HOUSE . . . . . No. 3318

[Pin Slip]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

AN ACT MAKING APPROPRIATIONS FOR FISCAL YEAR 2011 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 make supplemental appropriations for fiscal year 2011 and to make certain changes in law, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2011, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2011. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

SECTION 2.

DISTRICT ATTORNEYS

Worcester District Attorney

0340-0420 $253,000

TREASURER AND RECEIVER-GENERAL.

13 Office of the Treasurer and Receiver General

14 0612-0105 $100,000

15 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

16 Bureau of State Office Buildings

17 1102-3302 $1,300,000

18 Reserves

19 1599-4420 $180,032

20 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES OFFICE OF
21 CHILDREN, YOUTH AND FAMILY SERVICES.

22 Department of Transitional Assistance

23 4400-1100 $2,000,000

24 Department of Developmental Services

25 5930-1000 $14,200,000

26 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

27 Department of Workforce Development

28 7002-0012 $4,000,000

29 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

30 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

31 Department of Housing and Community Development

32 7004-0101 $8,000,000

33 EXECUTIVE OFFICE OF EDUCATION

34 Department of Elementary and Secondary Education

35 7027-0019 $2,000,000

36 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

37 Office of the Secretary of Public Safety and Security

38 8100-0111 $2,500,000

39 Municipal Police Training Committee

40 8200-0200 $450,000

41 Military Division

42 8700-0001 $350,000

43 Department of Correction

44 8900-0001 $4,000,000

45 8900-0010 $537,006

46 SHERIFFS

47 Hampden Sheriff's Department

48 8910-0102 $325,117

49 Worcester Sheriff's Department

50 8910-0105 $201,706

51 Middlesex Sheriff's Department

52 8910-0107 $298,073

53 Franklin Sheriff's Department

54 8910-0108 $43,506

55 Hampshire Sheriff's Department

56 8910-0110 $58,463

57 Berkshire Sheriff's Department

58 8910-0145 $71,465

59 8910-0446 $50,000

60 Essex Sheriff's Department

61 8910-0619 $221,190

62 Barnstable Sheriff's Department

8910-8200 $104,051

Bristol Sheriff's Department

8910-8300 $133,556

8910-0310 $460,000

Dukes Sheriff's Department

8910-8400 $12,582

Nantucket Sheriff's Department

8910-8500 $3,835

Norfolk Sheriff's Department

8910-8600 $113,982

Plymouth Sheriff's Department

8910-8700 $118,396

Suffolk Sheriff's Department

8910-8800 $424,781

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise, for the several purposes and subject to the conditions specified in this section and subject to laws regulating the disbursement of public funds for the fiscal year ending June 30, 2011. The sums shall be in addition to any amounts previously appropriated and made available for the purposes of these items.

OFFICE OF THE SECRETARY OF ADMINISTRATION AND FINANCE

Reserves

1599-1973 For the cost of hired and leased equipment, vehicle repair and sand, salt and other control chemicals used for snow and ice control $49,779,843

1599-1982 For a reserve to meet the fiscal years 2011 and 2012 costs of salary adjustments and other economic benefits authorized by a collective bargaining agreement between the administrative office of the trial court and the OPEIU Local 6; provided, that the chief justice for administration and management, with the approval of the secretary of

92 administration and finance, shall determine these adjustments and benefits for the confidential
93 employees in accordance with the collective bargaining agreement then in effect which otherwise
94 would cover these positions; provided further, the secretary may transfer from the sum
95 appropriated in this item to other items of appropriation and allocation thereof for fiscal years
96 2011 and 2012 amounts that are necessary to meet these costs where amounts otherwise
97 available are insufficient for the purpose, in accordance with a transfer plan which shall be filed
98 in advance with the house and senate committees on ways and means; and provided further, that
99 any unexpended funds from this item shall not revert but shall be made available until June 30,
100 2012 $30,000,000

101 1599-2004 For a reserve to fund the additional administrative costs associated with the
102 design and implementation of initiatives to promote cost containment, transparency and
103 efficiency in the delivery of quality health care; provided, that allowable expenses from this item
104 shall include, but not be limited to, personnel expenditures, professional services and information
105 technology needed to support the Medicaid delivery model commission and the provider price
106 reform commission, costs of personnel and overtime, contracts and the purchase of new
107 information technologies; and provided further, that the executive office for administration and
108 finance shall report quarterly to the house and senate committees on ways and means detailing
109 expenditures from this item $1,900,000

110 1599-4227 For a reserve to meet the fiscal year 2011 costs of salary adjustments and
111 other economic benefits authorized by the collective bargaining agreement between the
112 commonwealth and the Massachusetts Nurses Association, Unit 7 $775,443

113 1599-4287 For a reserve to meet the fiscal year 2011 costs of salary adjustments and
114 other economic benefits authorized by the collective bargaining agreement between the
115 commonwealth and the Office and Professional Employees International Union, Local 6 $36

116 1599-4304 For a reserve to meet the fiscal year 2011 costs of salary adjustments and
117 other economic benefits authorized by the collective bargaining agreement between the
118 Barnstable sheriff's department and the Barnstable Correctional Officers $63,828

119 1599-4326 For a reserve to meet the fiscal year 2011 costs of salary adjustments and
120 other economic benefits authorized by the collective bargaining agreement between the Norfolk
121 county sheriff's department and the National Association of Government Employees Locals 296
122 $12,694

123 1599-4334 For a reserve to meet the fiscal year 2011 costs of salary adjustments and
124 other economic benefits authorized by the collective bargaining agreement between the Suffolk
125 county sheriff's department and the American Federation of State, County and Municipal
126 Employees/AFL-CIO, Council 93, Locals 3643/3967 $32,921

1599-4335 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Suffolk county sheriff's department and the American Federation of State, County and Municipal Employees/AFL-CIO, Council 93, Local RN$4,582

1599-4341 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Suffolk county sheriff's department and the Jail Officers and Employees Association of Suffolk County $142,243

1599-4354 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Plymouth sheriff's department and the NCEU 104, Superior Officers $18,310

1599-4355 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Plymouth sheriff's department and the Plymouth Investigators MCOFU (BCI) $4,426

1599-4356 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Plymouth sheriff's department and the Association of County Employees $78,609

1599-4357 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Plymouth sheriff's department and the Plymouth Investigators MCOFU C-Med (Communications Staff) $5,712

1599-4358 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Plymouth sheriff's department and the NCEU 301, Plymouth Admin/Tech (Clerical) $21,988

SECRETARY OF THE COMMONWEALTH

Office of the Secretary of the Commonwealth

0521-0003 For the commonwealth's administrative costs associated with the special primary and the special election to fill the Massachusetts house of representatives' seat for the tenth Middlesex district including, but not limited to, the printing of nomination papers and ballots, extended polling hours, printing and delivery of election supplies and programming of accessible equipment for both the special primary and special election $30,422

0521-0004 For the commonwealth's administrative costs associated with the special primary and the special election to fill the Massachusetts house of representatives' seat for the

161 sixth Worcester district including, but not limited to, the printing of nomination papers and
162 ballots, extended polling hours, printing and delivery of election supplies and programming of
163 accessible equipment for both the special primary and special election $51,183

164 Executive Office of Health and Human Services

165 Department of Elder Affairs

166 9110-2500 For the department of elder affairs, which shall not expend more than
167 $450,000 from revenues from federal reimbursements received for the operation of the Veterans
168 Independence Plus Initiative, a joint initiative of the United States Department of Veterans
169 Affairs and the United States Administration on Aging $450,000

170 SECTION 3. Chapter 6 of the General Laws is hereby amended by striking out section
171 131B, as appearing in the 2008 Official Edition, and inserting in place thereof the following
172 section:-

173 Section 131B. At the discretion of the Social Security Administration, the commissioner
174 shall enter into an agreement with the Social Security Administration, under which the
175 commonwealth may administer the program of state supplementary payments authorized by
176 section 1 of chapter 118A, or the Social Security Administration may, on behalf of the
177 commonwealth, administer the program of state supplementary payments for the blind
178 authorized by section 131. This agreement shall satisfy the requirements under section 3 of said
179 chapter 118A which the Social Security Administration shall execute for the administration of
180 state supplementary payments for the aged and disabled.

181 SECTION 4. Chapter 7 of the General Laws is hereby amended by striking out section
182 22O, inserted by section 7 of chapter 240 of the acts of 2010, and inserting in place thereof the
183 following section:-

184 Section 22O. Notwithstanding any contrary provision of law relating to procurement, and
185 to the extent permitted by federal law, a state agency or authority shall establish a preference for
186 the procurement of products or services from businesses, as defined in section 3A of chapter
187 23A, with their principal place of business in the commonwealth. In addition, the operational
188 services division shall endeavor to ensure that in any fiscal year no less than 15 per cent of
189 statewide procurement contracts are entered into with businesses, as so defined, which (i) are
190 independently owned and operated; (ii) have a principal place of business in the commonwealth;
191 (iii) have been in business for at least one year; and (iv) are defined as a small business under
192 applicable federal law or are defined by the division as small businesses pursuant to the small
193 business purchasing program.

194 SECTION 5. The first sentence of the fourth paragraph of section 2 of chapter 40G of the
195 General Laws is hereby amended by inserting after the word “development”, inserted by section
196 82 of chapter 240 of the acts of 2010, the following words:- or a designee.

197 SECTION 6. The first sentence of subsection (b) of section 3 of chapter 40H of the
198 General Laws is hereby amended by inserting after the word “development”, inserted by section
199 90 of said chapter 240, the following words:- or a designee.

200 SECTION 7. Section 1 of chapter 62 of the General Laws, as amended by section 26 of
201 chapter 27 of the acts of 2009, is hereby further amended by inserting after the figure “72” the
202 following figures:- , 105, 106,.

203 SECTION 8. Section 30 of chapter 63 of the General Laws is hereby amended by
204 striking out paragraph 17, as appearing in the 2008 Official Edition.

205 SECTION 9. Section 87DDD of chapter 112 of the General Laws is hereby repealed.

206 SECTION 10. Chapter 118A of the General Laws is hereby amended by striking out
207 sections 3, 4 and 5, as appearing in the 2008 Official Edition, and inserting in place thereof the
208 following 3 sections:-

209 Section 3. The commissioner of transitional assistance shall enter into an agreement with
210 the Social Security Administration regarding the administration of the program of state
211 supplementary payments authorized by section 1. This agreement shall contain all requirements
212 for, and limitations and qualifications on, state supplementary payments which Title XVI or
213 regulations adopted thereunder make necessary. At the option of the commissioner, this
214 agreement may provide for either state or federal administration of the program. Administration
215 of the program by the commonwealth may be delegated to another governmental entity.

216 Section 4. An application to the Social Security Administration for supplemental security
217 income benefits under Title XVI shall also be considered an application for state supplementary
218 payment for the category of assistance for which the application is filed. Eligibility for any
219 category of assistance of an individual or couple shall be determined in accordance with federal
220 law. Unless the commissioner of transitional assistance elects federal administration of the state
221 supplementary payment program, procedures related to notices, appeals and hearings regarding
222 this program shall be determined in accordance with state law.

223 Section 5. If the commissioner of transitional assistance elects federal administration of
224 state supplementary payments, there shall be advanced from the state treasury to the Social
225 Security Administration each month an amount equal to the estimated payments authorized for
226 that month.

227 SECTION 11. The third paragraph of section 6 of chapter 118G of the General Laws, as
228 appearing in the 2008 Official Edition, is hereby amended by adding the following sentence:-

229 The division shall adopt regulations to require private and public health care payers to submit
230 claims data, member data and provider data for the purpose of developing and maintaining a
231 database of health care claims data pursuant to subsection (f) of section 16K of chapter 6A.

232 SECTION 12. Said section 6 of said chapter 118G is hereby further amended by
233 inserting after the fifth paragraph, as appearing in section 13 of chapter 288 of the acts of 2010,
234 the following paragraph:-

235 The division shall be the sole repository for health care data collected pursuant to this
236 section. The division shall collect, store and maintain such data in a payer and provider claims
237 database. The division shall acquire, retain and oversee all information technology,
238 infrastructure, hardware, components, servers and employees necessary to carry out this section.
239 All other agencies, authorities, councils, boards and commissions of the commonwealth seeking
240 health care data that is collected pursuant to this section shall utilize such data prior to requesting
241 data directly from health care providers and payers. In order to ensure patient data
242 confidentiality, the division shall not contract or transfer the operation of the database or its
243 functions to a third-party entity, nonprofit organization or governmental entity; provided,
244 however, that the division may enter into interagency services agreements for transfer and use of
245 the data.

246 SECTION 13. Section 3 of chapter 125 of the General Laws, as so appearing, is hereby
247 amended by adding the following sentence:- The duties of a correction officer or correctional
248 program officer shall include the duty to transport inmates outside of a correctional facility and
249 to prevent their escape, and no special state police officer appointment under section 127 of
250 chapter 127 shall be necessary for such purposes.

251 SECTION 14. Section 129B of chapter 140 of the General Laws is hereby amended by
252 inserting after the word "send", in line 174, as so appearing, the following words:- electronically
253 or.

254 SECTION 15. Clause (9) of said section 129B of said chapter 140, as so appearing, is
255 hereby amended by adding the following 3 sentences:- The commissioner of the department of
256 criminal justice information services shall provide electronic notice of expiration only upon the
257 request of a cardholder. A request for electronic notice of expiration shall be forwarded to the
258 department on a form furnished by the commissioner. Any electronic address maintained by the
259 department for the purpose of providing electronic notice of expiration shall be considered a
260 firearms record and shall not be disclosed except as provided in section 10 of chapter 66.

261 SECTION 16. Section 131 of said chapter 140, as so appearing, is hereby amended by
262 inserting after the word "send", in line 292, the following words:- electronically or.

263 SECTION 17. Subsection (l) of said section 131 of said chapter 140, as so appearing, is
264 hereby further amended by adding the following 3 sentences:- The commissioner of the

265 department of criminal justice information services shall provide electronic notice of expiration
266 only upon the request of a cardholder. A request for electronic notice of expiration shall be
267 forwarded to the department on a form furnished by the commissioner. Any electronic address
268 maintained by the department for the purpose of providing electronic notice of expiration shall
269 be considered a firearms record and shall not be disclosed except as provided in section 10 of
270 chapter 66.

271 SECTION 18 Section 14G of chapter 151A of the General Laws, as so appearing, is
272 hereby amended by inserting after the word "agency", in line 208, the following words:- or state
273 authority.

274 SECTION 19. Chapter 272 of the General Laws is hereby amended by striking out
275 section 28, as so appearing, and inserting in place thereof the following section:-

276 Section 28. Whoever purposefully disseminates to a person he knows or believes to be a
277 minor any matter harmful to minors, as defined in section 31, knowing it to be harmful to
278 minors, or has in his possession any such matter with the intent to disseminate the same to a
279 person he knows or believes to be a minor, shall be punished by imprisonment in the state prison
280 for not more than 5 years or in a jail or house of correction for not more than 2 1/2 years, or by a
281 fine of not less than $1000 nor more than $10,000 for the first offense, not less than $5000 nor
282 more than $20,000 for the second offense, or not less than $10,000 nor more than $30,000 for a
283 third or subsequent offenses, or by both such fine and imprisonment. A person who disseminates
284 an electronic communication or possesses an electronic communication with the intent to
285 disseminate it shall not be found to have violated this section unless he specifically intends to
286 direct the communication to a person he knows or believes to be a minor. A prosecution
287 commenced under this section shall not be continued without a finding or placed on file. It shall
288 be a defense in a prosecution under this section that the defendant was in a parental or
289 guardianship relationship with the minor. It shall also be a defense in a prosecution under this
290 section if the evidence proves that the defendant was a bona fide school, museum or library, or
291 was acting in the course of his employment as an employee of such organization or of a retail
292 outlet affiliated with and serving the educational purpose of such organization.

293 SECTION 20. The fourth sentence of the first paragraph of chapter 2 of the resolves of
294 2010, as amended by section 32 of chapter 409 of the acts of 2010, is hereby amended by
295 inserting after the words "the commissioner of the department of higher education or a designee"
296 the following words:- ;a representative from a community college.

297 SECTION 21 Section 10 of chapter 614 of the acts of 1968 is hereby amended by striking
298 out paragraph (g), added by section 48 of chapter 288 of the acts of 2010, and inserting in place
299 thereof the following paragraph:-

300 (g)(i) For the benefit of nonprofit community hospitals and nonprofit community health
301 centers licensed by the department of public health and meeting the definition of a community

302 health center under 114.6 CMR 13.00 as either a community health center or a hospital licensed
303 health center, the authority may create and establish special funds to be known as Community
304 Hospital and Community Health Center Capital Reserve Funds and, to the extent so created,
305 shall pay into each such fund any monies appropriated and made available by the commonwealth
306 for the purposes of such fund, any proceeds from the sale of notes or bonds to the extent
307 provided in the resolution, trust agreement or indenture of the authority authorizing issuance
308 thereof, any other monies or funds and any other monies which may be available to the authority
309 only for the purpose of such fund from any other source or sources. All monies held in the fund,
310 except as hereinafter provided, shall be used solely for the payment of bonds of the authority
311 which are secured by any such fund, which herein shall include becoming payable at maturity or
312 by sinking fund installment, the purchase or tender price of such bonds, the payment of interest
313 on such bonds, or the payment of any redemption premium required to be paid when such bonds
314 are redeemed prior to maturity; provided, however, that monies in a Community Hospital and
315 Community Health Center Capital Reserve Fund shall not be withdrawn therefrom at any time in
316 such amount as would reduce the amount of the fund to less than the maximum amount of
317 principal and interest maturing or becoming due in any succeeding calendar year on outstanding
318 bonds which are secured by the fund, except for the purpose of paying the principal of and
319 interest on such bonds maturing or becoming due or for the retirement of such bonds in
320 accordance with the terms of the trust agreement or other document providing for the issuance of
321 such bonds by the authority and for the payment of which other monies pledged to secure such
322 bonds are not available. Any income or interest earned by, or increment to, a Community
323 Hospital and Community Health Center Capital Reserve Fund due to the investment thereof shall
324 be used by the authority for the purposes of this section.

325 (ii) The authority shall not issue bonds which will be secured by a Community Hospital
326 and Community Health Center Capital Reserve Fund at any time if the maximum amount of
327 principal and interest maturing or becoming due in any succeeding calendar year on such bonds
328 then to be issued and on all other outstanding bonds of the authority which are secured by such
329 fund will exceed the amount of such Community Hospital and Community Health Center Capital
330 Reserve Fund at the time of issuance unless the authority, at the time of issuance of such bonds,
331 shall deposit in such fund from the proceeds of the bonds so to be issued, or otherwise, an
332 amount which, together with the amount then in the fund, will be not less than the maximum
333 amount of principal and interest maturing or becoming due in any succeeding calendar year on
334 such bonds then to be issued and on all other outstanding bonds of the authority which are
335 secured by any such fund.

336 (iii) To assure the continued operation and solvency of the authority for carrying out of
337 the public purposes of this act, provision is made in subparagraph (i) for the accumulation in a
338 Community Hospital and Community Health Center Capital Reserve Fund of an amount equal to
339 the maximum amount of principal and interest maturing or becoming due in any succeeding
340 calendar year on all outstanding bonds which are secured by any such fund. In order to further

341 assure the maintenance of a Community Hospital and Community Health Center Capital Reserve
342 Fund, there shall be appropriated annually and paid to the authority for deposit in the fund such
343 sum, if any, as shall be certified by the executive director of the authority to the secretary of
344 administration and finance as necessary to restore the fund to an amount equal to the maximum
345 amount of principal and interest maturing or becoming due in any succeeding calendar year on
346 the outstanding bonds which are secured by any such fund. The executive director of the
347 authority shall annually, on or before December 1, make and deliver to the secretary of
348 administration and finance a certificate stating the amount, if any, required to restore a
349 Community Hospital and Community Health Center Capital Reserve Fund to the amount
350 aforesaid and the amount so stated, if any, shall be appropriated and paid to the authority for
351 deposit to such fund during the then current fiscal year of the commonwealth.

352 (iv) For the purposes of this paragraph, in computing the amount of a Community
353 Hospital and Community Health Center Capital Reserve Fund, securities in which all or a
354 portion of the fund are invested shall be valued at par or, if purchased at less than par, at their
355 cost to the authority unless otherwise provided in the resolution, trust agreement or indenture
356 authorizing the issuance of bonds secured by the fund.

357 (v) For the purposes of this paragraph, the amount of a letter of credit, insurance contract,
358 surety bond or similar financial instrument available to be drawn upon and applied to obligations
359 to which money in the Community Hospital and Community Health Center Capital Reserve
360 Fund may be applied shall be counted as money in the fund. For the purposes of this paragraph,
361 in calculating the maximum amount of interest due in the future on variable rate bonds or bonds
362 with respect to which the interest rate is not at the time of calculation determinable, the interest
363 rate shall be calculated at the maximum interest rate payable on such bonds as provided in the
364 trust agreement or other document providing for the issuance of such bonds by the authority.

365 (vi) Bonds secured by a Community Hospital and Community Health Center Capital
366 Reserve Fund shall be issued by the authority solely for the benefit of nonprofit community
367 hospitals and nonprofit community health centers licensed by the department of public health
368 and meeting the definition of a community health center under 114.6 CMR 13.00 as either a
369 community health center or a hospital licensed health center.

370 (vii) Notwithstanding any provision of this act to the contrary, no loan shall be made by
371 the authority to a nonprofit community hospital or nonprofit community health center from the
372 proceeds of bonds secured by a Community Hospital and Community Health Center Capital
373 Reserve Fund established under this paragraph unless: (a) the project to be financed by the loan
374 has been approved by the secretary of health and human services; and (b) the loan and the
375 issuance and terms of the related bonds have been approved by the secretary of administration
376 and finance. In connection with any loan to a nonprofit community hospital or nonprofit
377 community health center under this paragraph, the secretary of health and human services and
378 the secretary of administration and finance may enter into an agreement with the authority and

379 the nonprofit community hospital or nonprofit community health center to: (1) require that the
380 nonprofit community hospital or nonprofit community health center provide financial statements
381 or other information relevant to the financial condition of the nonprofit community hospital or
382 nonprofit community health center and its compliance with the terms of the loan; (2) require that
383 the nonprofit community hospital or nonprofit community health center reimburse the
384 commonwealth for any amounts the commonwealth transfers to the fund under subparagraph (iii)
385 to replenish the fund as a result of a loan payment default by the nonprofit community hospital or
386 nonprofit community health center; and (3) require compliance by the nonprofit community
387 hospital or nonprofit community health center or the authority with any other terms and
388 conditions that the secretary of health and human services and the secretary of administration and
389 finance consider appropriate in connection with the loan.

390 (viii) When the authority notifies the secretary of administration and finance in writing
391 that an institution that is the recipient of a loan of the proceeds of bonds secured by a Community
392 Hospital and Community Health Center Capital Reserve Fund under this paragraph is in default
393 as to the payment of principal or interest on such loan, the secretary of administration and
394 finance shall direct the comptroller to withhold any funds in the comptroller's custody that are
395 due or payable to the institution until the amount of the principal and interest due or anticipated
396 to be due has been paid to the authority or the trustee for the bondholders. Funds subject to
397 withholding under this subparagraph shall include, but not be limited to, federal and state grants,
398 contracts, allocations and appropriations.

399 (ix) If the authority further notifies the secretary of administration and finance in writing
400 that no other arrangements are satisfactory, the secretary shall direct the comptroller to make
401 available to the authority without further appropriation any funds withheld from the institution
402 under subparagraph (viii). The authority shall apply the funds to the amounts due from the
403 institution, including payments required to be made to the authority or trustee for any
404 bondholders of debt service on any loan of the proceeds of bonds issued by the authority for the
405 institution, or payments required to replenish the Community Hospital and Community Health
406 Center Capital Reserve Fund or otherwise required by the terms of the loan or any other law or
407 contract governing the loan or the bonds issued on behalf of the institution upon failure or
408 default, or upon reasonable expectation of failure or default, of the institution to pay the principal
409 or interest on its loan when due.

410 (x) The secretary of administration and finance may notify any other agency, department
411 or authority of state government that exercises regulatory, supervisory or statutory control over
412 the operations of the institution. Upon notification, the agency, department or authority shall
413 immediately undertake reviews to determine what action, if any, that agency, department or
414 authority should undertake to assist in the payment by the institution of the money due or the
415 steps that the agencies of the commonwealth, other than the comptroller or the authority, should
416 take to assure the continued prudent operation of the institution or provision of services to the
417 people served by the institution.

418 (xi) Notwithstanding any general or special law to the contrary, in the event that a
419 nonprofit community hospital or nonprofit community health center fails to reimburse the
420 commonwealth for any transfers made by the commonwealth to the authority to replenish the
421 Community Hospital and Community Health Center Capital Reserve Fund under subparagraph
422 (iii) within 6 months after any such transfer and as otherwise provided under the terms of the
423 agreement among the nonprofit community hospital or nonprofit community health center, the
424 authority and the commonwealth authorized under subparagraph (vii), the secretary of
425 administration and finance may, in the secretary's sole discretion, direct the comptroller to
426 withhold any funds in the comptroller's custody that are due or payable to the nonprofit
427 community hospital or nonprofit community health center to cover all or a portion of the amount
428 the nonprofit community hospital or nonprofit community health center has failed to pay to the
429 commonwealth to reimburse the commonwealth for any such transfers. All contracts issued by
430 the group insurance commission, the commonwealth health insurance connector authority and
431 MassHealth to a third party for the purposes of providing health care insurance paid for by the
432 commonwealth shall provide that, at the direction of the secretary of administration and finance,
433 the third party shall withhold payments to a nonprofit community hospital or nonprofit
434 community health center which fails to reimburse the commonwealth under the agreement
435 authorized under subparagraph (vii) and shall transfer the withheld amount to the
436 commonwealth. Any such withheld and transferred amounts shall be considered to have been
437 paid to the nonprofit community hospital or nonprofit community health center for all other
438 purposes of law, and the nonprofit community hospital or nonprofit community health center
439 shall be considered to have reimbursed the commonwealth in an amount equal to such withheld
440 and transferred funds for purposes of the agreement authorized under said subparagraph (vii).

441 (xii) For the purposes of this paragraph, a community hospital or community health
442 center shall not include a hospital where the ratio of the number of physician residents-in-
443 training to the number of inpatient beds exceeds 0.25.

444 SECTION 22 Chapter 194 of the acts of 1998 is hereby amended by striking out section
445 317, as amended by section 222 of chapter 149 of the acts of 2004,and inserting in place thereof
446 the following section:-

447 Section 317. There shall be established and set up on the books of the commonwealth a
448 separate trust to be known as the Natural Resource Damages Trust to be administered and
449 expended by the department of environmental protection within the executive office of
450 environmental affairs, but with the written approval of the trustee, as defined herein.
451 Expenditures may be made from the trust account, without further appropriation, for the
452 purposes of funding natural resource restoration, replacement or acquisition of equivalent natural
453 resources, the development of natural resource damages claims including, but not limited to,
454 investigation of such claims and enforcement of settlements. Expenditures may also be made
455 from the trust account, without further appropriation, for the purposes of funding other actions
456 related to natural resources damage including, but not limited to, natural resource damage

457 assessment, natural resource damage recovery, natural resource law enforcement and, if
458 necessary, the costs of personnel and administration of studies or related activities, including
459 grants to public and nonpublic entities, conducted pursuant to the authority of the trustee for
460 natural resources as established by section 2A of chapter 21A of the General Laws, pursuant to
461 section 5 of chapter 21E of the General Laws, sections 23 to 27, inclusive, of chapter 130 of the
462 General Laws, section 42 of chapter 131 of the General Laws, section 9607(f) of Title 42 of the
463 United States Code, section 1321 of Title 33 of the United States Code, section 2706 of Title 33
464 of the United States Code or any other relevant and appropriate authority. The trust shall retain
465 all interest earned on sums deposited in the trust. The trust may receive funds as may be
466 appropriated from time to time, as well as gifts and grants of money or other contributions from
467 any source, either public or private, and settlements, judgments, or fines or penalties not
468 designated by law for other specific purposes, to be expended within the purposes of the trust.
469 The fund may not receive any fees that have been collected by an agency within the executive
470 office of environmental affairs.

471 SECTION 23. Section 417 of said chapter 149 of the acts of 2004 is hereby amended by
472 striking out the figure "2011", inserted by section 78 of chapter 182 of the acts of 2008, and
473 inserting in place thereof the following figure:- 2013.

474 SECTION 24. Section 20 of chapter 130 of the acts of 2008 is hereby repealed.

475 SECTION 25. Section 54 of said chapter 130 is hereby amended by striking out the
476 figure "20".

477 SECTION 26. Section 15 of 257 of the acts of 2008 is hereby repealed.

478 SECTION 27. Section 16 of said chapter 257 is hereby amended by striking out, in line
479 1, the word "October 1, 2010" and inserting in place thereof the following word:- January 1,
480 2012.

481 SECTION 28. Section 17 of said chapter 257 is hereby amended by striking out, in line 1,
482 the word "October 1, 2011" and inserting in place thereof the following word:- January 1, 2013.

483 SECTION 29. Section 18 of said chapter 257 is hereby amended by striking out, in line
484 1, the word "October 1, 2012" and inserting in place thereof the following word:- January 1,
485 2014.

486 SECTION 30. Sections 16 and 17 of chapter 167 of the acts of 2009, as amended by
487 section 14 of chapter 86 of the acts of 2010, are hereby repealed.

488 SECTION 31. Section 2 of said chapter 131 is hereby further amended by striking out
489 item 0511-0000 and inserting in place thereof the following item:-

0511-0000 For the operation of the office of the secretary; provided, that the secretary may transfer funds between items 0511-0000, 0511-0200, 0511-0230, 0511-0250, 0511-0260, 0511-0420, 0517-0000, 0521-0000, 0521-0001, 0524-0000; 0540-0900, 0540-1000, 0540-1100, 0540-1200, 0540-1300, 0540-1400, 0540-1500, 0540-1600, 0540-1700, 0540-1800, 0540-1900, 0540-2000 and 0540-2100 pursuant to an allocation schedule filed with the house and senate committees on ways and means not less than 30 days before the transfer; provided, further, that each register of deeds using electronic record books shall ensure that all methods of electronically recording instruments conform to the regulations or standards established by the secretary of state and the records conservation board; provided, further, that those regulations shall be issued on or before June 30, 2011; and provided further in order to meet the federal matching fund requirements, the secretary shall transfer $81,961 from item 0521-0000 to the HAVA Trust Account 0521-0700 $6,033,086

SECTION 32. Item 0699-0015 of said section 2 of chapter 131 of the acts of 2010 is hereby amended by adding the following words:- ;provided further, that notwithstanding any general or special law to the contrary or other provisions of this item, the comptroller may charge the payments authorized in the item to the appropriate budgetary or other fund subject to a plan which the comptroller shall file 10 days in advance with the house and senate committees on ways and means; and provided further, that the comptroller shall transfer from this item to the Government Land Bank Fund an amount equal to the amount by which debt service charged to the fund exceeds revenue deposited to the fund.

SECTION 33. Said section 2 of said chapter 131 is hereby further amended by striking out item 2030-1004 and inserting in place thereof the following item:-

2030-1004 For environmental police private details; provided, that the office may expend revenues of up to $300,000 collected from the fees charged for private details; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system $300,000

SECTION 34. Said section 2 of said chapter 131 is hereby further amended by striking out item 2330-0200 and inserting in place thereof the following item:-

2330-0300 For the administration and operation of the saltwater fishing permit program, in accordance with chapter 161 of the acts of 2009…….$101,500

Marine Recreational Fisheries Development Fund.....100.00%

SECTION 35. Item 4400-1100 of said section 2 of said chapter 131 is hereby amended by adding the following words:- ; prior appropriation continued

526 SECTION 36. Item 7002-0012 of said section 2 of said chapter 131 is hereby amended
527 by adding the following words:- ; prior appropriation continued.

528 SECTION 37. Item 7027-0019 of said section 2 of said chapter 131 is hereby amended
529 by adding the following words:- ; prior appropriation continued.

530 SECTION 38. Item 8100-0111 of said section 2 of said chapter 131 is hereby amended
531 by adding the following words:- ; prior appropriation continued.

532 SECTION 39. Item 8900-0001 of said section 2 of said chapter 131 is hereby amended
533 by adding the following words:- ; prior appropriation continued.

534 SECTION 40. Section 2E of said chapter 131 is hereby amended by striking out item
535 1595-1068 and inserting in place thereof the following item:-

536 1595-1068 For an operating transfer to the MassHealth provider payment account in the
537 Medical Assistance Trust Fund established in section 2QQQ of chapter 29 of the General Laws,
538 notwithstanding the requirement that transfers be completed on or before June 30, 2011 in the
539 introductory paragraph of this section; provided, that these funds shall be expended only for
540 services provided during state or federal fiscal year 2011, and no amounts previously or
541 subsequently transferred into the Medical Assistance Trust Fund shall be expended on payments
542 described in the section 1115 demonstration waiver for services provided during state fiscal year
543 2010 and 2011, or payments described in the state plan for services provided during federal fiscal
544 year 2011; provided, further, that all payments from the Medical Assistance Trust Fund shall be
545 subject to the availability of federal financial participation, shall be made only in accordance
546 with federally-approved payment methods, shall be consistent with federal funding requirements
547 and all federal payment limits as determined by the secretary of health and human services and
548 shall be subject to the terms and conditions of an agreement with the executive office of health
549 and human services; provided, further, that any increase in payment made from the trust fund
550 totaling an amount greater than $251,000,000 in fiscal year 2011 shall be made only after the
551 secretary of health and human services certifies that any increase in payments from the trust fund
552 shall not exceed the negotiated limit for section 1115 waiver spending; provided, further, that the
553 secretary of health and human services shall notify, in writing, the house and senate committees
554 on ways and means and the joint committee on health care financing of any increases in
555 payments within 15 days; provided, further, that the secretary of health and human services shall
556 make a payment of up to $383,263,923 from the Medical Assistance Trust Fund to the
557 Cambridge Public Health Commission for dates of service in state and federal fiscal year 2010
558 and 2011, only after the Cambridge Public Health Commission transfers up to $147,211,673 of
559 its funds to the Medical Assistance Trust Fund using a federally-permissible source of funds
560 which shall fully satisfy the nonfederal share of such payment; and provided, further, that the
561 secretary of health and human services shall make payments from the Medical Assistance Trust
562 Fund totaling an amount not to exceed $245,500,000 to privately owned acute hospitals in the

563 commonwealth for purposes of transitional relief. Such transitional relief payments shall be in
564 addition to payments from the Medical Assistance Trust Fund made pursuant to supplemental
565 payment agreements entered into between the executive office of health and human services and
566 hospitals designated by the commonwealth as Essential MassHealth Hospitals and Public Service
567 Hospitals; provided, further, that transitional relief payments shall be subject to approval by the
568 Centers for Medicare and Medicaid Services of the amendment to the MassHealth Section 1115
569 Demonstration as submitted by the commonwealth on March 1, 2010, and in accordance with the
570 methodology approved in that amendment; provided, further, that such payments may be made
571 only pursuant to written certification to the comptroller and the house and senate committees on
572 ways and means by the secretary of administration and finance that sufficient state revenue is
573 available to fund the non-federal share for such payments, consistent with the requirement for a
574 balanced budget; and provided, further, that payments and transfers from this appropriation in
575 fiscal year 2011 may also be used for fiscal year 2010 hospital payments $886,101,088

576 SECTION 41. The last sentence of the second paragraph of section 178 of said chapter
577 131 is hereby amended by striking out the word "January 15" and inserting in place thereof the
578 following word:- September 30.

579 SECTION 42. Paragraph (2) of subsection (b) of section 173 of chapter 240 of the acts
580 of 2010 is hereby amended by striking out the words "or; (iii) a permit, license, privilege or
581 approval issued by the division of fisheries and wildlife under chapter 131 for hunting, fishing or
582 aquaculture" and inserting in place thereof the following words:- (iii) a permit, license, privilege
583 or approval issued by the division of fisheries and wildlife under chapter 131 of the General
584 Laws for hunting, fishing or aquaculture; or (iv) a project that received funds prior to July 1,
585 2010 from the Massachusetts Development Finance Agency through the commonwealth's
586 infrastructure investment incentive program.

587 SECTION 43. The first paragraph of section 181 of said chapter 240 is hereby amended
588 by inserting after the words "commissioner of elementary and secondary education," the
589 following words:- who shall serve as chair of the commission,.

590 SECTION 44. The last sentence of the second paragraph of subsection (e) of section 67
591 of chapter 288 of the acts of 2010 is hereby amended by striking out the word "February 1" and
592 inserting in place thereof the following word:- September 30.

593 SECTION 45. Item 0699-0005 of section 2A of chapter 359 of the acts of 2010 is hereby
594 amended by adding the following words:- ; provided, further, that notwithstanding any general or
595 special law to the contrary or other provisions of this item, the comptroller may charge the
596 payments authorized in the item to the appropriate budgetary or other fund subject to a plan
597 which the comptroller shall file 10 days in advance with the house and senate committees on
598 ways and means; and provided, further, that the comptroller shall transfer from this item to the

599 Government Land Bank Fund an amount equal to the amount by which debt service charged to
600 the fund exceeds revenue deposited to the fund.

601 SECTION 46. Section 4 of chapter 476 of the acts of 2010 is hereby amended by striking
602 out the word "Ferdinand", each time it appears, and inserting in place thereof the following
603 word:- Fernand.

604 SECTION 47. (a) Notwithstanding any general or special law to the contrary, the
605 comptroller shall transfer $46,279 from the General Fund to the Central Artery and Statewide
606 Road and Bridge Infrastructure Fund, established in section 63½ of chapter 10 of the General
607 Laws, to reimburse that Fund for interest earned on settlement monies recovered by the
608 commonwealth and received by the state treasurer. This transfer shall also include any interest
609 earned to date on the $46,279 as identified by the state treasurer.

610 (b) Notwithstanding any general or special law to the contrary, the comptroller shall
611 transfer $1,056,550 from the General Fund to the Central Artery/Tunnel Project Repair and
612 Maintenance Trust Fund, established in section 63A of chapter 10 of the General Laws, to
613 reimburse that Fund for interest earned between January 4, 2008 and February 22, 2008 on
614 settlement monies recovered for the Central Artery/Ted Williams Tunnel Project and received by
615 the state treasurer. This transfer shall also include any interest earned to date on the $1,056,550
616 as identified by the state treasurer.

617 SECTION 48. Except as otherwise provided in this section, a governmental unit shall not
618 procure a new contract or extend an existing contract for a social service program subject to the
619 prospective rate setting process required by section 7 of chapter 118G of the General Laws until
620 after the rate has been set in accordance with the dates set forth in sections 26 to 29, inclusive.
621 After that rate has been set, that rate shall apply to any contract or contract extension that
622 becomes effective on or after the following July 1, though the rate may be applied earlier.
623 Notwithstanding any general or special law to the contrary, to the extent necessary to continue a
624 social service program until a rate has been set in accordance with this subsection and the dates
625 set forth in sections 26 to 29, inclusive, the governmental unit may extend an existing contract
626 for such a social service program, subject to only minor modifications as the governmental unit
627 determines. A governmental unit may procure a new contract before such a rate has been set only
628 with the prior written approval of the secretary of health and human services, including the
629 secretary's written finding that the new contract is necessary to assure (1) continuity of consumer
630 health, safety or access; (2) program integrity, where a new contract is necessary to replace an
631 existing contract that terminated early due to unanticipated circumstances; or (3) compliance
632 with a court order, settlement agreement or statutory requirement.

633 SECTION 49. (a) As used in this section, the following words shall have the following
634 meanings:-

635 "Alteration", work required to modify or adjust the interior space arrangement or other
636 physical characteristics of an existing facility so that it may be more effectively utilized for its
637 presently designated functional purpose;

638 “Commissioner", the commissioner of capital asset management and maintenance;

639 “Conversion", work required to modify or adjust the interior space arrangement or other
640 physical characteristics of an existing facility so that it may be effectively utilized for a new
641 functional purpose;

642 "Job order", an agreed upon fixed-price order issued by a public agency to a contractor
643 pursuant to a job order contract, for the contractor's performance of a specific maintenance,
644 repair, alteration, or conversion project consisting solely of tasks, materials and equipment
645 selected from those specified and priced in that job order contract.

646 "Job order contract", a contract for the performance of maintenance, repair, alteration
647 and conversion projects, or a subset thereof, (1) that is limited to a specified term, (2) in which
648 the contract specifications consist of technical descriptions of various tasks, materials and
649 equipment at stated unit prices but do not specify the specific projects to be performed by the
650 contractor, (3) which contains a fixed contractor's mark up over the unit prices stated in the
651 specifications, (4) in accordance with which 1 or more specified state agencies may enter into
652 fixed price job orders with the contractor for the performance of specific projects, consisting
653 solely of combinations of the tasks, materials and equipment specified in the contract, at the unit
654 prices specified therein plus the contractor's mark-up.

655 "Maintenance", day-to-day routine, normally recurring, repairs, equipment adjustments,
656 and upkeep.

657 "Repair", work required to restore a facility or system to a condition in which it may
658 continue to be approximately and effectively used for its designated purpose and anticipated life,
659 or to comply with code requirements, by overhaul, reprocessing, or replacement of constituent
660 parts or materials which have deteriorated by action of the elements or wear and tear in use, or
661 which do not meet code requirements.

662 (b) Notwithstanding section 38C of chapter 7, section 44A of chapter 149, or section
663 39M of chapter 30 of the General Laws or any other general or special law to the contrary, the
664 commissioner may establish a pilot program for the use of job order contracts by higher
665 education facilities subject to the department of higher education, by 1or more agencies within
666 the department of correction, and by the division of capital asset management and maintenance
667 with respect to properties for which it is responsible.

668 (c) As part of the pilot program, the commissioner may procure contracts for services
669 related to the creation and use of job order contracts, including without limitation the creation of

670 task descriptions, specifications and unit prices for use in job order contracts, and agency training
671 and other services related to such contracts. Such procurement may be conducted in accordance
672 with the procedures specified in 801 CMR 21.00.

673 (d) The commissioner may procure job order contracts for use by 1 or more state
674 agencies consisting of the division of capital asset management and maintenance, the department
675 of correction, and 1 or more higher education facilities subject to the department of higher
676 education. These contracts shall be limited to job orders estimated to cost not more than
677 $100,000 each and shall be procured through the procedures specified in section 39M of chapter
678 30 of the General Laws except that (i) the amount of the bid deposit shall be $5,000, (ii)
679 contractors who are awarded job orders under any job order contract must be certified by the
680 division for the category of work specified in the contract, and (iii) the amounts of surety bonds
681 required by the contract may be satisfied with respect to each particular job order before the
682 commencement of any work under that job order. The commissioner shall award a job order
683 contract to the eligible and responsible bidder who offers the lowest mark-up over the base unit
684 prices specified in the contract specifications. Such job order contracts shall have a maximum
685 term of 2 years.

686 (e) The authority granted to the commissioner by this section shall expire on January 1,
687 2016, but any job order contract awarded before that date may be executed and continue in
688 effect for a maximum term, including any extensions or renewals, of 2 years from the date of its
689 execution and delivery.

690 (f) On or before June 30, 2016, the commissioner shall prepare and submit a report on
691 his findings resulting from the pilot program to the chairs of the joint committee on state
692 administration and regulatory oversight. The report shall include an analysis of the cost
693 effectiveness of job order contracting and any other public benefits resulting from job order
694 contracts, and shall contain a recommendation as to whether the General Laws should be
695 amended to permit the use of job order contracts by public agencies and the extent to which use
696 of such contracts should be limited.

697 SECTION 50. Notwithstanding any general or special law to the contrary, the secretary
698 of health and human services, with the written approval of the secretary of administration and
699 finance, may authorize transfers from items 5911-1003, 5911-2000, 5920-2000, 5920-2010,
700 5920-2025, 5920-3000, 5920-3010 of section 2 of chapter 131 of the acts of 2010 to item 5930-
701 1000 of said section 2 for the purpose of reducing any deficiency in said item 5930-1000 of said
702 section 2, but any such transfer shall take place not later than June 30, 2011.

703 SECTION 51. Payments by the United States to the commonwealth during fiscal year
704 2011 or 2012, resulting from the failure of the Social Security Administration to make proper
705 eligibility determinations in connection with its Special Disability Workload database, shall be
706 deposited in the Commonwealth Stabilization Fund.

707 SECTION 52. Notwithstanding the provisions of section 20 of chapter 167 of the acts of
708 2009, as amended by section 14 of chapter 86 of the acts of 2010, the undersecretary of
709 consumer affairs shall not distribute any amount from the Racing Stabilization Fund required
710 under said section from April 1, 2011 to April 1, 2012.

711 SECTION 53. Notwithstanding any general or special law to the contrary, during fiscal
712 year 2011 pursuant to clause (a) of section 5C of said chapter 29, an amount equal to 1/2 of 1 per
713 cent of the total revenue from taxes in the preceding fiscal year shall be available to be used as
714 revenue for the current fiscal year and then 1/2 of 1 per cent of the total revenue from taxes in the
715 preceding fiscal year shall be transferred to the Stabilization Fund; provided further that the
716 secretary of administration and finance, after consulting with the chairs of the house and senate
717 committees on ways and means, may provide written certification that there are insufficient
718 funds to complete the fiscal year 2011 in balance whereupon the comptroller shall transfer any
719 amount necessary back to the General Fund to ensure that all budgeted funds are in balance by
720 the end of fiscal year 2011. The comptroller may take overall cash flow needs of the
721 commonwealth into consideration in determining the timing of any transfer of funds under this
722 section. The comptroller shall provide a schedule of transfers to the secretary of administration
723 and finance and to the house and senate committees on ways and means.

724 SECTION 54. The University of Massachusetts, Lowell, through its chancellor or his
725 designee, may enter into a lease agreement with the owner of adjacent property located at 141
726 Marginal street in the city of Lowell for the purpose of providing student housing. The term of
727 the lease shall not exceed 10 years, provided, however that the University may opt to renew the
728 lease for an additional 10 years. A lessor selected pursuant to this section shall be solely
729 responsible for the cost of all construction, including the cost of any design services relative to
730 the construction, reconstruction, alteration, remodeling, repair and maintenance of improvements
731 to the property; provided further, that the design and construction of any such improvements
732 shall be exempt from sections 38A1/2 to 38O, inclusive of chapter 7 of the General Laws,
733 section 39M of chapter 30 of the General Laws, section 44A to 44H, inclusive, of chapter 149 of
734 the General Laws and chapter 149A of the General Laws.

735 SECTION 55. (a) There shall be established and set up on the books of the
736 commonwealth a separate fund to be known as the Financial Literacy Trust Fund the purpose of
737 which is to encourage financial literacy and education for residents, institutions, community
738 organizations and any entities that will promote financial literacy throughout the commonwealth.
739 The fund shall be administered by the state treasurer, in consultation with the board of trustees
740 established under subsection (b). The fund shall accept private contributions, public or privately
741 funded grants and funds appropriated by the state or federal government. No expenditure from
742 the fund shall cause the fund to be in deficiency at the close of the fiscal year. Monies deposited
743 in the fund that are unexpended at the end of the fiscal year shall not revert to the General Fund
744 and shall be available for expenditure in the subsequent fiscal year. The fund shall be an
745 expendable trust fund and shall not be subject to appropriation or allotment.

746 (b) There shall be established a board of trustees to consist of 2 members of the senate 2
747 members of the house of representatives, the state treasurer or his designee, who shall serve as
748 chair and 8 persons to be appointed by him, who shall have experience in fundraising, education
749 or financial services, the attorney general or her designee, the undersecretary of consumer affairs
750 and business regulation or her designee, the secretary of education or his designee, the
751 commissioner of elementary and secondary education or his designee and the secretary of
752 housing and economic development or his designee. All non-elected members shall serve for a
753 term of 3 years, with the potential for re-appointment. The board of trustees shall develop by-
754 laws and may develop regulations for the implementation of the purposes of the trust. The trust
755 may expend funds for the purposes of administration, including an annual independent audit of
756 the financial activities of the fund. The trust may also enter into contracts with private
757 corporations for the purposes of managing and implementing the programmatic fiduciary or
758 administrative goals of the trust, subject to the approval of the board. The trust may also, to the
759 extent deemed necessary, create a 501 (c) 3 corporation to fulfill the purposes of the trust. The
760 state treasurer shall annually report to the general court the results of its investigation and study,
761 including programmatic and financial activities and balances of the fund, together with its
762 recommendations and drafts of legislation necessary to carry said recommendations into effect,
763 by filing the same with the clerk of the house of representatives who shall forward the same to
764 the house and senate committee on ways and means and to the secretary of administration and
765 finance on or before the last Wednesday of December, 2012.

766 (c) Notwithstanding any general or special law, rule or regulation to the contrary, the
767 state treasurer, members of the board of trustees or their designees thereof are hereby authorized
768 and directed to maximize the balance in the trust by soliciting private donations, gifts, grants and
769 bequests of the trust, including direct and indirect fundraising

770 SECTION 56. Section 7 shall be effective for tax years beginning on or after January 1,
771 2010.

772 SECTION 57. Sections 8, 24 and 25 shall be effective for tax years beginning on or after
773 January 1, 2010.