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the access of residents of the commonwealth to basic health care services is a natural, essential, and unalienable right which is protected by Article I of Part the First of the Constitution;

there live within the commonwealth many thousands of persons who lack access to basic health care services because they are not able to purchase health care insurance at a reasonable price or because they are restricted from purchasing health insurance by the practices of the insurance industry;

such lack of access to health care negatively affects the health status of the uninsured in the commonwealth by the delay or lack of medical treatments, thereby increasing the incidence of disease and illness in the commonwealth;

the cost of providing hospital care to the uninsured is a burden on the taxpayers and certain businesses in the commonwealth;

most businesses in the commonwealth assist their employees in the purchase of health care insurance and that many other businesses are precluded from providing such assistance because of economic and cost concerns; and

the inability of certain businesses to offer health insurance benefits to their employees is a hindrance to their ability to compete for capable employees in the labor market and therefore has a negative economic impact on the commonwealth.

Therefore, it is found that it is in the public interest of the commonwealth to promote the accessibility of health care services for all its citizens, a public purpose for which public money may be expended.

SECTION 34. Section sixteen of this act shall take effect on June thirtieth, two thousand two.

SECTION 35. Section three of this act shall take effect on October first, one thousand nine hundred ninety-six.

This bill was returned by the Governor to the House, the branch in which it originated, with his objections thereto, was passed by the House and Senate on July 24, 1996, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.

Chapter 204. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND NINETY-SIX 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 purpose, which is to immediately make or supplement appropriations for the fiscal year ending June thirtieth, nineteen hundred and ninety-six, and to make certain changes in the law, each of which is immediately necessary or appropriate to effectuate said appropriations or for other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriations acts for fiscal year nineteen hundred and ninety-six, the sums set forth in section two are hereby appropriated for the several purposes and subject to the conditions specified in said appropriations acts, and subject to the provisions of law regulating the disbursement of public funds, for the fiscal year ending June thirtieth, nineteen hundred and ninety-six. The sums so appropriated shall be in addition to any amounts available for the purpose.

SECTION 2.

JUDICIARY.

Board of Bar Examiners.

0321-0100 \$3,243

Committee for Public Counsel Services.

0321-1510 \$2,646,000

0321-1512 \$4,961,000

0321-1520 \$1,592,000

Social Law Library.

0321-2205 \$100,000

0321-2206 \$25,000

Trial Court.

0330-0400 \$250,000

DISTRICT ATTORNEYS.

Western District Attorney.

0340-0500 \$22,882

Plymouth District Attorney.

0340-0800 \$25,231

OFFICE OF THE SECRETARY OF STATE.

Secretary of State.

0511-0000 \$92,509

0517-0000 \$22,863

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Massachusetts Corporation for Educational Telecommunications.

1100-1400 \$1,700,000

Bureau of State Office Buildings.

1102-3302 \$600,000

Department of Revenue.

1233-2000 \$100,000

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	<i>Appellate Tax Board.</i>	
1310-1000	\$62,500
	<i>Department of Veterans' Services.</i>	
410-0010	\$25,000
	<i>Reserves.</i>	
1599-0036	.....	\$1,064,000
1599-2200	.....	\$1,300,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

	<i>Metropolitan District Commission.</i>	
2440-1210	.....	\$75,000
	<i>Department of Housing and Community Development.</i>	
3022-9108	.....	\$118,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

	<i>Holyoke Soldiers' Home.</i>	
4190-0100	.....	\$91,000
	<i>Department of Public Health.</i>	
4580-1000	.....	\$250,000
	<i>Department of Social Services.</i>	
4800-0150	.....	\$1,167,746

EXECUTIVE OFFICE OF EDUCATION.

	<i>Department of Education.</i>	
7052-0005	.....	\$1,820,227
7061-0011	.....	\$2,200,000
7061-9611	.....	\$275,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

	<i>Department of State Police.</i>	
8100-0001	.....	\$10,000,000
8100-0007	.....	\$435,000

EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT.

	<i>Department of Economic Development.</i>	
9000-1900	.....	\$1,120,000
9000-1920	.....	\$532,000
9000-2100	.....	\$84,000

LEGISLATURE.

	<i>House of Representatives.</i>	
9628-0020	.....	\$180,000

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 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 the general appropriation act or other appropriations acts for the fiscal year ending June thirtieth, nineteen hundred and ninety-six. The sums so appropriated shall be in addition to any amounts available for said purposes.

JUDICIARY.

Committee for Public Counsel Services.

0321-1509 For one-time program expenses associated with a juvenile offender certification and training program; provided, that said funding shall be available for expenditure only upon the effective date of the violent juvenile offender act, so-called; and provided further, that the funding herein shall be expended only on said program . . \$35,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Division of Capital Planning and Operations.

1102-3232 For the purpose of the demolition of an abandoned supermarket located near the town center in Bellingham and site improvements relevant thereto \$150,000

1102-9999 For costs associated with the removal of asbestos; provided, that an amount shall be expended for asbestos removal at Boston state hospital, Greenfield community college and the Fore River shipyard based on the priority needs and estimated costs of asbestos removal at said sites consistent with the amount appropriated herein \$7,250,000

Asbestos Cost Recovery Fund 100.0%

Reserves.

1599-3384 For a reserve for the payment of certain court judgments, settlements, and legal fees ordered to be paid in fiscal year nineteen hundred and ninety-seven or for a prior fiscal year, in accordance with regulations promulgated by the comptroller; provided, that the comptroller shall file a schedule of amounts paid from this item with the house and senate committees on ways and means; provided further, that an amount not to exceed twenty-six thousand three hundred dollars shall be expended for payments to Fore River shipyard workers pursuant to the agreement and stipulation of dismissal of appeal in the case of *Edward Madden, et. al. v. the commissioner of the department of employment and training*, Suffolk Superior Court C.A. No.87-14; provided further,

that Catuogno Court Reporting Services shall receive payment of outstanding bills if the comptroller and the chief justice for administration and management of the trial court certify that said bills comply with all provisions of law regulating the disbursement of public funds; provided further, that the commonwealth is hereby authorized and directed to pay out of the state treasury to Julian Bell, of the town of Peru, who, while an employee of the department of revenue, was suspended on March twenty-fifth, nineteen hundred and eighty-eight for an alleged violation of the conflict of interest laws and after a hearing with an arbitrator was ordered reinstated on September twenty-fifth, nineteen hundred and ninety, the sum of eighty-two thousand seven hundred twenty-three dollars, said monies representing payments for one hundred and thirty weeks lost wages, with accrued interest and a portion of such funds shall be allowed to replenish the retirement account of the said Julian Bell; provided further, that notwithstanding the provisions of any general or special law to the contrary, three thousand five hundred dollars shall be expended for the payment of a claim for reimbursement for damage caused by deer at Hamilton Orchard in the town of New Salem; and provided further, that twenty-four thousand six hundred and seventy-eight dollars shall be expended for the payment of a claim for damage caused by a deer to the property of Edward L. Britt \$10,000,000

1599-3788 For a reserve to meet the fiscal year nineteen hundred and ninety-five and nineteen hundred and ninety-six costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Massachusetts Correctional Officers Federated Union (unit four); provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments and benefits for fiscal years nineteen hundred and ninety-five and nineteen hundred and ninety-six where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund expenditures

from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers \$11,759,000

Collective Bargaining Reserve Fund 100.0%

1599-3789 For a reserve to meet the fiscal year nineteen hundred and ninety-seven costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Massachusetts Correctional Officers Federated Union (unit four); provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-seven such amounts as are necessary to meet the cost of said adjustments and benefits for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers \$14,288,000

Collective Bargaining Reserve Fund 100.0%

1599-3790 For a reserve to meet the fiscal year nineteen hundred and ninety-seven cost of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the National Association of Government Employees (units one and six); provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-seven such amounts as are necessary to meet the cost of said adjustments and benefits for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amount of said transfers \$23,179,000

Collective Bargaining Reserve Fund 100.0%

1599-3791 For a reserve to meet the fiscal year nineteen hundred and ninety-five and nineteen hundred and ninety-six costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the higher education coordinating council and the American Federation of State, County, and Municipal Employees, Council 93, Local 1067; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet the costs of said adjustments and benefits for fiscal years nineteen hundred and ninety-five and nineteen hundred and ninety-six where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers \$2,968,000

Collective Bargaining Reserve Fund 100.0%

1599-3792 For a reserve to meet the fiscal year nineteen hundred and ninety-seven cost of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the higher education coordinating council and the American Federation of State, County, and Municipal Employees, Council 93, Local 1067; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-seven such amounts as are necessary to meet the cost of said adjustments and benefits for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said

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transfers	\$3,417,000
Collective Bargaining Reserve Fund	100.0%
1599-3793 For a reserve to meet the fiscal year nineteen hundred and ninety-six cost of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the Service Employees International Union, Local 254, AFL-CIO; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments and benefits for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers	\$174,000
Collective Bargaining Reserve Fund	100.0%
1599-3794 For a reserve to meet the fiscal year nineteen hundred and ninety-seven cost of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the Service Employees International Union, Local 254, AFL-CIO; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-seven such amounts as are necessary to meet the cost of said adjustments and benefits for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers	\$204,000
Collective Bargaining Reserve Fund	100.0%

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- 1599-3795 For a reserve to meet the fiscal year nineteen hundred and ninety-six cost of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the higher education coordinating council and the Massachusetts Teachers Association/Association of Professional Administrators; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments and benefits for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers \$503,000
Collective Bargaining Reserve Fund 100.0%
- 1599-3796 For a reserve to meet the commonwealth's obligations pursuant to the provisions of section C.1 of article XIII of the collective bargaining agreement between the higher education coordinating council and the Massachusetts Teachers Association/Association of Professional Administrators; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal years nineteen hundred and ninety-six through nineteen hundred and ninety-eight such amounts as are necessary to meet the cost of said obligations for said fiscal years where the amounts otherwise available are insufficient for the purpose, in accordance with transfer plans which shall be filed in advance with the house and senate committees on ways and means; provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers; and provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and ninety-eight \$472,000
Collective Bargaining Reserve Fund 100.0%

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1599-3797 For a reserve to meet the fiscal year nineteen hundred and ninety-seven cost of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the higher education coordinating council and the Massachusetts Teachers Association/Association of Professional Administrators; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-seven such amounts as are necessary to meet the cost of said adjustments and benefits for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to thirteen and twenty-one one-hundredths percent of the amounts of said transfers \$1,516,000

General Fund	86.79%
Collective Bargaining Reserve Fund	13.21%

1599-3798 For a reserve to meet the fiscal year nineteen hundred and ninety-six cost of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the University Staff Association/Massachusetts Teachers Association/National Education Association; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments and benefits for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers \$468,000

Collective Bargaining Reserve Fund	100.0%
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1599-3799 For a reserve to meet the fiscal year nineteen hundred and ninety-seven cost of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the University Staff Association/Massachusetts Teachers Association/National Education Association; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-seven such amounts as are necessary to meet the cost of said adjustments and benefits for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers \$971,000

Collective Bargaining Reserve Fund 100.0%

1599-3804 For a reserve to meet the fiscal year nineteen hundred and ninety-five and nineteen hundred and ninety-six costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the American Federation of State, County, and Municipal Employees, Council 93, Local 1776; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet the costs of said adjustments and benefits for fiscal years nineteen hundred and ninety-five and nineteen hundred and ninety-six where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers \$656,000

Collective Bargaining Reserve Fund 100.0%

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- 1599-3805 For a reserve to meet the fiscal year nineteen hundred and ninety-seven cost of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the American Federation of State, County, and Municipal Employees, Council 93, Local 1776; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-seven such amounts as are necessary to meet the cost of said adjustments and benefits for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers \$744,000
 Collective Bargaining Reserve Fund 100.0%
- 1599-3858 For a reserve for the payment of costs associated with the partial final judgment pursuant to the settlement agreement with the *Massachusetts Soft Drink Association in Massachusetts Wholesalers of Malt Beverages, Inc., vs. Commonwealth*, Suffolk Superior Court C.A. No. 90-1523F \$7,316,861
- 1599-3910 For a reserve to meet the cost of the settlement agreement dated May sixth, nineteen hundred and ninety-six, between the commonwealth and the Massachusetts Nurses Association, unit seven; provided, that the secretary of administration and finance is hereby authorized to expend such amounts as are necessary to comply with the terms of said agreement \$3,627,278
- 1599-3911 For costs related to environmental remediation projects undertaken by state agencies pursuant to executive order three hundred fifty, the governor's clean state initiative; provided, that one million five hundred thousand dollars shall be expended in fiscal year nineteen hundred and ninety-seven for remediation efforts necessary at the Abigail Adams park \$3,500,000
- 1599-3913 For a reserve to meet extraordinary employee compensation and other costs in the fiscal year ending June thirtieth, nineteen hundred and ninety-seven associated with the reorganization of the secretariats, departments, and other agencies pursuant to the provisions of chapter one hundred and fifty-one of the acts of

nineteen hundred and ninety-six; provided, that the secretary of administration and finance is hereby authorized to expend from the sum appropriated herein, or to transfer to other items of appropriation and allocations thereof for fiscal years nineteen hundred and ninety-six and nineteen hundred and ninety-seven, such amounts as are necessary for such purposes; provided further, that said secretary shall file a report of all such expenditures and transfers with the house and senate committees on ways and means by January first, nineteen hundred and ninety-seven; provided further, that said report shall include the name and title of each employee whose vacation time, sick time, or other benefits are reimbursed from this item; provided further, that if the amount appropriated herein is insufficient to meet said extraordinary employee compensation and other costs in the fiscal year ending June thirtieth, nineteen hundred and ninety-seven, said secretary shall file a report with the house and senate committees on ways and means listing the names and titles of the remaining individuals scheduled to receive such compensation and the amounts which said individuals are owed by the commonwealth; and provided further, that forty-five thousand dollars shall be transferred from this item to item 4510-0100 of section two of chapter one hundred fifty-one of the acts of nineteen hundred and ninety-six for the purpose of administering programs transferred from the former department of medical security \$500,000

1599-4421 For a reserve to provide special, non-recurring payments to certain municipalities for the purpose of providing full or partial emergency disaster relief; provided, that not more than one million six hundred and four thousand dollars shall be paid to the city of Brockton and the towns of Abington, Avon, Bridgewater, Duxbury, East Bridgewater, Easton, Hanover, Hanson, Hingham, Holbrook, Hull, Kingston, Marshfield, Milton, Norwell, Pembroke, Plymouth, Plympton, Randolph, Rockland, Scituate, Sharon, Stoughton, West Bridgewater, Weymouth and Whitman for costs relating to damage caused by the May twenty-first, nineteen hundred and ninety-six windstorm, so-called, including, but not limited to, the extraordinary costs and expenses associated with the necessary cleanup and disposal of debris and to alleviate the danger and emergency posed by damaged and downed trees and limbs along public streets and ways and for the costs and expenses associated with bank erosion, debris removal and damage to local waterways; provided further, that said disaster

relief shall be available to said city and towns for both the costs previously incurred and those required to be incurred as certified by the Massachusetts emergency management agency; provided further, that said assistance shall be in the amount of one hundred percent of the total damage as certified by said Massachusetts emergency management agency; provided further, that reimbursements may be made from this item to those state agencies which incurred costs directly associated with the disaster relief efforts referenced herein subject to the approval of an allocation plan which shall be filed in advance with the house and senate committees on ways and means; provided further, that not more than one million seven hundred eighty-four thousand dollars shall be made available to the city known as the town of Methuen, the cities of Lawrence and Lowell, and other adjacent communities which incurred costs as a direct result of the fire at Malden Mills Industries, Incorporated, so-called, on December eleventh, nineteen hundred and ninety-five; provided further, that of said amount, one million six hundred eighty-four thousand dollars shall be made available to the city known as the town of Methuen; provided further, that prior to the expenditure of funds appropriated herein, the local governing authority of said cities and towns shall submit a report detailing said costs to the secretary of administration and finance which shall certify that said costs are reasonable and directly resulting from the said fire; provided further, that said report shall be filed with the house and senate committees on ways and means; provided further, that not more than three million seventy-four thousand dollars shall be paid to the towns of Conway, Leverett, Montague, Shutesbury, and Wendell, for costs relating to damage caused by the June thirteenth, nineteen hundred and ninety-six rainstorm, so-called, including, but not limited to, the extraordinary costs and expenses associated with the necessary repair of public streets and ways, including bridges and culverts, and for the costs and expenses associated with bank erosion, debris removal, and damage to local waterways; provided further, that said disaster relief shall be available to said towns for both the costs previously incurred and those required to be incurred as certified by the Massachusetts emergency management agency; provided further, that said assistance shall be in the amount of one hundred percent of the total damage as certified by said Massachusetts emergency management agency; provided further, that reimbursement may be made from this item to those state agencies which incurred

costs directly associated with the disaster relief efforts referenced herein subject to the approval of an allocation plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that not more than one hundred thousand dollars shall be paid to the towns of Russell, Blandford, Huntington, Montgomery, Southampton, and Cummington for costs related to damage and expenses incurred while fighting the Shatterack Mountain Fire, so-called, during the period September fifth, nineteen hundred ninety-five through September eighteenth, nineteen hundred ninety-five inclusive \$6,562,000

1599-8888 For the purposes of a loan to the city of Newton; provided, that funds appropriated herein shall be expended to defray a portion of the costs associated with the explosion of molten sodium on October twenty-fifth, nineteen hundred and ninety-three at the H.C. Starck, Inc. plant located at one hundred and fifty-two Charlmont street in Newton; provided, that said costs shall include, but not be limited to, payment of medical expenses pursuant to section one hundred of chapter forty-one of the General Laws, payment of medical expenses that may be incurred after the effective date of this act as a result of said explosion, payment of wages pursuant to section one hundred and eleven F of chapter forty-one of the General Laws, payment of overtime and replacement costs, and increases in unfunded pension liabilities due to unanticipated accidental disability retirement as provided in chapter thirty-two of the General Laws; provided further, that the city of Newton shall be free to allocate funds appropriated herein in its discretion to defray whichever costs it deems appropriate; and provided further, that the city of Newton shall repay said loan within ten years, or upon a recovery for damages equal to or in excess of the amount appropriated herein which the city of Newton actually receives from a third party as a result of the civil action captioned *City of Newton v H.C. Starck, Inc. and Bayer Corporation*, Middlesex Superior Court, C.A. No. 94-2947-D. \$2,600,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Environmental Protection.

2200-0001 For reimbursements to municipalities, authorities, water pollution control districts or other entities pursuant to grants previously made under the authority of chapter two hundred eighty-six of the acts of nineteen hundred and eighty-two, chapter seven hundred eighty-six of the acts of nineteen hundred and eighty-five, chapter

three hundred seven of the acts of nineteen hundred and eighty-seven, chapter seven hundred forty-seven of the acts of nineteen hundred and seventy, chapter four hundred six of the acts of nineteen hundred and seventy-eight, chapter two hundred thirty-three of the acts of nineteen hundred and eighty-four, and chapter five hundred sixty-four of the acts of nineteen hundred and eighty-seven; provided, that said reimbursements shall be consistent with the payment schedule of the department of environmental protection; provided further, that funds appropriated herein shall first be expended for reimbursement of those municipalities, authorities, water pollution control districts or other entities which were eligible for reimbursement in fiscal year nineteen hundred and ninety-six; and provided further, that reimbursements under this item shall be in partial satisfaction of amounts due pursuant to grants previously awarded to said municipalities, authorities, water pollution control districts or other entities under the above-referenced authorities \$30,000,000

Metropolitan District Commission.

2440-0110 For repairs to rinks and pools under the jurisdiction of the metropolitan district commission; provided, that notwithstanding the provisions of any general or special law, rule or regulation to the contrary, with respect to all activities, including procurement and contract management, required for the purposes of this item and funded by the amount appropriated herein, all authorities and responsibilities normally belonging to the division of capital planning and operations shall belong solely to the commission; provided further, that the commission shall conduct all such activities in a manner consistent with the best interest of the commonwealth and according to sound business practice; provided further, that the commission shall file bimonthly reports detailing all encumbrances and expenditures of funds appropriated herein, and the status of all repairs to be funded from this item, with the secretary of environmental affairs, the secretary of administration and finance, and the house and senate committees on ways and means; and provided further, that no funds appropriated herein shall be used for any personnel or administrative costs of the commission \$7,500,000

Highway Fund 60.0%
Local Aid Fund 40.0%

2440-0400 For the centennial celebration at Revere beach in the city of Revere; provided, that the commission shall negotiate an interagency service agreement with the department of state police and other

agreements with municipal police departments for the provision of said police details; and provided further, that up to fifty thousand dollars be provided for police details for the dedication of Memorial Bridge in the city of Springfield and the town of West Springfield \$175,000
 Highway Fund 60.0%
 Local Aid Fund 40.0%

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Division of Medical Assistance.

4000-0440 For the payment of prior fiscal year expenses for a program of medical services for disabled children and adults; provided, that all expenditures made from this item shall be subject to the provisions of item 4000-0430 of section two of chapter sixty of the acts of nineteen hundred and ninety-four; and provided further, that fifty-three thousand four hundred thirty-one dollars shall be made available for the funding of a head injury treatment program on Cape Cod serving the treatment needs of an individual with brain injury \$1,350,000

4000-0820 For a program of intergovernmental transfers of medicaid payments to certain hospitals established in accordance with Title XIX, federal regulations promulgated thereunder, the medicaid state plan and the terms and conditions of agreements reached between such hospitals and the division for such transfer payments; provided, that such funds may only be expended from this item for such payments owed during the current fiscal year; provided further, that an accounting of such payments shall be reported quarterly to the house and senate committees on ways and means; provided further, that not more than four million dollars shall be transferred to Springfield municipal hospital upon an agreement between the facility and the division of medical assistance; and provided further, that all revenues generated by said program shall be credited to the General Fund \$29,400,000
 Local Aid Fund 100.0%

Massachusetts Rehabilitation Commission.

4120-2001 For the Living Independently For Equality, Inc. of Brockton \$15,000

Department of Transitional Assistance.

4400-1001 The department of transitional assistance may expend an amount not to exceed nine hundred fifty-three thousand three hundred and sixty-five dollars received from the United States department of agriculture to expand the priority reporting integrated system match project, or PRISM, so-called, from the food stamp program

	to the transitional aid to families with dependent children program; provided, that the department shall file with the secretary of administration and finance and the house and senate committees on ways and means a report detailing changes in programmatic spending directly resulting from said expansion of the priority matching system, that shall include but not be limited to, the number of cases closed, the number and average value per case of benefit increases and reductions, the total value of any resulting savings in the transitional aid to families with dependent children program in fiscal year nineteen hundred and ninety-seven and any projected savings in fiscal year nineteen hundred and ninety-eight; and provided further, that said report shall be filed no later than June thirtieth, nineteen hundred and ninety-seven	\$953,365
4405-2010 For	the payment of prior fiscal year expenses for special grants recipients of the state supplemental security income program residing in rest homes; provided, that all expenditures made from this item shall be subject to the provisions of item 4405-2000 of section two of chapter sixty of the acts of nineteen hundred and ninety-four	\$300,000
4408-1010 For	the payment of prior fiscal year expenses of health services provided to recipients of emergency aid to the elderly, disabled, and children; provided, that all expenditures made from this item shall be subject to the provisions of item 4408-1000 of section two of chapter sixty of the acts of nineteen hundred and ninety-four	\$700,000

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways.

6037-9698 For	the construction and reconstruction of town and county ways pursuant to section one hundred sixty-six of this act	\$25,000,000
	Highway Fund	100.0%

Department of Education.

7061-9632 For	the pioneer valley regional education business alliance, so-called; provided, that a spending plan including revenues and expenditures from all funding sources shall be filed with the joint committee on education, arts, and humanities and with the house and senate committees on ways and means not later than September first, nineteen hundred and ninety-six	\$100,000
	Local Aid Fund	100.0%

Board of Higher Education.

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- 7066-0115 For the purposes of implementing section fifteen E of chapter fifteen A of the General Laws to encourage private fundraising by the commonwealth's public institutions of higher education; provided, that funds shall be disbursed on a quarterly basis in proportion to the amount of funds raised by each institution; and, provided further, that the board of education shall implement this program in a manner which ensures that each institution shall have an equal opportunity to secure matching funds from this item \$11,000,000
- 7514-0103 For an emergency reserve for unanticipated operating and maintenance expenses of Springfield technical community college in the acquisition of the Digital property, so-called; provided, that funds may only be expended from this item due to operating deficiencies resulting from cashflow shortfalls which may include rent arrearages or circumstances beyond the immediate control of said college; provided further, that no funds shall be expended from this item before April first, nineteen hundred and ninety-seven; provided further, that said college may not expend funds from this item until all amounts available in item 7514-0101 have been completely expended; and provided further, the comptroller shall not authorize expenditures from this item until an officer of said college submits written certification to the secretary of administration and finance stating the basis for said operating deficiency and assurances of compliance with the provisions of this item \$235,336

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Board of Building Regulations.

- 8000-0164 For the purpose of providing training and courses of instruction to persons appointed pursuant to section three of chapter one hundred and forty-three of the General Laws to prepare for the certification requirements established by paragraph (l) of section ninety-four of said chapter; provided, that the board of building regulations shall develop guidelines concerning the eligibility of said appointees for said training and courses of instruction; and provided further, that a reasonable fee may be charged to persons enrolled in said training and courses of instruction \$40,000

Department of State Police.

- 8100-0008 For the costs associated with providing state police patrols for properties of the metropolitan district commission located along Day Boulevard in the South Boston section of the city of Boston; provided, that such patrols shall be assigned between the hours of

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- eight post meridian and four ante meridian; and provided further, that such patrols shall be assigned nightly until November first, nineteen hundred and ninety-six \$35,000
Committee on Criminal Justice.
- 8600-0060 For the purchase and administration of sexual assault evidence collection kits \$25,000
Massachusetts Military Division.
- 8700-0003 For the state's proportional share of the operating and maintenance budget of the Massachusetts air national guard for fiscal year nineteen hundred and ninety-six \$250,000

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

Massachusetts Office of Business Development.

- 9000-1803 For the purposes of further developing a comprehensive redevelopment plan for the commercial use of the Kerr Mill site, so-called, in the city of Fall River; provided, that the Massachusetts office of business development is hereby authorized and directed to contract with the Massachusetts development finance agency, so-called, to undertake and complete said plan; provided further, that said plan shall provide for maximum private sector utilization and the financial feasibility of said redevelopment and include but not be limited to a plan for the acquisition of the property and a financial pro forma for potential use; and provided further, that said study shall be completed by December thirty-first, nineteen hundred and ninety-six \$25,000
Department of Employment and Training.
- 9081-0351 For a summer jobs youth-at-risk program; provided, that no funds appropriated herein shall be allotted or disbursed prior to the receipt of equal matching funds from private sources to any entity or municipality eligible for or requesting funds from this item; and provided further, that the secretary of administration and finance shall file with the house and senate committees on ways and means an allotment and disbursement plan for the funds appropriated herein prior to the allotment or expenditure of any said funds \$1,500,000

SECTION 2B.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Public Employees Retirement Administration.

- 1108-6201 \$1,500,000

SECTION 2C.I. For the purpose of making available in fiscal year nineteen

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hundred and ninety-seven balances of appropriations which would otherwise revert on June thirtieth, nineteen hundred and ninety-six, the unexpended balances of the maintenance appropriations listed below, not to exceed the amount specified below for each item, are hereby re-appropriated for the purpose of and subject to the conditions stated for the corresponding item in section two of chapter one hundred and fifty-one of the acts of nineteen hundred and ninety-six; provided, however, that for items which do not appear in said section two of said chapter one hundred and fifty-one, the amounts in this section are re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section two or two A of this act or in prior appropriations acts. Amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in said section two of said chapter one hundred and fifty-one; provided, that for items which do not appear in said section two of said chapter one hundred and fifty-one, the amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in section two or two A of this act or in prior appropriations acts. The sums re-appropriated herein shall be in addition to any amounts available for said purposes.

JUDICIARY.

Committee for Public Counsel Services.

0321-1509	.....	\$35,000
	<i>Social Law Library.</i>	
0321-2205	.....	\$100,000
0321-2206	.....	\$25,000
	<i>Trial Court.</i>	
0330-3001	.....	\$35,227
0337-0003	\$351,840

DISTRICT ATTORNEYS.

Berkshire District Attorney.

0340-1100	\$86,584
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EXECUTIVE.

0411-1000	\$1,500,000
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OFFICE OF THE SECRETARY OF STATE.

0511-0000	\$92,509
0517-0000	\$22,863
0521-0001	\$57,829

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Massachusetts Office for Educational Telecommunications.

1100-1400	\$1,700,000
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	<i>Fiscal Affairs Division.</i>	
1101-2100	\$125,000
	<i>Division of Capital Planning and Operations.</i>	
1102-3232	.....	\$150,000
1102-9999	.....	\$7,250,000
	<i>Department of Personnel Administration.</i>	
1108-1000	.....	\$463,000
	<i>Appellate Tax Board.</i>	
1310-1000	.....	\$62,500
	<i>Department of Veterans' Services.</i>	
1410-0010	.....	\$25,000
	<i>Reserves.</i>	
1599-0036	.....	\$1,064,000
1599-3384	.....	\$10,000,000
1599-3389	.....	\$7,062,085
1599-3787	.....	\$981,517
1599-3789	.....	\$14,288,000
1599-3790	.....	\$23,179,000
1599-3791	.....	\$2,968,000
1599-3792	.....	\$3,417,000
1599-3793	.....	\$174,000
1599-3794	.....	\$204,000
1599-3795	.....	\$503,000
1599-3796	.....	\$472,000
1599-3797	.....	\$1,516,000
1599-3798	.....	\$468,000
1599-3799	.....	\$971,000
1599-3800	.....	\$18,401,908
1599-3803	.....	\$3,474,814
1599-3804	.....	\$656,000
1599-3805	.....	\$744,000
1599-3854	.....	\$738,984
1599-3858	.....	\$7,316,861
1599-3910	.....	\$3,627,278
1599-3911	.....	\$3,500,000
1599-3913	.....	\$500,000
1599-4421	.....	\$6,562,000
1599-6500	\$1,800,000
1599-7500	\$3,459,040
1599-7501	\$2,828,222
1599-8888	\$2,600,000

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EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Environmental Management.

2100-0005 \$92,000

Department of Environmental Protection.

2200-0001 \$5,000,000

2200-0100 \$20,000

2200-1202 \$5,000

Department of Fisheries, Wildlife and Environmental Law Enforcement.

2320-0200 \$260,000

2330-0100 \$89,100

Metropolitan District Commission.

2440-0100 \$50,000

2440-0110 \$7,500,000

2440-0400 \$175,000

2440-1203 \$50,000

2440-1210 \$79,000

Department of Housing and Community Development.

3022-9108 \$118,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Division of Medical Assistance.

4000-0440 \$53,431

Massachusetts Rehabilitation Commission.

4120-2001 \$15,000

Department of Public Health.

4580-1000 \$250,000

Department of Social Services.

4800-0150 \$1,167,746

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways.

6037-9698 \$25,000,000

Department of Education.

7030-1000 \$3,000,000

7052-0005 \$1,820,227

7061-0011 \$2,200,000

7061-9611 \$275,000

7061-9632 \$100,000

Board of Higher Education.

7066-0115 \$11,000,000

7514-0103 \$235,336

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Board of Building Regulations and Standards.

8000-0164	.....	\$40,000
	<i>Department of State Police.</i>	
8100-0001	.....	\$10,000,000
8100-0008	.....	\$35,000
	<i>Department of Public Safety.</i>	
8314-1200	.....	\$5,100,000
	<i>Committee on Criminal Justice.</i>	
8600-0060	.....	\$25,000
	<i>Massachusetts Emergency Management Agency.</i>	
8800-0032	.....	\$173,969
8800-0050	.....	\$38,852
8800-0051	.....	\$410,670

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

Office of the Secretary.

9000-1806	.....	\$30,000
9000-1900	.....	\$1,120,000
9000-1920	.....	\$532,000
9000-2100	.....	\$84,000
	<i>Department of Employment and Training.</i>	
9081-0351	.....	\$1,500,000
9081-7012	.....	\$1,000,000

EXECUTIVE OFFICE OF ELDER AFFAIRS.

Office of the Secretary.

9110-0100	\$100,000
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LEGISLATURE.

House of Representatives.

9628-0020	\$180,000
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II. For the purpose of making available in fiscal year nineteen hundred and ninety-seven balances of retained revenue authorizations, so called, or of Intragovernmental Service Fund revenue authorizations, so-called, which otherwise would revert on June thirtieth, nineteen hundred and ninety-six, the unexpended balances of the authorizations listed below, not to exceed the amount specified below for each item, are hereby re-authorized for the fiscal year nineteen hundred and ninety-seven. Amounts so re-authorized for each such item in this section shall be for the purposes of and subject to the conditions stated in section two B of chapter one hundred and fifty-one of the acts of nineteen hundred and ninety-six. Amounts in this section are re-authorized from the fund

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or funds designated in said appropriation acts for each item and shall be in addition to any amounts available for said purposes.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

2001-1001 \$50,000

Department of Housing and Community Development.

3000-9315 \$40,600

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Department of Transitional Assistance.

4400-1001 \$953,365

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Department of Correction.

8900-0011 \$40,000

8900-0021 \$150,000

SECTION 3. Clause Twenty-sixth of section 7 of chapter 4 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out subclause (l) and inserting in place thereof the following subclause:-

(l) questions and answers, scoring keys and sheets, and other materials used to develop, administer or score a test, examination or assessment instrument; provided, however, that such materials are intended to be used for another, test, examination or assessment instrument.

SECTION 4. Chapter 6A of the General Laws is hereby amended by inserting after section 18F the following section:-

Section 18G. The statewide emergency telecommunications board shall require that each public safety answering point that possesses enhanced 911 service shall retain such tapes for a period of not less than six months; provided however, that said board shall require that if a public safety answering point utilizes a digital recording system, tapes shall be retained for a period of not less than one year; provided further, that the telephone companies shall be responsible for the costs associated with the purchase of additional recording media needed to fulfill the requirements of this section.

SECTION 5. The first paragraph of section 40J of chapter 7 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by adding the following sentence:- In the case of an agreement to rent property from a public agency where the lessee's interest is held by the organization of unit owners of a leasehold condominium created under chapter one hundred and eighty-three A, and time-shares are created in the leasehold condominium under chapter one hundred and eighty-three B, the provisions of this section shall not apply to an owner of a time-share in the leasehold condominium who (i) acquires the time-share on or after a bona fide arms length transfer of such time-share

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made after the rental agreement with the public agency is executed and (ii) who holds less than three percent of the votes entitled to vote at the annual meeting of such organization of unit owners.

SECTION 6. Section 35M of chapter 10 of the General Laws, as so appearing, is hereby amended by inserting after the word "board", in line 7, the following words:- for its operations and administration.

SECTION 7. Said section 35M of said chapter 10, as so appearing, is hereby further amended by adding the following sentence:- The board may incur expenses, and the comptroller may certify for payment, amounts in anticipation of expected receipts; provided, however, that no expenditure shall be made from said fund which shall cause said fund to be in deficit at the close of each fiscal year.

SECTION 8. Section 92 of chapter 13 of the General Laws, as so appearing, is hereby amended by inserting after the word "consecutive", in line 27, the following word:- three-year.

SECTION 9. The fourth sentence of clause (cc) of the first paragraph of section 9 of chapter 15A of the General Laws, inserted by section 51 of chapter 151 of the acts of 1996, is hereby amended by striking out the word "HEFA" and inserting in place thereof the words:- the board of higher education.

SECTION 10. Section 18A of chapter 21A of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) All receipts shall be deposited in the Safe Drinking Water Act Fund established pursuant to section two P½ of chapter twenty-nine, and used solely for the purposes set forth therein; provided, however, that receipts shall be used solely for administering said act and furthering its purposes. Any unexpended balance may be used to defray the amount of the assessment in future fiscal years. Regulations establishing the assessment pursuant to this section shall not be in effect in any fiscal year in which the department fails to provide from state funds, other than those collected under the terms of this section, a match of seventy-five percent of the amount of the federal grant attributable to the implementation of the act.

SECTION 11. Section 10 of chapter 22C of the General Laws, as so appearing, is hereby amended by striking out, in lines 7 and 8, the words "for terms not exceeding two years,".

SECTION 12. Said section 10 of said chapter 22C, as so appearing, is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

Except as otherwise provided, no officer appointed under this section shall be denied continued enlistment if he has served satisfactorily for six years or more; provided, however, that as a condition of such continued enlistment he shall undergo a biennial in-service medical and physical fitness examination and shall meet such in-service medical and physical fitness standards as prescribed by rules and regulations by the colonel to ensure that any such officer appointed under this section is physically able to perform the necessary duties and functions necessary to the normal operation of the department of state police. If

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any such officer fails to meet such in-service standards, he shall be eligible to undergo a reexamination within sixty days of the date of the in-service medical or physical fitness examination failed. If he fails the reexamination, he shall be eligible to undergo a second reexamination within ninety days of the date of the first reexamination. If he fails to pass the second reexamination, his continued enlistment shall be denied; provided, however, that if the failure to meet such in-service standards is due to a temporary injury, illness or incapacity, such officer shall continue to be employed with duties adapted to such injury, illness or incapacity until such time as such officer shall pass such in-service standards. An officer whose continued enlistment is denied because of his failure to meet such in-service medical or physical fitness standards shall not be presumed by virtue of said denial to be disabled for the purposes of chapter thirty-two.

SECTION 13. Section 22 of said chapter 22C, as so appearing, is hereby amended by striking out, in lines 9 to 11, inclusive, the words "on the anniversary date of such member's initial enlistment and no such member shall be reenlisted until such report has been submitted".

SECTION 14. Section 13C of chapter 23A of the General Laws, as amended by section 123 of chapter 151 of the acts of 1996, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The advisory commission shall have the following members; one representative of each of the following organizations: the Massachusetts Restaurant Association, the Massachusetts Lodging Association, the Massachusetts Cultural Council and the Massachusetts Historical Commission; one representative of a professional sport franchise located in Massachusetts, two representatives of the Massachusetts Visitor Industry Council; the chairmen of the boards of directors or their designees of the following regional tourism councils: the Berkshire Hills Visitors Bureau, Bristol County Convention and Visitors Bureau, Cape Cod Chamber of Commerce, Franklin County Chamber of Commerce, Plymouth Chamber of Commerce, Greater Boston Convention and Visitors Bureau, Worcester County Convention and Visitors Bureau, Martha's Vineyard Chamber of Commerce, Greater Merrimack Valley Convention and Visitors Bureau, Mohawk Trail Association, North of Boston Convention and Visitors Bureau, Greater Springfield Convention and Visitors Bureau, Plymouth County Development Council, Inc. and Nantucket Island Chamber of Commerce, and the following, who shall not serve as chair: the executive director of the Massachusetts Office of Travel and Tourism, the executive director of the Massachusetts Convention Center Authority or his designee, the executive director of Massport or his designee, the commissioner for the department of environmental management or his designee, and the house chair and senate chair of the joint committee on commerce and labor or their designees.

SECTION 15. Chapter 23B of the General Laws is hereby amended by striking out the title, as appearing in section 124 of chapter 151 of the acts of 1996, and inserting in place thereof the following title:-

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

SECTION 16. Said chapter 23B is hereby amended by striking out section 4, as

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appearing in section 126 of said chapter 151, and inserting in place thereof the following section:-

Section 4. There shall be established within the department such bureaus as the director shall from time to time deem necessary. All such bureaus shall be under the direction, control and supervision of the director, who may abolish or merge any such bureaus as he may deem advisable. The director shall prepare and maintain on a current basis a general statement of the organization of the department, of the assignment of functions to its various administrative units, officers and employees, and of the established places at which and the methods whereby the public may receive information or make requests. Such statement shall be known as the department's description of organization. A current copy of the description of organization shall be on file in the offices of the state secretary and in the executive office for administration and finance. Each bureau, subject to appropriation, shall be under the charge of a bureau chief, who shall be a person of skill and experience in the field of his appointment. The position of bureau chief shall not be subject to the provisions of section nine A of chapter thirty or chapter thirty-one, and persons shall be appointed to and may be removed from such position by the director.

SECTION 17. Chapter 29 of the General Laws is hereby amended by inserting after section 2P the following section:-

Section 2P½. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Safe Drinking Water Act Fund. There shall be credited to such fund any amounts collected pursuant to section eighteen A of chapter twenty-one A and any income derived from the investment of amounts credited to such fund. Amounts credited to such fund shall be used, subject to appropriation, for the purposes set forth in said section eighteen A of said chapter twenty-one A, including the payment of personnel fringe benefit costs pursuant to section five D.

SECTION 18. Section 6 of chapter 29C of the General Laws is hereby amended by adding the following paragraph:-

The board shall apply and disburse monies in the fund, or shall otherwise structure the debt service costs on loans made by the trust, to provide a subsidy or other assistance to local governmental units in the payment of debt service costs on such loans equivalent to a grant of twenty-five percent of the eligible costs on the project financed by the loan. Notwithstanding the foregoing, but subject to the limit on contract assistance provided in this section, all permanent loans for which the trust shall execute and deliver loan agreements on and after October first, nineteen hundred and ninety-five shall provide a subsidy or other assistance equivalent to a grant of fifty percent of the eligible costs of the project financed by the loan. To provide for such additional subsidy or assistance, in addition to the contract assistance provided in section six A, the state treasurer acting on behalf of the commonwealth shall enter into an agreement with the trust that the commonwealth shall provide contract assistance for debt service obligations on loans made by the trust up to a maximum amount of eight million dollars per fiscal year of the commonwealth for a period of fiscal years ending no later than June thirtieth, two thousand and twenty-five. Such contract assistance agreement shall provide for payments by the commonwealth to the trust

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at such times during each fiscal year and upon such terms and under such conditions as the trust may stipulate. No contract assistance shall be provided to subsidize debt service obligations payable more than twenty years after the first date of amortization of principal of the loan. The trust may pledge such agreements and the rights of the trust to receive amounts thereunder as security for payment of debt obligations issued to the trust.

SECTION 19. The last paragraph of paragraph (h) of subdivision (1) of section 4 of chapter 32 of the General Laws, added by section 2 of chapter 71 of the acts of 1996, is hereby amended by inserting after the words, "makeup payments", in the first sentence the following words:- , for each year of creditable service sought,.

SECTION 20. Subdivision (1) of section 12 of chapter 32 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by adding the following paragraph:-

For any member who is married, an election shall not be valid unless it is accompanied by the signature of the member's spouse indicating the member's spouse's knowledge and understanding of the retirement option selected. The retirement board shall provide the member and spouse with detailed information regarding the benefit option selected in order for the member and spouse to make an informed decision regarding said option. If any member who is married files an election which is not so accompanied the board shall within fifteen days notify the member's spouse by registered mail of the option election, and the election shall not take effect until it is accompanied by the signature of the member's spouse. Such election made prior to the spousal notification may be changed in accordance with the spouse's understanding of the retirement allowance selected or at any later time otherwise permitted under this chapter. Nothing in this paragraph shall be deemed to affect the effective date of any retirement allowance.

SECTION 21. Section 2 of chapter 40F of the General Laws is hereby amended by striking out the second paragraph, as appearing in section 193 of chapter 151 of the acts of 1996, and inserting in place thereof the following paragraph:-

The CDFC is hereby placed in the department of housing and community development but shall not be subject to the supervision and control of any executive office, department, division, commission, board, bureau or agency except to the extent and in the manner provided by law.

SECTION 22. The third paragraph of said section 2 of said chapter 40F is hereby amended by striking out the first sentence, as appearing in section 194 of said chapter 151, and inserting in place thereof the following sentence:- The corporation shall consist of nine directors, one of whom shall be the director of housing and community development, one of whom shall be the director of economic development, and one of whom shall be the secretary of administration, or his designee.

SECTION 23. Subsection (a) of section 3 of chapter 40H of the General Laws is hereby amended by striking out the second paragraph, as appearing in section 195 of said chapter 151, and inserting in place thereof the following paragraph:-

The corporation is hereby placed in the department of housing and community development but shall not be subject to the supervision or control of any executive office,

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department, division, commission, board, bureau or agency except to the extent and in the manner provided by law.

SECTION 24. Section 2 of chapter 70 of the General Laws is hereby amended by striking out the definition of "Municipal revenue growth factor", as appearing in section 219 of said chapter 151, and inserting in place thereof the following definition:-

"Municipal revenue growth factor", the change in local general revenues calculated by subtracting one from the quotient calculated by dividing the sum of (1) the maximum levy for the fiscal year estimated by multiplying the levy limit of the prior fiscal year by a factor equal to one hundred two and one-half percent plus the average of the percentage increases in the levy limit due to new growth adjustments over the last three available years as certified by the department of revenue or as otherwise estimated by the division of local services of the department of revenue where it appears that a municipality may not be entitled to increase its minimum levy limit by two and one-half percent; provided, however, that if the highest percentage during such three years exceeds the average of the other two years' percentages by more than two percentage points, then the lowest three of the last four years shall be used for such calculation; (2) the amount of general revenue sharing aid for the fiscal year; and (3) other budgeted recurring receipts not including user fees or other charges determined by said division of local services to be associated with the provision of specific municipal services for the prior fiscal year, by the sum of (1) the actual levy limit for the prior fiscal year; (2) the amount of general revenue sharing aid received for the prior fiscal year; and (3) other recurring receipts not including user fees or other charges determined by such division of municipal services to be associated with the provision of specific municipal services budgeted by the municipality for the fiscal year preceding the prior fiscal year, if any; provided, however, that for the purposes of this calculation, the levy limit shall exclude any amounts generated by overrides applicable to any year after the fiscal year ending June thirtieth, nineteen hundred and ninety-three; provided, further, that in the absence of an actual levy limit for the prior fiscal year, the actual levy limit for the prior fiscal year shall be estimated by multiplying the actual levy limit of the fiscal year preceding the prior fiscal year by a factor equal to one hundred two and one-half percent plus the average of the percentage increases in the levy limit due to new growth as specified above; provided, further, that such factor shall not be greater than the factor determined by subtracting one from the quotient calculated by dividing total state school aid for the current fiscal year by total state school aid for the prior fiscal year; and, provided, further, that in making any of the calculations required by this definition, said division of local services may substitute more current information or such other information as would produce a more accurate estimate of the change in a municipality's general local revenues and the department shall use such growth factor to calculate preliminary contribution, minimum contribution and any other factor that directly or indirectly uses the municipal growth factor.

SECTION 25. Section 8 of chapter 90B of the General Laws is hereby amended by striking out the words ", and such failure or refusal shall be admissible in any action by the registrar under this section or in any proceedings provided for in section twenty-four N of chapter ninety", inserted by section 239 of said chapter 151.

SECTION 26. Said section 8 of said chapter 90B is hereby amended by inserting after the word "admissible", in line 293, as appearing in the 1994 Official Edition, the following words:- , and such failure or refusal shall be admissible in any action by the registrar under this section or in any proceedings provided for in section twenty-four N of chapter ninety.

SECTION 27. Section 3A of chapter 100 of the General Laws is hereby amended by striking out, in lines 21 to 28, inclusive, as so appearing, the words "provided, however, that an auctioneer licensed by the commonwealth prior to the effective date of this act shall conform to all pertinent provisions of this chapter to retain his license within two years of the effective date of this act, provided, further, that if said auctioneer does not conform to said pertinent provisions of this chapter, said license shall be revoked and said individual shall not engage in the business of or act as an auctioneer in the commonwealth, directly or indirectly, either temporarily or as an incident to any other transaction".

SECTION 28. The second sentence of the second paragraph of section 7 of chapter 118G of the General Laws, as appearing in section 275 of chapter 151 of the acts of 1996, is hereby amended by striking out the word "three" and inserting in place thereof the following word:- four.

SECTION 29. Said section 7 of said chapter 118G of the General Laws, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

The provisions of this section shall not apply to acute or non-acute hospitals; provided, however, that the provisions of this section shall apply to acute and non-acute hospitals for services under the workers' compensation act.

SECTION 30. Section 8 of said chapter 118G, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Any provider of health care services that receives reimbursement or payment for treatment of injured workers under chapter one hundred fifty-two and any provider of health care services other than an acute or non-acute hospital that receives reimbursement or payment from any governmental unit for general health supplies, care and rehabilitative services and accommodations, shall, as a condition of such reimbursement or payment: (1) permit the division, or any designated representative thereof, the attorney general or his designee, to examine such books and accounts as may reasonably be required for it to perform its duties; (2) file with the division from time to time or on request, such data, statistics, schedules, or other information as it may reasonably require, including outcome data and such information regarding the costs, if any, of such provider for research in the basic biomedical or health delivery areas or for the training of health care personnel which are included in its charges to the public for health care services, supplies and accommodations; and (3) accept reimbursement or payment at the rates established by the division, subject to a right of appeal under section nine, as discharging in full any and all obligations of an eligible person and the governmental unit to pay, reimburse or compensate the provider of health care services in any way for general health supplies, care, and rehabilitative services or accommodations provided.

SECTION 31. Section 10 of said chapter 118G, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

All purchasers and third party payers, excluding purchasers and payers under the workers' compensation act, except as provided in chapter one hundred fifty-two, may enter into contractual arrangements with acute and non-acute hospitals for services. No such arrangement, including but not limited to prices or charges which may be charged for non-contracted services or which may be negotiated in individual contracts between such purchasers or third party payers and such acute or non-acute hospitals, shall be subject to prior approval by any public agency; provided, however, that nothing in this section or chapter shall limit the authority of the division to establish rates of payment for all health care services adjudged compensable under chapter one hundred fifty-two, and provided, further, that charges established by an acute or non-acute hospital for health care services rendered shall be uniform for all patients receiving comparable services.

SECTION 32. Section 1 of chapter 121B of the General Laws is hereby amended by striking out the words "division of housing and community development", inserted by section 279 of said chapter 151, and inserting in place thereof the words:- department of housing and community development.

SECTION 33. Chapter 131 of the General Laws is hereby amended by inserting after section 17 the following two sections:-

Section 17A. Any city or town clerk issuing any license under the authority of any provision of this chapter shall, except as otherwise provided by law, charge a municipal processing fee of one dollar, and where applicable retain such fee; provided, however, that such fee shall be in addition to the fee provided under section seventeen of this chapter. Any other person duly authorized by the director to issue licenses at their place of business, provided such persons are duly bonded, may charge a service fee of up to one dollar and fifty cents for the sale of each such license. No person issuing any license under the authority of this chapter shall make a charge for the issuance thereof nor charge any service charge if no fee is required to be paid for the issuance of a license. The director is authorized to enter into agreements for the sale of licenses through other means that shall be subject to a service charge which shall be determined annually by the secretary of administration and finance under the provisions of section three B of chapter seven. The director shall cause to be printed and otherwise published upon its licenses and within its publications a notice of the fees charged pursuant to this section and section seventeen.

Section 17B. Notwithstanding the provisions of any general or special law, or rule or regulation to the contrary, no city or town clerk shall be required to sell the licenses established under this chapter. Each city or town clerk shall, on or after July first of each year, give annual notice of an intention not to sell said licenses to the director on a form prescribed by the director. Said notice not to sell licenses shall only be effective if received by the director by July thirty-first each year; provided, however, that the failure of a city or town clerk to so notify the director of an intention not to sell shall be construed as an intention to sell said licenses during the next calendar year. Where said notice not to sell licenses is received in a timely manner, the director shall not forward for sale in the next year

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any licenses to the sender of such notice.

SECTION 34. The second paragraph of section 51 of chapter 132 of the General Laws, as appearing in section 292 of chapter 151 of the acts of 1996, is hereby amended by striking out the second and third sentences and inserting in place thereof the following new sentences:- Said board shall consist of not more than eighteen members, including the president of Mount Wachusett community college, the chief forester of the department of environmental management, the chief forester of the metropolitan district commission, the extension forester at the university of Massachusetts; the forest industry specialist at the Massachusetts office of business development, and the forest products and processing specialist of the Northeastern division of the division of state and private forestry of the United States Forest Service. The president of Mount Wachusett Community College shall appoint three additional members, one from each of the following organizations: the Massachusetts Wood Products Manufacturers Association, the Massachusetts Wood Producers Association, and the Massachusetts Timber Harvesters Association, and may appoint one additional member at his discretion.

SECTION 35. The fourth paragraph of section 23 of chapter 138 of the General Laws, as amended by section 294 of chapter 151 of the acts of 1996, is hereby further amended by striking out the words "as stipulated by the alcoholic beverages control commission not to exceed two thousand dollars" and inserting in place thereof the following words:- which shall be promulgated by the alcoholic beverages control commission.

SECTION 36. Section 13 of chapter 152 of the General Laws, as amended by section 12 of chapter 120 of the acts of 1995, is hereby further amended by striking out subsection (1) and inserting in place thereof the following subsection:-

(1) The rate of payment by insurers for health care services adjudged compensable under this chapter shall be established by the division of health care finance and policy under the provisions of chapter one hundred and eighteen G; provided, however, that a different rate for services may be agreed upon by the insurer, the employer and the health care service provider.

Except as provided above, no insurer shall be liable for hospitalization expenses adjudged compensable under this chapter at a rate in excess of the rate set by the said division, or for other health services in excess of the rate established for that service by the said division, regardless of the setting in which the service is administered; provided, however, that the amount required to be reimbursed by insurers to hospitals for outpatient physical, occupational and speech therapy services only (codes 178010 through 178013, 178050 through 178053, and 178090 through 178093, inclusive) shall be the higher of:

(a) the amount required by the said division to be reimbursed by insurers to non-hospitals for the above-mentioned outpatient physical, occupational and speech therapy services; and

(b) either the amount which can be derived from the ratio of total costs to total charges calculated for the hospital requesting reimbursements, in accordance with methods utilized by the said division to determine payment on account factors for hospitals subject to chapter one hundred and eighteen G, or ninety-five percent of the rates payable to such

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hospital for such services on May fifteenth, nineteen hundred and ninety-five, whichever is the lower amount.

Requests for reimbursement for health services under this chapter shall be signed by the person performing such service and shall be accompanied by a detailed description of the service rendered as well as the name and licensure number of the person performing such service. All health services provided under this chapter shall be subject to the provisions of section three of chapter one hundred and seventy-five H and 42 CFR 1001.951-1001.953, the so-called "safe harbor regulations" as adopted by the federal government on July twenty-ninth, nineteen hundred and ninety-one. No employee shall be liable for health care services adjudged compensable under this chapter.

Except with respect to rates to be paid for health care services, as defined in said chapter one hundred and eighteen G, which shall be reviewable under said chapter one hundred and eighteen G, the commissioner shall by rule establish procedures for determining whether or not the charge for a health service is excessive. In order to accomplish this purpose, the commissioner shall consult with insurers, associations and organizations representing the medical and other providers of treatment services, and other appropriate groups. The charges for such health services shall be reasonable.

SECTION 37. Section 234 of chapter 160 of the General Laws is hereby amended by adding the following paragraph:-

For the purposes of this section, the words "tourist railroad" shall include any person, railroad, corporation or other entity engaged in "tourist rail operations". The words "tourist rail operations" shall include all services and activities by a tourist railroad in connection with the transportation of passengers for purposes of tourism or excursions, including, but not limited to, the operation of trains, trackage, and equipment, or the use or maintenance of railroad equipment, tracks, and any pertinent facilities, including equipment, tracks, or facilities of a rail facility provider. The words "rail facility provider" shall include any person, railroad, corporation, or other entity providing rail facilities for use by a tourist railroad for purposes of tourist rail operations.

Agreements between a tourist railroad and a rail facility provider for the conduct of tourist rail operations shall provide that the tourist railroad shall secure and maintain a comprehensive general liability insurance policy covering the liability of the tourist railroad and the rail facility providing for any and all property damage, personal injury, bodily injury, and death arising out of any cause whatsoever, regardless of degree of fault, in the performance of such tourist operations. Such insurance policy shall include coverage for employees subject to the provisions of the Federal Employers Liability Act, 45 USC Sec. 51 et seq. Such policy shall name the tourist railroad and the rail facility provider as named insureds shall have policy limits of not less than three million dollars per occurrence and three million dollars in the aggregate and may be subject to a reasonable self-insured retention. In no event shall the tourist railroad or the rail facility provider be liable in excess of the coverage limits of such insurance policy for any and all claims whether compensatory or punitive for property damage, personal injury, bodily injury, or death arising out of such tourist rail operations.

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SECTION 38. Section 163 of chapter 175 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by inserting after the word "succeeding", in line 38, the following words:- three year.

SECTION 39. Section 8 of chapter 200A of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) The treasurer shall cause a notice to be published, not later than March first or, in the case of life insurance companies, September first of the same year following the report, at least once a week for two consecutive weeks in a newspaper of general circulation which is printed in English in each county in which an apparent owner had a last known address.

SECTION 40. Paragraph (b) of said section 8 of said chapter 200A, as so appearing, is hereby amended by striking out, in line 16, the words "and the last known addresses, if any,".

SECTION 41. Section 12 of chapter 211D of the General Laws, as amended by section 475 of chapter 151 of the acts of 1996, is hereby further amended by inserting after the fourth sentence the following sentence:- The amount of payment for invoices received by the chief counsel more than thirty days after the final disposition of the case or more than thirty days after the end of the fiscal year shall be reduced by five percent.

NO SECTION 42.

SECTION 43. The first paragraph of section 3 of chapter 708 of the acts of 1966 is hereby amended by striking out the first sentence, as amended by section 502 of chapter 151 of the acts of 1996, and inserting in place thereof the following sentence:- There is hereby created and placed in the department of housing and community development a body politic and corporate to be known as the Massachusetts Housing Finance Agency, which shall not be subject to the supervision or control of any executive office, department, division, commission, board, bureau or agency except to the extent and in the manner provided by law.

SECTION 44. The second paragraph of said section 3 of said chapter 708 is hereby further amended by striking out the words "deputy director of housing and community development", inserted by section 503 of chapter 151 of the acts of 1996, and inserting in place thereof the following words:- director of housing and community development.

SECTION 45. The first sentence of the first paragraph of section 3 of chapter 846 of the acts of 1974 is hereby amended by striking out the first sentence, as amended by section 504 of said chapter 151, and inserting in place thereof the following sentence:- There is hereby created in the department of housing and community development a body politic and corporate to be known as the Massachusetts Home Mortgage Finance Agency, which shall not be subject to the supervision or control of the department of housing and community development or of any department, division, commission, board, bureau or agency of the commonwealth except to the extent and in the manner provided in this act.

SECTION 46. The second paragraph of section 2 of chapter 212 of the acts of 1975

is hereby further amended by striking out, in the first and third sentences, the words "deputy director of housing and community development", as amended by section 505 of chapter 151 of the acts of 1996, and inserting in place thereof the following words:- director of housing and community development.

SECTION 47. Paragraph (a) of the second paragraph of section 35 of chapter 405 of the acts of 1985 is hereby amended by striking out the third sentence, as amended by section 506 of said chapter 151, and inserting in place thereof the following sentence:- The MHPFB is hereby placed in the department of housing and community development but shall not be subject to the supervision or control of any executive office, department, division, commission, board, bureau or agency of the commonwealth except to the extent and in the manner provided by law.

SECTION 48. The second sentence of the first paragraph of section 2 of chapter 405 of the acts of 1987 is hereby amended by striking out, the words "deputy director of housing and community development", inserted by section 507 of chapter 151 of the acts of 1996, and inserting in place thereof the following words:- director of housing and community development.

SECTION 49. Chapter 153 of the acts of 1992 is hereby amended by striking out section 58 and inserting in place thereof the following section:-

Section 58. Notwithstanding the provisions of section three B of chapter seven of the General Laws, the secretary of administration and finance shall establish the fee charged on licenses issued for a period of three years, other than licenses limited to life or accident and health insurance, pursuant to section one hundred sixty-three of chapter one hundred and seventy-five at two hundred and twenty-five dollars. Fees for licenses which are issued for greater or lesser periods of years shall be calculated at the rate of seventy-five dollars for each year of the duration of the license. The secretary shall authorize and assist the division of insurance to establish a procedure whereby a company may be issued a single notice for collection of all fees due for all licenses and renewals issued under said section one hundred sixty-three on an annual basis, but in no case shall any current or future fee collection procedure require agent licensing or relicensing on an annual basis.

SECTION 50. Section 9 of chapter 300 of the acts of 1992 is hereby amended by striking out the words "and ninety-six", inserted by section 16 of chapter 4 of the acts of 1995, and inserting in place thereof the following words:- two thousand.

SECTION 51. Item 0321-1510 of section 2 of chapter 38 of the acts of 1995 is hereby amended by striking out the word "only" and inserting in place thereof the following words:- and prior year's bills.

SECTION 52. Said item 0321-1510 of said section 2 of said chapter 38 is hereby further amended by inserting after the words "to item 0321-1512" the following words:- and to item 0321-1520.

SECTION 53. Item 0321-1512 of said section 2 of said chapter 38 is hereby amended by striking out the word "only" and inserting in place thereof the following words:- and prior year's bills.

SECTION 54. Said item 0321-1512 of said section 2 of said chapter 38 is hereby

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further amended by inserting after the words "to item 0321-1510" the following words:- and to item 0321-1520.

SECTION 55. Item 0321-1520 of said section 2 of said chapter 38 is hereby amended by striking out the word "only" and inserting in place thereof the following words:- and prior year bills; provided, further, that the chief counsel may transfer funds to item 0321-1510 and to item 0321-1512 as necessary, pursuant to schedules submitted to the house and senate ways and means committees thirty days prior to any such transfer.

SECTION 56. Item 0699-0015 of said section 2 of said chapter 38 is hereby amended by striking out the words "Highway Fund 25.01%" and inserting in place thereof the following words:- Infrastructure Fund 25.01%.

SECTION 57. Said section 2 of said chapter 38 is hereby further amended by inserting after item 2340-9701 the following item:-

2350-0106 For the purposes of a federally funded grant entitled, Fisheries Enforcement Support Services \$200,000
General Federal Grants Fund 100.0%

SECTION 58. Item 6010-0001 of said section 2 of said chapter 38 is hereby amended by striking out the figure "56,633,345" and inserting in place thereof the following figure:- 56,373,071.

SECTION 59. Item 6010-1009 of said section 2 of said chapter 38 is hereby amended by striking out the figure "527,000" and inserting in place thereof the following figure:- 787,274.

SECTION 60. The fourth paragraph of section 347 of said chapter 38 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- On or before December thirty-first, nineteen hundred and ninety-six, the commission shall issue a final report containing findings and recommendations regarding regionalization, joint or cooperative agreements, and improved coordination of local government services in the Greater Boston area.

SECTION 61. Item 4000-0823 of section 2A of chapter 120 of the acts of 1995 is hereby amended by adding the following words:- ; provided further, that not more than three hundred thousand dollars shall be paid to any nursing home transferred to a new owner in nineteen hundred and ninety-two consistent with the provisions of section sixty-eight of chapter one hundred and twenty-six; and provided further, that the division is authorized and directed to make said payment in the absence of federal financial participation.

SECTION 62. Section 82 of said chapter 120 is hereby amended by striking out the last sentence.

SECTION 63. Section 86 of said chapter 120 is hereby amended by striking out the last two sentences and inserting in place thereof the following three sentences:- Said special commission is hereby authorized to grant from the amount appropriated for its use a sum not to exceed five thousand dollars to the Plymouth Memorial Hall task force, said grant will be for the preparation of a master plan for the rehabilitation of Memorial Hall in the town of Plymouth. Said commission shall file a report with the clerks of the senate and house of representatives, including its recommendations, any proposed legislation, and an accounting

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of all funds received and expended, not later than the last Wednesday in December, nineteen hundred and ninety-seven. Said commission shall terminate upon filing the above mentioned report.

SECTION 64. Item 1599-3771 of section 2 of chapter 269 of the acts of 1995 is hereby amended by adding the following words:- ; and provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and ninety-eight.

SECTION 65. Item 0332-7600 of section 2 of chapter 151 of the acts of 1996 is hereby amended by adding the following words:- ; provided further, that two additional procedure clerk I positions shall be appointed and funded from this item during fiscal year nineteen hundred and ninety-seven.

SECTION 66. Item 0332-8000 of section 2 of said chapter 151 is hereby amended by striking out the word "domestic" and inserting in place thereof the following word:- substance.

SECTION 67. Item 0411-1000 of said section 2 of said chapter 151 is hereby amended by adding the following words:- provided, however, that fifty thousand dollars shall be provided to the Advisory Council on Alzheimer's Disease, established pursuant to section one hundred fifty-one of this act, so-called, for the purpose of advising the commonwealth's secretariats, departments, agencies and institutions of the commonwealth on matters of policy, programs, services and information affecting residents of the commonwealth with demential related illness; provided, further, that said funds shall not be used to develop new programs with continuing expenses; and, provided further, that funding for said purpose shall expire on June thirtieth, nineteen hundred and ninety-eight.

SECTION 68. Said section 2 of said chapter 151 is hereby further amended by striking out item 0810-0338 and inserting in place thereof the following item:-
0810-0338 For the investigation and prosecution of automobile insurance fraud;
provided, that notwithstanding section three of chapter three hundred and ninety-nine of the acts of nineteen hundred and ninety-one, the amount assessed pursuant to said section for the cost of this program shall be two hundred and fifty thousand dollars \$252,597

SECTION 69. Said section 2 of said chapter 151 is hereby further amended by striking out item 0810-0399 and inserting in place thereof the following item:-
0810-0399 For the investigation and prosecution of workers compensation fraud;
provided, that notwithstanding section three of chapter three hundred and ninety-nine of the acts of nineteen hundred and ninety-one, the amount assessed pursuant to said section for the cost of this program shall be two hundred and fifty thousand dollars; provided further, that the attorney general is hereby authorized and directed to investigate and prosecute where appropriate employers who fail to provide workers' compensation insurance in accordance with the laws of the commonwealth; and provided further, that said unit shall investigate and report on all

companies not in compliance with chapter one hundred and fifty-two of the General Laws \$422,072

SECTION 70. Said section 2 of said chapter 151 is hereby further amended by inserting after item 1000-0001 the following item:-

1000-0004 The office of the comptroller is authorized and directed to expend an amount not to exceed twenty thousand dollars from fees collected from vendors who participate in training on statewide financial systems, including but not limited to the Massachusetts management accounting and reporting system; provided, that said office is further authorized and directed to provide such training, offer sessions to vendors who do business with the commonwealth, and establish and charge a reasonable fee for such training \$20,000

SECTION 71. Item 1100-1400 of said section 2 of said chapter 151 is hereby amended by adding the following words:- provided further, that Massachusetts corporation for educational telecommunications shall file with the clerks of the senate and house of representatives, no later than November first, nineteen hundred and ninety-six, a comprehensive report outlining steps planned and taken toward the privatization of the agency including but not limited to federal grant funding sources as well as corporate and foundation support.

SECTION 72. Said section 2 of said chapter 151 is hereby amended by inserting after item 1231-1000 the following two items:-

1231-1010 For an additional contribution to the sewer rate relief fund established by section two Z of chapter twenty-nine of the General Laws; provided, that not less than one hundred and fifty thousand dollars shall be expended from this item for a study of water and sewer needs in the towns of Wilbraham and South Hadley and in the city of Chicopee; and, provided further, that not less than three hundred and ten thousand dollars shall be expended for the debt service costs associated with the metro-west water supply tunnel, so-called \$8,000,000
Commonwealth Cost Relief Fund 100.0%

1231-1020 For a program of loan guarantees and interest subsidies to assist homeowners in complying with the revised state environmental code for subsurface disposal of sanitary waste, Title V, so called; provided, that said program shall be in addition to the loan established pursuant to item 2200-9959 in section two of chapter eighty-five of the acts of nineteen hundred and ninety-four; provided further, that the department may contract with third parties including, but not limited to, commonwealth-based financial institutions to manage said program; provided further, that the department and said third parties shall take all steps

necessary to minimize said program's administrative costs; provided further that said loan guarantees shall be available on the basis of a sliding scale that relates a homeowner's income and assets to the cost of Title V compliance; provided further, that interest subsidies shall be means-tested and may be for zero interest loans pursuant to income standards developed by the department; provided further, that, the department of revenue shall consult with the department of environmental protection in developing rules, regulation and guidelines for said programs; provided further, that said rules, regulations and guidelines shall be developed not later than October first, nineteen hundred and ninety-six and shall be submitted to the joint committee on natural resources and agriculture and the house and senate committees on ways and means not less than thirty days prior to their promulgation; and provided further, that not more than seventy-five thousand dollars of the amount appropriated herein shall be made available for expenditure by the town of Acton for the development and initial implementation of geographical information system or other data management for local administration of a Title V administration program \$13,175,000

SECTION 73. Item 1410-0010 of said section 2 of said chapter 151 is hereby amended by adding the following words:- ; provided further, that twenty-five thousand dollars shall be expended for the department of veterans' services to conduct a study and prepare a plan for the establishment of a state veteran's cemetery in western Massachusetts; provided further, said study and plan shall evaluate issues including, but not limited to, acreage, costs associated with the acquisition of land, construction and operation of said cemetery and shall identify a site for said cemetery including, but not limited to, federal-owned land located at Westover Air Force Base in the city of Chicopee; provided further, said study shall further include mechanisms to receive federal assistance or federal matching grants; provided further, said study and plan shall be reported to the house and senate committees on ways and means on or before October thirty-first, nineteen hundred and ninety-six; and, provided further, that notwithstanding the provisions of this item, any costs associated with completion of said study shall be paid from this item; if necessary prior appropriation continued.

SECTION 74. Said section 2 of said chapter 151 is hereby further amended by striking out item 1599-0093 and inserting in place thereof the following item:-
1599-0093 For contract assistance to the water pollution abatement trust for debt service obligations of the trust in accordance with the provisions of section six A of chapter twenty-nine C of the General Laws \$24,600,000
Local Aid Fund 91.87%
Commonwealth Cost Relief Fund 8.13%

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SECTION 75. Item 2100-2030 of said section 2 of said chapter 151 is hereby amended by adding the following words:- ; provided further, that one hundred thousand dollars shall be provided to the town of Groveland for the acquisition of a parcel of land known as Nun's Hill; and provided further, that said funding shall be made available to said town by the department of environmental management in addition to, and not in lieu of, all other such sums provided for the acquisition of said parcel.

SECTION 76. Item 2260-8870 in said section 2 of said chapter 151 is hereby amended by adding the following words:- ; provided further, that the department shall provide two hundred thousand dollars in grant monies to the town of Holliston for data collection and studies necessary to determine the wasteload allocation in the Charles River for the Charles River water pollution control district.

SECTION 77. Item 2310-0200 of section 2 of said chapter 151 is hereby amended by striking out the words:- "and provided further, that not less than one hundred forty-four thousand seven hundred and fifty dollars shall be expended for the costs associated with a management program of aquatic non-native plants in the Charles River Lakes District, including treatment and monitoring".

SECTION 78. Item 2330-0100 of said section 2 of said chapter 151 is hereby amended by adding the following:- provided further, that the division shall arrange for the use by Salem state college of space at the Cat Cove laboratory in the city of Salem and at said Emerson Avenue facility in the city of Gloucester for the establishment of an aquaculture development center pursuant to the provisions of section two hundred and seventy-four of chapter thirty-eight of the acts of nineteen hundred and ninety-five.

SECTION 79. Said section 2 of said chapter 151 is hereby further amended by inserting after item 2440-0045 the following item:-

2440-1000 The metropolitan district commission may expend an amount not to exceed one hundred thousand dollars from revenue generated pursuant to section thirty-four B of chapter ninety-two of the General Laws \$100,000

SECTION 80. Item 4000-0800 of said section 2 of said chapter 151 is hereby amended by adding the following words:- "; provided further, that a sum of not less than twelve thousand dollars shall be paid to Darshan Physical Therapy in Williamstown for the purposes of medicaid reimbursements.

SECTION 81. Item 4000-0820 of said section 2 of said chapter 151 is hereby amended by striking out the words "municipal acute care" and inserting in place thereof the word:- certain acute care.

SECTION 82. Item 4406-3000 of said section 2 of said chapter 151 is hereby amended by inserting before the words "the SHADOWS project in Natick" the following words:- the South Middlesex Opportunity Council exclusively for.

SECTION 83. Item 4510-0150 of said section 2 of said chapter 151 is hereby amended by adding after the word "funding" the following words:- ; provided further, that not less than seventy-five thousand dollars be expended for the Berkshire lifespan program.

SECTION 84. Item 4512-0200 of said section 2 of said chapter 151 is hereby

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amended by striking out after the words "two million dollars shall be" the words "expended for" and inserting in place thereof the following words:- allocated to expand; and is further amended by striking out after the words "two million dollars" the second time they appear the words "be allocated to expand" and inserting in place thereof the following words:- shall be expended for.

SECTION 85. Item 4540-0900 of said section 2 of said chapter 151 is hereby amended by adding the following words:- provided that not less than fifteen thousand dollars shall be paid for chaplain services at Tewksbury state hospital.

SECTION 86. Item 4580-1000 in said section 2 of said chapter 151 is hereby amended by inserting after the words "nineteen hundred and ninety-one" the following words:- ; provided that an amount not to exceed two hundred fifty thousand dollars shall be made available for the provision of hepatitis B vaccine and vaccination series for state, county, and municipal employees at risk of occupational exposure to infection.

SECTION 87. Item 4800-0016 of said section 2 of said chapter 151 is hereby amended by adding the following words:- ; and provided further, that not less than thirty-five thousand dollars shall be expended by the Framingham office of the department of social services for the metro-west campership program operated by the Ashland youth advisory board in partnership with said department.

SECTION 88. Item 4800-1400 of said section 2 of said chapter 151 is hereby amended by striking out the figure "9,759,080" and inserting in place thereof the following figure:- 9,824,285.

SECTION 89. Item 5046-0000 of said section 2 of said chapter 151 is hereby amended by striking out the words "; and provided further, that of the amount appropriated herein and notwithstanding the provisions of any transfers to this item from item 5047-0001, the department may enter encumber prior to April first, nineteen hundred and ninety-seven an amount not to exceed one hundred twenty-four million five hundred fifty-one thousand seven hundred eighty-six dollars for contracted services paid from the MM subsidiary, so-called; provided further, that on or after said date the department may encumber the greater of forty-one million five hundred seventeen thousand two hundred sixty-two dollars or the unexpended balance in the MM subsidiary of this item as certified in writing by the comptroller to the house and senate committees on ways and means and the secretary of administration and finance".

SECTION 90. Item 6010-0001 of said section 2 of said chapter 151 is hereby amended by striking out the figure "56,047,985" and inserting in place thereof the figure:- 57,790,944.

SECTION 91. Item 6010-0001 in said section 2 of said chapter 151 is hereby amended by adding the following words:- and provided further, that not more than one hundred thousand dollars be expended for the purpose of expanding and repairing the driveway to the Heath Elementary school in the town of Heath.

SECTION 92. Item 6010-1012 of section 2 of said chapter 151 is hereby amended by striking out the figure "1,900,000" and inserting in place thereof the figure:- 1,871,083.

SECTION 93. Said item 6010-1012 of said section 2 of said chapter 151 is hereby

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amended by striking out the words "one million nine hundred thousand dollars" and inserting in place thereof the words:- one million eight hundred seventy-one thousand and eighty-three dollars.

SECTION 94. Item 6010-1013 of said section 2 of said chapter 151 is hereby amended by striking out the figure "2,550,000" and inserting in place thereof the figure:- 2,082,957.

SECTION 95. Said item 6010-1013 of said section 2 of said chapter 151 is hereby amended by striking out the words "two million five hundred and fifty thousand dollars" and inserting in place thereof the words:- two million eighty-two thousand nine hundred and fifty-seven dollars.

SECTION 96. Item 6010-1014 of said section 2 of said chapter 151 is hereby amended by striking out the figure "3,000,000" and inserting in place thereof the figure:- 2,702,221.

SECTION 97. Said item 6010-1014 of said section 2 of said chapter 151 is hereby amended by striking out the words "three million dollars" and inserting in place thereof the words:- two million seven hundred two thousand two hundred and twenty-two dollars.

SECTION 98. Item 6010-1015 of said section 2 of said chapter 151 is hereby amended by striking out the figure "2,100,000" and inserting in place thereof the figure:- 1,010,880.

SECTION 99. Said item 6010-1015 of said section 2 of said chapter 151 is hereby amended by striking out the words "two million one hundred thousand dollars" and inserting in place thereof the words:- one million ten thousand eight hundred and eighty dollars.

SECTION 100. Item 6010-1016 of said section 2 of said chapter 151 is hereby amended by striking out the figure "1,420,528" and inserting in place thereof the following figure:- 1,460,387.

SECTION 101. Item 6010-1017 of said section 2 of said chapter 151 is hereby amended by striking out the figure "2,421,618" and inserting in place thereof the following figure:- 2,386,111.

SECTION 102. Item 6010-1018 of said section 2 of said chapter 151 is hereby amended by striking out the figure "2,764,720" and inserting in place thereof the following figure:- 2,900,268.

SECTION 103. Said section 2 of said chapter 151 is hereby amended by striking out items 7002-6628 and 7003-6630.

SECTION 104. Said section 2 of said chapter 151 is hereby further amended by inserting after item 7002-6626 the following two items:

7002-6627 For the purposes of a federally funded grant entitled, Disabled Veterans Outreach Program	\$2,050,000
7002-6628 For the purposes of a federally funded grant entitled, Local Veterans Employment Representative Program	\$1,434,285

SECTION 105. Said section 2 of said chapter 151 is hereby amended in item 7002-0101 by striking out the figure "261,054" and inserting in place thereof the following figure:- 281,054.

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SECTION 106. Said section 2 of said chapter 151 is hereby amended by inserting after item 7003-0601 the following item:-

7003-0603 For the state matching requirement for the school-to-work connecting activities program established in section five hundred and eighty-seven of this act \$500,000

SECTION 107. Said section 2 of said chapter 151 is hereby further amended by striking out in items 7004-0099, 7004-1966, 7004-4314, 7004-9005, 7004-9006, 7004-9024, 7004-9027, 7004-9030, 7004-9315, 7004-9013, 7004-9014, 7004-9019, 7004-9020, 7004-9028, 7004-9051, 7004-9052, 7004-9053, 7004-9054, 7004-3037, 7004-9009, 7004-2030, 7004-2033, 7004-2034, the word "division," where appearing therein, and inserting in place thereof the word "department", and by striking out the words "deputy director", where appearing therein, and inserting in place thereof the word "director".

SECTION 108. Item 7004-0200 in said section 2 of said chapter 151 is hereby amended by inserting after the word "advance" by inserting, in line 8, the following words:- ; provided further, that not less than twenty-five thousand dollars shall be expended from this item for the purposes of a feasibility study of reuse alternatives for the Nessacus Middle School in Dalton.

SECTION 109. Said section 2 of said chapter 151 is hereby further amended by adding after item 7007-0300 the following item:-

7007-0310 For the purposes of a study to be conducted by the Massachusetts office of business development relative to the feasibility of a proposal to convert the commonwealth electric Canon Street power plant, so-called, in the city of New Bedford to an aquarium and related uses; provided, that the expenditure of said amount shall be contingent on the contribution of not less than one hundred thousand dollars from public and private sources toward the cost of said study; provided further, that said office shall consult with the city of New Bedford, the New Bedford chamber of commerce, the greater New Bedford zoo and aquarium corporation and legislators from the Second Bristol District in designing said study; and provided further, that said office shall endeavor, pending receipt of said contributions, to begin said study not later than January first, nineteen hundred and ninety-seven \$300,000

SECTION 110. Item 7007-0900 of said section 2 of said chapter 151 is hereby amended by adding the following words:- ; provided further, that not less than two hundred and fifty thousand dollars shall be expended for costs incurred by the Massachusetts Sports Partnership, Inc.

SECTION 111. Said section 2 of said chapter 151 is hereby amended by inserting after item 7007-0900 the following item:-

7007-0910 For a monument grants program; provided, that funds appropriated herein shall be allocated to the Massachusetts cultural council

subject to an allocation plan which shall be filed in advance with the house and senate committees on ways and means; provided further, that funds shall be expended from this item for a veterans memorial in the town of Medfield, subject to a fifty percent match from local or other private sources; provided further, that an amount shall be expended for a memorial to women in government, subject to the collection of fifty percent matching funds; provided further, that an amount shall be expended for a memorial to honor Sojourner Truth, subject to a fifty percent match from local or private sources; provided further, that not less than fifty thousand dollars shall be expended for the commonwealth's contribution to the women's service memorial, so-called; and, provided further, that funds shall be obligated for the construction of a monument in Ashburton Park to honor persons serving the public safety needs of the citizens of the commonwealth, subject to the collection of fifty percent in matching funds \$500,000

SECTION 112. Said section 2 of said chapter 151 is hereby further amended by inserting after item 7007-1500 the following new item:-

7007-1807 For grants to an employer of workers displaced by casualty destroying a manufacturing facility or portion thereof employing at least one thousand workers, for the training or retraining of such workers, for reestablishing the jobs affected by such casualty, or for other purposes which will benefit such workers; provided, however, that if any job reestablished after such casualty is eliminated or moved out of state prior to the end of the fifth full year after such grant, then in each year prior to the end of such fifth full year, a pro rata amount, as determined by the director of economic development, shall be repaid to said fund; provided further, that the director of the department of economic development may authorize expenditure for said purposes from the commonwealth economic development fund, established pursuant to section three hundred and one of chapter thirty-eight of the acts of nineteen hundred and ninety-five; and provided further, that an amount not to exceed one million dollars may be expended for an adjustment for unavoidable unemployment insurance costs of any firm whose employees are ineligible to receive unemployment insurance benefits \$4,000,000
Commonwealth Economic Development Fund.100.0%

SECTION 113. Item 7010-0005 of said section 2 of said chapter 151 is hereby amended by adding the following words:- ; provided, that not less than seventy-five thousand dollars shall be expended for staff and support services for the education reform

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review commission.

SECTION 114. Item 7030-1000 of said section 2 of said chapter 151 is hereby amended by striking out the words "not less than an additional one million dollars shall be made available for family networks pursuant to the provisions of said section fifty-four of said chapter fifteen" and inserting in place thereof the following words:- not less than an additional one million dollars shall be made available for family networks pursuant to the provisions of section eighty-four of chapter seventy-one of the acts of nineteen hundred and ninety-three.

SECTION 115. Item 7035-0002 of said section 2 of said chapter 151 is hereby amended by adding the following words:- ; provided, that two hundred thousand dollars of the amount appropriated herein shall be expended for La Alianza Hispana and for Mujeres Unidas En Accion; provided further, that the department shall file a report detailing the purposes and anticipated outcomes to be derived from the expenditure of said two hundred thousand dollars to the house and senate committees on ways and means not later than February third, nineteen hundred and ninety-seven.

SECTION 116. Item 7061-0011 of said section 2 of said chapter 151 is hereby amended by inserting after the word "Rowe" the following words:- ; provided further, that not less than two hundred and sixteen thousand one hundred and seventy-four dollars shall be expended for Dennis Yarmouth Regional School District; provided further, that not less than one hundred and fifty thousand dollars shall be expended for the town of Heath; provided further, that not less than one hundred and ninety thousand three hundred and fifty-five dollars shall be expended for the town of Mansfield; provided further, that not less than three hundred and fifty thousand shall be expended for the city of Attleboro; provided further, that not less than two hundred and fifty thousand dollars shall be expended for the town of North Attleborough; provided further, that not less than three hundred thousand dollars shall be expended for the town of Weymouth; provided further, that one hundred and twenty-five thousand dollars each shall be expended for the high enrollment growth communities of Foxborough, Hopkinton, Medfield, Milton, Watertown and Wrentham.

SECTION 117. Item 7061-0012 of said section 2 of said chapter 151 is hereby amended by adding the following words:- ; and provided, further, that not more than one hundred thousand dollars shall be expended for the costs of borrowing audiotape textbooks by special needs students whose disabilities include, but are not such as dyslexia or other physical disabilities such as cerebral limited to, blindness, visual impairments, learning disabilities palsy, that limit the use of standard print.

SECTION 118. Item 7100-0200 in said section 2 of said chapter 151 is hereby amended by adding the following words:- provided further, that not more than sixty thousand dollars be expended for a study to be conducted by the gerontology institute at the university of Massachusetts at Boston of the commonwealth's pension system and the impact of not being part of the social security system for state employees; provided further, that said study shall include, but not be limited to, eligibility, benefits and cost of each system, the impact of the windfall elimination and government pension offset provisions, comparative impact on different career patterns and salary levels, and legal issues involved in implement-

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ing any recommendations; and, provided further, that said institute shall file the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect by filing the same with the clerk of the house of representatives and the joint committee on public service on or before October thirty-first, nineteen hundred and ninety-six.

SECTION 119. Item 8000-0040 of said section 2 of said chapter 151 is hereby amended by striking out the figure "12,660,093" and inserting the following figure:- 13,939,061.

SECTION 120. Item 8314-1200 of said section two of said chapter 151 is hereby amended by adding the following words:- provided, that any amounts made available to this item from fiscal year nineteen hundred and ninety-six appropriations shall be expended for claims approved as of June thirtieth, nineteen hundred and ninety-six and paid in full only to the extent permitted by any such amount so made available.

SECTION 121. Section 234 of said chapter 151 is hereby amended by adding after the word "vehicles" the following word:- notwithstanding the provisions of any general or special law ordinance or regulation to the contrary;

SECTION 122. Said section 234 of said chapter 151 is hereby further amended by striking out the words "Cape Cod Economic Development Corporation" and inserting in place thereof the following words:- Cape and Islands Economic Development Corporation.

SECTION 123. Section 239 of said chapter 151 is hereby amended by striking out the figure "279" and inserting in place thereof the following figure:- 293.

SECTION 124. Section 567 of said chapter 151 is hereby amended by striking out subsection (w) and inserting in place thereof the following subsection:-

(w) A Regional Chamber Commission comprised of the Franklin Council of Governments Committee or its statutory antecedent and one representative from each municipality appointed by the board of selectmen shall be constituted on or before October first, nineteen hundred and ninety-six, and shall report a recommended structure for the Council of Governments not later than December thirty-first nineteen hundred and ninety-seven. Each member shall have one vote and proceedings shall be conducted pursuant to Roberts Rules of Order. Matters shall be determined by simple majority vote. Within sixty days of the first meeting of the Charter Commission, the Commission may vote to include other individuals or groups as members of the commission. Such proposal may include changes in the executive and representative bodies, changes in the assessment allocation formula, but not the total amount of the assessment, recommendations for further transfer of functions to the commonwealth, and other related operational rules and procedures. Such proposal shall be placed on the town meeting warrants of each town in the Franklin county region not later than June thirtieth, nineteen hundred and ninety-eight. Such proposal shall make provision for the method of determining approval of the charter proposal, but such method of approval must require at least a majority vote of town meeting in a majority of the towns or a majority vote in a county-wide election. Such proposal shall also include provisions for towns to enter or leave participation in the base assessment and shall include a default option to abolish the Council of Governments in the event that such

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charter proposal is not approved. Such charter shall take effect not later than July first, nineteen hundred and ninety-eight.

SECTION 125. Said chapter 151 is hereby further amended by striking out section 583 and inserting in place thereof the following:-

Section 583. The department of environmental management and the metropolitan district commission are hereby authorized and directed to investigate and study the cooperative management of Abigail Adams state park, Webb state park, Stodders neck reservation and Wompatuck state park in order to increase efficiency and improve services at said parks. Said agencies shall prepare a report together with findings and recommendations which shall be filed with the joint committee on natural resources and agriculture and with the house and senate committees on ways and means no later than December thirty-first, nineteen hundred and ninety-six.

SECTION 126. Section 634 of said chapter 151 is hereby further amended by striking out paragraph (6) and inserting in place thereof the following paragraph:-

(6) The functions of the executive office of communities and development and the department of community affairs, as the transferor agencies, to the department of housing and community development, as the transferee agency.

SECTION 127. Section six hundred and thirty-nine of said chapter one hundred and fifty-one is hereby repealed.

SECTION 128. Said chapter 151 is hereby amended by striking out section 654 and inserting in place thereof the following section:-

Section 654. The division of medical assistance shall pay to reserve the bed in a nursing facility of any medical assistance recipient who is a nursing facility resident who has been transferred to an inpatient hospital licensed by the department of public health or the department of mental health for up to ten consecutive days and shall pay for temporary absences for recipients in nursing facilities and units for up to a total of fifteen days per calendar year when the recipient is absent from the facility for nonmedical reasons; provided that no nursing facility bed shall be so reserved if the nursing facility resident who is transferred to any such inpatient hospital is not admitted at a medicare hospital level of care as defined by the United States health care finance administration.

SECTION 129. Section 666 of said chapter 151 is hereby amended by striking out the sixth paragraph.

SECTION 130. Section six hundred and seventy-three of said chapter one hundred and fifty-one is hereby repealed.

SECTION 131. Section six hundred and eighty-six of said chapter one hundred and fifty-one is hereby repealed.

SECTION 132. Section 687 of said chapter 151 is hereby amended by striking out the words ", four hundred and fifty-five".

SECTION 133. Section 2 of chapter 154 of the acts of 1996 is hereby amended by striking out the item number "1108-1101" and inserting in place thereof the following number:- 1108-1011.

SECTION 134. Section 2A of said chapter 154 is hereby amended by striking items

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1599-3784, 1599-3785, 1599-3786 and inserting in place thereof the following two items:-

1599-7500 For a reserve to meet the cost of fiscal year nineteen hundred and ninety-six salary adjustments authorized by the collective bargaining agreement between the higher education coordinating council and the Massachusetts teachers association/Massachusetts community college council, and to meet the cost of salary adjustments necessary to provide equal salary adjustments to employees employed in "classified" positions which would otherwise be covered by said collective bargaining agreement and to meet the cost of performance-based merit increases for non-unit managers at the community colleges; provided, that not more than eight hundred seventy-eight thousand four hundred sixty-nine dollars shall be expended on the cost of performance-based merit increases for said non-unit managers; and provided further, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for the fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with an allocation plan which shall be filed in advance with the house and senate committees on ways and means \$3,459,000

1599-7501 For a reserve to meet the cost of educational needs funding pursuant to the provisions of the collective bargaining agreement between the higher education coordinating council and the Massachusetts teachers association/Massachusetts community college council, and to meet the cost of supplementary educational needs necessary to provide equal supplementary educational needs to employees employed in "classified" positions which would otherwise be covered by said collective bargaining agreement, and to meet the costs of supplementary educational needs of non-unit managers at the community colleges; provided, that not more than nine hundred thousand four hundred thirty dollars shall be expended for the costs of supplementary educational needs for said non-unit managers; provided further, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for the fiscal years nineteen hundred and ninety-six through nineteen hundred and ninety-eight such amounts as are necessary to meet the cost of said adjustments and benefits where the amounts

otherwise available are insufficient for the purpose, in accordance with an allocation plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that this appropriation shall expire on June thirtieth nineteen hundred and ninety-eight \$2,828,222

SECTION 135. Item 1599-3801 of section 2A of said chapter 154 is hereby amended by striking out item number "1599-3801" and inserting in place thereof the following:- 1599-3803.

SECTION 136. Notwithstanding the provisions of any general or special law to the contrary, funds allocated in fiscal year nineteen hundred and ninety-six or a prior fiscal year to allocation account number 9749-1900 as recorded on the Massachusetts management accounting and reporting system, so-called, shall be made available for expenditure in fiscal year nineteen hundred and ninety-seven.

SECTION 137. Notwithstanding the provisions of any general or special law to the contrary, the executive office for administration and finance shall take all steps necessary to release the funds authorized for the purpose specified in section thirty-one of chapter fifteen of the acts of nineteen hundred and ninety-six within thirty days of the effective date of this act.

SECTION 138. Notwithstanding the provisions of any general or special law to the contrary, the balance of item 9000-1900 of section two of chapter thirty-eight of the acts of nineteen ninety-five which is re-appropriated under the provisions of section two C.I of this act shall be transferred to item 7007-0900 of section two of chapter one hundred and fifty-one of the acts of nineteen hundred and ninety-six; provided, that the balance so transferred, shall be expended subject to the provisions of said item 7007-0900.

SECTION 139. Notwithstanding the provisions of any general or special law to the contrary, the balance of item 9000-1920 of section two of chapter thirty-eight of the acts of nineteen ninety-five which is re-appropriated under the provisions of section two C.I of this act shall be transferred to item 7007-1000 of section two of chapter one hundred and fifty-one of the acts of nineteen hundred and ninety-six; provided, that the balance so transferred, shall be expended subject to the provisions of said item 7007-1000.

SECTION 140. Notwithstanding the provisions of any general or special law to the contrary, the balance of item 9000-2100 of section two of chapter thirty-eight of the acts of nineteen ninety-five which is re-appropriated under the provisions of section two C.I of this act shall be transferred to item 7007-1300 of section two of chapter one hundred and fifty-one of the acts of nineteen hundred and ninety-six; provided, that the balance so transferred, shall be expended subject to the provisions of said item 7007-1300.

SECTION 141. Notwithstanding the provisions of any general or special law to the contrary, the unexpended balance of item 3022-9108 in section two of chapter thirty-eight of the acts of nineteen hundred and ninety-five shall be carried forward in fiscal year nineteen hundred and ninety-seven and transferred in said fiscal year to item 7004-9108 in section two of chapter one hundred and fifty-one of the acts of nineteen hundred and ninety-six for the purpose of said item.

SECTION 142. Notwithstanding the provisions any general or special law to the contrary, the unexpended balance of item 9000-1806 in section fifty-nine of chapter one hundred twenty of the acts of nineteen hundred and ninety-five shall be carried forward in fiscal year nineteen hundred and ninety-seven and transferred in said fiscal year to item 7007-2215 of section two of chapter one hundred and fifty-one of the acts of nineteen hundred and ninety-six for purposes of said item.

SECTION 143. Notwithstanding the provisions of any general or special law to the contrary, the unexpended balance of item 3000-9315 in section two of chapter thirty-eight of the acts of nineteen hundred and ninety-five shall be carried forward in fiscal year nineteen hundred and ninety-seven and transferred in said fiscal year to item 7004-9315 of section two of chapter one hundred and fifty-one of the acts of nineteen hundred and ninety-six for purposes of said item.

SECTION 144. The department of public health is hereby authorized and directed to make a study and recommendations concerning the provision of care by hospitals to victims of sexual assault, including but not limited to the following areas:- evidence collection and documentation, recognition of trauma, gynecology, pregnancy, sexually transmitted disease, crisis intervention, follow-up referral and court testimony. The study and recommendations shall be designed to facilitate the training of hospital staff in the provision of care to such victims and shall be made available to any hospital wishing to participate. A report on said study and recommendations shall be filed with the joint committee on health care not later than December thirty-first, nineteen hundred and ninety-seven.

SECTION 145. (a) There shall be a committee, to be called the correctional education coordinating committee, consisting of nine members to be appointed by the governor, four of whom shall be representatives of the department of correction, of which one shall be appointed chairman, and of which one shall be a prison educator within the state correctional system. The five remaining members shall include: a representative of the department of employment and training, a representative of the department of education, a member of the parole board, a person who has previously been incarcerated in a state prison and a member of the business or industrial community. Said committee shall convene to create a mandatory educational program for the state prison system in the commonwealth. The members of said committee shall serve without compensation for terms of three years, staggered as to maintain continuity of the committee and shall be appointed within thirty days of the effective date of this section. Any member shall be eligible for reappointment. In the event of a vacancy, the governor shall appoint a person to fill the vacancy term. The governor may remove members for willful misconduct or neglect of duty or inability to perform the powers and responsibilities of the committee.

(b) Said committee shall develop a functional literacy program for individuals testing below a selected grade level which shall at least be an eighth grade reading and math level. The program shall include guidelines for implementation and test administration, participation requirements, incentives, sanctions and criteria for satisfactory completion.

For the purposes of this section, the term "functional literacy" shall mean those

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educational skills necessary to function independently in society including, but not limited to, reading, writing and comprehension; in English and arithmetic computation.

(c) Every person sentenced to a state correctional facility participating in such program after July first, nineteen hundred and ninety-six shall be administered a standardized test of adult education or other standardized tests approved by the department of education to assess the reading and math equivalency level of the individual. Individuals testing below completion of the eighth grade level or a higher level established by said committee shall be required to participate in the functional literacy program for a minimum of ninety days or until such time as the committee deems sufficient for satisfactory completion. The results of such test shall be included in the individual's educational record. Such educational record shall be kept at the correctional facility housing the individual and shall contain a record of participation or refusal to participate in all programs under the provisions of this section at any facility.

(d) The committee shall choose two state correctional facilities in which to conduct pilot mandatory functional literacy programs, one of which shall be a women's correctional facility.

(e) Upon full implementation of the program, an individual who has been incarcerated in a state correctional facility for more than thirty days shall be offered the opportunity to take the test and participate in the functional literacy program. The result of the individual's participation shall be included in his educational record and applied toward completion of the program as provided in subsection (c).

(f) The superintendent in charge of the correctional facility shall submit the individual's educational record to the parole board pursuant to section one hundred and thirty-five of chapter one hundred and twenty-seven of the General Laws for use in considering the individual's eligibility for parole.

(g) The cost of this program shall be met from appropriated funds and the general fund at each facility at the discretion of the superintendent.

(h) Upon completion of one full year of implementation of such pilot programs a full progress report shall be filed with the clerks of the house of representatives and the senate and the joint committee on public safety and the correctional education coordinating committee shall make recommendations as to the expansion of the program to all state correctional facilities.

(i) The committee shall continue to provide annual reporting to the legislature which shall include, but not be limited to, results from testing done of inmates before entering the program and after completion of the program, as well as recidivism rates and the employment status for individuals who have completed such program and any other information which the committee may deem to be relevant to providing evidence to the effects of such program.

SECTION 146. (a) As used in this section, the following words shall have the following meanings:-

"Firefighter" shall mean Assistant Fire Chief Thomas A. Sweeney, Fire Lieutenant Edward M. Bagley, Fire Lieutenant Raymond McNamara, Fire Lieutenant Edward J. Daley,

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Firefighter James Dangelo, Jr., Firefighter Kevin M. Hough, Firefighter Robert O. Moyer, Firefighter Richard J. O'Neill, Firefighter Kenneth Nielson, Firefighter Joseph P. Olivo and Firefighter Samuel D. Rizza, Jr., of the city of Newton fire department.

"Surviving spouse" shall mean the legal spouse who is surviving at the time of a death of a firefighter, and with whom the firefighter was living at the time of death, or who had been living apart from the firefighter for justifiable cause other than desertion or moral turpitude on the part of the spouse. Former spouses shall not be included in the definition of "surviving spouse" and shall have no claim on any benefits provided under this section.

"Unmarried children" shall mean the natural or adopted children of a firefighter who are not married and are under age eighteen or who are over age eighteen and physically or mentally incapacitated from earning on the date of death of such firefighter or who are over age eighteen and under age twenty-one and full-time students at an accredited educational institution.

(b) The commonwealth shall forthwith disburse the sum authorized in item 1599-8888 of section two A and section two CI of this act for the purposes of a loan to the city of Newton to be used to defray a portion of the costs of the explosion of molten sodium at the H.C. Starck Inc. plant in the city of Newton. These costs include, but are not limited to, payment of medical expenses pursuant to section one hundred of chapter forty-one of the General Laws; payment of medical expenses that may be incurred after the effective date of this act as a result of said explosion; payment of wages pursuant to section one hundred and eleven F of chapter forty-one of the General Laws; payment of overtime and replacement costs for said firefighters; and increases in unfunded pension liabilities due to unanticipated accidental disability retirement as provided in chapter thirty-two of the General Laws. The city of Newton shall be free to allocate the funds disbursed pursuant to this section in its discretion to defray whichever costs it deems appropriate.

(c) Effective upon receipt by the city of Newton of the sum referred to in item 1599-8888 of section two A and paragraph I of section two C of this act and contingent thereupon and notwithstanding the provisions of any general or special law to the contrary:

(1) The firefighters, who as a result of the explosion of molten sodium at the H.C. Starck Inc. plant in the city of Newton are totally and permanently disabled for further services as firefighters, are hereby retired.

(2) The annual amount of retirement allowance payable to Fire Lieutenant Edward M. Bagley and Raymond McNamara under this section shall be fixed in an amount equal to the regular compensation which would have been paid to them respectively had they continued in service as a fire lieutenant in said city of Newton at the grade held by them at the time of their retirement; provided, however, that no salary increases for the grade held by them at the time of their retirement which accrue after they have attained the maximum age for their group shall be added to their retirement allowance; and provided further, that the retirement allowances payable to them after they have attained the maximum age for their group shall be increased in the manner provided to all city of Newton retirees pursuant to any provision of chapter thirty-two of the General Laws.

(3) The annual amount of retirement allowance payable to the remainder of the fire-

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fighters named in subsection (a), other than Lieutenants Bagley and McNamara, shall be fixed in an amount equal to seventy-two percent of the regular compensation which the firefighters would have received had they continued in service as firefighters in the Newton fire department at the grade held by them at the time of their retirement; provided, however, that no salary increases for the grade held by them at the time of their retirement which accrue after they have attained the maximum age for their group shall be added to their retirement allowance; and provided further, that the retirement allowances payable to them after they have attained the maximum age for their group shall be increased in the manner provided to all city of Newton retirees pursuant to any provision of chapter thirty-two of the General Laws.

(4) Upon such retirement, the retirement board of the city of Newton shall pay to each of the firefighters a yearly amount of annuity as calculated pursuant to option (b) as defined in clause (i) of subdivision (2) of section twelve of chapter thirty-two of the General Laws.

(5) Upon the death of a firefighter, the surviving spouse shall be entitled to a return of accumulated total deductions credited to such firefighter's account according to the provisions of option (b) as defined in clause (i) of subdivision (2) of section twelve of chapter thirty-two of the General Laws, or to his surviving beneficiary or beneficiaries entitled thereto.

(6) Upon the death of a firefighter, the retirement board of the city of Newton shall pay to the surviving spouse, if any, an allowance equal to that being paid to her husband, at the time of his death. The allowance paid to the surviving spouse shall not be eligible for any increases to which the firefighter would have been eligible pursuant to clause (2) or (3), but shall be eligible for all other increases provided to all city of Newton retirees pursuant to any provision of chapter thirty-two of the General Laws. Payment of said allowance shall be terminated upon the death, but not the remarriage, of the surviving spouse. The benefits, if any, available to a person who does not qualify as a "surviving spouse" as defined in this section, shall be determined according to the provisions of chapter thirty-two of the General Laws.

(7) If at any time there is no surviving spouse eligible to receive the retirement allowance provided in clause (4), such allowance shall be paid to the legal guardian for the benefit of any surviving unmarried children as defined in this section. Such allowance shall be divided for the benefit of such children in such manner as the retirement board of the city of Newton shall from time to time determine, and shall be paid so long as any such child survives, remains unmarried and is under age eighteen or, if over said age, remains physically or mentally incapacitated from earning.

(8) Upon the death of a firefighter, if there are any surviving unmarried children of such firefighter, the retirement board of the city of Newton shall pay an additional pension at the rate of four hundred and fifty dollars annually for each such child to the child's natural or legal guardian so long as each child survives and remains an "unmarried child" as defined in this section.

(9) Following the retirement of the firefighters, the city of Newton shall pay for

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necessary and reasonable medical expenses for the firefighters due to injuries sustained as a result of said explosion in the following manner:

(A) Medical care shall first be provided through the health insurance provided to retired city of Newton employees pursuant to chapter thirty-two B and chapter one hundred and fifty E of the General Laws;

(B) The city of Newton shall pay to the health care providers all co-payments required by the health insurance policy under which the firefighter is insured;

(C) The city of Newton shall pay to the health care providers all deductibles required by the health insurance policy under which the firefighter is insured; and

(D) The city of Newton shall pay to the health care providers the fees and other expenses for authorized services whose costs exceed applicable benefits limits but whose payment is denied solely because of such applicable benefits limit. Any such payments pursuant to this paragraph must meet all other eligibility requirements of said health insurance; provided, however, that no firefighter shall be required to change health care providers as a result of paragraph (A); and provided further that any changes made by a firefighter in health care providers and any referrals from current health care providers to health care providers who have not rendered care to the firefighter for injuries or illnesses caused by such explosion shall comply with the provisions of paragraph (A).

(d) Notwithstanding the provisions of any general or special law to the contrary, including, but not limited to, section eight of chapter thirty-two of the General Laws, no firefighter retired pursuant to this section shall be subject to examination or re-examination by a medical panel or other physician to determine his eligibility or continued eligibility for accidental disability retirement benefits as provided in this section or in chapter thirty-two of the General Laws.

(e) Effective upon receipt by the city of Newton of the sum appropriated in item 1599-8888 of this act and notwithstanding the provisions of any general or special law to the contrary including, but not limited to, paragraph three of section eight of chapter thirty-two of the General Laws:

(1) No firefighter shall have his retirement allowance subject to modification as a result of earnings from alternative employment; provided, however, that he shall be required to submit earnings reports to the retirement board of the city of Newton pursuant to section ninety-one A of chapter thirty-two of the General Laws; and

(2) The firefighters shall be subject to the limitation of earnings formula as set forth in said section ninety-one A of said chapter thirty-two, with the ability to earn the amount described in said section ninety-one A of said chapter thirty-two plus an additional two thousand five hundred dollars. If a firefighter earns in excess of these allowable amounts, the retirement board of the city of Newton shall inform him of the excess amount earned and the amount owed by him, to the retirement board of the city of Newton. The retirement board shall, in its discretion, require repayment of that amount to the retirement board or may withhold amounts, as it deems appropriate, from future retirement allowance payments until the amounts owed to the retirement board have been paid in full.

(f) The retirement allowances payable pursuant to this section shall remain subject

to all other provisions of chapter thirty-two of the General Laws as if they had been granted as accidental disability retirements in the normal course of events pursuant to said chapter, except to the extent that the provisions of chapter thirty-two of the General Laws conflict with the provisions of this section.

(g) The city of Newton shall repay to the commonwealth the amount disbursed under item 1599-8888 of section two A and section two CI of this act within ten years or upon the recovery of damages equal to or in excess of said amount, exclusive of any amounts required to be paid by the city of Newton as contributions to attorneys' fees or any other deduction from such recovery required by any law or statute, which the city of Newton actually receives from any third party as a result of the civil action captioned *City of Newton v. H.C. Starck, Inc. and Bayer Corporation*, Middlesex Superior Court, C.A. No. 94-2947-D.

SECTION 147. Notwithstanding any general or special law or rule or regulation to the contrary, the joint committee on insurance, in conjunction with the house and senate post audit and oversight committees, is hereby authorized and directed to investigate, study and make a report on the group automobile discount programs, so-called. Such investigation and study shall include, but shall not be limited to, (1) the proliferation of said programs within the commonwealth and (2) the impact of said programs on the rate structure of the Massachusetts automobile insurance market. Said study to be completed on or before December thirty-first, nineteen hundred and ninety-six and to be submitted, with corrective recommended legislation if any, to the clerk of the house of representatives and the clerk of the senate.

SECTION 148. For condominiums in existence prior to December thirty-first, nineteen hundred and ninety-five for purposes of calculating design flows under 310 CMR 15.00 et. seq. and 3.14 CMR 5.00 et. seq. and 6.00 et. seq., each septic system which has been installed shall be considered a separate and distinct facility.

SECTION 149. Notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to transfer as of June thirtieth, nineteen hundred and ninety-six, into the Collective Bargaining Reserve Fund established by section eighty-two of chapter one hundred twenty of the acts of nineteen hundred and ninety-five the sum of sixty million dollars from the General Fund.

SECTION 150. Notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to repay the federal government in fiscal year nineteen hundred and ninety-seven for any overpayments made by the federal government to the commonwealth resulting from reductions in the title XX, social services block grant, so-called in federal fiscal year nineteen hundred and ninety-six; provided, that any such repayments shall be charged on the books of the commonwealth to fiscal year nineteen hundred and ninety-six.

SECTION 151. Notwithstanding the provisions of any general or special law to the contrary, in fiscal years nineteen hundred and ninety-seven and nineteen hundred and ninety-eight, there shall be established within the office of the governor an advisory council on Alzheimer's disease and related disorders which shall advise the secretariats, departments, agencies and institutions of the commonwealth on matters of policy, programs, services and

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information affecting residents of the commonwealth with a dementia related illness and their caregivers. Said advisory council shall have the following goals: (1) to recommend the delivery of services in the most effective and efficient manner possible, including identifying means of coordination and cooperation among different state agencies and departments in order to achieve cost savings and to facilitate meeting the needs of people with dementia and their caregivers; (2) to identify additional sources of federal and private sector funding with which the commonwealth may provide additional services and programs for people with dementia and their caregivers; (3) to promote public and professional awareness and education relative about dementia and access to dementia services and programs; (4) identify service delivery mechanisms that enhance the quality of life for people with dementia and their caregivers; and (5) to evaluate and coordinate implementation of recommendations made in nineteen hundred and ninety-four by the governor's conference on Alzheimer's disease. Said advisory council shall be subject to appropriation. Said advisory council may contract for professional assistance or services. Said council shall consist of fifteen persons, five to be appointed by the governor, five by the speaker of the house and five by the president of the senate, and shall consist of representatives of state government, consumers, medical research and provider communities and representatives of the Massachusetts chapters on Alzheimer's disease and related disorders association. Said council shall not meet less than quarterly and shall prepare an annual report of its activities and recommendations that shall be filed with the house and senate committees on ways and means and the joint committee on human services and elder affairs.

SECTION 152. Notwithstanding the provisions of any general or special law to the contrary, the department of mental retardation is hereby authorized and directed to expend an amount not to exceed nine thousand dollars for medical expenses incurred in a prior fiscal year by the family of a person whose health care coverage had been terminated.

SECTION 153. Notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to carry forward into fiscal year nineteen hundred and ninety-seven amounts not to exceed a total of three million dollars scheduled to revert in fiscal year nineteen hundred and ninety-six in items 5011-0100, 5042-1000, 5042-5000, 5046-0000, 5046-2000, 5046-3000, 5046-9999, 5051-0100, 5055-0000, and 5095-0000, as appropriated in section two of chapter thirty-eight of the acts of nineteen hundred and ninety-five, and is further directed to transfer said amounts to item 5046-0000 in section two of chapter one hundred and fifty-one of the acts of nineteen hundred and ninety-six for the purposes of providing funding for the Metro-Boston deficiency, so-called.

SECTION 154. The department of social services shall file with the secretary of administration and finance and with the house and senate committees on ways and means a cost containment plan for departmental costs associated with area and regional office space rental and energy. Said plan shall include but not be limited to: (1) methods to limit the growth of space rental and energy expenditures; (2) total projected rent and energy expenditures, by office, for fiscal year nineteen hundred and ninety-seven and fiscal year

nineteen hundred and ninety-eight; (3) projected space rental rates and square footage, by office, for fiscal year nineteen hundred and ninety-seven and fiscal year nineteen hundred and ninety-eight; (4) detailed comments describing the need for any relocation, space expansion or rate increases; and (5) an assessment of the impact of co-locating area offices on services and expenditures. Said report shall be issued no later than September first, nineteen hundred and ninety-six.

SECTION 155. Notwithstanding the provisions of any general or special law to the contrary, for state fiscal year nineteen hundred and ninety-seven any specialty hospital, as defined in section one of chapter one hundred and eighteen G of the General Laws, which provides free care, as defined in said section one of said chapter one hundred and eighteen G, shall be exempt from the provisions of section eighteen of said chapter one hundred and eighteen G; provided, that said specialty hospital's gross outpatient service revenue equals at least eighty percent of its gross patient service revenue as of January first, nineteen hundred and ninety-six. For the purposes of this section "gross outpatient service revenue" shall mean gross patient service revenue minus gross inpatient service revenue. The division of health care finance and policy shall determine the amount owed for fiscal year nineteen hundred and ninety-seven by said specialty hospital. Said division is directed to transfer from the compliance liability trust fund as established pursuant to section seventeen of chapter one hundred and eighteen F of the General Laws, into the uncompensated care pool trust fund as established in said section eighteen, an amount equal to the amount owed by said specialty hospital for state fiscal year nineteen hundred and ninety-seven for the purpose of ensuring that other participating hospitals' liability to the uncompensated care pool does not increase due to the aforementioned exemption.

SECTION 156. Notwithstanding the provisions of section two A of chapter fifty-nine of the General Laws or any other general or special law to the contrary the board of assessors of the towns of Monterey, Egremont and Great Barrington may, for the fiscal year beginning July first, nineteen hundred and ninety-six determine the valuation of property destroyed or damaged by the tornado of May twenty-ninth, nineteen hundred and ninety-five, immediately subsequent to the said tornado for the purpose of granting abatements applied under section fifty-nine of said chapter fifty-nine.

SECTION 157. The speaker of the house of representatives and the president of the senate are hereby authorized to engage a research organization to conduct a comprehensive study and analysis of a single payer or other consolidated health care system for the commonwealth. Said study shall include an analysis of total current amounts spent in the commonwealth for health care from all sources, including, federal, state, municipal, employer, individual and other sources, the projected costs and savings of a single payer health care system on business, government, individuals, methods of implementing such a system in the commonwealth, and such other matters related to the study.

SECTION 158. The division of medical assistance is hereby authorized and directed to study the feasibility of requiring Unisys/MassHealth to fully conform with the national council for prescription drug programs standards as described in the national council for prescription drug programs telecommunications specifications version three, release two C,

and subsequent updates, beginning with, but not limited to, the national council for prescription drug programs claim-rejected response format. Such conformity shall also provide that paramax MMIS edit codes and descriptions for the fatal error appear in field five hundred and four. Said study shall be submitted to the house and senate committees on ways and means no later than September thirtieth, nineteen hundred and ninety-six.

SECTION 159. The department of revenue is hereby authorized and directed to investigate and study the investment tax credit, so-called, and its effect on leases. Said study shall include, but not be limited to, whether there is a preference for purchases over leases in the application of the investment tax credit, and whether or not the investment tax credit applies fairly to both leases and purchases. Said department shall file a report of its findings with the joint committee on taxation no later than October thirty-first, nineteen hundred and ninety-six.

SECTION 160. Notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to transfer, as of June thirtieth, nineteen hundred and ninety-six, fifteen million dollars from the General Fund to the Commonwealth Cost Relief Fund established by section eighty-three of chapter one hundred and twenty of the acts of nineteen hundred and ninety-five.

SECTION 161. Notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to transfer, as of June thirtieth, nineteen hundred and ninety-six, one hundred and fifty million dollars from the General Fund to the Tax Reduction Fund established by section two I of chapter twenty-nine of the General Laws. Notwithstanding the provisions of said section two I or any other general or special law to the contrary, said one hundred and fifty million dollars is hereby immediately appropriated for the purpose of implementing, and the commissioner of the department of revenue is hereby authorized and directed to implement a temporary increase in the amounts of the personal exemption allowable on the income tax for the taxable year ending December thirty-first, nineteen hundred and ninety-six; provided, however, that said temporary increase shall be structured so that the tax reduction authorized by this section does not exceed, in the aggregate, one hundred and fifty million dollars.

SECTION 162. Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts turnpike authority is hereby authorized and directed to institute a reduction in tolls that shall equal in the aggregate twelve million dollars per annum. Said reduction shall be instituted uniformly across the length of the Massachusetts turnpike, including the turnpike extension. Said authority is hereby prohibited from instituting the elimination of tolls at any toll booth or toll exit along said turnpike unless or until such elimination is expressly authorized by law. Said authority shall file a report with the joint committee on transportation and the house and senate committees on ways and means not later than February fifteenth, nineteen hundred and ninety-seven that details the impact of such a reduction in tolls or any proposed elimination of tolls on the finances of the authority, on the commonwealth's highway system, and on the future funding of highway capital projects. Said report shall further evaluate the impact of such a reduction or proposed elimination on the bond rating of the authority and the commonwealth and on the fiduciary

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relationship between the authority and its bondholders. Said report shall also detail the effect such a reduction or proposed elimination of tolls would have on tourism and on any collective bargaining agreements that have been or will be entered into by said authority. Said authority is hereby prohibited from instituting a further reduction in tolls beyond the level authorized by this section.

SECTION 163. Notwithstanding the provisions of any general or special law to the contrary, the unexpended balance of item 9222-0100 in section 2 of chapter 38 of the acts of 1995 shall be carried forward in fiscal year nineteen hundred and ninety-seven and transferred in said fiscal year to item 7006-0020 in section 2 of chapter 151 of the acts of 1996 for the purposes of said item.

SECTION 164. Notwithstanding the provisions of any general or special law to the contrary, the unexpended balance of item 9230-9000 in section 2 of chapter 38 of the acts of 1995 shall be carried forward in fiscal year nineteen hundred and ninety-seven and transferred in said fiscal year to item 7006-0130 in section 2 of chapter 151 of the acts of 1996 for the purposes of said item.

SECTION 165. Notwithstanding the provisions of any special or general law to the contrary, the unexpended balance of item 9221-1000 in section 2 of chapter 38 of the acts of 1995 shall be carried forward in fiscal year nineteen hundred and ninety-seven and transferred in said fiscal year to item 7006-0010 in section 2 of chapter 151 of the acts of 1996 for the purposes of said item.

SECTION 166. Notwithstanding the provisions of any general or special law to the contrary, the funds appropriated in item 6037-9698 of section two A of this act shall be distributed according to the schedule listed below:

Abington	46,774
Acton	81,843
Acushnet	39,803
Adams	41,030
Agawam	86,223
Alford	10,227
Amesbury	54,113
Amherst	96,307
Andover	169,589
Arlington	107,800
Ashburnham	43,513
Ashby	30,979
Ashfield	38,706
Ashland	44,002
Athol	69,317
Attleboro	167,377
Auburn	77,103
Avon	25,743
Ayer	32,400

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Barnstable	265,792
Barre	58,347
Becket	32,680
Bedford	78,742
Belchertown	72,706
Bellingham	59,755
Belmont	71,043
Berkley	29,421
Berlin	25,295
Bernardston	24,907
Beverly	127,733
Billerica	133,209
Blackstone	31,128
Blandford	35,196
Bolton	35,777
Boston	1,852,407
Bourne	77,234
Boxborough	21,309
Boxford	50,922
Boylston	25,508
Braintree	138,373
Brewster	36,935
Bridgewater	79,039
Brimfield	37,537
Brockton	250,463
Brookfield	22,733
Brookline	22,156
Buckland	24,805
Burlington	115,617
Cambridge	337,321
Canton	88,778
Carlisle	30,611
Carver	48,070
Charlemont	24,805
Charlton	76,786
Chatham	43,553
Chelmsford	135,181
Chelsea	66,909
Cheshire	26,590
Chester	32,721
Chesterfield	30,565
Chicopee	158,368

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Chilmark	8,821
Clarksburg	9,481
Clinton	43,687
Cohasset	27,812
Colrain	44,842
Concord	89,261
Conway	36,514
Cummington	27,466
Dalton	31,067
Danvers	113,898
Dartmouth	139,121
Dedham	83,742
Deerfield	52,705
Dennis	89,719
Dighton	36,036
Douglas	45,044
Dover	31,936
Dracut	92,019
Dudley	54,017
Dunstable	21,484
Duxbury	60,399
East Bridgewater	29,271
East Brookfield	12,737
East Longmeadow	76,960
Eastham	30,159
Easthampton	61,755
Easton	75,613
Edgartown	28,862
Egremont	21,137
Erving	11,092
Essex	17,947
Everett	76,935
Fairhaven	64,948
Fall River	272,249
Falmouth	151,494
Fitchburg	154,710
Florida	22,257
Foxborough	66,301
Framingham	232,065
Franklin	93,650
Freetown	46,780
Gardner	83,232

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Gay Head	4,727
Georgetown	33,273
Gill	23,646
Gloucester	89,200
Goshen	14,853
Gosnold	1,221
Grafton	60,662
Granby	36,777
Granville	36,712
Great Barrington	56,476
Greenfield	89,764
Groton	53,596
Groveland	24,973
Hadley	45,344
Halifax	29,572
Hamilton	31,726
Hampden	32,134
Hancock	13,547
Hanover	56,312
Hanson	36,055
Hardwick	50,209
Harvard	47,250
Harwich	80,333
Hatfield	32,444
Haverhill	181,732
Hawley	24,480
Heath	28,916
Hingham	89,291
Hinsdale	21,222
Holbrook	33,175
Holden	76,987
Holland	20,989
Holliston	58,668
Holyoke	145,689
Hopedale	21,044
Hopkinton	55,151
Hubbardston	46,960
Hudson	72,647
Hull	38,135
Huntington	22,623
Ipswich	54,840
Kingston	48,979

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Lakeville	40,793
Lancaster	40,508
Lanesborough	29,790
Lawrence	159,649
Lee	37,912
Leicester	55,746
Lenox	39,432
Leominster	146,146
Leverett	20,034
Lexington	118,801
Leyden	20,008
Lincoln	36,197
Littleton	44,121
Longmeadow	66,177
Lowell	240,792
Ludlow	77,043
Lunenburg	55,735
Lynn	199,740
Lynnfield	46,588
Malden	127,098
Manchester	20,153
Mansfield	70,303
Marblehead	61,466
Marion	18,080
Marlborough	127,374
Marshfield	75,803
Mashpee	74,405
Mattapoissett	28,085
Maynard	37,843
Medfield	53,097
Medford	131,629
Medway	47,134
Melrose	73,275
Mendon	27,779
Merrimac	22,730
Methuen	136,426
Middleborough	103,913
Middlefield	21,133
Middleton	32,098
Milford	93,413
Millbury	51,478
Millis	37,519

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Millville	13,178
Milton	79,216
Monroe	9,103
Monson	64,321
Montague	65,927
Monterey	26,181
Montgomery	17,229
Mount Washington	9,709
Nahant	12,271
Nantucket	84,506
Natick	117,568
Needham	116,550
New Ashford	6,082
New Bedford	292,941
New Braintree	27,854
New Marlborough	47,113
New Salem	21,428
Newbury	34,073
Newburyport	63,477
Newton	298,899
Norfolk	43,119
North Adams	54,460
North Andover	100,131
North Attleborough	91,367
North Brookfield	42,812
North Reading	52,084
Northampton	132,617
Northborough	57,974
Northbridge	48,704
Northfield	39,628
Norton	60,721
Norwell	55,928
Norwood	116,887
Oak Bluffs	22,835
Oakham	24,978
Orange	54,555
Orleans	38,917
Otis	24,228
Oxford	63,424
Palmer	68,548
Paxton	24,237
Peabody	119,369

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Pelham	13,199
Pembroke	47,965
Pepperell	51,268
Peru	18,545
Petersham	35,074
Phillipston	25,771
Pittsfield	186,239
Plainfield	26,507
Plainville	31,993
Plymouth	163,077
Plympton	20,652
Princeton	45,751
Provincetown	15,778
Quincy	245,021
Randolph	92,724
Raynham	50,678
Reading	72,976
Rehoboth	72,782
Revere	96,185
Richmond	23,165
Rochester	34,997
Rockland	52,764
Rockport	27,084
Rowe	19,899
Rowley	27,927
Royalston	39,086
Russell	14,677
Rutland	40,510
Salem	100,412
Salisbury	27,261
Sandisfield	45,066
Sandwich	70,747
Saugus	80,364
Savoy	27,335
Scituate	72,251
Seekonk	71,641
Sharon	75,375
Sheffield	49,690
Shelburne	30,283
Sherborn	31,222
Shirley	32,008
Shrewsbury	101,323

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Shutesbury	18,499
Somerset	66,600
Somerville	143,516
South Hadley	63,153
Southampton	39,938
Southborough	46,397
Southbridge	65,630
Southwick	43,734
Spencer	66,786
Springfield	475,615
Sterling	54,537
Stockbridge	27,223
Stoneham	65,599
Stoughton	98,775
Stow	31,476
Sturbridge	55,388
Sudbury	80,770
Sunderland	24,332
Sutton	56,238
Swampscott	35,293
Swansea	73,127
Taunton	168,721
Templeton	44,770
Tewksbury	111,991
Tisbury	15,589
Tolland	22,054
Topsfield	35,248
Townsend	55,078
Truro	23,042
Tyngsborough	43,085
Tyringham	14,086
Upton	37,259
Uxbridge	59,298
Wakefield	86,193
Wales	14,547
Walpole	89,072
Waltham	216,844
Ware	58,539
Wareham	87,073
Warren	41,157
Warwick	31,283
Washington	23,523

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Watertown	97,137
Wayland	65,927
Webster	60,036
Wellesley	113,003
Wellfleet	33,260
Wendell	26,881
Wenham	18,544
West Boylston	36,262
West Bridgewater	43,696
West Brookfield	31,549
West Newbury	26,553
West Springfield	111,306
West Stockbridge	21,281
West Tisbury	9,597
Westborough	93,409
Westfield	150,724
Westford	91,631
Westhampton	25,657
Westminster	54,182
Weston	59,617
Westport	83,357
Westwood	68,577
Weymouth	149,287
Whately	18,593
Whitman	43,150
Wilbraham	64,125
Williamsburg	25,734
Williamstown	41,841
Wilmington	96,190
Winchendon	60,098
Winchester	69,115
Windsor	36,781
Winthrop	40,289
Woburn	154,987
Worcester	576,642
Worthington	32,732
Wrentham	46,182
Yarmouth	114,789

SECTION 167. Section twenty-four of this act shall take effect on July first, nineteen hundred and ninety-seven.

SECTION 168. Sections seventeen and eighteen of this act shall take effect on July first, nineteen hundred and ninety-seven.

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SECTION 169. Section thirty-three of this act shall take effect on January first, nineteen hundred and ninety-seven.

Sections disapproved: Sections 8, 14, 19, 68, 69, 113, 121, 122, 125, 128, 147 and 158.

Section returned for amendment: Section 162.

The remainder of the bill was approved by the Governor July 30, 1996.

Chapter 205. AN ACT PROVIDING FOR AN ACCELERATED TRANSPORTATION DEVELOPMENT AND IMPROVEMENT PROGRAM FOR THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for an accelerated transportation development and improvement program for the commonwealth, 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:

SECTION 1. To provide for a program of transportation development and improvements, the sums set forth in sections two to two K, inclusive, for the several purposes and subject to the conditions specified in this act, are hereby made available, subject to the provisions of law regulating the disbursement of public funds and approval thereof.

SECTION 2.

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways.

6033-9615 For projects pursuant to the provisions of sections sixty-seven and sixty-eight of this act on the interstate federal aid highway system; provided, that said sum may be expended for the costs of said projects including, but not limited to, the non-participating portions of such projects and the costs of engineering and other services essential to such projects, rendered by department employees or by consultants; provided further, that amounts expended for department employees may include the salary and salary-related expenses of such employees to the extent that they work on or in support of such projects; provided, that such expenses are federally reimbursed; provided further, that the executive office for administration and finance shall file an annual spending plan with the house and senate committees on ways and means and the joint committee on transportation which details, by subsidiary, all personnel costs and administrative costs charged to this item; provided further, that notwithstanding the