

contributory retirement system, said Natick contributory retirement system may adopt a funding schedule established under subdivision (1) of said section twenty-two D of said chapter thirty-two which, notwithstanding the provisions of the first sentence of said subdivision (1) of said section twenty-two D, would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities; provided, however, that notwithstanding such acceptance of said section twenty-two D, said Natick contributory retirement system shall not be subject to the provisions of paragraph (e) of subdivision (4) of said section twenty-two D.

SECTION 2. Notwithstanding the provisions of clause (i) of paragraph (c) of subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety as the required payments into the pension fund of the Natick contributory retirement system for the fiscal year commencing July first, nineteen hundred and ninety-one, in accordance with said clause (i), shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirement of section one and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided, however, that any such schedule shall be submitted to said actuary on or before June first, nineteen hundred and ninety-two and the resulting revised appropriation shall be issued by said actuary no later than June fifteenth, nineteen hundred and ninety-two.

SECTION 3. This act shall take effect upon its passage.

Approved June 16, 1992.

Chapter 69.

AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY-TWO TO PROVIDE FOR SUPPLEMENTING CERTAIN APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act, the sums set forth in section two are hereby appropriated for the several purposes, and subject to the conditions, specified in chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one, including fund designations in said chapter one hundred and thirty-eight, and subject to the

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provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in said chapter one hundred and thirty-eight, for the fiscal year ending June thirtieth, nineteen hundred and ninety-two. The sums so appropriated are in addition to any amounts available for said purposes.

SECTION 2.**JUDICIARY.***Supreme Judicial Court.*

Item	
0321-0100	\$34,651
0321-1510	\$7,785,211

DISTRICT ATTORNEYS.

0340-0200	\$75,298
0340-0240	\$30,000

ATTORNEY GENERAL.

0810-0000	\$100,000
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EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.*Office of Employee Relations.*

1108-3200	\$2,835,000
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Public Employee Retirement Administration.

1108-6200	\$3,000,000
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Reserves.

1599-3384	\$1,341,762
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EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.*Commissioner of Veterans' Services.*

4170-0400	\$175,500
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Soldiers' Home in Chelsea.

4180-0100	\$250,000
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Soldier's Home in Holyoke.

4190-0100	\$231,626
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Department of Public Welfare

4402-5000	\$260,000,000
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4402-5002	\$17,000,000
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4403-2013	\$3,000,000
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4405-2000	\$11,000,000
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Department of Public Health.

4590-0900	\$4,565,585
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Department of Social Services.

4800-0041	\$4,302,000
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EXECUTIVE OFFICE OF PUBLIC SAFETY.*Military Division.*

8700-0001	\$83,000
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	<i>Emergency Management Agency.</i>	
8800-0001		\$130,000
	<i>Department of Correction.</i>	
8900-0001		\$4,625,797
	EXECUTIVE OFFICE OF ELDER AFFAIRS.	
9110-0100		\$80,000
	EXECUTIVE OFFICE OF CONSUMER AFFAIRS.	
	<i>Division of Banks.</i>	
9221-1000		\$520,000

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth and to meet certain requirements of law, the sums set forth herein shall be appropriated from the General Fund, unless specifically designated otherwise, and shall be for the several purposes and subject to the conditions specified herein and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one, for the fiscal year ending June thirtieth, nineteen hundred and ninety-two.

EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

Reserves.

Item		
0527-0000	For legal costs incurred	\$89,000
1599-2038	For the payment of deficiencies in certain appropriations for previous fiscal years, based upon schedules provided to the house and senate committees on ways and means; provided that the comptroller is hereby authorized to charge such payments to other items of appropriation and allocations thereof and to transfer from the amount appropriated herein to said items and allocations such amounts as are necessary to meet the cost of said charges; provided further, that said comptroller is authorized to allocate the amounts of such payments to the several state or other funds to which said payments would have been chargeable if appropriations had been available thereof	\$1,093,995

Reserves.

1599-2200	For an emergency reserve to fund grants to counties which would otherwise be unable to continue operations of jails and courthouses; provided, that no grant shall be awarded from this item to any county unless and until the commissioner of revenue has made a determination that said county's inability to continue operation of its jail and courthouse is directly attributable to lack of sufficient state appropriation to make adequate payments pursuant to section four of chapter twenty-nine A of the General	
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Laws; and provided further, that no grant shall be made from this item without the prior approval of the secretary for administration and finance \$4,425,000

General Fund 25.0%
Local Aid Fund 75.0%

1599-3852 For a reserve to meet the unanticipated expenses associated with extinguishing the fire at the Worcester State Hospital on July twenty-second, nineteen hundred and ninety-one; provided that these funds shall be distributed to the following fourteen communities for actual firefighting expenses incurred responding to said fire: Auburn, Grafton, Holden, Leicester, Millbury, Northborough, Paxton, Shrewsbury, Southborough, Sterling, Upton, Westborough, West Boylston and Worcester \$61,281

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

2200-0101 For payment by the department to the town of Brookfield for the state's agreed-to share of the cost of a flow barrier constructed at Lake Quacumquasit in Brookfield \$32,245

Metropolitan District Commission.

2440-1000 For the cost of repairs, renovations including, but not limited to, any necessary equipment for the Connell Recreation Complex \$80,000

EXECUTIVE OFFICE OF HUMAN SERVICES.

Commission for the Blind.

4110-1024 For the payment of prior-year medical claims \$3,200,000

Division of Youth Services.

4240-1000 For the costs of increases in night shift staffing, so-called, at the secure facilities of the department; provided, that the department is hereby authorized to charge salary costs for state employees compensated from item 4238-1000 of section two of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one to this item; provided further, that no funds from this item shall be expended for costs not directly attributable to increases in night shift staffing at the secure facilities of the department \$460,000

4406-5010 For the payment of prior fiscal year expenses for a program of medical services to general relief recipients; provided, that all expenditures made from this item shall be subject to the provisions of item 4406-5000 of section two of chapter one hundred and seventy-six of the acts of nineteen hundred and ninety-one, as amended by section six of chapter two hundred and fifty-five of the acts of nineteen hundred and ninety-one \$3,557,799

4800-0019 For the payment of prior fiscal year expenses for permanency services

to children in the care of the department, including the provision of adoption and guardianship subsidies; provided, that expenditures made from this item shall be subject to the provisions of item 4800-0020 of section two of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one. \$59,020

4800-0029 For the payment of prior fiscal year expenses for the provision of the foster care services to children in the care of the department; provided, that expenditures made from this item shall be subject to the provisions of item 4800-0030 of section two of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one \$356,000

Department of Social Services.

4800-0039 For the payment of prior fiscal year expenses for the provision of group care services to children in the care of the department; provided, that all expenditures made from this item shall be subject to the provisions of item 4800-0041 of section two of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one \$4,670,293

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

6030-7401 For expenses and losses incurred by Mason and Parker Manufacturing Company, in order to allow for repairs to the Route 12 Bridge (Whitney Bridge), Winchendon, by the Massachusetts Highway Department \$18,027

EXECUTIVE OFFICE OF EDUCATION.

Department of Education.

7061-0009 For the reimbursement to cities, towns, and regional school districts of the tuition in the public schools of any school age child placed elsewhere other than in his own home town by, or under the control of, the department of public welfare or the department of social services under the provisions of sections seven and nine of chapter seventy-six of the General Laws; provided that notwithstanding any general or special law to the contrary, the commonwealth's obligation shall not exceed the amount appropriated herein \$6,720,000

Local Aid Fund 100.0%

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

Office of the Secretary.

9000-1492 For the purposes of the Tall Ships/Christopher Columbus Quincentenary events, provided, that the secretary is hereby authorized to enter into interagency service agreements \$1,500,000

Department of Employment and Training.

9081-0350 For the purposes of a summer youth job program, including the costs of administering the program, provided that this appropriation shall expire on June thirtieth, nineteen hundred and ninety-three; provided that the city of Lynn be included in any expenditure of funds \$3,050,000

SECTION 3. Section 9 of chapter 15A of the General Laws, as appearing in section 7 of chapter 142 of the acts of 1991, is hereby amended by striking out clause (i) and inserting in place thereof the following clause:-

(i) develop a rational and equitable statewide tuition plan for the state colleges and the community colleges in the commonwealth, which plan shall take into account by type of institution, the per student maintenance costs and total mandated costs per student. The total mandated costs per student shall include the state appropriation, retained revenue, fringe benefits and ongoing maintenance. Said tuition plans shall include direct and indirect elements of the per student maintenance costs, including but not limited to, faculty and administrators that support an institution's primary mission of instruction; student admission services, and ongoing maintenance for classrooms, administrative buildings, libraries and laboratories. Said tuition plan shall include revised retention expenditure regulations which take into account the needs of said institutions with regard to personnel and utility costs. Said tuition plan shall further take into account the need to maximize student access to higher education regardless of a student's financial circumstances. The council shall issue regulations governing the implementation of such tuition plans by the state colleges and the community colleges. In the case of the university, the council shall review the recommendations of the board of trustees relative to tuition rates at said university and its campuses. Said tuition rates shall be subject to the approval of the council. The council shall establish final tuition rates for the subsequent academic years no later than fifteen days prior to the deadline for submission of state or federal financial aid applications by students attending the institutions of higher education set forth in section five. The council shall establish guidelines to be followed by each public institution of higher education relative to student charges and whether said charges should be classified as tuition or as fees. Said guidelines shall be based upon a study of tuition and fees which shall be conducted by the secretary and the council, and which shall be authorized by statute; provided, that fees as defined by said guidelines, shall not exceed twenty-five percent of total student charges for the state colleges and the community colleges.

SECTION 4. Section 150B of chapter 111 of the General Laws is hereby amended by striking out the last paragraph, as amended by section 18 of chapter 23 of the acts of 1992, and inserting in place thereof the following paragraph:-

Notwithstanding any provisions of this section to the contrary, this section shall

apply to the increase of capacity to store, treat, or dispose of any particular type of hazardous waste, unless such increase of capacity was approved by the department pursuant to chapter twenty-one C prior to the effective date of this paragraph, or unless an existing site assignment established pursuant to the requirements of this section provides for the conditions under which such increase of capacity shall be permitted.

SECTION 5. The second paragraph of section 29B of chapter 119 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences:- No such order may be issued unless the court has determined that, as appropriate, the department or its agent has made reasonable efforts prior to the placement of the child in foster care to prevent or to eliminate the removal of the child from his home; and, as appropriate, the department or its agent has made reasonable efforts after the placement of the child in foster care to make it possible for the child to return to his home. The court may, in its discretion, make its determinations concerning said reasonable efforts in written form, but, in the absence of a written determination to the contrary, it shall be presumed that the court did find that said reasonable efforts did occur.

SECTION 6. Said chapter 119 is hereby further amended by striking out section 29C, as so appearing, and inserting in place thereof the following section:-

Section 29C. Whenever a court of competent jurisdiction commits, grants custody or transfers responsibility of a child to the department or its agent, the court shall certify that the continuation of the child in his home is contrary to his best interests, and shall determine whether the department or its agent, as appropriate, has made reasonable efforts, prior to the placement of the child with the department, to prevent or eliminate the need for removal from his home; or shall determine whether the department or its agent, as appropriate, has made reasonable efforts to make it possible for the child to return to his parent or guardian. The court may, in its discretion, make its determinations concerning said reasonable efforts in written form, but, in the absence of a written determination to the contrary, it shall be presumed that the court did find that said reasonable efforts did occur.

SECTION 7. Item 2120-8777 in section 4 of chapter 481 of the acts of 1976, as amended by section 1 of chapter 287 of the acts of 1982, is hereby further amended by adding the following paragraph:-

To fulfill its obligations hereunder, the department of environmental management is hereby authorized to enter into an agreement with the town of Mashpee to transfer to said town an amount not to exceed six hundred and twenty thousand dollars from the funds appropriated herein to perform structural improvements on Great Oak Road.

SECTION 8. Section 3B of chapter 723 of the acts of 1983 is hereby amended

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by striking out item 8000-8841, as amended by section 72 of chapter 219 of the acts of 1991, and inserting in place thereof the following item:-

Item

8000-8841 For a study, and the preparation of plans, if necessary, and the construction of a facility to house the Eastern Massachusetts Medical Examiner and a facility for the State Crime Laboratory, including the cost of furnishings and equipment \$9,000,000

SECTION 9. Item 4402-5002 in section 2 of chapter 138 of the acts of 1991 is hereby amended by striking out, in line 1, the word "forty-three" and inserting in place thereof the word:- sixty.

SECTION 10. Item 4403-2013 in said section 2 of said chapter 138 is hereby amended by striking out, in line 1, the word "sixty-seven" and inserting in place thereof the word:- seventy.

SECTION 11. Item 4513-1012 in said section 2 of said chapter 138 is hereby amended by striking out the wording and inserting in place thereof the following:-

The commissioner of the department of public health may expend an amount not to exceed eleven million nine hundred thousand dollars from revenues received from the infant formula price enhancement system, hereby authorized, for the purpose of increasing the caseload of WIC programs.

SECTION 12. Item 4590-0900 in said section 2 of said chapter 138 is hereby amended by striking out, in lines 2 and 3, the words "fifty-one million two hundred ninety-five thousand one hundred and ninety-six" and inserting in place thereof the words:- fifty-five million eight hundred sixty thousand seven hundred eighty-one.

SECTION 13. Section 46 of chapter 142 of the acts of 1991 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The secretary and the council shall file a copy of said study, together with proposed legislation, with the clerks of the house of representatives and the senate, by October first, nineteen hundred and ninety-two. There shall be no implementation of said study's recommendations without prior statutory authorization.

SECTION 14. Section 2A of chapter 23 of the acts of 1992 is hereby amended by striking out item 7010-0001 and inserting in place thereof the following item:-

Item

7010-0001 For the expenses of the Frederick Sweetsir School \$86,000

SECTION 15. Item 8100-0015 in said section 2A of said chapter 23 is hereby amended by adding after the words "public safety" the words:- ; provided, further, that funds appropriated herein may also be used for the cost of conducting an entrance examination for the department of state police pursuant to section one hundred and ten of chapter four hundred and twelve of the acts of nineteen hundred and ninety-one; and provided, further, that the commissioner of public

safety may enter into an interagency service agreement with the department of personnel administration for the purpose of administering said examination.

SECTION 16. Section 52 of said chapter 23 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- A report of the findings and recommendations of said study shall be filed with the joint committee on criminal justice and the house and senate committees on ways and means, on or before July twenty-fourth, nineteen hundred and ninety-two.

SECTION 17. For the purpose of discharging a moral obligation of the commonwealth, there shall be allowed and paid out of the state treasury, subject to appropriation, to Ashmere Manor Nursing Home, Inc. the sum of one hundred and twenty-three thousand nine hundred and eighty-three dollars and thirty-five cents for medicaid reimbursements that were withheld in nineteen hundred and eighty.

SECTION 18. The division of capital planning and operations, is hereby authorized and directed to expend a sum not to exceed eighty-six million dollars for studies and the preparation of plans, if necessary, and for certain repairs, renovations and upgrading of the state house exterior building structure, building support systems, public and office spaces, and to improve the site and landscape, including the cost of furnishings and equipment; to be in addition to the amounts appropriated in item 1102-8842 of section two of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three, item 1102-9883 of section two of chapter five hundred and sixty-four of the acts of nineteen hundred and eighty-seven, and item 1102-7890 of section two D of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight.

SECTION 19. To meet the expenditures necessary in carrying out the provisions of section eighteen of this act, the state treasurer shall upon the request of the governor, issue and sell bonds of the commonwealth, in an amount to be specified by the governor from time to time, but not exceeding in the aggregate, the sum of eighty-six million dollars. All bonds issued by the commonwealth as aforesaid shall be designated on their face, State House Renovation and Improvement Act of 1992, and shall be issued for such maximum term of years, not exceeding twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and seventeen. All interest and payments on account of such obligations shall be payable from the General Fund.

Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 20. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purpose

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of meeting payments authorized by section eighteen of this act and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such time and at such rates as shall be fixed by the state treasurer. The notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal shall not be later than June thirtieth, two thousand and seventeen.

Notes and interest thereon issued under the authority of this section, notwithstanding any other provisions of this act, shall be general obligations of the commonwealth.

SECTION 21. The committee for public counsel services shall submit a report to the house and senate committees on ways and means by the first Wednesday in September, nineteen hundred and ninety-two. Said report shall detail rules and regulations to ensure fair and equal access to each qualified attorney so desiring public counsel appointments, and prevent any single attorney from having a disproportionate share of appointments. Said report shall also contain information on the average number of cases assigned per attorney, and the average dollar amount compensated by classified category. The committee for public counsel services shall also develop a policy for attorneys transferring cases prior to closure in accordance to court procedure.

SECTION 22. This act shall take effect upon its passage.

Approved June 16, 1992.

Chapter 70. AN ACT PROVIDING FOR A COST-OF-LIVING ADJUSTMENT FOR STATE AND MUNICIPAL RETIREES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for a cost-of-living adjustment for state and municipal retirees, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

In accordance with the provisions of section one hundred and two of chapter thirty-two of the General Laws, the retirement allowance, pension, or annuity of every former employee of the commonwealth or any county, city, town, district, housing or redevelopment authority, the Massachusetts Turnpike Authority, the Massachusetts Port Authority, the Blue Hills Regional Vocational School System, the Greater Lawrence Sanitary District, the Minuteman Regional Vocational