

~~wheelchair lifts that are determined to be medically necessary shall be: (a) \$100 per inspection, and (b) \$125 in total for overtime inspections, defined as inspections taking place after 5:00 p.m. or during weekend hours.~~

SECTION 397. Notwithstanding any general or special law to the contrary, any member of the teachers' retirement system or any teacher who is a member of the State-Boston retirement system who filed an election form to participate in the alternative superannuation retirement benefit program under clause (i) of subsection (4) of section 5 of chapter 32 of the General Laws prior to July 1, 2001 with an officer of the city, town or school district in which such teacher was employed may elect to participate in the alternative superannuation retirement benefit program by filing an application with the state teachers' retirement board or the State-Boston retirement board, no later than October 1, 2004, on such form as the state teachers' retirement board or the State-Boston retirement board shall prescribe, with a certificate of the officer of the city, town or school district confirming that the member had filed an election form under said clause (i) of said subsection (4) of section 5 of chapter 32, prior to July 1, 2001. The election to participate in the alternative superannuation retirement benefit program shall be irrevocable and shall be subject to clause (i) of said subsection (4) of section 5 of chapter 32.

SECTION 398. Notwithstanding any general or special law to the contrary any funds remaining with the city of Boston in account number 201-13196N-1997 of deeds excise tax revenue section 12 of chapter 64D of the General Laws, shall immediately be transferred to item 0540-2001 and the funds shall be expended on or before June 30, 2005.

The Governor disapproved this section.

~~SECTION 399. Notwithstanding any general or special law to the contrary, the secretary of administration and finance shall increase licensing fees for wholesalers, vending machine operators and retailers as defined in section 1 of chapter 64C of the General Laws to a level that will generate revenues to an amount not less than \$3,750,000.~~

SECTION 400. Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority shall not charge any additional fare between Lechmere, Science Park and North Station for shuttle bus service in connection with the green line construction project, which would amount to a total fare exceeding the fare that would otherwise be charged for green line subway service, and the Massachusetts Bay Transportation Authority shall make transfers available to ensure that passengers are not charged twice for such shuttle bus service connecting to green line subway service.

The Governor disapproved this section.

**The Legislature overrode the Governor's veto.**

SECTION 401. The position of town treasurer and town collector in the town of Pembroke shall be combined and the combined position shall be appointed by the board of selectmen of the town for a term not to exceed 3 years and the person so appointed shall have all of the powers and duties by law vested in the office of the town treasurer and town collector. Any vacancy in such office shall be filled in like manner. The board of selectmen may remove any person so appointed for cause after a hearing.

Notwithstanding the foregoing, the incumbent holding the offices of town treasurer and town collector on the effective date of this act shall continue to hold such offices and to perform the duties thereof until the expiration of the terms for which she was elected, unless she sooner vacates such offices. After the term of the incumbent town treasurer and town collector holding such offices on the effective date of this act have both expired, or both offices are sooner vacated, the board of selectmen shall appoint a treasurer/collector in the manner set forth above. Should the incumbent town treasurer remain in office, upon the expiration of her term in 2005, the board of selectmen will appoint her interim town treasurer until her term as collector expires in 2006. The board of selectmen may appoint a treasurer/collector as described above.

Notwithstanding chapter 32 of the General Laws, section 116 of chapter 46 of the acts of 2003 or any other general or special law to the contrary, the incumbent treasurer and collector on the effective date of this section shall be eligible for retirement under section 116 of chapter 46 of the acts of 2003, provided however, that said incumbent must file an application for retirement by a date to be determined by the board of selectmen, such date to be not later than September 6, 2004, and provided further that notwithstanding section 5 of chapter 32, requiring a retirement date within 4 months of filing of an application for superannuation retirement, the board of selectmen may determine a retirement date on or before September 6, 2004 and not later than her term ending on April 30, 2005.

SECTION 402. There is hereby established a Fernald Developmental Center land reuse committee. The committee shall include the mayor of the city of Waltham, who shall serve as chair of the committee, the ward councilor from the city of Waltham representing the ward in which the campus is located, who shall serve as vice-chair of the committee, the planning director of the city of Waltham, the commissioner of the Massachusetts department of mental retardation, a mentally retarded consumer who is a resident of Fernald, and who shall be appointed by the commissioner of mental retardation, the commissioner of the department of capital asset management and

maintenance, 7 citizens of Waltham to be appointed by the mayor of the city of Waltham, of whom 4 shall be the citizens appointed to the committee during fiscal year 2004, the state representative from the ninth Middlesex house district, the state representative from the tenth Middlesex house district, and the senator from the third Middlesex senate district. The committee shall be responsible for representing the interests of the town in all negotiations with the division of capital asset maintenance and management and the department of mental retardation relative to the reuse and future development of the developmental center property. The committee shall, with the assistance of the division, develop a comprehensive reuse consensus plan for the Fernald Developmental Center state property, which shall provide a detailed description, by parcel, of how the property shall be developed upon closure of the Fernald campus. The plan shall include a description of any potential environmental degradation of the property, along with a proposal for environmental remediation, and a proposed cost for the cleanup including, but not limited to, any building demolition required on the site. The goals of the plan may include, but shall not be limited to, preservation of open space, creation of affordable housing, development of new business, the creation of recreational opportunities, the development of new community residences for the mentally retarded consumers of Fernald Center, and any other applicable community priorities. The plan may also provide for parcels of land, and specific facilities, to remain under the control of the department of mental retardation. In its deliberations, the re-use committee shall incorporate smart growth policies to the extent possible, and will be mindful of the rights of current Fernald residents, and their need for adequate and appropriate housing, clinical services and appropriate staffing provided by the department of mental retardation. The committee shall examine and consider models for the provision of these services on a section of the Fernald property. The process the committee shall follow is to be determined by a majority vote of its members and shall include a public hearing at the beginning of the process to solicit comments, ideas and re-use proposals. The committee shall develop a framework, with guidelines and parameters, as to the re-use of the property. The committee may appoint subcommittees to review particular subjects within the framework of the study, and may assign a subcommittee to produce a detailed re-use proposal. At least two-thirds of the members of the subcommittee shall be Waltham residents or officials. The subcommittee shall present the re-use proposal to the committee which shall invite the public to comment at a public hearing. The committee may amend and revise the plan in order to reach a consensus on one concept. Upon approval by the re-use committee, the plan shall be presented to the Waltham city council for approval, and, if endorsed by majority vote of the council, filed with the division of capital asset management and maintenance. The plan shall also be submitted to the chairs of the house and senate committees on ways and means, and to the house and senate chairs of the joint committee on state administration, along with copies of enabling legislation, if any, necessary to effectuate the provisions of the re-use plan. If the re-use plan provides for the conveyance of land from the state to the city of Waltham, the legislation shall provide that the price paid for such parcel be the full and fair market value of the property as determined by independent appraisal, for the uses described in the plan including, but not limited to, any restrictions or and requirements imposed by the plan. The legislation shall ensure that proceeds from any sale are first applied to repay the commonwealth for the cost of any bonds issued for environmental remediation, consulting services or other closure costs. The legislation shall also provide that any remaining proceeds be provided to the department of mental retardation for capital improvements at Fernald, at other intermediate care facilities for the mentally retarded (ICF/MRs), or at community residential settings operated by the state. The re-use committee shall meet as necessary to complete said re-use plan, as determined by a majority of the committee.

SECTION 403. Notwithstanding any general or special law to the contrary, any revenue collected pursuant to the assignment of lottery prizes shall be deposited into the Stabilization Fund.

SECTION 404. Notwithstanding section 28 of chapter 10 of the General Laws, the right to assign prize payments under subsection (4) of said section 28 of said chapter 10, shall be suspended upon: (i) the issuance by the United States Internal Revenue Service, hereinafter referred to as the "Service", of a revenue ruling or other public ruling of the Service, which rules that, based upon the right of assignment provided in said subsection (4) of said section 28 of said chapter 10, Massachusetts lottery prizewinners who do not assign any prize payments would be subject to an immediate income tax liability for the value of the entire prize rather than annual income tax liability for each installment when paid, or (ii) the issuance by a court of competent jurisdiction of a published decision holding that, based upon the right of assignment provided in subsection (4) of said section 28 of said chapter 10, a lottery prizewinner who does not assign any prize payments under the subsection would be subject to an immediate income tax liability for the value of the entire prize rather than annual income tax liability for each installment when paid.

Upon receipt of a ruling or a proposed ruling from the Service or a published decision of a court of competent jurisdiction, as described in this section, the director of the state lottery shall immediately file a copy of that ruling or published decision with the state secretary, and the clerks of the house of representatives and of the senate. Immediately upon the filing by the director of a letter, ruling, or published decision with the state secretary, a prizewinner shall be ineligible to execute assignment of a prize under subsection (4) of said section 28 of said chapter 10.

SECTION 405. Notwithstanding any general or special law to the contrary, no later than July 15, 2004, the Massachusetts Technology Collaborative shall transfer \$17,000,000 to the General Fund from the Renewable Energy