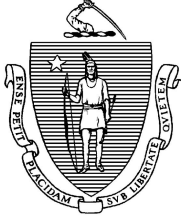


Senate, No. 2054

[Senate, May 20, 2009 – Text of amendment (46) offered by Mr. Downing to the pending Senate Ways and Means amendment (Senate, No. 3) to the House Bill making appropriations for the fiscal year 2010 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]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND NINE

Mr. Downing moved to amend the bill by inserting at the end thereof the following sections:-

SECTION __. Section 2 of chapter 64H of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 3, the word “five” and inserting in place thereof the following:- 6.25

SECTION __. Section 4 of said chapter 64H is hereby amended by striking out section 4 and inserting in place thereof the following new section:-

Section 4. For the purpose of adding and collecting the tax imposed by this chapter to be paid to the commonwealth or to be reimbursed to the seller by the purchaser, the tax computation must be carried to the third decimal place, and it must be rounded to a whole cent, rounding up to the next cent whenever the third decimal place is greater than 4. A seller may elect to compute the tax due on a transaction on an item or an invoice basis.

SECTION __. Section 30A of said chapter 64H is hereby amended by striking out the word “five” each time it appears and inserting in place thereof the following figure in each instance:- 6.25.

SECTION __. Section 2 of chapter 64I of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the word “five” and inserting in place thereof the following:- 6.25

SECTION __. Section 5 of said chapter 64I is hereby amended by striking out section 5 and inserting in place thereof the following new section:-

Section 5. For the purpose of adding and collecting the tax imposed by this chapter to be paid to the commonwealth or to be reimbursed to the seller by the purchaser, the tax computation must be carried to the third decimal place, and it must be rounded to a whole cent, rounding up to the next cent whenever the third decimal place is greater than 4. A seller may elect to compute the tax due on a transaction on an item or an invoice basis.

SECTION __. Section 31A of said chapter 64I is hereby amended by striking out the word “five” each time it appears and inserting in place thereof the following figure in each instance:- 6.25.

SECTION __. In the case of retail sales of gas, steam, electricity, or telecommunications services, billed on a recurring basis, the rate stated in sections 1 and 4 shall apply as of the first billing period starting on or after the effective date.

SECTION __. Chapter 29 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following new section:-

Section 2ZZZ. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Transportation Investment Fund to be used to improve the transportation system in the commonwealth. The fund shall not be subject to appropriation, and money remaining in the fund shall not revert to the General Fund at the end of the fiscal year.

The comptroller shall make monthly transfers from the General Fund to the Transportation Investment Fund totaling \$275,000,000 in a fiscal year, according to a schedule developed annually by the comptroller in consultation with the secretary of administration and finance and the treasurer and receiver-general to minimize adverse impact on the Commonwealth’s cash flow.

The comptroller shall only be authorized to make transfers from the Transportation Investment Fund to any surface transportation-related authority, or to any other fund used by the Commonwealth or any such authority for toll and fare mitigation and other transportation-related purposes, as provided in this paragraph. Annually, the secretary of transportation and public works and the secretary of administration and finance shall issue a written schedule for transfers from the fund to the comptroller and the house and senate chairs of the committees on ways and means at least thirty days in advance of the first proposed scheduled transfer. The secretary of transportation and public works and the secretary of administration and finance may amend the schedule upon thirty days advance notice to the comptroller and the house and senate chairs of the committees on ways and means. Any schedule issued under this paragraph shall satisfy the following constraints:

- (1) No transfer shall be made to the Massachusetts Bay Transportation Authority or any fund controlled by said authority in a fiscal year unless an amount equal to at least 20% of that amount is also transferred to regional transit authorities organized under chapter 161B or predecessor statutes;
- (2) Annually, the schedule issued under this paragraph shall provide to the Massachusetts Turnpike Authority or its successor in interest at least the difference between the net revenues budgeted by the Authority in advance of a fiscal year for the metropolitan highway system, without any toll increases, and the net revenues budgeted by the Authority to be necessary to enable the Authority to satisfy the minimum coverage ratio on the metropolitan highway system bonds;
- (3) Notwithstanding clause (2), no transfer shall be made to the Massachusetts Turnpike Authority or its successor in interest or to funds controlled by said authority in the fiscal year in which said authority approves a toll increase on the metropolitan highway system, or the two following fiscal years;
- (4) Transfers shall be scheduled to minimize adverse impact on the commonwealth's cash flow.
- (5) The final transfer to any transportation-related authority in a fiscal year shall be not later than two weeks before the end of that fiscal year.

SECTION __. Section 16 of chapter 62C of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 62, the words "sixty-four H or sixty-four I" and inserting in place thereof the following words:- 64H, 64I or 64L.

SECTION __. Section 31A of chapter 62C, as so appearing, is hereby amended by striking out, in line 5, the words "or section 17 of chapter 64I" and inserting in place thereof the following words:- section 17 of chapter 64I or section 8 of chapter 64L.

SECTION __. Subsection (g) of section 6 of chapter 64H of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the word “sixty-four F” the following:- and sixty-four L.

SECTION __. Subsection (h) of said section 6 of chapter 64H of the General Laws, as so appearing, is hereby amended by striking out the following sentence:- ““Food products” does not include meals consisting of any of the items defined as food products in this paragraph for consumption on or off the premises where sold.”

SECTION __. Said subsection (h) of section 6 of chapter 64H, as so appearing, is hereby further amended by striking out the second through fifth paragraphs, inclusive.

SECTION __. The General Laws are hereby amended by inserting after chapter 64K the following chapter:-

CHAPTER 64L.

EXCISE ON MEALS

Section 1. As used in this chapter, the following words shall have the following meanings:-

“Gross receipts”, the total sales price received by a vendor as a consideration for the sale of meals at a restaurant.

“Honor snack tray”, a vending arrangement in which only candy or snacks are available in an open tray for the benefit of employees in an establishment that normally does not sell food or food products and for which payment is made on the honor system.

“Meals”, a food or beverage, or both, prepared for human consumption and provided by a restaurant for consumption on or off the restaurant premises, including food or beverages sold on a "take out" or "to go" basis, whether or not they are packaged or wrapped and whether or not they are taken from the premises of the restaurant.

“Purchaser”, a person who purchase meals at a restaurant, the receipts from the sale of which are taxable under this chapter and includes a buyer, vendee, lessee, licensee, or grantee.

“Restaurant”, an eating establishment wherein food, food products or beverages are provided and for which a charge is made including, but not limited to, a cafe, lunch counter, private or social club, cocktail lounge, hotel dining room, catering business, tavern, diner, snack bar, dining room, vending machine and any other place or establishment wherein food or beverages are provided, whether stationary or mobile, temporary or permanent; provided, however, that a delicatessen, grocery, market or bakery store shall not be considered eating establishment within the meaning of this chapter except for any part thereof which engages in the sale of dinners, luncheons, barbecued chicken, other than barbecued chicken sold whole and unsliced, sandwiches, snacks, pizzas and other similar items which are commonly sold at snack bars, coffee shops or lunch counters; provided further, no such store shall be deemed a restaurant under this chapter based solely on the preparation and sale of prepared meat, poultry and fish items if the sales of such meat, poultry and fish items constitute less than a major portion of the total sales of such store; and provided further, that a vending machine or honor snack tray shall not be considered an eating establishment within the meaning of this chapter if it sells only snacks or candy with a sales price of less than \$3.50; and provided further, that a bed and breakfast establishment or bed and breakfast home, as defined in chapter 64G, shall not be considered an eating establishment within the meaning of this chapter where the value of the breakfast served is included in the rent subject to tax under said chapter 64G.

“Sale”, shall mean a sale of meals by a restaurant for any purpose other than resale in the regular course of business.

“Vendor”, a retailer or other person selling tangible personal property or services of a kind the gross receipts from the retail sale of which are required to be included in the measure of the excise imposed by this chapter.

Section 2. An excise is hereby imposed upon the sale of meals at a restaurant in the commonwealth by any vendor at the rate of 5 per cent of the gross receipts of the vendor from the sale of restaurant meals, except as otherwise provided in this chapter. The excise shall be paid to the commissioner at the time provided for filing the return required by section 16 of chapter 62C.

Section 3. Reimbursement for the excise hereby imposed shall be paid by the purchaser to the vendor, and each vendor in the commonwealth shall add to the sales price and shall collect from the purchaser the full amount of the excise imposed by this chapter; or an amount equal as nearly as possible or practicable to the average equivalent thereof; and such excise shall be a debt from the purchaser to the vendor when so added to the sales price, and shall be recoverable at law in the same manner as other debts.

Section 4. For the purpose of adding and collecting the excise imposed by this chapter to be paid to the commonwealth or to be reimbursed to the seller by the purchaser, the excise computation must be carried to the third decimal place, and it must be rounded to a whole cent, rounding up to the next cent whenever the third decimal place is greater than 4. A seller may elect to compute the excise due on a transaction on an item or an invoice basis.

Section 5. Upon each sale of a meal by a restaurant taxable under this chapter, the amount of excise collected by the vendor from the purchaser shall be stated and charged separately from the sales price and shown separately on any record thereof at the time the sale is made, or on any evidence of sale issued or used by the vendor, but in the instance of the sale of alcoholic beverages for on premise consumption, the excise collected need not be stated separately.

Section 6. (a) The following sales and the gross receipts there from shall be exempt from the tax imposed by this chapter:-

(i) Sales exempt under subsection (cc) of section 6 of chapter 64H.

(b) The following food or beverages sold by a restaurant for consumption off the restaurant premises shall not be deemed to be a meal for the purposes of this chapter:-- (i) Food sold by weight, liquid or dry measure, count, or in unopened original containers or packages, including, but not limited to, meat, bread, milk, specialty foods, cream and ice cream; provided, that such foods are commonly sold in such manner in a retail food store which is not a restaurant; (ii) Beverages in unopened original containers or packages when sold as a unit having a capacity of at least 26 fluid ounces; and (iii) Bakery products including but not limited to doughnuts, muffins, bagels, and similar items sold in units of six or more. Prepared meals, snacks, sandwiches, food platters, poultry, fish or meat items, or other food combinations, to the extent that such items are sold by a restaurant whose principal business is the preparation or sale of such items in such form as to be available for immediate consumption without further significant preparation, whether for on or off premise consumption, shall not be excluded under clause (i), (ii), or (iii).

Section 7. No person shall do business in this commonwealth as a vendor unless a registration shall have been issued to him for each place of business in accordance with section 67 of chapter 62C.

Section 8. Every person who fails to pay to the commissioner any sums required by this chapter shall be personally and individually liable therefor to the commonwealth. The term "person", as used in this section, includes an officer or employee of a corporation, or a member or employee of a partnership or limited liability company, who as an officer, employee or member is under a duty to pay over the taxes imposed by this chapter.

Section 9. Any vendor who has paid to the commissioner an excise under this chapter upon a sale for which credit is given to the purchaser and such account is later determined to be worthless shall be entitled to reimbursement without interest of the excise paid to the commissioner on such worthless account. Such claim for reimbursement, covering the amount of excise paid on accounts determined to be worthless in the vendor's prior fiscal year, shall be filed on or before the due date, including extensions of the federal income tax return (or annual federal filing in the case of an exempt organization) for such prior fiscal year. Any vendor, who shall recover, in whole or in part, upon an account previously determined to be worthless for which reimbursement had been received, shall report and include the same in his return for the period during which the recovery occurred.

And, in Section 2, in item 0321-1500 by striking the figure "\$25,480,533" and inserting in place thereof the following:- "\$28,645,024"

And, in said Section 2, in item 0321-1510 by striking the figure "\$122,100,783" and inserting in place thereof the following:- "\$125,370,957"

And, in said Section 2, in item 0321-1520 by striking the figure “\$9,967,165” and inserting in place thereof the following:- “\$13,532,500”

And, in Section 2 in item 0321-1600 by striking the figure “\$6,000,000” and inserting in place thereof the following:- “\$8,000,000”

And, in said Section 2 in item 0321-2205 by striking the figure “\$933,737” and inserting in place thereof the following:- “\$1,506,704”

And, in said Section 2, in item 0330-0300 by striking the figure “\$188,762,543” and inserting in place thereof the following:- “\$196,762,543”

And, in said Section 2, in item 0339-1001 by striking the figure “\$151,331,833” and inserting in place thereof the following:- “\$153,331,833”

And, in said Section 2, in item 0511-0270 by striking the figure “\$1,073,736” and inserting in place thereof the following:- “\$2,073,736”

And, in said Section 2, in item 0521-0000 by striking the figure “\$2,264,031” and inserting in place thereof the following:- “\$3,179,907”

And, in said Section 2, in item 0526-0100 by striking the figure “\$600,000” and inserting in place thereof the following:- “\$750,000”

And, in said Section 2, in item 0640-0300 by striking the figure “\$5,392,945” and inserting in place thereof the following:- “\$9,692,945”

And, in said Section 2, in item 0940-0100 by striking the figure “\$1,793,587” and inserting in place thereof the following:- “\$2,293,587”

And, in said Section 2, by striking out item 1108-5200 and inserting in place thereof the following item:-

1108-5200 For the commonwealth’s share of the group insurance premium and plan costs incurred in fiscal year 2010; 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 2010, and any unexpended balance in this item shall revert to the General Fund on June 30, 2010; 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 said chapter 32A, the commonwealth's share of the group insurance premium for state employees who retired before July 1, 1994, shall be 90 per cent and the commonwealth's share of the group insurance premium for state employees who 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 group insurance premiums for active state employees and their dependants shall be 75 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
.....\$893,000,000

And, in said Section 2, in item 1120-4005 by striking the figure "\$516,742" and inserting in place thereof the following:- "\$866,742"

And, in said Section 2, in item 1310-1000 by striking the figure "\$1,459,270" and inserting in place thereof the following:- "\$1,809,270"

And, in said Section 2, in item 1410-0012 by striking the figure “\$1,481,985” and inserting in place thereof the following:- “\$1,738,686”

And, in said Section 2, in item 1410-0250 by striking the figure “\$2,000,000” and inserting in place thereof the following:- “\$2,083,073”

And, in said Section 2, in item 2010-0200, by striking the figure “\$275,000” and inserting in place thereof the following figure:- “\$475,000”;

And, in said Section 2, in item 2260-8870, by striking the figure “\$14,419,520” and inserting in place thereof the following figure:- “\$15,419,520”;

And, in said Section 2, in item 2511-0105, by striking the figure “\$8,445,000” and inserting in place thereof the following figure:- “\$12,000,000”;

And, in said Section 2, in item 2820-0101, by striking the figure “\$1,291,621” and inserting in place thereof the following figure:- “\$1,541,621”;

And, in said Section 2, in item 3000-5000 by striking the figure “\$6,500,000” and inserting in place thereof the following:- “\$8,000,000”

And, in said Section 2, in item 3000-5075 by striking the figure “\$4,000,000” and inserting in place thereof the following:- “\$8,000,000”

And in Section 2, by inserting after item 3000-6000 the following item:

3000-6075 For early childhood mental health consultation services in early education and care programs in the commonwealth; provided, that preference shall be given to those services designed to limit the number of expulsions and suspensions from these programs; and provided further, that eligible recipients for these 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\$1,000,000

And, in said Section 2, in item 3000-7000 by striking the figure “\$9,188,407” and inserting in place thereof the following:- “\$11,188,407”

And in Section 2, by inserting after item 3000-7000 the following item:

3000-7050 For grants to local entities to provide services to children from birth to school age and their parents including early literacy services\$3,000,000

And, in said Section 2, by inserting after item 4000-0050, the following items:-

4000-0112 For matching grants to boys’ and girls’ clubs, YMCA and YWCA organizations,

nonprofit community centers, and youth development programs to be administered by the executive office of health and human services\$1,500,000

4000-0265 For a primary care workforce development and loan forgiveness grant program at community health centers, for the purpose of enhancing recruitment and retention of primary care physicians and other clinicians at community health centers throughout the Commonwealth; provided, that the grant shall be administered by the Massachusetts League of Community Health Centers in consultation with the secretary of the executive office 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\$850,000

And, in Section 2, in item 4000-0300, by striking out the words “provided further, that notwithstanding any general or special law the contrary, the executive office shall not include non-emergency dental services for adults or adult day habilitation services within MassHealth covered services for fiscal year 2010;”;

And, in said Section 2, in item 4000-0500, by inserting after the words “expressly stated herein;” the following words:- “provider further, that funds may be expended from this item to enhance the ability of hospitals, community health centers, and primary care clinicians to serve populations in need more efficiently and effectively; and provided further, that the executive office shall maximize federal reimbursements for state expenditures made to these providers;” and further amends said item by striking the figure “\$3,387,802,427” and inserting in place thereof the following:-
“\$3,470,718,878”;

And, in said Section 2, in item 4000-0600, by striking the figure “\$2,092,930,703” and inserting in place thereof the following:- “\$2,142,253,485”;

And, in said Section 2, in item 4000-0700, by inserting after the words “administration and finance;” the following words:- “provided further, that funds shall be expended from this item to enhance the ability of hospitals, community health centers, and primary care clinicians to serve populations in need more efficiently and effectively; provided further, that the executive office shall maximize federal reimbursements for state expenditures made to these providers;” and further amends said item by striking the figure “\$1,555,687,856” and inserting in place thereof the following:- “\$1,615,191,229”;

And, in said Section 2, in item 4000-0950, by striking the figure “\$43,495,650” and inserting in place thereof the following:- “\$68,000,000”;

And, in Section 2, in item 4110-0001 by striking the figure “\$994,233” and inserting in place thereof the following:- “\$1,014,054”

And, in Section 2, in item 4110-3010 by striking the figure “\$2,061,837” and inserting in place thereof the following:- “3,045,455”

And, in Section 2, in item 4120-2000 by striking the figure “8,300,864” and inserting in place thereof the following:- “\$10,599,024”

And, in Section 2, in item 4120-4010 by striking the figure “\$262,679” and inserting in place thereof the following:- “801,551”

And, in said Section 2, in item 4400-1001 by striking the figure “\$1,708,431” and inserting in place thereof the following:- “\$2,408,431”

And, in said Section 2, in item 4400-1100 by striking the figure “\$53,607,404” and inserting in place thereof the following:- “\$54,607,404”

And, in said Section 2, in item 4408-1000 by striking the figure “\$74,658,966” and inserting in place thereof the following:- “\$84,658,966”

And, in Section 2, after item 4510-0100, by inserting the following item:-

4510-0110 For community health center services\$1,000,000

And, in Section 2, after item 4510-0710, by inserting the following item:-

4510-0715 For the operation of a center for primary care recruitment and placement to improve access to primary care services; provided, that funds may be expended for primary care workforce development and loan forgiveness grant program\$500,000

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\$250,000

And, in Section 2, in item 4512-0103 by striking the figure “34,371,702” and inserting in place thereof the following:- “35,335,527”

And, in Section 2, in item 4512-0200 by inserting at the end:- “and provided further, that funds may be expended for programs that received funding in fiscal year 2009” and further amends said item by striking the figure “63,526,397” and inserting in place thereof the following:- “76,526,397”

And, in Section 2, after item 4512-0200, by inserting the following 3 items:-

4512-0201 For substance abuse step-down recovery services, otherwise known as level B beds and services, and other critical recovery services with severely reduced capacity;

provided, that no funds shall be expended in the AA object class\$4,800,000

4512-0202 For 2 pilot jail diversion programs primarily for nonviolent offenders with OxyContin or heroin addiction to be procured by the department of public health; provided, that each program shall have at least 60 beds and shall provide clinical assessment services to the respective courts, inpatient treatment for up to 90 days and ongoing case management services for up to one year; provided further, that individuals may be diverted to this or other programs by a district attorney in conjunction with the office of the commissioner of probation if: (a) there is reason to believe that the individual being diverted suffers from an addiction to OxyContin or heroin, or other substance use disorder; and (b) the diversion of an individual is clinically appropriate and consistent with established clinical and public safety criteria; provided further, that both programs shall be established in separate counties and a location deemed suitable by the department of public health; 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; provided further, that not more than \$500,000 may be used to support the ongoing treatment needs of clients post 90 days for which there is no other payer; and provided further, that the department of public health shall provide an annual report to the joint committee on mental health and substance abuse and the house and senate committees on ways and means as to the outcomes of the program and the cost of operations.....\$6,000,000

4512-0203 For family intervention and care management services programs, a pilot young adult treatment program, and early intervention services, for individuals who are dependent on or addicted to alcohol or controlled substances, or both alcohol and controlled substances.\$2,000,000

And, in Section 2, in item 4513-1002 by striking the figure “12,560,150” and inserting in place thereof the following;- “13,565,092”

And, in Section 2, in item 4513-1020 by striking the figure “23,054,904” and inserting in place thereof the following;- “25,554,904”

And, in Section 2, in item 4513-1026 by striking the figure “2,819,444” and inserting in place thereof the following:- “3,069,444”

And, in Section 2, in item 4513-1130 by striking the figure “4,058,264” and inserting in place thereof the following:- “5,058,264”

And, in Section 2, after item 4590-1503, by inserting the following item:-

4590-1506 For a competitive grant program to be administered by the department of public health to support the establishment of a comprehensive youth violence prevention program; provided, that eligibility shall be determined by the criteria set forth in item 4590-1506 of section 2 of Chapter 182 of the Acts of 2008; 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 2011; 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 report to the house and senate committees on ways and means and the executive office of administration and finance not later than November 1, 2009, 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.....\$2,000,000

And, in said Section 2, in item 4800-0030 by striking the figure “\$12,602,759” and inserting in place thereof the following:- “\$14,102,759”

And in item 4800-0038 by inserting at the end the following: “and provided further, that funds shall be expended on community based support and education programs helping low-income, female headed families break the cycle of poverty” and further amends said item by striking "301,484,364" and inserting in place thereof the following figure: "\$303,204,549”

And, in said Section 2, in item 4800-1400 by striking the figure “\$20,827,410” and inserting in place thereof the following:- “\$21,925,460”

And, in Section 2, in item 5042-5000 by striking the figure “69,699,953” and inserting in place thereof the following:- “72,199,953”

And, in Section 2, in item 5046-0000 by striking the figure “368,329,611” and inserting in place thereof the following:- “374,329,611”

And, in Section 2, in item 5920-2025 by striking the figure “91,988,888” and inserting in place thereof the following:- “116,988,888”

And, in Section 2, in item 5920-3000 by striking the figure “23,521,184” and inserting in place thereof the following:- “42,521,184”

And, in Section 2, after item 5920-3010, by inserting the following item:-

5920-5000 For services to clients of the department who turn 22 years of age during state 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\$5,000,000

And, in Section 2, in item 5930-1000 by striking the figure “164,355,936” and inserting in place thereof the following:- “166,355,936”

And, in said Section 2, in item 7000-9401 by striking the figure “\$12,341,160” and inserting in place thereof the following:- “\$14,591,160”

And, in said Section 2, by inserting before item 7002-0101 the following item:-

7002-0012 For a youth-at-risk program targeted at reducing juvenile delinquency in high risk areas of the commonwealth; provided, 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 of these funds shall be matched by private organizations; and provided further, that funds shall be available for expenditure through September 1, 2010\$4,000,000

And, in said Section 2, in item 7003-0701, by striking the figure “\$5,000,000” and inserting in place thereof the following figure:- “\$10,000,000”

And, in said Section 2, in item 7003-0803 by striking the figure “\$4,694,467” and inserting in place thereof the following:- “\$5,435,698”

And, in said Section 2, in item 7004-0101, by striking the figure “\$82,612,510” and inserting in place thereof the following figure:- “\$91,605,510”;

And, in said Section 2, in item 7004-0102, by striking the figure “\$37,361,684” and inserting in place thereof the following figure:- “\$37,481,684”;

And, in said Section 2, in item 7004-9005, by striking the figure “\$62,000,000” and inserting in place thereof the following figure:- “\$65,300,000”;

And, in said Section 2, in item 7004-9024, by striking the figure “\$17,997,096” and inserting in place thereof the following figure:- “\$27,997,096”;

And, in said Section 2, in item 7004-9033, by striking the figure “\$3,000,000” and inserting in place thereof the following figure:- “\$4,000,000”;

And, in said Section 2, in item 7004-9316, by striking the figure “\$2,000,000” and inserting in place thereof the following figure:- “\$5,000,000”;

And, in said Section 2, by inserting after item 7007-0100 the following item:-

7007-0150 For equal grants to the eight regional economic development corporations, councils and partnerships across the commonwealth.....\$800,000

And in said Section 2, in item 7007-0900 by striking out the word “and” after the words “advertising services;”

And, in said Section 2, in item 7007-0900, by inserting after the words “capital funds” the following:- “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, however, that the Massachusetts Sports and Entertainment Commission shall be the official and lead agency to facilitate and attract major sports events and championships in the commonwealth; and 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”

And, in said Section 2, in item 7007-0900 by striking the figure “\$6,483,636” and inserting in place thereof the following:- “\$7,733,636”

And, in said Section 2, in item 7007-0951 by striking the figure “\$5,100,000” and inserting in place thereof the following:- “\$6,100,000”

And, in said Section 2, by inserting after item 7007-0951 the following item:-

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.....\$6,000,000

And, in said Section 2, in item 7010-0033 by striking the figure “\$3,475,489” and inserting in place thereof the following:- “\$4,175,489”

And, in said Section 2, by inserting after item 7061-0008 the following item:-

7061-0011 For a reserve to: (1) meet extraordinary increases in the minimum required local contribution of a municipality pursuant to the requirements of section 3 of this act; provided, that a municipality seeking funds hereunder shall apply for a waiver from the department of revenue pursuant to section 40 of this act; provided further, that the commissioner shall issue a finding concerning such

waiver applications within 30 days of the receipt thereof, after consulting with the commissioner of elementary and secondary education regarding the merits of such application; (2) assist regional school districts which, prior to fiscal year 2010, have assessed member towns using the provisions of their regional agreement, and which, in fiscal year 2010, will assess member towns using the required contributions calculated pursuant to section 3; (3) 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; (4) assist 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; (5) 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 2004 and fiscal year 2009; provided further, that preference shall be given to those districts that have joined the group insurance commission before July 1, 2009; (6) meet extraordinary increases of greater than 10 per cent in a municipality's total required contribution in municipalities whose target required local contribution exceeds 70 per cent of their foundation budget; provided, that not less than \$500,000 shall be used for this purpose; (7) to assist towns in which in excess of one-third of the total land mass of the town is owned and controlled by the commonwealth and which receive payment in lieu of taxes on less than 25 per cent of said land; (8) assist operating districts in which the chapter 70 aid, so-called, distributed in fiscal year 2010 is less than the chapter 70 aid distributed in fiscal year 02; and (9) assist towns which host a campus of the University of Massachusetts, but which have a target aid percentage of only 17.5%; 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 14, 2009; 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 2011....\$3,500,000

And, in said Section 2, in item 7061-0012 by striking the figure “\$105,113,160” and inserting in place thereof the following:- “\$141,113,160”

And, in said Section 2, in item 7061-9412 by striking the figure “\$13,972,375” and inserting in place thereof the following:- “\$15,672,375”

And, in said Section 2, by inserting after item 7061-9611 the following item:-

7061-9612 For school of excellence programs at the Worcester Polytechnic Institute and the University of Massachusetts at Lowell....\$1,300,000

And, in said Section 2, by inserting after item 7061-9612 the following item:-

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....\$200,000

And, in said Section 2, in item 7061-9626 by striking the figure “\$670,000” and inserting in place thereof the following:- “\$1,500,000”

And in Section 2, by inserting after item 7066-0015 the two following items:

- 7066-0019 For the department of higher education to make payments to public higher education institutions for the dual enrollment program allowing qualified high school students to take college courses; provided, that public higher education institutions may offer courses in high schools in addition to courses offered at the institutions or online if the number of students is sufficient\$750,000

- 7066-0020 For the nursing and allied health workforce development initiative, to develop and support strategies that increase the number of public higher education faculty members and students who participate in programs that support careers in fields related to nursing and allied health; provided, that the amount appropriated in this item shall be transferred to the Nursing and Allied Health Workforce Development Trust Fund established by [section 33 of chapter 305 of the acts of 2008](#); provided further, that funds shall be transferred to the Trust Fund according to an allotment schedule adopted by the executive office for administration and finance; and provided further, that the department of higher education shall provide monthly expenditure reports to the executive office of administration and finance and the house and senate committees on ways and means\$1,000,000

And, in said Section 2, in item 7066-0025 by striking the figure “\$84,024,779” and inserting in place thereof the following:- “\$89,024,779”

And, in said Section 2, in said item 8100-0000, by striking out the figure “\$226,222,904” and inserting in place thereof the following:- “\$231,222,904”

And, in said Section 2, after item 8100-0101, by inserting the following item:-

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, 2009; provided further, that awards shall be made to applicants not later than December 15, 2009.....\$6,500,000

And, in said Section 2, in said item 8400-0001, by striking out the figure “\$41,400,708” and inserting in place thereof the following:- “\$42,400,708”

And, in said Section 2, by striking out item 8900-0001 and inserting in place thereof the following item:-

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 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 the joint committee on 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, 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; and 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.....\$526,173,015

And, in said Section 2, in item 9110-1455, by striking the figure "\$30,000,000" and inserting in place thereof the following:- "\$40,000,000";

And, in said Section 2, in item 9110-1555, by striking the figure "\$177,694,425" and inserting in place thereof the following:- "\$189,694,425";

And, in said Section 2, in item 9110-9002, by striking the figure "\$7,463,424" and inserting in place thereof the following:- "\$8,615,068";

And by striking out sections 16 and 17;

And, in Section 74, by striking subsection (d)

And, in Section 76, by striking the figure “\$557,455,535” and inserting in place thereof the following:- “\$567,955,535”;