The Commonwealth of Massachusetts

By Mr. Murphy of Burlington, for the committee on Ways and Means, on House, No. 4157, a Bill Making Appropriations for the Fiscal Year 2009 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects (House, No. 4288). October 20, 2009

An Act MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2009 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

FOR THE COMMITTEE:

NAME: Charles Murphy
DISTRICT/ADDRESS: 21st Middlesex
An Act MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2009 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2009 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2009, 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, 2009. 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, 2010.

SECTION 2.

JUDICIARY
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, 2009. 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, 2010. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.
Office of the Secretary of the Commonwealth

0521-0005 For the Commonwealth of Massachusetts' administrative costs associated with both the special statewide primary and the special statewide election to fill the United States Senate seat on January 19, 2010, including, but not limited to, printing of nomination papers, printing of ballots, extended polling hours, printing and delivery of election supplies and programming of accessible equipment for both the special statewide primary and special statewide election $5,396,390

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

Department of State Police

8100-0006 For private police details; provided, that the department may expend up to $19,900,000 in revenues collected from fees charged for private police details and for the costs of administering such details; and provided further, that notwithstanding any general or special law to the contrary, the department may incur, and the comptroller may certify for payment, expenses and liabilities during fiscal year 2009 to be charged to this item in an amount not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system for the purposes stated in this item to accommodate the delayed receipt of revenues authorized to be retained in this item during fiscal year 2009 .............................................................. $900,000

SECTION 2C.I. For the purpose of making available in fiscal year 2010 balances of appropriations which otherwise would revert on June 30, 2009, 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 are hereby re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 of chapter
182 of the acts of 2008; 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 section 2 of said chapter 182 of the acts of 2008;
provided, however, that for items which do not appear in said section 2 of said chapter 182, 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 said
purposes.

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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 HOUSING AND ECONOMIC DEVELOPMENT

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### EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

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### Hampshire Sheriff's Department
SECTION 3. Section 1 of chapter 6C of the General Laws, inserted by section 8 of chapter 25 of the acts of 2009, is hereby amended by striking out the definition of “Independent agencies” and inserting in place thereof the following definition:-

“Independent agencies”, shall include, without limitation, the Massachusetts Bay Transportation Authority, the Massachusetts Port Authority, the Woods Hole, Martha’s Vineyard, the Nantucket Steamship Authority, and the regional transit authorities established in Chapter 161B.

SECTION 4. Section 10 of said chapter 6C of the General Laws, as so appearing, is hereby amended by adding the following 2 paragraphs:-

The executive director may, subject to the approval of the secretary, appoint a project ombudsman who shall assist municipalities and private entities to develop and advance projects critical to the economic development of a community and connecting to the state transportation system, and to ensure regional equity in the transportation system. The duties given to the ombudsman shall be exercised and discharged subject to the direction, control and supervision of the executive director. The ombudsman shall serve as the principal point of contact for municipalities and other governmental bodies concerning all matters under the jurisdiction of the department, including without limitation, providing advice and technical assistance to municipalities and other governmental bodies seeking said advice and with any other matter the executive director may deem appropriate.

The office of transportation planning shall establish and charge a reasonable fee to cover the costs of processing, reviewing, and approving a project proposal submitted to the project ombudsman by a municipality or private entity.

SECTION 5. The second sentence of section 18 of said chapter 6C, as so appearing, is hereby amended by striking out the words “chapter 12” and inserting in place thereof the following words:- (i) chapter 12; (ii) any general or special law pertaining to judicial remedies or procedures; and (iii) court rules and standing orders; and shall not be considered to be encompassed by the words “person” or “whoever” in any general or special law unless a contrary intention clearly appears.

SECTION 6. Section 38F of chapter 7 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out paragraph (d), and inserting in place thereof the following paragraph:-

(d) The board may delegate its powers and duties under paragraph (b) of section 38D, paragraphs (c) and (d) of section 38E, paragraphs (a) and (b) of section 38G, section 38H and section 38I to panels of less than all the board members. A panel of not less than 6 members shall be required for selection of designers under this section, 4 of whom shall be architects or engineers, including at least 1 architect and 1 engineer on that panel.

SECTION 7. Said section 40B of said chapter 7, as so appearing, is hereby amended by striking out, in line 9, the figure “$1,000,000” and inserting in place thereof the following figure:- $2,000,000.

SECTION 8. Section 40B of said chapter 7, as so appearing, is hereby further amended by striking out, in lines 4 and 13, the words “one hundred thousand dollars” and inserting in place thereof the following figure:- $250,000.

SECTION 9. Section 61 of chapter 10 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words “from that portion of the fee owed to” and inserting in place thereof the following word:- by.

SECTION 10. Said section 61 of said chapter 10, as so appearing, is hereby amended by striking out, in line 14, the figure “2009” and inserting in place thereof the following figure:- 2010.
SECTION 11. Chapter 10 of the General Laws is hereby amended by inserting after section 61 the following section:-

Section 63 ½. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Central Artery and Statewide Road and Bridge Infrastructure Fund, in this section called the fund, for the purposes of meeting (i) the estimated additional costs associated with the Central Artery/Ted Williams Tunnel Project, in this section called the Project; (ii) the costs of the statewide road and bridge program; (iii) the principal and interest expenses on bonds or notes issued after July 1, 2007 to pay costs of these projects; and (iv) payments or credits to the federal government to reimburse it for any costs of the Project paid by the federal government for which it is entitled to reimbursement from amounts received and deposited in the fund.

Revenues credited to the fund shall include any appropriations to the fund, amounts transferred to the fund from other instrumentalities of the commonwealth, transfers to said fund from other funds of the commonwealth, certain sums recovered pursuant to section 83 of chapter 4 of the acts of 2003, any sums received by the commonwealth related to insurance programs or policies for the Project, and any interest earned on balances contained in the fund and all other revenues specifically dedicated to the fund. The fund shall be held in trust by the state treasurer exclusively for the purposes established in this section. The state treasurer shall be the treasurer and custodian of the fund and shall have the custody of its monies and securities.

The state treasurer may invest any monies held for the credit of the fund in instruments permitted under sections 38, 38A, 38C and 49 of chapter 29 and as follows: (a) commercial or finance company paper, including both non-interest-bearing discount obligations and interest bearing obligations payable on demand or on a specified date not more than one year after the date of issuance thereof, that is rated in one of the 2 highest rating classifications by a nationally recognized rating service; (b) securities bearing interest or sold at a discount that are issued by any corporation incorporated under the laws of the United States or any state thereof and rated in one of the 2 highest rating classifications by any nationally recognized rating service at the time of such investment or contractual commitment providing for such investment; (c) units of taxable money market funds which funds are regulated investment companies and seek to maintain a constant net asset value per share and have been rated in one of the 2 highest rating classifications by a nationally recognized rating service; (d) investment agreements or guaranteed investment contracts rated, or with any financial institution whose senior long-term debt obligations are rated, or guaranteed by a financial institution whose senior long-term debt obligations are rated, at the time such agreement or contract is entered into, in one of the 2 highest rating classifications by a nationally recognized rating service; and (e) investment agreements with a corporation whose principal business is to enter into such agreements if: (1) such corporation and the investment agreements of such corporation are each rated in one of the 2 highest rating classifications by a nationally recognized rating service; and (2) the commonwealth has an option to terminate each agreement if such rating is downgraded below such 2 highest rating classifications.

As directed by the secretary of administration and finance, the comptroller shall make transfers from the fund to the Massachusetts Transportation Trust Fund, without further appropriation, for the purposes specified in this section.

SECTION 12. The third paragraph of section 31 of chapter 29 of the General Laws, as so appearing, is hereby amended by inserting after the second sentence the following sentence:-
Notwithstanding any other general or special law to the contrary, and in accordance with section 148 of chapter 149, to ensure the timely payment of wages and related payroll charges for work authorized by a spending authority and performed by employees, the comptroller shall have full authority to mandate the payment of such wages and payroll charges and prescribe, regulate and direct any spending authority to take the appropriate actions necessary to properly account for payroll charges, to ensure that payroll accounts are not in deficit at the close of the fiscal year and any other actions necessary to support sound fiscal management including appropriation, allotment or other funding limits.

SECTION 13. Chapter 44 of the General Laws is hereby amended by inserting after section 21A the following section:-

Section 21B. The city council or mayor of a city, the board of selectmen of a town, the school committee of a regional school district and the prudential committee, if any, otherwise, the commissioners of a district may designate any duly authorized issue of bonds or notes as tax credit bonds to the extent that any such bonds or notes are otherwise permitted to be issued in the form of bonds or notes with federal tax credits or other similar subsidies for all or any portion of their borrowing costs. Any borrowing designated as tax credit bonds may be payable without regard to any limitation as to amounts of annual installments for bonds provided in any other law.

Notwithstanding the provisions of section 47, or any other general or special law to the contrary, the city council or mayor of a city, the board of selectmen of a town, the school committee of a regional school district and the prudential committee, if any, otherwise, the commissioners of a district may establish a separate sinking fund to be held in trust solely for the payment of principal, redemption premium and interest on any tax credit bonds. Amounts held in any such sinking fund may be invested pursuant to section 55 and the income derived from such investment may be expended by the treasurer to pay the principal, redemption premium, if any, and interest on such tax credit bonds until they are paid or otherwise redeemed; provided, however, that notwithstanding the limitations on the maturity of investments under said section 55, any such investment may have a maturity not later than the date fixed for the payment or redemption of such tax credit bonds. Any earnings on proceeds of tax credit bonds may be applied to pay costs of any project for which the city, town or district is authorized to incur debt for a period of 5 years or more, or to the redemption of tax credit bonds from which such proceeds were derived, and may not be applied or appropriated for any other purpose.

Tax credit bonds may be sold at par, premium or discount, without regard to any limitation on the amount of any discount contained in any other general or special law, and may be sold as instruments the principal amount of which either remains constant or increases during the life of the instrument. When tax credit bonds are issued the amount issued shall be deemed to be the net proceeds of the issue; provided that the officers charged with the issuance of such tax credit bonds may apply all or a portion of any premium received on the sale of any such tax credit bonds, without appropriation, to the costs of issuance thereof, in which case the amount of any premium so applied shall not be included in the amount of the issue.

The city council or mayor of a city, the board of selectmen of a town, the school committee of a regional school district and the prudential committee, if any, otherwise the commissioners of a district may provide for the issuance of refunding bonds or notes of the city, town, regional school district or district for the purpose of paying or refunding all or any designated part of an issue of tax credit bonds, other than tax credit bonds issued in accordance with section 54AA(g) of the Internal Revenue Code, without regard to the present value savings
requirements set forth in section 21A. Except as provided herein, the issuance of refunding bonds for the purpose of paying or refunding tax credit bonds shall be governed by the provisions of said section 21A. Notwithstanding any general or special law to the contrary, any limitation amount that is allocated to any large local educational agency pursuant to, and as defined in, section 54F(d)(2) of the Internal Revenue Code of 1986 and that remains unused by such large local educational agency as of the end of any calendar year is hereby deemed reallocated to the commonwealth and, effective January 1 of the following calendar year, further reallocated by the commonwealth to such large local educational agency.

SECTION 14. Chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after section 30A the following section:-

Section 30A ½. Notwithstanding section 30A or any other general or special law to the contrary, the registrar may, in the interest of seeking cost efficiencies, avoiding disruptions and continuing to provide registry services for residents of the commonwealth, enter into agreements with third party entities based in the commonwealth to perform functions on behalf of the registry of motor vehicles. The registrar shall enter into agreements only with an existing entity that provides automobile-related services to the general public, including, but not limited to, automobile-related associations, insurance companies and their authorized producers and service carriers, and that maintains business offices that are open to the public during hours and at locations believed to be convenient for registry customers and in areas where a continuing need exists to provide registry services; provided, however, that an entity entering into such an agreement with the registrar shall only provide registry services to its own members or clients.

The registrar may provide necessary inventories, equipment, electronic connections and training in regard to such agreements to provide for the provision of registry-related services by the third party. The registrar may help to defray the expenses of the third party as part of the agreement if necessary to provide such services, but only if the overall effect of such agreement results in cost efficiencies to the registry. The registrar shall not enter into an agreement that results in the loss of employment with the commonwealth of any person who was performing services related to the agreement as a registry employee within the 30 days before the effective date of the agreement.

The registrar shall on an annual basis, or more frequently if required by the agreement, review the third party’s most recent performance under the agreement and if the cost efficiencies and other purposes for which the agreement has been entered into are not being realized, the registrar may terminate the agreement and recover all inventories, equipment, monies due and other items provided to the third party. An agreement may be amended from time to time.

All employees of a third party performing registry-related functions or having access to registry data or equipment shall be subject to all state and federal laws and regulations governing the protection of personal information. Fees collected by the third party on behalf of the registrar shall be deposited in the treasury of the commonwealth pursuant to section 34. An agreement shall ensure that the third party’s performance of registry-related functions is subject to periodic audits by registry staff and the state auditor.

SECTION 15. Section 142M of chapter 111 of the General Laws, as so appearing, is hereby amended by inserting after the word “exhaust”, in line 17, the following words:- or a device which analyzes a motor vehicle's computer system relating to emissions.

SECTION 16. Said section 142M of said chapter 111, as so appearing, is hereby further amended by striking out, in lines 19 and 20, the words “including, but not” and inserting in place thereof the following words:- which may include, but not be.
SECTION 17. Said section 142M of said chapter 111, as so appearing, is hereby further amended by striking out, in line 134, the word “shall” and inserting in place thereof the following word:- may.

SECTION 18. Said section 142M of said chapter 111, as so appearing, is hereby further amended by striking out, in line 174, the words “a private entity” and inserting in place thereof the following words:- 1 or more private entities.

SECTION 19. Said section 142M of said chapter 111, as so appearing, is hereby further amended by striking out, in line 229, the words “and (iv)” and inserting in place thereof the following words:- (iv) any motor vehicle that United States Environmental Protection Agency or California Air Resources Board new vehicle certification requirements do not require to be equipped with an onboard diagnostic system, as determined by the commissioner; and (v).

SECTION 20. Section 2 of chapter 121F of the General Laws, as so appearing, is hereby amended by inserting after the word “preservation”, in line 7, the following words:- , new construction.

SECTION 21. Said section 2 of said chapter 121F, as so appearing, is hereby further amended by inserting after the word “rehabilitation”, in line 10, the following words:- , new construction.

SECTION 22. Section 3 of said chapter 121F, as so appearing, is hereby further amended by inserting after the word “rehabilitation”, in line 39, the following words:- , new construction.

SECTION 23. Section 2 of chapter 258 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word “dollars” in line 9, the following words:- , except that all claims for serious bodily injury against the Massachusetts Bay Transportation Authority shall not be subject to a $100,000 limitation on compensatory damages.

SECTION 24. Section 6 of chapter 703 of the acts of 1963 is hereby amended by striking out the first sentence and inserting in place thereof the following 4 sentences:-

The Authority shall keep an accurate account of all its activities and of all its receipts and expenditures and shall annually in the month of January make a report thereof to the trustees, the governor, the state comptroller and the state auditor, such reports to be in a form prescribed by the trustees, with the written approval of said auditor. Without limiting the generality of the foregoing, the Authority shall keep an accurate account of the sufficiency of available funds to pay debt service on its outstanding indebtedness, including without limitation non-appropriated funds or revenues pledged by the trustees pursuant to section 18A of this act, and shall semiannually in the months of September and January make a report thereof to the trustees and the state comptroller. If the report described in the preceding sentence is not received by said comptroller during the month of September or January, as the case may be, said comptroller shall, as provided in said section 18A, prevent any amounts from being expended from the appropriation account of any state college until such time as the comptroller has determined whether there is an insufficiency of available funds to pay debt service. If such report indicates that there is an insufficiency of funds available to pay debt service, or if, in the absence of a report, the comptroller ascertains that there is such an insufficiency, the comptroller shall, within five days, but not later than the date specified in said section 18A, transfer amounts from the appropriation account of any applicable state college to cure such insufficiency.

SECTION 25. The first sentence of section 18A of said chapter 703, as so appearing, as most recently amended by section 10 of chapter 258 of the acts of 2008, is hereby further amended by striking out the word “may” and inserting in place thereof the following word:- shall.
SECTION 26. The second sentence of said section 18A of said chapter 703 is hereby further amended by striking out the word “may” and inserting in place thereof the following word:- shall.

SECTION 27. Said section 18A of said chapter 703 is hereby further amended by inserting after the third sentence the following 2 sentences:- Any agreement between the trustees and the Authority pursuant to this paragraph shall provide for the state comptroller to transfer amounts from applicable state college appropriation accounts as needed to prevent debt service payment defaults by the Authority, which provisions shall be acknowledged by the comptroller, and such amounts shall be disbursed, without further allotment, to the trustee under the trust agreement securing the applicable bonds. Such amounts shall be transferred not later than the applicable date for debt service fund deposits required by the trust agreement.

SECTION 28. Section 5 of chapter 344 of the acts of 2002 is hereby amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) The supplemental reserve fund sum for fiscal year 2004 shall be an amount equal to 0.25 per cent of the gross amount of the regional district budget for the prior fiscal years as determined by the director; the supplemental reserve fund sum for fiscal year 2005 shall be an amount equal to 0.50 per cent of the gross amount of the regional district budget for the prior fiscal year as determined by the director; the supplemental reserve fund sum for fiscal year 2006 shall be an amount equal to 0.75 per cent of the gross amount of the regional district budget for the prior fiscal year as determined by the director; the supplemental reserve fund sum for fiscal year 2007 shall be an amount equal to 1 per cent of the gross amount of the regional district budget for the prior fiscal year as determined by the director; and the supplemental reserve fund sum for fiscal years 2008 and 2009 shall be an amount equal to 1.5 per cent of the gross amount of the regional district budget for the prior fiscal year as determined by the director.

SECTION 29. Said section 5 of said chapter 344 is hereby further amended by adding the following subsection:-

(g) The Nashoba regional school district may use up to 25 per cent of the balance as of October 1, 2009 retained in the supplemental reserve fund under subsection (d) as a revenue source for the district budget in each of fiscal years 2010, 2011, 2012 and 2013. Any excess allowance from a previous fiscal year can be used in a subsequent fiscal year and any funds remaining as of July 1, 2013, may be used in a subsequent fiscal year for such purpose.

SECTION 30. Subsection (c) of section 83, of chapter 4 of the acts of 2003, as most recently amended by section 130 of chapter 25 of the acts of 2009, is hereby further amended by striking out the words, “Commonwealth Transportation Fund established in section 2zzz of chapter 29 of the General Laws” and inserting in place thereof the following words:- Central Artery and Statewide Road and Bridge Infrastructure Fund established under section 63 ½ of chapter 10 of the General Laws.

SECTION 31. Subsection (b) of section 88 of chapter 182 of the acts of 2008 is hereby amended by striking out the second sentence, as amended by section 27 of chapter 26 of the acts of 2009, and inserting in place thereof the following sentence:- Not less than $957,959,145 shall be transferred from the General Fund to the Commonwealth Care Trust Fund and not less than $47,996,382 shall be transferred from the Commonwealth Care Trust Fund to the Health Safety Net Trust Fund.

SECTION 32. Chapter 182 of the acts of 2008 is hereby amended by inserting after section 120 the following section:-

Section 120A. Section 44 shall take effect on July 1, 2009.
SECTION 33. Section 1 of chapter 306 of the acts of 2008 is hereby amended by striking out the words “Turnpike Authority”, each time they appear, and inserting in place thereof the following words: - Department of Transportation.

SECTION 34. Section 2 of said chapter 306 is hereby amended by striking out the definition of “Authority” and inserting in place thereof the following definition:-

“Authority,” the Massachusetts Department of Transportation.

SECTION 35. Section 11 of said chapter 306, is hereby amended by striking out the words “Turnpike Authority” and inserting in place thereof the following words: - Department of Transportation.

SECTION 36. Section 12 of said chapter 306, is hereby amended by striking out the words “transportation and public works” and inserting in place thereof the following words: - the Massachusetts Department of Transportation.

SECTION 37. Said chapter 306 is hereby further amended by inserting after section 12 the following section:-

Section 12½. The authority shall have no further obligation to pay any costs related to the operation, management, improvement or maintenance of the greenway and the other open space parcels.

SECTION 38. Chapter 25 of the acts of 2009 is hereby amended by striking out sections 9 and 126.

SECTION 39. Section 45 of said chapter 25 is hereby amended by striking out the definition of “agency” and inserting in place thereof the following definition:-

“Agency”, the Massachusetts Department of Transportation, the Massachusetts Port Authority, and the Massachusetts Bay Transportation Authority.

SECTION 40. Said section 45 of said chapter 25 is hereby further amended by striking out, in the definition of “project”, the words “a state” and inserting in place thereof the following word:- an.

SECTION 41. Subsection (c) of said section 45 of said chapter 25 is hereby further amended by striking out the first sentence and inserting in place thereof the following:- Whenever a project requiring architectural, engineering or related professional services is proposed for an agency, the agency shall provide no less than 14 days advance notice published in a professional services bulletin or advertised on the official agency website setting forth the projects and services to be procured.

SECTION 42. Section 122 of said chapter 25 is hereby amended by striking out the figure “2958” and inserting in place thereof the following figure:- 1958.

SECTION 43. Section 124 of said chapter 25 is hereby amended by striking out the words “the Massachusetts Department of Transportation”.

SECTION 44. Section 125 of said chapter 25 is hereby amended by adding the following words:-, or death.

SECTION 45. Said chapter 25 is hereby further amended by striking out section 129 and inserting in place thereof the following section:-

Section 129. Notwithstanding any other general or special law to the contrary, the Massachusetts Department of Transportation shall furnish or otherwise provide for the necessary flag protection on the railroad rights-of-way of the Massachusetts Bay Transportation Authority, which may be required when the department is performing inspection, maintenance and repair, reconstruction or replacement of any such bridges.
SECTION 46. Section 144 of said chapter 25 is hereby amended by striking out subsection (d) and inserting in place thereof the following subsection:

(d) Notwithstanding any general or special law to the contrary, all duly existing contracts, leases, and obligations of the authority regarding the bridge shall continue in effect and all rights and obligations thereunder shall transfer to the department on January 1, 2010 as the successor to the authority with respect thereto; provided, however, that all contracts and obligation related to any collective bargaining agreement shall be assumed by the Massachusetts Department of Transportation; and provided, further, that in the case of collective bargaining agreements, any obligations assumed by the Massachusetts Department of Transportation under said agreements shall expire on the stated date of expiration of such agreements. No existing right or remedy of any character shall be lost, impaired, or affected by this act. On and after the effected date of this act, the authority shall not amend existing or negotiate any new payment in lieu of tax (PILOT) agreements. Any PILOT payments that exist as of the effective date of this act shall continue to be paid by the authority until the transfer of the bridge is completed. Upon transfer of the bridge, the amount called for in the last payment of any PILOT still in effect as of the effected date of this act, whether that final payment was subsequently paid or is still due, shall be the basis for the conversion of PILOT payments into final, one-time payments calculated upon the present day value of a 25 year schedule of PILOT payments, and paid by the Massachusetts Department of Transportation to the receiving parties of the PILOT agreements. Once the final, one-time PILOT payments are made, the Massachusetts Department of Transportation shall not be required to enter into any new PILOT agreements.

SECTION 47. Section 148 of said chapter 25 is hereby amended by adding the following words:- Within 6 months of the effective date of this act, the Worcester city manager and the chief executive officer of the Massachusetts port authority in consultation with the appropriate representatives of the federal aviation administration must come to an agreement as to the fair market value of the property as an airport. If no agreement has been reached then 3 independent appraisers; one selected by the city manger of Worcester, one selected by the chief executive officer of the Massachusetts Port Authority, and one selected by the other 2 appraisers; shall each determine fair market value of the property as an airport, and the Massachusetts Port Authority shall pay the city the median of the 3 appraisals as compensation for the airport.

SECTION 48. Said chapter 25 is hereby amended by striking out section 160 and inserting in place thereof the following section:

Section 160. Notwithstanding any general or special law to the contrary, in making initial appointments to the board of directors of the Massachusetts Department of Transportation established in chapter 6C of the General Laws, the governor shall appoint 1 member for a term of 1 year, 1 member for a term of 2 years, 1 member for a term of 3 years, 1 member for a term of 4 years and 1 member for a term of 5 years.

SECTION 49. Section 2 of chapter 27 of the acts of 2009 is hereby amended by inserting after item 0610-0050 the following item:

0610-0060 For the costs associated with the investigation and enforcement division of the alcoholic beverages control commission’s implementation of the enhanced liquor enforcement programs, known as Safe Campus, Safe Holidays, Safe Prom, and Safe Summer; provided, that funds from this appropriation shall
not support other operating costs of item 0610-0050; and provided further, that said commission shall submit a report to the house and senate committees on ways and means not later than March 2, 2010 detailing the results of said program.

$100,000

SECTION 50. Item 0640-0300 of said section 2 of said chapter 27 is hereby further amended by striking out the words “and provided further, that the Local Cultural Council Grant Program shall provide a minimum grant of no less than the amount detailed in item 0640-0300 in section 2 of chapter 182 of the acts of 2008 per municipality”.

SECTION 51. Said section 2 of said chapter 27 is hereby further amended by striking out, in item 4580-1000, the words “each health insurance carrier, as defined in chapter 176O of the General Laws, that conducts business in the commonwealth shall contribute to the total amount determined by the department to be sufficient to cover the costs of purchasing and distributing childhood vaccines for children in this item; and provided further, that the division of health care finance and policy, in consultation with the department, shall specify by regulation the method of calculating a proportional contribution and procedures for payment of the contribution to the General Fund” and inserting in place thereof the following words:- the costs of purchasing and distributing childhood vaccines for children in this item may be assessed on surcharge payers under section 38 of chapter 118G of the General Laws and may be collected in a manner consistent with said chapter 118G.

SECTION 52. Item 6010-0001 of said section 2 of said chapter 27 is hereby amended by striking out the words “; provided, that no expenditures shall be made from the AA object code”.

SECTION 53. Said section 2 of said chapter 27 is hereby amended by striking out item 8000-0040 and inserting in place thereof the following item:-

8000-0040 For police career incentives to reimburse certain cities and towns for career incentive salary increases for police officers; provided, however, that regular full-time members of municipal police departments hired on or after July 1, 2009 shall not be eligible to participate in the career incentive pay program established pursuant to section 108L of chapter 41 of the General Laws; provided further, that any current regular full-time member of a municipal police department who has not enrolled in an education program for the purposes of participating in the career incentive pay program pursuant to said section 108L of said chapter 41 of the General Laws, as of October 1, 2009, shall not be eligible to participate in the career incentive pay program established pursuant to said section 108L of said chapter 41 of the General Laws.
Laws; provided further, that any current regular full-time member of a municipal police department who has begun to accumulate credit hours pursuant to said section 108L of said chapter 41 of the General Laws as of October 1, 2009 shall be allowed to accumulate the maximum number of credit hours for any eligible degree permitted pursuant to said section 108L of said chapter 41 of the General Laws; provided further, that any current regular full-time member of a municipal police department on active duty in the armed forces of the United States in any theater of operations from July 1, 2008 through September 1, 2009 who enrolls in an education program for the purposes of participating in the career incentive pay program pursuant to said section 108L of said chapter 41 no later than 4 months from the date of his return from active duty shall be allowed to accumulate the maximum number credit hours for any eligible degree permitted pursuant to said section 108L of said chapter 41; and provided further, that any permanent employee of a municipal police department appointed prior to October 1, 2009 and separated from employment pursuant to section 39 of chapter 31 of the General Laws may enroll in an education program for the purposes of participating in the career incentive pay program pursuant to said section 108L of said chapter 41 no later than 4 months from the date of his reinstatement.

SECTION 54. Section 128 of said chapter 27 is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:

(b) Notwithstanding any general or special law to the contrary, any current regular full-time member of the state police who has not enrolled in an education program for the purposes of participating in the career incentive pay program pursuant to said section 108L of said chapter 41, as of October 1, 2009, shall not be eligible to participate in the career incentive pay program established pursuant to said section 108L of said chapter 41; provided, however, that any current regular full-time member of the department of state police who has begun to accumulate credit hours pursuant to said section 108L of said chapter 41 of the General Laws as of October 1, 2009 shall be allowed to accumulate the maximum number of credit hours for any eligible degree permitted pursuant to said section 108L of said chapter 41; and provided further, that any current regular full-time member of the department of state police on active duty in the armed forces of the United States in any theater of operations from July 1, 2008 through September 1, 2009 who
enrolls in an education program for the purposes of participating in the career incentive pay
program pursuant to said section 108L of said chapter 41 no later than 4 months from the date of
his return from active duty shall be allowed to accumulate the maximum number of credit hours
for any eligible degree permitted pursuant to said section 108L of said chapter 41.

SECTION 55. Notwithstanding any general or special law to the contrary, an employee
transferred to the Massachusetts Department of Transportation pursuant to chapter 25 of the acts
of 2009 shall not be considered a new employee for salary, wage, tax, health insurance, Medicare
or any other federal or state purposes, but the employee shall retain the employee’s existing start
and hiring date, seniority and any other relevant employment status through the transfer.

SECTION 56. Notwithstanding any general or special law to the contrary, the comptroller shall
transfer any funds transferred to the Commonwealth Transportation Fund under section 168 of
chapter 25 of the acts of 2009 to the Central Artery and Statewide Road and Bridge
Infrastructure Fund established under section 63 ½ of chapter 10 of the General Laws.

SECTION 57. Wherever in any general or special law, regulation, contract, or other document
existing before November 1, 2009, the following words or phrases are used, these words and
phrases shall, unless the context otherwise clearly requires, have the following meanings
ascribed to them as of November 1, 2009: (1) “Massachusetts department of highways”,
“highway department” or “department”, intending to mean the department of highways, shall
mean the “Massachusetts Department of Transportation” established in chapter 6C of the
General Laws; and (2) “commissioner of the highway department”, “highway commissioner” or
“commissioner”, intending to mean the commissioner of the department of highways, shall mean
the “administrator of transportation for highways” pursuant to section 37 of chapter 6C of the
General Laws.

SECTION 58. Notwithstanding any general or special law to the contrary, the comptroller shall
not make the transfer established in section 63 of chapter 10 of the General Laws to the General
Fund for fiscal year 2009.

SECTION 59. Notwithstanding any general or special law or rule or regulation to the contrary,
any unexpended balances, not to exceed a total of $15,000,000, in items 4000-0600 and 4000-
0700 of section 2 of chapter 182 of the acts of 2008, shall not revert to the General Fund until
September 1, 2009, and may be used by the executive office of health and human services to pay
for services provided during fiscal year 2009.

SECTION 60. Notwithstanding any general or special law to the contrary, the comptroller shall
transfer not more than $46,000,000 from the General Fund to the State Lottery Fund, established
by section 35 of chapter 10 of the General Laws, to the extent necessary to eliminate a deficit
created by the payments made to cities and towns for fiscal year 2009. The comptroller shall
notify the secretary of administration and finance and the chairs of the house and senate
committees on ways and means of the amount of the transfer.

SECTION 61. Notwithstanding any general or special law to the contrary, a school district with a
project on the list created pursuant to the provisions of section 45 of chapter 208 of the acts of
2004 may expend a portion of the grant they may receive to comply with the remediation
requirements in 40 C.F.R. section 761.61; provided, however, that the provisions of chapter 70B
of the General Laws and any regulations related thereto shall continue to apply to a project
approved pursuant to said section 45 of said chapter 208; and provided further, that the
Massachusetts School Building Authority shall not be responsible for any costs or liabilities
incurred by the city of New Bedford for expenditures made to comply with 40 C.F.R. section 761.61.