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

For the committee,

ROBERT A. DeLEO.
To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2008, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2008. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items. Notwithstanding any general or special law to the contrary, appropriations made in section 2 shall not revert and shall be available for expenditure until June 30, 2009.

SECTION 2.

**JUDICIARY.**

**Trial Court.**

0330-3337 .......................................................... 4,000,000
### District Attorneys

<table>
<thead>
<tr>
<th>Code</th>
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<tr>
<td>0340-0101</td>
<td>Suffolk District Attorney.</td>
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<td>0340-0201</td>
<td>Northern District Attorney.</td>
<td>74,813</td>
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<td>0340-0301</td>
<td>Eastern District Attorney.</td>
<td>27,584</td>
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<td>0340-0401</td>
<td>Worcester District Attorney.</td>
<td>11,000</td>
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<td>0340-0501</td>
<td>Hampden District Attorney.</td>
<td>64,973</td>
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<tr>
<td>0340-0601</td>
<td>Northwestern District Attorney.</td>
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<td>0340-0701</td>
<td>Norfolk District Attorney.</td>
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<td>0340-0801</td>
<td>Plymouth District Attorney.</td>
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<td>0340-0901</td>
<td>Bristol District Attorney.</td>
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<td>Berkshire District Attorney.</td>
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### Executive Office for Administration and Finance

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<td>1232-0100</td>
<td>Department of Revenue.</td>
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### Executive Office of Education

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<tr>
<td>7061-9010</td>
<td>Department of Elementary and Secondary Education.</td>
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</table>
SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2008. Notwithstanding any general or special law to the contrary, appropriations made in this section shall not revert and shall be available for expenditure until June 30, 2009. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of the Secretary of Administration and Finance.

1599-4276 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Middlesex sheriff's department and the Teamsters, Local 122, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means .............. 12,577

1599-4280 For a reserve to meet the fiscal year 2007, 2008 and 2009 costs of salary adjustments and other economic benefits authorized by the December 21, 2006 temporary pay law agreement between the commonwealth and the National Association of Government Employees, and to meet the fiscal year 2007, 2008 and 2009 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration
and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal years 2008 and 2009 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means ................................................................. 1,000,000

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

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

7004-1000 For a state supplement to the federal Low Income Home Energy Assistance Program 42 U.S.C. Section 8621 et seq., for the purpose of assisting low-income elders, working families and other households with the purchase of heating oil, propane, natural gas, electricity and other primary or secondary heating sources; provided, that expenditure of these supplemental funds shall be made in accordance with the state plan to be submitted by the department of housing and community development for operation of the FY 08 program, in accordance with federal law; provided further, that the department shall establish the maximum assistance for which a household is eligible commensurate with the increased funding provided in this item; provided further, that up to $10,000,000 may be released prior to receipt of any federal funds, to allow for timely start-up of the program, including both administrative costs and payment of benefits ................................................................. 10,000,000

SECTION 2B. To provide for supplementing certain intragovernmental chargeback authorizations in the general appropriation act and other appropriation acts for fiscal year 2008, to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for an alteration of purpose for current intragovernmental chargeback authorizations, and to meet certain requirements of law, the sums set forth in this section are hereby
authorized from the Intragovernmental Service Fund for the several purposes specified in this section or in the appropriation acts, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2008. Notwithstanding any general or special law to the contrary, appropriations made in this section shall not revert and shall be available for expenditure until June 30, 2009. These sums shall be in addition to any amounts previously authorized and made available for the purposes of those items.

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

SECTION 2C. For the purpose of making available in fiscal year 2009 balances of appropriations which otherwise would revert on June 30, 2008, the unexpended balances of the maintenance appropriations listed below, not to exceed the amount specified below for each item, and the unexpended balance of all appropriations in the Massachusetts management accounting and reporting system with a secretariat code of 01 or 17, are hereby re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 of chapter 61 of the acts of 2007; provided, however, that for items which do not appear in section 2 of the general appropriation act, the amounts in this section are re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts. Amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in said section 2 of said chapter 61 of the acts of 2007; but for items which do not appear in said section 2 said chapter 61 of the acts of 2007, the amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in said section 2 or said section 2A of this act or in prior appropriation acts. The sums re-appropriated in this section shall be in addition to any amounts available for these purposes.
### JUDICIARY.

Committee for Public Counsel Services.

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### DISTRICT ATTORNEYS.

Norfolk District Attorney.

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### TREASURER AND RECEIVER-GENERAL.

Office of the Treasurer and Receiver-General.

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### OFFICE OF THE STATE COMPTROLLER.

Office of the Comptroller.

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### EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of the Secretary of Administration and Finance.

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### EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS.

Department of Conservation and Recreation.

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<tr>
<td>EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.</td>
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<tr>
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<td>7006-0071</td>
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<td>EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT.</td>
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<tr>
<td>Department of Workforce Development.</td>
<td>7003-0701</td>
<td>21,000,000</td>
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<td>EXECUTIVE OFFICE OF EDUCATION.</td>
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<td>Department of Elementary and Secondary Education.</td>
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<td>7010-0016</td>
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<td>EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY.</td>
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<td>Office of the Secretary of Public Safety and Security.</td>
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</tr>
<tr>
<td></td>
<td>8000-0036</td>
<td>3,977,740</td>
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</table>
1 SECTION 3. Subsection (a) of section 16G of chapter 6A of the General Laws, as amended by section 6 of chapter 19 of the acts of 2007, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:— In the executive office of housing and economic development, there shall be a department of business development, a department of consumer affairs and business regulation, and a department of housing and community development.

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

1 SECTION 5. Section 5C of said chapter 29 of the General Laws, as so appearing, is hereby amended by striking out clause (c) and inserting in place thereof the following clause:— (c) 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. Prior to 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.

1 SECTION 6. Said chapter 29 is hereby further amended by striking out section 5D, as so appearing, and inserting in place thereof the following section:—
Section 5D. At the close of each fiscal year, the comptroller shall determine, based on such procedures as are established by the commissioner, the amount expended during the fiscal year from each state fund or accounts comprising such funds, other than the General Fund, for indirect costs and for the compensation of state personnel. On the basis of said determination, the comptroller shall charge each fund or accounts therein an amount for indirect costs and for fringe benefit costs attributable to compensation paid from said other funds, based on an indirect costs rate and on a fringe benefit rate to be set annually by the commissioner of administration. The amount so charged shall be credited to the General Fund. Upon approval by the commissioner of administration, and subject to regulations established by him, the amount of indirect costs, either in whole or in part, charged to an account may be waived. The costs of fringe benefits must, in all cases, be recovered in cash.

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

SECTION 7. Section 4 of chapter 32 of the General Laws, as appearing in the 2006 Official Edition, 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 8. Said section 4 of said chapter 32 of the General Laws, as so appearing, is hereby further amended by inserting after the word “system”, in line 379, the following words:— plus buyback interest thereon
SECTION 9. Section 105 of said chapter 32 of the General Laws, 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 10. The second paragraph of section 4 of chapter 32A of the General Laws, as so appearing, is hereby amended by striking out the second sentence.

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

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

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

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

Notwithstanding section 28, a portion of cigarette excise revenues paid under this section shall be credited to the Commonwealth Care Trust Fund, established under section 2000 of chapter 29. The amount credited to the Fund in fiscal year 2009 shall be the sum of: (1) all revenues received in fiscal year 2009 attributable to the inventory tax under chapter 168 of the acts of 2008; and (2) the monthly excess, if any, on cigarette excise payments received in August 2008 through June 2009 over the cigarette excise payments received in the same months in the previous fiscal year, less the amount that the commissioner may reasonably determine equals increased revenues in 2009 due to cigarette stamp encryption and due to taxation of little cigars as cigarettes. The amount credited to the Fund in fiscal year 2010 shall be the monthly excess in cigarette excise payments received in fiscal year 2010 over cigarette excise payments received in the same
months in fiscal year 2008, less the amounts that the commis-
sioner may reasonably determine are increased revenues in 2009
due to cigarette stamp encryption and due to taxation of little
cigars as cigarettes. The amount credited to the fund in fiscal year
2011 and thereafter shall be the monthly cigarette revenue
received in each such year multiplied by the percentage of ciga-
rette excise collections in 2010 that were credited to the Fund.

SECTION 14. Subparagraph (1) of paragraph (a) of subdivision
(1) of section 24 of chapter 90 of the General Laws, as so
appearing, is hereby amended by striking out the second para-
graph and inserting in place thereof the following paragraph:—
There shall be an assessment of $250 against a person who, by
a court of the commonwealth, is convicted of, is placed on proba-
tion for, or is granted a continuance without a finding for or other-
wise pleads guilty to or admits to a finding of sufficient facts of
operating a motor vehicle while under the influence of intoxi-
cating liquor, marijuana, narcotic drugs, depressants or stimulant
substances under this section, but $150 of the $250 collected
under this assessment shall be deposited monthly by the court
with the state treasurer, who shall deposit it in the Head Injury
Treatment Services Trust Fund, and the remaining amount of the
assessment shall be credited to the General Fund. The assessment
shall not be subject to reduction or waiver by the court for any
reason.

SECTION 15. Paragraph (a) of subdivision (2) of said
section 24 of said chapter 90, as so appearing, is hereby amended
by striking out the second paragraph and inserting in place thereof
the following paragraph:—
There shall be an assessment of $250 against a person who, by
a court of the commonwealth, is convicted of, is placed on proba-
tion for or is granted a continuance without a finding for or other-
wise pleads guilty to or admits to a finding of sufficient facts of
operating a motor vehicle negligently so that the lives or safety of
the public might be endangered under this section, but $150 of the
$250 collected under this assessment shall be deposited monthly
by the court with the state treasurer, who shall deposit it in the
Head Injury Treatment Services Trust Fund, and the remaining
amount of the assessment shall be credited to the General Fund. The assessment shall not be subject to reduction or waiver by the court for any reason.

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

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

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

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

(c) The division shall establish by regulation an appropriate mechanism for enforcing the assessment liability under this section in the event that a health insurer does not make a scheduled payment, but the division may, for the purpose of administrative simplicity, establish threshold liability amounts below which enforcement may be modified or waived. This enforcement mecha-
anism may include assessment of interest on the unpaid liability at a rate not to exceed an annual percentage rate of 18 per cent and late fees or penalties at a rate not to exceed 5 per cent per month.

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

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

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

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

SECTION 22. Section 44 of chapter 85 of the acts of 1994, as amended by section 76 of chapter 182 of the acts of 2008, is
hereby further amended by inserting after the word “reservation”, in line 45, the following words: - , Wilbur Farmhouse and Barn at Borderland 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 23. Section 4 of chapter 135 of the acts of 2006 is hereby amended by striking out, in line 3, the words “May 1, 2008” and inserting in place thereof the following words:— December 1, 2009

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

0330-0338 For the costs in fiscal year 2008 of salary increases, benefit adjustments and other employee economic benefits authorized for employees of the supreme judicial court, the appeals court and the trial court that are covered by the collective bargaining agreements between the trial court of the commonwealth and the Office and Professional Employees International Union Local 6 (AFL-CIO), professional and clerical units and personnel of the trial court employed in confidential positions who would otherwise be covered by said agreements in effect for fiscal year 2008 and to meet the costs of providing equal salary adjustments and other economic benefits to employees who are not otherwise classified in any such collective bargaining unit of the trial court, the mental health legal advisors committee, the board of bar examiners and the commission on judicial conduct, prior appropriation continued ........................................................................... 8,187,426

SECTION 25. Item 4000-1420 of section 2 of chapter 61 of the acts of 2007, as amended by section 5 of chapter 135 of the acts of 2008, is hereby further amended by striking out the figure “$222,916,047” and inserting in place thereof the following figure:— $223,218,902
SECTION 26. Section 55 of said chapter 61 of the acts of 2007, as amended by section 4 of chapter 120 of the acts of 2008, is hereby further amended by striking out the figure "$976,954,249" and inserting in place thereof the following figure:—

$1,045,863,158

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

$113,600,000

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

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

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

SECTION 31. Chapter 168 of the acts of 2008 is hereby amended by striking out section 5 and inserting in place thereof the following 2 sections:—

Section 5. Notwithstanding section 4, a retailer or vending machine operator who did not collect the additional tax specified in section 1 or a substantially equivalent additional dollar amount, however designated, from its customers when making retail sales of cigarettes on July 1, 2008 may determine and pay the amount due under section 4 on the basis of its inventory of cigarettes on hand for sale as of the commencement of business on July 2, 2008. Any retailer or vending machine operator determining its tax due under this section shall retain sales register tapes or other contemporaneous business records to document its retail sales
price for cigarettes both on and immediately before July 1, 2008, and shall produce such tapes or other business records upon request of the commissioner.

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

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

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

SECTION 34. Item 4000-0300 of said section 2 of said chapter 182 of the acts of 2008 is hereby amended by inserting after the words “application submitted through the virtual gateway;” the following words:— provided further that not less than $500,000 will be made available for supplemental payments to one or more of the three largest Medicaid participating licensed non-profit chronic and rehabilitation hospitals with less than 500 beds, with Medicaid participation measured and ranked by the number of Medicaid days in the most recently completed fiscal year, but excluding for purposes of this clause any of such hospitals that are authorized to receive supplemental payments pursuant to line items 4000-0500 and 4000-0600; provided further, that the executive office shall not reduce the outpatient rates for any specialty hospital which limits its admissions to patients under active diagnosis and treatment of the eyes, ears, nose, and throat, below that which was granted during hospital fiscal year 2005; provided further, that notwithstanding section 1 of chapter 118G of the General Laws or any general or special law to the contrary, for fiscal year 2009 the definition of a ‘pediatric specialty unit’ shall mean an acute care hospital with a burn center verified by the American Burn Center and the American College of Surgeons and a level 1 trauma center for pediatrics verified by the American College of Surgeons or a pediatric unit of an acute care hospital in
which the ratio of licensed pediatric beds to total licensed hospital beds as of July 1, 1994, exceeded 0.20; provided further, that in calculating that ratio, licensed pediatric beds shall include the total of all pediatric service beds, and the total of all licensed hospital beds shall include the total of all licensed acute care hospital beds, consistent with Medicare’s acute care hospital reimbursement methodology as put forth in the Provider Reimbursement Manual Part 1, Section 2405.3G; provided further, that in calculating rates of payment for children enrolled in MassHealth receiving inpatient services at acute care pediatric hospitals and pediatric subspecialty units as defined in section 1 of chapter 118G of the General Laws, the executive office shall make a supplemental payment, if necessary, sufficient to assure that inpatient SPAD and outlier payments for discharges with a case mix acuity greater than 3.5 shall be at least equal to 85 per cent of the expenses incurred in providing services to those children; and provided further, that the executive office shall not reduce the payment rates by no less than 75 per cent for any specialty hospital which limits its services to patients under active diagnosis and treatment of cancer below that which was granted in the previous year;

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

SECTION 36. Item 4000-0500 of said section 2 of said chapter 182 of the acts of 2008 is hereby amended by inserting after the words “verbal consent to the reassignment;” the following words:— provided further, that not less than $10,000,000 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 $5,950,000 shall be expended on disproportionate share payments to high public payer hospitals;
SECTION 37. Item 4000-0500 of said section 2 of said chapter 182 of the acts of 2008 is hereby amended by striking out the figure “$3,121,385,000” and inserting in place thereof the figure:— $3,139,085,000

SECTION 38. Item 4000-0600 of said section 2 of said chapter 182 of the acts of 2008 is hereby amended by inserting after the words “shall be proportionally reduced;” the following words:— provided further, that notwithstanding any general or special law to the contrary, the regulations, criteria and standards for determining admission to and continued stay in 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 time-line for phasing in changes to nursing home clinical criteria, provided 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;

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

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

SECTION 41. Item 4000-0700 of said section 2 of said chapter 182 of the acts of 2008 is hereby amended by striking out the following words:— “provided further, that not less that $4,200,000 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 inserting in place thereof
the following language:— 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;

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

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

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

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

SECTION 46. Item 4590-0300 of said section 2 of said chapter
182 of the acts of 2008 is hereby amended by striking out the
words “; provided, that no funds shall be expended in the AA
object class.”
SECTION 47. Item 7006-1003 of said section 2 of said chapter 182 of the acts of 2008 is hereby amended by striking out the figure “441,404” and inserting in place thereof the following figure:— 1,087,969

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

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

SECTION 50. Item 8324-0000 of said section 2 of said chapter 182 of the acts of 2008 is hereby amended by striking out the words “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;”

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

SECTION 52. Paragraph (d) of section 88 of said chapter 182 of the acts of 2008 is hereby amended by inserting after the eighth sentence the following sentence:— All federal financial participation received for expenditures from the Essential Community Provider Trust Fund shall be deposited in the General Fund and shall be available for further appropriation for purposes specified in this paragraph.
SECTION 53. Subsection (e) of said section 103 of said chapter 182 of the acts of 2008 is hereby amended by striking out the words “Upon conveyance of the parcel, the” and inserting in place thereof the following word:— The.

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

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 2000 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 said 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, as defined in section 1 of chapter 118G of the General Laws, 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 said section 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 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 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. In fiscal year 2009, not more than $4,200,000 of the amounts to be made available for physician services under this section shall be contingent on primary care clinician plan providers’ adherence to quality standards and achievement of performance benchmarks, and may be paid in fiscal year 2010. For purposes of payments to hospitals pursuant to this section, “fiscal year” shall mean the hospitals' fiscal year and, for purposes of any payments to physicians pursuant to this section, fiscal year shall mean the state fiscal year.

SECTION 55. Notwithstanding any general or special law to the contrary, for fiscal year 2009, $5,800,000 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 or 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 56. There shall be established a special commission to investigate and study the impact of the OxyContin and heroin epidemic on state and municipal government, the substance abuse treatment system and to identify potential strategies to more effectively cope with said epidemic. The commission shall consist of 3 members of the senate, 2 of whom shall be appointed by the president of the senate and 1 of whom shall be appointed by the minority leader; 3 members of the house of representatives, 2 of whom shall be appointed by the speaker of the house and 1 of whom shall be appointed by the minority leader; and 5 members to be appointed by the governor; 1 of whom shall be a representative from the bureau of substance abuse services; 1 of whom shall be a representative from the Massachusetts District Attorneys Association; 1 of whom shall be the chair of the department of psychiatry at the University of Massachusetts Medical School; 1 of whom shall be a representative from the trial court; and 1 of whom shall be a representative from the department of correction.

Said study shall include, without limitation a review and analysis of: 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 competent decisions relative to his own course of treatment; the implementation of an intensive case management system in the commonwealth and how other states have incorporated such a system; the establishment of a system of regional secure treatment centers; the number of inmates suffering from opiate dependence; recidivism in the criminal justice system for OxyContin and heroin abuse; statutory restrictions on parents and families with adolescents addicted to OxyContin or heroin; the sources of heroin, OxyContin and other prescription opiates available on the street; enhancements to the commonwealth's prescription monitoring program so that the data collected is a preventative resource for...
prescribers, law enforcement and treatment professionals; and the
establishment of an outpatient commitment program.

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

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

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

SECTION 59. Notwithstanding subsection (k) of section 14G
of chapter 151A of the General Laws or any general or special law
to the contrary, the secretary of labor and workforce development
may direct the comptroller to transfer up to $35,000,000 in 3 sepa-
rate payments from the Medical Security Trust Fund, established
under subsection (k) of section 14G of chapter 151A, to the
General Fund for expenses associated with health care costs. The
comptroller shall make the first payment in the amount of
$15,000,000 upon the effective date of this act. The remaining balance, up to $20,000,000, shall be paid in no more than 2 payments of up to $10,000,000 each, provided that the secretary of labor and workforce development certifies to the secretary of administration and finance that, based on projections made by the division of unemployment assistance, sufficient funds remain available in the Medical Security Trust Fund after said transfer or transfers to meet the requirements of section 14G of chapter 151A.

SECTION 60. The executive office of labor and workforce development, working with its division of unemployment assistance, the executive offices for administration and finance and of health and human services, and other agencies, shall undertake a study of the Medical Security Plan program to examine the possibility of long-term efforts to integrate and align the program with other health insurance programs offered by the commonwealth in light of the commonwealth's health care reform effort.

SECTION 61. Notwithstanding any general or special law to the contrary, as of June 30, 2008, the comptroller shall transfer $100,000,000 from the General Fund to the Commonwealth Stabilization Fund.

SECTION 62. The trial court shall work and cooperate with the district attorneys and the state and municipal police departments to provide for the efficient management of court appearances by state and municipal police personnel. The chief justice for administration and management of the trial court shall convene a working group consisting of representatives of the justices and clerk-magistrates of the district and municipal courts and one representative to be designated by each of the following entities: the executive office of public safety and security, the department of state police, the Massachusetts Chiefs of Police Association and the Massachusetts District Attorney’s Association. The working group shall study and make recommendations to the chief justice concerning the effective methods to schedule, manage and control court appearances by police personnel to create efficiencies and reduce police overtime costs. The working group shall
report its recommendations to the chief justice no later than January 31, 2009, and the trial court shall work with the district attorneys and state and local municipal police departments promptly to implement these recommendations.

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

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

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

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

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

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

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

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