbury Public Schools; provided further, that not less than $87,500 shall be expended to provide funding for Camp Pohelho in the town of Tewksbury; provided further, that $75,000 shall be expended for The WhizKids Foundation Inc.; provided further, that not less than $180,000 shall be expended for the Invest-in-Kids program to provide after school programs in the city of New Bedford; provided further that not less than $100,000 shall be expended for the Clean Slate program in the city of Springfield; provided further, that $15,000 shall be expended for the Lynn At-Risk Youth; provided further, that $30,000 shall be expended for the Resiliency for Life program in Framingham; provided further, that the department shall issue a report, no later than February 2, 2009 and annually thereafter as a condition of continued funding under this account, in collaboration with the board of higher education, describing MCAS support programs for the graduating classes of 2003 to 2013, inclusive, funded by items 7061-9404 and 7027- 0019, school to work accounts, institutions of public higher education, and other sources, including federal sources; provided further, that such report shall include, but not be limited to, the number of students eligible to participate in such programs, the number of students participating in such programs, the number of students who have passed the MCAS assessment and obtained a competency determination through these programs, but not met local graduation requirements, and the number of students who have passed the MCAS assessment and obtained a competency determination through these programs and met local graduation requirements; provided further, that said report shall be provided to the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education; provided further, that any grant funds distributed from this item to a city, town or regional school district shall be deposited with the treasurer of such city, town, or regional school district and held in a separate account and shall be expended by the school committee of such city, town, or regional school district without further appropriation, notwithstanding any general or special law to the contrary; and provided further that no costs shall be expended for personnel costs; and provided further, that $50,000.00 shall be expended for Astro Park at Barnstable High School $11,091,393

7061-9408 For targeted intervention to schools and districts at risk of or determined to be underperforming under sections 1J and 1K of chapter 69 of the

General Laws, schools and districts which have which have been placed in the accountability status of identified for improvement, corrective action, or restructuring pursuant to departmental regulations, or which have been designated Commonwealth priority schools or Commonwealth Pilot Schools pursuant to said regulations; provided, that no money shall be expended in any school or district that fails to file a comprehensive district plan pursuant to the provisions of section 1I of said chapter 69 of the General Laws; provided further, that the department shall only approve reform plans with proven, replicable results in improving student performance; provided further, that in carrying out the provisions of this item, the department may contract with school support specialists, turnaround partners, and such other external assistance as is needed in the expert opinion of the commissioner, to successfully turn around failing school and district performance; provided further, that no funds shall be expended on targeted intervention unless the department shall have approved, as part of the comprehensive district improvement plan, a professional development plan which addresses the needs of the district as determined by the department; provided further, that eligible professional development activities for purposes of this item shall include, but not be limited to: professional development among teachers of the same grade levels and teachers of the same subject matter across grade levels, professional development focused on improving the teacher's content knowledge in the field or subject area in which the teacher is practicing, professional development which provides teachers with research based strategies for increasing student success, professional development teaching the principles of data driven instruction, and funding which helps provide common planning time for teachers within a school and within the school district; provided further, that preference in the awarding of such funds shall be given to professional development in math and English content skills; provided further, that funds from any targeted intervention grant may be used to partially offset the cost of said professional development and common planning time; provided further, that funds may be expended for the purchase of instructional materials pursuant to section 57 of chapter 15 of the General Laws; provided further, that no funds shall be expended on instructional materials except where the purchase of such materials is part of a comprehensive plan to align the school or district curriculum with the Massachusetts curriculum frameworks; provided further, that preference in distributing funds shall be made for proposals which coordinate reform efforts within all schools of a district in order to prevent conflicts between multiple reforms and interventions among the schools; provided further, that not more than $1,200,000 of this amount shall be expended on the Commonwealth pilot school initiative established by the board in November 2006; provided further, that not more than $200,000 of this amount shall be expended on regionalism

study grants to explore methods of improving the delivery of education services in areas of declining student enrollment, including but not limited to, studies of fully regionalizing partial regional school districts, funding demographic studies to project future district enrollments, and exploring creative means of collaborating across regions, including sharing curriculum specialists, professional development providers, transportation services, and other educational and instructional interventions between regions; provided further, that the department shall issue a report, no later than February 2, 2009 and annually thereafter describing and analyzing all intervention and targeted assistance efforts funded by this item; provided further, that such report shall include but not be limited to: the number of school and school districts eligible to receive such assistance, the number of students attending school in said districts, the nature and type of intervention activities funded through this item, by school and school district, the number of teachers in professional development funded in part through this item, the number of districts with curricula or professional development systems aligned with the Massachusetts curriculum frameworks, and the number that are undertaking that effort with grants funded by this item, the number of outside vendors with whom the department has contracted to provide intervention and turnaround services, the amount each vendor has received, and the results obtained in each instance, the number of students who have passed the MCAS assessment and obtained a competency determination through these programs, before, and during the period of intervention and turnaround, and any other data relative to the successes achieved or challenges faced by the effort to turn around schools, along with any legislative or budgetary recommendations for improving the initiative and increasing the success of all intervention efforts; provided further, that said report shall include an analysis of the number of districts with curriculum plans not aligned to the Massachusetts curriculum frameworks, along with any legislative and regulatory recommendations to address the issue; provided further, that said report shall indicate the number of schools which have accepted the Commonwealth pilot school model, the reforms which they have undertaken, and the number which have expressed interest in the pilot school option; provided further, that said report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education; provided further, that no funds shall be expended on recurring school or school district expenditures unless the department and school district have developed a long term plan to fund such expenditures from the district's operational budget; provided further, that for the purpose of this item, appropriated funds may be expended through August 31, 2009 to allow for intervention and school and district improvement planning in the summer months;

provided further, that not less than $200,000 be expended for a pilot parent engagement program including, but not limited to, a Randolph Parents' Academy and Parents' Support Network operated by the Randolph Public Schools; provided further, that not more than $100,000 shall be expended to reimburse planning and implementation expenses incurred by municipalities in their efforts to establish new regional school districts; and provided further, that any funds distributed from this item to a city, town or regional school district shall be deposited with the treasurer of such city, town, or regional school district and held in a separate account and shall be expended by the school committee of such city, town, or regional school district without further appropriation, notwithstanding any general or special law to the contrary $9,301,718

7061-9411 For the creation of leadership academies for principals and superintendents pursuant to section 58 of chapter 15 of the General Laws; provided, that said training shall focus on expanding and increasing the capacity of the principal or superintendent to be an instructional and educational leader within the district or school; provided further, that said training shall include, but not be limited to: training in effective personnel evaluation, curriculum development, with a focus on aligning the district and school curriculum with the Massachusetts curriculum frameworks established pursuant to chapter 69 of the General Laws, school based management skills, with a focus on distributed leadership, data analysis skills that enhance the capacity of the principal or superintendent to use student achievement data to drive instructional change, and techniques for developing collaborative relationships with parents and community organizations; provided further, that the department shall issue a report, not later than February 16, 2009, on the implementation of this initiative, which shall include, but not be limited to, the number of principals and superintendents who have been trained in such academies, the number who have expressed interest in such academies, the level of need for leadership training, the most commonly requested types of training, and a preliminary analysis of the effectiveness of the academies in improving the quality of instructional leadership in the commonwealth; provided further, that said report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education; and provided further, that for the purpose of this item, appropriated funds may be expended through August 31, 2009, to allow for principal and superintendent training which occurs in the summer months $1,000,000

7061-9412 For grants to cities, towns, and regional school districts for the purpose of planning for and implementing expanded learning time in the form of longer school days or school years at selected schools; provided, that

implementation grants shall only be provided under this item to schools and districts which submitted qualifying applications which were approved by the department in fiscal year 2008 and which including a minimum of 300 hours on a mandatory basis for all children attending that school; provided further, that in approving expanded learning time implementation grant applications, preference shall be given to districts with high poverty rates or a high percentage of students scoring in levels I or II on the Massachusetts Comprehensive Assessment System, those districts with proposals that have the greatest potential for district-wide impact, those districts that plan to utilize partnerships with community-based organizations and institutions of higher education, and those districts with proposals that include a comprehensive restructuring of the entire school day or year to maximize the use of the additional learning time; provided further, that the department shall approve implementation proposals that include an appropriate mix of additional time spent on core academics, additional time spent on enrichment opportunities such as small group tutoring, homework help, music, arts, sports, physical activity, health and wellness programs, project-based experiential learning and additional time for teacher preparation or professional development; provided further, that the department shall only approve implementation proposals that assume not more than $1,300 per pupil per year in future state appropriations of expanded learning time implementation funds; provided further, that in schools where an above average number of students are categorized as having substantial special needs the department may exceed the $1,300 per pupil per year limit; provided further, that the department shall review all qualified proposals and award approved grants not later than August 14, 2008; provided further, that in carrying out the provisions of this item, funds may be expended by the department to evaluate the impact and effectiveness of the program; provided further, that the department shall issue an annual report, not later than February 2, 2009 on the implementation of plans in all participating districts; provided further, that said report shall include, but not be limited to: the names of schools and school districts participating; the number of students attending these schools and the nature and type of changes made in participating schools as a result of this program; provided further, that the report shall also include an anticipated budget for this program for the next fiscal year and a breakdown of the distribution of the $1,300 per student by school; provided further, that said report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate committees on ways and means and the house and senate chairs of the joint committee on education; provided further, that for this item, appropriated funds my be expended through August 31st, 2009 to allow for planning and implementation during the summer months; provided further, that any grant funds distributed from this item to a city, town,

or regional school district shall be deposited with the treasurer of such city, town, or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding any general or special law to the contrary; and provided further, that no funds shall be expended for personnel costs at the department of elementary and secondary education $17,500,000

7061-9600 For a discretionary grant pilot program with the purpose of providing monies to school districts and state public institutions of higher education partnering together to offer inclusive concurrent enrollment programs for students with disabilities as defined in section 1 of chapter 71B of the General Law ages 18-22; provided, that the grant program shall be limited to such students who are considered to have severe disabilities and have been unable to achieve the competency determination necessary to pass the Massachusetts Comprehensive Assessment System exam; provided further, that such students with disabilities shall be offered enrollment in credit and noncredit courses that include nondisabled students, including enrollment in noncredit courses and credit bearing courses in audit status for students who may not meet course prerequisites and requirements, and that the partnering school districts shall provide supports, services and accommodations necessary to facilitate a student's enrollment; provided further, that the department **of education ???**, in consultation with the department of higher education, shall develop guidelines to ensure that the grant program promotes civic engagement and mentoring of faculty in state institutions of higher education, and supports college success, work success, participation in student life within the college community, and provision of a free appropriate public education in the least restrictive environment; provided further, that not more than $50,000 shall be distributed to the department of higher education in order to increase the capacity of public institutions of higher education to include students with severe disabilities in the concurrent enrollment pilot program, including $4,000 for production of a video to be used for provision of training and technical assistance; provided further, that not more than $50,000 shall be allocated to the department of elementary and secondary education to provide training and technical assistance to school districts for program implementation, including $4,000 for production of such; provided further, that the department of elementary and secondary education, in consultation with the department of higher education, shall report to the house and senate committees on ways and means, the joint committee on education and the joint committee on higher education on the discretionary grant program not later than February 16, 2009; and provided further, that for the purpose of this item, appropriated funds may be expended through August 31, 2009……$

1,575,000

7061-9604 For teacher preparations; and provided further, that not more than $70,000 shall be expended for the Sea Education Association programs for teachers.....$2,032,758

7061-9610 For matching grants of $1,000 per enrolled child to Citizen Schools after-school learning programs for middle school children across the commonwealth including, but not limited to, those administered in the city of Boston by Citizen Schools, in the city of Lowell by Community Teamwork, Inc., in the city of Malden by the Partnership for Community Schools, in the city of New Bedford by Positive Action Against Chemical Addiction, in the city of Springfield by The Martin Luther King Jr. Community Center and, in the city of Worcester by the Greater Worcester Young Men's Christian Association, upon documentation by Citizen Schools of $1 in private sector, local or federal funds for every $1 in state funds, and that all funds go to programs certified by Citizen Schools, Inc.; provided, that up to $50,000 of the $475,000 shall be available to Citizen Schools Inc. to support state-wide training and evaluation efforts, and to further establish the efficacy of the Citizen Schools program in promoting school success, high school completion and college and workforce success for low-income, at-risk students across the commonwealth.....$475,000

7061-9611 For grants or subsidies for after-school and out-of-school programs; provided, that preference shall be given to after-school proposals developed collaboratively by public and non-public schools and private community based programs; provided further, that the department shall fund only those applications which contain accountability systems and measurable outcomes, under guidelines to be determined by the department in consultation with the department of early education and care; provided further, that applicants shall detail funds received from all public sources for existing after school and out-of-school programs and the types of programs and type of students served by said funds; provided further, that funds may be directed to increase comprehensive after school and out of school time programming to school age children and youth during the school year and the summer, including but not limited to 21st century community learning centers programs; provided further, that funds from this item may be used for a variety of activities, including but not limited to: (1) academic tutoring and homework centers where content is linked to and based on the curriculum guidelines promulgated by said department, (2) programs which improve the health of students, including physical activities, athletics, nutrition and health education, and exercise, (3) art, theater, and music programs developed in collaboration with the Massachusetts cultural council, local cultural councils, or cultural organizations in the

Commonwealth funded by the Massachusetts cultural council, (4) enrichment activities not otherwise provided during the school day, (5) advanced study for the gifted and talented, and (6) community service programs; provided further, that $100,000 from this item shall be expended for services that actively include children with disabilities in after-school programs that also serve non-disabled children and services that include children where English is a second language, including but not limited to: increased per-child reimbursement rates, additional staff, technical assistance, training, and transportation; provided further, that not less than $100,000 shall be expended for Girls, Inc. in the city of Lynn for improvements to its program as approved by the board of directors of Girls, Inc.; provided further, that the department of elementary and secondary education shall consult the executive office of health and human services and the department of early education and care to maximize the provision of wrap-around services and to coordinate programs and services for children and youth during after-school and out-of-school time programs; provided further, that the department shall select grant recipients not later than September 30, 2008, and shall report on the preliminary results of said grants not later than February 16, 2009, to the secretary of administration and finance, the house and senate chairs of the joint committee on education, and the chairs of the house and senate committees on ways and means; and provided further, that for the purpose of this item, appropriated funds may be expended through August 31, 2009 to allow for implementation of said programs during the summer months; and provided further, that $50,000 shall be directed to the Massachusetts After school Partnership to convene regional networks, to work with the department of education and the department of early education and care to support the implementation of school-community partnerships and to submit a report by October 15, 2008, to the general court and the administration making recommendations on how to enhance school-community partnerships and positive outcomes for children and youth through funding as provided in this item $5,550,000

7061-9612 For the school of excellence program at the Worcester Polytechnic Institute; provided, that every effort shall be made to recruit and serve equal numbers of male and female students; provided further, that sending districts of students attending the Institute shall not be required to expend any funds for the cost of these students while in attendance at the Institute; provided further, that the Massachusetts Academy of Mathematics and Science shall provide professional development activities at the school located at Worcester Polytechnic Institute, including salary and benefits for master teachers and visiting scholars; provided further, that the academy shall file a report with the joint committee on education and the house and senate committees on ways

and means by February 2, 2009 detailing the professional development activities; provided further, that the department of elementary and secondary education shall provide a subsidy to the Worcester Polytechnic Institute to operate a school of excellence in mathematics and science; and provided further, that not less than $850,000 shall be expended for the University of Massachusetts at Lowell to develop, plan and conduct a pilot program in preparation for establishing a new program in math, science, engineering and technology for academically accelerated students in their final 2 years of high school $1,975,231

7061-9614 For the alternative education grant program established pursuant to section 1N of chapter 69 of the General Laws, provided, that the commissioner shall allocate funds for both subsections (a) and (b) of said section 1N of said chapter 69; and provided further, that no funds shall be expended for personnel costs.....$1,195,840

7061-9619 For the purpose of funding the Benjamin Franklin Institute of Technology; provided, that the institute shall have access to the Massachusetts education computer system; and provided further, that the institute may join the state buying consortium $1

7061-9621 For the administration of a grant program for gifted and talented school children; provided, that the funds appropriated in this item shall be in addition to any federal funds available for the program; provided further, that priority shall be given to those grant applications that address the needs of students who are identified by any of the following criteria: (1) the result of a standardized aptitude examination which is 3 or more standard deviations above the mean; (2) an evaluation by the child's teachers that the child does perform, or is capable of performing, satisfactorily at 2 or more grade levels above the child's chronological age; or (3) a score on the math or verbal Scholastic Aptitude Test by a child of not more than 13 years of age which is equal to, or greater than, the average on either test obtained by college-bound high school juniors; provided further, that the programs may be made available by a city, town or regional school district; and provided further, that for the purpose of the programs, appropriated funds may be expended through August 31, 2009 .....$765,000

7061-9626 For grants and contracts with youth-build programs for the purposes of providing comprehensive youth-build services $2,770,500

7061-9634 For a transfer of this item to the Massachusetts Service Alliance, which shall be solely responsible for administering a grant program for public and private agencies with mentoring programs for the recruitment and training of mentors and for other supporting services including, but not limited to, academic support services; provided, that the department of

education shall transfer the amount appropriated in this item to the Massachusetts Service Alliance for the purpose of these grants; provided further, that in order to be eligible to receive funds from this item, each public or private agency shall provide a matching amount equal to $1 for every $1 disbursed from this item; provided further, that funds may be expended to support the mentoring activities of the P.L.A.Y., Inc. program; provided further, that the Massachusetts Service Alliance shall submit a report detailing the expenditure of funds and the amount and source of matching funds raised to the secretary of administration and finance and the house and senate committees on ways and means not later than December 29, 2008; and provided further, that not more than $225,000 shall be expended for Camp Coca Cola New England to provide underserved youth development services with an emphasis on leadership training and community service..... $712,000

7061-9804 For teacher content training in math and science; provided, that said training shall include math specialist and Massachusetts test for educator licensure preparation; provided further, that funds from this item shall be expended on content based professional development in math and science, with a focus on increasing the content knowledge of elementary and middle school math and science teachers in districts with a high percentage of students scoring in level 1 or 2 on the math or science Massachusetts Comprehensive Assessment System exams, or in districts which are at risk of or determined to be underperforming in accordance with sections 1J and 1K of chapter 69 of the General Laws; provided further, that such professional development courses shall demonstrate proven, replicable results in improving teacher and student performance, and shall demonstrate the use of best practices, as determined by the department, including data comparing pre-training and post-training content knowledge; provided further, that the department shall report, not later than February 16, 2009, on the number of educators provided content training under this item, the estimated number of math and science teachers currently teaching without certification, and any legislative or regulatory recommendations necessary to make middle school and elementary math and science education more rigorous and data driven; provided further, that the report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education; provided further, that no funds shall be expended for personnel costs; and provided further, that for the purpose of this item, appropriated funds may be expended through August 31, 2009.....$891,367

7061-9805 For administering a Bullying Prevention Program for schools to implement bullying prevention and intervention plans throughout the commonwealth; provided, that not less than $50,000 shall go to the department of elementary and secondary education for the purposes of administering the Bullying Prevention Program and maintaining a Bullying Prevention Resource repository online at the department's web page; and provided further, that not less than $200,000 shall be appropriated to the Massachusetts Aggression Reduction Center at Bridgewater State College for the purposes of working in consultation with the department of elementary and secondary education to expand the Center's capabilities to bring policy-production and bullying prevention services to public schools in the commonwealth $250,000

Department of Higher Education.

7066-0000 For the operation of the department of higher education; provided, that the department shall recommend savings proposals that permit institutions of public higher education to achieve administrative and program cost reductions, resource re-allocation and program re-assessment and to utilize resources otherwise available to such institutions; provided further, that in order to meet the estimated costs of employee fringe benefits provided by the commonwealth on account of employees of the Massachusetts State College Building Authority and the University of Massachusetts Building Authority, and in order to meet the estimated cost of heat, light, power and other services, if any, to be furnished by the commonwealth to projects of these authorities, the boards of trustees of the state colleges and the University of Massachusetts shall transfer to the General Fund from the funds received from the operations of the projects such costs, if any, as shall be incurred by the commonwealth for these purposes in the current fiscal year, as determined by the appropriate building authority, verified by the commissioner of higher education and approved by the secretary of administration and finance; provided further, that $2,000,000 shall be expended for the Massachusetts Nursing and Allied Health Workforce Development Initiative, to develop and support strategies that increase the number of Massachusetts public higher education faculty members and students who participate in programs that support careers in fields related to nursing and allied health; provided further, that not less than $2,000,000 shall be expended for the department to make payments to public higher education institutions for the dual enrollment program allowing qualified high school students to take college courses; and provided further, that not less than $250,000 shall be expended for the establishment of text-messaging emergency notification systems at the campuses of the University of Massachusetts and all state and community colleges in coordination with the department of public safety.....$6,512,898

7066-0005 For the commonwealth's share of the cost of the compact for education $112,924

7066-0009 For the New England board of higher education; provided, that not less than $100,000 shall be expended for the College Ready New England program $467,500

7066-0015 For the community college workforce training incentive grant program established in section 15F of chapter 15A of the General Laws.....$2,000,000

7066-0016 For a program of financial aid to support the matriculation of certain persons at public and private institutions of higher learning; provided, that only persons in the custody of the department of social services under a care and protection petition upon reaching the age of 18, or persons in the custody of the department matriculating at such an institution at an earlier age, shall qualify for such aid; provided further, that no such person shall be required to remain in the custody of the department beyond age 18 to qualify for such aid; provided further, that this aid shall not exceed $6,000 per recipient per year; and provided further, that this aid shall be granted after exhausting all other sources of financial support $1,285,000

7070-0031 For the McNair component of the financial assistance program to increase access to public and independent institutions of higher education for students who meet certain income eligibility standards developed by the commissioner of higher education and for students with serious physical impairments, known as the Ronald E. McNair education opportunity program.....$1,965,638

7070-0065 For a scholarship program to provide financial assistance to Massachusetts students enrolled in and pursuing a program of higher education in any approved public or independent college, university, school of nursing, or any other approved institution furnishing a program of higher education; provided, that not less than $29,912,018 shall be expended for the MASSGrant program, to be administered by the department of higher education office of student financial assistance; provided further, that the state scholarship office shall expend not less than $14,395,295 for Foster Furcolo community college access grants to ensure that no resident enrolled in and pursuing an associate's degree in any of the community colleges pays more than $500 in tuition and fees net of any federal or state scholarship or tax credit; provided further, that any resident whose expected family contribution level, as determined under the federal methodology established under Part F of Title IV of the Higher Education Act of 1965, as amended, is not more than $2,250, shall incur no net tuition and fee costs after deducting any federal or state scholarship or tax

credit from financial need as calculated by the state scholarship office; provided further, that residents who are not fully eligible for the federal HOPE tax credit based on their exceeding maximum income eligibility limits, shall not be eligible for the grants; provided further, that not less than $9,896,550 shall be expended for state college access grants; provided further, that any resident enrolled in and pursuing a bachelor's degree in any of the state colleges whose expected family contribution level, as determined according to the federal methodology established pursuant to Part F of Title IV of the Higher Education Act of 1965, as amended, is not more than $2,000, shall incur no net tuition and fee costs after deducting any federal or state scholarship or tax credit from financial need as calculated by the state scholarship office; provided further, that not less than $8,697,220 shall be expended for a program of needs-based financial assistance for residents enrolled in and pursuing a program of higher education in the University of Massachusetts; provided further, that $3,148,902 shall be expended for the part-time student grant program; provided further, that the state scholarship office shall expend not less than $20,773,508 to provide for matching scholarship grants to needy Massachusetts students at participating Massachusetts independent regionally accredited colleges, universities, and schools of nursing; provided further, that not less than $350,000 shall be made available to provide financial assistance for residents enrolled at public higher education institutions to participate in the Washington Center-Massachusetts Initiative Academic Internship program; provided further, that except as otherwise provided in this act, all financial assistance mentioned previously in this item shall be distributed to students demonstrating the greatest need as determined by an eligibility index used by the state scholarship office; provided further, that students awarded full or partial scholarships under the Christian A. Herter Memorial Scholarship Program, established in section 16 of chapter 15A of the General Laws, who have matriculated in a program of higher education outside the commonwealth may continue to receive the scholarship aid guaranteed by that program; provided further, that the state scholarship office may expend monies for the public service awards as established in section 16 of chapter 15A; provided further, that the commissioner of higher education, in coordination with the state scholarship office, shall adopt regulations governing the eligibility and the awarding of financial assistance; provided further, that not more than $1,602,509 shall be expended on the administration of the scholarship program; provided further, that not less than $4,000,000 shall be expended on a scholarship program for all early childhood educators in the commonwealth pursuant to clause (10) of section 5 of chapter 15D of the General Laws; provided, that the board of higher education, acting jointly with the board of early education and care, shall establish appropriate guidelines and application criteria for the administration of the program; provided

further, that the loan shall cover the cost of tuition, fees, and related expenses as determined by the boards for up to three courses per semester in degree granting programs for early educators who are pursuing associates, bachelors, or masters level degrees to meet the teacher and program quality standards of the department of early education and care; provided further, that eligible recipients shall be early educators and providers who are working in early education and care programs in the commonwealth and who commit to teaching in early education and care programs for a term of service after graduation to be determined by the boards; provided further, that preference shall be given to applicants identified by the local councils or by the regional offices funded by item 3000-2000 as highly talented providers who have already displayed commitment to early childhood education as demonstrated by longevity in the field, who do not otherwise meet the program and quality standards of the department, but who have displayed talent and capability at working with young children that make them strong applicants for this scholarship opportunity; provided further, that not less than $1,000,000 of said funds shall be expended on a pilot scholarship program for math and science teachers who have received waivers from certification regulations, and are "out of field teachers", so-called; provided further, that the board of higher education, acting in consultation with the board of education, shall establish appropriate guidelines and application criteria for the administration of the program; provided further, that the scholarship shall cover the cost of tuition, fees, and related expenses as determined by the boards for up to three courses per semester in degree granting programs for math and science teachers who are taking higher education courses or pursuing degrees to meet the teacher certification requirements of the department of elementary and secondary education; provided further, that eligible recipients shall be math and science teachers who are working in the commonwealth and who commit to continue teaching math and science for a term of service after graduation to be determined by the boards; provided further, that preference shall be given to applicants identified by their superintendent or principal as highly talented educators who have already displayed commitment to education and to instructional excellence, who do not otherwise meet the certification requirements of the department, but who have displayed talent and capability in working with children that make them strong applicants for this scholarship opportunity; provided further, that not less than $850,000 shall be directed to One Family Inc. for the purposes of administering and sponsoring a scholarship program for the higher education of heads-of-household for homeless families with children under the age of 18, or who are at-risk of homelessness as determined by the federal poverty level, or who have experienced homelessness within the previous 12 months; provided further that said funds shall be expended

for scholarships and assistance with living expenses at accredited institutions of higher learning in the commonwealth; provided further, that each scholarship shall be matched dollar-for-dollar by One Family Inc.; provided further, that the scholarship recipients in said program shall be monitored and tracked for their progress and that the results shall be reported to the commonwealth on a bi-annual basis through the department of higher education; provided further, that One Family Inc. shall work with the department of higher education on said program eligibility criteria and regulations; provided further, that not less than $2,249,216 shall be provided for grants to residents who are working as paraprofessionals in public schools of the commonwealth while pursuing a bachelor's degree at a public or independent college or university in the commonwealth in order to become a certified teacher in Massachusetts; and provided further, that eligibility shall be limited to persons who have worked as paraprofessionals in the public schools of the commonwealth for a minimum of two years before receipt of such grant, or who are enrolled in and pursuing courses of study that will lead to certification as a teacher in bilingual education, special education, math, science, or a foreign language, and who commit to teach and actually teach, for a period determined by the board of higher education, in the public schools of the commonwealth upon graduation and certification pursuant to section 38G of chapter 71 of the General Laws $96,875,218

7077-0023 For a contract with the Tufts School of Veterinary Medicine; provided, that funds appropriated in this item shall be expended under the resident veterinary tuition remission plan submitted January 8, 1998, for supportive veterinary services provided to the commonwealth; provided further, that prior year costs may be paid from this item; provided further, that funds appropriated in this item shall support bioterrorism prevention research related to diseases that can be transmitted from animals to humans, in consultation with Massachusetts emergency authorities; and provided further, that the school shall work in consultation with the Norfolk County Agricultural School on veterinary programs $5,525,000

7520-0424 For a health and welfare reserve for eligible personnel employed at the community and state colleges $5,670,398

University of Massachusetts.

7100-0200 For the operation of the University of Massachusetts; provided, that notwithstanding any general or special law to the contrary, the university may establish and organize auxiliary organizations, subject to policies, rules and regulations adopted by the board, to provide essential functions which are integral to the educational mission of the university; provided further, that notwithstanding any general or special

law to the contrary, the university may enter into leases of real property without prior approval of the division of capital asset management and maintenance; provided further, that not less than $1,500,000 shall be provided to the University of Massachusetts Medical School to enhance efforts to increase the number of graduating medical students in primary care specialties including, but not limited to: increasing enrollment of the incoming class by not less than 10 students, increasing financial incentives for those choosing careers in primary care and expanding undergraduate medical education programs in primary care; provided further, that not more than $200,000 of said $1,500,000 shall be used to coordinate primary care workforce outreach, tracking and training with the center for primary care recruitment and placement within the department of public health; provided further, that not less than $500,000 shall be expended in fiscal year 2009 for the University of Massachusetts at Amherst Cranberry Station at Wareham; provided further, that such funds shall be expended under a plan reviewed and recommended by the University of Massachusetts at Amherst Cranberry Experiment Station Board of Oversight; provided further, that not less than $25,000 shall be expended for the maintenance of the cranberry bog at the University of Massachusetts at Amherst Cranberry Station at Wareham; provided further, that the sum expended for the UMass Extension in fiscal year 2009 shall be adjusted only in direct proportion to university budget adjustments to other academic programs of the University of Massachusetts at Amherst; provided further, that such funds shall be expended in accordance with a plan reviewed and recommended by the UMass Extension Board of Public Overseers; provided further, that not less than $250,000 shall be expended for the Future of Work Initiative at the University of Massachusetts Labor Centers at the Amherst, Boston, Dartmouth and Lowell campuses; provided further, that not less than $60,000 shall be expended for the Grace Grossman Inner-City Youth Collaborative at the University of Massachusetts Field Station on Nantucket; and provided further, that not less than $150,000 shall be expended for an ongoing study by the University of Massachusetts at Amherst's agricultural department, of the winter moth worm and methods to minimize or eliminate its damage; and provided further, that not less than 350,000 shall be expended for the William Trotter Institute $495,417,600

7100-0300 For the operation of the Toxics Use Reduction Institute program at the University of Massachusetts at Lowell, in accordance with section 6 of chapter 21I of the General Laws.....$1,667,454

7100-0500 For the operation of the department of higher education's Commonwealth College Honors program at the University of Massachusetts at Amherst$3,630,000

7100-0700 For the operation of the office of dispute resolution at the University of Massachusetts at Boston under section 46 of chapter 75 of the General Laws. $166,440

State Colleges.

7109-0100 For Bridgewater State College; provided, that not less than $245,814 shall be expended for the operation of the John Joseph Moakley Center for Technological Applications $39,708,032

7110-0100 For Fitchburg State College; provided, that Fitchburg State College may expend funds to assist public schools in the cities of Gardner, Fitchburg and Leominster to build capacity, including professional development, infrastructure and hardware, for a pilot wireless learning initiative in Worcester county $27,965,597

7112-0100 For Framingham State College; provided, that not less than $160,000 shall be expended for the regional economic research center; and provided further, that $130,000 shall be expended for the operation of the commonwealth's global education centers $25,113,809

7113-0100 For the Massachusetts College of Liberal Arts; provided, that not less than $350,000 shall be expended for capacity building through the wireless learning initiative in conjunction with the Massachusetts Technology Collaborative; and provided further, that of said $350,000 not less than $100,000 shall be expended for the assessment and evaluation of the higher education resources available to the residents of Berkshire County $14,465,462

7114-0100 For Salem State College; provided, that not less than $200,000 shall be expended for the aquaculture program established under section 274 of chapter 38 of the acts of 1995; provided further, that not less than $922,313 shall be expended for the second degree nursing program; and provided further, that not less than $701,000 shall be expended for the operation and maintenance costs associated with the acquisition of the GTE/Sylvania property located in the city of Salem $40,065,432

7115-0100 For Westfield State College $23,292,562

7116-0100 For Worcester State College; provided, that not less than $300,000 shall be expended for the Latino Education Institute $23,740,787

7117-0100 For the Massachusetts College of Art $15,378,203

7118-0100 For the Massachusetts Maritime Academy; provided, that not less than $325,000 shall be expended for the development of an alternative energy source with Massachusetts Technology Collaborative; provided

further, that not less than $454,000 shall be expended for the 1-time purchase of an engineering power plant simulator to provide training for public safety officials and other maritime agencies; and provided further, that $100,000 shall be expended for the Woods Hole Diversity Advisory Committee $14,730,086

Community Colleges.

7502-0100 For Berkshire Community College; provided , that not less than $100,000 shall be available for the operation and maintenance costs associated with the use of the Joseph Scelsi Intermodal Center, located in the city of Pittsfield, by Berkshire Community College and Massachusetts College of Liberal Arts; $9,556,459

7503-0100 For Bristol Community College $16,533,805

7504-0100 For Cape Cod Community College; provided, that not less than $126,652 shall be expended for the operation of the environmental technology, education and job training partnership; provided further, that the college shall coordinate the partnership with the Massachusetts Maritime Academy and the University of Massachusetts at Dartmouth; provided further, that the initiative shall be conducted at the Massachusetts military reservation, or at any site on Cape Cod determined by the college to be suitable for the purposes of on-site education and training in the use of alternative technologies to clean up designated superfund sites; provided further, that preference shall be given to local applicants; and provided further, that the executive office of energy and environmental affairs and the University of Massachusetts at Dartmouth shall participate in the testing and evaluation of innovative technologies $11,805,132

7505-0100 For Greenfield Community College $9,388,876

7506-0100 For Holyoke Community College; provided, that a position of technical assistant to the director of the Kittredge Center for Business and Workforce development shall be established $19,179,959

7507-0100 For Massachusetts Bay Community College.....$14,260,213

7508-0100 For Massasoit Community College $20,749,341

7509-0100 For Mount Wachusett Community College; provided, that not less than $100,000 shall be expended for the Latino education and family development program $13,142,497

7510-0100 For Northern Essex Community College $19,531,078

7511-0100 For North Shore Community College, including the post-secondary programs of the Essex Agricultural and Technical Institute operated by North Shore Community College; provided, that not less than $250,000 shall be expended for the public policy institute and resource center ...$21,015,308

7512-0100 For Quinsigamond Community College; provided, that not less than $100,000 shall be expended to support the development of a South County Quinsigamond Community College satellite campus $15,510,951

7514-0100 For Springfield Technical Community College; provided, that not less than $535,206 shall be expended for the Massachusetts Center for Telecommunications and Information Technology through the Springfield Technical Community College Assistance Corporation, established pursuant to section 125 of chapter 273 of the acts of 1994; provided further, that the amount appropriated in this item shall include, but not be limited to, operating and maintaining cable television programming, distance learning curricula, telecommunications-intensive company facilities, and a small business incubator; provided further, that funds shall be allocated for a reserve for the operation and maintenance expenses incurred by Springfield Technical Community College associated with the acquisition of the Digital property; provided further, that the college may expend revenues in an amount not to exceed $575,000 received from rent, utility, and other charges for the operation and maintenance of the property; and provided further, that funds shall be encumbered for an emergency reserve for unanticipated operating and maintenance expenses of Springfield Technical Community College in the acquisition of the Digital property $25,165,995

7515-0100 For Roxbury Community College; provided, that not less than $946,000 shall be expended for the operation of the Reggie Lewis Track and Athletic Center $11,551,618

7515-0121 For the Reggie Lewis Track and Athletic Center at Roxbury Community College; provided, that the college may expend an amount not to exceed $529,843 received from fees, rentals, and facility expenses associated with the running and operation of national track meets, high school track meets, high school dual meets, Roxbury Community College athletic events, other special athletic events, conferences, meetings, and programs; and provided further, that only expenses for contracted services associated with these events and for the capital needs of the facility shall be funded from this item; prior appropriation continued.....$529,843

7516-0100 For Middlesex Community College $20,489,236

7518-0100 For Bunker Hill Community College $21,349,398

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY.

Office of the Secretary.

8000-0000 For the office of the secretary, including the administration of the committee on criminal justice and the highway safety bureau to provide matching funds for a federal planning and administration grant pursuant to 23 U.S.C. section 402; provided that, not less than $100,000 shall be provided for the On-Site Academy in Gardner; provided further, that not less than $100,000 shall be expended for the youth violence and street crimes unit of the Randolph police department; provided further, that $25,000 shall be expended to the Quabbin Regional School District for the implementation of the Quabbin Emergency Preparedness Plan; and provided further, that $70,000 shall be expended to the town of Hubbardston to support its emergency shelter.....$2,682,276

General Fund.....15.0%
Highway Fund.....85.0%

8000-0010 For community policing grants to be administered by the executive office of public safety and security; provided, that no such grants shall be awarded to the department of state police; provided further, that any community that received funds through this item in fiscal year 2008 shall receive at least that amount in fiscal year 2009; provided further, that grants shall only be expended on items that are related to community policing activities, programs, purchases or construction; provided further, that grant funds shall not be expended on food and beverages, recruit training academy tuition, salaries and benefits for non-community policing personnel and payments for non-related overtime; and provided further, that not later than March 16, 2009, the executive office of public safety and security shall submit a report to the house and senate committees on ways and means detailing the amount of grants awarded to these grant recipients and descriptions of these grants.....$21,351,035

8000-0038 For the operation of a witness protection program pursuant to chapter 263A of the General Laws; prior appropriation continued

8000-0040 For police career incentives to reimburse certain cities and towns for career incentive salary increases for police officers $50,202,122

8000-0054 For municipal police grants to be administered by the executive office of public safety and security; provided, that no such grants shall be awarded to the department of state police; provided further, that these funds are intended for funding of municipal officers, but not as a

permanent subsidy; provided further, that the executive office of public safety and security in conjunction with representatives from municipal government and law enforcement, the house and senate committees on ways and means and the joint committee on public safety and homeland security shall develop a formula to distribute the funds; provided further, that grant recipients shall submit quarterly reports to the executive office of public safety and security, the house and senate committees on ways and means and the joint committee on public safety and homeland security which shall detail the fiscal and programmatic steps taken with the grant funds to enhance municipal policing efforts; and provided further, that not more than $100,000 of the sum appropriated in this item shall be expended for costs to administer the program $4,000,000

8000-0060 For the costs associated with implementation of chapter 228 of the acts of 2000; provided, that the secretary of public safety and security may allocate funds appropriated in this item to agencies within the executive office of public safety and security $10,000

8000-0202 For the purchase and distribution of sexual assault evidence collection kits; provided, that no funds shall be expended in the AA object class; and provided further, that administrative resources provided from other items for the implementation of this program in fiscal year 2009 shall not be reduced in fiscal year 2009 .....$120,000

Office of Chief Medical Examiner.

8000-0105 For the operation of the office of the chief medical examiner established pursuant to chapter 38 of the General Laws; provided, that the agency shall submit a report to the house and senate committees on ways and means not later than January 15, 2009 detailing the caseload of the office; and provided further, that said report shall include, but not be limited to, the number of toxicology tests, the reduction of turnaround time of toxicology tests and the reduction of the case backlog, the number of autopsies performed, the number of cases under the office's jurisdiction, the number of external exams performed, the number of cases determined to be homicides, and the number of cremations performed under the office's jurisdiction in 2008 and 2009.....$8,719,907

8000-0106 For the operation and related costs of the state police crime laboratory; provided, that the analysis of narcotic drug synthetic substitutes, poisons, drugs, medicines, and chemicals shall be funded in this item in order to support the law enforcement efforts of the district attorneys, the state police and municipal police departments; provided further, that the agency shall contract with a public institution to conduct testing for criminal cases; provided further, that the agency shall enter into agreements with the various district attorneys to provide forensic

services for criminal cases brought forth by the commonwealth; provided further, that the practices and procedures of the state police crime laboratory shall be informed by the recommendations of the Forensic Sciences Advisory Board; provided further, that the agency shall report to the house and senate committees on ways and means, and the joint committee on public safety and homeland security, not later than December 31, 2008, concerning, but not limited to, the detailing of the number of cases introduced to the CODIS database, the number of confirmations attained from the CODIS database, and the number of cases referred to district attorney delineated by county $16,706,813

8000-0122 For the office of the chief medical examiner; provided, that the office may expend for its operations not more than $1,300,000 in revenues collected from fees for services provided by the chief medical examiner; provided, that notwithstanding any general or special laws to the contrary, for the purposes of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the agency may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system$1,300,000

Criminal History Systems Board.

8000-0110 For the operation of the criminal history systems board; including criminal justice information services, criminal offender record information services, firearms support services, and victim services; provided, that the board shall fund 1 administrative assistant who shall be employed in the victim services unit of the board for the continued and enhanced operation of the post-conviction victim and witness certification program operated pursuant to chapter 258B of the General Laws and clause (c) of the first paragraph of section 172 of chapter 6 of the General Laws; provided further, that the victim services position shall be in addition to any such positions approved as of February 1, 1998; provided further, that not more than $75,000 shall be expended for the purpose of enabling local housing authorities access to criminal offender record information when qualifying applicants for state-assisted housing; provided further, that the board shall, not later than September 30, 2009, adopt regulations to: (a) assure that the distribution of criminal offender record information relates to the individual for whom the request has been made; (b) afford practical assistance in making corrections to a criminal offender record information report to an individual who submits evidence to the board that 1 or more charges in a criminal offender record information report distributed by the board and purportedly relating to that individual, in fact, do not relate to that individual; (c) limit the distribution of criminal offender record information to conviction data and data regarding any pending criminal charge, except as otherwise authorized by law; and (d)

require that any entity other than a criminal justice agency that receives a criminal offender record information report from the board as to an individual and, as a result of that report, is inclined to make an adverse decision as to the individual, shall, before making a final decision, afford the individual an opportunity to dispute the accuracy and relevance of the criminal offender record information report; provided further, that not later than January 1, 2009, the board shall file a report with the house and senate committees on ways and means detailing the steps the board has taken to implement the preceding proviso and the success of those steps in improving the accuracy of the criminal offender record information system; and provided further, that not less than $346,417 shall be expended for a criminal offender record information training and audit unit $6,432,924

Highway Fund.....50.0%
General Fund.....50.0%

8000-0125 For the operation of the sex offender registry program including, but not limited to, the costs of maintaining a computerized registry system and the classification of persons subject to the registry; provided, that the $75 registration fee paid by convicted sex offenders shall be directed from the General Fund to the Massachusetts Office for Victim Assistance $4,928,494

8100-0000 For the administration and operation of the department of state police; provided, that the department shall expend funds from this item for the purpose of maximizing federal grants for the operation of a counter-terrorism unit; provided further, that the department shall maintain the division of field services which shall include, but not be limited to, the bureau of metropolitan district operations; provided further, that not fewer than 40 officers may be provided to the department of conservation and recreation for the purpose of patrolling the watershed property of the department of conservation and recreation; provided further, that funds shall be expended from this item for the administration and operation of an automated fingerprint identification system and the motor carrier safety assistance program; provided further, that not fewer than 5 officers shall be provided to the disabled persons protection commission for the purpose of investigating cases of criminal abuse; provided further, that the department shall enter into an interagency agreement with the department of conservation and recreation to provide police coverage on department properties and parkways; provided further, that the creation of a new or the expansion of the existing statewide communications network shall include the office of law enforcement in the executive office of energy and environmental affairs at no cost to, or compensation from, that office; provided further, that not less than $2,710,146 shall be expended for the

payroll costs of the state police directed patrols; provided further, that any community that was selected to receive earmarked funds for directed patrols in fiscal year 2008 shall receive 100 per cent of the amount so earmarked in fiscal year 2009; provided further, that not less than $1,050,000 shall be expended to curb gang-related activities; provided further, that not less than $150,000 shall be provided for the State Courts Against Road Rage program; provided further, that any municipality that was eligible to receive earmarked funds for curbing gang-related activities in fiscal year 2008 shall receive the same amount in fiscal year 2009; provided further, that there shall be a study submitted to the house and senate committees on ways and means not later than January 30, 2009, on traffic details worked by the department of state police, including troops A, B, C, D, E, F, and H, over the last 5 years, which shall detail, on a monthly basis: the total number of hours worked on traffic details by state police officers, the total amount paid to state police officers for traffic details, the standard hourly rates for traffic details done by state police officers and the city or town in which traffic details are performed by state police officers; and provided further, that the department may expend funds from this item for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services of the office of the chief medical examiner, the municipal police training committee and the criminal history systems board $256,664,959

Highway Fund.....88.2%
General Fund.....11.8%

8100-0006 For private police details; provided, that the department may expend up to $19,000,000 in revenues collected from fees charged for private police details and for the costs of administering such details; and provided further, that notwithstanding any general or special law to the contrary, the department may incur, and the comptroller may certify for payment, expenses and liabilities during fiscal year 2009 to be charged to this item in an amount not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system for the purposes stated in this item to accommodate the delayed receipt of revenues authorized to be retained in this item during fiscal year 2009..... $19,000,000

8100-0007 For the overtime of state police officers including the operation of the drug enforcement task force; provided, that the department shall furnish, on a quarterly and annual basis, a report to the house and senate committees on ways and means outlining by category, division and cost in which overtime hours were worked; and provided further, that the report shall also include a calculation reviewing the reduced number of overtime hours worked and savings to the department resulting from

the addition of the 77th, 78th, and 79th state police $5,000,000

Highway Fund.....88.20%
General Fund.....11.80%

8100-0011 For the department, which may expend an amount not to exceed $3,600,000 for certain police activities provided pursuant to agreements authorized in this item; provided, that for fiscal year 2009, the superintendent of the state police may enter into service agreements with the commanding officer or other person in charge of a military reservation of the United States located in the Massachusetts Development Finance Agency, established in chapter 23G of the General Laws; provided further, that such agreements shall establish the responsibilities pertaining to the operation and maintenance of police services including, but not limited to: (1) provisions governing payment to the department for the cost of regular salaries, overtime, retirement and other employee benefits; and (2) provisions governing payment to the department for the cost of furnishings and equipment necessary to provide such police services; provided further, that the department may charge any recipients of police services for the cost of such services, as authorized by this item; provided further, that the department may retain the revenue so received and expend such revenue as necessary pursuant to this item to provide the agreed level of services; provided further, that the superintendent may enter into service agreements as may be necessary to enhance the protection of persons, as well as assets and infrastructure located within the commonwealth, from possible external threat or activity; provided, however, that such agreements shall establish the responsibilities pertaining to the operation and maintenance of police services including, but not limited to: (1) provisions governing payment to the department for the cost of regular salaries, overtime, retirement and other employee benefits; and (2) provisions governing payment to the department for the cost of equipment necessary to provide such police services; provided further, that the department may charge any recipients of police services for the cost of such services, as authorized by this item; provided further, that the department may retain the revenue so received and expend such revenue as necessary pursuant to this item to provide the agreed level of services; provided further, that the superintendent may expend from this item costs associated with joint federal and state law enforcement activities from federal reimbursements received therefor; and provided further, that notwithstanding any general or special law to the contrary for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not exceed the lower of this authorization or the most recent revenue

estimate $3,600,000

Highway Fund.....100.0%

8100-0012 For the department of state police; provided, that the department may expend for the costs of security services provided by state police officers, including overtime and administrative costs, an amount not to exceed $900,000 from fees charged for these services; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system.....$900,000

8100-0020 For the department which may expend an amount not to exceed $135,000 in fees charged for the use of the statewide telecommunications system for the maintenance of the system $135,000

8100-0101 For the department which may expend for the Governor's Auto Theft Strike Force an amount not to exceed $331,200 from fees for services performed through the auto etching program and from assessments upon the insurance industry $331,200

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, multidisciplinary 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: (a) demonstrate high levels of youth violence, gang problems and substance abuse in a region; (b) demonstrate a commitment to regional, multijurisdictional strategies to deal with such community safety issues, including written commitments for municipalities, law enforcement agencies, community-based organizations and government agencies to work together; (c) clearly outline a comprehensive plan for municipalities to work with law enforcement, community-based organizations and government agencies to address gang activity; (d) make a written commitment to match grant funds with a 25 per cent match provided by either municipal or private contributions; and (e) 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, may apply for such funds; provided further, that such funds shall be considered one-time and grants awarded to public agencies and shall not annualize into fiscal year 2010 or subsequent years; 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, 2008; provided further, that awards shall be made

to applicants not later than December 15, 2008; and provided further, that the executive office of public safety and security may expend not more that $100,000 of the sum appropriated in this item for its costs in administering the programs $13,000,000

Municipal Police Training Committee.

8200-0200 For the operation of veteran, reserve and in-service training programs conducted by the municipal police training committee; provided, that the committee shall expend not less than $250,000 in accordance with chapter 30B of the General Laws, for training and technical assistance for chiefs of police and administrative or command personnel by: (a) a combination of training manuals, seminars, computer based training and distance learning; (b) research, drafting and mailing of monthly articles and presentations on legal and administration topics; (c) training presentations during and following monthly meetings of policy chiefs; (d) e-mail, toll-free consultation to chiefs on administrative issues and follow-up on seminar topics; (e) a statewide 3 day training conference on management, legal and leadership issues; provided further, that under no circumstances shall any expenditures authorized by this item be charged to item 8200-0222; provided further, that not less than $25,000 shall be provided for the purposes of additional rental and utility payments to the town of Boylston; and provided further, that no expenditures shall be made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated in this item $2,886,398

8200-0222 For the purposes of providing training to new recruits; provided, that the committee may collect and expend not more than $1,363,500; provided further, that the committee shall charge $2,500 per recruit for the training; provided further, that notwithstanding any general or special law to the contrary, the committee shall charge a fee of $2,500 per person for training programs operated by the committee for all persons who begin training on or after July 1, 2008; provided further, that the fee shall be retained and expended by the committee; provided further, that the trainee, or, if the trainee is a recruit, the municipality in which the recruit shall serve, shall provide the fee in full to the committee not later than the first day of orientation for the program in which such trainee or recruit has enrolled; provided further, that no recruit or person shall begin training unless the municipality or the person has provided the fee in full to the committee; provided further, that for recruits of municipalities, upon the completion of the program, the municipality shall deduct the fee from the recruit's wages in 23 equal monthly installments, unless otherwise negotiated between the recruit and the municipality in which the recruit shall serve; provided further, that if a recruit withdraws from the training program before graduation, the committee shall refund the municipality in which the recruit was to have served a portion of the fee according to the following schedule: if

a recruit withdraws from the program before the start of week 2, 75 per cent of the payment shall be refunded; if a recruit withdraws from the program after the start of week 2 but before the start of week 3, 50 per cent of the fee shall be refunded; if a recruit withdraws from the program after the start of week 3 but before the start of week 4, 25 per cent of the fee shall be refunded; if a recruit withdraws after the start of week 4, the fee shall not be refunded; provided further, that a recruit who withdraws from the program shall pay the municipality in which he was to have served the difference between the fee and the amount forfeited by the municipality according to the schedule; provided further, that the schedule shall also apply to trainees other than recruits who enroll in the program; provided further, that no expenditures shall be charged to this item that are not directly related to new recruit training; provided further, that no expenditures shall be charged to this item that are related to chief, veteran, in-service, or reserve training, or any training not directly related to new recruits; provided further, that the committee shall submit a report on the status of recruit training, including the number of classes, start and end dates of each class, total number of recruits enrolled and graduating in each class, cost per recruit and cost per class for fiscal years 2008 and 2009; provided further, that the report shall be submitted to the house and senate committees on ways and means not later than January 1, 2009; and provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the committee may incur expenses and the comptroller may certify for payments not more than the lesser of this authorization or the most recent revenue estimate as reported in the state accounting system $1,262,500

Department of Public Safety.

8311-1000 For the administration of the department of public safety, including the board of building regulations and standards and the architectural access board; provided, that the department may charge fees for permitting the operation of amusement devices and to support the department's participation in the national Council for Amusement and Recreational Equipment Safety; provided further, that not less than $150,000 shall be expended to the University of Massachusetts Lowell Environmental Health and Safety Department for the use of fire resistant intumescent or refractory paint; provided further, that the department may charge fees for amusement operator certification; and provided further, that the salaries of the commissioner and the deputy commissioner public safety shall be paid from this item.....$2,771,301

8315-1000 For the administrative costs of the division of inspections; provided, that the expenses of the state boxing commission shall be paid from this item; provided further, that a doctor's certificate from another state shall be accepted as evidence of an eye examination; provided further,

that no funds shall be expended from this item for the salaries of the commissioner or deputy commissioner of public safety; provided further, that the department shall employ not less than 42 full-time equivalent elevator inspectors, including an additional engineer inspector; provided further, that such additional engineer inspector's duties shall include, but not be limited to, administering pipefitter license examinations; provided further, that such an additional engineer inspector and elevator inspectors shall be regular state employees compensated from the AA object class of this item; provided further, that such additional engineer inspector position shall be in addition to any such positions added during fiscal year 1995; provided further, that the division shall develop reasonable rules or adopt regulations for the granting of hardship fee exemptions to certain owners or persons in control of a building or domicile in which an elevator is operated; provided further, that the division shall report to the house and senate committees on ways and means on the elevator inspection backlog not later than October 1, 2008; provided further, that the division shall develop and maintain an electronic database that shall include, but not be limited to, the location and a categorical classification of buildings in which inspections are conducted; and provided further, that the division shall inspect all elevators in the state house and the John W. McCormack Building.....$5,198,285

8315-1020 For the department of public safety which may expend not more than $1,818,600 in revenues collected from fees for annual elevator and amusement park ride inspections; provided, that funds shall be expended for the operation of the department and for the purposes of addressing the existing elevator inspection backlog; provided further, that the department shall make efforts to employ inspectors that will perform overnight and weekend inspections as their regular work shift; provided further, that the department shall provide a full waiver of the inspection fee for an individual who requires a wheelchair lift as a medical necessity and whose annual income does not exceed the maximum allowable federal SSI benefit, or $7,236 a year, whichever is greater; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to more than the lesser of this authorization or the most-recent revenue estimate as reported in the state accounting system.....$1,818,600

8315-1025 For the department of public safety which may collect and expend an amount not to exceed more than $80,000 for the purposes of providing state building code training and courses for instruction; provided, that the agency may charge fees for the classes and education materials

associated with administering training; and provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to more than the lesser of this authorization or the most recent revenue estimate as reported in the state accounting system.....$80,000

Department of Fire Services.

8324-0000 For the administration of the department of fire services, including the state fire marshal's office, the Boston Fire Department training academy, the hazardous materials emergency response program and the Massachusetts firefighting academy, including the Massachusetts fire training council certification program, municipal and non-municipal fire training, and expenses of the council and the operations of the Boston Fire Department training academy; provided, that the fire training program shall use the split days option; provided further, that $1,296,000 shall be provided for the Commonwealth's Hazardous Material Response Teams; provided further, that not less than $1,200,000 shall be expended for the SAFE program, which shall include information about the fire risks caused by smoking; provided further, that not less than $100,000 shall be expended for the administration of a statewide program to provided critical incident stress intervention for fire departments in cities, towns and fire districts including, but not limited to, consultant services, training, equipment and supplies; provided further, that $1,150,000 shall be provided for the Boston, Cambridge and Everett Fire Department Hazardous Material Response Teams; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the administration of the department of fire services, the state fire marshal's office and the Massachusetts firefighting academy shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property in the commonwealth and paid within 30 days after receipt of notice of such assessment from the commissioner of insurance; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the operation of the hazardous materials emergency response program shall be assessed upon insurance companies writing commercial multiple peril, non-liability portion, policies on property in the commonwealth and commercial auto liability policies as referenced in line 5.1 and line 19.4, respectively, in the most recent annual statement on file with the commissioner of insurance; provided further, that notwithstanding any general or special law to the contrary, funds scheduled in the PP object class, pursuant to section 27 of chapter 29 of the General Laws for this item in fiscal year 2009 shall not be transferred to any other object class in said fiscal year; provided further, that not more than 10 per cent of

the amount designated for the arson prevention program shall be expended for the administrative cost of the program; and provided further, that the expenses of the board of fire prevention regulations, under section 4 of chapter 22D of the General Laws, shall be paid from this item; provided further, that the expenses of the fire safety commission shall be paid from this item; and provided further, that not less than $1,750,000 shall be provided for the Boston Fire Department training academy; provided further, that not less than $28,812 shall be expended for the costs of operating the Hampshire/Franklin juvenile fire setters intervention program.....$16,798,315

8324-0304 For the department of fire services; provided that the department may expend for the purposes of enforcement and training an amount not more than $300,000 from revenue generated under chapter 148A of the General Laws and sections 8 and 9 of chapter 304 of the acts of 2004.....$300,000

8324-1101 For the costs of the department for the enforcement of underground storage tank compliance standards set forth in sections 38B to 38I, inclusive, of chapter 148 of the General Laws and the rules and regulations adopted under those sections.....$114,342

Registry of Motor Vehicles.

8400-0001 For the administration and operation of the registry of motor vehicles, including the title division and including all rent and related parking and utility expenses of the registry; provided, that the positions of administrative assistant to the registrar, legislative assistant, executive assistant to the registrar and the director of employee relations shall not be subject to civil service laws and rules; provided further, that all expenditures related to computer automation shall be subject to satisfactory quarterly reviews by the information technology division and under schedules by the division; provided further, that 40 per cent of the costs of personnel services associated with the registry computer, which reflects the proportionate use of the computer by the motor vehicle insurance merit rating board, shall be assessed to insurance companies doing motor vehicle insurance business within the commonwealth, under section 183 of chapter 6 of the General Laws; provided further, that the registry shall operate a full-service branch in the town of Southbridge; provided further, that the registry shall operate an office in the city of Fall River**;** provided further, that the registry shall operate a full service office in the town of Milford to be operated 5 days per week; provided further, the registry shall operate a license express office in the town of Walpole; provided further, that the registry shall operate a license express office in the town of Falmouth; provided further, that the registry may operate a full-service office in the city of Lowell; provided further, that the registry may operate a license express office in the Grove Hall neighborhood in the city of

Boston; provided further, that the registry shall operate an office in the city of Taunton and the town of Plymouth which shall handle license business, learner's permits, road testing and full service registration business to the general public; provided further, that the registry shall establish and maintain a record of all vehicles leased within the commonwealth for a period longer than 30 days; provided further, that each record shall include, but not be limited to, the names and addresses of the lessor and the lessee; provided further, that the registry shall take all steps necessary to improve customer service within existing resources; and provided further, that the registry may operate within the city of Springfield branch a 1-stop international registration plan office for truck registrations to serve the counties of Hampden, Hampshire, Franklin and Berkshire $56,464,135

Highway Fund.....100.0%

8400-0016 For the operation of the motorcycle safety program.....$252,607

8400-0100 For the operation of the safe driver insurance plan pursuant to section 113B of chapter 175 of the General Laws, including the rent, related parking and utility expenses of the motor vehicle insurance merit rating board; provided, that notwithstanding any general or special law to the contrary, no safe driver insurance plan shall require the payment of an unsafe driver point surcharge for the first offense for non-criminal, motor vehicle traffic violations as described in chapter 90C of the General Laws $8,866,697

Highway Fund.....100.0%

Military Division.

8700-0001 For the operation of the military division, including the offices of the adjutant general and state quartermaster, the operation of the armories, the camp Curtis Guild rifle range and certain national guard aviation facilities; provided, that notwithstanding chapter 30 of the General Laws, certain military personnel in the military division may be paid salaries according to military pay grades; provided further, that the division may expend funds appropriated in this item for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services; and provided further, that the adjutant general shall maintain a roster of Massachusetts veterans as directed by section 15 of chapter 33 of the General Laws.....$9,140,782

8700-1140 For the state quartermaster who may expend not more than $400,000 from revenues collected for the purposes described in this item; provided, that the state quartermaster may expend from fees collected for the non-military rental or use of armories for the costs of utilities

and maintenance; and provided further, that the state quartermaster may expend not more than $250,000 for salaries, subsistence, quarters and associated costs for national guard soldiers ordered to perform state missions under chapter 33 of the General Laws, from revenues resulting from the acceptance of funds from any person, governmental entity or non-governmental entity to defray such expenses $400,000

8700-1150 For reimbursement of the costs of the Massachusetts National Guard tuition and fee waivers under section 19 of chapter 15A of the General Laws; provided, that no funds shall be distributed from this item before certification by the commonwealth, community colleges and the University of Massachusetts of the actual amount of tuition and fees waived for national guard members attending public institutions of higher education under said section 19 of said chapter 15A that would otherwise have been retained by the campuses, pursuant to procedures and regulations promulgated by the military division of the Massachusetts National Guard; provided further, that funds from this item may be expended through August 31, 2009 for the reimbursement of the tuition and fees waived for classes taken during the summer months; provided further, that the military division of the Massachusetts National Guard and the board of higher education shall issue a joint report not later than February 15, 2008 on the implementation of this waiver; provided further, that the report shall be submitted to the secretary of administration and finance, the chairs of the house and senate committees on ways and means, the house and senate chairs of the joint committee on veterans and federal affairs and the house and senate chairs of the joint committee on higher education; and provided further, that the military division may expend funds from this item for administrative services $3,424,492

Massachusetts Emergency Management Agency.

8800-0001 For the operations of the Massachusetts emergency management agency; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities $1,458,182

8800-0100 For the nuclear safety preparedness program of the Massachusetts emergency management agency; provided, that the costs of the program, including fringe benefits and indirect costs, shall be assessed upon Nuclear Regulatory Commission licensees operating nuclear power generating facilities in the commonwealth; provided further, that the department of public utilities shall develop an equitable method of apportioning such assessments among such licensees; and provided further, that such assessments shall be paid during the current fiscal year as provided by the department $419,553

8800-0200 For the Seabrook nuclear safety preparedness and radiological emergency

response plan evaluations program; provided, that the cost of the program, including associated fringe benefits and indirect costs, shall be assessed on electric companies in the commonwealth which own, in whole or in part, or purchase power from, nuclear power plants located outside the commonwealth whose nuclear power plant areas, as defined in section 2B of chapter 639 of the acts of 1950, include communities located within the commonwealth and shall be credited to the General Fund; provided further, that the department of public utilities shall develop an equitable method of apportioning such assessments among the licensees; provided further, that such assessments shall be paid during the current fiscal year as provided by the department; provided further, that for the purposes of this item, "electric companies" shall mean all persons, firms, associations and private corporations which own or operate works or a distributing plant for the manufacture and sale or distribution and sale of electricity within the commonwealth; and provided further, that the term "electric companies" shall not include municipalities or municipal light plants.....$304,272

8800-0300 For environmental monitoring of the nuclear power plant in Seabrook, New Hampshire, including a continuous real-time radiological monitoring system for cities and towns in the commonwealth located within the emergency planning zone of the nuclear power plant; provided, that the cost of this item, including any applicable fringe benefits and indirect costs, shall be assessed on electric companies in the commonwealth which own, in whole or in part, or purchase power from the Seabrook nuclear power plant; provided further, that the department of public utilities shall develop an equitable method of apportioning such assessments among the licensees; provided further, that such assessments shall be paid during the current fiscal year as provided by the department; provided further, that for the purposes of said item, "electric companies" shall be defined as all persons, firms, associations and private corporations which own or operate works or distribute electricity in the commonwealth; provided further, that the term 'electric companies' shall not include municipalities or municipal light plants; provided further, that an amount shall be allocated so that the 7 western towns in the commonwealth designated as "emergency planning zones" may be additionally monitored by the department of public health through the purchase of expert scientific and academic advice and appropriate equipment; provided further, that said allocation will be funded by the utilities that purchase power from the Vermont Yankee Nuclear Power Plant; provided further, that not less than $75,000 shall be expended for Phase 2 of the monitoring update for C-10 of Newburyport; provided further, that this expense shall be apportioned according to the formula stated above; and provided further, that the department shall report to the house and senate committees on ways and means not later than March 1, 2009 the results

of the monitoring project between the department and the citizens monitoring group, including but not limited to, the reasons for increases and decreases in radiation levels.....$165,356

Department of Correction.

8900-0001 For the operation of the commonwealth's department of correction; provided, that the department shall expend not less than $1,010,500 for cities and towns hosting facilities; provided further, that one-half of the number of inmates incarcerated at Souza Baranowski correctional center shall be deemed to be incarcerated within a correctional facility in the town of Shirley and one-half shall be deemed to be incarcerated within a correctional facility in the town of Lancaster; provided further, that before closing any correctional facility, the commissioner of corrections and the secretary of public safety and security shall report to the house and senate committees on ways and means and public safety on the per-inmate cost of incarceration in the closing facility, and the per-inmate cost in the facilities to which inmates will be moved; provided further, the commissioner of corrections and the secretary of public safety and security shall report to the house and senate committees on ways and means and public safety before January 1 of each year the point score compiled by the department of correction's objective classification system for all prisoners confined in each prison operated by the department; provided further, that not less than $80,000 shall be provided for the Dismas House in Worcester**;** provided further, that the department shall expend not less than $750,000 to the municipality hosting the facility at Cedar Junction; provided further, that in an effort to monitor and reduce current levels of over-classification, the department of correction shall provide quarterly reports to the joint committee on public safety and the house and senate committees on ways and means with data on the number of prisoners at each security level; provided further, that not less than $200,000 shall be provided for the Aid to Incarcerated Mothers organization; provided further, that the department may expend funds appropriated in this item for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services of the parole board and the sex offender registry board; and provided further, that $192,000 shall be expended for the community that hosts the Bay State Correctional Center.....$530,386,205

8900-0010 For prison industries and farm services.....$3,137,417

8900-0011 For a prison industries and farm services revenue retention account; provided, that the department may expend an amount not to exceed $1,600,000 from revenues collected from the sale of products, for materials, supplies, equipment, maintenance of facilities and compensation of employees of the program; and provided further, that

all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system $1,600,000

8900-0045 For the operation of the department, including personnel-related expenses; provided, that the department of correction may expend not more than $3,000,000 from revenues received from federal inmate reimbursements; provided, that $900,000 from these reimbursements shall not be available for expenditure and shall be deposited in the General Fund before the retention by the department of any of these reimbursements; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not more than the lesser of this authorization or the most recent revenue estimate as reported in the state accounting system.....$3,000,000

8900-1100 For re-entry programs at the department of corrections intended to reduce recidivism rates; provided, that said programs shall be in addition to those provided in fiscal year 2006 .....$1,200,000

County Correction.

8910-0000 For a reserve to fund county correctional programs; provided, that funds appropriated in this item shall be distributed among the sheriffs departments of Barnstable, Bristol, Dukes, Nantucket, Norfolk, Plymouth and Suffolk counties by the county government finance review board upon prior notification to the house and senate committees on ways and means; provided further, that funds made available to Plymouth county may be expended for operating and debt service costs associated with state inmates housed in the Plymouth county facility, pursuant to clauses 3 and 4 of the Memorandum of Agreement signed May 14, 1992; provided further, that funds distributed from this item shall be paid to the treasurer of each county who shall place the funds in a separate account within the treasury of each such county; provided further, that the treasurer shall authorize temporary transfers into this account for operation and maintenance of jails and houses of correction in advance of receipt of the amount distributed by the commonwealth under this item; provided further, that upon receipt of the state distribution, the treasurer may transfer out of such account an amount equal to the funds so advanced; provided further, that all funds deposited in such accounts and any interest accruing thereto shall be used solely for the functions of the sheriffs' departments of the various counties including, but not limited to, maintenance and operation of jails and houses of correction, without further appropriation; provided further, that the sheriff's department of

each county shall reimburse the county treasurer of each county for personnel-related expenses, with the exception of salaries, attributable to the operations of the sheriff's department of each county heretofore paid by the county including, but not limited to, the cost of employee benefits; provided further, that the spending plans required by this item shall be developed by the county government finance review board, in consultation with the Massachusetts Sheriffs' Association; provided further, that in accordance with section 247 of chapter 38 of the acts of 1995, all spending plans shall be detailed by object class and object code in accordance with the expenditure classification requirements promulgated by the comptroller; provided further, that such spending plans shall be accompanied by a delineation of all personnel employed by each county correctional facility including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that such spending plans shall be accompanied by a delineation of all vehicles leased, owned or operated by each county sheriff; provided further, that no sheriff shall purchase any new vehicles or major equipment in fiscal year 2009 unless such purchase is made pursuant to a multicounty or regionalized collaborative procurement arrangement or unless such purchase is directly related to significant population increase or is otherwise necessary to address an immediate and unanticipated public safety crisis and is approved by the county government finance review board and the executive office of public safety and security; provided further, that notwithstanding the other provisions in this item, sheriffs may purchase "marked" prisoner transportation vans, upon notification to the county government finance review board; provided further, that notwithstanding any special law to the contrary, no county treasurer shall retain revenues derived by the sheriffs from commissions on telephone service provided to inmates or detainees; provided further, that such revenues shall be retained by the sheriffs not subject to further appropriation for use in a canteen fund; provided further, that the county government finance review board and the executive office of public safety and security shall identify and develop county correction expenditures which shall be reduced through shared contracts, regionalized services, bulk purchasing and other centralized procurement savings programs; provided further, that the daily count sheet for county facilities, compiled by the executive office of public safety and security, shall be filed with the Massachusetts Sheriffs' Association at least monthly; provided further, that all revenues including, but not limited to, revenue received from housing federal prisoners, United States Marshals, canteen revenues, inmate industries and work-crew revenues shall be tracked and reported quarterly to the house and senate committees on ways and means and the Massachusetts Sheriffs' Association; provided further, that on or before August 15, 2008, each county sheriff shall submit a final spending plan

for fiscal year 2009 to the county government finance review board and the house and senate committees on ways and means detailing the level of resources deemed necessary for the operation of each county correctional facility and the expenditures which shall be reduced to remain within the appropriation; provided further, that failure by a county sheriff to comply with any provision of this item shall result in a reduction of subsequent quarterly payments to amounts consistent with a rate of expenditure of 95 per cent of the rate of expenditure for fiscal year 2009, as determined by the county government finance review board; provided further, that each sheriff shall submit to the executive office of public safety and security and the house and senate committees on ways and means copies of such spending plans not later than August 15, 2008; provided further, that on or before September 15, 2008, the county government finance review board shall have approved final fiscal year 2009 county correction budgets; provided further, that the county government finance review board shall provide the executive office of public safety and security and the house and senate committees on ways and means with copies of such approved budgets not later than October 15, 2008; provided further, that such budgets shall include distribution schedules for the final 2 quarters of fiscal year 2009 and such plans shall be used to make all subsequent quarterly distributions; provided further, that services shall be provided to the extent determined to be possible within the amount appropriated in this item and each sheriff shall make all necessary adjustments to ensure that expenditures do not exceed the appropriation; provided further, that each county shall expend during fiscal year 2009, for the operation of county jails and houses of correction and other statutorily authorized facilities and functions of the office of the sheriff, in addition to the amount distributed from this item, not less than 102.5 per cent of the amount expended in fiscal year 2008 for such purposes from own-source revenues, which shall not be less than 5 per cent of total county revenues including, but not limited to, amounts levied pursuant to sections 30 and 31 of chapter 35 of the General Laws and amounts provided pursuant to sections 11 to 13, inclusive, of chapter 64D of the General Laws; provided further, that in fiscal year 2009, those counties which have not met maintenance of effort obligations in prior fiscal years shall expend not less than the minimum contribution, as defined above from own-source revenues; provided further, that notwithstanding the provisions stated in this item, the maintenance of effort obligations for Suffolk county shall be 4 per cent of the total fiscal year 2009 Suffolk county correction operating budget as approved by the county government finance review board; provided further, that notwithstanding any general or special law to the contrary, the deputy commissioner of local services shall certify on or before May 15, 2009 that all municipalities have appropriated and transferred to their respective county treasuries, not less than 102.5 per cent of the

municipality's prior year obligations or minimum contributions as defined above, whichever is greater, for county corrections; provided further, that if a municipality fails to transfer such obligation, the deputy commissioner shall withhold an amount equal to the shortfall in the obligation due to the county from such municipality's fourth quarter local aid "cherry sheet" distribution, authorized from item 0611-5500 of section 2 and from funds made available from the State Lottery Fund distribution in section 3; provided further, that on or before August 1, 2008, the deputy commissioner shall report all such withholdings to the house and senate committees on ways and means; provided further, that in fiscal year 2009, notwithstanding section 20A of chapter 59 of the General Laws, any county except Suffolk and Nantucket may increase its county tax for the fiscal year by an additional amount if the total amount of such additional county tax is approved by two-thirds of the cities and towns in the county, in towns by a majority vote of the town meeting or town council, and in cities by a majority vote of the city council or board of aldermen, with the approval of the mayor or manager; provided further, that all pharmacy services costs shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B; provided further, that no charge or contract shall be made with any alternate vendor to provide pharmacy services other than the state office of pharmacy services; and provided further, that each sheriff funded from this item shall report on a monthly basis to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than September 30, 2008 .....$195,179,966

8910-0002 For the administration of a sex offender warrant unit program in the Barnstable county sheriff's office; provided, that the unit shall support the regional Cape Cod sex offender management task force, provide address verification and maintain a regional sex offender database for local law enforcement $155,040

8910-0003 For 2 regional behavioral evaluation and stabilization units to provide forensic mental health services within existing physical facilities for incarcerated persons in the care of correctional facilities in the commonwealth; provided, that 1 unit shall be located in Hampden county to serve the needs of incarcerated persons in the care of Berkshire, Franklin, Hampden, Hampshire, and Worcester counties; provided further, that 1 unit shall be located in Middlesex County to serve the needs of incarcerated persons in the care of Barnstable, Bristol, Dukes, Essex, Nantucket, Middlesex, Norfolk, Plymouth, and Suffolk counties; provided further, that the services of the units shall be made available to incarcerated persons in the care of the department of correction; provided further, that the Massachusetts sheriffs' association, in conjunction with the department of correction, shall

prepare a report that shall include, but not be limited to: (a) the number of incarcerated persons in facilities located in counties that were provided services in each unit; (b) the number of incarcerated persons in department of correction facilities that were provided services in each unit; (c) the alleviation in caseload at Bridgewater state hospital associated with fewer incarcerated persons in the care of counties being attended to at the hospital; and (d) the estimated and projected cost-savings in fiscal year 2009 to the sheriff departments and the department of correction associated with the regional units; provided further, that the report shall be submitted to the house and senate committees on ways and means not later than March 16, 2009; and provided further, that the department of mental health shall maintain monitoring and quality review functions of the units $2,600,000

8910-0010 For the purpose of funding expenses for services provided to inmates of county correctional facilities by the department of public health Lemuel Shattuck hospital in fiscal year 2009; provided, that the department shall notify the county government finance review board and the comptroller of all such expenses; provided further, that not more than 30 days after receiving such notification, the board shall certify to the comptroller the amount of these expenses to be charged to this item; provided further, that upon receiving such certification, the comptroller shall effect the transfer of such amount from this item to item 4590-0903 in section 2B; and provided further, that these actual and projected payments shall be considered expenditures within each county spending plan and shall be reflected as such in proposed spending plans required by 8910-0000 in section 2.....$2,700,829

Sheriffs.

8910-0102 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Hampden county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2008; and provided further, that $88,000 shall be expended for a re-entry initiative program within the Hampden sheriff's department.....$73,973,122

8910-0105 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Worcester county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2008; provided further, that all pharmacy services costs shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B; and provided further, that no charge or contract shall be made with any alternate vendor to provide pharmacy services

other than the state office of pharmacy services.....$45,738,415

8910-0107 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Middlesex county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2008; provided further, that all pharmacy services costs shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B; and provided further, that no charge or contract shall be made with any alternate vendor to provide pharmacy services other than the state office of pharmacy services.....$67,816,384

8910-0108 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Franklin county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2008.....$9,898,238

8910-0110 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Hampshire county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2008; and provided further, that not more than $225,000 shall be expended for the lease payments for modular units located at 205 Rock Hill Road in the city of Northampton; provided further, that all pharmacy services costs shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B; and provided further, that no charge or contract shall be made with any alternate vendor to provide pharmacy services other than the state office of pharmacy services $12,890,012

8910-0145 For the operation of the jail, house of correction, and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Berkshire county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2008; provided further, that all pharmacy services costs shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B; and provided further, that no charge or contract shall be made with any alternate vendor to provide pharmacy services other than the state office of pharmacy services.....$16,259,327

8910-0160 For a retained revenue account for the Middlesex sheriff's department for

reimbursements from the federal government for costs associated with the incarceration of federal inmates at the Billerica house of correction; provided, that the department may expend for the operation of the department an amount not to exceed $850,000 from revenues collected from the incarceration of federal inmates; provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system; and provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system $850,000

8910-0188 For the Franklin sheriff's department which may expend for the operation of the department an amount not to exceed $2,100,000 from revenues received from federal inmate reimbursements; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system.....$2,100,000

8910-0445 For the Berkshire sheriff's department which may expend an amount not to exceed $250,000 from revenues generated from the operation of the Berkshire county communication center's 911 dispatch operations and other law enforcement related activities, including the Berkshire county sheriff prison industries program; provided, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system $250,000

8910-0446 For the Berkshire sheriff's department which may expend an amount not to exceed $1,100,000 from revenues collected from Berkshire county public school systems; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the sheriff's office may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system; and provided further, that expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system $1,100,000

8910-0619 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Essex county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2008; provided further, that all pharmacy services costs shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B; and provided further, that no charge or contract shall be made with any alternate vendor to provide pharmacy services other than the state office of pharmacy services.....$50,324,103

8910-0888 For a prison industries revenue retention account for the Franklin sheriff's department; provided, that the department may expend any amount not to exceed $12,000 from revenues collected from the sale and production of printed materials manufactured at the sheriff department's print shop; provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system $12,000

8910-1000 For a prison industries revenue retention account for the Hampden sheriff's department; provided, that the department may expend any amount not to exceed $1,594,460 from revenues collected from the sale of products, for materials, supplies, equipment, maintenance of facilities, reimbursement for community service projects and compensation of employees of the program; and provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system $1,594,460

8910-1100 For a prison industries revenue retention account for the Middlesex sheriff's department; provided, that the department may expend an amount not to exceed $150,000 from revenues collected from the sale of products, for materials, supplies, equipment, maintenance of facilities and compensation of employees of the program; and provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded in the Massachusetts management accounting and reporting system $150,000

8910-1112 The Hampshire county sheriff may expend for the operation of the Hampshire county regional lockup at the Hampshire county jail an amount not to exceed $250,000 in revenue; provided, that that the sheriff shall enter into agreements to provide detention services to various law enforcement agencies and municipalities and shall determine and collect fees for those detentions from the law

enforcement agencies and municipalities..... $250,000

8910-2222 For the Hampden sheriff's department may expend for the operation of the department an amount not to exceed $320,000 from revenues received from federal inmate and federal overtime reimbursements; provided, that $312,000 from the reimbursements shall not be available for expenditure and shall be deposited into the General Fund before the retention by the department of any of these reimbursements; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system.....$320,000

8910-6619 For the Essex sheriff's department may expend for the operation of the department an amount not to exceed $2,000,000 from revenues received from federal inmate reimbursements; provided, that $150,000 from the reimbursements shall not be available for expenditure and shall be deposited quarterly into the General Fund before the retention by the department of any of these revenues as certified by the comptroller; provided further, that the quarterly payments shall total $600,000 in fiscal year 2009; provided, that said sheriff may expend from this item costs associated with joint federal and state law enforcement activities from federal reimbursements received; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system$2,000,000

8910-7100 For the operation of the Massachusetts Sheriffs Association; provided, that the sheriffs shall appoint persons to serve as executive director, assistant executive director and research director and other staff positions as necessary for the purpose of coordination and standardization of services and programs, the collection and analysis of data related to incarceration and recidivism and generation of reports, technical assistance and training to ensure standardization in organization, operations, and procedures; provided further, that the staff shall not be subject to section 45 of chapter 30 or chapter 31 of the General Laws and shall serve at the will and pleasure of a majority of sheriffs; provided further, that the executive director of the association shall submit a report that shows the amounts of all grants awarded to each sheriff in fiscal year 2009; and provided further, that the report

shall be submitted to the house and senate committees on ways and means not later than February 2, 2009 ..... $309,996

Parole Board.

8950-0001 For the operation of the parole board $18,963,004

8950-0002 For the victim and witness assistance program of the parole board under chapter 258B of the General Laws $292,244

8950-0008 For the operation of the parole board's sex offender management program and the supervision of high-risk offenders, the parole board may expend an amount not more than $600,000 from revenues collected from fees charged for parolee supervision; provided, that the parole board shall file a report with the house and senate committees on ways and means not later than February 2, 2009, which shall include, but not be limited to, the number of parolees participating in the program and the re-incarceration rate of participating parolees $600,000

DEPARTMENT OF ELDER AFFAIRS.

Office of the Secretary.

9110-0100 For the operation of the executive office and regulation of assisted living facilities; provided, that the secretary shall continue to support community care ombudsman services; and provided further, that the executive office of elder affairs shall report annually to the house and senate committees on ways and means the number of assisted living units certified and the total revenues generated from application and certification fees for such units $3,691,705

9110-1455 For the costs of the drug insurance program authorized by section 39 of chapter 19A of the General Laws; provided, that amounts received by the executive office of elder affairs' vendor as premium revenue for this program may be retained and expended by the vendor for the purposes of the program; provided further, that not less than $600,000 shall be made available for the operation of the pharmacy outreach program established by section 4C of said chapter 19A; provided further, that notwithstanding any general or special law to the contrary, unless otherwise prohibited by state or federal law, prescription drug coverage or benefits payable by the executive office of elder affairs and the entities with which it has contracted for administration of the subsidized catastrophic drug insurance program pursuant to said section 39 of said chapter 19A, shall be the payer of last resort for this program for eligible persons with regard to any other third-party prescription coverage or benefits available to such eligible persons; provided further, that the executive office shall notify the house and senate

committees on ways and means not less than 90 days in advance of any action to limit or cap the number of enrollees in the program; provided further, that this program is subject to appropriation and, in fiscal year 2009, expenditures shall not be more than the amount authorized in this item; provided further, that no action shall be taken to expand the benefits of the program, extend benefits to additional populations or reduce cost sharing in the program without approval of the general court; provided further, that the department shall file all legislation required to implement such actions for review and analysis by the general court; provided further, that the executive office shall take steps for the coordination of benefits with the Medicare prescription drug benefit created pursuant to the federal Medicare Prescription Drug Improvement and Modernization Act of 2003, to ensure that Massachusetts residents take advantage of said benefit; provided further, that the department shall provide assistance for prescription drug costs to enrollees who qualify for Medicare Part D as well as assistance for premiums, deductibles, payments, and co-payments required by the Part D or Medicare Advantage plans; or by other plans which provide creditable prescription drug coverage as defined by section 104 of said Medicare Modernization Act, and which provide coverage of the cost of prescription drugs actuarially equal to or better than that provided by Medicare Part D; provided further, that a person shall also be eligible to enroll in the program at any time within a year after reaching age 65; and provided further, that the department shall allow those who meet the program eligibility criteria to enroll in the program at any time during the year; and provided further, that the secretary of elder affairs shall not implement cost sharing increases during fiscal year 2009 unless such cost sharing increases have been approved by law.....$57,533,656

9110-1500 For the provision of enhanced home care services, including case management to elders who meet the eligibility requirements of the home care program and who need services above the level customarily provided under the program to remain safely at home, including elders previously enrolled in the managed care in housing, enhanced community options, and chronic care enhanced services programs; provided, that the secretary shall actively seek to obtain federal financial participation for all services provided to seniors who qualify for Medicaid benefits pursuant to the section 2176 waiver; provided further, that the executive office shall collect income data on persons receiving services provided in this item; provided further, that the executive office shall submit a report to the house and senate committees on ways and means detailing the population served by this item delineated by both 2008 federal poverty levels and 2008 social security income standards; provided further, that the report shall be submitted not later than February 2, 2009; and provided further, that the

executive office shall submit a report not later than October 15, 2008 to the house and senate committees on ways and means which shall include the number of individuals on a waiting list for these services on October 1, 2008, compared to the number of individuals on a waiting list on July 1, 2008 .....$48,199,305

9110-1604 For the operation of the supportive senior housing program at state or federally-assisted housing sites; provided, that the funds shall be expended to fully fund existing sites $4,202,915

9110-1630 For the operation of the elder home care program, including contracts with aging service access points or other qualified entities for the home care program, home care, health aides, home health and respite services, geriatric mental health services, and other services provided to the elderly; provided, that a sliding fee shall be charged to qualified elders; provided further, that the secretary of elder affairs may waive collection of sliding fees in cases of extreme financial hardship; provided further, that not more than $8,000,000 in revenues accrued from sliding fees shall be retained by the individual home care corporations without re-allocation by the executive office of elder affairs, and shall be expended for the purposes of the home care program, consistent with guidelines to be issued by the executive office; provided further, that the executive office shall report quarterly to the house and senate committees on ways and means on the receipt and expenditure of revenues accrued from the sliding fees; provided further, that the executive office shall report monthly to the house and senate committees on ways and means and the executive office for administration and finance on the amount expended from this item for purchase of service expenditures by category of service as set forth in 651 C.M.R. 3.01 and 651 C.M.R. 3.06; provided further, that no rate increase shall be awarded in fiscal year 2009 which would cause a reduction in client services or the number of clients served; provided further, that no funds shall be expended from this item to pay for salary increases for direct service workers who provide state-funded homemaker and home health aid services which would cause a reduction in client services; and provided further, that the secretary of elder affairs may transfer an amount not to exceed 3 per cent of the funds appropriated in this item to item 9110-1633 for case management services and the administration of the home care program.....$106,715,568

9110-1633 For the operation of the elder home care case management program, including contracts with aging service access points, or other qualified entities for home care case management services and the administration of the home care corporations funded through item 9110-1630 and item 9110-1500; provided, that such contracts shall include the costs of administrative personnel, home care case managers, travel, rent and

other costs deemed appropriate by the executive office of elder affairs; provided further that no funds appropriated in this item shall be expended for the enhancement of management information systems; and provided further, that the secretary of elder affairs may transfer an amount not to exceed 3 per cent of the funds appropriated herein to item 9110-1630 .....$40,368,041

9110-1636 For the elder protective services program, including protective services case management, guardianship services, the statewide elder abuse hotline, and the elder-at-risk program; provided, that not less than $800,000 shall be expended for money management services $16,246,087

9110-1660 For congregate and shared housing services for the elderly; provided, that $375,000 shall be expended for an aging-in-place pilot project operated by of Jewish Family and Children's Service in Brookline and Malden, and by Jewish Family Service of Metrowest in Framingham; provided further, that not less than $100,000 shall be allocated to the Helping Elders at Risk Through Homes program; provided further, that not less than $75,000 shall be expended for the multicultural Alzheimer's service project of Springfield; and provided further that not less than $50,000 be expended for the Tuttle House facility in Dorchester; provided further, that $90,000 shall be expended for the AgeWell Boston program operated by Ethos.....$2,323,031

9110-1700 For residential assessment and placement programs for homeless elders; provided, that $50,000 shall be expended for Living Waters Ministry of Hope for homeless outreach programs $450,000

9110-1900 For the elder lunch program; provided, that not less than $50,000 shall be expended for the Senior FarmShare program; provided further, that not less than $15,000 shall be expended for the Grandparents as Parents Initiative; and provided further, that $300,000 shall be expended for Community Physicians Associates for the purposes of administering a geriatrics program which shall include, but not be limited to inpatient care, outpatient care, rehabilitation and post-acute care, long-term care and assisted living counseling, and education of caregivers.....$6,364,740

9110-9002 For the local services program for grants to the councils on aging and for grants to or contracts with non-public entities which are consortia or associations of councils on aging; provided, that notwithstanding the foregoing, all monies appropriated in this item shall be expended in accordance with the distribution schedules for formula and incentive grants established by the secretary; provided further, that not less than $80,000 shall be provided to the LGBT Aging Project; and provided further, that such distribution schedules shall be submitted to the house and senate committees on ways and means $9,115,068

LEGISLATURE.

Senate.

9500-0000 For the operation of the Senate $18,964,007

House of Representatives.

9600-0000 For the operation of the house of representatives $33,658,753

Joint Legislative Expenses.

9700-0000 For the joint operations of the legislature $6,980,895

SECTION 2B. Notwithstanding any general or special law to the contrary, the agencies listed in this section may expend the amounts listed in this section for the provision of services to agencies listed in section 2. All expenditures made pursuant to this section shall be accompanied by a corresponding transfer of funds from an account listed in section 2 to the Intragovernmental Service Fund, established by section 2Q of chapter 29 of the General Laws. All revenues and other inflows shall be based on rates published by the seller agency that are developed in accordance with cost principles established by the United States Office of Management and Budget Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments." All rates shall be published within 30 days of the enactment of this section. No expenditures shall be made from the Intragovernmental Service Fund which would cause that fund to be in deficit at the close of fiscal year 2009 All authorizations in this section shall be charged to the Intragovernmental Service Fund and shall not be subject to section 5D of chapter 29 of the General Laws. Any balance remaining in that fund at the close of fiscal year 2009 shall be transferred to the General Fund.

OFFICE OF THE SECRETARY OF STATE.

0511-0003 For the costs of providing electronic and other publications purchased from the state bookstore, for commission fees, notary fees and for direct access to the secretary's computer library $16,000

0511-0235 For the costs of obsolete records destruction incurred by the office of the secretary of state; provided, that state agencies, including the judicial branch, may be charged for the destruction of their obsolete records by the records center where appropriate; provided further, that the secretary of state may expend revenues not to exceed $100,000 of such funds received for the costs of such obsolete record destruction; and provided further, that such fees shall be charged on an equitable basis $100,000

Office of the State Comptroller.

1000-0005 For the cost of the single state audit for the fiscal year ending June 30, 2009; provided, that the comptroller is hereby authorized to charge other appropriations and federal grants for the cost of said audit.....$750,000

1000-0008 For the costs of operating and managing the MMARS and New MMARS accounting system for fiscal year 2009.....$2,570,081

EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

Division of Capital Asset Management and Maintenance.

1102-3224 For the costs for the Leverett Saltonstall lease and occupancy payments $11,217,734

Bureau of State Office Buildings.

1102-3333 For the operation and maintenance of state buildings, including reimbursement for overtime expenses, materials and contract services purchased in performing renovations and related services for agencies occupying state buildings or for services rendered to approved entities using state facilities.....$165,000

1102-3336 For the operation and maintenance of the space in the Hurley state office building occupied by the division of unemployment assistance.....$3,318,743

Reserves.

1599-2040 For the payment of prior year deficiencies based upon schedules provided to the house and senate committees on ways and means; provided, that the comptroller may charge departments' current fiscal year appropriations and transfer to such item amounts equivalent to the amounts to any prior year deficiency, subject to the conditions stated in this item; provided further, that the comptroller shall only assess chargebacks to those current fiscal year appropriations when the account to which the chargeback is applied is the same account to which the prior year deficiency pertains or, if there is no such account, to the current fiscal year appropriation for the general administration of the department that administered the account to which the prior year deficiency pertains; provided further, that no chargeback shall be made which would cause a deficiency in any current fiscal year item; provided further, that the comptroller shall report with such schedule a detailed reason for the prior year deficiency on all chargebacks assessed that exceed $1,000 including the amount of the chargeback, the item and object class charged; and provided further, that the comptroller shall report on a quarterly basis on all chargebacks assessed, including the amount of the chargeback, the item, object class charged and the reason for the prior year deficiency $12,500,000

1599-3100 For the cost of the commonwealth's employer contributions to the Unemployment Compensation Fund and the Medical Security Trust Fund; provided, that the secretary for administration and finance shall authorize the collection, accounting and payment of such contributions;

and provided further, that in executing these responsibilities the comptroller may charge in addition to individual appropriation accounts certain non-appropriated funds in amounts that are computed on the same basis as the commonwealth's contributions are determined, including expenses, interest expense or related charges.....$26,000,000

Division of Human Resources.

1750-0101 For the cost of goods and services rendered in administering training programs, including the cost of training unit staff; provided, that the division shall charge to other items for the cost of participants enrolled in programs sponsored by the division or to state agencies employing such participants; provided further, that the division may collect from participating state agencies a fee sufficient to cover administrative costs of the commonwealth's performance recognition programs and to expend such fees for goods and services rendered in the administration of these programs; and provided further, that the division may charge and collect from participating state agencies a fee sufficient to cover administrative costs and expend such fees for goods and services rendered in the administration of information technology services related to the human resources compensation management system program.....$500,000

1750-0105 For the cost of workers' compensation paid to public employees; provided, that the secretary of administration and finance shall charge other items or state agencies for costs incurred on behalf of these state agencies; provided further, that the secretary may transfer workers' compensation-related fringe benefit assessments from federal grants and trust accounts to this item; provided further, that no funds shall be expended from this item that would cause the item to be deficient; provided further, that the secretary shall provide projected costs of workers' compensation costs incurred by agencies in fiscal year 2009 to the house and senate committees on ways and means no later than March 2, 2009; provided further, that in accordance with chapter 177 of the acts of 2001, the secretary of administration and finance shall charge state agencies in fiscal year 2009 as provided in this item for workers' compensation costs, including related administrative expenses incurred on behalf of the employees of the agencies; provided further, that administrative expenses shall be allocated; provided further, that the personnel administrator shall administer the charges on behalf of the secretary, and may establish such rules and procedures as deemed necessary to implement this item; provided further, that the personnel administrator shall: (1) notify agencies regarding the chargeback methodology to be used in fiscal year 2009; (2) notify agencies of the amount of their estimated workers compensation charges for the fiscal year; and (3) require agencies to encumber funds in an amount sufficient to meet the estimated charges; provided further, that the

estimated charges for each agency in the fiscal year shall be not less than the amount of the actual workers' compensation costs, including related administrative expenses, incurred by each such agency in fiscal year 2008, and may include such additional amounts as the human resources division finds necessary under regulations adopted under this item; provided further, that the division may adopt a program of incentives for agencies to reduce agencies' claims; provided further, that for any agency that fails within 30 days of the effective date of this act to encumber funds sufficient to meet the estimated charges, the comptroller shall so encumber funds on behalf of that agency; provided further, that the personnel administrator shall: (1) determine the amount of the actual workers' compensation costs incurred by each agency in the preceding month, including related administrative expenses; (2) notify each agency of the amounts; and (3) charge the amounts to each agency's accounts as estimates of the costs to be incurred in the current month; provided further, that notwithstanding any general or special law to the contrary, any balance remaining in the Intergovernmental Service Fund, at the close of fiscal year 2008 shall be transferred to the General Fund; provided further, that any unspent balance at the close of fiscal year 2008 in an amount not to exceed 5 per cent of the amount authorized shall remain in the Intergovernmental Service Fund and is hereby re-authorized for expenditures for such item in fiscal year 2009; provided further, that the personnel administrator may expend in fiscal year 2009 for hospital, physician, benefit, and other costs related to workers' compensation for employees of state agencies, including administrative expenses; and provided further, that such expenditures may include payments for medical services provided to claimants in prior fiscal years, as well as compensation benefits and associated costs for prior fiscal years $56,401,355

1750-0106 For the workers' compensation litigation unit, including the costs of personnel $639,023

Operational Services Division.

1775-0800 For the purchase, operation and repair of certain vehicles and for the cost of operating and maintaining all vehicles that are leased by other agencies, including the costs of personnel $7,600,000

1775-1000 For printing, photocopying, and related graphic art or design work, including all necessary incidental expenses and liabilities; provided, that the secretary for administration and finance shall charge to other items of appropriation within the agencies of the executive branch for such services, including the costs of personnel $1,000,000

Information Technology Division.

1790-0200 For the cost of computer resources and services provided by the information technology division in accordance with the policies, procedures and rates approved by the secretary for administration and finance, including the purchase, lease or rental of telecommunications lines, services and equipment, that are centrally billed to the commonwealth; provided, that the secretary shall charge other items of appropriation for the cost of the resources and services; provided further, that notwithstanding any general or special law to the contrary, charges for the cost of computer resources and services provided by the bureau of computer services for the design, development, and production of reports and information related to the analysis, development and production of appropriations bills and other legislation shall not be charged to any item of appropriation of the executive office for administration and finance, the house of representatives, the senate or any joint legislative account in fiscal year 2009; provided further, that the bureau shall submit quarterly reports to the house and senate committees on ways and means summarizing the total charges, payments and services provided for the preceding quarter from each department charged to this item; provided further, that the reports shall include, but not be limited to, a delineation of the rates charged to each department as approved by the secretary for administration and finance for each service performed by the division; and provided further, that the secretary for administration and finance shall establish regulations, procedures and a schedule of fees including, but not limited to, the development and distribution of forms and instructions, including the costs of personnel; and provided further, that any unspent balance at the close of fiscal year 2009 in an amount not to exceed 5 per cent of the amount authorized shall remain in the Intergovernmental Service Fund and may be expended for the item in fiscal year 2010 ..... $62,121,176

1790-0400 For the purchase, delivery, handling of and contracting for supplies, postage and related equipment and other incidental expenses provided pursuant to section 51 of chapter 30 of the General Laws $2,329,665

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS.

2001-1002 For the costs of data processing and related computer and mapping services, the distribution of digital cartographic and other data, the review of environmental notification forms pursuant to sections 61 to 62H, inclusive, of chapter 30 of the General Laws and for the staff and printing of the Environmental Monitor $350,000

2030-1002 For the costs of overtime and special details provided by the office of environmental law enforcement $160,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Office of the Secretary.

4000-0102 For the cost of transportation services for health and human services clients and the operation of the health and human services transportation office $7,475,343

4000-0103 For the costs of core administrative functions performed within the executive office of health and human services; provided, that the secretary of the executive office of health and human services may, notwithstanding any general or special law to the contrary, identify administrative activities and functions common to the separate agencies, departments, offices, divisions, and commissions within the executive office and may designate such functions "core administrative functions" in order to improve administrative efficiency and preserve fiscal resources; provided further, that common functions that may be designated core administrative functions include, human resources, financial management, information technology, and leasing and facility management; provided further, that all employees performing functions so designated may be employed by the executive office, and the executive office shall charge the agencies, departments, offices, divisions, and commissions for such services; provided further, that upon the designation of a function as a core administrative function, the employees of each agency, department, office, or commission who perform such core administrative functions may be transferred to the executive office of health and human services; provided further, that the reorganization shall not impair the civil service status of any such transferred employee who immediately before the effective date of this act either holds a permanent appointment in a position classified under chapter 31 of the General Laws or has tenure in a position by reason of section 9A of chapter 30 of the General Laws; and provided further, that nothing in this item shall impair or change an employee's status, rights, or benefits under chapter 150E of the General Laws.....$27,625,533

Massachusetts Commission for the Deaf and Hard of Hearing.

4125-0122 For the costs of interpreter services provided by commission staff; provided, that the costs of personnel may be charged to this item; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the commission may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system ..$250,000

Department of Public Health.

4510-0108 For the costs of pharmaceutical drugs and services provided by the state

office for pharmacy services, in this section called SOPS; provided, that SOPS shall notify in writing all agencies listed below of their obligations under this item by July 1, 2008; provided further, that SOPS shall continue to be the sole provider of pharmacy services for the following agencies currently under SOPS: the department of public health, the department of mental health, the department of mental retardation, the department of correction, the sheriff's departments of Franklin, Hampden and Plymouth, and the Soldiers' Home in Holyoke; provided further, that SOPS shall become the sole provider of pharmacy services to the following agencies currently not being serviced by SOPS: the sheriff's departments of Worcester, Middlesex, Hampshire, Berkshire, Essex, Suffolk, Norfolk, Bristol, Barnstable and Dukes, the Soldiers' Homes in Chelsea and the department of youth services; provided further, that SOPS shall be the sole provider of pharmacy services for all said agencies and all costs for pharmacy services shall be charged by this item; provided further, that pursuant to the SOPS report completed on December 15, 2007, said agencies shall not charge or contract with any other alternative vendor for pharmacy services other than SOPS; provided further, that SOPS shall develop an implementation plan to transition the following agencies within the current fiscal year: the sheriff's departments of Worcester, Middlesex, Hampshire, Berkshire, Essex, Suffolk, Norfolk, Bristol, Barnstable and Dukes, the Soldiers' Homes in Chelsea and the department of youth services; provided further, that SOPS will validate previously submitted pharmacy expenditures including HDAP drug reimbursements during fiscal year 2009; provided further, that SOPS shall continue to work to reduce medication costs, provide standardized policies and procedures in a clinically responsible manner, provide comprehensive data analysis and improve the quality of clinical services; provided further, that SOPS shall report to the house and senate committees on ways and means no later than April 15, 2009 detailing the projected savings realized by each transitioning agency in comparison to their pharmacy costs in fiscal year 2008 and their projected savings for fiscal year 2010; and provided further, that the report shall also provide recommendations for the inclusion of other entities that may realize cost savings by joining SOPS $45,786,520

4590-0901 For the costs of medical services provided at public health hospitals pursuant to a schedule of services and fees approved by the commissioner of public health, which may be expended for the purposes of hospital related costs, including, but not limited to, capital repair and the maintenance and motor vehicle replacement; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to

exceed the lower of this authorization or the most recent revenue estimate thereof as reported in the state accounting system $150,000

4590-0903 For the costs of medical services provided at the department of public health Lemuel Shattuck hospital to inmates of the county correctional facilities; provided, that the costs shall be charged to items 8910-0000, 8910-0010, 8910-0102, 8910-0105, 8910-0107, 8910-0108, 8910-0110, 8910-0145 and 8910-0619 of section 2 pursuant to the provisions thereof; provided further, that expenditures from this item shall be for hospital-related costs including, but not limited to, capital repair and the maintenance and motor vehicle replacement; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate thereof as reported in the state accounting system $3,800,000

Department of Mental Retardation.

5948-0012 For a program providing alternatives to residential placements for children with mental retardation, including the costs of intensive home-based supports, provided in item 7061-0012 of section 2 .....$10,000,000

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways.

6030-7501 For the cost of the purchase of bulk fuel for certain vehicles under the authority of the operational services division and the cost of purchased fuel for other agencies and for certain administrative expenses related to purchasing and distributing the fuel.....$1,000,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

State Police.

8100-0002 For the costs of overtime associated with requested police details; provided, that for the purpose of accommodating discrepancies between the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate thereof as reported in the state accounting system $6,481,181

8100-0003 For the costs associated with the use of the statewide telecommunications system for the maintenance of the system $156,375

Military Division.

8700-1145 For the costs of utilities and maintenance and for the implementation of energy conservation measures with regard to the state armories.....$500,000

Department of Correction.

8900-0021 For the cost of products produced by the prison industries and farm program and for the cost of services provided by inmates, including the costs of moving, auto repair, culinary and renovation and construction services; provided, that the costs for renovation and construction services shall not exceed the amount established by the operational services division; and provided further, that such revenues may also be expended for materials, supplies, equipment, maintenance of facilities and compensation of employees and for the inmate employment and training program.....$6,050,000

SECTION 2D. The amounts set forth in this section are hereby appropriated from the General Federal Grants Fund. Federal funds received in excess of the amount appropriated in this section shall be expended only in accordance with section 6B of chapter 29 of the General Laws. The amount of any unexpended balance of federal grant funds received prior to June 30, 2008, and not included as part of an appropriation item in this section, is hereby made available for expenditure during fiscal year 2009, in addition to any amount appropriated in this section.

JUDICIARY.

Supreme Judicial Court.

0320-1700 For the purposes of a federally funded grant entitled, State Court Improvement Program $256,873

0320-1701 For the purpose of a federally funded grant entitled, CIP Data Sharing Grant $175,000

DISTRICT ATTORNEYS.

Plymouth District Attorney.

0340-0908 For the purposes of a federally funded grant entitled, Weed and Seed Campello $175,000

0340-0816 For the purposes of a federally funded grant entitled, Drug Free Communities $50,000

Bristol District Attorney.

0340-0806 For the purposes of a federally funded grant entitled, Weed and Seed $200,000

Cape and Islands District Attorney.

0340-1013 For the purposes of a federally funded grant entitled, Federal Forfeiture

Trust Account.....$60,000

SECRETARY OF STATE.

0521-0800 For the purpose of a federally funded grant entitled, Election Assistance for Disabled Individuals.....$700,041

0526-0114 For the purposes of a federally funded grant entitled, Historic Preservation Survey and Planning $800,000

TREASURER AND RECEIVER GENERAL.

Massachusetts Cultural Council.

0640-9716 For the purposes of a federally funded grant entitled, Folk and Traditional Arts Initiative $20,000

0640-9717 For the purposes of a federally funded grant entitled, Basic State Plan $633,300

0640-9718 For the purposes of a federally funded grant entitled, Arts Education $62,200

0640-9724 For the purposes of a federally funded grant entitled, Arts in Underserved Communities $151,000

ATTORNEY GENERAL.

0810-0026 For the purposes of a federally funded grant entitled, Crime Victim Compensation $3,000,000

0810-6664 For the purposes of a federally funded grant entitled, Cyber Crime Information Sharing $202,769

Victim and Witness Assistance Board.

0840-0110 For the purposes of a federally funded grant entitled, Victims of Crime Assistance Programs $7,941,620

0840-1005 For the purposes of a federally funded grant entitled, Massachusetts Statewide Victim Assistance Academy $60,000

0840-4611 For the purposes of a federally funded grant entitled, Byrne Federal Grant. $195,000

0840-4620 For the purposes of a federally funded grant entitled, VAWA Federal Grant $265,880

EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

Massachusetts Developmental Disabilities Council.

1100-1703 For the purposes of a federally funded grant entitled, Implementation of the Federal Developmental Disabilities Act; provided, that in order to qualify for this grant, this item shall be exempt from the first $350,000 of fringe benefit and indirect cost charges pursuant to section 6B of chapter 29 of the General Laws $1,729,498

Office on Disability.

1107-2450 For the purposes of a federally funded grant entitled, Client Assistance Program.....$239,839

Department of Revenue.

1201-0104 For the purposes of a federally funded grant entitled, Joint Federal-State Motor Fuel Tax Compliance Project.....$10,000

1201-0109 For the purposes of a federally funded grant entitled, Access and Visitation - Parent Education Program $222,169

1201-0412 For the purposes of Child Support Enforcement Grants, Child Support IVD Companion account to CSE Demonstration Grants $179,667

Department of Veterans' Services.

1410-0254 For the purposes of a federally funded grant entitled, Urban Homeless Veterans Reintegration.....$200,000

1410-0255 For the purposes of a federally funded grant entitled, Non-Urban Homeless Veterans Reintegration.....$300,000

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

2000-0141 For the purposes of a federally funded grant entitled, Coastal Zone Management and Development $3,000,000

2000-0177 For the purposes of a federally funded grant entitled, Wetlands Development.....$27,663

2000-0186 For the purposes of a federally funded grant entitled, Aquatic Nuisance Species Management Plan $63,421

2000-0248 For the purposes of a federally funded grant entitled, National Estuary Program — Operation.....$472,501

2000-9600 For the purposes of a federally funded grant entitled, Narragansett Bay $73,370

2000-9701 For the purposes of a federally funded grant entitled, Outdoor Recreation Projects - Political Subdivisions $2,317,517

2000-9735 For the purposes of a federally funded grant entitled, Buzzards Bay Estuary Program.....$514,304

2000-9760 For the purposes of a federally funded grant entitled, Inventory of Navy Shipwrecks..... $4,490

2030-0013 For the purposes of a federally funded grant entitled, Fisheries Enforcement.....$668,576

2030-9701 For the purposes of a federally funded grant entitled, Safe Boating Program.....$4,763,189

Department of Environmental Protection.

2200-9706 For the purposes of a federally funded grant entitled, Water Quality Management Planning $534,866

2200-9712 For the purposes of a federally funded grant entitled, Cooperative Agreement-Leaking Underground Storage Tanks.....$984,806

2200-9717 For the purposes of a federally funded grant entitled, D.O.D. Environment Restoration Program for Department of Defense $1,391,070

2200-9724 For the purposes of a federally funded grant entitled, Superfund Block Grant $975,728

2200-9728 For the purposes of a federally funded grant entitled, Brownfields Assessment Program - Multi-Site Cooperative Agreement.....$231,390

2200-9729 For the purposes of a Federally funded grant entitled, Brownfield Pilots Cooperative Agreements.....$22,314

2200-9731 For the purposes of a federally funded grant entitled, Brownfield Response $1,570,062

2230-9702 For the purposes of a federally funded grant entitled, Air, Water and Hazardous Waste Management Regulatory Programs $17,611,753

2230-9709 For the purposes of a federally funded grant entitled, Environmental Information Exchange.....$195,494

2230-9710 For the purposes of a federally funded grant entitled, FY07 Network.....$186,004

2240-9762 For the purposes of a federally funded grant entitled, Reimbursement to

Operators to Small Water Systems for Training and Certification.....$304,404

2240-9764 For the purposes of a federally funded grant entitled, Special Appropriation Set-Aside Administration.....$44,365

2240-9769 For the purposes of a federally funded grant entitled, Estuaries Watershed Permitting.....$18,915

2240-9773 For the purposes of a federally funded grant entitled, Technical Assistance and Training for Drinking Water.....$58,500

2250-9712 For the purposes of a federally funded grant entitled, Clean Air Act-Fine Particulate Matter Air Monitoring $445,837

2250-9716 For the purposes of a federally funded grant entitled, Ambient Air Toxics Pilot Project.....$133,645

2250-9724 For the purposes of a federally funded grant entitled, Mass Food Waste RCC Program.....$ 31,649

2250-9725 For the purposes of a federally funded grant entitled, Innovation Environment Compliance Strategies.....$55,470

2250-9726 For the purposes of a federally funded grant entitled, Homeland Security Co-op Agreement.....$863,645

2250-9727 For the purposes of a federally funded grant entitled, School Bus Retrofit $20,000

2250-9728 For the purposes of a federally funded grant entitled, Off Road Construction (ORCVRP) $5,000

2250-9729 For the purposes of a federally funded grant entitled, Composting Recycling $5,000

2250-9730 For the purposes of a federally funded grant entitled, Air Toxic-Spatial Trends $49,017

Department of Fish and Game.

2300-0112 For the purposes of a federally funded grant entitled, River Restoration Program.....$27,133

2300-0114 For the purposes of a federally funded grant entitled, USFWS Partnership Program.....$45,000

2310-0115 For the purposes of a federally funded grant entitled, Land Owner Incentive Program – Tier I.....$50,000

2310-0116 For the purposes of a federally funded grant entitled, Land Owner Incentive Program – Tier II.....$1,000,000

2310-0117 For the purposes of a federally funded grant entitled, Chronic Wasting Disease $90,000

2310-0118 For the purposes of a federally funded grant entitled, Junior Duck Stamp $1,300

2310-0119 For the purposes of a federally funded grant entitled, Avian Influenza Surveillance Program.....$8,000

2330-9222 For the purposes of a federally funded grant entitled, Clean Vessel $850,000

2330-9712 For the purposes of a federally funded grant entitled, Commercial Fisheries Statistics.....$145,000

2330-9713 For the purposes of a federally funded grant entitled, Right Whale Conservation $250,000

2330-9725 For the purposes of a federally funded grant entitled, Boating Infrastructure.....$100,000

2330-9730 For the purposes of a federally funded grant entitled, Interstate Fisheries Management Support.....$233,000

2330-9732 For the purposes of a federally funded grant entitled, ACCSP Implementation Strategic Plan.....$125,000

2330-9736 For the purposes of a federally funded grant entitled, Marine Fisheries Institute $600,000

2330-9739 For the purposes of a federally funded grant entitled, Turtle Disengagement.....$25,000

2330-9740 For the purposes of a federally funded grant entitled, Lobster Gear Removal/Rope Work $40,000

2330-9741 For the purposes of a federally funded grant entitled, Groundfish Disaster Relief.....$13,400,000

Department of Agricultural Resources.

2511-0310 For the purposes of a federally funded grant entitled, Pesticide Enforcement.....$195,000

2511-0320 For the purposes of a federally funded grant entitled, Certification of

Pesticide Applicators $123,000

2511-0336 For the purposes of a federally funded grant entitled, Special Pesticide Disposal Initiative $7,240

2511-0400 For the purposes of a federally funded grant entitled, Cooperative Pest Survey Program $131,168

2511-0401 For the purposes of a federally funded grant entitled, Cooperative Pesticide Recordkeeping Program $17,500

2511-0320 For the purposes of a federally funded grant entitled, Farmland Protection$2,650,000

2511-1025 For the purposes of a federally funded grant entitled, Country of Origin Labeling $13,250

2515-1002 For the purposes of a federally funded grant entitled, Animal Disease Surveillance Homeland Security.....$125,030

2515-1003 For the purposes of a federally funded grant entitled, Voluntary Johne's Disease Control.....$44,300

2515-1004 For the purposes of a federally funded grant entitled, Scrapie Disease Surveillance and Flock Certification $8,300

2515-1005 For the purposes of a federally funded grant entitled, Low Pathogenic Avian Influenza Prevention $29,350

2515-1006 For the purposes of a federally funded grant entitled, National Animal Identification System $246,500

2515-1008 For the purposes of a federally funded grant entitled, Highly Pathogenic Avian Influenza.....$126,000

2516-9002 For the purposes of a federally funded grant entitled, Development of Institutional Marketing.....$108,000

2516-9003 For the purposes of a federally funded grant entitled, Farmer's Market Coupon Program $438,450

2516-9004 For the purposes of a federally funded grant entitled, Senior Farmers Market Nutrition Program.....$57,500

2516-9007 For the purposes of a federally funded grant entitled, Organic Certification Cost-Share Program.....$50,000

Department of Conservation and Recreation.

2800-9707 For the purposes of a federally funded grant entitled, National Flood Insurance Program $190,000

2800-9709 For the purposes of a federally funded grant entitled, Map Modernization $87,000

2800-9721 For the purposes of a federally funded grant entitled, Schooner Ernestina Historical Documentation $20,000

2800-9726 For the purposes of a federally funded grant entitled, FEMA National Dam Safety Program.....$67,907

2800-9727 For the purposes of a federally funded grant entitled, Boston Harbor Islands Projects-National Park Service.....$250,000

2800-9750 For the purposes of a federally funded grant entitled, Ipswich River Watershed EPA Grant.....$70,200

2820-9702 For the purposes of a federally funded grant entitled, Rural Community Fire Protection.....$56,000

2820-9704 For the purposes of a federally funded grant entitled, NRCS Wildlife Habitat Incentives Program.....$63,805

2821-9705 For the purposes of a federally funded grant entitled, Urban and Community Forestry Program. $220,087

2821-9709 For the purposes of a federally funded grant entitled, Forestry Stewardship, Forest Legacy and Conservation Education.....$3,098,041

2821-9711 For the purposes of a federally funded grant entitled, Rural Fire Prevention and Control $228,492

2821-9713 For the purposes of a federally funded grant entitled, Wildland Urban Interface Fuels Management.....$293,608

2821-9714 For the purposes of a federally funded grant entitled, Rural Development through Forestry.....$26,005

2821-9719 For the purposes of a federally funded grant entitled, Watershed Forest Management – Guidebook.....$2,714

2821-9726 For the purposes of a federally funded grant entitled, Forest Health Management - US Forest Service $103,251

2830-9705 For the purposes of a federally funded grant entitled, SUASCO Watershed Flood Control Reservoir $7,014

2840-9709 For the purposes of a federally funded grant entitled, Waquoit Bay National Estuarine Research Reserve Consolidated Funding.....$624,789

2840-9710 For the purposes of a federally funded grant entitled, NOAA - S. Cape Beach Salt Marsh Restoration.....$100,461

2840-9714 For the purposes of a federally funded grant entitled, Waquoit Bay Land Acquisition.....$83,837

2840-9715 For the purposes of a federally funded grant entitled, NOAA CECLP Grant $2,250,000

Department of Public Utilities.

7006-9000 For the purposes of a federally funded grant entitled, Motor Carrier Safety Assistance $102,000

7006-9002 For the purposes of a federally funded grant entitled, Pipeline Security.....$630,000

Division of Energy Resources.

7006-9237 For the purposes of a federally funded grant entitled, Rebuild Mass – Energy Smart Communities.....$38,821

7006-9238 For the purposes of a federally funded grant entitled, SEP – 4 Natural Gas Buses.....$196,843

7006-9239 For the purposes of a federally funded grant entitled, SEP – A Module-Integrated $190,164

7006-9240 For the purposes of a federally funded grant entitled, Tall Tower Wind $10,342

7006-9243 For the purposes of a federally funded grant entitled, BIOMASS – Sustainable Forest $444,127

7006-9244 For the purposes of a federally funded grant entitled, Evaluation of Switchgrass for Biofuel in Massachusetts $10,000

7006-9301 For the purposes of a federally funded grant entitled, How Cost-Effective energy Efficiency.....$164,210

7006-9720 For the purposes of a federally funded grant entitled, State Heating Oil $22,288

7006-9730 For the purposes of a federally funded grant entitled, SEP II.....$753,000

DEPARTMENT OF EARLY EDUCATION AND CARE.

Department of Early Education and Care.

3000-0708 For the purposes of a federally funded grant entitled, Head Start Collaboration.....$175,000

3000-9002 For the purposes of a federally funded grant entitled, Child Abuse Prevention and Treatment Activities $565,398

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Office of the Secretary.

4000-0713 For the purposes of a federally funded grant entitled, Youth Development State Collaboration.....$120,000

4000-7570 For the purposes of a federally funded grant entitled, Medicaid Transformation.....$814,370

4000-9401 For the purposes of a federally funded grant entitled, Community Mental Health Services $8,086,241

4000-7560 For the purposes of a federally funded grant entitled, Emergency Room Diversion.....$2,312,076

Massachusetts Commission for the Blind.

4110-3020 For the purposes of a federally funded grant entitled, Vocational Rehabilitation; provided, that no funds shall be deducted for pensions, group health and life insurance or any other such indirect cost of federally reimbursed state employees.....$200,000

4110-3021 For the purposes of a federally funded grant entitled, Basic Support Grant$7,601,991

4110-3023 For the purposes of a federally funded grant entitled, Independent Living — Adaptive Housing $95,000

4110-3026 For the purposes of a federally funded grant entitled, Independent Living — Services to Older Blind Americans.....$737,346

4110-3027 For the purposes of a federally funded grant entitled, Rehabilitation Training.....$29,280

4110-3028 For the purposes of a federally funded grant entitled, Supported Employment.....$150,000

Massachusetts Rehabilitation Commission.

4120-0020 For the purposes of a federally funded grant entitled, Vocational Rehabilitation; provided, that no funds shall be deducted for pensions, group health and life insurance or any other such indirect cost of federally reimbursed state employees $44,143,937

4120-0030 For the purposes of a federally funded grant entitled, Workforce Coordinating Grant Trust $43,000

4120-0040 For the purposes of a federally funded grant entitled, Vocational Rehabilitation and Comprehensive Systems of personnel development Training $110,887

4120-0608 For the purposes of improving systems of care for OEF/OIF veterans with traumatic brain injury $118,600

4120-0187 For the purposes of a federally funded grant entitled, Supported Employment Program $474,283

4120-0191 For the purposes of a federally funded grant entitled, Informed Members Planning and Assessing Choices Together (IMPACT) $163,785

4120-0511 For the purposes of a federally funded grant entitled, Vocational Rehabilitation - Determination of Disability $38,556,149

4120-0760 For the purposes of a federally funded grant entitled, Independent Living $1,600,000

4120-0767 For the purposes of a federally funded grant entitled, Assistive Technology $375,000

4120-0768 For the purposes of a federally funded grant entitled, Assistive Technology Act $905,228

Department of Transitional Assistance.

4400-0705 For the purposes of a federally funded grant entitled, Emergency Shelter Grants $2,900,000

4400-0707 For the purposes of a federally funded grant entitled, Continuum of Care $6,000,000

4400-3066 For the purposes of a federally funded grant entitled, Training for Food Stamp ABAWDs $1,600,000

4400-3067 For the purposes of a federally funded grant entitled, Food Stamp Employment and Training $2,100,000

4400-3069 For the purposes of a federally funded grant entitled, Full Employment Food Stamp Cash-Out. $25,000

4400-9404 For the purposes of a federally funded grant entitled, McKinney Shelter Plus Care. $3,400,000

Department of Social Services.

4800-0005 For the purposes of a federally funded grant entitled, Children's Justice Act $360,785

4800-0007 For the purposes of a federally funded grant entitled, The Family Violence Prevention and Support Services Act. $1,788,225

4800-0009 For the purposes of a federally funded grant entitled, Title IV-E Independent Living $3,185,238

4800-0013 For the purposes of a federally funded grant entitled, Family Preservation and Support Services $5,063,546

4800-0085 For the purposes of a federally funded grant entitled, Educational & Training Voucher Program $1,095,236

4800-0086 For the purposes of a federally funded grant entitled, Adoption Opportunities Grant $350,000

4800-0088 For the purposes of a federally funded grant entitled, Training of Child Welfare Agency Supervisors. $249,722

4800-0089 For the purposes of a federally funded grant entitled, Adoption Incentive Payments $258,000

4899-0001 For the purposes of a federally funded grant entitled, Title IV-B Child Welfare Services $4,094,353

4899-0022 For the purposes of a federally funded grant entitled, Child Abuse and Neglect Prevention and Treatment $522,943

Department of Public Health.

4500-1000 For the purposes of a federally funded grant entitled, Preventive Health Services Block Grant $3,170,463

4500-1050 For the purposes of a federally funded grant entitled, Rape Prevention and Education $989,283

4510-1060 For the purposes of a federally funded grant entitled, Rape Prevention

Program Planning and Evaluation Capacity Building $16,532

4500-1065 For the purposes of a federally funded grant entitled State Partnership to Improve Minority Health $154,867

4500-2000 For the purposes of a federally funded grant entitled, Maternal and Child Health Services Block Grant.....$12,097,344

4502-1012 For the purposes of a federally funded grant entitled, Cooperative Health Statistics System. $614,398

4510-0109 For the purposes of a federally funded grant entitled, State Loan Repayment Project.....$250,000

4510-0113 For the purposes of a federally funded grant entitled, Office of Rural Health.....$148,500

4510-0118 For the purposes of a federally funded grant entitled, Primary Care Cooperative Agreement $108,954

4510-0119 For the purposes of a federally funded grant entitled, Rural Hospital Flexibility Program $297,900

4510-0219 For the purposes of a federally funded grant entitled, Small Rural Hospital Improvement Program.....$89,450

4510-0221 For the purposes of a federally funded grant entitled, Targeted Oral Health Services $160,000

4510-0400 For the purposes of a federally funded grant entitled, Medicare and Medicaid Survey and Certification $7,637,790

4510-0404 For the purposes of a federally funded grant entitled, Bioterrorism Hospital Preparedness.....$9,983,770

4510-0500 For the purposes of a federally funded grant entitled, Clinical Laboratory Improvement.....$312,536

4510-0609 For the purposes of a federally funded grant entitled, NRC Security Inspections $5,000

4510-0619 For the purposes of a federally funded grant entitled, FDA Inspection of Food Establishments $322,736

4510-0627 For the purposes of a federally funded grant entitled, Enhancement of Infrastructure Reporting and Interstate Exchange $275,000

4510-0628 For the purposes of a federally funded grant entitled, Enhancement of Infrastructure Collaborative Data Sharing $400,000

4510-0630 For the purposes of a federally funded grant entitled, Enabling Electronic Prescribing and Enhancement $425,710

4510-0636 For the purposes of a federally funded grant entitled, Childhood Lead Paint Poisoning Prevention $1,145,179

4510-0793 For the purposes of a federally funded grant entitled, RURAL Automatic External Defibrillator $22,532

4510-9014 For the purposes of a federally funded grant entitled, Mammography Quality Standards Act Inspections $152,854

4510-9040 For the purposes of a federally funded grant entitled, Diabetes Control Program $1,070,134

4510-9043 For the purposes of a federally funded grant entitled, Demonstration Program to Conduct Toxic Waste Site Health Impact Assessments $448,648

4510-9048 For the purposes of a federally funded grant entitled, Indoor Radon Development Program $159,330

4510-9053 For the purposes of a federally funded grant entitled, Beaches Environmental Assessment $251,749

4510-9056 For the purposes of a federally funded grant entitled, National Environmental Public Health Tracking $949,213

4512-0102 For the purposes of a federally funded grant entitled, Sexually Transmitted Disease Control.....$1,588,813

4512-0179 For the purposes of a federally funded grant entitled, Vaccination Assistance Project $5,821,257

4512-0180 For the purposes of a federally funded grant entitled, Epidemiology and Lab Surveillance $1,491,209

4512-9064 For the purposes of a federally funded grant entitled, Adolescent Treatment $365,780

4512-9065 For the purposes of a federally funded grant entitled, State Outcomes Measurement and Management System $75,000

4512-9066 For the purposes of a federally funded grant entitled, State

Epidemiological Outcomes Workshop $100,000

4512-9067 For the purposes of a federally funded grant entitled, Screening and Brief Intervention $2,826,914

4512-9068 For the purposes of a federally funded grant entitled, Collaborative for Action, Leadership, and Learning.....$2,093,000

4512-9069 For the purposes of a federally funded grant entitled, Substance Abuse Prevention and Treatment Block Grant $35,754,518

4512-9070 For the purposes of a federally funded grant entitled, Promoting Safe and Stable Families.....$500,000

4512-9071 For the purposes of a federally funded grant entitled, OJJDP Substance Abuse Prevention $700,000

4512-9426 For the purposes of a federally funded grant entitled, Uniform Alcohol and Drug Abuse Data Collection $73,198

4513-0111 For the purposes of a federally funded grant entitled, Housing Opportunities-People with AIDS $166,000

4513-1123 For the purposes of a federally funded grant entitled, Adult Viral Hepatitis Prevention Coordinator $105,925

4513-9007 For the purposes of a federally funded grant entitled, Nutritional Status of Women, Infants, and Children (WIC).....$89,471,755

4513-9018 For the purposes of a federally funded grant entitled, Augmentation and Evaluation of Established Health Education - Risk Reduction $11,092,885

4513-9020 For the purposes of a federally funded grant entitled, Expanded and Integrated HIV Testing $690,000

4513-9021 For the purposes of a federally funded grant entitled, Program for Infants and Toddlers with Handicaps.....$8,214,170

4513-9022 For the purposes of a federally funded grant entitled, Prevention Disability State Based Project.....$200,552

4513-9027 For the purposes of a federally funded grant entitled, MassCare - Community AIDS Resource Enhancement $888,693

4513-9030 For the purposes of a federally funded grant entitled, Planning a Comprehensive Primary Care System for All Mass Children and Youth $94,644

4513-9035 For the purposes of a federally funded grant entitled, AIDS Surveillance and Seroprevalence Project.....$1,502,762

4513-9037 For the purposes of a federally funded grant entitled, Ryan White Comprehensive AIDS Resources.....$20,393,618

4513-9038 For the purposes of a federally funded grant entitled, Shelter Plus Care – Worcester.....$288,504

4513-9046 For the purposes of a federally funded grant entitled, Congenital Anomalies Center of Excellence.....$697,633

4513-9051 For the purposes of a federally funded grant entitled, Rural Domestic Violence and Children Victimization Project.....$450,000

4513-9060 For the purposes of a federally funded grant entitled, Residential Fire Injury Prevention — Mass Injury Intervention and Surveillance.....$145,000

4513-9066 For the purposes of a federally funded grant entitled, Universal Newborn Hearing Screening-Enhancement Project.....$175,000

4513-9071 For the purposes of a federally funded grant entitled, Early Hearing Detection and Intervention (EHDI) Tracking and Research.....$170,000

4513-9076 For the purposes of a federally funded grant entitled, Early Childhood Comprehensive Systems.....$140,000

4513-9077 For the purposes of a federally funded grant entitled, Emergency Medical Services for Children Partnership II.....$115,000

4513-9078 For the purposes of a federally funded grant entitled, Asthma Planning Collaborative.....$335,000

4513-9080 For the purposes of a federally funded grant entitled, Mass. Perinatal Connection Project.....$210,000

4513-9081 For the purpose of a federally funded grant entitled, State Implementation Grant for Children with Special Health Care Needs.....$50,000

4513-9082 For the purpose of a federally funded grant entitled, CAPTA Requirement to Identify and Serve Substance Exposed Newborns.....$250,000

4513-9083 For the purposes of a federally funded grant entitled, Massachusetts Youth Suicide Prevention Program.....$455,704

4513-9085 For the purposes of a federally funded grant entitled, Massachusetts Pregnancy Risk $198,026

4512-9086 For the purposes of a federally funded grant entitled, Oral Health Workforce Activities Support Grant.....$131,834

4514-1005 For the purposes of a federally funded grant entitled, WIC-Management Information Systems $200,000

4514-1006 For the purposes of a federally funded grant entitled, Getting to the Heard of the Matter.....$94,990

4515-0115 For the purposes of a federally funded grant entitled, Tuberculosis Control Project $1,641,161

4515-0121 For the purposes of a federally funded grant entitled, Tuberculosis Epidemiological Studies and Consortium.....$366,019

4515-0200 For the purposes of a federally funded grant entitled, STD/HIV Prevention Training Centers $356,641

4515-0204 For the purposes of a federally funded grant entitled, Strengthening Surveillance for Infectious Disease $175,000

4515-0205 For the purposes of a federally funded grant entitled, HIV Training through Prevention Training Centers.....$99,999

4516-1021 For the purposes of a federally funded grant entitled, Public Health Preparedness and Response for Bioterrorism $17,273,541

4516-1025 For the purposes of a federally funded grant entitled, Morbidity and Risk Behavior Surveillance.....$378,620

4518-0505 For the purposes of a federally funded grant entitled, Tech Data & Mass Birth/Infant Death File Linkage/Analysis Assistive Reproductive $24,885

4518-0514 For the purposes of a federally funded grant entitled, National Violent Death Reporting System $321,368

4518-0534 For the purposes of a federally funded grant entitled, Public Health Injury Surveillance and Prevention $742,877

4518-1000 For the purposes of a federally funded grant entitled, Procurement of Information for the National Death Index $33,500

4518-1002 For the purposes of a federally funded grant entitled, Massachusetts

Death File - Social Security Administration.....$83,000

4518-1003 For the purposes of a federally funded grant entitled, Massachusetts Birth Records — Social Security Administration.....$281,351

4518-1004 For the purposes of a federally funded grant entitled, Promoting Integration of State Health Information Systems.....$199,897

4518-9023 For the purposes of a federally funded grant entitled, Census of Fatal Occupational Injuries.....$44,200

4518-9030 For the purpose of a federally funded grant entitled, Public Health Injury Surveillance and Prevention Program.....$159,660

4570-1509 For the purposes of a federally funded grant entitled, Massachusetts Cardiovascular Disease Prevention.....$1,144,341

4570-1512 For the purposes of a federally funded grant entitled, National Cancer Prevention Control.....$5,341,046

4570-1515 For the purposes of a federally funded grant entitled, Chronic Diseases Prevention and Health Promotion.....$4,363,523

4570-1516 For the purposes of a federally funded grant entitled, Paul Coverdell Acute Stroke Registry.....$600,000

Department of Mental Health.

5012-9121 For the purposes of a federally funded grant entitled, Project for Assistance in Transition from Homelessness $1,800,000

5012-9157 For the purposes of a federally funded grant entitled, Alternatives to Restraint and Seclusion.....$72,000

5012-9158 For the purposes of a federally funded grant entitled, State Mental Health Data Infrastructure $15,000

5014-9159 For the purposes of a federally funded grant entitled, State Mental Health Data Infrastructure $142,220

5046-9102 For the purposes of a federally funded grant entitled, Shelter Plus Care Program.....$176,000

5047-9102 For the purposes of a federally funded grant entitled, Comprehensive Mental Health Services for Children and their Families $1,500,000

EXECUTIVE OFFICE OF TRANSPORTATION.

Office of the Secretary.

6000-0018 For the purposes of a federally funded grant entitled, Rural Public Transportation Assistance ..... $ 4,198,030

6000-0019 For the purposes of a federally funded grant entitled, Section 5307 Transportation Demand Management ..... $ 1,058,000

6000-0020 For the purposes of a federally funded grant entitled, Jobs Access Reverse Commute ..... $ 2,435,412

6000-0022 For the purposes of a federally funded grant entitled, Transit Planning Research Grant ..... $ 46,844

6000-0023 For the purposes of a federally funded grant entitled, Rural Public Transportation Planning Grant ..... $ 3,896

6000-0025 For the purposes of a federally funded grant entitled, High Priority Project $5,711,795

6000-0049 For the purposes of a federally funded grant entitled, Elderly and Handicapped Transportation Capital Grant ..... $ 4,759,427

Registry of Motor Vehicles.

8400-0090 For the purposes of a federally funded grant entitled, Enhance CDL Licensing $621,567

8400-0093 For the purposes of Data Quality Program, MCSAP $188,000

Board of Library Commissioners.

7000-9700 For the purposes of a federally funded grant entitled, Federal Reserve - Title I $169,280

7000-9702 For the purposes of a federally funded grant entitled, Library Service Technology Act $3,446,669

EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT.

7002-4203 For the purposes of a federally funded grant entitled, Occupational Substance and Health Administration Statistical Survey $106,423

7002-4204 For the purposes of a federally funded grant entitled, Adult Blood Lead Levels Surveillance $20,567

7002-4212 For the purposes of a federally funded grant entitled, Asbestos Licensing and Monitoring.....$102,250

7002-4213 For the purposes of a federally funded grant entitled, Lead Licensing and Monitoring $347,948

7002-4215 For the purposes of a federally funded grant entitled, Occupational Illness and Injury $89,004

7002-4216 For the purposes of a federally funded grant entitled, Lead Enforcement Cooperative Agreement $59,703

7002-6624 For the purposes of a federally funded grant entitled, Unemployment Insurance Administration.....$69,157,578

7002-6626 For the purposes of a federally funded grant entitled, Employment Service Programs Administration $21,876,683

7002-6627 For the purposes of a federally funded grant entitled, Occupational Substance and Health Administration On-site Consultation Program.....$1,521,207

7002-6628 For the purposes of a federally funded grant entitled, Disabled Veterans Outreach.....$1,424,669

7002-6629 For the purposes of a federally funded grant entitled, Local Veterans Employment Representative $1,586,217

7002-9701 For the purposes of a federally funded grant entitled, Federal Bureau of Labor Statistics Grant $2,495,562

7003-1010 For the purposes of a federally funded grant entitled, Trade Expansion Act Program $9,761,375

7003-1630 For the purposes of a federally funded grant entitled, Adult Activities – Workforce Investment Act Title I - Adult Activities.....$17,837,849

7003-1631 For the purposes of a federally funded grant entitled, Youth Formula Grants – Workforce Investment Act Title I - Youth Formula Grants....$24,425,390

7003-1632 For the purposes of a federally funded grant entitled, Dislocated Workers – Workforce Investment Act Title I –Dislocated Workers.....$57,789,750

7003-1633 For the purposes of a federally funded grant entitled, Work Incentive Grant Access to Employment for All.....$1,868,081

7003-2013 For the purposes of a federally funded grant entitled, Mine Safety and Health Training $61,195

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT.

Department of Housing and Community Development.

7004-0304 For the purposes of a federally funded grant entitled, Lead-Based Paint Control Program.....$257,852

7004-2030 For the purposes of a federally funded grant entitled, Weatherization Assistance for Low Income Persons; provided, that, consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies $6,517,898

7004-2033 For the purposes of a federally funded grant entitled, Low Income Home Energy Assistance Program; provided, that, consistent with applicable federal regulations and the state plan, the department of housing and community development shall provide monthly payments in advance to participating agencies.....$93,972,799

7004-2034 For the purposes of a federally funded grant entitled, Community Services Block Grant; provided, that, consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies.....$16,944,356

7004-2361 For the purposes of a federally funded grant entitled, Section 8 Substantial Rehabilitation Administrative Fee $246,000

7004-2363 For the purposes of a federally funded grant entitled, Section 8 Administrative Fee Housing Voucher $2,047,000

7004-2364 For the purposes of a federally funded grant entitled, Section 8 Administrative Fee Moderate Rehabilitation.....$260,000

7004-2365 For the purposes of a federally funded grant entitled, Section 8 Administrative Fee New Construction.....$630,000

7004-3037 For the purposes of a federally funded grant entitled, Small Cities Community Development Block Grant Program; provided, that, consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies.....$43,243,680

7004-9009 For the purposes of a federally funded grant entitled, Section 8 Substantial Rehabilitation Program; provided, that the department of

housing and community development may provide monthly payments in advance to participating agencies $9,400,000

7004-9014 For the purposes of a federally funded grant entitled, Section 8 Federal Housing Voucher Program; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies $216,000,000

7004-9019 For the purposes of a federally funded grant entitled, Section 8 Moderate Rehabilitation; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies.....$8,700,000

7004-9020 For the purposes of a federally funded grant entitled, Section 8 New Construction Program; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies.....$7,700,000

7004-9028 For the purposes of a federally funded grant entitled, Home Investment Partnerships; provided, that, consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies.....$14,975,000

7004-9039 For the purposes of a federally funded grant entitled, HOME Technical Assistance $13,586,515

7004-9051 For the purposes of a federally funded grant entitled, Shelter Plus Care-Lowell; provided, that, consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies.....$25,000

Department of Elementary and Secondary Education.

7010-9706 For the purposes of a federally funded grant entitled, Common Core Data Project $125,000

7032-0217 For the purposes of a federally funded grant entitled, Robert C. Byrd Honors Scholarship Program — Distribution.....$784,500

7032-0228 For the purposes of a federally funded grant entitled, Massachusetts AIDS Education Program $1,019,784

7035-0166 For the purposes of a federally funded grant entitled, Even Start Family Literacy — Distribution.....$1,008,718

7035-0210 For the purposes of a federally funded grant entitled, Advanced Placement Fee Program $155,000

7038-0107 For the purposes of a federally funded grant entitled, Adult Basic Education – Distribution $8,425,316

7038-9004 For the purposes of a federally funded grant entitled, School Based Programs Distribution $340,000

7043-1001 For the purposes of a federally funded grant entitled, Title I Grants to Local Educational Agencies $234,021,217

7043-1002 For the purposes of a federally funded grant entitled, Title I Reading First State Grants $8,137,510

7043-1004 For the purposes of a federally funded grant entitled, Migrant Education .$1,595,370

7043-1005 For the purposes of a federally funded grant entitled, Title I Neglected and Delinquent Children $1,948,006

7043-2001 For the purposes of a federally funded grant entitled, Teacher and Principal Training and Recruiting.....$51,804,753

7043-2002 For the purposes of a federally funded grant entitled, Title II State and Local Technology Grants.....$4,271,054

7043-2003 For the purposes of a federally funded grant entitled, Title I Math and Science Partnerships $2,362,518

7043-3001 For the purposes of a federally funded grant entitled, English Language Acquisition.....$11,645,852

7043-4001 For the purposes of a federally funded grant entitled, Safe and Drug Free Schools and Communities.....$5,402,940

7043-4002 For the purposes of a federally funded grant entitled, After School Learning Centers.....$17,002,191

7043-6001 For the purposes of a federally funded grant entitled, Grants for State Assessments and Related Activities.....$7,708,240

7043-6002 For the purposes of a federally funded grant entitled, Rural And Low-Income Schools.....$123,829

7043-6501 For the purposes of a federally funded grant entitled, Education for Homeless Children/Youth.....$1,065,391

7043-7001 For the purposes of a federally funded grant entitled, Special Education Grants.....$269,786,890

7043-7002 For the purposes of a federally funded grant entitled, Preschool Grants....$9,735,466

7043-8001 For the purposes of a federally funded grant entitled, Vocational Education Basic Grants.....$18,583,628

7043-8002 For the purposes of a federally funded grant entitled, Technical Preparation Education.....$1,648,212

7044-0020 For the purposes of a federally funded grant entitled, New Project Focus.$1,130,000

7044-0210 For the purposes of a federally funded grant entitled, Advanced Placement Fee Program $150,000

7044-0250 For the purposes of a federally funded grant entitled, Mass Partnership for Gifted Education $125,000

7047-1218 For the purposes of a federally funded grant entitled, Stepping Stones of Technology Innovation $197,617

7047-9008 For the purposes of a federally funded grant entitled, Learn and Serve America Competitive $750,000

7053-2112 For the purposes of a federally funded grant entitled, Special Assistance Funds.....$85,250,000

7053-2117 For the purposes of a federally funded grant entitled, Child Care Program$24,950,000

7053-2126 For the purposes of a federally funded grant entitled, Temporary Emergency Food Assistance $925,000

7053-2202 For the purposes of a federally funded grant entitled, Special Summer Food Service Program for Children.....$72,350

7053-2266 For the purposes of a federally funded grant entitled, Mass Team Nutrition Grant.....$145,000

7062-0008 For the purposes of a federally funded grant entitled, Office of School Lunch Programs — Child Care Program Administration.....$2,650,000

7062-0017 For the purposes of a federally funded grant entitled, Charter Schools Assistance Distribution $3,381,252

7062-0019 For the purposes of a federally funded grant entitled, Career Resource

Network State Grant $70,000

Department of Higher Education.

7066-1574 For the purposes of a federally funded grant entitled, Improving Teacher Quality Grants.....$1,533,634

7066-6033 For the purposes of a federally funded grant entitled, Gaining Early Awareness and Readiness for Undergraduate Programs $3,730,176

7070-0017 For the purposes of a federally funded grant entitled, Leveraging Educational Assistance Program— Department of Higher Education.....$966,753

7110-6019 For the purposes of a federally funded grant entitled, Upward Bound Payroll and Benefits— Fitchburg State College.....$253,000

7110-6030 For the purposes of a federally funded grant entitled, Expanding Horizons Student Support Services — Fitchburg State College $235,000

7110-6048 For the purposes of a federally funded grant entitled, Special Education Personnel Preparation— Fitchburg State College $200,000

7410-3093 For the purposes of a federally funded grant entitled, Polymer Building Construction — University of Massachusetts Amherst.....$1,750,000

7503-9711 For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students — Bristol Community College $449,875

7503-9714 For the purposes of a federally funded grant entitled, Upward Bound Program — Bristol Community College $335,370

7509-1490 For the purposes of a federally funded grant entitled, Educational Opportunities Centers Payroll — Mount Wachusett Community College.....$173,000

7509-9714 For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students — Mount Wachusett Community College.....$285,000

7509-9718 For the purposes of a federally funded grant entitled, Talent Search — Mount Wachusett Community College $248,000

7509-9720 For the purposes of a federally funded grant entitled, Gaining Early Awareness and Readiness for Undergraduate Programs 2011— Mount Wachusett Community College.....$515,000

7509-9721 For the purposes of a federally funded grant entitled, Gaining Early Awareness and Readiness for Undergraduate Programs- Payroll—

Mount Wachusett Community College $240,000

7511-9711 For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students — North Shore Community College.....$455,000

7511-9713 For the purposes of a federally funded grant entitled, IAP — Strengthening Institutions Program— North Shore Community College ..$400,000

7511-9740 For the purposes of a federally funded grant entitled, Upward Bound — North Shore Community College $370,000

7511-9750 For the purposes of a federally funded grant entitled, Talent Search— North Shore Community College $220,000

7518-6127 For the purposes of a federally funded grant entitled, College Work Study Program— Bunker Hill Community College $205,000

EXECUTIVE OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY.

Office of the Secretary.

8000-4602 For the purposes of a federally funded grant entitled, Juvenile Justice Delinquency and Prevention Act — Planning.....$150,000

8000-4603 For the purposes of a federally funded grant entitled, Juvenile Justice Delinquency and Prevention Act $1,200,000

8000-4608 For the purposes of a federally funded grant entitled, Drug-Free Schools and Communities Act of 1986 .....$1,200,000

8000-4609 For the purposes of a federally funded grant entitled, Narcotics Control Assistance $866,000

8000-4610 For the purposes of a federally funded grant entitled, Statistical Analysis Center.....$60,000

8000-4611 For the purposes of a federally funded grant entitled, Byrne Justice Assistance $4,000,000

8000-4613 For the purposes of a federally funded grant entitled, Project Safe Neighborhood Anti-Gang Initiative.....$500,000

8000-4619 For the purposes of a federally funded grant entitled, Title V.....$75,000

8000-4620 For the purposes of a federally funded grant entitled, Stop Violence Against Women Formula Grants Program $2,000,000

8000-4623 For the purposes of a federally funded grant entitled, Criminal History Improvement $50,000

8000-4624 For the purposes of a federally funded grant entitled, Prisoner Substance Abuse Treatment $100,000

8000-4692 For the purposes of a federally funded grant entitled, State Homeland Security Program $45,000,000

8000-4693 For the purposes of a federally funded grant entitled, Project Safe Neighborhood $700,000

8000-4695 For the purposes of a federally funded grant entitled, Homeland Security Buffer Zone Protection $2,000,000

8000-4696 For the purposes of a federally funded grant entitled, Transportation Security Grant $12,000,000

8000-4804 For the purposes of a federally funded grant entitled, State Agency Programs $12,000,000

8000-4839 For the purposes of a federally funded grant entitled, Enforcing Underage Drinking Law IV $125,000

8000-4840 For the purposes of a federally funded grant entitled, 2006 Enforcing Underage Drinking Laws $350,000

8000-4841 For the purposes of a federally funded grant entitled, Fatality Analysis Reporting.....$150,000

Department of State Police.

8100-0200 For the purposes of a federally funded grant entitled, Motor Vehicle Data Quality.....$405,196

8100-0209 For the purposes of a federally funded grant entitled, Region 1 Training Academy Motor Carrier Safety Assistance.....$245,132

8100-0210 For the purposes of a federally funded grant entitled, MCSAP-CVE New Entrant Audit.....$552,950

8100-2058 For the purposes of a federally funded grant entitled, New England State Police Administrator's Conference — Regional Investigation $703,335

8100-2638 For the purposes of a federally funded grant entitled, Internet Crimes Against Children $250,000

8100-9706 For the purposes of a federally funded grant entitled, Cannabis Eradication Controlled Substance Prosecution DEA Cooperative Agreement.....$39,680

8100-9730 For the purposes of a federally funded grant entitled, Forensic Casework DNA Backlog FFY05. .....$127,332

8100-9733 For the purposes of a federally funded grant entitled, Forensic Casework DNA Backlog.....$267,342

Department of Fire Services.

8324-1505 For the purposes of a federally funded grant entitled, USFA/NFA State Fire Training Program.....$28,000

8324-9707 For the purposes of a federally funded grant entitled, Underground Storage Tank Registry Program.....$236,329

Military Division.

8700-0006 For the purposes of a federally funded grant entitled, Military Construction Costs in Methuen.....$21,301,000

8700-0143 For the purposes of an expendable trust entitled, Friends of Massachusetts National Guard and Reserve Families $585,586

8700-0302 For the purposes of a federally funded grant entitled, Military Construction Costs in Reading.....$831,499

Massachusetts Emergency Management Agency.

8800-0042 For the purposes of a federally funded grant entitled, Hazardous Materials Transportation Act $214,283

8800-0048 For the purposes of a federally funded grant entitled, Flood Mitigation Assistance Program.....$987,679

8800-0064 For the purposes of a federally funded grant entitled, Hazard Mitigation 1364.....$470,105

8800-0080 For the purposes of a federally funded grant entitled, Local Emergency Plan Assistance $22,656

8800-0086 For the purposes of a federally funded grant entitled, Pre-Disaster Mitigation/Disaster Resistant University.....$220,375

8800-0087 For the purposes of a federally funded grant entitled, Pre-Disaster

Mitigation Competitive Grant.....$4,386,097

8800-1512 For the purposes of a federally funded grant entitled, Hazard Mitigation Program, HMPG for FEMA-DR1512.....$180,667

Department of Correction.

8903-9709 For the purposes of a federally funded grant entitled, Grants to States for Workplace and Community Transition Training for Incarcerated Youth Offenders.....$128,799

EXECUTIVE OFFICE OF ELDER AFFAIRS.

Office of the Secretary.

9110-1074 For the purposes of a federally funded grant entitled, Older Americans Assistance, Title III and Title VII.....$9,122,198

9110-1077 For the purposes of a federally funded grant entitled, Older Americans Act, Title III-E, National Family Caregiver Support Program.....$3,673,479

9110-1095 For the purposes of a federally funded grant entitled, Health Information Counseling and Assistance.....$676,386

9110-1150 For the purposes of a federally funded grant entitled, Empowering Older People.....$300,000

9110-1173 For the purposes of a federally funded grant entitled, Older Americans Act – Title III Nutritional Program.....$13,936,717

9110-1174 For the purposes of a federally funded grant entitled, Nutrition Services Incentive Program.....$4,056,178

9110-1178 For the purposes of a federally funded grant entitled, Community Service Employment Program.....$1,881,501

9110-1179 For the purposes of a federally funded grant entitled, Performance Outcome Measures Project.....$30,000

9110-2760 For the purposes of a federally funded grant entitled, New England Massachusetts Aging and Disability Resource Center.....$350,000

9110-2761 For the purposes of a federally funded grant entitled, Aging and Disability Resource Center- Center for Medicaid and Medicare Services.....$6,500

4003-0801 For the purposes of a federally funded grant entitled, Achieving Self-Sufficiency in a Short Time $335,000

4003-0803 For the purposes of a federally funded grant entitled, Refugee School Impact $287,500

4003-0804 For the purposes of a federally funded grant entitled, refugee Targeted Assistance Grant $1,156,746

4003-0805 For the purposes of a federally funded grant entitled, refugee Resettlement Program.....$1,613,552

4003-0806 For the purposes of a federally funded grant entitled, Refugee Cash, Medical, and Administration $7,772,792

4003-0809 For the purposes of a federally funded grant entitled, Refugees Effectively Accessing Connections with Hope ((REACH) $200,000

4003-0810 For the purposes of a federally funded grant entitled, Refugee Agriculture Partnership Program (RAPP).....$93,518

SECTION 3. Notwithstanding any general or special law to the contrary, for the fiscal year ending June 30, 2009 the distribution to cities and towns of the balance of the State Lottery Fund, as paid by the treasurer from the General Fund in accordance with clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws, shall be $810,875,000 and shall be apportioned to the cities and towns in accordance with this section.

Notwithstanding any general or special law to the contrary, the total amounts to be distributed and paid to each city and town from the General Fund shall be $124,153,283 and shall be apportioned to the cities and towns in accordance with this section; provided further, that said payments shall be considered part of the distribution to cities and towns of the balance of the State Lottery Fund for the purpose of the definition of "General revenue sharing aid" in section 2 of chapter 70 of the General Laws.

Notwithstanding any general or special law to the contrary, the total amounts to be distributed and paid to each city and town from item 0611-5500 of section 2 shall be as set forth in the following lists. The amounts to be distributed from said item 0611-5500 of said section 2 shall be in full satisfaction of the amounts due under section 37 of chapter 21 of the General Laws.

Notwithstanding section 2 of chapter 70 of the General Laws or any other general or special law to the contrary, except for section 12B of chapter 76 and section 89 of chapter 71 of the General Laws, for fiscal year 2009 the total amounts to be distributed and paid to each city and town from item 7061-0008 of section 2 shall be as set forth in the following lists. The specified amounts to be distributed from said item 7061-0008 of

said section 2 shall be in full satisfaction of the amounts due under chapter 70 of the General Laws.

For fiscal year 2009, the foundation budget categories for each district shall be calculated in the same manner as in fiscal year 2008. The target local share shall be calculated using the same methodology used in fiscal year 2008. Preliminary local contribution shall be the municipality's fiscal year 2008 minimum required local contribution, increased or decreased by the municipal revenue growth factor; provided, that if a municipality's preliminary contribution as a percentage of foundation is more than 5 percentage points lower than the target local share, the preliminary contribution shall be recalculated using the municipality's revenue growth factor plus 1 percentage point; provided further, that if a municipality's preliminary contribution as a percentage of foundation is more than 10 percentage points lower than the target local share, the preliminary contribution shall be recalculated using the municipality's revenue growth factor plus 2 percentage points. Required local contributions shall be calculated using the same methodology used in fiscal year 2008; provided, that in any municipality with a preliminary contribution higher than its target local contribution, required local contribution shall be the preliminary local contribution reduced by 33 per cent of the gap between the preliminary local contribution and the target local contribution. Required local contribution shall be allocated among the districts to which a municipality belongs in direct proportion to the foundation budgets for the municipality's pupils at each of those districts.

For fiscal year 2009, the "foundation aid increment" shall be the difference between: (a) the positive difference between a district's foundation budget and its required district contribution; and (b) prior year aid. The "down payment aid increment" shall be 33 per cent of the positive difference between 100 per cent of a district's target aid share and its prior year chapter 70 aid, minus the foundation aid increment; provided, that the target aid share shall be calculated in the same way as in fiscal year 2008 using updated income, equalized valuation and foundation budget data. The minimum target aid share shall be 17.5 per cent. The "growth aid increment" shall be equal to (a) the product of the target aid percentage multiplied by the difference between the current and prior year foundation budget minus (b) the foundation aid increment and down payment aid increment. The "minimum aid increment" shall be equal to (a) $50 multiplied by the district's foundation enrollment minus (b) the sum of the foundation aid increment, down payment aid increment and growth aid increment. In no case shall the foundation aid increment, down-payment aid increment, growth aid increment, or minimum aid increment be less than zero.

Chapter 70 aid for fiscal year 2009 shall be the sum of prior year aid plus the foundation aid increment plus the down payment aid increment, if any, plus the growth increment, if any, plus the minimum aid increment, if any. No district shall receive chapter 70 aid in an amount greater than the district's foundation budget. If there is a conflict between the language of this section and the distribution listed below, the distribution below shall control.

The department of education shall not consider health care costs for retired teachers to be part of net school spending for any district in which such costs were not considered part of net school spending in fiscal year 1994.

No payments to cities, towns or counties maintaining an agricultural school pursuant to this section shall be made after November 30 of the fiscal year by the state treasurer until he receives certification from the commissioner of revenue of the commissioner's acceptance of the prior fiscal year's annual financial reports submitted pursuant to section 43 of chapter 44 of the General Laws. The state treasurer shall make advance payments for some or all of periodic local reimbursement or assistance programs to any city, town, regional school district or independent agricultural and technical school that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary of administration and finance, pursuant to guidelines established by the secretary.

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid	Total Lottery
ABINGTON	7,808,577	0	2,123,221	325,087	2,448,308
ACTON	5,228,141	29,696	1,484,039	227,222	1,711,261
ACUSHNET	6,510,503	23,875	1,615,787	247,394	1,863,181
ADAMS	9,141	35,042	2,148,435	328,947	2,477,382
AGAWAM	16,486,547	0	3,976,245	608,804	4,585,049
ALFORD	0	0	14,564	2,230	16,794
AMESBURY	9,079,191	0	2,099,746	321,493	2,421,239
AMHERST	6,266,707	222,910	8,513,025	1,303,431	9,816,456
ANDOVER	7,467,975	0	1,928,601	295,289	2,223,890
AQUINNAH	0	0	2,521	386	2,907
ARLINGTON	6,229,294	4,491,775	4,293,083	657,315	4,950,398
ASHBURNHAM	0	0	755,093	115,613	870,706
ASHBY	0	0	411,706	63,036	474,742
ASHFIELD	99,291	0	200,377	30,680	231,057
ASHLAND	4,593,982	291,598	1,206,702	184,758	1,391,460
ATHOL	0	4,377	2,464,613	377,358	2,841,971
ATTLEBORO	30,251,302	0	6,157,435	942,766	7,100,201
AUBURN	5,807,803	0	1,848,442	283,015	2,131,457
AVON	880,355	400,636	400,636	61,342	461,978

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid	Total Lottery
AYER	4,253,186	44,218	778,730	119,232	897,962
BARNSTABLE	7,744,649	0	2,270,301	347,606	2,617,907
BARRE	17,858	0	877,692	134,384	1,012,076
BECKET	81,381	8,580	90,577	13,868	104,445
BEDFORD	3,025,145	484,271	819,014	125,400	944,414
BELCHERTOWN	13,164,100	0	1,836,460	281,181	2,117,641
BELLINGHAM	8,560,993	0	1,831,429	280,411	2,111,840
BELMONT	4,603,815	827,483	1,719,422	263,261	1,982,683
BERKLEY	5,537,165	0	656,712	100,549	757,261
BERLIN	539,078	0	217,605	33,318	250,923
BERNARDSTON	0	0	306,124	46,871	352,995
BEVERLY	7,254,770	2,452,442	4,176,202	639,419	4,815,621
BILLERICA	17,465,958	2,349,321	4,247,616	650,354	4,897,970
BLACKSTONE	127,344	0	1,291,572	197,753	1,489,325
BLANDFORD	45,414	0	136,166	20,849	157,015
BOLTON	5,769	0	213,098	32,628	245,726
BOSTON	221,422,839	164,211,152	62,079,987	9,505,083	71,585,070
BOURNE	5,049,097	352,555	1,276,459	195,439	1,471,898
BOXBOROUGH	1,394,863	0	272,260	41,686	313,946
BOXFORD	1,653,884	36,411	493,108	75,500	568,608
BOYLSTON	460,908	0	369,704	56,605	426,309
BRAINTREE	9,517,288	3,378,041	3,246,720	497,106	3,743,826
BREWSTER	957,078	0	426,164	65,250	491,414
BRIDGEWATER	85,768	0	3,456,202	529,180	3,985,382
BRIMFIELD	1,190,971	0	420,808	64,430	485,238
BROCKTON	128,909,020	4,310,392	18,861,064	2,887,822	21,748,886
BROOKFIELD	1,369,987	0	532,912	81,594	614,506
BROOKLINE	7,473,142	3,497,741	3,819,234	584,764	4,403,998

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid	Total Lottery
BUCKLAND	0	0	298,609	45,720	344,329
BURLINGTON	5,524,388	1,386,400	1,624,269	248,692	1,872,961
CAMBRIDGE	9,316,701	17,956,060	7,615,265	1,165,975	8,781,240
CANTON	3,760,236	878,002	1,553,135	237,801	1,790,936
CARLISLE	851,812	14,729	223,998	34,296	258,294
CARVER	10,319,108	0	1,576,731	241,414	1,818,145
CHARLEMONT	143,418	0	188,665	28,886	217,551
CHARLTON	0	0	1,400,782	214,474	1,615,256
CHATHAM	699,107	0	162,435	24,871	187,306
CHELMSFORD	9,432,005	2,535,342	3,279,476	502,122	3,781,598
CHELSEA	50,797,335	3,396,864	5,918,634	906,204	6,824,838
CHESHIRE	316,850	0	607,454	93,007	700,461
CHESTER	133,451	0	194,318	29,752	224,070
CHESTERFIELD	129,211	0	149,018	22,816	171,834
CHICOPEE	48,081,058	1,195,616	11,391,855	1,744,210	13,136,065
CHILMARK	0	0	4,047	620	4,667
CLARKSBURG	1,723,370	13,114	381,264	58,375	439,639
CLINTON	11,212,718	175,517	2,388,550	365,711	2,754,261
COHASSET	1,788,815	166,099	411,254	62,967	474,221
COLRAIN	0	0	275,354	42,159	317,513
CONCORD	2,154,784	383,959	919,155	140,732	1,059,887
CONWAY	638,732	0	192,895	29,534	222,429
CUMMINGTON	70,568	0	90,039	13,786	103,825
DALTON	218,598	0	1,088,076	166,596	1,254,672
DANVERS	4,601,706	1,118,972	2,103,687	322,096	2,425,783
DARTMOUTH	9,683,685	0	2,720,814	416,585	3,137,399
DEDHAM	3,935,816	1,550,298	2,185,091	334,560	2,519,651
DEERFIELD	1,106,598	0	518,401	79,373	597,774

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid	Total Lottery
DENNIS	0	0	587,807	89,999	677,806
DEVENS	328,000	0	0	0	0
DIGHTON	0	0	750,161	114,857	865,018
DOUGLAS	8,066,226	0	787,657	120,598	908,255
DOVER	648,415	0	207,623	31,789	239,412
DRACUT	17,410,464	0	3,781,642	579,008	4,360,650
DUDLEY	0	0	1,666,009	255,083	1,921,092
DUNSTABLE	0	30,076	224,728	34,408	259,136
DUXBURY	4,341,487	0	956,721	146,484	1,103,205
EAST BRIDGEWATER	10,896,226	0	1,615,582	247,362	1,862,944
EAST BROOKFIELD	95,548	0	291,291	44,600	335,891
EAST LONGMEADOW	8,324,121	0	1,562,302	239,204	1,801,506
EASTHAM	340,536	0	160,802	24,620	185,422
EASTHAMPTON	8,158,515	108,874	2,939,329	450,042	3,389,371
EASTON	9,794,246	0	2,363,583	361,889	2,725,472
EDGARTOWN	455,629	28,507	47,174	7,223	54,397
EGREMONT	0	0	68,100	10,427	78,527
ERVING	413,092	13,150	61,140	9,361	70,501
ESSEX	0	33,828	234,921	35,969	270,890
EVERETT	33,919,780	4,084,357	3,914,642	599,372	4,514,014
FAIRHAVEN	7,657,403	391,434	2,094,396	320,674	2,415,070
FALL RIVER	93,641,102	2,290,951	23,734,037	3,633,925	27,367,962
FALMOUTH	5,224,411	0	1,496,353	229,107	1,725,460
FITCHBURG	41,150,295	214,811	9,024,551	1,381,751	10,406,302
FLORIDA	516,835	0	53,723	8,226	61,949
FOXBOROUGH	8,462,796	0	1,607,662	246,150	1,853,812
FRAMINGHAM	17,135,878	4,697,500	6,664,432	1,020,393	7,684,825

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid	Total Lottery
FRANKLIN	28,726,706	0	2,666,957	408,338	3,075,295
FREETOWN	1,546,895	0	1,024,891	156,921	1,181,812
GARDNER	19,135,945	120,747	4,468,972	684,245	5,153,217
GEORGETOWN	4,444,922	52,998	727,229	111,346	838,575
GILL	0	0	229,543	35,145	264,688
GLOUCESTER	6,204,130	1,923,054	2,642,985	404,668	3,047,653
GOSHEN	102,159	0	86,346	13,220	99,566
GOSNOLD	17,447	1,962	563	86	649
GRAFTON	8,180,814	0	1,687,603	258,389	1,945,992
GRANBY	4,732,473	0	952,996	145,913	1,098,909
GRANVILLE	1,344,685	0	173,046	26,495	199,541
GREAT BARRINGTON	0	0	819,120	125,416	944,536
GREENFIELD	9,734,728	0	3,426,642	524,654	3,951,296
GROTON	0	0	830,706	127,190	957,896
GROVELAND	0	0	687,260	105,227	792,487
HADLEY	790,348	138,341	369,882	56,633	426,515
HALIFAX	2,643,129	0	979,766	150,012	1,129,778
HAMILTON	0	42,887	656,812	100,565	757,377
HAMPDEN	0	0	676,114	103,520	779,634
HANCOCK	205,303	17,638	45,643	6,988	52,631
HANOVER	6,004,648	1,326,394	1,136,124	173,952	1,310,076
HANSON	11,943	0	1,264,731	193,643	1,458,374
HARDWICK	0	3,228	434,673	66,553	501,226
HARVARD	1,787,958	55,090	1,550,631	237,417	1,788,048
HARWICH	1,871,266	0	464,916	71,183	536,099
HATFIELD	812,018	0	336,777	51,564	388,341
HAVERHILL	36,078,018	2,503,145	8,437,205	1,291,823	9,729,028

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid	Total Lottery
HAWLEY	11,668	12,924	35,502	5,436	40,938
HEATH	0	0	84,583	12,950	97,533
HINGHAM	4,850,597	334,151	1,413,614	216,439	1,630,053
HINSDALE	111,270	0	228,618	35,004	263,622
HOLBROOK	4,956,102	4,757	1,588,423	243,204	1,831,627
HOLDEN	0	0	1,849,290	283,145	2,132,435
HOLLAND	889,479	0	217,849	33,355	251,204
HOLLISTON	6,879,932	412,300	1,313,876	201,168	1,515,044
HOLYOKE	67,779,308	606,646	10,435,570	1,597,793	12,033,363
HOPEDALE	6,268,494	0	703,802	107,759	811,561
HOPKINTON	5,788,652	120,287	743,552	113,845	857,397
HUBBARDSTON	8,587	0	432,746	66,258	499,004
HUDSON	8,415,317	0	2,152,286	329,537	2,481,823
HULL	3,891,843	1,388,549	1,083,188	165,847	1,249,035
HUNTINGTON	218,880	0	356,332	54,558	410,890
IPSWICH	2,550,997	775,432	1,060,088	162,310	1,222,398
KINGSTON	3,890,145	0	1,035,980	158,619	1,194,599
LAKEVILLE	2,437,801	0	883,125	135,215	1,018,340
LANCASTER	0	0	893,497	136,803	1,030,300
LANESBOROUGH	861,902	0	372,314	57,005	429,319
LAWRENCE	136,055,235	190,699	21,026,845	3,219,426	24,246,271
LEE	2,067,656	0	672,180	102,918	775,098
LEICESTER	9,911,439	0	1,874,033	286,934	2,160,967
LENOX	1,219,373	72,146	512,735	78,505	591,240
LEOMINSTER	40,477,387	11,693	6,167,107	944,247	7,111,354
LEVERETT	287,813	0	192,655	29,498	222,153
LEXINGTON	7,601,057	0	1,654,143	253,266	1,907,409
LEYDEN	0	0	88,049	13,481	101,530

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid	Total Lottery
LINCOLN	774,506	292,012	481,547	73,730	555,277
LITTLETON	3,017,400	164,924	624,195	95,571	719,766
LONGMEADOW	4,429,510	0	1,507,949	230,882	1,738,831
LOWELL	119,881,735	6,340,746	21,687,224	3,320,537	25,007,761
LUDLOW	12,688,709	0	3,297,199	504,835	3,802,034
LUNENBURG	4,620,790	0	1,141,383	174,757	1,316,140
LYNN	117,607,718	9,477,523	15,946,455	2,441,566	18,388,021
LYNNFIELD	4,095,804	362,288	808,342	123,766	932,108
MALDEN	41,237,571	5,586,730	8,696,298	1,331,493	10,027,791
MANCHESTER	0	0	240,028	36,751	276,779
MANSFIELD	17,263,411	725,040	1,778,774	272,348	2,051,122
MARBLEHEAD	4,903,471	39,403	1,194,906	182,952	1,377,858
MARION	465,310	0	243,539	37,288	280,827
MARLBOROUGH	11,626,039	2,728,327	3,509,376	537,321	4,046,697
MARSHFIELD	14,624,362	202,756	2,162,341	331,077	2,493,418
MASHPEE	4,527,865	0	397,103	60,801	457,904
MATTAPOISETT	568,024	0	437,452	66,978	504,430
MAYNARD	3,263,163	586,886	1,186,706	181,697	1,368,403
MEDFIELD	6,058,209	744,614	918,834	140,683	1,059,517
MEDFORD	11,681,327	6,432,448	7,209,945	1,103,916	8,313,861
MEDWAY	9,230,437	187,002	1,154,624	176,785	1,331,409
MELROSE	7,541,739	2,704,187	3,190,170	488,448	3,678,618
MENDON	27,663	0	441,076	67,533	508,609
MERRIMAC	0	0	785,896	120,329	906,225
METHUEN	37,369,988	163,026	5,727,102	876,878	6,603,980
MIDDLEBOROUGH	17,185,388	0	2,661,068	407,437	3,068,505
MIDDLEFIELD	17,650	0	57,379	8,785	66,164
MIDDLETON	1,598,957	126,570	480,794	73,615	554,409

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid	Total Lottery
MILFORD	14,245,479	0	3,296,696	504,758	3,801,454
MILLBURY	6,956,660	0	1,911,265	292,634	2,203,899
MILLIS	3,565,161	320,940	851,702	130,404	982,106
MILLVILLE	43,194	0	385,261	58,988	444,249
MILTON	4,786,872	1,245,145	2,388,246	365,665	2,753,911
MONROE	89,564	13,927	7,769	1,189	8,958
MONSON	7,708,640	0	1,408,931	215,722	1,624,653
MONTAGUE	6,507	0	1,364,557	208,928	1,573,485
MONTEREY	0	12,538	37,067	5,675	42,742
MONTGOMERY	19,446	0	88,560	13,559	102,119
MOUNT WASHINGTON	34,839	33,286	3,489	534	4,023
NAHANT	475,089	125,393	299,072	45,791	344,863
NANTUCKET	1,438,148	0	85,517	13,094	98,611
NATICK	5,843,990	1,942,474	2,428,369	371,808	2,800,177
NEEDHAM	6,118,846	205,993	1,705,544	261,136	1,966,680
NEW ASHFORD	166,015	7,313	15,581	2,386	17,967
NEW BEDFORD	110,955,531	716,255	24,207,708	3,706,449	27,914,157
NEW BRAINTREE	0	0	128,668	19,700	148,368
NEW MARLBOROUGH	0	0	63,211	9,678	72,889
NEW SALEM	0	0	110,683	16,947	127,630
NEWBURY	0	0	490,314	75,072	565,386
NEWBURYPORT	3,388,114	1,380,057	1,555,935	238,230	1,794,165
NEWTON	14,460,608	1,377,012	5,148,710	788,320	5,937,030
NORFOLK	3,486,975	0	1,035,062	158,479	1,193,541
NORTH ADAMS	14,464,725	185,853	4,627,279	708,484	5,335,763
NORTH ANDOVER	5,551,977	120,549	2,107,405	322,665	2,430,070
NORTH	21,050,700	0	3,105,234	475,443	3,580,677

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid	Total Lottery
ATTLEBOROUGH					
NORTH BROOKFIELD	4,451,604	0	860,039	131,681	991,720
NORTH READING	6,170,866	945,499	1,096,475	167,882	1,264,357
NORTHAMPTON	7,376,359	577,922	4,242,771	649,612	4,892,383
NORTHBOROUGH	3,347,474	61,111	1,150,939	176,221	1,327,160
NORTHBRIDGE	14,256,878	3,071	2,275,644	348,424	2,624,068
NORTHFIELD	0	0	341,668	52,313	393,981
NORTON	13,094,617	0	2,243,284	343,470	2,586,754
NORWELL	2,778,831	541,079	687,802	105,309	793,111
NORWOOD	5,183,560	2,665,880	2,708,514	414,701	3,123,215
OAK BLUFFS	661,462	0	78,496	12,018	90,514
OAKHAM	80,415	0	207,077	31,706	238,783
ORANGE	5,516,748	2,115	1,742,469	266,790	2,009,259
ORLEANS	256,162	0	185,398	28,386	213,784
OTIS	0	0	39,258	6,011	45,269
OXFORD	9,416,524	0	2,219,385	339,811	2,559,196
PALMER	11,225,832	0	2,164,580	331,419	2,495,999
PAXTON	0	0	504,288	77,212	581,500
PEABODY	20,118,092	3,140,276	5,067,896	775,947	5,843,843
PELHAM	233,169	0	171,807	26,305	198,112
PEMBROKE	12,449,176	0	1,814,338	277,794	2,092,132
PEPPERELL	8,877	0	1,380,243	211,329	1,591,572
PERU	91,528	0	120,192	18,403	138,595
PETERSHAM	451,377	0	123,738	18,945	142,683
PHILLIPSTON	0	4,386	188,598	28,876	217,474
PITTSFIELD	35,756,340	880,284	8,555,511	1,309,937	9,865,448
PLAINFIELD	54,235	0	54,149	8,291	62,440
PLAINVILLE	2,687,691	0	818,839	125,373	944,212

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid	Total Lottery
PLYMOUTH	21,376,068	0	4,229,280	647,546	4,876,826
PLYMPTON	594,336	0	256,062	39,206	295,268
PRINCETON	0	0	319,569	48,929	368,498
PROVINCETOWN	278,151	22,181	130,058	19,913	149,971
QUINCY	16,126,667	11,567,002	10,578,453	1,619,670	12,198,123
RANDOLPH	12,185,588	1,825,854	4,026,799	616,544	4,643,343
RAYNHAM	0	0	1,227,334	187,918	1,415,252
READING	9,264,215	1,534,901	2,167,997	331,943	2,499,940
REHOBOTH	0	0	1,013,024	155,104	1,168,128
REVERE	33,590,732	5,334,444	6,476,715	991,651	7,468,366
RICHMOND	356,276	0	116,772	17,879	134,651
ROCHESTER	1,634,188	0	458,417	70,188	528,605
ROCKLAND	10,359,483	394,336	2,511,335	384,511	2,895,846
ROCKPORT	1,370,912	0	472,285	72,312	544,597
ROWE	72,924	0	4,252	651	4,903
ROWLEY	0	114,232	483,811	74,077	557,888
ROYALSTON	0	0	173,785	26,608	200,393
RUSSELL	179,065	0	263,112	40,285	303,397
RUTLAND	10,197	0	883,378	135,254	1,018,632
SALEM	14,371,186	3,298,731	4,584,849	701,988	5,286,837
SALISBURY	0	0	681,974	104,417	786,391
SANDISFIELD	0	0	37,402	5,727	43,129
SANDWICH	6,873,318	88,406	1,139,865	174,525	1,314,390
SAUGUS	4,191,423	1,784,087	2,412,605	369,395	2,782,000
SAVOY	527,277	13,801	113,091	17,315	130,406
SCITUATE	5,208,715	875,037	1,412,437	216,259	1,628,696
SEEKONK	4,605,053	0	1,328,179	203,358	1,531,537
SHARON	6,964,282	62,495	1,456,723	223,039	1,679,762

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid	Total Lottery
SHEFFIELD	14,760	11,938	252,597	38,675	291,272
SHELBURNE	0	0	279,810	42,842	322,652
SHERBORN	538,802	20,951	215,624	33,014	248,638
SHIRLEY	4,484,574	185,558	1,255,183	192,181	1,447,364
SHREWSBURY	18,866,811	298,861	2,747,474	420,666	3,168,140
SHUTESBURY	616,453	0	183,035	28,025	211,060
SOMERSET	5,372,323	0	1,655,450	253,466	1,908,916
SOMERVILLE	20,597,265	16,219,924	12,055,660	1,845,845	13,901,505
SOUTH HADLEY	7,665,297	20,214	2,801,393	428,922	3,230,315
SOUTHAMPTON	2,614,089	0	687,738	105,300	793,038
SOUTHBOROUGH	2,861,518	0	472,081	72,280	544,361
SOUTHBRIDGE	16,282,624	0	3,797,171	581,386	4,378,557
SOUTHWICK	0	0	1,229,576	188,261	1,417,837
SPENCER	0	0	2,109,599	323,001	2,432,600
SPRINGFIELD	262,734,913	1,829,496	39,273,767	6,013,217	45,286,984
STERLING	0	0	742,383	113,666	856,049
STOCKBRIDGE	0	0	107,589	16,473	124,062
STONEHAM	3,532,166	2,028,958	2,251,812	344,776	2,596,588
STOUGHTON	12,759,783	103,134	3,366,896	515,506	3,882,402
STOW	0	6,974	448,322	68,643	516,965
STURBRIDGE	2,061,613	0	836,218	128,033	964,251
SUDBURY	4,367,981	641,561	954,514	146,146	1,100,660
SUNDERLAND	891,346	0	545,541	83,528	629,069
SUTTON	5,496,292	0	842,550	129,003	971,553
SWAMPSCOTT	2,701,925	352,328	1,091,550	167,128	1,258,678
SWANSEA	4,735,383	0	2,027,210	310,387	2,337,597
TAUNTON	45,146,596	0	9,078,133	1,389,955	10,468,088
TEMPLETON	0	0	1,307,638	200,213	1,507,851

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid	Total Lottery
TEWKSBURY	13,139,908	0	3,004,066	459,953	3,464,019
TISBURY	410,255	0	105,837	16,205	122,042
TOLLAND	0	9,864	9,650	1,477	11,127
TOPSFIELD	1,105,893	253,284	442,377	67,733	510,110
TOWNSEND	8,704	0	1,261,350	193,126	1,454,476
TRURO	264,595	0	32,471	4,972	37,443
TYNGSBOROUGH	7,502,677	0	1,043,082	159,707	1,202,789
TYRINGHAM	37,969	0	13,703	2,098	15,801
UPTON	24,535	0	528,594	80,933	609,527
UXBRIDGE	9,646,402	0	1,485,136	227,389	1,712,525
WAKEFIELD	4,868,148	1,438,080	2,389,038	365,786	2,754,824
WALES	698,579	0	254,937	39,034	293,971
WALPOLE	7,504,424	883,775	1,984,388	303,830	2,288,218
WALTHAM	7,619,002	5,458,868	5,630,683	862,115	6,492,798
WARE	8,166,339	15,257	1,850,192	283,283	2,133,475
WAREHAM	12,491,866	0	2,135,501	326,967	2,462,468
WARREN	71,661	0	847,904	129,823	977,727
WARWICK	0	28,890	97,670	14,954	112,624
WASHINGTON	11,943	23,752	71,998	11,024	83,022
WATERTOWN	3,486,296	4,427,251	3,053,794	467,567	3,521,361
WAYLAND	3,389,954	280,373	732,505	112,154	844,659
WEBSTER	9,199,351	62,006	2,618,621	400,938	3,019,559
WELLESLEY	6,518,222	96,838	1,314,235	201,223	1,515,458
WELLFLEET	157,726	0	63,088	9,659	72,747
WENDELL	0	25,534	158,467	24,263	182,730
WENHAM	0	139,794	341,098	52,226	393,324
WEST BOYLSTON	3,023,114	67,754	801,213	122,674	923,887
WEST	2,226,304	47,212	664,864	101,798	766,662

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid	Total Lottery
BRIDGEWATER					
WEST BROOKFIELD	214,017	0	512,575	78,481	591,056
WEST NEWBURY	0	0	303,647	46,491	350,138
WEST SPRINGFIELD	17,723,986	0	3,868,315	592,279	4,460,594
WEST STOCKBRIDGE	0	0	104,945	16,068	121,013
WEST TISBURY	0	182,434	39,094	5,986	45,080
WESTBOROUGH	4,432,684	145,058	1,124,964	172,243	1,297,207
WESTFIELD	34,043,025	0	6,794,748	1,040,346	7,835,094
WESTFORD	15,630,525	895,514	1,517,187	232,297	1,749,484
WESTHAMPTON	420,422	0	156,403	23,947	180,350
WESTMINSTER	0	0	695,629	106,508	802,137
WESTON	2,608,444	0	403,737	61,816	465,553
WESTPORT	4,478,373	0	1,313,148	201,057	1,514,205
WESTWOOD	3,547,941	36,263	755,991	115,750	871,741
WEYMOUTH	24,326,465	2,424,084	7,309,208	1,119,115	8,428,323
WHATELY	246,385	0	144,850	22,178	167,028
WHITMAN	119,435	0	2,260,011	346,031	2,606,042
WILBRAHAM	0	0	1,448,849	221,834	1,670,683
WILLIAMSBURG	432,416	0	326,774	50,033	376,807
WILLIAMSTOWN	965,143	0	1,030,496	157,779	1,188,275
WILMINGTON	9,957,492	1,254,452	1,595,997	244,363	1,840,360
WINCHENDON	10,861,118	25,366	1,793,833	274,654	2,068,487
WINCHESTER	5,209,589	344,404	1,298,293	198,782	1,497,075
WINDSOR	50,341	28,020	82,451	12,624	95,075
WINTHROP	5,184,551	2,287,531	2,566,405	392,943	2,959,348
WOBURN	6,708,151	3,586,952	3,351,079	513,085	3,864,164
WORCESTER	180,493,947	11,809,090	34,612,898	5,299,590	39,912,488
WORTHINGTON	72,731	0	135,577	20,758	156,335

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Aid Funded through Lottery Revenues	General Fund Supplement to Hold Harmless Lottery Aid	Total Lottery
WRENTHAM	3,814,719	0	1,006,293	154,074	1,160,367
YARMOUTH	2,607	0	1,362,759	208,652	1,571,411
Regional Total	**640,333,651**	**378,517,988**	**810,875,000**	**124,153,283**	**935,028,283**
Total	**3,948,824,061**				

Regional School	7061-0008 Chapter 70
ACTON BOXBOROUGH	6,852,830
ADAMS CHESHIRE	10,464,212
AMHERST PELHAM	9,883,632
ASHBURNHAM WESTMINSTER	10,333,667
ASSABET VALLEY	2,994,328
ATHOL ROYALSTON	18,293,920
BERKSHIRE HILLS	2,864,582
BERLIN BOYLSTON	939,819
BLACKSTONE MILLVILLE	11,330,629
BLACKSTONE VALLEY	7,222,279
BLUE HILLS	4,117,441
BRIDGEWATER RAYNHAM	21,612,939
BRISTOL COUNTY	3,078,101
BRISTOL PLYMOUTH	9,326,406
CAPE COD	2,178,249
CENTRAL BERKSHIRE	8,930,319
CHESTERFIELD GOSHEN	772,802
CONCORD CARLISLE	1,925,396
DENNIS YARMOUTH	6,902,694
DIGHTON REHOBOTH	13,142,953
DOVER SHERBORN	1,465,508
DUDLEY CHARLTON	24,412,589
ESSEX COUNTY	4,314,850
FARMINGTON RIVER	414,256
FRANKLIN COUNTY	3,523,598
FREETOWN LAKEVILLE	7,565,074
FRONTIER	2,915,581
GATEWAY	5,986,331

Regional School	7061-0008 Chapter 70
GILL MONTAGUE	6,433,023
GREATER FALL RIVER	14,555,488
GREATER LAWRENCE	21,416,909
GREATER LOWELL	21,032,322
GREATER NEW BEDFORD	22,190,981
GROTON DUNSTABLE	11,080,035
HAMILTON WENHAM	3,506,180
HAMPDEN WILBRAHAM	11,749,844
HAMPSHIRE	3,066,174
HAWLEMONT	650,788
KING PHILIP	7,572,964
LINCOLN SUDBURY	2,522,250
MANCHESTER ESSEX	1,718,411
MARTHAS VINEYARD	2,901,535
MASCONOMET	5,052,267
MENDON UPTON	12,546,934
MINUTEMAN	2,295,103
MOHAWK TRAIL	6,262,133
MONTACHUSETT	12,300,386
MOUNT GREYLOCK	1,776,889
NARRAGANSETT	10,356,119
NASHOBA	6,605,746
NASHOBA VALLEY	2,903,060
NAUSET	3,453,823
NEW SALEM WENDELL	669,769
NORFOLK COUNTY	1,024,400
NORTH MIDDLESEX	21,025,248
NORTH SHORE	1,649,764
NORTHAMPTON SMITH	954,661
NORTHBORO SOUTHBORO	2,920,581

Regional School	7061-0008 Chapter 70
NORTHEAST METROPOLITAN	7,766,451
NORTHERN BERKSHIRE	4,393,857
OLD COLONY	3,383,947
OLD ROCHESTER	2,112,657
PATHFINDER	5,113,578
PENTUCKET	13,496,924
PIONEER	4,281,429
QUABBIN	17,325,703
QUABOAG	8,505,385
RALPH C MAHAR	5,664,360
SHAWSHEEN VALLEY	5,485,056
SILVER LAKE	6,954,999
SOUTH MIDDLESEX	2,600,949
SOUTH SHORE	3,734,822
SOUTHEASTERN	12,045,030
SOUTHERN BERKSHIRE	1,939,087
SOUTHERN WORCESTER	9,238,460
SOUTHWICK TOLLAND	8,380,674
SPENCER EAST BROOKFIELD	14,268,534
TANTASQUA	8,066,079
TRI COUNTY	5,427,668
TRITON	8,743,809
UPISLAND	842,524
UPPER CAPE COD	3,070,139
WACHUSETT	21,928,787
WHITMAN HANSON	23,979,759
WHITTIER	5,624,212
Regional Total	**640,333,651**

SECTION 3A. Chapter 6 of the General Laws is hereby amended by inserting after section 172I the following section:--

Section 172J. Notwithstanding section 172 or any other general or special law or rule or regulation to the contrary, any summer camp or school that submits a criminal offender information request pursuant to section 38R of chapter 71 or sections 172G, 172H or 172I as to an employee or volunteer, or prospective employee or volunteer, and contemporaneously requests criminal offender record information for the same employee or volunteer to satisfy the requirements of another general law or a special law or regulation that requires a request for criminal offender record information check by reason of such person's employment or volunteering for a climbing wall or challenge course program, the criminal history systems board shall conduct the most comprehensive check required of such employee or volunteer and the results of that check shall satisfy each of the camp or school's obligation to request criminal offender record information for that employee or volunteer. The criminal history systems board shall assess the camp or school a single fee for a criminal offender record information request submitted pursuant to this section, as if 1criminal offender record was requested.

Information obtained pursuant to this section shall not be disseminated for any purpose other than to further the protection of children.

SECTION 3B. Chapter 6A is hereby amended by adding the following section:-

Section 16P. (a) As used in this section, the following words shall, except as otherwise provided, have the following meanings:-

"Level IV treatment intervention", any procedure which involves the systematic use of noxious or intrusive stimuli which are generally known to be painful or otherwise unpleasant to individuals, including but not limited to, procedures that: (1) cause physical pain to the individual, whether administered directly or through intermediary devices, such as skin electric shock, inhalants or ingestible substances but excluding alcoholism treatments, such as the administration of Disulfiram, Antabuse or Antabus; (2) involve sleep or food deprivation; (3) include the introduction of additives intended to make food

unpleasant; or (4) involve the prompting of an individual to engage in a behavior which then results in an aversive stimulus applied as a punitive consequence.

"Statewide peer review committee", the review committee established in subsection (c).

"Department", the department of mental retardation.

"Executive office", the executive office of health and human services.

"Individual treatment plan", a plan approved by the statewide peer review committee pursuant to regulations promulgated under this section.

"Secretary", secretary of health and human services.

(b) There shall be within the department a new classification of behavioral treatment interventions, to be known as level IV treatment interventions. The department shall, with the advice and consent of the statewide peer review committee, promulgate rules and regulations consistent with this chapter regarding the use of level IV treatment interventions on an individual who receives services from a public or private agency receiving funding or subsidy through the commonwealth in order to address a pattern of conduct caused by a disorder which poses a serious risk of injury or harm to that individual or to others. These rules and regulations shall be consistent with federal and state rules, regulations and laws. The department, with the advice and consent of the statewide peer review committee, may make such adjustments, exceptions or waivers as necessary to carry out the purposes of this section or to facilitate compliance with this section. The department's regulations of the use of level IV interventions shall apply to all uses of such procedures by any public or private agency receiving funding through the commonwealth.

Level IV interventions shall be designed for the treatment of certain types of dangerous or self-destructive behaviors following a pre-determined treatment protocol which includes highly punitive techniques designed to teach an individual not to repeat those behaviors. Level IV interventions shall be considered for use solely as a method to

address an individual's behaviors that directly present a clear risk of injury or harm to that individual or to others. Level IV interventions shall not be used to address minor behavior problems even if such behaviors shall be identified as antecedents to targeted challenging behaviors, unless less intrusive interventions have been attempted and documented to have failed. Level IV interventions shall only be considered when reinforcement-based interventions and other less intrusive treatments have failed, including programs developed by clinicians specially skilled in positive behavior supports. Documentation of the fidelity of the application of all less intrusive interventions and the completion of formal procedural reliability assessments shall be provided in all proposed level IV treatment intervention submissions.

Level IV interventions shall be restricted to those techniques and procedures that are evidence-based practices and have been scientifically validated, as demonstrated by their publication in peer-reviewed professional journals. All proposed interventions shall have been demonstrated as clinically effective in the reduction of similar topographies of challenging behaviors with participants within similar age ranges or diagnostic categories and in similar settings. All proposed interventions for children shall be consistent with the Individuals with Disabilities Education Act of 2004 and No Child Left Behind.

(c) There shall be a statewide peer review committee on level IV treatment interventions. The statewide peer review committee shall be located within, but not subject to control by, the executive office. The governor shall appoint 3 licensed psychologists to the committee, 2 of whom shall meet the requirements of clause (2) of the third paragraph of this subsection and have 10 or more years of experience in applied behavior analysis and behavior treatment of severe behavior problems.

If a public or private agency receives funding from another state or jurisdiction and seeks to utilize a level IV procedure with a client who is a permanent resident of that state or jurisdiction, that state or jurisdiction may recommend an individual who meets the requirements of clause (2) of the third paragraph of this subsection to serve as an ad-hoc member of the statewide peer review committee to review any proposed level IV interventions for residents from that state or jurisdiction.

The statewide peer review committee shall: (1) review, approve and oversee all level IV treatment interventions on any person in the commonwealth who is served by a public or private agency receiving funding or subsidy through the executive office as provided under this section; (2) appoint a chair who is (i) a board certified behavior analyst; (ii) holds specialty certification in cognitive and behavior psychology from the American Board of Professional Psychology; or (iii) is a licensed psychologist with documented education, professional training and experience in applied behavior analysis and behavior treatment, and 5 years of full-time experience serving individuals, within the same age range or diagnostic category, demonstrating similar topographies of challenging behaviors and utilizing similar treatment approaches as those proposed in the behavior treatment plan under review; (3) review individual treatment plans and approve the use of level IV treatment interventions within such treatment plans; (4) set guidelines and standards for facility peer review committees; (5) review and make recommendations to the executive office for any requested exclusions or waivers from the regulations governing level IV treatment interventions; and (6) be assisted in its duties by the executive office, which shall provide technical, technological, operational and administrative support.

Members of the statewide peer review committee shall be indemnified from any civil action brought for damages to the same extent as provided for public employees in chapter 258 and shall be indemnified for all expenses incurred in the defense thereof; provided, however, that the claim arose out of acts performed by such member while acting within the scope of his official duties.

(d) All level IV interventions shall be designed by an individual who: (1) is a board certified behavior analyst; (2) holds specialty certification in cognitive and behavioral psychology from the American Board of Professional Psychology; (3) is a licensed psychologist with documented education, professional training and experience in applied behavior analysis and behavioral treatment, and 5 years of full-time experience serving individuals, within the same age range and diagnostic category, demonstrating similar topographies of challenging behaviors and utilizing similar treatment approaches as those proposed in the level IV plan under review. Individuals responsible for the

design of level IV interventions shall comply fully with the American Psychological Association's Ethical Principles of Psychologists and the Code of Conduct. All level IV interventions submitted for review and approval shall meet the standards in the Behavior Analysis Certification Board Guidelines for Responsible Conduct For Behavior Analysts and shall include documentation that the challenging behaviors which shall be addressed are not a function of a medical or psychiatric disorder which can be treated through less intrusive treatments. All such proposed interventions shall include evidence of the completion of a formal comprehensive functional behavioral assessment, a preference assessment and reinforcement strategies designed to teach functionally equivalent replacement behaviors. In addition to the ongoing empirical measurement of all targeted challenging and replacement behaviors throughout any approved level IV intervention, all such level IV interventions shall also include ongoing objective documentation of the trauma suffered by the individual or others as a result of the challenging behaviors addressed within the treatment plan.

(e) Level IV interventions shall only be implemented by staff persons that have received specific training in the application of the intervention and the individualized treatment plan. Documentation listing all qualified staff who received specific training in the level IV intervention and the individuals who designed the treatment protocol and who administered each application of the level IV intervention shall be incorporated in the client record.

The statewide peer review committee shall require that all level IV interventions shall be implemented only under the direct supervision and physical presence of the board certified behavior analyst, a cognitive and behavioral specialist certified by the American Board of Professional Psychology or a licensed psychologist with documented education, professional training and experience in applied behavior analysis and behavioral treatment.

(f) Each facility seeking to use level IV treatment interventions shall establish a facility peer review committee approved by the statewide peer review committee. Before applying to the statewide peer review committee for authority to implement a behavior

treatment intervention, consent shall be obtained from the client, if he is competent to consent, and the facility peer review committee. The facility peer review committee shall include: (1) psychologists with documented education, professional training and experience in applied behavior analysis and behavioral treatment; and (2) a psychologist with broad clinical expertise outside the specialty of behavior analysis. In cases of extreme emergencies, the agency serving the individual shall not be required to apply for approval to the facility peer review committee, but shall apply directly to the statewide peer review committee for a 30-day temporary approval of the intervention; provided, however, that the agency has secured informed consent from the client, if he is competent to consent. If an emergency application is approved by the statewide peer review committee, the application shall also be submitted, before implementation, to the probate court of the county in which the client resides for approval through a substituted judgment review process.

(g) Level IV treatment interventions shall be permitted only when approved by the statewide peer review committee and by a court-ordered substituted judgment treatment plan for an individual client. Before rendering a decision, the statewide peer review committee may permit the proponent of the use of such interventions and any other interested person the opportunity to present materials in support of or in opposition to the proposed treatment plan. The decision of the statewide peer review committee shall be in writing with supporting reasons provided for its decision. A finding by the statewide peer review committee permitting level IV treatment interventions with respect to any individual treatment plan shall be submitted thereafter to the probate court of the county in which the client resides as part of the court's independent review and approval of the treatment plan.

(h) Level IV interventions shall not be initially approved by the statewide peer review committee unless the proponent of the use of such interventions provides clear and convincing evidence through the evaluation protocol and ongoing behavior data that: (a) the target behavior of an individual presents an immediate risk of serious physical injury or harm to the individual or to others; (b) the level IV procedure will lead to positive outcomes and a significant decrease in the target behaviors; and (c) less intrusive

treatments continue to be unsuccessful or would present an immediate risk of serious physical injury or harm.

Level IV treatment interventions may be initially approved for no more than 30 days by the statewide peer review committee, and may be re-approved thereafter for additional 30-day periods, not to exceed 6 months. Request for re-approval shall be subject to such conditions as the statewide peer review committee may designate, including a review of all existing data to confirm that the use of the level IV treatment intervention has led to positive outcomes and a significant decrease in the target behaviors. Any request for the use of the level IV treatment intervention beyond the 30-day trial shall require re-submission to the statewide peer review committee and the probate court of the county in which the client resides as part of the court's independent review and approval of the treatment plan. The statewide peer review committee shall petition the commissioner of mental retardation to review cases in which the continued use of level IV treatment interventions are requested beyond the 6-month limit.

(i) The executive office may, after a hearing pursuant to chapter 30A, deny, refuse, revoke, limit or suspend a license of any recipient of funding or subsidy through the executive office for failure to comply with this section.

(j) Except for emergency regulations adopted pursuant to section 2 of chapter 30A, any regulation, as defined in section 1 of said chapter 30A, or any amendment or repeal of any such regulation adopted by the department pursuant to this section, shall comply with this section and said chapter 30A, except section 5, and shall be submitted to the general court. The department shall file the proposed regulation, amendment or repeal with the clerk of the house of representatives, together with a statement of compliance with the pertinent provisions of said chapter 30A, except section 5. The clerk of the house of representatives, with the approval of the president of the senate and the speaker of the house of representatives, shall refer such regulations to the joint committee on children, families and persons with disabilities. Within 30 days after such referral, the committee may hold a public hearing on the regulations and shall issue a report to the department, which shall contain any proposed changes to the regulations voted upon by

the committee. The department and the statewide peer review committee shall review the report and shall adopt final regulations as deemed appropriate in view of the report and shall file with the chairmen of the committee its final regulations. If the final regulations do not contain the changes proposed by the committee, the department and the statewide peer review committee shall send a letter to the committee accompanying the final regulations stating the reasons why such proposed changes were not adopted. Not earlier than 45 days after the filing of such letter and final regulations with the committee, the department shall file the final regulations with the state secretary as provided in section 5 of said chapter 30A and the regulations shall thereupon take effect.

If no proposed changes to the regulations are made to the department and the statewide peer review committee within 60 days of the initial filing of the proposed regulation or any amendment or a repeal of such regulation with the clerk of the house of representatives, the department may file the final regulations with the state secretary as provided in section 5 of said chapter 30A and said regulations shall thereupon take effect.

(k) The implementation of any level IV intervention beyond the scope of a court-ordered treatment plan or the approval of the statewide peer review committee, or by a staff member who does not meet the requirements of this section shall be an act of mistreatment pursuant to section 13K of chapter 265 and shall be reported to the disabled persons protection commission.

(l) Except as otherwise provided, this section shall not alter the procedures for substituted judgment review by the probate and family court

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

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

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

SECTION 6. Section 35CC of said chapter 10, as so appearing, is hereby amended by inserting after the word "purposes", in line 12, the following words:- "and for administrative costs, including a staff member to manage the programs served by the fund. These administrative costs, excluding the staff member, shall not exceed 5 per cent of the monies in the fund in a given year."

SECTION 7. Chapter 10 of the General Laws is hereby amended by inserting after section 69 the following 2 sections:-

Section 69A. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Bay State Competitiveness Investment Fund. The comptroller shall administer the fund and shall be its trustee. There shall be credited to the fund amounts transferred under clause (b) of section 5C of chapter 29 and amounts deposited from other sources by law.

(b) At the end of each fiscal year, the comptroller shall transfer from the fund, without further appropriation, the following amounts:

(1) not more than $25,000,000 to the Massachusetts Life Sciences Investment Fund established by section 5 of chapter 23I; and

(2) after making the transfer required by clause (1), the balance as follows, but if the balance in the fund is insufficient, the following transfers shall be proportionately

reduced accordingly: $7,000,000 to the Massachusetts Cultural Facilities Fund, established in section 42 of chapter 23G; $5,000,000 to the Workforce Competitiveness Trust Fund, established in section 2WWW of chapter 29, $5,000,000 to the Endowment Incentive Holding Fund established in section 69C; provided, however, that $3,000,000 from the fund shall be allocated to University of Massachusetts campuses, provided further, that $1,000,000 from the fund shall be allocated to state college campuses; and provided further, that $1,000,000 from the fund shall be allocated to community college campuses, $3,000,000 to the Massachusetts Science, Technology, Engineering, and Mathematics Grant Fund established in section 2MMM of chapter 29, and $5,000,000 to the Affordable Housing Trust Fund, established in section 2 of chapter 121D.

Section 69B. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Salisbury Beach Preservation Trust Fund to be used, without further appropriation, for the long-term preservation and maintenance of Salisbury Beach. Any balance in the fund at the end of the fiscal year shall not revert to the General Fund, but shall remain available for expenditure in subsequent fiscal years. No expenditure made from the fund shall cause the fund to become deficient at any point during a fiscal year.

(b) Notwithstanding any general or special law to the contrary, the department of conservation and recreation shall impose a surcharge of $2 upon each fee charged and collected for admission to, and parking in, the Salisbury Beach Reservation. The additional monies collected from the surcharge shall be deposited into the Salisbury Beach Preservation Trust Fund.

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

SECTION 7A. Section 9 of chapter 15A of the General Laws is hereby amended by striking out the third paragraph, as most recently amended by section 28 of chapter 27 of the acts of 2007.

SECTION 7B Section 19 of said chapter 15A, as appearing in the 2006 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph: -

The commonwealth shall bear the cost of providing any waivers granted under this section; provided, however, that institutions shall not be required, on a year-to-year basis to grant waivers of a total value greater than those granted during the 2007 academic year.

SECTION 7C. Section 22 of said chapter 15A is hereby amended by inserting after the first paragraph, as most recently amended by section 72 of said chapter 27, the following paragraphs: -

The board of trustees of each state and community college shall fix and establish tuition and fee rates for each academic year. In-state tuition rates shall preserve affordability for residents. Out-of-state tuition rates shall appropriately balance the financial needs of the college with the need to be competitive with peer institutions regionally and nationwide

All tuition and fees received by a state or community college shall be retained by the board of trustees of the state or community college in a revolving trust fund and shall be expended by the board of trustees of the state or community college. Every trust fund shall be established in accordance with section 14 of chapter 73. Any balance remaining in the fund at the end of a fiscal year shall continue to be held in fund, shall remain available for expenditure in subsequent fiscal years and shall not revert to the General Fund. The funds shall be subject to audit by the state auditor.

Notwithstanding any general or special law to the contrary, unless the state appropriation is less than the previous fiscal year's appropriation, the rate of increase for

in-state tuition and general fees shall not exceed the 3-year average of the Consumer Price Index for Massachusetts. A college may request a higher rate of increase within parameters and procedures set by the department of higher education, in conjunction with the presidents of the state and community colleges and upon the approval of the department of higher education. In determining approval, the department shall take into consideration the overall well-being of the institution, the quality of the academic programs, multiple years of underfunding of the institutions, any 9C cuts that may have been instituted and the additional financial burden on the student population of the institutions. If the state appropriation is less than the preceding fiscal year appropriation, the institutions shall first utilize not less than 25 per cent of the combined total of their unrestricted reserve funds, including the student charges stabilization fund. For the purposes of this section, unrestricted reserves shall not include funds from auxiliary enterprise activities, grants and contracts, continuing education programs, gifts or plant funds. Thereafter, if the funding levels still fall short of the preceding fiscal year's appropriation, the institutions may increase student charges to attain the level of the previous fiscal year's appropriation plus the 3-year average of the consumer price index.

Whenever possible, the final rates of student charges shall be established for the subsequent academic year not later than 15 days prior to the deadline for submission of state and federal financial aid applications by students attending institutions of higher education.

For employees of a state or community college who are paid from tuition retained pursuant to this section, fringe benefits shall be funded as if those employees' salaries were supported by state appropriations. This paragraph shall apply only to fringe benefits associated with salaries paid from tuition retained by the board of trustees of a state or community college as a direct result of the authority granted in the preceding paragraph..

Notwithstanding the provisions of this section to the contrary, the board of trustees of a state or community college may fix and establish tuition rates and charges reduction for residents of bordering states to not less than 1.5 times the institution's in-state tuition and fee rates if it determines that the institution is below enrollment capacity

and the projected cost to the institution and the commonwealth of the reduction would be minimal when taking into account the projected enrollment growth associated with such adjustment. The board of trustees shall seek reciprocal arrangements from bordering states where no such tuition reduction is available for residents of the commonwealth."

SECTION 7D. Said chapter 15A is hereby further amended by adding the following section: -

Section 42. (a) Notwithstanding any general or special law to the contrary, each state and community college and the University of Massachusetts shall create a student charges stabilization fund for its institution. There shall be deposited annually into the fund of each institution the following: (1) any moneys which, within 60 days following the end of the fiscal year, the institution certifies to the state comptroller are moneys that were appropriated to the institution for that fiscal year that were not expended during, and remain unencumbered for expenditure in respect of, that fiscal year; provided, however, that notwithstanding any general or special law to the contrary, all such moneys shall remain available for expenditure, without further appropriation, in subsequent fiscal years and shall not revert to the General Fund; and provided further, that the state comptroller shall transfer any such moneys remaining in the General Fund to the institution within 30 days after receipt of the institution's certification; (2) moneys that are appropriated to an institution which are required to be deposited into the institution's student charges stabilization fund; and (3) other moneys that an institution may elect to deposit into the fund, including student tuition and fee revenue. Fund moneys shall be deposited in an interest bearing account and credited to the respective institution.

(b) Each institution shall deposit 5 per cent of any growth in state appropriation and tuition and fees from the prior year into its student charges stabilization fund.

(c) The board of trustees at each community college, state college and the University of Massachusetts may, in a fiscal year and upon the vote of the board, expend moneys in its student charges stabilization fund whenever in any such fiscal year the moneys made available to the institution do not meet the commonwealth's annual full funding obligations with respect to the operating requirements of the institution. Among

the uses as the boards of trustees of each state or community college or the University of Massachusetts shall direct for the operation and support of the institution, the moneys shall first be used to reduce the need for increases in tuition and fees and to mitigate such increases should they become necessary.

SECTION 8. Subsection (k) of section 39 of chapter 19A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- In order to maintain the fiscal viability of the program, the department shall adjust cost sharing required of enrollees in the form of co-payments, premiums and deductibles, or any combination of these forms, to reflect price trends for outpatient prescription drugs, as determined by the secretary. The secretary shall not implement such cost sharing increases required of enrollees in the form of co-payments, premiums and deductibles or any combination thereof, unless the executive office has given 90 days notice to the general court and the cost sharing increase has been approved by law.

SECTION 9. Said section 39 of said chapter 19A, as so appearing, is hereby further amended by adding the following 3 subsections:-

(t) In addition to the eligibility requirements set forth in this section, to be considered eligible for the program, individuals who receive Medicare and are applying for, or are then enrolled in, the program shall also be enrolled in a Medicare prescription drug plan, a Medicare Advantage prescription drug plan, or a plan which provides creditable prescription drug coverage as defined by section 104 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003, in this section called MMA, and which provides coverage of the cost of prescription drugs actuarially equal to or better than that provided by Medicare Part D, in this section called a creditable coverage plan.

(u) In addition to the eligibility requirements set forth in this section, to be considered eligible for the program, individuals who receive Medicare and are applying for, or are then enrolled in, the program, who may qualify for the low-income subsidy

provided under MMA Subpart P - Premiums and cost-sharing subsidies for low-income individuals, shall apply for those subsidies. To the extent permitted by MMA and regulations adopted under it and all other applicable federal law, the program may apply on behalf of a member for enrollment into a Medicare prescription drug plan or for the low-income subsidy provided under MMA and may receive information about the member's eligibility and enrollment status necessary for the operation of the program.

(v) For enrollees who qualify for enrollment in a Medicare Part D plan, the program shall provide a supplemental source of financial assistance for prescription drug costs, in this section called supplemental assistance, in lieu of the catastrophic prescription drug coverage provided under this section. The program shall provide supplemental assistance for premiums, deductibles, payments and co-payments required by a Medicare prescription drug plan or Medicare Advantage prescription drug plan, and shall provide supplemental assistance for deductibles, payments and co-payments required by a creditable coverage plan. The department may take steps for the coordination of these benefits. The department shall establish the amount of the supplemental assistance it will provide enrollees based on a sliding income scale and the coverage provided by the enrollees' Medicare prescription drug plan, Medicare Advantage prescription drug plan or creditable coverage plan. In addition to the eligibility requirements set forth in this section, to be considered eligible for the program, an individual shall have a household income of less than 500 per cent of the poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services under 42 U.S.C. section 9902(2). Residents of the commonwealth who are not eligible for Medicare shall continue to be eligible for the program under this section.

SECTION 10. Section 1 of chapter 19B of the General Laws, as so appearing, is hereby amended by striking out, in lines, 1 and 2, the words “mental retardation” and inserting in place thereof, in each instance, the following words:- developmental services.

SECTION10A. Section 4 of chapter 21L of the General Laws, as so appearing is hereby amended by adding the following subsection:-

(f) Any person that owns or operates a tank vessel, as defined in section 1 of chapter 21M, carrying 6,000 or more barrels of oil within Buzzards Bay, as defined in said section 1 of said chapter 21M, who fails to provide notice to the department of environmental protection as provided in subsection (a) of section 9 of said chapter 21M and violates this chapter by spilling oil into Buzzards Bay shall be assessed triple the fines provided in this section.

SECTION 10B. Section 1 of chapter 21M of the General Laws, as so appearing, is hereby amended by inserting before the definition of “Area of special interest” the following 2 definitions:-

“AIS”, automatic identification system.

“ARPA”, automatic radar plotting aid.

SECTION 10C. Said section 1 of said chapter 21M, as so appearing, is hereby further amended by inserting after the definition of “Covered vessel” the following definition:-

“Department”, department of environmental protection.

SECTION 10D. Said section 1 of said chapter 21M, as so appearing, is hereby further amended by inserting after the definition of “Double hull” the following 2 definitions:-

“ECIDIS”, an electronic chart display and information system.

“Fund”, the Oil Spill Prevention and Response Trust Fund, established in section 8.

SECTION 10E. Said section 1 of said chapter 21M, as so appearing, is hereby further amended by inserting after the definition of “Illicit drug” the following 3 definitions:-

“Rescue tug”, a tugboat escort having twin radar displays equipped with: ECDIS capable of integrating AIS or ARPA capable of integrating AIS; a towing winch and associated wire and gear capable of towing, at minimum, a 470 foot fully loaded tank vessel; pilot disembarkment gear; and 600 feet of oil spill response boom and associated response gear.

“Response time”, the amount of time required for a rescue tug to assist a tank vessel.

“State pilot”, a pilot commissioned pursuant to chapter 103.

SECTION 10F. Section 8 of said chapter 21M, as so appearing, is hereby amended by inserting after the words “response teams”, in line 3, the following words: - , rescue tugs dispatched pursuant to section 9 of chapter 21M.

SECTION 10G. Said section 8 of said chapter 21M, as so appearing, is hereby further amended by striking out, in lines 22 and 23, the words “not exceeding 2 cents for each barrel of petroleum product, as set by the commissioner pursuant to clause (4)” and inserting in place thereof the following words:- 5 cents for each barrel of petroleum product.

SECTION 10H. Subsection (c) of said section 8 of said chapter 21M, as so appearing, is hereby amended by striking out clauses (3) to (5), inclusive.

SECTION 10I. Said section 8 of said chapter 21M, as so appearing, is hereby further amended by striking out, in line 50, the figure “6” and inserting in place thereof the following figure:- 3.

SECTION 10J. Said section 8 of said chapter 21M, as so appearing, is hereby further amended by striking out, in line 80, the word “and”, the second time it appears.

SECTION 10K. Said section 8 of said chapter 21M, as so appearing, is hereby further amended by striking out, in line 84, the word “Administration.” and inserting in place thereof the following words:- Administration; and

(10) to pay for appropriately manned rescue tugs and state pilots in Buzzards Bay, dispatched pursuant to section 9 of chapter 21M.

SECTION 10L. Said section 8 of said chapter 21M, as so appearing, is hereby further amended by striking out, in line 127, the word “and”.

SECTION 10M. Said section 8 of said chapter 21M, as so appearing, is hereby further amended by striking out, in line 128, the word “reimbursements.” and inserting in place thereof the following words:- reimbursements; and

(vii) payment of costs associated with manning a rescue tug or tank vessel by a state pilot, dispatched pursuant to section 9 of chapter 21M.

SECTION 10N. Said chapter 21M, as so appearing, is hereby further amended by adding the following section:-

Section 9. (a) An owner or operator of a tank vessel carrying 6,000 or more barrels of oil may provide 24 hour notice to the department, in a manner to be determined by the department, of the owner or operator’s intent to enter or operate such vessel in Buzzards Bay.

(b) If such 24 hour notice is provided pursuant to subsection (a) of section 9 and the tank vessel is unaccompanied by a tug boat escort, the commissioner shall dispatch a state pilot, if requested by such owner or operator, to the towing vessel.

(c) The commissioner shall dispatch rescue tugs in Buzzards Bay to be available to tank vessels carrying 6,000 or more barrels of oil and unaccompanied by a tugboat escort and which are entering or operating in Buzzards Bay. The commissioner shall establish by regulation the maximum response times that rescue tugs shall maintain upon being dispatched.

(d) If no state pilot is requested pursuant to subsection (b), and a rescue tug is dispatched under subsection (c), such tug shall be manned by a state pilot. The pilot shall monitor the safe passage of vessels and provide information to tank vessel operators on current and anticipated navigational issues.

(e) The state pilot or operator of the rescue tugs shall report to the commissioner all near and actual navigational incidents that reasonably pose a risk of an oil spill in Buzzards Bay including, but not limited to: tank vessels traveling outside of the designated vessel route as appearing on the national oceanic and atmospheric administration chart for Buzzards Bay; failure to use AIS; near or actual collisions, allisions or groundings; steering or engine failures; and towing gear failures. The commissioner shall record, make available to the public and keep on file these reports for not less than 10 years.

(f) Notwithstanding subsection (b), the commissioner may authorize longer response times and fewer state pilots if he determines that exigent circumstances exist. No such authorization shall be construed to relieve or otherwise limit the liability of an owner or operator of a tank vessel for any release of oil that occurs while the tank vessel enters or operates in Buzzards Bay. The commissioner shall report, not later than January 1, and annually thereafter, to the joint committee on the environment, natural resources and agriculture the number of occasions that such exemptions were authorized.

(g) The commissioner shall adopt regulations to implement this section including, but not limited to, the dispatching of state pilots, manning requirements and maximum response times.

(h) The commissioner, after a competitive bidding process, may evaluate such bids and may enter into a contract for the dispatch and provision of rescue tugs, which meet or exceed the standards required under this section.

SECTION 10O. Chapter 22 of the General Laws is hereby amended by striking out section 12, as amended by section 6 of chapter 61 of the acts of 2007, and inserting in place thereof the following section:-

Section 12. There shall be in the department a commission a state boxing commission, which shall consist of the commissioner of the department of public safety, or his designee, and 4 persons to be appointed by the governor, with the advice and consent of the council, who shall serve for terms of 3 years. At least 1 member shall have

a background in the sport of boxing and at least 1 member shall have a background in the sport of mixed martial arts. The governor, with the advice and consent of the council, shall from time to time designate 1 member as chair. The members shall receive their traveling expenses necessarily incurred in the performance of their duties and shall be allowed such sums for clerical assistance as the governor and council may approve. The department shall provide administrative support to the commission. The commission may deputize 1 or more persons to represent the commission and to be present at a match or exhibition held under sections 32 to 51, inclusive, of chapter 147. Deputies may receive such compensation for their traveling expenses necessarily incurred in the discharge of their duties.

SECTION 12. Chapter 29 of the General Laws is hereby amended by striking out section 5C, as appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

Section 5C. The comptroller shall annually, on or before October 31, certify to the secretary of administration and finance the amount of the consolidated net surplus in the budgetary funds at the close of the preceding fiscal year. The amounts so certified shall be disposed as follows:

(a) an amount equal to 1/2 of 1 per cent of the total revenue from taxes in the preceding fiscal year shall be available to be used as revenue for the current fiscal year and 1/2 of 1 per cent of the total revenue from taxes in the preceding fiscal year shall be transferred to the Commonwealth Stabilization Fund;

(b) an amount of not more than $50,000,000 shall be transferred to the Bay State Competitiveness Investment Fund established in section 69A of chapter 10; and

(c) any remaining amount of the consolidated net surplus after amounts made available in clauses (a) and (b) shall be transferred to the Commonwealth Stabilization Fund.

All transfers specified in this section shall be made from the undesignated fund balances in the budgetary funds proportionally from those undesignated fund balances, but no such transfer shall cause a deficit in any of those funds. Before certifying the consolidated net surplus in accordance with this section, the comptroller shall, to the extent possible, eliminate deficits in any fund contributing to the surplus by transferring positive fund balances from any other fund contributing to the surplus.

SECTION 12A. Chapter 29 of the General Laws is hereby amended by adding the following section:-

Section 72. (a) Public funds shall not be expended for the purpose of sex reassignment surgery for a person in the custody of a jail or prison in the commonwealth.

(b) Public funds shall not be expended for the purpose of laser hair removal for a person in the custody of a jail or prison in the commonwealth.

(c) Public funds shall not be expended for the purpose of hormone replacement therapy for a person in the custody of a jail or prison in the commonwealth except for a use, prescribed by a physician, other than preparation for sex reassignment surgery.

SECTION 12B. Section 2 of chapter 30B of the General Laws, as so appearing, is hereby amended by inserting after the definition of “Designer” the following definition:-

“Electric bidding”, the electronic solicitation and receipt of offers to contract for supplies and services; Offers may be accepted and contracts may be entered by use of electronic bidding.

SECTION 12C. Said section 2 of said chapter 30B of the General Laws, as so appearing, is hereby further amended by inserting after the definition of “Responsive biddor or offeror” the following definition:-

"Reverse auction", a competitive online solicitation process for supplies and services in which vendors compete against each other online in real time in an open and interactive environment.

SECTION 12D. Said chapter 30B of the General Laws, as so appearing, is hereby further amended by adding after section 6 the following section:-

Section 6A. (a) A chief procurement officer may enter into procurement contracts in the amount of $25,000 or more utilizing reverse auctions for the acquisition of supplies and services. The reverse auction process shall include a specification of an opening date and time when real-time electronic bids may be accepted, and provide that the procedure shall remain open until the designated closing date and time.

(b) All bids on reverse auctions shall be posted electronically on the Internet, updated on a real-time basis, and shall allow registered bidders to lower the price of their bid below the lowest bid on the Internet.

(c) The chief procurement officer shall require vendors to register before the reverse auction opening date and time, and as part of the registration, agree to any terms and conditions and other requirements of the solicitation. The chief procurement officer may require vendors to be pre-qualified prior to placing bids in a reverse auction. The pre-qualification criteria shall include, but not be limited to statements of vendors: financial stability, past performances and professional references. The statement of qualifications shall be signed under pains and penalties of perjury.

(d) Any mechanism, including but not limited to software, developed by the operational services division for the purpose of conducting reverse auctions by the commonwealth, shall provide for the utilization of such mechanism by municipalities. The operational services division may assess any municipality utilizing such reverse auction mechanism a reasonable fee, calculated to compensate for any increased cost attributable to such utilization, which shall be credited to the General Fund.

SECTION 12E. The General Laws are hereby amended by inserting after chapter 30B the following chapter:-

CHAPTER 30C

PUBLIC CONTRACT INTEGRITY

Section 1. For the purposes of this chapter, the following terms shall be defined as follows:--

"Director", director of the department of labor within the executive office of labor and workforce development.

"Public employer", any department, agency or public instrumentality of the commonwealth and any person, corporation, partnership, sole proprietorship, joint venture or other business entity providing goods or services to any department, agency or public instrumentality of the commonwealth including, but not limited to, the Massachusetts Turnpike Authority, the Massachusetts Water Resources Authority, the Massachusetts Port Authority and the Massachusetts Bay Transportation Authority.

"Work authorization program", any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent work authorization program operated by the United States Department of Homeland Security, the United States Department of Labor, the Social Security Administration, other federal agency, or any private verification system authorized by the director of the Department of Labor to verify the social security numbers of employees, pursuant to the Immigration Reform and Control Act of 1986.

Section 2. No public employer shall enter into a contract for the provision of goods or services within the commonwealth unless the contractor has registered and participates in a work authorization program to verify social security numbers of all employees and provides evidence thereof, in writing, to the director.

Section 3. No contractor or subcontractor who enters into a contract with a public employer shall enter into such contract or subcontract in connection with the provision of goods or services in the commonwealth, including those funded through any bond issue of the commonwealth, unless the contractor or subcontractor has registered and participates in a work authorization program to verify information of all employees and provides evidence thereof, in writing, to the director.

Section 4. This chapter shall be enforced without regard to race, religion, gender, ethnicity or national origin.

Section 5. The director shall prescribe forms and adopt rules and regulations deemed necessary to administer and effectuate this chapter.

Section 6. The inspector general shall adopt regulations for the purpose of ensuring that any person receiving funds pursuant to a contract subject to chapter 30B or section 44A of chapter 149 is in compliance with federal laws pertaining to immigration and citizenship including, but not limited to, 42 U.S.C. 1436a. Such regulations shall include, but not be limited to, requiring ascertaining and verification of the immigration or citizenship status through a work authorization program maintained by the United States Department of Homeland Security or its substantial equivalent.

Section 7. No contract shall be awarded by or to a public employer, and no public funds shall be expended in accordance with such a contract, unless the public employer named in the contract complies with the regulations prescribed in this chapter.

Section 8. No funds shall be expended in accordance with a contract awarded by or to a public employer which will result in the payment of any kind to a person who is not in compliance with any and all federal laws pertaining to immigration and citizenship including, but not limited to, 42 U.S.C. 1436a."

Section 9. The auditor is hereby authorized to conduct random audits to ensure compliance with this chapter.

SECTION 13. Section 4 of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out, in lines 88, 208, 218, 227, 250, 261, 269, 278, 294 and 516, the word "regular" and inserting in place thereof, in each instance, the following word:- buyback.

SECTION 13A. Said section 4 of said chapter 32, as so appearing, is hereby further amended by inserting after the word "system", in line 379, the following words:- plus buyback interest thereon.

SECTION 13B. Section 22C of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out, in line 29, the words “as of June thirtieth, two thousand and 23” and inserting in place thereof the following:- “on June 30, 2026”.

SECTION 13C. Section 22D of said chapter 32, as so appearing, is amended by inserting after the word “approve”, in line 29, the following words: - provided further, that in the event that a system has accepted subsection (j) of section 103, the funding schedule and any updates thereto shall be designed to reduce the unfunded actuarial liability of that system to zero as of such year, that may be subsequent to June 30, 2028, as the commission shall approve.

SECTION 14. Section 102 of said chapter 32, as so appearing, is hereby amended by striking out, in lines 32, 36 and 43, the figure “$12,000” and inserting in place thereof, in each instance, the following figure:- $16,000.

SECTION 15. (a) Section 103 of said chapter 32, as so appearing, is amended by adding the following subsection:-

(j) Notwithstanding any provision of subsection (a) to the contrary, any system that accepts this subsection as hereinafter provided shall establish a base amount of $16,000 upon which the cost-of-living adjustment shall be calculated. Prior to accepting this subsection, the board of such system, in consultation with the commission, shall determine the costs associated with the cost-of-living adjustment that may be paid in accordance with this section. Acceptance of this subsection shall be by a majority vote of the board of such system, subject to the following approval procedure: in the case of a city the city council, in accordance with its charter; in the case of a town, by the town meeting; in the case of a district; by the district members; and in the case of an authority, by the governing body. In the case of a county or region, acceptance of this subsection shall be approved by the governmental units, the employees of which are members of any such system, as follows: the board of selectmen of every town which is a member of the

county or regional system; the county commissioners on behalf of a county; the district members in a district; and the governing body in an authority, with the vote of each governmental unit weighted in the proportion that the number of employees in such unit bears to the total number of employees in all governmental units of such system as of the succeeding January 1. Approval in a county or region shall be by not less than two-thirds of the weighted vote being cast in the affirmative. Acceptance of this subsection shall be deemed to have occurred upon the filing of the certification of the vote and approval with the commission. A decision to accept this subsection shall not be revoked.

Notwithstanding subdivision (6A) of section 22 or section 22D to the contrary, for each system that has accepted this subsection, the board, in consultation with the commission, shall prepare a funding schedule which shall reflect the costs and the actuarial liabilities attributable to the cost-of-living allowance that may be paid in accordance with this subsection and the schedule shall be designed to reduce the applicable retirement system's pension liability to zero by such year, that may be subsequent to June 30, 2028, as approved by the commission. The board shall file revised funding schedules triennially with the joint committee on public service until such costs and liabilities are reduced to zero.

SECTION 15A**.** Section 105 of said chapter 32, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words "actuarial assumed interest thereon" and inserting in place thereof the following words:- buyback interest.

SECTION 15B. Chapter 32B of the General Laws is hereby amended by striking out section 18 and inserting in place thereof the following section:-

Section 18. (a) In a governmental unit which has accepted the provisions of section 10 and which accepts the provisions of this subsection, all retirees, their spouses and dependents insured or eligible to be insured under this chapter, if enrolled in medicare part A at no cost to the retiree, spouse or dependents or eligible for coverage thereunder at no cost to the retiree, spouse or dependents, shall be required to transfer to a medicare extension plan offered by the governmental unit under section 11C or section 16; provided, however, that benefits under said plan and medicare part A and part B

together shall be of comparable actuarial value to those under the retiree's existing coverage. Each retiree shall provide the governmental unit, in such form as the governmental unit shall prescribe, such information as is necessary to transfer to a medicare extension plan. If a retiree does not submit the information required, he shall no longer be eligible for his existing health coverage. The governmental unit may from time to time request from any retiree, a retiree's spouse and dependents, proof certified by the federal government of their eligibility or ineligibility for medicare part A and part B coverage. The governmental unit shall pay any medicare part B premium penalty assessed by the federal government on said retirees, spouses and dependents as a result of enrollment in medicare part B at the time of transfer into the medicare health benefits supplemental plan.

This subsection shall take effect in a county, except Worcester county, city, town or district upon its acceptance in the following manner: In a county, by vote of the county commissioners; in a city having a Plan D or Plan E charter, by a majority vote of its city council; in any other city, by vote of its city council, approved by the mayor; in a district, except as hereinafter provided, by vote of the registered voters of the district at a district meeting; in a regional school district, by vote of the regional district school committee; and in a town, either by vote of the town at a town meeting or by a majority of affirmative votes cast in answer to the following question which shall be printed upon the official ballot to be used at an election of said town:– 'Shall the town require that all retirees, their spouses and dependents who are enrolled in medicare part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, be required to enroll in a medicare health benefits supplement plan offered by the town?'

(b) In a governmental unit which has accepted the provisions of section 10 and which accepts the provisions of this subsection, all health benefit eligible retirees who retire after the governmental unit's acceptance of this subsection, their spouses and dependents insured or eligible to be insured under this chapter, if enrolled in medicare part A at no cost to the retiree, spouse or dependents or eligible for coverage thereunder at no cost to the retiree, spouse or dependents, shall be required to transfer to a medicare

extension plan offered by the governmental unit under section 11C or section 16; provided, however, that benefits under said plan and medicare part A and part B together shall be of comparable actuarial value to those under the retiree's existing coverage. Each benefit eligible individual who retires after the governmental unit's acceptance of this subsection shall provide the governmental unit, in such form as the governmental unit shall prescribe, such information as is necessary to transfer to a medicare extension plan. If such a retiree does not submit the information required, the retiree shall no longer be eligible for his existing health coverage. The governmental unit may from time to time request from any retiree who retires after the governmental unit's acceptance of this subsection, and/or the retiree's spouse and dependents, proof certified by the federal government of their eligibility or ineligibility for medicare part A and part B coverage. The governmental unit shall pay any medicare part B premium penalty assessed by the federal government on said retirees, spouses and dependents as a result of enrollment in medicare part B at the time of transfer into the medicare health benefits supplemental plan. Notwithstanding anything in this subsection to the contrary, no retiree, their spouse or dependent, shall be required to enroll in medicare part B and a medicare extension plan if said requirement would require the retiree to purchase a separate non-medicare extension plan in order to provide coverage for a non-medicare eligible spouse or dependent.

No retiree, their spouse or dependent, who retires prior to the acceptance of this subsection by a governmental unit, shall be subject to the provisions of this subsection, except as provided herein. Any retiree, their spouse or dependent, retired prior to a governmental unit's acceptance of this subsection, shall be eligible for benefits under this chapter as if this subsection had not been accepted by the governmental unit, provided that any health benefit eligible retiree, their spouse and dependents insured or eligible to be insured under this chapter, if enrolled in medicare part A at no cost to the retiree, spouse or dependents or eligible for coverage thereunder at no cost to the retiree, spouse or dependents, may voluntarily enroll in a medicare extension plan offered by the governmental unit under section 11C or section 16 under the same terms as are available to any retiree, spouse or dependent under this subsection. If any such eligible retiree, their spouse or dependents voluntarily enrolls in such a medicare extension plan, said

individual shall no longer be eligible to participate in any other group health insurance benefits available to active employees under this chapter.

This subsection shall take effect in a county, except Worcester county, city, town or district upon its acceptance in the following manner: In a county, by vote of the county commissioners; in a city having a Plan D or Plan E charter, by a majority vote of its city council; in any other city, by vote of its city council, approved by the mayor; in a district, except as hereinafter provided, by vote of the registered voters of the district at a district meeting; in a regional school district, by vote of the regional district school committee; and in a town, either by vote of the town at a town meeting or by a majority of affirmative votes cast in answer to the following question which shall be printed upon the official ballot to be used at an election of said town – 'Shall the governmental unit require that all individuals who retire after the governmental unit's acceptance of this subsection and their spouses and dependents who are enrolled in medicare part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, be required to enroll in a medicare health benefits supplement plan offered by the governmental unit?

SECTION 15C. Section 4A of chapter 40 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The chief executive officer of a city or town, or a board, committee or officer otherwise authorized by law to execute a contract in the name of a governmental unit, as hereinafter defined, may enter on behalf of such unit into an agreement with 1 or more other governmental units to perform jointly or for such other units any services, activities or undertakings which any of the contracting units is authorized by law to perform, if such agreement is authorized by the parties thereto, in a city by the city council with the approval of the mayor, in a town by the board of selectmen and in a district by the prudential committee; provided, however, that when such agreement involves the expenditures of funds for establishing supplementary education centers and innovative educational programs, the agreement and its termination shall be authorized by the school committee.

SECTION 15C. The first paragraph of said section 4A of said chapter 40 of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The words “governmental unit” as used herein shall mean a city, town, a regional school district, a district as defined in section 1A, regional planning commissions, however constituted, regional transit authorities established under chapter 161B, a water and sewer commission established under the provisions of chapter 40N or of a special law, counties and a state agency as defined in section 1 of chapter 6A.

SECTION 15D. Section 8 of chapter 44B of the General Laws, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

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

SECTION 16. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out, in line 991, the words “forty thousand dollars” and

inserting in place thereof the following words:- the amount of income determined by the commissioner of revenue for the purposes of subsection (k) of section 6 of chapter 62, for a single person who is not a head of household.

SECTION 16A. Clause Forty-first A of section 5 of said chapter 59, as so appearing, is hereby amended by inserting after the words “the property or” , in line 1060, the following words:— “one year after” .

SECTION 16B. Section 5K of said chapter 59, as so appearing, is hereby amended by striking out, in line 13, the figure “$750” and inserting in place thereof the following figure:— “$1,000”.

SECTION 17. Section 15 of chapter 60 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the words “five dollars” and inserting in place thereof the following words:- “not more than $30.”

SECTION 17A. Section 1 of chapter 60A of the General Laws, as so appearing, is hereby amended by inserting after the seventh paragraph the following paragraphs:-

In any city or town which accepts the provisions of this paragraph, the excise imposed by this chapter shall not apply to a motor vehicle owned and registered by a resident who is in active and full-time military service as a member in the armed forces of the United States or the national guard, army or air, of any state, and has been deployed or stationed outside the territorial boundaries of the continental United States for a period of at least 45 days in the calendar year of the exemption. If the military member is wounded or killed in an armed conflict, he shall not be subject to the foregoing period of service qualification for the calendar year in which he is wounded or killed. This exemption shall apply only to a motor vehicle owned and registered by a military member in his own name or jointly with a spouse for a non-commercial purpose and a military member may qualify for this exemption for only 1 motor vehicle for each calendar year. A municipality which accepts the provisions of this paragraph shall, in

connection with the issuance of warrant to collect unpaid motor vehicle or trailer excise tax from a delinquent taxpayer, add $3 to the fee prescribed in clause 9 of section 15 of chapter 60. The acceptance by a municipality of this paragraph shall take effect on the first day of January next occurring after the approval by the municipality to accept this paragraph.

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

SECTION 17B. The first paragraph of section 2 of said chapter 60A, as so appearing, is hereby amended by striking out the seventh sentence and inserting in place thereof, the following sentence:- “All tax notices sent to owners of vehicles or trailers notifying the owners of the excise due shall have printed on that notice, the amount of excise due, the last day, month and year for receipt of payment without interest being due and the owner’s license to operate number as appearing on the registration application, renewal application or amended registration as provided in section 2 of chapter 90.

SECTION 18. Said Chapter 60A is hereby further amended by adding the following section:-

Section 9. Upon acceptance of this section by a municipality and notwithstanding any other provision of this chapter to the contrary, any excise due under this chapter by a member of the Massachusetts National Guard or reservist or a dependent of a member of the Massachusetts National Guard or reservist shall be deferred while that member is on active service outside the commonwealth and for 180 days after completion of that

service. No interest or penalties shall be assessed for any period before the expiration of the 180 days.

SECTION 19. Section 14 of chapter 61A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 11, the words “forest use of” and inserting in place thereof the following words:- agricultural or horticultural use of such.

SECTION 20. Section 9 of chapter 61B of the General Laws, as so appearing, is hereby amended by striking out, in line 11, the words “forest use of such land” and inserting in place thereof the following words:- use and care of such land for recreational purposes.

SECTION 20A. Section 6 of chapter 62 of the General Laws is hereby amended by adding the following subsection:-

(m)(1) There shall be a dairy farmer tax credit program under which a taxpayer who holds a certificate of registration as a dairy farmer pursuant to section 16A of chapter 94 may be allowed a refundable income tax credit based on the amount of milk produced and sold. The credit shall be claimed against the taxes due pursuant to chapter 62. The credit shall offset the cyclical downturns in milk prices paid to dairy farmers and shall be based on the United States Federal Milk Marketing Order for the applicable market such that when the United States Federal Milk Marketing Order price drops below a trigger price anytime during the taxable year in which the taxpayer receives the tax credit.

(2) The commissioner of agricultural resources, in consultation with the commissioner of revenue, shall promulgate regulations to implement this subsection, including the establishment of the trigger price, which shall take into account the operating costs of milk production including hired labor and some portion of the value of

unpaid labor, and the amount of the tax credit, which shall be based upon the volume of milk production.

(3) The total value of the tax credits paid pursuant to this section and section 38U of chapter 63 shall not exceed 4 million dollars annually as adjusted for inflation beyond the year in which this subsection is enacted. The inflation adjustment shall be made a part of the regulations promulgated pursuant to this section.

(4) If the amount of the credit allowed exceeds the taxpayer's liability, the commissioner of revenue shall treat such excess as an overpayment and shall pay the taxpayer 90 per cent of the amount of such excess without interest. The commissioner of agricultural resources shall certify to the department of revenue that dairy farmers claiming credits have met the eligibility requirements provided in this subsection and the amount of credit to which each eligible applicant is entitled.

(5) The department of agricultural resources shall review the credit allowed pursuant to this subsection after it has been in place for 2 taxable years.

SECTION 20B. Section 6L of said chapter 62, as inserted by section 5 of chapter 63 of the acts of 2007, is hereby amended by striking out subsections (a) and (b) and inserting in place thereof the following 2 subsections:-

(a) This section shall apply to credits earned under subsections (l) and (m) of section 6.

(b) At the written election of a taxpayer entitled to a credit under subsections (l) and (m) of section 6, the commissioner shall apply the credit against the liability of the taxpayer as determined on its return, as first reduced by any other available credits, and shall then refund to the taxpayer 90 per cent of the balance of the credits.

SECTION 21. Section 2 of chapter 62B, as appearing in the 2006 Official Edition, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:-

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

SECTION 22. Section 16 of chapter 62C of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after subsection (c) the following subsection:-

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

SECTION 23. Section 33 of said chapter 62C, as so appearing, is hereby amended by striking out, in lines 11 and 19, the words “one-half of”.

SECTION 24. Section 47A of said chapter 62C, as so appearing, is hereby amended by striking out subsection (d) and inserting in place thereof the following 2 subsections:-

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

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

SECTION 25. Said chapter 62C is hereby further amended by inserting after said section 47A the following section:-

Section 47B. (a) If the commissioner determines that any person who holds a driver’s license, learner’s permit, right to operate a motor vehicle or certificate of motor vehicle registration has neglected or refused to file any returns or to pay any tax required under this chapter and that the person has not filed in good faith a pending application for abatement of such tax or a pending petition before the appellate tax board contesting such tax or entered a payment agreement with which the taxpayer is fully compliant, the commissioner shall notify the person in writing and the registry of motor vehicles of that determination. Upon receipt of notice from the commissioner, the registrar shall promptly suspend or revoke, or prohibit issuance or renewal, of the license, learner’s permit, right to operate a motor vehicle or certificate of motor vehicle registration of the taxpayer. A

license, learner's permit, right to operate a motor vehicle or certificate of motor vehicle registration suspended or revoked under this section shall not be issued, reissued or renewed until the registry receives a certificate from the commissioner stating that the taxpayer is in good standing with respect to all returns due and taxes payable to the commissioner as of the date of issuance of the certificate, including all taxes and returns referenced in the initial notice.

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

SECTION 26. Section 49A of said chapter 62C, as appearing in the 2006 Official Edition, is hereby amended by adding the following subsection:-

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

SECTION 27. Section 50 of said chapter 62C, as so appearing, is hereby amended by striking out, in line 22, the words “Notwithstanding section 65, the” and inserting in place thereof the following word:- The.

SECTION 28. Section 65 of said chapter 62C, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

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

SECTION 29. Section 67 of said chapter 62C, as so appearing, is hereby amended by striking out, in line 7, the words “or retailer” and inserting in place thereof the following words:- retailer or cigar distributor or cigar retailer.

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SECTION 30. Said section 67 of said chapter 62C of the General Laws, as so appearing, is hereby further amended by striking out, in line 21, the words “or retailer,” and inserting in place thereof the following words:- “retailer, cigar distributor or cigar retailer,”.

SECTION 31. Said section 67 of said chapter 62C of the General Laws, as so appearing, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

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

SECTION 32. Said section 67 of said chapter 62C, as so appearing, is hereby further amended by striking out, in line 48, the words “and retailers” and inserting in place thereof the following words:- “, retailers, cigar distributors and cigar retailers”.

SECTION 33. Said section 67 of said chapter 62C, as so appearing, is hereby amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:-

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

SECTION 34. Section 1 of chapter 62D of the General Laws is hereby amended by inserting after the word "assistance", in line 4, as so appearing, the following words: -, the executive office of health and human services.

SECTION 35. Said section 1 of said chapter 62D is hereby further amended by inserting after the word "assistance", in line 17, as so appearing, the following words: - or the executive office of health and human services.

SECTION 36. Said section 1 of said chapter 62D is hereby further amended by striking out , in lines 57 to 61, inclusive, as so appearing, the words "for costs incurred as a result of noncompliance by that individual with an order to provide coverage for the cost of health services to a child eligible for assistance under Title XIX of the Social Security Act, as further described in section 23 of chapter 118E" and inserting in place thereof the following words:- or the executive office of health and human services.

SECTION 37. Section 32E of chapter 63, inserted by section 6 of chapter 63 of the Acts of 2007, is hereby amended by striking out subsections (a) and (b) and inserting in place thereof the following 2 subsections:-

(a) This section shall apply to credits earned under sections 38T and 38U.

(b) At the written election of a taxpayer entitled to a credit under sections 38T and 38U, the commissioner shall apply the credit against the liability of the taxpayer as determined on its return, as first reduced by any other available credits, and shall then refund to the taxpayer 90 per cent of the balance of credits.

SECTION 37A. Said chapter 63 is hereby further amended by inserting after section 38T the following section:-

Section 38U. (a) There shall be a dairy farm tax credit program under which a domestic or foreign corporation that holds a certificate of registration as a dairy farm pursuant to section 16A of chapter 94 may be allowed a refundable income tax credit based on the amount of milk produced and sold. The credit shall be claimed against the taxes due pursuant to this chapter. The credit shall offset the cyclical downturns in milk prices paid to dairy farmers and shall be based on the United States Federal Milk

Marketing Order for the applicable market such that when the United States Federal Milk Marketing Order price drops below a trigger price anytime during the taxable year in which the domestic or foreign corporation receives the tax credit.

(b) The commissioner of agricultural resources, in consultation with the commissioner of revenue, shall promulgate regulations to implement the provisions of this section, including the establishment of the trigger price, which shall to take into account the operating costs of milk production including hired labor and some portion of the value of unpaid labor, and the amount of the tax credit, which shall be based upon the volume of milk production.

(c) The total value of the tax credits paid pursuant to this section and subsection (m) of section 6 of chapter 62 shall not exceed 4 million dollars annually as adjusted for inflation beyond the year in which this subsection is enacted. The inflation adjustment shall be made a part of the regulations promulgated pursuant to this section.

(d) If the amount of the credit allowed hereunder exceeds the taxpayer's liability, the commissioner of revenue shall treat such excess as an overpayment and shall pay the taxpayer 90 per cent of the amount of such excess without interest. The commissioner of agricultural resources shall certify to the department of revenue that dairy farms claiming credits have met the eligibility requirements provided in this subsection and the amount of credit to which each eligible applicant is entitled.

(e) The department of agricultural resources shall review the credit allowed pursuant to this subsection after it has been in place for 2 taxable years.

SECTION 38. Section 1 of chapter 64C of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the figure "(1)", in line 53, the following words:- ; and (3) little cigars, which shall mean rolls of tobacco wrapped in

leaf tobacco or any substance containing tobacco and as to which 1,000 units weigh not more than 3 pounds.

SECTION 39. Said section 1 of said chapter 64C, as so appearing, is hereby further amended by inserting after the word “meaning”, in line 56, the following words:- , without limitation, little cigars and.

SECTION 40. Section 6 of said chapter 64C, as so appearing, is hereby amended by striking out the last paragraph.

SECTION 41. Said chapter 64C is hereby further amended by striking out section 7B, as so appearing, and inserting in place thereof the following section:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(k) For the purposes of section 8, untaxed cigars and smoking tobacco found in the commonwealth shall be cigarettes which have not been returned and are not returnable under section 16 of chapter 62C, cigarettes which have not been returned and are not returnable under section 6 and cigarettes, as the context requires.

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

No person, either as principal or agent, shall sell or solicit orders for cigars or smoking tobacco to be shipped, mailed or otherwise sent or brought into the commonwealth to any person who is not a licensed cigar distributor or licensed cigar retailer, unless the same is to be sold to or through a licensed cigar distributor or licensed cigar retailer. Any person who knowingly violates this paragraph shall, in addition to any

other penalty provided by this chapter or chapter 62C, be subject to a civil penalty of not more than $5,000 for the first offense and not more than $25,000 for each subsequent offense.

There shall be a presumption that cigars and smoking tobacco are subject to the excise until otherwise established and the burden of proof shall be upon the person on whose premises the cigars or smoking tobacco were found.

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

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

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

of sale, sell the vending machine or other receptacle at public sale and deposit the proceeds in the General Fund.

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

SECTION 42. Said chapter 64C of the General Laws, as so appearing, is hereby further amended by striking out section 38A and inserting in place thereof the following section:-

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

SECTION 43. Chapter 64H of the General Laws is hereby amended by inserting after section 3 the following section:-

Section 3A. (a) Every manufacturer, wholesaler, unclassified acquirer, as defined in chapter 64C, doing business in the commonwealth or any other person doing business in the commonwealth selling tobacco products, including cigarettes, cigars, smokeless

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

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

(c) Chapter 64I shall apply to the extent that the tax under this section is not paid over to the commissioner by a person subject to subsection (a) or (b). The taxes imposed by this section shall be conclusively presumed to be a direct tax on the retail consumer pre-collected for the purpose of convenience and facility only.

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

SECTION 44. Paragraph (p) of section 6 of said chapter 64H, as appearing in the 2006 Official Edition, is hereby amended by striking out clause (3) and inserting in place thereof the following clause:- (3) sales of fertilizer, including ground limestone, hydrated

lime, seed inoculants and plant hormones, as well as other substances commonly regarded in the same category and for the same use, but not including any sales of pesticides, including insecticides, herbicides, fungicides, miticides and all materials registered with the Environmental Protection Agency as pesticides under the Federal Insecticide, Fungicide and Rodenticide Act and other pesticides commonly regarded in the same category and for the same purpose, except when purchased by a person licensed under chapter 132B or otherwise exempt under paragraph (r);

SECTION 45. Section 33 of said chapter 64H, as so appearing, is hereby amended by adding the following sentence:- For the purposes of this section, a vendor shall include a person who has made a prepayment of tax under section 3A.

SECTION 46. Section 34 of chapter 64I of the General Laws, as so appearing, is hereby amended by adding at the end thereof the following sentence:- For the purposes of this section, a vendor shall include a person who has made a prepayment of tax under section 3A of chapter 64H.

SECTION 46A. Chapter 71 of the General Laws is hereby amended by inserting after Section 37M the following section:-

Section 37M½. (a) For any city or town accepting the provisions of this section, not earlier than December first of each alternating year beginning in 2009, and not later than January thirty-first of every other year, the superintendent of schools for each school district serving such municipality shall meet with the mayor, town manager, or chief municipal officer or his designee for that municipality to review the fiscal status of the school district budget and to identify opportunities for cost savings and efficiencies and any potential methodologies, including, but not limited to, joint procurement or consolidation of redundant functions. The results of each meeting shall be transmitted to the local legislative body and the local school committee not later than 30 days after the meeting.

(b) At least every 90 days, the secretary shall certify the amount by which reimbursement received by the commonwealth from the federal Medicaid program for student educated pursuant to chapter 71B using the “fee-for-service” methodology exceeds the amount which would have been received under the “per diem” format, taking into account inflation and any other relevant factors. The excess amount so certified shall be deposited into the Special Education Assistance Fund established in subsection (c).

(c) There shall be established and set up on the books of the commonwealth the Special Education Assistance Fund, into which shall be deposited sums resulting from federal Medicaid reimbursement pursuant to subsection (b).

At least 75 per cent of the total amount in the fund shall be appropriated annually for the purposes of assisting municipalities and regional school districts with the cost of transportation of students provided pursuant to chapter 71B. The appropriation shall be made in a form designed to ensure equity among students and local educational authorities by utilizing a methodology based on a uniform percentage of eligible transportation costs to be compensated.

The remainder of the fund shall be available for appropriation in the form of grants of assistance to private institutions providing educational services pursuant to chapter 766 of the acts of 1972 and its implementing regulations.

No funds provided in this section shall be considered funding for the purposes of section 72 of chapter 44.

SECTION 46B. The fifth paragraph of section 1A of chapter 75 of the General Laws, as most recently amended by section 109 of chapter 27 of the acts of 2008, is hereby further amended by striking out clause (p) and inserting in place thereof the following clause: -

(p) fix and establish tuition rates of the university and retain such tuition in accordance with this section.

SECTION 46C. Said section 1A of said chapter 75, as so appearing, is hereby further amended by inserting after the fifth paragraph, as so amended, the following 6 paragraphs: -

The board of trustees shall fix and establish tuition and fee rates for each academic year. In-state tuition rates shall preserve affordability for residents. Out-of-state tuition rates shall appropriately balance the financial needs of the university with the need to be competitive with peer institutions regionally and nationwide.

All tuition and fees received by the university shall be retained by the board of trustees in a revolving trust fund shall be expended as the board of trustees may direct for the operation and support of the university. Each such trust fund shall be established with and subject to the requirements of section 11. Any balance remaining in the fund at the end of the fiscal year shall continue to be held in the fund, shall remain available for expenditure in subsequent fiscal years and shall not revert to the General Fund. The fund shall be subject to audit by the state auditor.

Notwithstanding any general or special law to the contrary, unless the state appropriation is less than the previous fiscal year's appropriation, the rate of increase for in-state tuition and general fees shall not exceed the 3-year average of the Consumer Price Index for Massachusetts. The university may request a higher rate of increase within parameters and procedures set by the secretary of education, in conjunction with the board of trustees of the university and the president of the university and upon the approval of the secretary of education. In determining approval, the secretary shall take into consideration the overall well-being of the institution, the quality of the academic programs, multiple years of underfunding of the institutions, any 9C cuts that may have been instituted and the additional financial burden on the student population of the university. If the state appropriation is less than the preceding fiscal year appropriation, the university shall first utilize not less than 25 per cent of the combined total of its unrestricted reserve funds, including the student charges stabilization fund established pursuant section 42 of chapter 15A. For the purposes of this section, unrestricted reserves shall not include funds from auxiliary enterprise activities, grants and contracts, continuing education programs, gifts or plant funds. Thereafter, if the funding level stills fall short of the previous year's appropriation, the university may increase student charges to attain the level of the previous fiscal year's appropriation plus the 3-year average of the consumer price index.

Whenever possible, the final rates of student charges shall be established for the subsequent academic year not later than 15 days prior to the deadline for the submission of state and federal financial aid applications by students attending institutions of higher education.

For employees of the university who are paid from tuition retained pursuant to this section, fringe benefits shall be funded as if those employees' salaries were supported by state appropriations. This paragraph shall apply only to fringe benefits associated with salaries paid from tuition retained by the board of trustees as a direct result of the authority granted in the preceding paragraph.

Notwithstanding the provisions of this section to the contrary, the board of trustees of the university may fix and establish a tuition rate and charges reduction for residents of bordering states to not less than 1.5 times the university's in-state tuition and fee rates if it determines that the university is below enrollment capacity and the projected cost to the university and the commonwealth of the reduction would be minimal when taking into account the projected enrollment growth associated with such adjustment. The board of trustees shall seek reciprocal arrangements from bordering states where no such tuition reduction is available for residents of Massachusetts.

SECTION 46D. Clause (l) of section 4 of chapter 81A of the General Laws, as so appearing, is hereby amended by adding the following words:- ; provided, however, the authority shall issue quarterly reports to the secretary for administration and finance, the house and senate committees on ways and means, the joint committee on transportation and the joint committee on bonding, capital expenditures and state assets, detailing the financial transactions and revenues associated with the sale, concession or lease of real property held in the name of or under the control of the authority, whether by purchase or otherwise, and any transactions relating to real property currently pending; and provided further, that the quarterly report shall include the current market values of the real properties related to the transactions.

SECTION 46E. Section 1 of chapter 90 of the General Laws is hereby amended by striking out, in lines 178 and 179, as appearing in the 2006 Official Edition, the words

“assigned to such motor vehicle” and inserting in place thereof the following words: – or trailer assigned to such motor vehicle or trailer.

SECTION 46F. Said section 1 of said chapter 90 is hereby further amended by inserting after the definition of “Terminal” , as so appearing, the following definition:-

"Truck camper", a portable slide-in unit constructed to provide temporary living quarters for recreational, camping, travel or other use, consisting of a roof, floor and sides, designed to be loaded onto and mounted on the bed of a pick-up truck and unloaded from the bed of a pick-up truck.

SECTION 46G. The definition of “Trailer” in said section 1 of said chapter 90, as so appearing, is hereby amended by adding the following sentence:– Notwithstanding the foregoing, the definition of “Trailer” shall also mean a truck camper.

SECTION 46H. Section 2 of said chapter 90, as so appearing, in hereby amended by inserting after the word “vehicle”, in line 126, the following words:– ; provided, however, if the trailer is also a truck camper, then the truck camper number plate may be issued a camper registration number plate or number decal, in the discretion of the registrar, pursuant to definition of number plate in section 1.

SECTION 46I. Section 6 of said chapter 90, as so appearing, is hereby amended by inserting after the word “visible”, in line 9, the following words:- ; provided, however, if the trailer is also a truck camper, then a camper registration number plate or number decal, issued by the registrar as set forth in section 2 for truck campers, shall be displayed on the outside rear wall on the truck camper and if the mounting of the truck camper prevents the registration plate issued to the pick-up truck from being clearly visible at all times, both the vehicle registration plate issued to the pick-up truck and the registration plate issued to the truck camper shall be affixed adjacent to each other on the rear outside wall on the truck camper so that both registration plates are always clearly visible.

SECTION 46J. Clause (10) of section 33 of said chapter 90, as so appearing, is hereby amended by adding the following words:- , except that a slide-in truck camper, as defined in section 1, shall pay the fee as set for a camper plate

SECTION 46K. The definition of “Trailer” in section 1 of chapter 90D of the General Laws, as so appearing, is hereby amended by adding the following sentence:- Notwithstanding the foregoing, the definition of “Trailer” shall include a truck camper.

SECTION 46L. Said section 1 of said chapter 90D, as so appearing, is hereby amended by adding the following definition:-

“Truck camper”, a portable slide-in unit constructed to provide temporary living quarters for recreational, camping, travel or other use, consisting of a roof, floor and sides, designed to be loaded onto and mounted on the bed of a pick-up truck and unloaded from the bed of a pick-up truck.

SECTION 46M. Paragraph (a) of section 2 of said chapter 90D is hereby amended by striking out clause (10) and inserting in place thereof the following clause:-

(10) Trailers having gross weight of 3,000 pounds or less, and trailers that are also defined in section 1 as truck campers regardless of weight;.

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

SECTION 46O. Said chapter 109 is hereby further amended by inserting after section 4 the following section:-

Section 4A. (a) A limited partnership may change its resident agent or the street address of the resident agent by filing a certificate of change of agent or address with the state secretary. The statement shall contain the following information:

(1) the name of the limited partnership;

(2) the name and street address of its current resident agent;

(3) if the current resident agent is to be changed, the name and street address of the new resident agent and the new agent's written consent, either on the statement or attached to it, to the appointment; and

(4) if the street address of the business office of the resident agent is to be changed, the new street address of the business office of the resident agent.

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

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

SECTION 46P. Subsection (a) of section 8 of said chapter 109, as appearing in the 2006 Official Edition, is hereby amended by striking clause (3) and inserting in place thereof the following clause:-

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

SECTION 46Q. The second paragraph of section 49 of said chapter 109, as so appearing, is hereby amended by striking out clause (7) and inserting in place thereof the following clause:-

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

SECTION 46R. Said chapter 109 is hereby further amended by striking out section 52 , as so appearing, and inserting in place thereof the following section:-

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

SECTION 46S. Said chapter 109 is hereby further amended by adding the following 4 sections:-

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

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

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

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

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

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

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

Section 65. A limited partnership administratively dissolved under section 64 or whose authority to transact business in the commonwealth has been revoked under section 66 may apply to the state secretary for reinstatement at any time. The application for reinstatement shall:

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

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

(3) state that the name of the limited partnership satisfies the requirements of section 2; provided, however, that if the state secretary determines that the application contains the full and correct information, he shall reinstate the limited partnership.

Section 66. (a) The state secretary may commence a proceeding to revoke the authority of a foreign limited partnership to transact business in the commonwealth if:

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

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

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

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

SECTION 46T. Chapter 100A of the General Laws, as so appearing, is hereby amended by adding the following section:-

Section 11. (a) There shall be an advisory commission on auto body labor rates. The commission shall consist of 11 members including: the director of consumer affairs and business regulation, or a designee, who shall chair the commission; 1 member of the senate from the joint committee on financial services to be appointed by the president of the senate; 1 member of the senate to be appointed by the senate minority leader; 1 member of joint committee on financial services to be appointed by the speaker; 1 member of the house to be appointed by the house minority leader; 2 members from the auto insurance industry to be appointed by the Automobile Insurers Bureau; 1 representative of the Automobile Insurance Industry to be appointed by the Massachusetts Insurance Federation; 2 members from the auto repairer industry appointed by the state affiliate of the Alliance of Automotive Service Providers; and 1 member who shall be a motor vehicle dealer, as defined in section 1 of chapter 93B, to be appointed by the Massachusetts State Auto Dealers Association. All members of the commission shall serve on a voluntary, unpaid basis.

(b) The commission shall have the authority to adopt regulations by a two-thirds majority vote and may amend these regulations at anytime by a two-thirds majority vote. The commission shall collect fees to pay for staffing and administrative costs. Each

licensed repair shop shall pay an annual fee of $100 in addition to any other fees imposed under this chapter. Each insurer writing auto insurance in the commonwealth shall pay an annual fee of $1000. These funds shall be received by the treasurer on behalf of the commonwealth and deposited into a separate account with the state treasurer to be expended by the commission.

(c) The commission shall develop and implement procedures, which shall be updated at least every 3 years, to establish an average national auto repairer hourly compensation rate for all categories of labor performed by auto repairers including, but not limited to, body labor, paint labor, unibody or frame labor and mechanical labor, as well as a number to be used as a cost of labor multiplier for the commonwealth based on information provided by the Bureau of Statistics of the United States Department of Labor of indices of labor costs across all industries for the commonwealth relative to other states. The commission shall define 3 distinct levels of qualifications to classify auto repair businesses as class A, B or C and implement an application process for auto repair business classification and inspection requirements to correspond to each such classification. The commission shall require that any business that submits an application for classification be inspected within 90 days of the commission's receipt of the application and that the business shall be notified within 30 days of the inspection of the commission's determination.

(d) Businesses classified at level C must be paid a fair and reasonable amount for all labor hours negotiated under 212 C.M.R.. Businesses classified at level B must be paid an amount not less than 90 per cent of the indexed hourly labor rate in force at the time of the completion of the job for all labor hours negotiated under said 212 C.M.R. Businesses classified at level A must be paid an amount not less than 100 per cent of the indexed hourly labor rate in force at the time of the completion of the job for all labor hours negotiated under said 212 C.M.R.

(e) The commission shall also develop a formal complaint process for both auto body repair businesses and auto insurers for non-compliance with this section or any regulations adopted by the commission.

(f) The commission shall meet in public not less than 8 times per calendar year to conduct business. The commission shall also appoint teams of auto repairer(?) inspectors that shall consist of at least 1 person from the auto insurance industry, to be selected from a list of names provided by the Auto Insurers Bureau and 1 person from the auto repairer industry, to be selected from a list of names provided by the Alliance of Automotive Service Providers. The commission shall set the rate by which the individuals on inspection teams are compensated for each inspection filed, to be paid out of the commission's fund. The total amount to be paid for each inspection may not exceed 75 per cent of the application fee in force at the time of the inspection, and each team member shall be compensated an equal amount.

(e) The commission shall report not later than June 1, annually, to the division of insurance and the office the attorney general its indexed labor rates. If the commissioner of insurance determines not to fix and establish auto insurance rates pursuant to chapter 175, the division of insurance shall also distribute the indexed labor rates to those insurers who write auto insurance in the commonwealth within 30 days of receiving the report from the commission.

SECTION 47. Subsection (f) of section 197B of chapter 111 of the General Laws, as so appearing, is hereby amended by striking out paragraph (4) and inserting in place thereof the following 4 paragraphs:

(5) In addition to any other penalties under this subsection, the director of labor may issue a written warning or a civil citation for violations of this section or regulations under this section. Subsections (c) to (i), inclusive, of section 6F 1/2 of chapter 149 shall apply to these citations.

(6) In addition to the cease-work order authority under this section, whenever the department of labor has reason to believe that a person, firm, corporation or other entity is engaging in or is about to engage in a violation of section 197 or this section, or the regulations under those sections, it may bring an action in the name of the commonwealth against that person, firm, corporation or other entity to restrain the violation by temporary

restraining order or preliminary or permanent injunction. Subsections (a) and (b) of said section 6F (1/2) of chapter 149 shall apply to these actions.

(7) The director of labor may adopt regulations to carry out this section.
(8) Nothing in this section shall limit the authority of the department of labor and workforce development under chapter 149.

SECTION 48. Section 5 of chapter 111K of the General Laws, as so appearing, is hereby amended by striking subsection (h) and inserting in place thereof the following 2 subsections:-

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

(i) to review and approve annual operating expenses.

SECTION 48A. Section 32 of chapter 121B of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding any general or special law or regulation to the contrary, an applicant for assisted housing under this chapter who is not eligible for federal assisted housing under 42 U.S.C. section 1436a, and who is not a person residing in the United States under color of law as defined in regulations of the federal Department of Health and Human Services as in force on May 25, 2006, shall not displace or be given priority over any applicant who is so eligible

SECTION 49. The first paragraph of section 46R of chapter 140 of the General Laws, as so appearing, is hereby amended by adding the following 3 sentences:-

In addition to the penalties provided for in this paragraph, the commissioner may issue a written warning or a civil citation for violations of these sections. Subsections (c) to (i), inclusive, of section 6F 1/2 of chapter 149 shall apply to these citations. The director of labor may adopt regulations for the issuance of the written warnings and citations and for the enforcement thereof.

SECTION 49A. Chapter 147 of the General Laws if hereby amended by striking out sections 32 and 33, as so appearing, and inserting in place thereof the following 2 sections:-

Section 32. No boxing, kickboxing, mixed martial arts or other unarmed combative sporting event or sparring match or exhibition for a prize or purse or at which an admission fee is charged, either directly or indirectly, in the form of dues or otherwise, whether professional or amateur, shall take place or be conducted except in accordance with a license granted as hereinafter provided by the state boxing commission. Applications for the license shall be accompanied by such fee, as established annually by the commissioner of administration and finance under section 3B of chapter 7. Tough-man or similar type matches or exhibitions shall be prohibited. Any persons holding, conducting, participating in or attending a match or exhibition held without a license, as provided in section 33, or a tough-man or similar type match or exhibition, shall be punished by a fine of not more than $25,000 or by imprisonment for not more than 3 months, or both. In the case of exhibitions or bouts held in accordance with the rules and regulations of amateur organizations as may be approved by the commission, the commission may issue special licenses without the requirement of a bond as provided in section 34 or payment of the annual fee. Matches or exhibitions under the governance of the Massachusetts Interscholastic Athletic Association, the National Collegiate Athletic Association or any equivalent school or college organization shall be exempt from the requirements of this section if the competitors are amateurs.

Section 33. The commission may, subject to sections 32 to 47, inclusive, issue licenses to conduct boxing, kickboxing, mixed martial arts or other unarmed combative sporting events, sparring matches and exhibitions. The license shall be valid only for the date approved by the commission. The commission may revoke the license at any time in the interest of public safety. No license shall be issued for a tough-man competition or similar event.

SECTION 49B. Section 34 of said chapter 147, as so appearing by striking out, in line 3, the words “five thousand dollars” and inserting in place thereof the following figure:- $50,000.

SECTION 49C. Said section 34 of said chapter 147, as so appearing, is hereby further amended by striking out, in lines 11 and 12, the words “one thousand dollars” and inserting in place thereof the following figure:- $10,000.

SECTION 49D. Said chapter 147 is hereby further amended by striking out sections 35 to 40, inclusive, and inserting in place thereof the following 9 sections:-

Section 35. No person shall act, directly or indirectly, as a physician, referee, judge, timekeeper, professional boxer, kickboxer, mixed martial arts contestant or other unarmed combative sport contestant, or as manager, trainer or second of such a contestant, at a match or exhibition or as a matchmaker therefor, unless licensed by the commission upon receipt of such classified fee to be determined annually by the commissioner of administration and finance under the section 3B of chapter 7. The commission shall set minimum requirements for licensure based upon skill or other fundamental prerequisites deemed necessary to adequately and safely execute the functions of the respective position. The commission may refuse to license any individual who does not meet those requirements or whose safety and well-being it determines will be put at substantial risk by engaging in their respective position. Whoever acts in such capacity, without being so licensed shall be punished by a fine of not more than $10,000. For the purposes of sections 32 to 47, inclusive, a professional combatant shall be a person who competes for money or other pecuniary gain. Any official who desires to officiate without charge at amateur boxing or sparring matches or

exhibitions shall be licensed without charge. No person shall be licensed under this section who is under 18 years of age, except as otherwise provided in section 39.

Section 35A. Notwithstanding section 36, the commission shall, in the conduct of all amateur boxing or sparring matches and exhibitions sanctioned by the national governing body and its local affiliate which are appointed and recognized by the United States Olympic Committee for such purposes, acknowledge and follow the rules and regulations of said amateur boxing governing bodies.

No amateur match of any kind which is subject to section 32 shall be held unless it is licensed by the commission and sanctioned and supervised by an amateur sanctioning organization approved by the commission.

The commission shall recognize and license, upon receipt of the classified fee to be determined annually by the commissioner of administration under section 3B of chapter 7, the amateur referees, judges and other amateur officials assigned to such amateur matches or exhibitions by the amateur governing bodies and certified under their rules and regulations.

The commission shall cooperate fully with the amateur boxing governing bodies to assure that amateur boxers are eligible to participate and compete for selection to the United States Olympic boxing team.

No contestant in amateur boxing shall compete in more than 2 tournaments in any 7-day period nor shall such contestant participate in more than 3 contests between 12 noon on any 1 day and 12:30 a.m on the day following. All amateur boxing or sparring matches or exhibitions shall terminate not later 12:30 a.m. on the day following the start of the match.

During a contest, contestants in amateur boxing or kickboxing matches or exhibitions shall wear gloves weighing at least 8 ounces each unless otherwise authorized by the amateur boxing governing body. During a contest, contestants in amateur mixed martial arts and other unarmed combative sport matches or exhibitions shall wear gloves

weighing at least 4 ounces each unless otherwise authorized by the amateur governing body.

Section 36. At every boxing, kickboxing, mixed martial arts, or other unarmed combative sport event, sparring match or exhibition there shall be in attendance a referee, duly licensed under sections 32 to 47, inclusive. There shall also be in attendance at least 3 duly-licensed judges, each of whom shall, at the termination of a match or exhibition, vote for the contestant in whose favor the decision should, in his opinion, be rendered or, for a draw if, in his opinion, neither contestant is entitled to a decision in his favor, and the decision shall be rendered in favor of the contestant receiving a majority of the votes or, if neither receives a majority as aforesaid, a decision of a draw shall be rendered. Upon the rendering of a decision, the vote of each judge shall be announced from the ring. The referee shall have full power to stop the match or exhibition whenever he deems it advisable because of the physical condition of a contestant or when 1 contestant is clearly outclassed by his opponent or for other sufficient reason. The commission shall declare forfeited any prize, remuneration or purse or any part thereof belonging to a contestant if, in the judgment of a majority of the commissioners after consultation with the judges and the referee, such contestant was not competing in good faith. The fees of the referee and other licensed officials shall be fixed by the commission and shall be paid by the licensed organization prior to the match or exhibition.

Section 37. At any boxing, kickboxing, mixed martial arts or other unarmed combative sport event, sparring match or exhibition there shall be in attendance at least 1 duly licensed physician, whose duty it shall be to observe the physical condition of the contestants and advise the referee or judges with regard thereto. Any competent physician who has had not less than 3 years of experience as a medical practitioner may be licensed. No contestant shall be allowed to enter the ring unless a physician licensed under sections 32 to 47, inclusive, shall certify in writing that the contestant is physically fit to engage in the proposed contest. The physician’s fee, as fixed by the commission, shall be paid by the licensee conducting the match or exhibition.

Section 38. No boxing, kickboxing or other unarmed combative sporting match or exhibition shall exceed 10 rounds. No mixed martial arts match or exhibition shall exceed 5 rounds but, if a match is to determine a championship, it may exceed the round limits with the prior approval of the commission. No round in a boxing, kickboxing or other unarmed combative sporting match or exhibition shall exceed 3 minutes. No round in a mixed martial arts match or exhibition shall exceed 5 minutes. No contestant in a professional match or exhibition shall participate in more than 10 rounds or more than the number of rounds determined by the commission as aforesaid, as the case may be, during a 72-hour period.

During a contest, contestants in professional boxing and kickboxing matches or exhibitions shall wear gloves weighing at least 8 ounces each unless otherwise authorized by the commission. During a contest, contestants in mixed martial arts and other unarmed combative sporting events, matches or exhibitions shall wear gloves weighing at least 4 ounces each or as otherwise authorized by the commission. Every contestant participating in boxing, kickboxing, mixed martial arts or other unarmed combative sporting event or exhibition shall be required to wear standard protective devices as outlined by regulation by the commission.

Section 39. Except as hereinafter provided, no contestant under 18 years of age or who has reached his thirty-fifth birthday shall be permitted to engage in a boxing, kickboxing, mixed martial arts or other unarmed combative sport event, sparring match or exhibition, except that the age requirement shall not apply to a world boxing champion who is still actively engaged as a professional boxer, or to a former boxing champion of the world who has not been inactive as a professional boxer for more than 2 years from the date of his last boxing contest, but an amateur boxer shall be allowed to compete as such at the age of 16. At the discretion of the commission, a professional boxer, kickboxer, mixed martial arts contestant or other unarmed combative sport contestant who has reached his thirty-fifth birthday may be permitted to engage in a match if the contestant has passed a physical examination or is otherwise medically-cleared to participate by a physician selected by the commissioners. At the discretion of the commission, an amateur boxer who has reached his sixteenth birthday but has not yet

reached his eighteenth birthday may be licensed as a professional boxer. The foregoing shall not apply to courses of instruction in boxing, kickboxing, mixed martial arts or other unarmed combative sport sponsored and conducted by recognized boys and girls clubs, youth organizations, schools or colleges, municipal or state park or recreational departments, law enforcement organizations or incorporated, private, nonprofit boxing teams, under the supervision of qualified instructors and directors. No person under the age of 16shall be admitted to or be present at a professional match or exhibition unless accompanied by an adult.

Section 39A. No professional boxer, kickboxer, mixed martial arts contestant or other unarmed combative sport contestant licensed under section 35 who has been knocked out, technically or otherwise, or lost a contest by way of submission, 6 or more times in the preceding 12 months shall take part in a match or exhibition until he has been examined and found fit to take part in such a match or exhibition, by a physician selected by the commission, at a place and time designated by the commission. The cost of conducting the examination shall be borne by the contestant. If a contestant is found unfit to engage in a match or exhibition, he shall be excluded from participation for 3 months, after which time he may make a request to the commission for another physical examination. The license issued to an individual pursuant to section 35 shall be immediately suspended for at least 30 days if the individual is knocked out.

Section 39B. A person licensed under section 32 to conduct boxing, kickboxing, mixed martial arts or other unarmed combative sport events, sparring matches or exhibitions, except those persons to whom a special license may be granted thereunder without the requirement of a bond or payment of the annual fee, shall take out a policy of accident insurance on each contestant participating in the match or exhibition in the amount of $5,000 to compensate him for medical and hospital expenses incurred as the result of injuries received in such match or exhibition and in the amount of $50,000 in the event of death to the contestant resulting from participation in the match or exhibition, said $50,000 to be paid to the estate of the deceased contestant. The premiums on the policies shall be paid by the licensee.

Section 40. Every licensee holding or conducting a boxing, kickboxing, mixed martial arts or other unarmed combative sporting event, sparring match or exhibition shall, prior to the commencement of the final feature bout of the event, pay to the commission, a sum equal to 4 per cent of the total gross receipts from the sale of tickets or from admission fees. Such licensee shall pay to the commission a sum equal to 2 per cent of the total gross receipts generated by the sale, lease or other exploitation of the television, pay per view, motion picture or other broadcasting rights, regardless of whether the event is broadcast live or in the future, such sum to be paid by the licensee whether or not the licensee ever receives a portion of that amount; provided, however, that if such match or exhibition is conducted as an incidental feature in an event or entertainment of a different character, such portion of the total receipts and the total amount shall be paid to the commonwealth, as the commission may determine or as may be fixed by rule adopted under section 46. If the payment is for a fixed amount, payment shall be made 24 hours prior to the event but in no event shall payment be made later than 48 hours after the live event. Pay per view showings of an event more than 48 hours after the live event shall be exempt from the requirements of this section. The broadcasting fee imposed under this section shall be not more than $75,000 per event. Within 72 hours after its conclusion, the licensee shall furnish to the commission a report, showing the exact number of tickets sold and admission fees collected for the contest, the gross receipts thereof and such other data as the commission may require.

A licensee holding or conducting a boxing, kickboxing, mixed martial arts or other unarmed combative sport event, sparring match or exhibition shall, at least 48 hours before a licensed contest or exhibition, file with the commission a copy of all contracts entered into for the sale, lease or other exploitation of broadcasting rights for the contest or exhibition. All contracts filed with the commission pursuant to this section shall be exempt from disclosure pursuant to section 10 of chapter 66.

The commission shall enforce this section.

SECTION 49E. Section 40A of said chapter 147, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words “within seventy two hours after its

conclusion", and inserting in place thereof the following words:- prior to the commencement of the feature bout of the event,

SECTION 49F. Section 42 of said chapter 147, as so appearing, is hereby amended by adding the following paragraph :-

The commission may suspend a license of a combatant issued pursuant to section 35 without a hearing upon a finding that it would be unsafe for the individual to compete until either the passing of a fixed period of time or upon medical clearance. The commission may assess an administrative penalty not to exceed $2,000 for each violation of sections 32 to 51, inclusive, or the commission's rules and regulations committed by an individual required to be licensed under this chapter.

SECTION 49G. Section 45 of said chapter 147, as so appearing, is hereby amended by striking out, in lines 4, 6 and 10, and in lines 14 and 15, the words:-

"boxing or sparring".

SECTION 49H. Said chapter 147 is hereby further amended by striking out section 46, as so appearing, and inserting in place thereof the following section:-

Section 46. The commission may make such rules and regulations for the administration and enforcement of sections 32 to 47, inclusive, and to promote and regulate the sports of boxing, kickboxing, mixed martial arts and other unarmed combative sports, as deemed necessary, including defining any terms requiring definition under said sections 32 to 47, inclusive. The rules and regulations may provide for and regulate the granting of special permits for exhibitions where no decision is to be rendered, no admission fee is to be charged and where skilled combatants merely demonstrate the mechanics of their respective discipline. The commission shall make an annual report to the general court of the acts of the commission.

SECTION 49I. Sections 48 to 50, inclusive of said chapter 147 are hereby repealed.

SECTION 49J. Said chapter 147 is hereby further amended by striking out section 50A, as appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

Section 50A. Courses of instruction in boxing, kickboxing, mixed martial arts and other unarmed combative sports, or sparring matches or exhibitions sponsored and conducted by recognized boys and girls clubs, youth organizations, schools and colleges, law enforcement agencies or municipal or state parks and recreation departments, under the supervision of qualified instructors and directors, may be conducted in a city or town without requiring a license pursuant to section 33.

SECTION 49K. Section 51 of said chapter 147, as so appearing, is hereby amended by inserting after the word “boxing”, in line 3, the following words:- kickboxing, mixed martial arts or other unarmed combative sport event,

SECTION 50. Chapter 149 of the General Laws is hereby amended by inserting after section 6F the following section:-

Section 6F 1/2. (a) In addition to the cease and desist authority granted in section 6E and the criminal penalties provided for in section 6F, whenever the commissioner has reason to believe that a person, firm, corporation or other entity is engaging in or is about to engage in a violation of sections 6A to 6E, inclusive, or of any regulations under said sections 6A to 6E, inclusive, he may bring an action in the name of the commonwealth against such person, firm, corporation or other entity to restrain the violation by temporary restraining order or preliminary or permanent injunction. The action may be brought in the superior court of the county in which such person, firm, corporation or other entity resides or has his principal place of business, or the action may be brought in the superior court of Suffolk county with the consent of the parties or if the person, firm, corporation or other entity has no place of business within the commonwealth. If more than 1 person, firm, corporation or other entity is joined as a defendant, the action may be brought in the superior court of the county where any 1 of defendants reside or has his

principal place of business, or in Suffolk county. The court may issue temporary restraining orders or preliminary or permanent injunctions.

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

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

(d) Notwithstanding this section, the maximum civil penalty that may be imposed upon any person, firm, corporation or other entity who has not previously been either criminally convicted of a violation of this chapter or issued a citation under this chapter, shall be not more than $2,500, except that in instances in which the commissioner determines that the person, firm, corporation or other entity lacked specific intent to violate this chapter, the maximum civil penalty for the person, firm, corporation or other entity that has not previously been either criminally convicted of a violation of this chapter or issued a citation under this chapter shall be not more than $1,000.

(e) In determining the amount of each civil penalty, the department shall include, but not be limited to, the following considerations: the actual and potential impact on public health, safety and welfare and the environment of the failure to comply; whether the person, firm, corporation or other entity being assessed the civil penalty took steps to prevent noncompliance, to promptly come into compliance and to remedy and mitigate whatever harm might have been done as a result of such noncompliance; whether the

person, firm, corporation or other entity assessed the civil penalty has previously failed to comply with any regulation, order, license or approval issued or adopted by the department, or any law which the department has authority or responsibility to enforce; deterring future noncompliance; the financial condition of the person, firm, corporation or other entity being assessed the civil penalty; and the public interest.

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

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

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

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

SECTION 50A. Section 44A of chapter 149 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out subsection 2 and inserting in place thereof the following section:-

(2)(a) Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building by a public agency estimated to cost less than $5,000 shall conform to sound business practices.

(b) Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building by a public agency estimated to cost not less than $5,000 but not more than $10,000 shall be awarded to the responsible person offering to perform the contract at the lowest price; provided, however, that the public agency shall seek written price quotations from at least 3 persons customarily providing the work for which the contract is being made available. When seeking written quotations, the public agency shall make and keep a record of the names and addresses of all persons from whom price quotations were sought, the names of the persons submitting price quotations and the date and amount of each price quotation.

(c) Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building by a public agency estimated to cost more than $10,000 but not more than $25,000 shall be awarded to the responsible person offering to perform the contract at the lowest price. The public agency shall make public notification of the contract and shall seek written responses from persons who customarily perform such work. The public notification shall include a scope of work statement that defines the work to be performed and provides potential responders with sufficient information regarding the objectives and requirements of the public agency and the time period within which the work is to be completed. For purposes of this subsection, “public notification” shall include, but not necessarily be limited to, posting, not less than 2 weeks before the time specified in the notification for the receipt of responses, the contract and scope of work statement on the website of the public agency, on the COMPASS system, or in the central register established under section 20A of chapter 9, and in a conspicuous place in or near the primary office of the public agency.

(d) Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building by a public agency estimated to cost more than $25,000 but not more than $100,000, except for a pumping station to be constructed as an

integral part of a sewer construction or water construction project bid under the provisions of section 39M of chapter 30, shall be awarded to the lowest responsible and eligible bidder on the basis of competitive bids publicly opened and read in accordance with the procedure set forth in said section 39M of said chapter 30. For the purposes of this section, “pumping station” shall mean a building or other structure which houses solely pumps and appurtenant electrical and plumbing fixtures.

(e) Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building by a public agency estimated to cost more than $100,000, except for a pumping station to be constructed as an integral part of a sewer construction or water construction project bid under the provisions of section 39M of chapter 30, shall be awarded to the lowest responsible and eligible general bidder on the basis of competitive bids in accordance with the procedure set forth in section 44A to 44H, inclusive.

(f) When the general court has approved the use of an alternative mode of procurement of construction for a project pursuant to section 7E of chapter 29, the awarding authority responsible for procuring construction services for the project shall follow the policies and procedures of this section and of sections 44B to 44H, inclusive, to the extent compatible with the mode of construction procurement selected.

(g) Notwithstanding paragraph (e), a public agency may undertake the procurement of modular buildings, in accordance with section 44E. A public agency may procure site work for modular buildings, including but not limited to, construction of foundations, installations and attachment to external utilities, or any portion of site work, either in combination with the procurement of modular buildings pursuant to section 44E or on the basis of competitive bids pursuant to the paragraph (e). Notwithstanding the paragraph (e), a public agency may procure energy management services in accordance with section 11C of chapter 25A and regulations promulgated thereunder.

SECTION 50B_. Section 10 of chapter 161B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the third paragraph the following paragraph:-

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

SECTION 50C. Section 12 of chapter 161B of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

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

SECTION 51. Chapter 175 of the General Laws is hereby amended by striking out section 195, as appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

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

(b) The costs to be paid under subsection (a) shall be for the following purposes:

(1) the operation of state fire training facilities and curriculum for firefighting personnel;

(2) implementing sections 26G 1/2 and 34A to 34D, inclusive, of chapter 148, and chapter 304 of the acts of 2004;

(3) student awareness of fire education programs;

(4) the firefighting equipment grant program; and

(5) capital improvements to state fire service facilities, including reimbursing the General Fund for debt service on bonds issued to pay for these capital improvements.

SECTION 51A. Chapter 180 of the General Laws is hereby amended by striking out section 28, as so appearing, and inserting in place thereof the following section:-

Section 28. If a person is convicted of a violation of section 12 of chapter 265 for engaging in, giving or promoting a public or private boxing, kickboxing, mixed martial arts or other unarmed combative sporting match or sparring exhibition, the contestants who have received or were promised a pecuniary reward, remuneration or consideration

on the premises of or under the auspices of a club or organization described in section 4, the commissioner of public safety and homeland security, the board of selectmen or the board of aldermen in a town where the club or organization is situated, or the police commissioner of the city of Boston if the club or organization is situated in Boston shall immediately give notice to the state secretary who, upon receipt thereof, shall declare the charter of the club or organization void. The state secretary shall publish a notice in at least a newspaper published in the city or town wherein the club or organization is situated that the charter of the club or organization is void.

SECTION 52. Section 12 of chapter 211D of the General Laws, as so appearing, is hereby amended by inserting after the sixth sentence the following sentence:- Any bills submitted more than 12 months after the completion of a case shall receive no payment from the committee unless the attorney submitting the bill has been granted a waiver by the chief counsel due to serious illness or other extenuating circumstances.

SECTION 53. Section 16A of chapter 221 of the General Laws, as amended by section 29 of chapter 61 of the acts of 2007, is hereby further amended by adding the following sentence:- The unified session clerk shall receive, in addition to the salary paid to him as an assistant clerk under section 4, a sum equivalent to 10 per cent of the salary of an assistant clerk.

SECTION 54. Section 37 of said chapter 221, as appearing in the 2006 Official Edition, is hereby amended by striking out the penultimate sentence.

SECTION 54A. Section 93 of said chapter 221, as so appearing, is hereby amended by striking out, in line 8, the figure “78.27” and inserting in place thereof the following figure:- 82.50.

SECTION 54B. Section 94 of said chapter 221, as so appearing, is hereby amended by striking out, in line 16, the figure “78.27” and inserting in place thereof the following figure:- 82.50.

SECTION 54C. Chapter 252 of the General Laws is hereby amended by inserting after section 14D following section:

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

SECTION 54D. Chapter 265 of the General Laws is hereby amended by striking out section 12, as so appearing, and inserting in place thereof the following two sections:-

Section 12. Whoever directly or indirectly, except as provided in sections 32 to 50, inclusive, of chapter 147, gives or promotes a public boxing, kickboxing, mixed martial arts or other unarmed combative sporting match or sparring exhibition, or engages in a private boxing, kickboxing, mixed martial arts or other unarmed combative sporting event match or sparring exhibition, for which the contestants have received or have been promised any pecuniary reward, remuneration or consideration whatsoever shall be punished by imprisonment in the house of corrections for not more than 2 ½ years or by a fine of not more than $5,000, or by imprisonment in the state prison for not more than 5 years or by a fine of not more than $25,000 or both such fine and imprisonment.”;

Section 12A. Whoever directly or indirectly, except as provided in sections 32 to 50, inclusive, of chapter 147, engages in a public boxing, kickboxing, mixed martial arts or other unarmed combative sporting match or sparring exhibition, or engages in a private boxing, kickboxing, mixed martial arts or other unarmed combative sporting event match or sparring exhibition, for which the contestants have received or have been promised any pecuniary reward, remuneration or consideration whatsoever shall be punished

imprisonment in the state prison for not more than 3 months or by a fine of not more than $200 or both such fine and imprisonment

SECTION 54E. Section 33 of chapter 266 of the General Laws, as so appearing, is hereby amended by striking out, in lines 5 to 10, inclusive the words "(2) whoever, with intent to defraud, by a false statement in writing respecting the financial condition, or means or ability to pay, of himself or of any other person, obtains credit from any bank or trust company or any banking institution or any retail seller of goods or services accustomed to give credit in any form whatsoever shall be guilty of larceny" and inserting in place thereof the following words:-- " (2) whoever, with intent to defraud, by a false statement in writing respecting the financial condition, or means or ability to pay, of himself or of any other person, obtains for himself or for any other person credit from any bank or trust company or any banking institution or any mortgage lender, as defined in section 1 of chapter 255E or any retail seller of goods or services accustomed to give credit in any form whatsoever shall be guilty of larceny.

Whoever violates this section shall be punished by imprisonment in jail for not more than 1 year or by a fine of not more than $300, or, if the value of the benefit obtained by a violation of clause (1) or if the dollar amount of credit obtained by a violation of clause (2) exceeds $250 shall be punished by imprisonment in the state prison for not more than 5 years, or by a fine of not more than $25,000 and imprisonment in the house of correction for not more than 2 years.

SECTION 54F Said chapter 266 is hereby further amended by striking out section 34, as so appearing, and inserting in place thereof the following section:--

Section 34. Whoever, with intent to defraud and by a false pretence, induces another to part with property of any kind or with any of the benefits described in section 33 shall be guilty of larceny. Whoever violates this section shall be punished by imprisonment in jail for not more than 1 year or by a fine of not more than $300, or, if the value of the benefit obtained by a violation of clause (1) or if the dollar amount of credit obtained by a violation of clause (2) exceeds $250 shall be punished by imprisonment in

the state prison for not more than 5 years, or by a fine of not more than $25,000 and imprisonment in the house of correction for not more than 2 years.

SECTION 54G. Said chapter 266 is hereby further amended by inserting after section 35 the following section:--

Section 35A. (a) As used in this section, the following words shall have the following meanings, unless the context otherwise requires:--

"Funds", shall include, but not be limited to, a commission, fee, yield spread premium or compensation in any form.

"Material omission", the omission or concealment of a material fact necessary in order to make the statement made, in the light of the circumstances under which it is made, not misleading.

"Mortgage lending process", the process through which a person seeks or obtains a residential mortgage loan including, but not limited to, solicitation, application, or origination, negotiation of terms, third-party provider services, underwriting, signing and closing, and funding of the loan. Documents involved in the mortgage lending process include, but shall not limited to: uniform residential loan applications or other loan applications; appraisal reports; HUD-1 settlement statements; supporting personal documentation for loan applications such as W-2 forms, verification of income and employment, bank statements, tax returns and payroll stubs; and any required disclosures.

"Pattern of residential mortgage fraud", the violation of subsection (b) in connection with 3 or more residential properties.

"Person", a natural person, corporation, company, limited liability company, partnership, real estate trust, association or any other entity.

"Residential mortgage loan", a loan or agreement to extend credit made to a person, which loan is secured by a mortgage, security interest, deed to secure debt, deed of trust, or other document representing a security interest or lien upon any interest in a 1-

to-4 family residential property located in the commonwealth, including the renewal or refinancing of any such loan.

(b) Whoever: (1) makes or causes to be made any material statement that is false or any statement that contains a material omission, knowing the same to be false or to contain a material omission, during or in connection with the mortgage lending process, with the intent that such statement be relied upon by a mortgage lender, borrower or any other party to the mortgage lending process;

(2) uses, or facilitates the use of, any material statement that is false or any statement that contains a material omission, knowing the same to be false or to contain a material omission, during or in connection with the mortgage lending process, with the intent that such statement be relied upon by a mortgage lender, borrower or any other party to the mortgage lending process;

(3) receives any proceeds or any other funds in connection with a residential mortgage closing, knowing such proceeds or funds were obtained in violation of clause (1) or (2); or

(4) files, or causes to be filed, with a registrar of deeds any document that contains a material statement that is false or a material omission, knowing such document to contain a material statement that is false or a material omission, shall be punished by imprisonment in the state prison for not more than 5 years or by imprisonment in the house of correction for not more than 2 ½ years or by a fine of not more than $10,000 in the case of a natural person or not more than $100,000 in the case of any other person, or by both such fine and imprisonment. Any person who engages in a pattern of residential mortgage fraud shall be punished by imprisonment in the state prison for not more than 15 years or by a fine of not more than $50,000, or in the case of a natural person, not more than $500,000 in the case of any other person, or by both such fine and imprisonment.

(c) Any violation of this section may be prosecuted and punished in: the county in which the residential property for which a mortgage loan is being sought is located; any

county in which any act was performed in furtherance of the violation; in any county in which any person alleged to have violated this section had control or possession of any proceeds of, or other funds received as a result of, the violation; any county in which a closing on the mortgage loan occurred; any county in which a document containing a deliberate misstatement, misrepresentation or omission is filed with a registrar of deeds.

(d) It shall be an affirmative defense if a defendant charged with a violation of this section as a result of conduct or an omission by an employee or agent of the defendant if the defendant demonstrates the following by a preponderance of the evidence:

(1) the defendant had in force, at the time of the violation and continues to have in force, a written policy that includes:

(i) A prohibition against conduct that violates this section by employees and agents of the defendant;

(ii) Penalties or discipline for violation of the policy;

(iii) A process for educating employees and agents concerning the policy and consequences of a violation; and

(iv) A requirement for a criminal history check before employing an employee or engaging an agent and a requirement that the defendant will not employ or engage an individual whose criminal history check reveals a previous conviction of a crime involving fraud;

(2) the defendant demonstrates that it enforces the written policy described in clause (1); and

(3) Before the violation of this section the defendant communicated the written policy described in clause (1) and the consequences for violating the policy to the employee or agent who committed the violation.

(e) It shall be a rebuttable presumption that a borrower in the residential mortgage lending process did not make a false material statement or a material omission. Two or

more single incidents or occurrences of fraud in the mortgage lending process shall sufficient to overcome this rebuttable presumption.

SECTION 54H. Chapter 262 of the General Laws is hereby amended by striking out section 38, as so appearing, and inserting in place thereof the following section:-

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

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

For recording a declaration of trust, $200;

For recording a deed or conveyance, $100;

For recording a mortgage, $150;

For recording a declaration of homestead, $30;

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

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

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

SECTION 55. Chapter 278 of the General Laws is hereby amended by inserting after section 28C the following section:-

Section 28D 1/2. The clerk, the first assistant clerk and the second assistant clerk of the appellate division shall receive from the commonwealth as salary an amount equal to 10 per cent of, and in addition to, the salaries established and paid to each of them as clerk, first assistant clerk and second assistant clerk, respectively, of the superior court for criminal business in the county of Suffolk.

An employee of the office of the clerk of the superior court for criminal business in the county of Suffolk shall be designated by the clerk as a clerical assistant in matters pertaining to the business of the appellate division. The clerical assistant shall receive from the commonwealth, in addition to the salary established and paid to that employee in the position held by that employee in the office of the clerk, a sum equal to 10 per cent of that salary paid to him in the office of the clerk.

The clerk and the assistant clerks of the appellate division shall receive for traveling expenses necessarily incurred in the performance of their official duties a sum approved by a justice of the appellate division to be paid by the commonwealth. The clerk shall receive for office expenses necessarily incurred in the conduct of the business of the appellate division such sums as may be approved by a justice of the appellate division to be paid by the commonwealth.

SECTION 55A. Section 1 of chapter 775 of the acts of 1975 is hereby amended by striking out the definition of “electric power facilities” or “electric power facility”, as inserted by section 2 of chapter 129 of the acts of 1988, and inserting in place thereof the following 2 definitions:

“Energy”, electricity, electric power, electric capacity, electric energy, natural gas, liquefied natural gas, liquefied petroleum air gas, propane air, synthetic natural gas, oil, steam, coal, water, wind, battery, or any byproducts, derivatives, services, ancillary products or ancillary services derived therefrom, including but not limited to reactive power or voltage control, loss compensation, scheduling and dispatch, load following, system protection service and energy imbalance service, emissions allowances, or the transmission, transportation, storage, purchase, sale, exchange or interchange of energy capacity, either electric or other, distribution, disposal, decommissioning thereof, or the

transmission, transportation, storage, disposal, decommissioning or distribution of any byproducts thereof.

"Energy facilities" or "energy facility", an electric power facility, any system or any interest in, or right to the use of, services derived from a facility or a system or any part of a facility or system, including any energy conservation system, system for the production of renewable energy or alternative energy facility for the manufacture, generation, transmission, distribution, transformation, transportation, storage, purchase, sale, exchange or interchange or conservation of energy or any byproducts or ancillary products thereof or services derived therefrom by any means whatsoever, including but not limited to vehicles, personal or real property and any facility for processing refuse, or other materials into fuel with or without other byproducts, or facilities and property for the acquisition, extraction, conversion, transportation, storage, reprocessing or disposal of fuel and other material of any kind for any of these purposes, as necessary to carry out the purposes of this act.

SECTION 55B. Section 5 of said chapter 775 is hereby amended by striking out clauses (h) and (i) and inserting in place thereof the following 2 clauses:-

(h) to sell, lease, mortgage, exchange, transfer or otherwise dispose of, or to grant options for any such purposes with respect to any real or personal property or interest therein, with or without consideration and notwithstanding whether the real or personal property is needed by or useful to the corporation, all upon such terms and conditions as the corporation shall determine;

(i) to pledge or assign any money, fees, charges, or other revenue of the agency, or any real or personal property and any proceeds derived by the corporation from the sale of energy or property, or any insurance or condemnation awards;.

SECTION 55C. Said section 5 of said chapter 775 is hereby further amended by striking out clauses (k) and (l) and inserting in place thereof the following 2 clauses:-

(k) to borrow money and issue its bonds as provided in this act and to provide a pooled loan program on behalf of and for the benefit of its members, to make loans to its members and to enter into leases on behalf of its members, both as lessee or lessor;

(l) to purchase energy, including but not limited to all or a portion of the capacity and output of energy facilities and steam, whether or not produced by an energy facility;.

SECTION 55D. Subsection (m) of said section 5 of said chapter 775 is hereby amended by striking out the words “electric power”, in line 2, and inserting in place thereof the following word:- “energy”.

SECTION 55E. Subsection (p) of said section 5 of said chapter 775 is hereby amended by striking out the words “electric power”, in lines 3 and 8, and inserting in place thereof the following word:- “energy”.

SECTION 55F. Subsection (q) of said section 5 of said chapter 775 is hereby amended by striking out the words “electric power”, in line 4, inserting in place thereof the following word- “energy”.

SECTION 55G. Said section 5 of said chapter 775 is hereby further amended by striking out clause (t) and inserting in place thereof the following 3 clauses:-

(t) to enter into contracts determined by the corporation to be necessary or for the prudent management of the corporation’s assets, funds, debts or fuels, including without limitation, interest rate swaps, option contracts, future contracts, forward purchase contracts, hedging contracts, leases or other risk management instruments;

(u) to exercise and perform all or a part of its powers and functions through 1 or more wholly-owned or partly-owned corporations or other entities; and

(v) to do all things necessary, convenient or desirable to carry out the purposes of this act or the powers expressly granted or necessarily implied in this act.

Section 55H. Clause (a) of said section 6 of chapter 775 is hereby amended by striking out the words “electric power”, in lines 6 and 7, appearing after the words “one or more” in sentence one thereof and inserting in place thereof the word “energy”.

SECTION 55I. Said section 6 of chapter 775 is hereby further amended by striking out subsections (b) and (c) and inserting in place thereof the following 2 subsections:-

(b) Neither the obligations of the corporation nor the obligations of such member or non-member cities under any energy contracts hereunder shall be included in computing the borrowing capacities of the cities and towns. Such obligations of cities and towns having municipal electric departments established under said chapter 164 or a special act shall be treated as expenses of operating their electric plants and shall constitute special obligations of the cities and towns, payable solely from the revenues and other moneys derived by the cities and towns from their electric departments or systems, the liability of such cities and towns from other funds being limited to obligations undertaken by them to pay for the energy used by them.

(c) A city or town shall be obligated to fix, revise and collect fees and charges for electric power and energy and other services, facilities and commodities furnished or supplied through its electric department or systems at least sufficient to provide revenues adequate to meet its obligations under any contracts with the corporation and to pay any and all other amounts payable from or constituting a charge and lien upon such revenues, including amounts sufficient to pay the principal of and interest on all bonds issued by the city or town for energy-related purposes.

SECTION 55J. Section 9 of said chapter 775 is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) The corporation may, subject to the approval of the department under this act, borrow money by the issue of its bonds for any of its corporate purposes. Bonds may be issued hereunder as mortgage bonds, as general obligations of the corporation or as special obligations payable solely from particular funds. Without limiting the generality

of the foregoing, these bonds may be issued for project costs, prepayment of fuel, transmission or transportation of fuel or the corporation's share of project costs of energy facilities or long-term purchases of rights to use energy facilities which may include interest before and during the carrying out of any project and for a reasonable period after that time, prepayments under contracts for the purchase of energy, or services related thereto, stranded investment costs, early termination costs of any energy project, decommissioning costs, such reserves for debt service or other capital or current expenses that may be required by a trust agreement or resolution securing bonds, and all other expenses incidental to the determination of the feasibility of any project or to carrying out the project or to placing the project in operation.

SECTION 55K. Subsection (a) of section 10 of said chapter 775 is hereby amended by striking out the first 2 sentences and inserting in place thereof the following 2 sentences:- In the discretion of the corporation, but subject to the terms of the department's approval, any bonds issued under this act may be secured by a resolution of the board or by a trust agreement between the corporation and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the commonwealth, and this trust agreement shall be in a form and executed in a manner that may be determined by the corporation. Such trust agreement or resolution may pledge or assign, in whole or in part, the revenues and other moneys held or to be received by the corporation, including the revenues from any facilities already existing when the pledge or assignment is made, and any contract or other rights to receive the same, whether then existing or later coming into existence and whether then held or later acquired by the corporation, and the proceeds thereof.

SECTION 55L. Subsection (b) of said section 10 of said chapter 775 is hereby amended by striking out, in line 2, the words "electric power and".

SECTION 55M. Said subsection (b) of said section 10 of said chapter 775 is hereby further amended by striking out the words "electric power", in line 12, and inserting in place thereof the following word:- "energy".

SECTION 55N. Subsection (c) of section 19 of said chapter 775 is hereby amended by striking out the words “electric power”, in lines 13 and 14, and inserting in place thereof the word following word:- “energy”.

SECTION 55O. Subsection (f) of said section 19 of said chapter 775 is hereby amended by striking out the words “electric power”, in line 2, and inserting in place thereof the following word:- “energy.”

SECTION 55P. Subsection (g) of said section 19 of said chapter 775 is hereby amended by striking out the words “electric power”, in line 6, and inserting in place thereof the following word:- “energy”.

SECTION 56. Chapter 110 of the acts of 1993 is hereby amended by striking out section 317 and inserting in place thereof the following section:-

Section 317. Notwithstanding the definition of teacher in section 1 of chapter 32 of the General Laws, any person who is employed as a teacher at the Massachusetts Academy of Math and Science on a basis of not less than half-time service shall elect to participate in either the teachers’ retirement system or an alternative retirement program authorized by the academy. The election shall be made to the teachers’ retirement system and shall occur within 60 days of being employed by the academy in a manner determined by the teachers’ retirement board, and such election shall be irrevocable.

SECTION 56A. Section 44 of chapter 85 of the acts of 1994, as most recently amended by section 19 of chapter 236 of the acts of 2002, is hereby further amended by inserting after the word “reservation”, in line 45, the following words:- , Wilbur Farmhouse and Barn at Borderland state park, Whitehead House at Willowdale state forest, Kerighan House at Bradley Palmer state park, police station, dormitory, laundry and waiting room structures at Nantasket Beach reservation, Caretaker’s Cottage and the Barn at Brookwood Farm in the Blue Hills reservation, 1 Woodland Road in the Middlesex Fells reservation, Print Shop at the Brook Farm Historic Site in West

Roxbury, Carriage House at Havey Beach in West Roxbury, CCC Camp in Upton state forest and the Teahouse and Boathouse in Maudsley state park

SECTION 57. Chapter 137 of the acts of 2003 is hereby amended by striking out section 21, as amended by section 2 of chapter 77 of acts of 2005, and inserting in place thereof the following section:-

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

SECTION 57A.- SECTION 1. Section 593 of chapter 26 of the acts of 2003 is hereby repealed.

SECTION 58A. Item 1599-2005 of section 2A of chapter 81 of the acts of 2005, as most recently amended by section 28 of chapter 140 of the acts of 2007, is hereby further amended adding the following words:- "; and provided further, that not less that $150,000 shall be expended to the town of Wendell for an emergency assistance safety grant.

SECTION 58. Section 417 of chapter 149 of the acts of 2004, is hereby amended by striking out, in line 2, the figure "2009", inserted by section 82 of chapter 139 of the acts of 2006, and inserting in place thereof the following figure:- 2011.

SECTION 58B. Item 1599-2005 of section 2A of chapter 81 of the acts of 2005, as most recently amended by section 28 of chapter 140 of the acts of 2007, is hereby further amended adding the following words:- "; and provided further, that not less that $150,000 shall be expended to the town of Spencer for the reimbursements of costs associated with the drinking water emergency in April 2007.

SECTION 59. Chapter 58 of the acts of 2006 is hereby amended by striking out section 128, as appearing in section 40 of chapter 61 of the acts of 2007, and inserting in place thereof the following section:-

Section 128. Notwithstanding any general or special law to the contrary and in accordance with section 13B of chapter 118E of the General Laws, in fiscal year 2007, $90,000,000 shall be made available from the Commonwealth Care Trust Fund, established pursuant to section 2OOO of chapter 29 of the General Laws, to pay for an increase in the Medicaid rates paid to acute hospitals and physicians; but not less than 15 per cent of the increase shall be allocated to rate increases for physicians. For fiscal year 2008, an additional $90,000,000, for a total of $180,000,000, shall be made available from the Commonwealth Care Trust Fund in accordance with this section, to pay for an increase in the Medicaid rates paid to acute hospitals and physicians; but not less than 15 per cent of the increase shall be allocated to rate increases for physicians. In fiscal year 2009, an additional $90,000,000, for a total of $270,000,000, shall be made available from said Commonwealth Care Trust Fund to pay for an increase in the Medicaid rates paid to acute hospitals and physicians but not less than 15 per cent of the increase shall be allocated to rate increases for physicians. In fiscal year 2008, not more than $20,000,000 of the amounts to be made available to acute hospitals under this section shall be contingent on hospital adherence to quality standards and achievement of performance benchmarks, including the reduction of racial and ethnic disparities in the provision of health care, in accordance with said section 13B of said chapter 118E, and may be paid in fiscal year 2009. In fiscal year 2009, not more than $58,000,000 of the amounts to be made available to acute hospitals under this section shall be contingent on hospital adherence to quality standards and achievement of performance benchmarks, including the reduction of racial and ethnic disparities in the provision of health care, in accordance with section said 13B of said chapter 118E, and may be paid in fiscal year 2010. For fiscal years 2008 and 2009, any such performance benchmarks shall be determined by the secretary of health and human services without any limitation but in consultation with hospitals, the MassHealth payment policy advisory board and the health care quality and cost council, and the benchmark may include measures to be reported by hospitals to the federal Centers for Medicare and Medicaid Services for Reporting Hospital Quality Data

for Annual Payment Update, to the Joint Commission on Accreditation of Healthcare Organizations for core measures, or to the MassHealth Program pursuant to Appendix G of the contract between MassHealth and acute hospitals for Rate Year 2007 or other nationally-recognized measures that are drawn on those approved by the National Quality Forum and adopted by the Hospitals Quality Alliance Performance benchmarks and quality measures related to racial and ethnic disparities in the provision of health care. The secretary of health and human services shall, after the consultation required by said section 13B of said chapter 118E, issue final quality standards and performance benchmarks for use in the hospital fiscal year beginning October 1, 2008. For purposes of payments to hospitals pursuant to this section, fiscal year shall mean the hospital's fiscal year and for purposes of any payments to physicians pursuant to this section, fiscal year shall mean the state fiscal year.

SECTION 59B. Section 117 of chapter 123 of the acts of 2006 is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

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

SECTION 60. Section 3 of chapter 258 of the acts of 2006 is hereby amended by adding the following clause: -

(g) The state auditor shall appoint, on or before October 1, 2008, 1 member for a term of 1 year, 1 member for a term of 2 years and 1 member for a term of 3 years.

SECTION 60A. Notwithstanding any general or special law to the contrary, for fiscal year 2009, not more than $4,200,000 of the amounts designated in item 4000-0700 for Medicaid rate increases for community health centers shall be contingent on community health center adherence to quality standards and achievement of performance benchmarks and for infrastructure and system of care development including, but not limited to, infrastructure and system of care development necessary to enable community

health centers to meet performance standards and achieve benchmarks, and may be paid in fiscal year 2010.

SECTION 61. (a) Whenever the commonwealth has borrowed funds as authorized by law to fund the acquisition of equipment that would have otherwise been funded under an item of appropriation in section 2, the secretary of administration and finance may authorize the transfer of funds from the item of appropriation in section 2 from which the equipment acquisition would have been funded to any other item of appropriation for the purpose of funding personnel or other operating-related expenses that would have otherwise been funded in the fiscal year 2009 capital budget from the proceeds of bonds. The secretary may establish an appropriation account to receive this transfer if none exists under section 2. Any amount transferred under this section shall not exceed the cost of the related equipment acquisition, and the aggregate amount of all such transfers shall not exceed $50,000,000.

(b) Before making any transfer authorized by this section, the secretary of administration and finance shall submit a transfer report and certification to the house and senate committees on ways and means. The report and certification shall include the following: (1) a schedule showing the cost of equipment acquisition that would have been funded from an item of appropriation in section 2, the item of appropriation from which the equipment would have been funded and the bond authorization against which bonds may be issued to fund the acquisition of the equipment; (2) a schedule showing the cost of all personnel and other operating expenses that would have been funded from the fiscal year 2009 capital budget, identification of each of the agencies that pay the related expenses, the item in the capital budget and the bond authorization from which the personnel or operating expenses would have been funded, and the item of appropriation in section 2 from which the personnel or operating expenses will be funded; (3) a schedule of each amount that will be transferred from one item of appropriation in section 2 to another under subsection (a) in order to effectuate the transactions described in clauses (1) and (2); and (4) a certification of the secretary confirming that the equipment

will be acquired in fiscal year 2009 with bond proceeds pursuant to the fiscal year 2009 capital budget and the bond authorization identified in clause (1).

SECTION 62. Notwithstanding any general or special law to the contrary, section 35J of chapter 10 of the General Laws shall not apply in fiscal year 2009.

SECTION 63. Notwithstanding any general or special law to the contrary, during fiscal year 2009 the comptroller shall not transfer 0.5 per cent of the total revenue from taxes in the preceding fiscal year to the Commonwealth Stabilization Fund, established pursuant to section 2H of chapter 29 of the General Laws, as otherwise required pursuant to clause (a) of section 5C of chapter 29 of the General Laws.

SECTION 64. Notwithstanding any general or special law to the contrary, the comptroller shall, no later than June 30, 2009, transfer the interest earned from the Commonwealth Stabilization Fund during fiscal year 2009 to the General Fund.

SECTION 65. Notwithstanding any general or special law to the contrary, the comptroller shall, not later than June 30, 2009, transfer $210,000,000 to the General Fund from the Commonwealth Stabilization Fund, but the comptroller shall instead transfer a lesser amount if the secretary of administration and finance so requests in writing.

SECTION 66. Notwithstanding any general or special law to the contrary, during fiscal year 2009, the comptroller shall, according to a schedule developed in consultation with the state treasurer and the secretary of administration and finance, transfer $372,000,000 from the General Fund to the State Retiree Benefits Trust Fund, established by section 24 of chapter 32A of the General Laws.

SECTION 67. Notwithstanding any general or special law to the contrary, during fiscal year 2009, the comptroller shall transfer from the Health Care Security Trust established in section 1 of chapter 29D of the General Laws to the General Fund an amount equal to 100 per cent of the total of all payments received by the commonwealth in fiscal year 2009 pursuant to the master settlement agreement in Commonwealth of Massachusetts v. Phillip Morris, Inc. et. al., Middlesex Superior Court, No. 95-7378, and 100 per cent of the earnings generated in fiscal year 2009 from the Health Care Security Trust as certified by the comptroller pursuant to subsection (f) of section 3 of said chapter 29D for certain health care expenditures appropriated in section 2.

SECTION 68. Notwithstanding any general or special law to the contrary, on or before October 1, 2008 and without further appropriation, the comptroller shall transfer $25,000,000, in proceeds from any statutorily-authorized increase in excise imposed on the sale of tobacco after January 1, 2008 from the General Fund to the e-Health Institute Fund, established in section 6D of chapter 40J of the General Laws. The fund shall be available to the e-Health Institute, established pursuant to said section 6D, to facilitate the transformation of care delivery and the utilization of care process redesign supported by a statewide, interoperable electronic health records system.

SECTION 69. (a) Notwithstanding any general or special law to the contrary, on or before October 1, 2008 and without further appropriation, the comptroller shall transfer from the General Fund to the Health Safety Net Trust Fund, established pursuant to section 36 of chapter 118G of the General Laws and in this subsection called the fund, the greater of $45,000,000 or one-twelfth of the total expenditures to hospitals and community health centers required pursuant to subsection (b), for the purpose of making initial gross payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1, 2008. These payments shall be made to hospitals before, and in anticipation of, the payment by hospitals of their gross liability to the fund. The comptroller shall transfer from the fund to the General Fund not later than June 30, 2009,

the amount of the transfer authorized by this subsection and any allocation thereof as certified by the director of the health safety net office.

(b) Notwithstanding any general or special law to the contrary, the comptroller shall, in consultation with the state treasurer, the secretary of administration and finance and the secretary of health and human services, develop a schedule for transferring funds among the General Fund, the Commonwealth Care Trust Fund, established by section 2OOO of chapter 29 of the General Laws and the Health Safety Net Trust Fund, established by section 36 of chapter 118G of the General Laws. Not less than $1,292,561,456, including proceeds from any statutorily authorized increase in excise imposed on the sale of tobacco after January 1, 2008, shall be transferred from the General Fund to the Commonwealth Care Trust Fund and not less than $62,996,382 be transferred from the Commonwealth Care Trust Fund to the Health Safety Net Trust Fund. The hospital fiscal year 2009 payment amount to each hospital shall be funded by the Health Safety Net Trust Fund. Payments may be made either as safety net care payments under the Commonwealth's 1115 waiver, or as an adjustment to Title XIX service rate payments, or a combination thereof. The executive office of health and human services and the health safety net office may use other federally permissible funding mechanisms available for public service hospitals, as defined in 114.1 CMR 36.02, to reimburse up to $70,000,000 of uncompensated care at the hospitals using sources distinct from the funding made available to the Health Safety Net Trust Fund. The executive office of health and human services shall make expenditures required for fiscal year 2009 under section 122 of chapter 58 of the acts of 2006. The schedule shall provide for transfers in increments considered appropriate to meet the cash flow needs of these funds. The transfers shall not begin before July 1, 2008 and shall be completed on or before June 30, 2009. The secretary of administration and finance, in consultation with the secretary of health and human services and the executive director of the commonwealth health insurance connector, shall on a quarterly basis evaluate the revenue needs of the health safety net program funded by the Health Safety Net Trust Fund and the Commonwealth Care subsidized health insurance program funded from the Commonwealth Care Trust Fund, and if necessary, transfer monies between these funds for the purpose of ensuring that sufficient revenues are available to support projected

program expenditures. The secretary of health and human services in consultation with the secretary of administration and finance and the executive director of the commonwealth health insurance connector shall submit a quarterly report to the house and senate committees on ways and means and joint committee on healthcare financing which shall include, but not be limited to, the projected and actual expenditures and revenues for the Commonwealth Care Trust Fund and any transfers made between the Health Safety Net Trust Fund and the Commonwealth Care Trust Fund.

(c) Notwithstanding any general or special law to the contrary, the comptroller shall, in consultation with the office of the state treasurer, the executive office of administration and finance and the executive office of health and human services, develop a schedule and make a series of transfers not to exceed $346,000,000 from the General Fund to the MassHealth provider payment account in the Medical Assistance Trust Fund established in section 2QQQ of chapter 29 of the General Laws if the comptroller has determined that General Fund revenues are sufficient to accommodate the schedule of transfers. Any increase in payment made from the trust fund totaling an amount greater than $251,000,000 in fiscal year 2009 shall be made only after the secretary of health and human services certifies that any increase in payments from the trust fund shall not exceed the negotiated limit for section 1115 waiver spending. The secretary of health and human services shall notify, in writing, the house and senate committees on ways and means and the joint committee on healthcare financing of that certification within 15 days of the certification. These funds shall be expended only for services provided during state or federal fiscal year 2009, and no amounts previously or subsequently transferred into the Medical Assistance Trust Fund shall be expended on payments described in the 1115 demonstration waiver for services provided during state fiscal year 2009 or payments described in the state plan for services provided during federal fiscal year 2009. All payments from the Medical Assistance Trust Fund shall be subject to the availability of federal financial participation, shall be made only in accordance with federally-approved payment methods, shall be consistent with federal funding requirements and all federal payment limits as determined by the secretary of health and human services, and shall be subject to the terms and conditions of an agreement with the executive office of health and human services. The secretary of

health and human services shall make a payment of up to $148,000,000 from the Medical Assistance Trust Fund to the Cambridge Public Health Commission's hospital network for dates of service in state and federal fiscal year 2009 only after the Cambridge Public Health Commission transfers up to $74,000,000 of its funds to the Medical Assistance Trust Fund using a federally-permissible source of funds which shall fully satisfy the non-federal share of such payment.

SECTION 70. Notwithstanding any general or special law to the contrary, the comptroller, in consultation with the secretary of health and human services, shall develop a schedule for transferring not less than $25,000,000 from the General Fund to the Essential Community Provider Trust Fund, established in section 2PPP of chapter 29 of the General Laws, for the purpose of making expenditures as described in this section in fiscal year 2009. The secretary shall authorize expenditures by the division of health care finance and policy from the fund without further appropriation for the purpose of: (1) grants to financially-distressed MassHealth providers that provide emergency care, behavioral health and routine care for MassHealth and Commonwealth Care members; (2) grants to financially-viable MassHealth providers that are essential providers to MassHealth and Commonwealth Care members; (3) a program, which may be based on the Medicare Management Performance Demonstration or similar models, to provide financial incentives to small group practices with MassHealth Primary Care Clinician Plan enrollment of between 100 and 1,000 members which shall: (a) report specified clinical data; (b) achieve specified clinical benchmarks in service delivery and care management; and (c) implement an electronic medical record system within specified timeframes and with specified data sharing capacity; (4) a program to provide financial incentives to encourage the establishment of systems of care in communities with high concentrations of MassHealth, Commonwealth Care and Group Insurance Commission membership to engage hospitals, community health centers, community mental health centers, physicians and other providers and to reward such providers based upon their ability to timely deliver expected health outcomes in a lower-cost setting; and (5) a program to review and address, as necessary, payments for behavioral health care to

MassHealth members in community hospital settings and coordination of inpatient and outpatient care in such settings. The secretary, in consultation with the division, shall determine which entities meet the purposes and criteria described in this section. The executive office of health and human services shall structure expenditures under this section to maximize allowable federal reimbursement under Title XIX. Federal financial participation received for expenditures from the Essential Community Provider Trust Fund up to $12,500,000 shall be deposited in the Fund and shall be appropriated for purposes specified in this section, for not more than $37,500,000 total expenditure from this fund. Any additional funds shall be deposited in the General Fund.

SECTION 71. Notwithstanding any general or special law to the contrary, the executive office of health and human services may promulgate regulations allowing any dentist participating in the MassHealth program to limit the number of MassHealth patients in his practice in accordance with standards or procedures to be established by the executive office.

SECTION 72. Notwithstanding any general or special law to the contrary, every vending machine operator or retailer, as defined in section 1 of chapter 64C of the General Laws, or any other licensee, as prescribed by the commissioner of revenue, who, at the commencement of business on the effective date of this section, has on hand cigars or smoking tobacco for sale, shall make and file with the commissioner of revenue within 20 days thereafter a return, subscribed under the penalties of perjury, showing a complete inventory of those cigars and smoking tobacco, and shall, at the time he is required to file the return, pay the excise due on cigars and smoking tobacco on which he has not previously remitted the excise to the commissioner of revenue. Chapters 62C and 64C of the General Laws relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, shall, so far as pertinent, apply to the excise imposed by this section.

SECTION 73. Notwithstanding any general or special law to the contrary, the amounts transferred pursuant to paragraph (1) of section 22C of chapter 32 of the General Laws shall be made available for the commonwealth's Pension Liability Fund established pursuant to section 22 of said chapter 32. The amounts transferred pursuant to said paragraph (1) of said section 22C of said chapter 32 shall meet the commonwealth's obligations pursuant to said section 22C of said chapter 32, including retirement benefits payable by the state employees' and the state teachers' retirement systems, for the costs associated with a 3 per cent cost-of-living adjustment pursuant to section 102 of said chapter 32, the reimbursement of local retirement systems for previously authorized cost-of-living adjustments pursuant to said section 102 of said chapter 32, and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of 1984. The state board of retirement and each city, town, county and district shall verify these costs, subject to the rules adopted by the treasurer. The treasurer may make payments upon a transfer of funds to reimburse certain cities and towns for pensions to retired teachers, including any other obligations which the commonwealth has assumed on behalf of any retirement system other than the state employees' or state teachers' retirement systems and also including the commonwealth's share of the amounts to be transferred pursuant to section 22B of said chapter 32 and the amounts to be transferred pursuant to clause (a) of the last paragraph of section 21 of chapter 138 of the General Laws. Payments for the purposes described in this section shall be made only pursuant to distribution of monies from the fund, and any distribution and the payments for which distributions are required shall be detailed in a written report filed quarterly by the commissioner of administration with the house and senate committees on ways and means and the joint committee on public service in advance of this distribution. Distributions shall not be made in advance of the date on which a payment is actually to be made. The state board of retirement may expend an amount for the purposes of the board of higher education's optional retirement program pursuant to section 40 of chapter 15A of the General Laws. To the extent that the amount transferred pursuant to paragraph (1) of section 22C of said chapter 32 exceeds the amount necessary to adequately fund the annual pension obligations, the excess amount shall be credited to the Pension Reserves Investment Trust Fund of the

commonwealth for the purpose of reducing the unfunded pension liability of the commonwealth.

SECTION 74. Notwithstanding subclause (a) of clause (xxiii) of the third paragraph of section 9 of chapter 211B of the General Laws, or any other general or special law to the contrary, the chief justice for administration and management may, from the effective date of this act through April 30, 2009, transfer funds from any item of appropriation within the trial court, except items 0339-1001, 0339-1003 and 0339-1004, to any other item of appropriation within the trial court, except items 0339-1001, 0339-1003 and 0339-1004. These transfers shall be made in accordance with schedules submitted to the house and senate committees on ways and means. The schedule shall include the following: (1) the amount of money transferred from 1 item of appropriation to another; (2) the reason for the necessity of the transfer; and (3) the date on which the transfer is to be completed. A transfer under this section shall not occur until 10 days after the revised funding schedules have been submitted in written form to the house and senate committees on ways and means.

SECTION 75. Notwithstanding any general or special law to the contrary, in hospital fiscal year 2009, the office of the inspector general may continue to expend funds appropriated pursuant to section 1 of chapter 240 of the acts of 2004 from the Health Safety Net Trust Fund for the costs associated with maintaining a pool audit unit within that office. The unit shall continue to oversee and examine the practices in all Massachusetts' hospitals including, but not limited to, the care of the uninsured and the resulting free care charges. The unit shall also examine the premium assistance payments paid by the commonwealth health insurance connector to health insurers and Medicaid managed care organizations in the commonwealth care health insurance program. Such examination shall include, but not be limited to, the amount of payments made to each insurer and Medicaid managed care organizations; how each health insurer and Medicaid managed care organization expends such payments; the distribution of enrollment among the health insurers and Medicaid managed care organizations; and the rates paid by the health insurer and Medicaid managed care organizations to health care providers on

behalf of enrollees. The inspector general shall submit a report to the house and senate committees on ways and means on the results of the audits and any other completed analyses not later than March 1, 2009. For the purposes of the audits, allowable free care services shall be defined pursuant to chapter 118G of the General Laws and any regulations promulgated pursuant thereto.

SECTION 76. Notwithstanding any general or special law to the contrary, the executive office of health and human services under section 16 of chapter 6A of the General Laws, acting in its capacity as the single state agency under Title XIX of the Social Security Act and as the principal agency for all of the agencies within the executive office, and other federally assisted programs administered by the executive office, may enter into interdepartmental services agreements with the University of Massachusetts medical school to perform activities that the secretary, in consultation with the comptroller, determines are appropriate and within the scope of the proper administration of Title XIX and other federal funding provisions to support the programs and activities of the executive office. These activities shall include: (1) providing administrative services, including, but not limited to, activities such as providing the medical expertise to support or administer utilization management activities, determining eligibility based on disability, supporting case management activities and similar initiatives; (2) providing consulting services related to quality assurance, program evaluation and development, integrity and soundness and project management; and (3) providing activities and services for the purpose of pursuing federal reimbursement or avoiding costs, third party liability and recouping payments to third parties. Federal reimbursement for any expenditures made by the University of Massachusetts medical school relative to federally reimbursable services the university provides under these interdepartmental service agreements or other contracts with the executive office of health and human services shall be distributed to the university, and recorded distinctly in the state accounting system. The secretary may negotiate contingency fees for activities and services related to the purpose of pursuing federal reimbursement or avoiding costs, and the comptroller shall certify these fees and pay them upon the receipt of this revenue, reimbursement or demonstration of costs avoided. Contracts for contingency fees shall

not extend longer than 3 years, and shall not be renewed without prior review and approval from the executive office of administration and finance. The secretary shall not pay contingency fees in excess of $40,000,000 for state fiscal year 2009. The secretary of health and human services shall submit to the secretary of administration and finance and the senate and house committees on ways and means a quarterly report detailing the amounts of the agreements, the ongoing and new projects undertaken by the university, the amounts spent on personnel and the amount of federal reimbursement and recoupment payments that the university collected.

SECTION 77. (a) Notwithstanding any general or special law to the contrary, upon the request of the board of selectmen in a town, the city council in a plan E city, or the mayor in any other city, the department of revenue may recalculate the minimum required local contribution, as defined in section 2 of chapter 70 of the General Laws, in the fiscal year ending June 30, 2009. Based on the criteria established in this section, the department shall recalculate the minimum required local contribution for a municipality's local and regional schools and shall certify the amounts calculated to the department of education.

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

(c) If a claim is determined to be valid, the department of revenue may reduce proportionately the minimum required local contribution amount based on the amount of shortfall in revenue or based on the amount of increase in extraordinary expenditures in the current fiscal year, but no adjustment to the minimum required local contribution on account of an extraordinary expense in the budget for the fiscal year ending on June 30, 2009 shall affect the calculation of the minimum required local contribution in

subsequent fiscal years. Qualifying revenue amounts shall include, but not be limited to, extraordinary amounts of free cash, overlay surplus and other available funds.

(d) If, upon submission of adequate documentation, the department of revenue determines that the municipality's claim regarding an excessive municipal revenue growth factor is valid, the department shall recalculate the municipal revenue growth factor and the department of education shall use the revised growth factor to calculate the preliminary local contribution, the minimum required local contribution and any other factor that directly or indirectly uses the municipal revenue growth factor. Relief granted as a result of an excessive municipal revenue growth factor shall be a permanent reduction in the minimum required local contribution.

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

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

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

education of the amount of any reduction in the minimum required local contribution amount.

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

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

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

SECTION 78. (a) Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of chapter 7 of the General Laws, the division of capital asset management and maintenance, in consultation with the department of conservation and recreation, using a competitive proposal process that the division considers necessary or appropriate, may lease and enter into other agreements, for terms not to exceed 25 years, to 1 or more operators, for the Blue Hills Observatory and Science Center in Canton so as to provide for the continued use, operation, maintenance, repair and improvement of such state-owned recreational facility together with the land and appurtenances associated with it.

(b) The lease or other agreements shall be on terms acceptable to the commissioner of capital asset management and maintenance, after consultation with the commissioner of conservation and recreation and, notwithstanding any general or special law to the contrary, shall provide for the lessee to operate, manage, improve, repair and maintain the properties. The lease or other agreement requiring improvements to be made to any portion of the facility may include a description of the initially required improvements and performance specifications.

(c) Consideration received under he terms of the lease or other agreement shall be payable to the department of conservation and recreation for deposit into the Blue Hills Reservation Trust Fund in accordance with section 34C of chapter 92 of the General Laws. The lessee or recipient of such property shall bear costs considered necessary or appropriate by the commissioner of conservation and recreation for the transactions including, without limitation, costs for legal work, survey, title and the preparation of plans and specifications.

SECTION 79. (a) Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of chapter 7 of the General Laws and using competitive proposal processes that the division considers appropriate, the division of capital asset management and maintenance, in consultation with the department of conservation and recreation, may lease or enter into other agreements for the Blue Hills Ski Area in the town of Canton, for terms not to exceed 25 years, to 1 or more operators so as to provide for the continued use, operation, maintenance, repair and improvement of this state-owned recreational facility together with the land and appurtenances associated with it.

(b) The lease or other agreements shall be on terms acceptable to the commissioner of capital asset management and maintenance, after consultation with the commissioner of conservation and recreation and, notwithstanding any general or special law to the contrary, shall provide for the operator to operate, manage, improve, repair and maintain the properties. The lease or other arrangement requiring improvements to be made to any portion of the facility may include a description of the initially required improvements and shall include performance specifications.

(c) The inspector general shall review and approve any request for proposal issued by the division before its issuance.

(d) Consideration received under the terms of the lease or other agreement shall be payable to the department of conservation and recreation for deposit into the Blue Hills Reservation Trust Fund in accordance with section 34C of chapter 92 of the General Laws. The operator shall bear costs as determined by the commissioner of conservation

and recreation for the transactions including, without limitation, costs for legal work, survey, title and the preparation of plans and specifications.

SECTION 80. (a) Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of chapter 7 of the General Laws, the division of capital asset management and maintenance, in consultation with the department of conservation and recreation, may, using competitive proposal processes that the division considers necessary or appropriate, lease or enter into other agreements, for terms not to exceed 25 years, to 1 or more proponents, so as to provide for the continued use, operation, maintenance, repair and improvement of the golf courses, practice greens, driving range, restaurant or any other structure and associated lands that comprise the facilities of the Ponkapoag Golf Course. The division shall hold open a pre-qualification period of at least 30 days for the town of Canton.

The leases or other agreements shall be on terms acceptable to the commissioner of capital asset management and maintenance, after consultation with the commissioner of conservation and recreation and, notwithstanding any general or special law to the contrary, shall provide for the lessees to operate, manage, improve, repair and maintain the facilities and may provide for the department to make initial capital improvements or direct grant funds to the lessee to undertake initial capital improvements as the commissioner of conservation and recreation determines is necessary due to the condition of the facilities. Any leases or other arrangements requiring improvements to be made to any portion of the facilities may include a description of the initially-required improvements and, at minimum, performance specifications. Such leases and other agreements may provide that any benefits to the communities and the costs of improvements and repairs made to the facilities provided by the lessees or the recipients of the properties shall be taken into account as part of the consideration for such leases or other agreements. All consideration received from the leases or other agreements shall be payable to the department of conservation and recreation for deposit into the Blue Hills Reservation Trust Fund in accordance with section 34C of chapter 92 of the General Laws. The lessees or the recipients of these facilities shall bear all costs found necessary

or appropriate by the commissioner of conservation and recreation for the transactions including, but not limited to, all costs for legal work, surveys, title and the preparation of plans and specifications.

SECTION 81. (a) Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of chapter 7 of the General Laws, and using those competitive proposal processes as the division of capital asset management and maintenance considers necessary or appropriate, the division, in consultation with the department of conservation and recreation, may lease and enter into other agreements, for terms not to exceed 25 years, to 1 or more proponents, for Max Ulin Skating Rink in the town of Milton and the rink at William A. Connell, Sr., Recreation Center in the town of Weymouth, so as to provide for the continued use, operation, maintenance repair and improvement of such state-owned buildings and facilities, together with the land and appurtenances associated therewith,

(b) The failure of a city or town to apply for prequalification, as set forth below, shall not prohibit that city or town from bidding under this section.

(c) Before the division, in consultation with the department, sends out a request for proposals under this section, the division shall hold open a prequalification period of 30 days for the towns of Milton and Weymouth and any nonprofit organizations that desire to bid on rinks that are listed in this section and are located within the towns of Milton and Weymouth, or for a partnership of municipalities which share geographic boundaries as long as the subject rink is located within the geographic area of the municipalities comprising the partnership. A city, town, nonprofit organization or partnership of municipalities that desires to lease a rink under this section may submit materials for prequalification. The prequalification determination may consider, but shall not be limited to, the ability of the city, town, nonprofit organization or partnership to finance the capital improvements determined to be necessary at each rink listed in this section by the division and to manage, operate and maintain the properties. The division, in consultation with the department, shall determine whether a city, town, nonprofit or partnership is prequalified within 15 days after the end of the prequalification period. If a

city, town, nonprofit organization or partnership is determined to be prequalified, that city, town, nonprofit organization or partnership shall be awarded the lease for that rink under the terms and conditions set forth in this section. If a city, town, nonprofit organization or partnership is determined to be prequalified, that city, town, non-rofit organization or partnership shall pay consideration for a lease, subject to the required capital improvements, performance specifications and other prequalification requirements and terms of the division and submitted proposal. The duration of the lease shall be determined between the division and the city, town, nonprofit organization or partnership.

(d) The lease or other agreement shall be on terms acceptable to the commissioner of capital asset management and maintenance, after consultation with the commissioner of conservation and recreation and, notwithstanding any general or special law to the contrary, shall provide for the lessees to operate, manage, improve, repair and maintain the properties and to undertake initial capital improvements that the commissioner of capital asset management and maintenance determines is necessary due to the structural condition of the property. Leases or other arrangements requiring improvements to be made to a property may include a description of the initially-required improvements and performance specifications. Ice time at rinks under the jurisdiction of the division of urban parks and recreation shall be allocated to user groups in the following order of priority: general public skating; nonprofit youth groups; high school hockey; for-profit youth groups and adult organizations or informal groups. Ice time may be allocated at the discretion of the operator, but general public skating shall be booked, in 2-hour contiguous blocks at a minimum of 12 hours per week, with a range of times and days which reasonably allow for public skaters of all ages to participate in some public skating sessions. Efforts shall be made to balance the ice allocation needs of long-established youth organizations and newly-formed youth organizations in a manner that provides equal opportunity and equal access for youths of each gender. A lease or other agreement entered into pursuant to this section shall provide that any benefits to the communities and the costs of improvements and repairs made to the properties provided by the lessees or the recipients of the properties shall be taken into account as part of the consideration for such lease or other agreement. Consideration received from the leases or other agreements for Max Ulin Memorial Rink shall be payable to the department of

conservation and recreation for deposit into the Blue Hills Reservation Trust Fund in accordance with said section 34C of said chapter 92. Consideration received from the leases or other agreements for the rink at the William A. Connell, Sr., Recreation Center shall be payable to the department of conservation and recreation for deposit into the Division of Urban Parks Trust Fund in accordance with section 34 of said chapter 92. The lessees or recipients of the properties shall bear the costs considered necessary or appropriate by the commissioner of conservation and recreation for the transactions including, but not limited to, costs for legal work, surveys, title and the preparation of plans and specifications.

(e) The names of the ice skating rinks and facilities referenced in this section shall not be altered or changed under the leases or agreements.

SECTION 81A. A school district in the commonwealth that may have students currently or last enrolled in that district who are considered both clinically and academically appropriate for placement at a Massachusetts recovery high school shall ensure tuition for students that attend a Massachusetts sobriety high school and, upon completion of all other graduation requirements, conferment of a diploma.

SECTION 81B. Notwithstanding any general or special law to the contrary, the secretary of health and human services shall, in consultation with the University of Massachusetts, change the methodology by which the commonwealth seeks reimbursement from the federal Medicaid program for students educated pursuant to chapter 71B of the General Laws from the current “per diem” format to a “fee-for-service” format.

SECTION 81C. The first certification by the secretary of health and human services required by section 37M½ of chapter 71 shall occur not later than 30 days after the initial receipt of funds pursuant to “fee-for-service” methodology established and changed pursuant to said section 37M½.

SECTION 81D. The secretary of health and human services, the secretary of administration and finance and the commissioner of education, in consultation with the University of Massachusetts, shall develop a system of acquiring from municipalities and regional school districts the information necessary to utilize a fee-for-service method of reimbursement from the federal Medicaid system after the passage of this act and before a request for a change in reimbursement methodology is submitted to the federal government. The system shall be designed to maximize efficiency and minimize the cost and burden of compliance for municipalities and regional school districts.

SECTION 81E. The state treasurer and all quasi-public entities of the commonwealth and independent authorities of the commonwealth shall submit reports biannual reports on their borrowing practices to the secretary of administration and finance, the state auditor, the chairs of the senate and house committees on ways and means and the senate and house chairs of the joint committee on bonding, capital expenditures and state assets. The report shall be due on April 30 and October 31 in each calendar year and shall include all transactions entered into, other than fixed-rate borrowing, during the 6-month immediately preceding the filing of the report. The report shall include a list of all transactions related to derivative financial products. For purposes of this section, derivative financial products shall mean financial instruments the value of which is derived from or based upon the value of other assets or on the level of an interest rate index including, but not limited to, a call option on a bond, an interest rate swap, caps, floors, collars, inverse floaters, auction rate securities or any other financial transaction other than fixed-rate, long-term borrowing. A report shall include the terms and conditions of each derivative financial product transaction, the parties involved in negotiating each derivative financial product transaction, copies of all agreements entered into between the parties relative to derivative financial product transactions, the financial impact of each transaction including, but not limited to, the interest rates, fluctuation in interest rates, and payments associated therewith, and a written rationale as to how the determination to enter into any such transaction was made.

The report shall be signed under oath by the state treasurer or by the chief financial officer of the quasi-public entity or independent authority filing the report.

SECTION 81F. Notwithstanding any general or special law to the contrary, a group marketing plan approved and in effect, pursuant to section 193R of chapter 175 of the General Laws, during calendar years 2007, 2008, 2009 or 2010 may be approved upon renewal, notwithstanding that less than 35 per cent of its members shall be insured during the subsequent calendar year, respectively. The commissioner shall examine group marketing plans for motor vehicle insurance for this period and to make findings relative to: (1) the number of group marketing plans; (2) the number of members within each group marketing plan; (3) the average discount offered through group marketing plans; (4) the number of group marketing plans that do not have at least 35 percent of their members insured through such plans; and (5) any other relevant issues that the commissioner wishes to bring to the attention of the general court. Such examination and findings shall be submitted to the chairs of joint committee on financial services not later than December 31, 2011.

SECTION 81G. (a) There is hereby established the elderly and disabled person's tax relief outreach program for the purposes of assisting elderly and disabled residents of the commonwealth in obtaining information about available options designed to provide limited relief from state and local taxes.

(b) The state secretary shall administer the program in conjunction with the secretary of the executive office of elder affairs and the commissioner of the department of revenue.

(c) In order to assist interested persons in obtaining the information, the outreach program shall:

(1) create and distribute literature outlining all tax relief programs for the elderly and disabled, including those providing relief from state and local taxes and describing the benefits and eligibility criteria for each option;

(2) organize presentations and workshops to better facilitate the awareness and education of elderly and disabled persons in the tax-related issues that concern them, what relief is available to them and the application process for such relief programs; and

(3) create and maintain a statewide toll free telephone number staffed by individuals qualified to inform and advise interested and potentially eligible persons about available options designed to provide limited relief from state and local taxes.

(d) The state secretary , in consultation with the secretary of the executive office of elder affairs and the commissioner of the department of revenue shall promulgate regulations necessary to implement the elderly and disabled person's tax relief outreach program.

SECTION 81H. Notwithstanding any general or special law to the contrary, for the benefit of their school programs, education collaboratives as defined in section 4E of chapter 40 of the General Laws may make purchases from a vendor's contract that has been competitively procured by another state or political subdivision or public entity thereof for the items being purchased.

These education collaboratives shall not be subject to subsection (c) of section 1 of chapter 30B of the General Laws or section 22A of chapter 7 of the General Laws insofar as those laws preclude out-of-state collective purchases by education collaboratives for a period not to exceed 2 years after the effective date of this act, and thereafter the provisions of said subsection (c) of said section 1 of said chapter 30B and said section 22A of said chapter 7 shall apply for any future collective purchasing by education collaboratives.

The inspector general shall review the process by which education collaboratives make out-of-state collective purchases. Education collaboratives participating in out-of-state collective purchasing shall submit, biannually, the following summary information to the office of the inspector general: (1) written evidence for all items purchased that the vendor contracts for such items were competitively procured by a state or 1 of its political subdivision or public entities; (2) a full and complete description of the items purchased;

and (3) documentation of savings obtained with relevant Massachusetts cost comparisons.

SECTION 81I. Notwithstanding section 3B of chapter 7 of the general laws or any other general or special law to the contrary, the administrative office of the trial court shall allow the general public to park in the Fitchburg superior courthouse parking lot on weekdays between 5:00 p.m. and a closing time which is before midnight and which is agreed upon by a neighborhood association comprised of governmental and charitable organizations located within 50 yards of the parking lot and all day on weekends if: (1) the association erects and maintains signs near the entrances to the parking lot that state the times that the parking lot is available for use by the general public; (2) the association locks and secures the entrance to the parking lot at the closing time every day as directed by courthouse staff; (3) the association arranges and pays for the towing of unauthorized vehicles that are in the parking lot when courthouse staff unlocks the parking lot's entrance on weekday mornings and at any other times; (4) the association assumes responsibility for collecting and disposing of any trash discarded on the lot during the association's hours of access to the lot; and (5) the association holds harmless and indemnifies the administrative office of the trial court from any liability arising from, or related to, the use of the parking lot permitted by this section.

SECTION 81J. Employees of the state lottery commission shall not use and shall not issue any tickets to sporting or entertainment events to retailers under the Massachusetts State Lottery Retailers Incentive Program and no employee of the state lottery commission shall receive, as a condition of contract or as a benefit of any kind, tickets or access to a sporting or entertainment event from any advertising contracts or licensing deals.

SECTION 81K. Notwithstanding any general or special law to the contrary each executive office, department, commission or other entity of the commonwealth required by law to issue a report shall, whenever feasible and practical, as determined by the commissioner of administration and finance, issue the report by posting the report on the

official website of the commonwealth and shall provide notice of such posting to every party to whom they are mandated to report. Such reports shall be posted in a conspicuous manner and made fully available to the public. A limited supply of paper copies of the reports shall be made available and distributed upon request.

The division of information technology, established in section 4A of chapter 7 of the General Laws, shall establish uniform standards and guidelines for the distribution and web-based availability of the reports. The division shall also provide any necessary technical assistance for the implementation of this section.

SECTION 81L. (a) Notwithstanding any general or special law to the contrary, the Bristol county commissioners shall transfer a certain parcel of land in the city of Taunton, located directly behind the Bristol county superior courthouse and further identified as a certain parcel of land with improvements thereon located in Taunton, BristolCounty, Massachusetts, situated on the northerly side of North City Square & CourtStreet, known as Taunton Courthouse Complex, bounded & described as follows:beginning at a point at the northeasterly property line at land of now or formerlyLester R. Giegerich and Melo's Travel Agency, Inc.; thence n24°-57'-12"w a distance of one hundred and ten hundredths feet (100.10') by land of now or formerly Lester R. Giegerich; thence s58°-37'-48"w a distance of one hundred forty five and forty five hundredths feet (145.45') to a point; thence n57°-20'-42"w a distance of one hundred forty four and fourteen hundredths feet (144.14') to a point, the previous two courses are by land of now or formerly city of Taunton; thence s33°-02'-30"w a distance of twenty one and eighty hundredths feet (21.80') by land of now or formerly Herald Mendoza & Richard Arruda to a point; thence s57°-20'-42"e a distance of one hundred thirteen and fifty five hundredths feet (113.55') to a point; thence s23°-39'-26"e a distance of twenty six and thirty seven hundredths feet (26.37') to a point; thence n66°-20'-34"e a distance of one hundred seven and six hundredths feet (107.06') to a point; thence s23°-56'-01"e a distance of forty two and seventy six hundredths feet (42.76') to a point; thence n66°-40'-11"e a distance of fifty one and forty nine hundredths feet (51.49') to a point; thence s23°-35'-21"e a distance of twenty three and seventy four hundredths feet (23.74') to a point; thence n68°-33'-48"e a distance of twenty two and eighty seven hundredths feet (22.87') to the point of

beginning. the previous seven courses are by land of now or formerly county of Bristol the above described parcel contains 10,471 s.f. & is more particularly shown on a plan titled "Subdivision Plan of Land, Acquisition Plan", dated revision 1/25/2008 prepared by Holmberg & Howe, Inc. to the division of capital asset management and maintenance to be used for the express purpose of constructing the new Taunton district, probate and family court. This land transfer is deemd to be an immediate need and in the best public interest.

(b) In consideration for the conveyance, the division of capital asset management and maintenance shall reserve 25 parking spaces for Bristol county commissioners at the division's Court street parking lot in the city of Taunton, currently under lease with the city of Taunton, at a fee equal to the fee charged to district court employees for reserved parking spots in the same lot.

SECTION 81M. (a) The commissioner of capital asset management and maintenance shall, for consideration of $1, convey by deed approved as to form by the attorney general, a certain parcel of land currently used as a parking lot on Court street in the city of Taunton to the city of Taunton.

(b) The city of Taunton shall be responsible for any costs for appraisals, surveys and other expenses relating to the transfer of the parcel, and for any costs and liabilities and expenses of any nature and kind for the maintenance or operation of the parking lot. If the parcel of land ceases to be used at any time for the purposes contained in this section, the parcel shall revert to the care and control of the division of capital asset management and maintenance and any further disposition of the parcel shall be subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws.

(c) The sale price paid under subsection (b) shall be deposited in the General Fund."

(d) The commonwealth shall hold the city of Taunton harmless for any preexisting environmental violations.

(e) The city of Taunton shall provide a total of 25 clearly-marked parking spaces for the exclusive use of the Bristol county commissioners at a fee to be determined by the city and the commissioners, and at least 80 clearly-marked parking spaces for the exclusive use of the administrative office of the trial court for a fee to be determined by the city and the trial court.

SECTION 81N. The Massachusetts Convention Center Authority shall submit to the clerks of the senate and the house of representatives, the senate and house committees on ways and means and the senate and house committees on state administration a report on the feasibility of the improvement, expansion or enhancement of the Hynes Convention Center, including the feasibility of incorporating commercial uses or facilities at the center to further attract and accommodate large gatherings of visitors and convention and meetings participants and to enhance the revenue and economic growth of the center.

The report shall include:

(i) a description of the proposed improvement, expansion or enhancement of the center;

(ii) a description of the lands, structures, fixtures and facilities deemed necessary or appropriate by the authority for the improvement, expansion or enhancement of the center;

(iii) an estimate of the capital expenses anticipated by the authority as necessary for the improvement, expansion or enhancement of the center;

(iv) an estimate of the operational expenses anticipated by the authority as necessary for the operation and maintenance of the improvement, expansion or enhancement of the center; and

(v) a description by the authority of the sources of the funds required to meet the capital and operating costs, including projected income, associated with the improvement, expansion or enhancement of the center.

SECTION 81O. Notwithstanding section 72 of chapter 44 of the General Laws or any other general or special law to the contrary, any funds received by a city, town or regional school district pursuant to said section 72 shall be considered unrestricted revenue of the city, town or regional school district. Commencing in fiscal year 2006, and every year thereafter, a city or town shall deposit in a separate account for expenditures by the school committee not less than 50 per cent of any such funds received. A school committee may receive a percentage of the amount that is greater than 50 per cent if the committee enters an agreement with the executive body of the city or town to receive such a greater percentage. A school committee may make expenditures from the separate account for any lawful educational purpose without further appropriation. Any expenditure from the account on items qualifying as net school spending shall supplement the net school spending requirement of the district. The receipt of such funds shall not affect the calculation of the minimum required local contribution and state school aid as defined in section 2 of chapter 70 of the General Laws.

SECTION 81A. The division of health care finance and policy shall promulgate rules and regulations that create a new nursing facility class known as Class V, which shall be defined as follows:

Class V: Facilities that:

(a) are nonprofit;

(b) have 100 or fewer licensed beds;

(c) were established and licensed in Massachusetts prior to the enactment of the Health Insurance for the Aged Act, Pub. L. 89-97, Title I, 79 Stat. 290, and the Medicaid Act, Pub. 89-97, Title I section 121(a), 79 Stat. 343, on July 30, 1965;

(d) are located in Berkshire county; and

(e) do not participate in the Medicaid program.

The rules and regulations creating this class shall not be adopted until the executive office of health and human services certifies that it has obtained federal approval of any waiver request needed to implement this class..

SECTION 81Q. The division of capital asset management and maintenance and the division of energy resources shall identify, evaluate and inventory property and facilities owned or under the care and control of the commonwealth or any of its quasi-public agencies which may be suitable for use in the production of renewable energy. For the purposes of this section "renewable energy" shall mean solar, wind, geothermal energy and the harvest or refinement of biofuels for space heating, the production of electricity or transportation.

In carrying out the purposes of this section, the divisions shall consult with the department of highways, the Massachusetts Turnpike Authority, the Massachusetts Port Authority and the department of conservation and recreation; provided, however, a department or authority may be charged with developing its own inventory of suitable property and facilities for review and further inventory by the division of capital asset management and maintenance and the division of energy resources.

In developing the inventory and evaluation, the departments and authorities may utilize requests for proposals from private entities engaged in the production of renewable energy and may consult with academic institutions, including the University of Massachusetts.

The inventory shall be completed not later than 12 months after the passage of this act and shall be provided to the clerks of the house of representatives and senate and to the joint committee on telecommunication, utilities and energy.

SECTION 81R. Notwithstanding any general or special law, rule or regulation to the contrary, in the city of Brockton, and in the towns of West Bridgewater, East Bridgewater, Easton and Walpole, no fossil fuel electric power facility shall be located in an area which is less than 1 mile in linear distance from a playground, licensed day-care center, school, church, area of critical environmental concern, as determined by the secretary of environmental affairs pursuant to 301 CMR 12.00, or an area occupied by residential housing. This linear distance shall be measured from the outermost perimeter of the facility to the outermost point of the aforementioned zones; provided, however, that any such facility in operation on January 1, 2007, shall not be subject to this section.

For the purpose of this section, “fossil fuel electric power facilities or facility” shall be defined as any electric generating power plant that is fueled in whole or in part, by coal, oil or natural gas.

There is hereby established a special commission on fossil fuel energy generation facilities and fossil fuel storage siting. For purposes of this section, “fossil fuel” shall mean coal, oil or natural gas. The commission shall be composed of 17 members, including the secretary of energy and environmental affairs, who shall chair the commission; the commissioner of energy resources; the commissioner of environmental protection; 3 members of the senate, 1 of whom shall be the senate chair of the joint committee on telecommunications, utilities and energy, 1 of whom shall be the senate chair of the joint committee on the environment, natural resources and agriculture and 1 of whom shall be appointed by the senate minority leader; 3 members of the house of representatives, 1 of whom shall be the house chair of the joint committee on telecommunications, utilities and energy, 1 of whom shall be the house chair of the joint committee on the environment, natural resources and agriculture, 1 of whom shall be appointed by the house minority leader; 2 members appointed by the governor, 1 of whom shall be from an environmental group and 1 of whom shall be an energy management services provider from the New England Clean Energy Council; 1 member from the energy facilities siting board; 1 member appointed by the Massachusetts Municipal Association, who shall be a member of a regional planning board; 1 member appointed by the Associated Industries of Massachusetts who shall be an owner of a fossil fuel energy generating facility; 1 member appointed by the public health council; 1 member appointed by the American Lung Association of Massachusetts; and 1 member to be appointed by the Green Justice Research Collaborative at Northeastern University.

The commission shall study the siting of fossil fuel energy generation and storage facilities. In reviewing existing procedures, the commission shall consider the power of municipalities to control their own zoning, the demand for energy generation, the economic, public health and environmental impacts of fossil fuel energy generation and storage facilities. The commission shall review the respective roles of the state and local governments in this process, including but not limited to the power of the energy

facilities siting board to overrule municipal decisions. The commission shall make recommendations on what changes in the siting process should be implemented at both the state and local levels to promote the well being and health of the citizens of the commonwealth, the environment and other matters of concern to the commission on this issue.

The commission shall submit its findings, together with any legislative or regulatory recommendations, with the clerks of the senate and house of representatives not later than December 31, 2008.

SECTION 81S. For the first quarterly report submitted pursuant to clause (l) of section 4 of chapter 81A of the General Laws for fiscal year 2009, the Massachusetts Turnpike Authority shall include the current market value of all real property held in the name of or subject to the control of the authority pursuant to said chapter 81A and the current market value of any real property held in the name of or under the control of the authority that were acquired, whether by purchase or otherwise, during fiscal year 2008.

SECTION 81T. The secretary of health and human services, the secretary of public safety, the chief justice for administration and management, the director of the Massachusetts District Attorneys Association and the director of the Massachusetts Sheriff's Association shall each individually conduct a study on the feasibility, methodology, and cost of implementing a comprehensive system for collecting statistical data regarding all juveniles who are served by all offices, departments and agencies under their jurisdiction. The study shall include the race, ethnicity, gender, age, and home zip code of all juveniles in the justice system and, where relevant to each office, department or agency, shall identify points of official contact with juveniles including, but not limited to, information about arrests, charges, cases filed, trials and guilty-plea proceedings, disposition of cases denoting categories of adjudication for each delinquency charge, pre-trial detention and probation and probation violations, decisions to hold youth in detention pending final hearing on probation violations, supervised and unsupervised probation, commitments to the department of youth services; use of global positioning satellite and in-home placement of electronic monitoring mechanisms,

16 placements in alternatives to lock-up programs and participation in diversion programs,
17 juvenile commitments to department of correction facilities, including segregated
18 facilities, and to state prison as youthful offenders and to sheriffs' departments and the
19 juvenile parole releases and revocations of adults who entered as juveniles, and all other
20 data required for the commonwealth to comply with the federal Juvenile Justice and
21 Delinquency Prevention Act (42 U.S.C. 5601 et seq. and 28 C.F.R. 31.303(j)). To the
22 extent that the commonwealth is not in compliance with the federal Juvenile Justice and
23 Delinquency Prevention Act, this study shall include reasons for such noncompliance.
24 Each agency shall report its findings to the office of the child advocate not later than
25 December 31, 2008.

26 The office of the child advocate shall report a summary of said findings and any
27 recommendations on actual collection of this data to the senate and house committees on
28 ways and means, the joint committee on children, families and persons with disabilities,
29 the executive office of public safety, the juvenile justice advisory committee, and the
30 clerks of the senate and house not later than March 31, 2009.

1 SECTION 81U. (a) Notwithstanding any general or special law to the contrary,
2 the secretary of health and human services shall submit a report on the results of the
3 payment methodology used in hospital fiscal year 2008 for health services from the
4 Health Safety Net Trust Fund as implemented by the health safety net office pursuant to
5 section 39 of chapter 118G of the General Laws. The report shall include the proposed
6 reimbursement methodology to be used in hospital fiscal year 2009 for health services
7 from the Health Safety Net Trust Fund as determined by the health safety net office
8 pursuant to said section 39 of said chapter 118G.

9 (b) The report shall detail all modifications made to the payment systems in effect
10 for acute hospitals used by the United States Department of Health and Human Services
11 Centers for Medicare & Medicaid Services to administer the Medicare Program under
12 Title XVIII of the Social Security Act, including any adjustments, to account for: (1) the
13 differences between the program administered by the office and the Title XVIII Medicare
14 program, including the services and benefits covered; (2) grouper and DRG relative

weights for purposes of calculating the payment rates to reimburse acute hospitals at rates not less than the rates they are reimbursed by Medicare; (3) the extent and duration of covered services; (4) the populations served; and (5) any other adjustments based upon circumstances of individual hospitals. The report shall also detail the proposed hospital fiscal year 2009 reimbursement methodology for outpatient rates and adjustments made under clauses (1) and (2).

(c) The report shall include an analysis of the executive office's implementation of the Medicaid provider rate provisions required in section 128 of chapter 58 of the acts of 2006. The report shall include an analysis of the distribution of funds during fiscal years 2007 and 2008 in addition to the proposal of the executive office for fiscal year 2009 to physicians and acute hospitals.

(d) The secretary shall submit the report to the joint committee on health care financing and the house and senate committees on ways and means not later than August 1, 2008.

SECTION 81V. Any existing member of the state boxing commission, appointed by the governor with the advice and consent of the council, as provided in section 12 of chapter 22 of the General Laws, prior to the effective date of this act, shall continue in office for the remainder of his unexpired term.

SECTION 81W. Notwithstanding any provision of this act to the contrary, the Massachusetts College of Art and Design and the Massachusetts Maritime Academy shall be governed by section 25 of chapter 45 of the acts of 2005.

SECTION 81X. The secretary of education shall undertake a review of the tuition retention program not later than July 1, 2014. Within the review, the secretary shall make any recommendations as to legislative changes to the program including, but not limited to, the repeal of the program.

SECTION 81Y. Notwithstanding any general or special law to the contrary, any municipality whose first year of membership or service in any regional transit authority established under chapter 161B of the General Laws, began on or after December 1,

2006, shall not be required to pay assessments during fiscal year 2009 for regional transit authority service provided in fiscal year 2008 unless such assessment is based upon final audited financial statements which were provided to the department of revenue before January 1, 2008. In fiscal year 2010, said municipalities shall be assessed for regional transit authority service and receive credit for such service pursuant to chapters 161A and 161B of the General Laws based upon the most recently audited regional transit authority assessments available on January 1, 2009. Any deficit incurred by a regional transit authority as a result of the implementation of this section shall not be the obligation of the commonwealth and shall not be paid for by any funds of the commonwealth.

SECTION 82. There shall be a special commission to investigate and study the impact of the OxyContin and heroin epidemic on state and municipal government and the substance abuse treatment system and to identify potential strategies for efficiency and statutory recommendations in order for the commonwealth to more effectively cope with said epidemic.

The commission shall consist of 3 members of the senate, 1 of whom shall be appointed by the minority leader; 3 members of the house of representatives, 1 of whom shall be appointed by the minority leader; 1 person to be appointed by the governor; a representative from the Bureau of Substance Abuse Services; a representative from the Massachusetts District Attorneys Association; the chair of the Department of Psychiatry at the University of Massachusetts Medical School; a representative from the Trial Court; and a representative from the department of correction.

The commission shall consider, without limitation: the total direct and indirect cost to the commonwealth as a result of substance abuse; the number of repeat detoxifications on an annual basis; recidivism of those committed in civil commitment programs for abuse of OxyContin or heroin; modifications to the civil commitment laws to reflect the long-term neurobiological impact that OxyContin and heroin abuse has on those addicted; the benefits of long-term residential programs that are of at least 90 days and how the commonwealth may transition to such a model; the juncture at which an addicted individual that is committed for OxyContin or heroin abuse may make

21 competent decisions relative to his own course of treatment; the implementation of an
22 intensive case management system in the commonwealth and how other states have
23 incorporated such a system; the establishment of a system of regional secure treatment
24 centers; the number of inmates suffering from opiate dependence; recidivism in the
25 criminal justice system for OxyContin and heroin abuse; statutory restrictions on parents
26 and families with adolescents addicted to OxyContin or heroin; the sources of heroin,
27 OxyContin and other prescription opiates available on the street; enhancements to the
28 commonwealth's prescription monitoring program so that the data collected is a
29 preventative resource for prescribers, law enforcement and treatment professionals; and
30 the establishment of an outpatient commitment program.

31 The commission shall work with the department of public health, the executive
32 office of public safety and security, the trial court, the department of correction and other
33 entities that the commission deems appropriate. The commission shall submit a report of
34 its findings and recommendations, together with drafts of legislation and regulations
35 necessary to carry those recommendations into effect, by filing the same with the clerks
36 of the house of representatives and the senate, the joint committee on mental health and
37 substance abuse and the house and senate committees on ways and means not later than
38 January 1, 2009.

1 SECTION 82A. There shall be a special commission on the expansion of
2 gaming in the commonwealth for the purpose of making an investigation into, and
3 recommendations relative to, the establishment and regulation of resort-style casinos and
4 racetracks combined with casinos, in this section referred to as racinos. The commission
5 shall investigate, without limitation: the potential effects on the commonwealth of
6 installing slot machines at existing race tracks within the commonwealth; the financial
7 and social impact of approving the construction and operation of resort-style casinos in
8 the commonwealth; existing Indian gaming regulations and their potential impact on the
9 establishment or regulation of resort-style casinos or racinos in the commonwealth,
10 including, but not limited to, the possibility of federal action that could lead to the
11 approval of Indian gaming venues in the commonwealth; and whether the commonwealth

should attempt to negotiate a compact in advance of any anticipated federal action. The commission shall, to the greatest extent possible, study and make recommendations with regard to the impact of any expansion of gaming in the commonwealth through the operation of resort style casinos or racinos on the commonwealth's economy, tax revenue, state lottery, public infrastructure, addiction and addiction services, public health, and any other social impact an expansion would have on the commonwealth. The commission may consider and make recommendations regarding the number, if any, of new facilities or expanded facilities that shall offer gaming, qualifying factors for proposed sites, expansion of existing facilities or a regulatory structure or oversight plan for any gaming expansion, and shall make recommendations with regard to minimum criteria for the establishment and operation of any resort-style casinos or racinos in the commonwealth, whether operated by a federally-recognized Native American tribe or other entity. The commission shall consist of 13 members, 5 of whom shall be members of the senate, 1 of whom shall be appointed by the minority leader; 5 of whom shall be members of the house of representatives, 1 of whom shall be appointed by the minority leader; and 3 of whom shall be appointed by the governor. The costs associated with the work of the commission including, but not limited to, the costs for staff support, shall be made available in equal parts by the executive branch, the house of representatives and the senate. The commission shall be chaired by 1 member chosen by the senate president, 1 member chosen by the speaker of the house and 1 member chosen by the governor. The commission shall file a report of its findings, recommendations and proposed legislation, if any, with the clerks of the senate and the house of representatives and the house and senate committees on ways and means on or before February 15, 2009.

SECTION 82B. There shall be a special commission to investigate and study the commonwealth's ability to expand the use of educational collaboratives by school districts in order to fully maximize efficiencies in areas including, but not limited to, special education transportation, instruction and procurement. The commission shall consist of 11 members, including: the chairs of the joint committee on education who shall co-chair the commission; a designee appointed by the governor; the commissioner of the board of education or his designee; the chairs of the house and senate committees

on ways and means; the executive director of the Massachusetts Association of School Superintendents; the executive director of the Massachusetts Association of School Committees; the executive director of the Massachusetts Organization of Education Collaboratives; a representative of the statewide Parents Advisory Council; and the secretary of administration and finance or his designee. The commission shall report its findings and recommendations, including any proposed legislation, to the clerk of the senate, the clerk of the house of representatives, the chairs of the joint committee on education, the house minority leader and the Senate minority leader not later than July 1, 2009.

SECTION 82C. There is hereby established a special commission for the purpose of investigating potential options for the modification of the means by which municipal entities are permitted to join the group insurance commission, the impacts of such options, the feasibility of such options and their relative advantages and disadvantages.

The commission shall consist of the secretary of administration and finance or a designee who shall chair the commission, the executive director of the group insurance commission, and 10 members appointed by the governor, 3 of whom shall be representatives of municipal governments currently serving in an elected or appointed capacity and selected from a list provided by the Massachusetts Municipal Association, 3 of whom shall be representatives of public employee unions, 1 of whom shall have actuarial experience in health insurance, 1 of whom shall represent the Massachusetts Taxpayers Foundation and 2 of whom shall represent the taxpayers.

The commission shall report its findings, together with legislative recommendations for changes or modifications, to the clerks of the house of representatives and the senate not later than 6 months after the passage of this act.

SECTION 82D. (a) There shall be a special commission on civic engagement and learning consisting of: 3 members of the senate, 1 of whom shall be the senate chair of the joint committee on education, 1 of whom shall be a member of the majority party and 1 of whom shall be a member of the minority party who shall be appointed by the

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

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

(c) The special commission shall make an investigation and study of the status of civic engagement and learning including, but not limited to: (1) an assessment of the

status of civic education from kindergarten through undergraduate college education, with particular attention to compliance by agencies of public education and public higher education with section 2 of chapter 71 of the General Laws and section 2A of chapter 73 of the General Laws, including an assessment of the civic knowledge of graduates of public high schools; (2) an investigation of the opportunities available to students for service learning that develops an understanding of the relationship of those experiences with democratic government and a review of programs that teach civic engagement knowledge and skills that are essential to the development of active citizens; (3) an investigation of the status of public and private programs that promote civic engagement and learning including, but not limited to, Student Government Day established in section 12M of chapter 6 of the General Laws and how those programs could be enhanced or expanded through cooperation among themselves and with other entities such as schools and colleges, and through additional resources from public or private sources to be more effective and generally available to a larger number of students or the population at large; (4) an assessment of best practices in civic education in the United States that could serve as models for improving civic engagement and learning in the commonwealth; (5) an assessment of the implementation of the history and social studies curriculum frameworks by the department of education and school districts, including recommendations for the development and assessment of practical skills for civic engagement that are complementary to the knowledge-based aspects of the frameworks; (6) an assessment of the need for a permanent entity to promote civic engagement by a responsible citizenry and to encourage the building of partnerships to enhance the teaching and learning of the principles of representative democracy; and (7) any other matters that the special commission considers relevant to the fulfillment of its mission and purpose.

(d) The special commission may conduct public hearings to gather information and to raise civic awareness, including the sponsorship of statewide or regional conferences involving educators, students or the public at large. The department of education and the board of higher education shall provide staff and other resources as the commission and those agencies consider appropriate. The special commission shall make its final report and recommendations, if any, together with drafts of legislation necessary to carry those

recommendations into effect, by filing the same with the joint committee on education not later than January 1, 2009. The special commission may make such interim reports as it considers appropriate.

SECTION 82E. The PRIM board, as defined in section 1 of chapter 32 of the General Laws, shall conduct a study on assets from the PRIT fund invested in companies that provide goods or services deployed to develop petroleum resources in Iran. This study shall include a list of companies that would be affected by a divestment of such assets from the PRIT fund, the corresponding amount of money that would be required to be divested, an assessment as to the feasibility of a divestment in light of the board's statutory investment requirements and a timeframe in which a divestment could occur.

The PRIM board shall file this report with the clerks of the senate and the house of representatives and the senate and house committees on ways and means not later than March 1, 2009.

SECTION 82F. (a) There shall be a special water infrastructure finance commission to develop a comprehensive, long-range water infrastructure finance plan for the commonwealth and its municipalities.

(b) The commission shall consist of the commissioner of environmental protection or his designee, the state treasurer or his designee, 1 member of the senate; 1 member of the house of representatives; 1 person to be appointed by the president of the senate and 1 person to be appointed by the speaker of the house of representatives, each of whom shall be a representative of a planning organization, environmental consumer organization or other public interest organization; 1 person to be appointed by the minority leader of the senate and 1 person to be appointed by the minority leader of the house, each of whom shall be from different geographic regions of the commonwealth and who shall be representatives of the business community; a representative of the Boston Water and Sewer Commission; and 9 persons to be appointed by the governor who shall not be employees of the executive branch and who shall reside in different geographic regions of the commonwealth, 1 of whom shall be a representative of the American Council of Engineering Companies of Massachusetts, 1 of whom shall be a

representative of the Utility Contractors Association of New England, 1 of whom shall be a representative of the Massachusetts Waterworks Association, 1 of whom shall be a representative of the Massachusetts Municipal Association, 1 of whom shall be a representative of Clean Water Action, 1 of whom shall be a representative of Associated Industries of Massachusetts, 1 of whom shall be a representative of the Environmental League of Massachusetts, 1 of whom shall be a representative of the Conservation Law Foundation and 1 of whom shall be a representative of the Massachusetts Water Pollution Control Association. The aforementioned organizations shall provide a list of at least 3 but not more than 5 candidates for consideration by the governor. Each of the members shall be an expert or shall have experience in the field of law or public policy, water, wastewater or storm water planning, design and construction of water, wastewater or storm water projects, utility management, management consulting or organizational finance; provided, however, that at least 1 member shall have expertise in organizational finance. The governor shall designate a member to serve as the chairperson of the commission but the chairperson shall not be the commissioner of environmental protection, the state treasurer, or the designee of either of them. The members of the commission shall be appointed not later 90 days after the effective date of this act and serve until the completion of the long-range infrastructure finance plan

(c) In the course of its deliberations, the commission shall make it a priority to examine the technical and financial feasibility of sustaining, integrating and expanding public water systems, conservation and efficiency programs, wastewater systems and storm water systems of municipalities and the commonwealth, including regional or district systems. Further, the commission shall: (1) examine the water infrastructure needs of the commonwealth for the next 25 years as they relate to the funding gap between the water infrastructure needs of the commonwealth and the existing, available sources of funding; (2) develop mechanisms for additional funding for water infrastructure by increasing investment in critical water, wastewater, storm water and water conservation infrastructure; (3) provide mechanisms for improvements in the handling and management of water programs; (4) examine the potential threats to public health and public safety from the existing shortfalls in funding for water infrastructure; (5) examine and develop recommendations on ways in which the commonwealth and its

municipalities may meet operation and maintenance, and capital improvement and reconstruction needs for the next 25 years including, without limitation, recommendations regarding debt reduction, enhancing existing sources of revenues, developing new sources of revenues, establishing new incentives for public-private partnerships in the development of real property resources and funding resources; and (6) examine the expanded use of full accounting systems and enterprise funding, asset management systems and best management practices, compliance with chapter 21G of the General Laws and Massachusetts water policy, and current federal and state funding programs.

The commission shall examine the finances of the various municipalities and regional water districts, including state and federal aid levels, and make recommendations for improvements to financial policies and procedures. The commission shall identify areas where cost savings can be achieved across water agencies by consolidation, coordination and reorganization. The commission shall examine the projected federal funding, projected state funding, projected local funding, projected fee-based funding, debt financing and any other sources of projected funding to finance water infrastructure needs identified by the commission.

(d) The commission shall develop recommendations as to what funding or finance measures the commonwealth or its municipalities may pursue to satisfy any unmet funding needs identified by the commission. The recommendations shall also include any recommendation for interagency agreements, intermunicipal agreements, consolidations or mergers to enable the commonwealth and its municipalities to make the most effective use of water funding resources. The recommendations shall identify fair and equitable means of financing water infrastructure investments through taxes, fees, user charges or other sources.

(e) The commission may hold public hearings to assist in the collection and evaluation of data and testimony.

(f) The commission shall prepare a written report detailing its financials relative to identified funding sources and its recommendations, if any, together with drafts of

legislation necessary to carry those recommendations into effect. The commission shall submit its initial report to the governor, the secretary of environmental affairs, the clerks of the senate and house of representatives, the house and senate committees on ways and means and the joint committee on the environment not later than 2 years after the effective date of this act.

(g) Any research, analysis or other staff support that the commission reasonably requires shall be provided by the executive office of environmental affairs and its agencies, with assistance from the Massachusetts Water Resources Authority

SECTION 82G. There shall be a special commission to consist of the following members: the secretary of education, who shall chair the commission; the chair of the board of higher education; the chairman of the State Colleges of Massachusetts Council of Presidents; the president of the University of Massachusetts; a member of a board of trustees of a state college, selected by the chairs of such boards of trustees acting jointly; a member of the board of trustees at the University of Massachusetts who shall be appointed by the chair of the board; a person selected by the Massachusetts Teachers Association; and 3 persons selected by the governor who are experienced with the missions and degree-granting authority of public institutions of higher education in the United States. The commission shall make an investigation and study relative to the merit of allowing state colleges to become state universities. Such study shall include, but need not be limited to: the appropriate scope of such change; the educational value of such change for students; the need to allow state colleges to issue doctorate degrees; any increased costs to the commonwealth or to students likely to result from such change; the impact on the public higher education system, including the state colleges; and statutory compliance and degree approval processes for higher education institutions. The commission shall consider the function of state colleges in educating and training citizens of the commonwealth for roles in the economy of the commonwealth. The commission shall file a report on the results of its investigation and study, and any recommendations relative thereto, with the joint committee on higher education not later than November 15, 2008.

SECTION 82H. There shall be a special commission consisting of the chairpersons of the joint committee on education, the secretary of administration and finance, or his designee, the commissioner of the department of elementary and secondary education, or his designee, and the secretary of education, or his designee, for the purpose of conducting an investigation and study to determine the resources necessary to achieve the commonwealth's educational goals; provided, however, that the commission shall contract with an objective, independent consultant to conduct a professional assessment to ascertain the resources and the costs of the resources needed to provide all students in the commonwealth with the opportunity for a high quality education to enable them to reach their potential as set forth in the Education Reform Act of 1993. The commission shall report the results of its investigation and study, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the senate and house of representatives, the governor, the speaker of the house of representatives, the senate president, the house and senate committees on ways and means and the joint committee on education not later than December 31, 2009

SECTION 82I. Notwithstanding any general or special law to the contrary, a commission shall be established to study current compensation practices from the state pension system for retirees from the commonwealth's higher education system. The goal of the commission shall be to review the state pension system's compensation package for employees from the state's higher education system, including but not limited to: housing and transportation allowances and annuities. The commission shall examine the prospect of capping retirement allowances and establishing a standard for the definition of compensation, for the purposes of calculation of pension payments, that is fixed to salary. The commission shall consist of the treasurer and receiver general, or his designee; the commissioner of the board of higher education, or his designee; the executive director of the pension reserves investment management board, or his designee; 3 members of the house of representatives, 1 of whom shall be a member of the minority party; 3 members of the senate, 1 of whom shall be a member of the minority party; the secretary of administration and finance, or his designee; and 1 member chosen by the

governor. The commission shall submit its report to the general court with findings and recommendations for legislation on or before December 31, 2009.

SECTION 82J. (a) There shall be a special commission for the purpose of devising a statewide strategy to reduce by one half the number of people living below the federal poverty level in the commonwealth by 2014. The commission shall consist of 3 members of the senate, 1 of whom shall be a member of the minority party, 3 members of the house of representatives, 1 of whom shall be a member of the minority party, the undersecretary of housing and community development or her designee, the commissioner of transitional assistance or her designee, the assistant secretary for access and opportunity or his designee, the secretary of health and human services or her designee, the secretary of labor and workforce development or her designee, 2 mayors or their designees nominated by the Massachusetts Municipal Association, 2 directors of community action agencies or their designees nominated by the Massachusetts Association for Community Action, 2 directors of community development corporations or their designees nominated by the Massachusetts Association of Community Development Corporations and 9 persons to be appointed by the governor. The governor shall designate a member of the commission as co-chairperson and the members of the commission shall elect another member as co-chair.

(b) The commission shall develop a comprehensive strategy to reduce the number of people in poverty by one half in the commonwealth, including a consensus budget proposal, capable of being implemented over a 5-year period, with a focus on the collaboration of the department of housing and community development, the executive office of health and human services and other state agencies, departments and quasi-public authorities in the planning and distribution of resources that will create coordinated efforts to reduce the incidence of poverty, develop jobs and economic opportunities and provide appropriate services. The commission shall file its strategic plan, including a timeline for implementation, cost estimates and finance mechanisms and its recommendations, and its budget proposals together with drafts of legislation and regulations, if any, necessary to carry out its recommendations with the clerks of the senate and the house of representatives, the joint committee on children and families, the

joint committee on housing, the joint committee on community development and small business and the senate and house committees on ways and means not later than June 30, 2009.

SECTION 82K. The attorney general shall, in consultation with the secretary of education and the commissioner of revenue, conduct an investigation and study to determine whether private institutions of education are fulfilling their public charity mission by serving the broader public interest in a way that is equitable when compared with the favorable tax treatment they receive. The attorney general's public charities division, the executive office of education and the department of revenue shall provide staff assistance and resources to the study. The study shall include, but not be limited to, the examination of: the tuition burden placed upon low and middle income students, the real cost benefits provided by private education institutions to the commonwealth, the accumulation of tax-exempt resources in private education institution endowments, and the fiscal effects of an excise on such endowments. The study shall further include an evaluation and report on the resources institutions are providing, including: income contingent tuition assistance for current students; loan forgiveness for alumni employed full-time in public service; promotion of a diverse student body and faculty; and outreach, recruitment and retention of minority, low and middle income students in economically distressed communities, including outreach and educational assistance for K-12 students. The attorney general shall report to the general court the results of its study, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the senate not later than December 31, 2008.

SECTION 82L There shall be a special commission to investigate and study snow and ice control. The commission shall consist of 2 member of the senate, 1 of whom shall be appointed by the leader of the minority party; 2 member of the house of representatives, 1 of whom shall be appointed by the leader of the minority party; the commissioner of highways or his designee; the secretary of administration and finance or his designee; the commissioner of public safety or his designee; and a representative of the Massachusetts Snow and Ice Contractors Association. The mission of the commission shall be to investigate the true cost of providing snow and ice control

services to the commonwealth, to determine a method of prompt payment for snow and ice services provided to the commonwealth by contractors and to prevent disruptions in the provision of safe and timely snow and ice control services to the commonwealth. The commission shall produce a report by October 1, 2008, a copy of which shall be provided to the house and senate committees on ways and means, detailing the most cost efficient manner in which to manage snow and ice removal services, ensure public safety and provide prompt payment to snow and ice operators.

SECTION 83. The secretary of administration and finance and the state treasurer, in consultation with the state comptroller shall submit a report to the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets not later than January 1, 2009 detailing the current status of laws relative to the use and sales of bonds and drafts of legislation necessary to amend those laws to reflect current standards and to better utilize the commonwealth's capital program. This report shall include, but not be limited to: out of date finance sections of the General Laws, recommendations on how to update these sections, and recommendations on new sections to reflect changes in the finance field since they were originally written.

SECTION 84. The secretary of administration and finance shall submit a report to the house and senate clerks, the house and senate committees on ways and means, the joint committee on bonding, capital expenditures and state assets and the joint committee on transportation not later than January 31, 2009 on all expenditures of the division of capital asset management and maintenance in Fiscal Year 2008. This report shall include, but not be limited to: the total amount expended on salaries and benefits for the division of capital asset management and maintenance employees and outside contractors, the total amount spent on the administration of the division of capital asset management and maintenance, the total amount spent on the design and development of the division of capital asset management and maintenance projects, the total amount spent on the construction and maintenance of the division of capital asset management and maintenance projects, the total value of all surplus property held by the commonwealth, the annual cost of leasing private space for a state agency; the existence and availability of a state-owned space within each geographical jurisdiction

that could accommodate the minimum square footage needs of the agency, and, by each agency, future savings that could be achieved by relocating an office from privately leased space to state-owned space, the cost of maintaining the capital asset management information system, any other cost not included in these categories and the total cost of debt service supporting the administrative and salary expenditures of the division of capital asset management and maintenance in fiscal year 2008.

SECTION 85. The department of developmental services shall serve the same population as the department of mental retardation and shall not exclude any class of individuals that is currently receiving services from the department of mental retardation. This name change is solely for administrative purposes and shall not determine the scope of individuals served by the department.

SECTION 85A. The commissioner of the department of environmental protection shall adopt initial regulations required under section 9 of chapter 21M of the General Laws not later than 180 days of the effective date of this act.

SECTION 85B. Notwithstanding any general or special law to the contrary, the use tax imposed by chapter 64I of the General Laws on a truck camper, as defined in section 1 of chapter 90 of the General Laws, shall only apply to a truck camper purchased on or after October 1, 2008.

SECTION 85C. Within 90 days after Section 3A shall take effect, the department of mental retardation, with the advice and consent of the statewide peer review committee, shall draft, pursuant to chapter 30A, proposed rules and regulations regarding the development, review, approval, and on-going review and monitoring process for behavior intervention treatments and shall submit that proposal to the general court.

SECTION 85D. The initial procedures to be established pursuant to section 11 of chapter 200A of the General Laws by the advisory commission on auto body rates shall be adopted not later than March 1, 2009 and the rates established by the advisory

commission on auto body rates pursuant to said section 11 of said chapter 200A shall apply to all agreements for labor entered into on after March 1, 2009."

SECTION 85E. Sections 13A and 13B shall apply to buyback payments made on or after July 1, 2009.

SECTION 85F. Sections 2 and 3 of the proposed chapter 30C of the General Laws, shall apply as follows: on and after September 1, 2007, with relative to public employers, contractors or subcontractors of 500 or more employees; on and after September 1, 2008, with relative to public employers, contractors or subcontractors of 100 or more employees; and on and after September 1, 2009, with relative to all public employers, contractors or subcontractors.

SECTION 86. Sections 7 and 12 shall take effect on June 30, 2008.

SECTION 86A. Subsections (f) and (g) of section 9 of chapter 21M of the General Laws, inserted by section 10N, shall take effect immediately. Sections 10A to 10M, inclusive and the remainder of Section 10N shall take effect 210 days after the passage of this act.

SECTION 86B. Sections 7A to 7D, inclusive, 46A, 46B, 81A and 81B shall take effect on July 1, 2009.

SECTION 87. Sections 10 and 85 of this act shall take effect on June 30, 2009.

SECTION 87A. Sections 15A and 54A shall take effect as of March 5, 2003.

SECTION 87B. Section 17A shall take effect on January 1, 2010.

SECTION 88. Sections 22, 29 to 33, inclusive, 40, 41 and 72 of this act shall take effect on October 1, 2008.

SECTION 89. Sections 43, 45 and 46 of this act shall apply to sales of tobacco products occurring on or after September 1, 2008, by manufacturers, wholesalers, unclassified acquirers and other persons specified in section 43.

SECTION 89A. Sections 46A to 46I, inclusive, and section 85A shall take effect on October 1, 2008.

SECTION 90. Except as otherwise specified, this act shall take effect on July 1, 2008.