

MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2010 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2010 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2010, 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, 2010. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

SECTION 2.

JUDICIARY

*Committee for Public Counsel Services*

0321-1510 ..... \$25,000,000

SECRETARY OF THE COMMONWEALTH

*Office of the Secretary of the Commonwealth*

0521-0000 ..... \$257,041

TREASURER AND RECEIVER-GENERAL

*Office of the Treasurer and Receiver-General*

0610-0050 ..... \$250,000

0612-0105 ..... \$200,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

*Department of Veterans' Services*

1410-0400 ..... \$2,113,000

OFFICE OF THE STATE COMPTROLLER

*Office of the State Comptroller*

1599-3384 ..... \$2,500,000

EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

*Department of Workforce Development*

7003-0701 ..... \$9,500,000

EXECUTIVE OFFICE OF EDUCATION

*Department of Higher Education*

7070-0065 ..... \$996,753

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

*Military Division*

8700-0001 ..... \$1,050,000

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 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, 2010. The sums shall be in addition to any amounts previously appropriated and made available for the purposes of these items.

## LEGISLATURE

### *Senate*

9510-0000 For expenses incurred by the senate related to the joint committee on redistricting,  
prior appropriation continued ..... \$350,000

### *House of Representatives*

9610-0000 For expenses incurred by the house of representatives related to the joint committee  
on redistricting, prior appropriation continued ..... \$350,000

SECTION 3. Section 178Q of chapter 6 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 23 and 24, the words “by the sex offender registry board and shall be transmitted to the treasurer for deposit into the General Fund”, and inserting in place thereof the following words:- and retained by the sex offender registry board.

SECTION 4. Chapter 7 of the General Laws is hereby amended by inserting after section 38O the following section:-

Section 38P. (a) For the purposes of this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

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

“Architectural and engineering services”, (i) professional services of an architectural or engineering nature, as defined by state law, which are required to be performed or approved by a person licensed, registered or certified to provide those services as described herein; (ii) professional services of an architectural or engineering nature performed by contract that are associated with research planning,

development, design, investigations, inspections, tests, evaluations, consultations, program management, value engineering, construction, alteration or repair of real property; and (iii) such other professional services of an architectural or engineering nature, or incidental services, which members of the architectural and engineering professions and individuals in their employ may logically or justifiably perform, including studies, investigations, surveying and mapping, soil tests, construction phase services, drawing reviews, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, soils engineering, cost estimates or programs, preparation of drawings, plans or specifications, supervision or administration of a construction contract, construction management or scheduling, preparation of operation and maintenance manuals and other related services.

“Firm”, an individual, firm, partnership, corporation, association or other legal entity authorized by law to practice the professions of architecture, engineering, land surveying, landscape architecture, environmental science, planning or program management.

“Public works project”, a capital improvement project or a design, study, plan, survey or new or existing program activity of an agency, including the development of new or existing programs that require architectural, engineering or related professional services, but shall not include a public building construction project undertaken under chapters 7, 149 and 149A.

“Related professional services”, (i) professional services, including land surveying, landscape architecture, environmental science and planning, which are required to be performed or approved by a person licensed, registered or certified to provide such services as described herein; (ii) professional services performed by contract that are associated with research, planning, development, design, investigations, inspections, surveying and mapping, tests, evaluations, consultations, comprehensive planning program management, value engineering, construction, alteration or repair of real property; and (iii) such other professional services, or incidental services, which members of the related professions as described herein and individuals in their employ may logically or justifiably perform, including master plans, studies, surveys, soil tests, cost estimates or programs, preparation of drawings, plans or specifications, supervision or administration of a construction contract, construction management or scheduling, conceptual designs, plans and specifications, construction phase services, soils engineering, drawing reviews, cost estimating, preparation of operation and maintenance manuals and other related services; provided, however, that nothing herein shall be construed to constitute a regulation or oversight of any designated firms or identified professionals' services.

(b) For those agencies that prequalify architectural, engineering and related services, the agency shall require firms engaged in the lawful practice of their profession to submit a statement of qualifications and performance data every 2 years to the agency pursuant to the terms and schedule as determined by the agency. Agencies that prequalify shall have the option of selecting firms from their prequalified list of firms based on the agency policies and without further publically advertising the selection.

(c) Whenever a public works project requiring architectural, engineering or related professional services is to be advertised by an agency, the agency shall provide not less than 14 days advance notice published in a professional services bulletin or advertised on the official agency website setting forth the public works project and services to be procured. The professional services bulletin shall be made available to each firm that requests the information. The professional services bulletin shall include a description of each public works project and shall state the time and place for an interested firm to submit a statement of qualifications and, if required by the public notice, a letter of interest and technical proposal. If the agency determines that a sole source selection of a qualified firm is in the best interest of the agency, then the public notice provisions of this subsection shall not apply.

(d) An agency shall evaluate the firms submitting statements of qualifications, taking into account qualifications, letters of interest and technical proposals, and the agency may consider, but shall not be limited to considering, ability of professional personnel, past record and experience, performance data on file, willingness to meet time requirements, location, workload of the firm and any other qualifications based on factors that the agency may determine in writing are applicable. The agency may conduct discussions with, and require presentations by, firms deemed to be the most qualified regarding their qualifications, approach to the public works project and ability to furnish the required services. An

agency shall not, prior to selecting a firm for negotiation, seek formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost or any other measure of compensation.

(e) (1) An agency shall select architects, engineers and related professional firms on the basis of qualifications for the type of professional services required, and on technical proposals, if submitted. An agency may solicit or use pricing policies and proposals or other pricing information to determine consultant compensation only after the agency has selected a firm and initiated negotiations with the selected firm.

(2) The procedures that an agency creates for the screening and selection of firms shall be within the sole discretion of the agency and may be adjusted to accommodate the agency's scope, schedule and budget objectives for a particular public works project.

(3) The decision of an agency that has complied with this chapter shall be final and binding.

(f) (1) The agency and the selected firm shall discuss and refine the scope of services for the public works project and shall negotiate conditions including, but not limited to, compensation level and performance schedule based on scope of services. The compensation level paid shall be reasonable and fair to the agency as determined solely by the agency. In making such determination, the agency shall take into account the estimated value of the services to be rendered and the scope, complexity and professional nature thereof.

(2) If the agency and the selected firm are unable for any reason to negotiate a contract at a compensation level that is reasonable and fair to the agency, the agency shall, in writing, formally terminate negotiations with the selected firm. The agency shall then negotiate with the second ranked most qualified firm. The negotiation process shall continue in this manner through successive ranked firms until an agreement is reached or the agency terminates the consultant contracting process.

(g) This section shall not apply to the procurement of architectural, engineering and related professional services by agencies: (i) when an agency determines in writing that it is in the best interest of the agency to proceed with the immediate selection of a firm; (ii) in emergencies when immediate services are necessary to protect the public health and safety; or (iii) when these services are to be provided as part of a design-build project pursuant to sections 14 to 21, inclusive, of chapter 149A.

(h) Each agency shall evaluate the performance of each firm upon completion of a contract. The evaluation shall be made available to the firm which may submit a written response.

SECTION 5. Section 31 of chapter 9 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the fourth and fifth sentences and inserting in place thereof the following 2 sentences:- From March 15, 2003, until June 30, 2016, all surcharges on fees collected pursuant to this section shall be forwarded to the Registers Technological Fund, established in section 2JJJ of chapter 29. From July 1, 2016, all of the surcharges shall be forwarded to the General Fund as provided in section 2 of said chapter 29.

SECTION 6. Section 21 of chapter 30B, of the General Laws as most recently amended by section 45 of chapters 25 and 120 of the acts of 2009, is hereby repealed.

SECTION 7. Section 1 of chapter 32 of the General Laws, as most recently amended by section 47 of chapter 25 of the acts of 2009, is hereby further amended by striking out the definition of "Commonwealth's pension liability" and inserting in place thereof the following definition:- "Commonwealth's pension liability", the financial obligation of the commonwealth to pay all retirement benefits pursuant to this chapter for the state employees' retirement system, the teachers' retirement system, for teachers employed by the city of Boston and for the commonwealth's share of the administrative cost of the State-Boston retirement system, and to reimburse local retirement systems for cost of living adjustments pursuant to section 102 and including any other pension obligations of a system or of the commonwealth relative to future pension liabilities which the commonwealth may assume by general or special law on behalf of any system other than the state employees' retirement system, the

teachers' retirement system and for teachers employed by the city of Boston, and the commonwealth's financial obligations which are associated with cost-of-living adjustments or other benefits for members of systems other than the state employees' retirement system and the teachers' retirement system who are not teachers employed by the city of Boston.

SECTION 8. Said section 1 of said chapter 32 is hereby further amended by striking out, in line 134, the words "and teachers' retirement systems" and inserting in place thereof the following words:- retirement system, the teachers' retirement system and the State-Boston retirement system on behalf of teachers who are members of that system.

SECTION 9. Said section 1 of said chapter 32 is hereby further amended by striking out, in lines 533 to 538, inclusive, as so appearing, the words " ; provided, that "teacher" shall not be deemed to include, nor shall sections one to twenty-eight inclusive apply, to any person who is a teacher in the public schools of the city of Boston, except to such a teacher who on September first, nineteen hundred and twenty-three, was employed by the city of Boston and was then a member of the teachers' retirement system".

SECTION 10. Section 2 of said chapter 32 is hereby amended by inserting after the word "system", in line 23, as so appearing, the following words:- , except that a teacher employed by the school committee of the city of Boston shall be included in the State-Boston retirement system.

SECTION 11. Section 20 of said chapter 32 is hereby amended by inserting after the word "town", in line 17, as so appearing, the following words:- , except the city of Boston,.

SECTION 12. Said section 20 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 24 to 27, inclusive, the words " , or under the State-Boston retirement system, and the chairman or secretary of the school committee of such city or town, or the chairman or executive officer of the Boston retirement board," and inserting in place thereof the following words:- and the chairman or secretary of the school committee of such city or town.

SECTION 13. Section 22 of said chapter 32, as amended by section 55 of chapter 25 of the acts of 2009, is hereby further amended by inserting after the first sentence the following sentence:- The State-Boston retirement system shall establish said funds to credit assets received, acquired or held attributable to non-teacher members of that system and shall also establish said funds to credit assets received, acquired or held attributable to teachers who are members of that system.

SECTION 14. Said section 22 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 789 and 790, the words "and the teachers' retirement system" and inserting in place thereof the following words:-, the teachers' retirement system and the State-Boston retirement system.

SECTION 15. Said section 22 of said chapter 32 is hereby further amended by striking out, in lines 790 and 791, as so appearing, the words "and the teachers' retirement board" and inserting in place thereof the following words:- , the teachers' retirement board and the State-Boston retirement system for the purpose of funding their teacher retirement benefits.

SECTION 16. Subparagraph (i) of paragraph (c) of subdivision (7) of said section 22 of said chapter 32, as so appearing, is hereby amended by inserting after the second sentence the following 3 sentences:- In addition to the foregoing, the State-Boston retirement system shall furnish to the actuary any information that the actuary requires to determine the amount payable on account of the employment of teachers in the city of Boston. The actuary shall determine the amount payable on account of the employment of such teachers and a separate amount payable as a result of the employment of all other members of the State-Boston retirement system. The actuary shall specify in a written notice to the State-Boston retirement

board the specific amounts payable as a result of the employment of teachers in the city of Boston and of all members of the State-Boston retirement system other than teachers.

SECTION 17. Paragraph (a) of subdivision (8) of said section 22 of said chapter 32, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The assets of the state employees' retirement system, the teachers' retirement system and assets of the State-Boston retirement system attributable to teachers who are members of that system shall be held in the PRIT Fund.

SECTION 18. Section 23 of said chapter 32, as amended by section 57 of chapter 25 of the acts of 2009, is hereby further amended by striking out subdivision (1) and inserting in place thereof the following subdivision:-

(1) (a) The funds of the state employees' retirement system, the teachers' retirement system and assets of the State-Boston retirement system attributable to teachers who are members of that system shall be held in the PRIT Fund. The board of each such system shall annually, on or before May first, file in the office of the commissioner, on a form prescribed by the commissioner, a sworn statement of the financial condition of the system as of December thirty-first of the previous year and of all the financial transactions of the system during the previous year. The commissioner may, for cause shown, extend the time for filing any such statement.

(b) Notwithstanding any general or special law to the contrary, assets of the State-Boston retirement system attributable to teachers who are members of the system shall be invested in the PRIT Fund, and for purposes of those assets and the payment of benefits to those teachers and their beneficiaries, the State-Boston retirement system shall be considered a participating system in the PRIT Fund, but the system shall not receive a share of any appropriations made under section 22B and paragraph (b) of subdivision (8) of section 22, and the board of the system shall not be able to revoke this participation.

SECTION 19. Section 41 of chapter 36 of the General Laws, as so appearing, is hereby amended by striking out the fourth and fifth sentences and inserting in place thereof the following 2 sentences:- From March 15, 2003, until June 30, 2016, all surcharges on fees collected pursuant to this section shall be forwarded to the County Registers Technological Fund established in section 2KKK of chapter 29. From July 1, 2016, all of the surcharges shall be forwarded to the General Fund as provided in section 2 of chapter 29.

SECTION 20. The first sentence of the second paragraph of section 11 of chapter 64D of the General Laws, as appearing in section 2 of chapter 61 of the acts of 2009, is hereby amended by striking out the words ", established by the secretary of administration and finance in 2009, is insufficient in any given fiscal year to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office as determined by the secretary of administration and finance in consultation with appropriate county officials and county treasurers, beginning in fiscal year 2011, the county shall retain 13.625 per cent of the taxes collected in such county and transferred to the Deeds Excise Fund" and inserting in place thereof the following words:- to fund from its own revenues in fiscal year 2009 the operation of the sheriff's office is insufficient in any fiscal year to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office, as determined by agreement of the secretary of administration and finance, the actuary of the Public Employee Retirement Administration Commission, the retirement associations and their actuaries and the county treasurers, beginning in fiscal year 2011, the county shall retain and shall transfer to the Deeds Excise Fund in which it shall be held separate and apart from all other funds and from which it shall be appropriated solely for this purpose, an additional amount of the deeds excise collected in that county necessary as determined by agreement of the secretary of administration and finance, the actuary of the Public Employee Retirement Administration Commission, the retirement associations and their actuaries and the county treasurers to meet its annual retirement assessment and.

SECTION 21. Subsection (a) of section 12 of said chapter 64D, as so appearing, is hereby amended by striking out the words “the amounts deposited in the Deeds Excise Fund for each county from revenues collected pursuant to this chapter” and inserting in place thereof the following words:- that portion of the amounts deposited in the Deeds Excise Fund for each county from revenues collected pursuant to this chapter which represents 10.625 per cent of the taxes collected.

SECTION 22. Section 8A of chapter 81 of the General Laws is hereby repealed.

SECTION 23. Chapter 85 of the General Laws is hereby amended by striking out section 7A, as amended by section 76 of chapter 25 of the acts of 2009, and inserting in place thereof the following section:-

Section 7A. (a) For the purposes of this section, “person” shall include surveyors of highways, road commissioners, superintendents of streets in towns, commissioners of public works in cities and towns, the chief engineer of the highway division of the Massachusetts Department of Transportation, the chief administrative officer of state agencies and private persons, including corporations.

(b) No person shall store sodium chloride, calcium chloride or chemically treated abrasives or other chemicals used for the removal of snow or ice on roadways in such a manner or place as to subject a water supply or groundwater supply to the risk of contamination.

(c) Any sodium chloride, calcium chloride or chemically treated abrasives or other chemicals used for the removal of snow or ice on roadways and stored within 200 hundred yards of an established river or estuary shall be stored in a solid frame storage shed to insure against ground leaching and airborne pollution of surrounding property. This subsection shall not apply to: (1) a water-dependent marine cargo facility that, on or before May 10, 1991, stored or distributed any such snow removal chemicals, is currently located at the site from which such chemicals were stored or distributed on or before May 10, 1991, such chemicals are stored or distributed with 200 yards of an established river or estuary and such river or estuary has a depth-averaged annual salinity greater than 10 parts per 1,000; or (2) a water-dependent marine cargo facility that stores or distributes any such snow removal chemicals, is located on an established river or estuary that has a depth-averaged annual salinity greater than 10 parts per 1,000 and has an agreement with the municipality in which it is located providing for the best management practices.

(d) The department of environmental protection, in consultation with the highway division, may issue regulations as to place or manner of storage of such chemicals and may regulate, by specific order in a particular case, the place where such chemicals may be used for such purpose. All water-dependent marine cargo facilities storing chemicals used for the removal of snow and ice on roads shall have the best management practices described in writing for inspection at the facility by the department.

(e) A violation of this section or a regulation or order issued hereunder shall be punished by a fine not to exceed \$50 dollars per day.

(f) A person who uses more than 1 ton of the chemicals described in this section in a calendar year shall report annually to the department on November 1 and at such other times as prescribed the amount of such chemicals used in the previous 12 months specified by road section or other location and the amount of chemicals on hand. Copies of such reports shall be made available upon the request of a concerned state or municipal agency or commission. The department may require studies by competent professional personnel of the probable impact of proposed new or improved highways and the maintenance thereof by use of such chemicals upon reservoirs, ponds, streams, lakes, wetlands and the groundwater aquifers



associated with both public and private water sources. Estimates of such chemicals to be applied on proposed roadways and other paved areas shall be based upon the most recent records of chemicals actually applied as reported under this section.

SECTION 24. Chapter 90 of the General Laws is hereby amended by inserting after section 32I the following section:-

Section 32J. (a) As used in this section, “car-sharing organization” shall mean a membership-based entity with a distributed fleet of private passenger motor vehicles that are made available to its members primarily for hourly or other short-term use through a self-service fully automated reservation system that periodically charges a membership fee separate from a use-based fee relating to a specific vehicle; provided, however, that “car-sharing organization” shall not include an arrangement where a separate written agreement is entered into each time a vehicle is transferred to a customer.

(b) Vehicles in a fleet of a car-sharing organization may display private passenger motor vehicle registration number plates issued by the registrar; provided, however, that a registered vehicle of any such organization which identifies the name of the organization by business markings thereon shall not be required to display a commercial registration plate if the markings are limited to the name, address, telephone number, logo or website address of the organization.

SECTION 25. Section 189A of chapter 111 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the definition of “Advisory committee” the following definition:-

“Child-occupied facility”, a building or portion thereof constructed before 1978 and visited regularly by the same child, under 6 years of age, on at least 2 different days within a week if each day’s visit lasts at least 3 hours, the combined weekly visits last at least 6 hours and the combined annual visits last at least 60 hours, including, but not limited to, day care centers, preschools and kindergarten classrooms; provided, however, that child-occupied facilities may be located in residential premises or in public or commercial buildings.

SECTION 26. Section 197B of said chapter 111, as so appearing, is hereby amended by inserting after the word “premises”, in lines 34 and 108, in each instance, the following words:- or child-occupied facility.

SECTION 27. Subsection (c) of said section 197B of said chapter 111, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The department shall also, in consultation with the director, adopt regulations specifying licensing requirements and safety procedures to be used by all persons employed in performing renovations or rehabilitation in a residential premises or child-occupied facility in a manner that disturbs paint, plaster or other materials containing dangerous levels of lead.

SECTION 28. Section 47D of chapter 164 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words, “section 23B of chapter 39” and inserting in place thereof the following words:- sections 20 and 21 of chapter 30A.

SECTION 29. Chapter 258E of the General Laws is hereby amended by striking out section 2, as appearing in chapter 23 of the acts of 2010, and inserting in place thereof the following section:-  
Section 2. Proceedings under this chapter shall be filed, heard and determined in the superior court department or the respective divisions of the district court department or the Boston municipal court department having venue over the plaintiff’s residence. The juvenile court department shall have exclusive jurisdiction of proceedings under this chapter in which the defendant is under the age of 17.

Such proceedings shall be filed, heard and determined in the division of the juvenile court department having venue over the plaintiff's residence.

SECTION 30. Subsection (g) of section 3 of said chapter 258E, as so appearing in said chapter 23, is hereby amended by inserting after the word "parties" the following words: - ; including, but not limited to, court actions, administrative proceedings and disciplinary proceedings.

SECTION 31. Said chapter 258E is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

Section 8. Whenever a law officer has reason to believe that a person has been abused or harassed or is in danger of being abused or harassed, such officer shall use all reasonable means to prevent further abuse or harassment. Law officers shall make every reasonable effort to do the following as part of the emergency response:

(1) assess the immediate physical danger to the victim and provide assistance reasonably intended to mitigate the safety risk;

(2) if there is observable injury to the victim or if the victim is complaining of injury, encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;

(3) if a sexual assault has occurred, notify the victim that there are time-sensitive medical or forensic options that may be available, encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;

(4) provide the victim with referrals to local resources that may assist the victim in locating and getting to a safe place;

(5) provide adequate notice to the victim of the victim's rights including, but not limited to, obtaining a harassment prevention order; provided, however, that the notice shall consist of providing the victim with a copy of the following statement before the officer leaves the scene or premises and after reading the statement to the victim; provided further, that if the victim's native language is not English, the statement shall be then provided in the victim's native language whenever possible:

"You have the right to appear at the Superior, Juvenile (only if the attacker is under 17), District or Boston Municipal Court, if you reside within the appropriate jurisdiction, and file a complaint requesting any of the following applicable orders: (i) an order restraining your attacker from harassing or abusing you; (ii) an order directing your attacker to refrain from contacting you; (iii) an order directing your attacker to stay away from your home and your workplace; (iv) an order directing your attacker to pay you for losses suffered as a result of the harassment or abuse, including loss of earnings, out-of-pocket losses for injuries sustained or property damaged, costs of replacement of locks, medical expenses, cost for obtaining an unlisted phone number, and reasonable attorneys' fees.

For an emergency on weekends, holidays or weeknights, the police will assist you in activating the emergency response system so that you may file a complaint and request a harassment prevention order.

You have the right to go to the appropriate court and apply for a criminal complaint for sexual assault, threats, criminal stalking, criminal harassment, assault and battery, assault with a deadly weapon, assault with intent to kill or other related offenses.

If you are in need of medical treatment, you have the right to request that an officer present drive you to the nearest hospital or otherwise assist you in obtaining medical treatment.

If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you can leave or until your safety is otherwise ensured. You may also request that the officer assist you in locating and taking you to a safe place including, but not limited to, a designated meeting place for a shelter or a family member's or a friend's residence or a similar place of safety.

You may request and obtain a copy of the police incident report at no cost from the police department.";

(6) assist the victim by activating the emergency judicial system when the court is closed for business;

(7) inform the victim that the abuser will be eligible for bail and may be promptly released; and

(8) arrest any person that a law officer witnessed or has probable cause to believe violated a temporary or permanent vacate, restraining, stay-away or no-contact order or judgment issued under this chapter or similar protection order issued by another jurisdiction; provided, however, that if there are no vacate, restraining, stay-away or no-contact orders or judgments in effect, arresting the person shall be the preferred response if the law officer witnessed or has probable cause to believe that a person: (i) has committed a felony; (ii) has committed a misdemeanor involving harassment or abuse as defined in section 1; or (iii) has committed an assault and battery in violation of section 13A of chapter 265; provided further, that the safety of the victim shall be paramount in any decision to arrest; and provided further, that if a law officer arrests both parties, the law officer shall submit a detailed, written report in addition to an incident report, setting forth the grounds for arresting both parties.

No law officer shall be held liable in a civil action for personal injury or property damage brought by a party to an incident of abuse or for an arrest based on probable cause when such officer acted reasonably and in good faith and in compliance with this chapter.

Whenever a law officer investigates an incident of harassment, the officer shall immediately file a written incident report in accordance with the standards of the law officer's law enforcement agency and, wherever possible, in the form of the National Incident-Based Reporting System, as defined by the Federal Bureau of Investigation. The latter information may be submitted voluntarily by the local police on a monthly basis to the crime reporting unit of the state police crime reporting unit established in section 32 of chapter 22C.

The victim shall be provided a copy of the full incident report at no cost upon request to the appropriate law enforcement department.

When a judge or other person authorized to take bail bails any person arrested under this chapter, reasonable efforts shall be made to inform the victim of such release prior to or at the time of the release. When any person charged with or arrested for a crime involving harassment under this chapter is released from custody, the court or the emergency response judge shall issue, upon the request of the victim, a written no-contact order or stay-away order prohibiting the person charged or arrested from having any contact with the victim and shall use all reasonable means to notify the victim immediately of release from custody. The victim shall be provided, at no cost, a certified copy of the no-contact order.

SECTION 32. Section 1 of chapter 692 of the acts of 1973 is hereby amended by striking out the words "April first, nineteen hundred and seventy-three" and inserting in place thereof the following words:- May 17, 1975.

SECTION 33. Section 25 of chapter 175 of the acts of 1998, as amended by section 78 of chapter 123 of the acts of 2006, is hereby amended by striking out the figure "2010", and inserting in place thereof the following figure:- 2012.

SECTION 34. Section 2 of chapter 441 of the acts of 2002 is hereby amended by striking out, in lines 7 and 8, the words "for a term not to exceed 30 years" and inserting in place thereof the following words:- , or its successors and assigns, for a term, including any extensions, not to exceed 60 years.

SECTION 35. Said chapter 441 is hereby further amended by adding the following section:-

Section 7. Notwithstanding any general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the adjutant general of the military division, shall permit, or may join with Massachusetts Veterans, Inc. in permitting, the Community Economic Development Assistance Corporation, the Massachusetts Housing Partnership Fund board and the commonwealth acting by and through the department of housing and community development pursuant to chapter 121D of the General Laws, by its administrator the Massachusetts Housing Finance Agency, to

impose an affordable housing restriction on the property described in section 2 in conformance with the program requirements of those agencies.

SECTION 36. Item 7007-0932 of section 2A of chapter 123 of the acts of 2006 is hereby amended by striking out the words “\$4,000,000 may be used for construction and equipment in the former cafeteria of the Wheatley building, and not more than \$1,000,000 may be used for start-up and operating expenses; provided further, that the funds shall not be available for faculty salaries; provided further, that the funds shall be available through June 30, 2010” and inserting in place thereof the following words:- \$3,700,000 may be used for construction and equipment in the former cafeteria of the Wheatley building and not more than \$1,300,000 may be used for start-up and operating expenses; provided further, that the funds shall not be available for faculty salaries; provided further, that the funds shall be available through June 30, 2011.

SECTION 37. Item 3000-4050 of section 2 of chapter 27 of the acts of 2009 is hereby amended by striking out the words “30 days before the transfer; and provided further, that not more than 3 per cent of any item may be transferred in fiscal year 2010” and inserting in place thereof the following words:- 15 days before the transfer; and, provided, further, that not more than 10 per cent of any item may be transferred in fiscal year 2010.

SECTION 38. Item 3000-4060 of said section 2 of said chapter 27 is hereby amended by striking out the words “30 days before the transfer; provided further, that not more than 3 per cent of any item may be transferred in fiscal year 2010” and inserting in place thereof the following words:- 15 days before the transfer; and, provided, further, that not more than 10 per cent of any item may be transferred in fiscal year 2010.

SECTION 39. Item 8100-0006 of said section 2 of said chapter 27 is hereby amended by striking out the figure “\$19,000,000”, in each instance, and inserting in place thereof the following figure:- \$27,500,000.

SECTION 40. Item 8900-0010 of said section 2 of said chapter 27 is hereby amended by inserting after the word “services” the following words:- ; provided, however, that the commissioner of correction or designee shall determine the cost of manufacturing motor vehicle registration plates and certify to the comptroller the amounts to be transferred from the Commonwealth Transportation Fund to the General Fund.

SECTION 41. Item 8100-0002 of section 2B of said chapter 27 is hereby amended by striking out the figure “\$6,481,785” and inserting in place thereof the following figure:- \$20,000,000.

SECTION 42. Section 19 of chapter 61 of the acts of 2009, as amended by chapter 102 of the acts of 2009, is hereby further amended by adding the following subsection:-  
(d) Notwithstanding any general or special law to the contrary, surviving spouses of retired employees of the office of a transferred sheriff who are eligible for group insurance coverage from the county at the time of transfer shall have that eligibility and coverage transferred to the group insurance commission.

SECTION 43. Section 9 of chapter 132 of the acts of 2009 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-  
The secretary of veterans’ services shall adopt rules and regulations necessary for the implementation of this section to the degree necessary to achieve maximum federal financial participation within 180 days after the effective date of this act. The request for proposals shall be issued within 90 days of such rules and regulations being adopted. The department of veterans’ services may determine that no proposals are responsive or may determine that no responsive proposals provide adequate value to the commonwealth.

If the department of veterans' services determines that no proposals are responsive or no responsive proposals provide adequate value to the commonwealth, the department shall notify the general court of the reasons for such findings in writing within 60 days of such decision. All actions relative to requests for proposals under this section shall comply with sections 52 to 55, inclusive, of chapter 7 of the General Laws.

SECTION 44. Chapter 3 of the resolves of 2008 is hereby amended, by striking out the words "120 days after the first meeting of the commission" and inserting in place thereof the following words:- June 1, 2010.

SECTION 45. Notwithstanding any general or special law to the contrary, the commissioner of agricultural resources shall award funds in the Greyhound Adoption Trust Fund, established by section 65 of chapter 10 of the General Laws, not obligated as of December 31, 2009, to eligible adoption and rescue organizations within the commonwealth for the care and adoption of retired greyhound track dogs that have schooled or raced at a greyhound racetrack in the commonwealth.

SECTION 46. Notwithstanding any general or special law to the contrary, the department of transitional assistance may amend its supplemental nutrition assistance program outreach plan, in this section referred to as SNAP, to include SNAP application assistance and retention activities conducted by community-based organizations or other state agencies; provided, further, that the department may maximize federal reimbursement from the United States Department of Agriculture for funds identified by community-based organizations for SNAP application assistance and retention activities, including assistance and retention activities funded through private, state or community development block grants; and, provided, further, that the department may provide the federal reimbursements identified for SNAP outreach efforts to state agencies and departments and community-based organizations engaged in outreach efforts and for the administrative costs incurred by an agency, department or organization in claiming the federal reimbursements or processing additional SNAP applications.

SECTION 47. Notwithstanding clause (6) of section 5 of chapter 161D of the General Laws or any other general or special law to the contrary, the Massachusetts Department of Transportation shall extend the term of the intercity bus capital assistance program vehicle lease and maintenance agreement of November 1997 for a term not to exceed 3 years.

SECTION 48. Notwithstanding any general or special law to the contrary, in determining the amount of assets of the State-Boston retirement system to be transferred to the Pension Reserves Investment Trust Fund, pursuant to paragraph (a) of subdivision (1) of section 23 of chapter 32 of the General Laws, the initial percentage of assets attributable to teachers who are members of that system shall be that which is set forth in the actuarial valuation of the State-Boston retirement system as of January 1, 2008, and approved by the actuary. This percentage shall be applied to the total assets of the system on a market value basis and the amount attributable to teachers shall be calculated as of the end of the month preceding the date of the initial transfer of assets. If all assets attributable to teachers who are members of this system, as determined above, are not transferred in the initial transfer, the remaining amount of assets shall be determined by subtracting from the total percentage of assets to be transferred set forth in the actuarial valuation the percentage of assets previously transferred and applying that percentage to the market value of the assets of the system as of the end of the month preceding the date of the subsequent transfer. Any remaining amounts to be transferred shall be determined in the same manner until the percentage is zero. The State-Boston retirement system shall report to the actuary, and the actuary shall approve the calculation made under this section at the time of each transfer. Transfer of 90 per cent of the assets attributable to teachers under this section shall be completed within 24 months after the effective date of this act. Transfer of all assets attributable to teachers under this section shall be completed within

48 months after the effective date of this act unless the secretary of administration and finance authorizes a later date for the completion of the asset transfer.

SECTION 49. During fiscal year 2010, appropriations or transfers may be made from the Commonwealth Transportation Fund established in section 2ZZZ of chapter 29 of the General Laws in anticipation of revenue.

SECTION 50. Sections 11 and 12 shall take effect on July 1, 2010, and the final reimbursement by the commonwealth under paragraph (c) of subdivision (2) of section 20 of chapter 32 of the General Laws shall be in accordance with said paragraph (c) of said subdivision (2) of said section 20 of said chapter 32 in all respects except that the payment shall be made directly to the State-Boston retirement system and applied in accordance with the most recent funding schedule approved by the state actuary under section 22 of said chapter 32. The funds for the final reimbursement under said paragraph (c) of said subdivision (2) of said section 20 of said chapter 32 shall be paid from monies transferred from the General Fund by the comptroller to the teachers' retirement system to meet the system's fiscal year 2010 pension obligation in accordance with subdivision (1) of section 22C of said chapter 32. That payment shall be a reimbursement for fiscal year 2009 city of Boston teacher pension benefits paid by the State-Boston retirement system.

SECTION 51. Section 28 shall take effect on July 1, 2010.