

HOUSE No. 3700

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, October 15, 2013.

The committee on Ways and Means, to whom was referred the message from His Excellency the Governor submitting requests for making appropriations for the fiscal year 2013 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3611), reports, in part, recommending that the accompanying bill (House, No. 3700) ought to pass [Total appropriation: \$74,628,996.00].

For the committee,

BRIAN S. DEMPSEY.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act making appropriations for the fiscal year 2013 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 2013, and to make other changes in law, each of which is immediately needed for important public purposes, 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:

1 SECTION 1. To provide for supplementing certain items in the general appropriation act
2 and other appropriation acts for fiscal year 2013, the sums set forth in section 2 are hereby
3 appropriated from the General Fund unless specifically designated otherwise in this act or in
4 those appropriation acts, for the several purposes and subject to the conditions specified in this
5 act or in those appropriation acts, and subject to the laws regulating the disbursement of public
6 funds for the fiscal year ending June 30, 2013. These sums shall be in addition to any amounts
7 previously appropriated and made available for the purposes of those items. These sums shall be
8 made available until June 30, 2014.

9 SECTION 2.

10 DISTRICT ATTORNEYS

11 *Worcester District Attorney.*

12 0340-0298.....\$25,000

13 *Berkshire District Attorney.*

14 0340-1198.....\$65,535

15	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE	
16	<i>Department of Revenue.</i>	
17	1232-0100.....	\$2,254,260
18	<i>Human Resources Division.</i>	
19	1750-0300.....	\$60,000
20	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES	
21	<i>Office of the Secretary of Health and Human Services.</i>	
22	4000-0265.....	\$3,000,000
23	<i>Department of Public Health.</i>	
24	4516-1000.....	\$285,000
25	EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT	
26	<i>Department of Workforce Development.</i>	
27	7003-1206.....	\$400,000
28	EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT	
29	<i>Department of Housing and Community Development.</i>	
30	7004-0103.....	\$13,000,000
31	EXECUTIVE OFFICE OF EDUCATION	
32	<i>Department of Elementary and Secondary Education.</i>	
33	7027-1004.....	\$540,000
34	EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY	
35	<i>Executive Office of Public Safety.</i>	
36	8000-0600.....	\$81,517
37	<i>Department of Fire Services.</i>	
38	8324-0000.....	\$100,000
39	<i>Military Division.</i>	

40 8700-1150.....\$2,600,000

41 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
42 provide for an alteration of purpose for current appropriations, and to meet certain requirements
43 of law, the sum set forth in this section is hereby appropriated from the General Fund unless
44 specifically designated otherwise in this section, for the several purposes and subject to the
45 conditions specified in this section, and subject to the laws regulating the disbursement of public
46 funds for the fiscal year ending June 30, 2013. This sum shall be in addition to any amounts
47 previously appropriated and made available for the purposes of this item. These sums shall be
48 made available until June 30, 2014.

49 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

50 *Department of Workforce Development.*

51 7003-0808 For the operation of the Massachusetts Workforce Professional
52 Association.....\$75,000

53 Workforce Training Fund.....100%

54 SECTION 2C.I. For the purpose of making available in fiscal year 2014 balances of
55 appropriations which otherwise would revert on June 30, 2013, the unexpended balances of the
56 maintenance appropriations listed below, not to exceed the amount specified below for each
57 item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the
58 corresponding item in section 2 of chapter 139 of the acts of 2012. The unexpended balances of
59 all appropriations in the Massachusetts management accounting and reporting system with a
60 secretariat code of 01 or 17, are hereby re-appropriated for the purposes of and subject to the
61 conditions stated for the corresponding item section 2 of chapter 139 of the acts of 2012 or
62 section 2A of chapter 194 of the acts of 2011. However, for items which do not appear in section
63 2 of the general appropriation act, the amounts in this section are re-appropriated for the
64 purposes of and subject to the conditions stated for the corresponding item in section 2 of this act
65 or in prior appropriation acts. Amounts in this section are re-appropriated from the fund or funds
66 designated for the corresponding item in section 2 of the general appropriation act; provided,
67 however, that for items which do not appear in section 2 of the general appropriation act, the
68 amounts in this section are re-appropriated from the fund or funds designated for the
69 corresponding item in section 2 of this act or in prior appropriation acts. The sums re-
70 appropriated in this section shall be in addition to any amounts available for said purposes.

71 SECRETARY OF THE COMMONWEALTH

72 *Office of the Secretary of the Commonwealth*

73 0521-0000.....\$8,128,528

74		OFFICE OF THE INSPECTOR GENERAL	
75	0910-0200.....		\$400,000
76		EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE	
77		<i>Office of the Secretary of Administration and Finance.</i>	
78	1106-0064.....		\$111,000
79		<i>Reserves.</i>	
80	1599-0026.....		\$1,060,000
81	1599-0087.....		\$47,000
82	1599-0090.....		\$1,207,450
83	1599-0093.....		\$225,186
84	1599-0117.....		\$2,395,754
85	1599-1705.....		\$589,328
86	1599-2004.....		\$695,000
87	1599-2013.....		\$100,000
88	1599-3384.....		\$3,000,000
89		EXECUTIVE OFFICE OF ENERGY AND ENVIORNMENTAL AFFAIRS	
90		<i>Department of Conservation and Recreation.</i>	
91	2810-0100.....		\$350,000
92		EXECUTIVE OFFICE OF EDUCATION	
93		<i>Department of Early Education and Care.</i>	
94	3000-1000.....		\$85,000
95	3000-7000.....		\$99,842
96		EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES	
97		<i>Office of the Secretary of Health and Human Services.</i>	
98	4000-0300.....		\$300,000

99	4000-0700.....	\$16,062,000
100	<i>Department of Transitional Assistance.</i>	
101	4400-1000.....	\$1,300,000
102	4400-1100.....	\$800,000
103	<i>Department of Public Health.</i>	
104	4516-1010.....	\$1,000,000
105	4590-0915.....	\$221,000
106	<i>Department of Children and Families.</i>	
107	4800-0015.....	\$617,691
108	4800-0038.....	\$1,800,000
109	4800-0041.....	\$2,000,000
110	<i>Department of Mental Health</i>	
111	5046-0000.....	\$1,000,000
112	5095-0015.....	\$2,500,000
113	EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT	
114	<i>Department of Housing and Community Development.</i>	
115	7004-0099.....	\$150,000
116	7004-0102.....	\$145,387
117	<i>Massachusetts Marketing Partnership.</i>	
118	7008-0900.....	\$575,000
119	EXECUTIVE OFFICE OF EDUCATION	
120	<i>Department of Elementary and Secondary Education.</i>	
121	7053-1925.....	\$400,912
122	<i>Department of Higher Education.</i>	
123	7066-0025.....	\$1,240,000

124 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
125 *Chief Medical Examiner.*
126 8000-0106.....\$702,400

127 *Department of State Police.*
128 8100-1001.....\$100,000
129 *Department of Fire Services.*

130 8324-0000.....\$50,000

131 *Military Division.*
132 8700-0001.....\$100,000

133 *Parole Board.*
134 8950-0001.....\$387,991

135 SHERIFFS

136 *Worcester Sheriff's Office.*
137 8910-0106.....\$50,000

138 SECTION 2C.II. For the purpose of making available in fiscal year 2014 balances of
139 retained revenue and intragovernmental chargeback authorizations which otherwise would revert
140 on June 30, 2013, the unexpended balances of the authorizations listed below, not to exceed the
141 amount specified below for each item, are hereby re-authorized for the purposes of and subject to
142 the conditions stated for the corresponding item in section 2 or 2B of the general appropriation
143 act for fiscal year 2013. However, for items which do not appear in section 2 or 2B of the
144 general appropriation act, the amounts in this section are re-authorized for the purposes of and
145 subject to the conditions stated for the corresponding item in section 2, 2A, or 2B of this act or in
146 prior appropriation acts. Amounts in this section are re-authorized from the fund or funds
147 designated for the corresponding item in section 2 or 2B of the general appropriation act;
148 however, for items which do not appear in section 2 or 2B of the general appropriation act, the
149 amounts in this section are re-authorized from the fund or funds designated for the corresponding
150 item in section 2, 2A, or 2B of this act or in prior appropriation acts. The sums re-authorized in
151 this section shall be in addition to any amounts available for those purposes.

152 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

153 *Division of Human Resources.*

154 1750-0102.....\$220,000

155 1750-0601.....\$150,000

156 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

157 *Office of the Chief Medical Examiner.*

158 8000-0122.....\$250,000

159 SECTION 2E The sums set forth in this section are hereby appropriated for transfer from
160 the General Fund to the trust funds named within each item unless specifically designated
161 otherwise in this section, for the purposes and subject to the conditions specified in this section
162 and subject to the laws regulating the disbursement of public funds for the fiscal year ending
163 June 30, 2014. Items in this section shall not be subject to allotment pursuant to section 9B of
164 chapter 29 of the General Laws or reduction pursuant to section 9C of said chapter 29, without
165 express authorization from the general court. Notwithstanding section 19A of said chapter 29,
166 any transfer under this section shall be made by the comptroller in accordance with a transfer
167 schedule to be developed for each item by the comptroller, after consulting with the appropriate
168 agency secretary, the secretary of administration and finance and the state treasurer. The
169 schedule for each appropriation shall provide for transfers in increments considered appropriate
170 to meet the cash flow needs of each fund and all transfers under the schedule shall be completed
171 not later than June 30, 2014. Not later than 7 days after the schedules receive final approval by
172 the comptroller, they shall be reported to the house and senate committees on ways and means.
173 These sums shall be made available until June 30, 2014.

174 TRANSPORTATION

175 *Massachusetts Department of Transportation.*

176 1595-6368.....\$1,496,215

177 Commonwealth Transportation Fund.....100%

178 SECTION 3. The fourth sentence of section 41 of chapter 19A of the General Laws,
179 inserted by section 32 of chapter 38 of the acts of 2013, is hereby amended by inserting after the
180 word “that” the following word:- no.

181 SECTION 4. Section 60B of chapter 29 of the General Laws, as appearing in the 2012
182 Official Edition, is hereby amended by striking out, in line 51, the words “September 10” and
183 inserting in place thereof the following words: - December 15.

184 SECTION 5. The definition of “System” in section 1 of chapter 32 of the General Laws,
185 as appearing in the 2012 Official Edition, is hereby amended by adding the following sentence:-
186 For the purpose of investing in the Pension Reserve Investment Trust Fund established by

187 subdivision (8) of section 22, the Massachusetts State College Building Authority shall be a
188 system.

189 SECTION 6. Chapter 119 of the General Laws is hereby amended by striking out section
190 39I, as so appearing, and inserting in place thereof the following section:-

191 Section 39I. A child, parent, legal guardian or custodian may appeal from any order or
192 determination, final or non-final, made under sections 39E to 39H, inclusive. Pending the appeal,
193 the juvenile court shall retain jurisdiction and may enter any order under this chapter to meet the
194 needs of the child. Notwithstanding any general or special law to the contrary, the appeal shall be
195 to the single justice of the appeals court under section 118 of chapter 231 and shall proceed in
196 accordance with the procedures governing petitions to a single justice.

197 SECTION 7. Chapter 151A of the General Laws is hereby amended by inserting after
198 section 38 the following section:-

199 Section 38A. (a) If the director, or the director's authorized representative, determines
200 that a payment of benefits was made because the employing unit, or an agent of the employing
201 unit, was at fault for failing to respond timely or adequately to any request of the department for
202 information relating to the claim for benefits, then (1) the employing unit, except for employing
203 units making payments into the Unemployment Compensation Fund under section 14A, shall not
204 be relieved of charges on account of any such payment of benefits; and (2) if the employing unit
205 makes payments into the Fund under section 14A, it shall not be relieved from reimbursing the
206 Fund on account of any such payment of benefits. For purposes of this subsection, a response
207 shall be considered inadequate if it fails to provide sufficient facts to enable the department to
208 make the correct determination regarding a claim for benefits. A response shall not be considered
209 inadequate if the department failed to ask for all necessary information, except in any case where
210 there has been a failure to respond.

211 (b) The director shall adopt regulations implementing this section, including, but not
212 limited to, the duration of the prohibition against relieving employing units from charges or
213 reimbursements; but the prohibition shall continue, at a minimum, until the department (i)
214 determines that any individual receiving a payment of benefits because the employing unit, or an
215 agent of the employing unit, was at fault, within the meaning of subsection (a), is no longer
216 eligible for benefits, and (ii) stops paying benefits to the individual.

217 (c) A determination that an employing unit, or an agent of an employing unit, is at fault
218 for failing to respond timely or adequately to a request of the department relating to a claim for
219 benefits may be appealed pursuant to sections 39, 40, 41, and 42; but the remedy is not subject to
220 appeal.

221 SECTION 8. Section 69 of said chapter 151A, as appearing in the 2012 Official Edition,
222 is hereby further amended by striking out, in lines 23 and 24, the word “judgment” and inserting
223 in place thereof, in each instance, the following word:- discretion.

224 SECTION 9. Said section 69 of said chapter 151A, as so appearing, is hereby further
225 amended by adding the following subsection:-

226 (e) At the time the department determines that an erroneous payment from the
227 Unemployment Compensation Fund was made to an individual due to the individual’s
228 misrepresentation of a material fact or failure to disclose a material fact that the individual knew,
229 or reasonably should have known, was material, the individual shall be assessed a penalty in the
230 amount of 15 per cent of the amount of the erroneous payment. Except as provided in subsection
231 (b), recovery of this penalty shall not be waived. Any appeal of the penalty under subsection (c)
232 shall be limited to whether the amount on which the penalty was assessed is correct. All
233 assessments paid pursuant to this subsection shall be deposited immediately in the
234 Unemployment Compensation Trust Fund.

235 SECTION 10. Section 3 of chapter 203A of the General Laws, as so appearing, is hereby
236 amended by striking out the first sentence and inserting in place thereof the following sentence:-
237 An account of the administration of each common trust fund shall be prepared annually, shall be
238 audited by an independent certified public accountant and a copy of such account and of the
239 audit report thereon shall be made available to any interested party upon written request, free of
240 charge.

241 SECTION 11. Chapter 108 of the acts of 2006 is hereby repealed.

242 SECTION 12. The last sentence of the last paragraph of section 178 of chapter 131 of the
243 acts of 2010, as appearing in section 145 of chapter 139 of the acts of 2012, is hereby amended
244 by striking out the words “October 1, 2012” and inserting in place thereof the following words:-
245 December 31, 2013.

246 SECTION 13. The last sentence of section 94 of chapter 142 of the acts of 2011 is hereby
247 amended by striking out the figure "2013" and inserting in place thereof the following figure:-
248 2014.

249 SECTION 14. Item 7004-0099 of section 2 of chapter 139 of the acts of 2012 is hereby
250 amended by adding the following words:- ; and provided further, that any unexpended funds for
251 a one-time community action grant in the town of Holbrook as set forth in section 69 of chapter
252 36 of the acts of 2013 shall not revert and shall be made available for expenditure until June 30,
253 2014 for the purposes set forth in said section 69.

254 SECTION 15. Clause (ii) of subsection (a) of section 155 of chapter 139 of the acts of
255 2012, as appearing in section 145 of chapter 38 of the acts of 2013, is hereby amended by

256 striking out the words “and (vii)” and inserting in place thereof the following words:- (vii)
257 \$21,800,000 to the secretary of administration and finance, for transfer to appropriate accounts
258 for information technology operating expenses; and (viii).

259 SECTION 16. The last sentence of section 131 of chapter 165 of the acts of 2012 is
260 hereby amended by striking out the word “July” and inserting in place thereof the following
261 word:- December.

262 SECTION 17. Chapter 262 of the acts of 2012 is hereby amended by striking out section
263 10 and inserting in place thereof the following section:-

264 Section 10. Regulations promulgated under section 1 shall be completed by January 1,
265 2014. Rules, regulations, ordinances, or bylaws promulgated under section 9 shall be completed
266 by the later of (a) December 31, 2014, or (b) within 1 year of the effective date of regulations
267 promulgated under section 1.

268 SECTION 18. Item 1599-0087 in section 2A of chapter 36 of the acts of 2013 is hereby
269 amended by adding the following words:- ; and provided further, that any unexpended funds in
270 this item shall not revert and shall be made available for expenditure until June 30, 2014 for the
271 purposes as set forth in this item.

272 SECTION 19. Item 1599-0090 in section 2A of said chapter 36 is hereby amended by
273 adding the following words:- ; and provided further, that any unexpended funds in this item shall
274 not revert and shall be made available for expenditure until June 30, 2014 for the purposes as set
275 forth in this item.

276 SECTION 20. Item 8910-0106 in section 2A of said chapter 36 is hereby amended by
277 adding the following words:- ; and provided further, that any unexpended funds in this item shall
278 not revert and shall be made available for expenditure until June 30, 2014 for the purposes as set
279 forth in this item.

280 SECTION 21. Section 37 of chapter 36 of the acts of 2013 is hereby amended by adding
281 the following words:- ; , provided that any unexpended funds for said aquatic invasive species
282 control shall not revert and shall be made available for expenditure until June 30, 2014 for the
283 purposes as set forth in this section.

284 SECTION 22. Section 42 of said chapter 36 is hereby amended by adding the following
285 words:- ; provided that any unexpended funds for the city of Boston’s public health department
286 for emergency preparedness and ambulance services at public events shall not revert and shall
287 be made available for expenditure until June 30, 2014 for the purposes as set forth in this section.

288 SECTION 23. Section 44 of said chapter 36 is hereby amended by adding the following
289 words:- ; provided that any unexpended funds for the Friends of the Homeless, Inc. in the city of

290 Springfield shall not revert and shall be made available for expenditure until June 30, 2014 for
291 the purposes as set forth in this section.

292 SECTION 24. Section 46 of said chapter 36 is hereby amended by adding the following
293 words:- ; provided that any unexpended funds for the following: a) Massachusetts International
294 Festival of the Arts for the planned renovations and reopening of the Victory Theatre in the city
295 of Holyoke, including construction consulting, business planning and architecture and
296 engineering costs; b) Wareham Summer of Celebration Organization, Incorporated for the town
297 of Wareham’s two hundredth anniversary of the attack on Wareham harbor by the British sloop
298 HMS Nimrod and the 275th anniversary of the incorporation of the town of Wareham; c) the
299 New Bedford Whaling Museum, in cooperation with the city of New Bedford, for the visit of the
300 whaling ship Charles W. Morgan to the city of New Bedford in June 2014; d) Frederick Douglas
301 House in the city of New Bedford for educational services, interpretative and museum services,
302 programs and acquisitions and to undertake tourism and marketing activities; e) accessibility at
303 the Arc of Greater Plymouth, Inc.; and f) Greater Plymouth Performing Arts Center, Inc. shall
304 not revert and shall be made available for expenditure until June 30, 2014 for the purposes as set
305 forth in this section.

306 SECTION 25. Section 50 of said chapter 36 is hereby amended by adding the following
307 words:- ; provided that any unexpended funds for the purposes of enhancing the state police
308 presence in the city of Springfield shall not revert and shall be made available for expenditure
309 until June 30, 2014 for the purposes as set forth in this section.

310 SECTION 26. Section 52 of said chapter 36 is hereby amended by adding the following
311 words:- ; provided that any unexpended funds for conceptual planning and development for fire
312 safety improvements in the town of Dudley shall not revert and shall be made available for
313 expenditure until June 30, 2014 for the purposes as set forth in this section.

314 SECTION 27. Section 77 of said chapter 36 is hereby amended by adding the following
315 words:- ; provided that any unexpended funds for extraordinary election costs incurred by the
316 town of Northampton due to the November 6, 2012 election shall not revert and shall be made
317 available for expenditure until June 30, 2014 for the purposes as set forth in this section.

318 SECTION 28. Item 4000-0500 of section 2 of chapter 38 of the acts of 2013 is hereby
319 amended by adding at the end thereof the following:-

320 “provided further, that MassHealth shall implement all Current Procedural Terminology
321 (CPT) evaluation and management codes for behavioral health services in accordance with new
322 Current Procedural Terminology (CPT) as most recently adopted by the American Medical
323 Association and Centers for Medicare and Medicaid Services (CMS); provided further that if a
324 code is covered and paid on the medical surgical benefit then the code shall reimburse providers
325 the same rate as provided in non-facility settings on the behavioral health and substance abuse
326 benefit; provided further, that any integrated care organization, managed care entity or

327 behavioral health carve out entity that manages behavioral health services on behalf of the
328 commonwealth shall implement all Current Procedural Terminology (CPT) evaluation and
329 management codes for behavioral health services in accordance with new Current Procedural
330 Terminology (CPT) as most recently adopted by the American Medical Association and Centers
331 for Medicare and Medicaid Services (CMS); provided further, that if a code is covered and paid
332 on the medical surgical benefit then the code shall reimburse providers the same rate as provided
333 in non-facility settings on the behavioral health and substance abuse benefit; provided further,
334 that said codes shall be available and paid in the same manner and value for psychiatric services
335 as for any other medical or surgical service and be required to pay, at a minimum, the
336 MassHealth rates of payment for all evaluation and management psychiatric services, and,
337 provided further that MassHealth shall review and adjust all Relative Value Units (RVU) in the
338 same manner as RVU's paid on the medical surgical benefit and that MassHealth shall review
339 and adjust all rates of payment for mental health services provided in community health centers
340 and mental health centers by January 1, 2014”

341 SECTION 29. Item 4000-0700 in section 2 of chapter of 38 of the acts of 2013 is hereby
342 amended by striking out the words “provided further, that \$23,000,000 shall be expended from
343 this item, or item 4000-0500 if necessary, to achieve maximum federal financial participation, to
344 enhance the ability of hospitals and community health centers to serve populations in need more
345 efficiently and effectively; provided further, that the executive office shall maximize federal
346 reimbursements for state expenditures made to these providers” and inserting in place thereof the
347 following words:- “provided further, that not less than \$23,000,000 shall be expended for fiscal
348 year 2014 from this item, or item 4000-0500 if necessary to achieve maximum federal financial
349 participation, to enhance the ability of hospitals and community health centers to serve
350 populations in need more efficiently and effectively; provided, further, that not more than \$14.5
351 million shall be expended for the purposes of the fiscal year 2013 funding solicitation; provided
352 further, that the executive office shall maximize federal reimbursements for state expenditures
353 made to these providers;”

354 SECTION 30. Item 7003-1206 of section 2 of chapter 38 of the acts of 2013 is hereby
355 amended by striking the following words: “provided further, that not less than \$300,000 shall be
356 expended for the Urban League of Springfield, Inc.,” and inserting in place thereof “provided
357 further, that not less than \$400,000 shall be expended for the Urban League of Springfield, Inc.;

358 provided further, that not less than \$300,000 shall be expended for the Urban League of Eastern
359 Massachusetts;”

360 SECTION 31. Item 7004-0103 of section 2 of chapter 38 of the acts of 2013 is hereby
361 amended by adding the following words:- ; provided further, that upon written approval from the
362 secretary of administration and finance, funds may be transferred from item 7004-0101 to item
363 7004-0103; provided further, that the secretary of administration and finance shall notify the
364 house and senate committees on ways and means 30 days before approving any such transfer;
365 and provided further, that the secretary of administration and finance shall notify the house and

366 senate committees on ways and means concurrently with the transfer if the department has
367 identified an immediate cash run-out.

368 SECTION 32. Item 7061-9011 of said section 2 of said chapter 38 is hereby amended by
369 striking the words “and provided further, that priority shall be given to schools proposed in level
370 3 and 4 districts” and inserting in place thereof the following words:- provided further, that
371 priority shall be given to schools proposed in level 3 and 4 districts; and provided further, that up
372 to \$225,000 of the funds may be expended through June 30, 2015 on innovation fellowships in
373 sponsoring school districts that will participate in an in-depth, yearlong planning process, which
374 shall include, but not be limited to, a comprehensive review and analysis of the department’s
375 District Standards and Indicators, Conditions for School Effectiveness, and other priorities of the
376 department.

377 SECTION 33. Item 8000-0600 of section 2 of chapter 38 of the acts of 2013 is hereby
378 amended by inserting after the words “receive the reimbursements” the following words:- ;
379 provided further, that \$81,517 shall be made available for costs incurred by the Town of
380 Watertown due to the events of the Boston Marathon Bombing and deemed non-reimbursable by
381 the Federal Emergency Management Agency;

382 SECTION 34. Item 8315-1024 of section 2 of chapter 38 of the acts of 2013 is hereby
383 amended by adding the following words:- ; and provided further, that for the purpose of
384 accommodating timing discrepancies between the receipt of retained revenues and related
385 expenditures, the department may incur expenses and the comptroller may certify for payment
386 amounts not to exceed the lower of this authorization or the most recent revenue estimate as
387 reported in the state accounting system.

388 SECTION 35. Item 1595-1068 of section 2E of chapter 38 of the acts of 2013 is hereby
389 amended by striking out the words “\$312,050,000 from the Medical Assistance Trust Fund to the
390 Cambridge public health commission for dates of service in state and federal fiscal year 2014
391 only after the Cambridge public health commission transfers up to \$156,025,000 of its funds to
392 the Medical Assistance Trust Fund using a federally permissible source of funds which shall
393 fully satisfy the non-federal share of such payment” and inserting in place thereof the following
394 words:- \$308,000,000 from the Medical Assistance Trust Fund to the Cambridge Public Health
395 Commission for dates of service in state and federal fiscal year 2014 only after the Cambridge
396 public health commission transfers up to \$154,000,000 of its funds to the Medical Assistance
397 Trust Fund using a federally permissible source of funds which shall fully satisfy the non-federal
398 share of such payment; and provided further, that \$174,025,000 in payments made for federal
399 fiscal year 2013 shall be made from the Medical Assistance Trust Fund, of which \$28,050,000
400 shall be made to the Cambridge Public Health Commission for dates of service in state and
401 federal fiscal year 2013 only after the Cambridge Public Health Commission transfers up to
402 \$14,025,000 of its funds to the Medical Assistance Trust Fund using a federally permissible
403 source of funds which shall fully satisfy the non-federal share of such payment.

404 SECTION 36. Said item 1595-1068 of said section 2E of said chapter 38 is hereby further
405 amended by striking out the figure “\$394,000,000” and inserting in place thereof the following
406 figure:- \$568,025,000.

407 SECTION 37. Section 3 of chapter 38 of the acts of 2013 is hereby amended by striking
408 out the last sentence of the third paragraph and inserting in place thereof the following:- The
409 department of elementary and secondary education shall not consider health care costs for retired
410 teachers to be part of net school spending for any district in which such costs were not
411 considered part of net school spending in fiscal year 1994. If there is a conflict between the
412 language of this section and the distribution listed below, the distribution below shall control.

413 SECTION 38. Section 154 of chapter 38 of the acts of 2013 is hereby repealed.

414 SECTION 39. Section 166 of chapter 38 of the acts of 2013 is hereby amended by
415 striking out subsection (a) and inserting in place thereof the following:-

416 (a) There shall be a special commission to make an investigation and study of the cost of
417 administering early education and care services in the commonwealth and make
418 recommendations to enhance said services where appropriate and necessary. The special
419 commission shall consist of the commissioner of early education and care, who shall serve as
420 chair; the secretary of administration and finance, or a designee; the house and senate chairs of
421 the joint committee on education, or their designees, and the house and senate chairs of the joint
422 committee on children, families, and persons with disabilities, or their designees; the ranking
423 minority members of the house and senate on the joint committee on education, or their
424 designees; a member of the house of representatives appointed by the speaker, a member of the
425 senate appointed by the president of the senate; the child advocate, or a designee; the
426 commissioner of elementary and secondary education, or a designee with experience in
427 elementary school transition; the Executive Director of the Massachusetts Head Start
428 Association, or a designee; a representative of the Massachusetts Early Education and Care
429 Association; the commissioner of transitional assistance, or a designee; the commissioner of
430 children and families, or a designee; and 3 members appointed by the governor, 1 of whom shall
431 be a provider of early education and care, and 1 of whom shall be a social worker with
432 experience in serving families with children; a representative of the Massachusetts Teachers
433 Association; and a representative of the American Federation of Teachers-Massachusetts.

434 SECTION 40. Section 211 of chapter 38 of the acts of 2013 is hereby amended by adding
435 the following subsection:-

436 (d) If federal financial participation shall be unavailable to provide additional payment
437 under subsection (b), the office of Medicaid shall expend not more than \$6,153,884.50, subject
438 to sufficient funds received under an interagency agreement under this section, on such
439 additional payment under said subsection (b); provided, however, that the interagency agreement
440 under subsection (a) shall be reduced by \$6,153,884.50.

441 SECTION 41. (a) Notwithstanding sections 33 to 37, inclusive, of chapter 7C of the
442 General Laws, section 20 of chapter 304 of the acts of 2008, or any other general or special law
443 to the contrary, the commissioner of capital asset management and maintenance may convey a
444 certain parcel of state-owned land with the buildings thereon located in the city of Worcester to
445 the city of Worcester. The parcel and buildings are located at 2 Main street.

446 (b) As consideration for the conveyance described in subsection (a), the city of Worcester
447 shall pay the commonwealth \$1 at the time of the conveyance. Upon any subsequent sale or
448 lease of the property or any portion thereof by the city of Worcester, the city shall pay half of the
449 net proceeds of any such sale or lease to the Commonwealth.

450 (c) The city of Worcester shall bear all costs that the commissioner finds necessary or
451 appropriate for the transaction authorized by this section, including, without limitation, all costs
452 for legal work, survey, title and the preparation of plans and specifications.

453 SECTION 42. (a) Notwithstanding sections 6 and 7 of chapter 53 of the General Laws,
454 sections 86 and 95 of chapter 54 of the General Laws or any other general or special law to the
455 contrary, the state secretary may add or change any dates relating to functions appurtenant to the
456 special primaries or the election for representative in the Congress of the United States in the
457 Fifth Congressional District, writs having been issued by the governor for December 10, 2013, as
458 the state secretary deems necessary for the orderly administration of the primaries or election by
459 providing notice of any such change with the regulations division and by posting on the
460 secretary's website and by whatever other means he deems appropriate.

461 (b) Notwithstanding any general or special law to the contrary, the full election calendar
462 shall be as follows: (i) the last day for a person running in the state primary to enroll in a party or
463 for a person running only in the state election to unenroll from a party, except for newly
464 registered voters, shall be May 15, 2013 for party candidates and May 15, 2013 for nonparty
465 candidates; (ii) the last day and hour for submitting nomination papers to local registrars of
466 voters or election commissioners for the certification of signatures shall be 5:00 p.m. on July 31,
467 2013 for party candidates and 5:00 p.m. on September 17, 2013 for nonparty candidates; (iii) the
468 certification of nomination papers shall be completed by August 12, 2013 for party candidates
469 and September 26, 2013 for nonparty candidates; (iv) the last day and hour for filing nomination
470 papers, including enrollment certificates, with the state secretary shall be 5:00 p.m. on August
471 14, 2013 for party candidates and 5:00 p.m. on October 1, 2013 for nonparty candidates; (v) the
472 last day and hour for filing withdrawals of, or objections to, all nomination papers and
473 certificates of nomination with the state secretary shall be 5:00 p.m. on August 16, 2013 for party
474 candidates and 5:00 p.m. on October 3, 2013 for nonparty candidates; (vi) the last day and hour
475 for filling vacancies caused by withdrawals for primary candidates shall be 5:00 p.m. on August
476 20, 2013; (vii) the last day to register voters for the state primary shall be September 25, 2013;
477 (viii) the state primary shall be held on Tuesday, October 15, 2013; (ix) the last day and hour for
478 the filing of withdrawals of or objections to nominations made at the state primary and for filing

479 written acceptances by write-in or sticker candidates who won in the state primary with the state
480 secretary shall be 5:00 p.m. on October 21, 2013; (x) the last day and hour for filling vacancies
481 caused by withdrawals at the state primary shall be 5:00 p.m. on October 22, 2013; (xi) the last
482 day to register voters for the state election shall be November 20, 2013; and (xii) the state
483 election shall be held on Tuesday, December 10, 2013 pursuant to writs issued by the governor.

484 SECTION 43. The secretary of public safety and security shall conduct a study on the use
485 of active or passive fire suppression kits in state and municipal law enforcement vehicles. The
486 study shall include, but not be limited to, the costs and benefits of installing fire suppression kits
487 to aid in the prevention of fires resulting from rear end collisions. The secretary shall file a report
488 not later than March 1, 2014 with the clerks of the house of representatives and the senate who
489 shall forward a copy of the report and recommendations to the chairs of the joint committee on
490 public safety and homeland security.

491 SECTION 44. Any monies remaining in the Supplemental Reserve Fund to Ensure Fiscal
492 Stability established in section 5 of chapter 108 of the acts of 2006 shall be transferred to the
493 Pentucket Regional School District Middle and High School Complex Capital Fund established
494 in section 45.

495 SECTION 45. Notwithstanding any general or special law to the contrary, there shall be a
496 Pentucket Regional School District Middle and High School Complex Capital Fund into which
497 shall be deposited all monies held in the Supplemental Reserve Fund to Ensure Fiscal Stability
498 established in section 5 of chapter 108 of the acts of 2006 for capital expenditures for the
499 Pentucket regional school district middle and high school complex located in the town of West
500 Newbury. The Pentucket regional school committee shall be the custodian of the fund and may
501 authorize disbursements from the fund for capital purposes that the committee considers
502 appropriate to provide for the middle and high school complex. Any income derived from the
503 investment or reinvestment of amounts held in the fund shall remain with and become part of the
504 fund.

505 SECTION 46. The Pentucket regional school committee may dissolve the Pentucket
506 Regional School District Middle and High School Complex Capital Fund and may authorize
507 disbursements from the fund for operating purposes that the committee considers appropriate to
508 maintain and continue regional school district operations.

509 SECTION 47. (a) Notwithstanding any general or special law to the contrary, the
510 secretary of administration and finance may direct the comptroller to transfer to the General
511 Fund any remaining balance in the Commonwealth Care Trust Fund as of June 30, 2013.

512 (b) Notwithstanding any general or special law to the contrary, the secretary of
513 administration and finance may expend funds from the Commonwealth Care Trust Fund in
514 anticipation of receipt of revenue during fiscal year 2014. The secretary shall ensure that no
515 expenditures from the fund shall cause the fund to be in deficiency at the close of the fiscal year.

516 SECTION 48. The salary adjustments and other economic benefits authorized by the
517 following collective bargaining agreements shall be effective for the purpose of section 7 of
518 chapter 150E of the General Laws:

519 (a) between the commonwealth and the Massachusetts Correction Officers Federated
520 Union, Unit 4;

521 (b) between the Bristol sheriff and the Bristol Correction Officers MCOFU, Unit SA4;

522 (c) between the Bristol sheriff and the Bristol NCEU, Unit SA3;

523 (d) between the Bristol sheriff and the Bristol K-9 Unit, Unit SA7;

524 (e) between the Franklin sheriff and the Franklin Administrative Professionals IBCO,
525 Unit SF3;

526 (f) between the Franklin sheriff and the Franklin NCEU Correction Officers, Unit SF1;

527 (g) between the Hampshire sheriff and the Hampshire Treatment Staff Local 1459, Unit
528 SH6;

529 (h) between the Hampshire sheriff and the Hampshire Non-Uniform, Unit SH7;

530 (i) between the Hampshire sheriff and the Hampshire Sheriff Officers Independent
531 Association, Unit SH8;

532 (j) between the Hampshire sheriff and the Hampshire Correction Officers NCEU, Unit
533 SH9;

534 (k) between the Suffolk sheriff and the Suffolk Jail Officers, Unit SS4;

535 (l) between the Plymouth sheriff and the NCEU 301, Unit SP7;

536 (l) between the Plymouth sheriff and the NCEU 104, Unit SP1;

537 (m) between the Worcester sheriff and the Worcester United Auto Workers, Unit SW5;

538 (n) between the Worcester sheriff and the Worcester Corrections Officers, Unit SW6; and

539 (o) between the alcoholic beverages control commission and the Coalition of Public
540 Safety, Unit 5.

541 Section 49. The Secretary of the executive office of health and human services is
542 directed to develop a methodology for establishing capitation rates to be paid by Medicaid to
543 PACE program. The methodology shall be based on an actuarially sound determination of costs
544 incurred for the services provided or paid for by PACE but in no case shall the rate be in excess
545 of the Upper Payment Level. The rate shall be reviewed on an annual basis. The methodology

546 shall be developed within 90 days of the passage of this law and shall be made available to
547 PACE providers.

548 SECTION 50. (a) Notwithstanding the last paragraph of section 2H of chapter 29 of the
549 General Laws or any other general or special law to the contrary, the comptroller shall include in
550 the certification of the consolidated net surplus for fiscal year 2013 one-time settlements or
551 judgments for the commonwealth, of which the net value to the commonwealth of the proceeds
552 of that settlement or judgment, after all restitution or other remedial payments are made pursuant
553 to the settlement or judgment, exceeds \$10,000,000 in fiscal year 2013 and which would
554 otherwise be transferred to the Commonwealth Stabilization Fund; provided, however, upon
555 certification by the comptroller that the consolidated net surplus equals \$106,800,000 all other
556 such judgments and settlements shall be disposed of pursuant to the last paragraph of said section
557 2H of said chapter 29.

558 (b) Upon compliance with subsection (a), the comptroller shall dispose of the
559 consolidated net surplus pursuant to section 145 of chapter 38 of the acts of 2013.

560 SECTION 51. Notwithstanding any general or special law to the contrary, the secretary
561 of the commonwealth shall reimburse the cities and towns of the commonwealth for
562 extraordinary election costs due to the June 25, 2013 special election, as appropriated in item
563 0521-0000.

564 SECTION 52. Notwithstanding any general or special law to the contrary, the executive
565 office of health and human services is directed to expend not less than \$3,000,000 to increase
566 community health centers' reimbursement for dental, behavioral health and urgent care services
567 under Medicaid as appropriated in item 4000-0265.

568 SECTION 53. For the purposes of reducing the need for remediation following
569 matriculation into a postsecondary setting, the comptroller shall transfer \$30,000 from the
570 General Fund to the department of elementary and secondary education to administer the
571 uniform college and career readiness pilot program established in subsection (b) of section 79 of
572 chapter 36 of the acts of 2013.

573 SECTION 54. Section 46 shall take effect on July 1, 2018.