

**HOUSE . . . . . No. 3707**

House bill No. 3700, as changed by the committee on Bills in the Third Reading, and as amended and passed to be engrossed by the House. October 16, 2013.

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, 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 0340-0498.....\$25,000

13 Berkshire District Attorney.

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

15	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE	
16	Department of Revenue.	
17	1232-0100.....	\$2,254,260
18	Human Resources Division.	
19	1750-0300.....	\$60,000
20	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES	
21	Office of the Secretary of Health and Human Services.	
22	4000-0265.....	\$3,000,000
23	Department of Public Health.	
24	4516-1000.....	\$285,000
25	EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT	
26	Department of Career Services.	
27	7003-1206.....	\$400,000
28	EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT	
29	Department of Housing and Community Development.	
30	7004-0103.....	\$13,000,000
31	EXECUTIVE OFFICE OF EDUCATION	
32	Department of Elementary and Secondary Education.	
33	7027-1004.....	\$540,000
34	EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY	
35	Executive Office of Public Safety.	
36	8000-0600.....	\$81,517
37	Department of State Police.	
38	8100-1001.....	\$40,000
39	Department of Fire Services.	

40 8324-0000.....\$100,000

41 Military Division.

42 8700-1150.....\$2,600,000

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

51 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

52 Department of Workforce Development.

53 7003-0808 For the operation of the Massachusetts Workforce Professional  
54 Association.....\$75,000

55 Workforce Training Fund.....100%

56 7004-1000.....For the federal Low Income Home Energy Assistance Program  
57 42 U.S.C. section 8621 et seq., to assist low-income elders, working families and other  
58 households with the purchase of heating oil, propane, natural gas, electricity and other primary or  
59 secondary heating sources; provided, that expenditure of these funds shall be made in accordance  
60 with the state plan submitted by the department of housing and community development for  
61 operation of the fiscal year 2014 program, in accordance with federal law; provided further, that  
62 the department shall establish the maximum assistance for which a household shall be eligible  
63 commensurate with the increased funding provided in this  
64 item.....\$20,000,000

65 SECTION 2C.I. For the purpose of making available in fiscal year 2014 balances of  
66 appropriations which otherwise would revert on June 30, 2013, the unexpended balances of the  
67 maintenance appropriations listed below, not to exceed the amount specified below for each  
68 item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the  
69 corresponding item in section 2 of the general appropriation act for fiscal year 2013. The  
70 unexpended balances of all appropriations in the Massachusetts management accounting and  
71 reporting system with a secretariat code of 01 or 17, are hereby re-appropriated for the purposes  
72 of and subject to the conditions stated for the corresponding item in section 2 of the general  
73 appropriation act for fiscal year 2013 or section 2A of chapter 194 of the acts of 2011. For items  
74 which do not appear in section 2 of the general appropriation act, the amounts in this section are

75 re-appropriated for the purposes of and subject to the conditions stated for the corresponding  
76 item in section 2 of this act or in prior appropriation acts. Amounts in this section are re-  
77 appropriated from the fund or funds designated for the corresponding item in section 2 of the  
78 general appropriation act; provided, however, that for items which do not appear in section 2 of  
79 the general appropriation act, the amounts in this section are re-appropriated from the fund or  
80 funds designated for the corresponding item in section 2 of this act or in prior appropriation acts.  
81 The sums re-appropriated in this section shall be in addition to any amounts available for said  
82 purposes.

83 SECRETARY OF THE COMMONWEALTH

84 Office of the Secretary of the Commonwealth.

85 0521-0000.....\$8,128,528

86 OFFICE OF THE INSPECTOR GENERAL

87 0910-0200.....\$400,000

88 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

89 Office of the Secretary of Administration and Finance.

90 1106-0064.....\$111,000

91 Reserves.

92 1599-0026.....\$1,060,000

93 1599-0087.....\$47,000

94 1599-0090.....\$1,207,450

95 1599-0093.....\$225,186

96 1599-0117.....\$2,395,754

97 1599-1705.....\$589,328

98 1599-2004.....\$695,000

99 1599-2013.....\$100,000

100 1599-3384.....\$3,000,000

101 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

102 Department of Conservation and Recreation.

103	2810-0100.....	\$350,000
104	EXECUTIVE OFFICE OF EDUCATION	
105	Department of Early Education and Care.	
106	3000-1000.....	\$85,000
107	3000-7000.....	\$99,842
108	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES	
109	Office of the Secretary of Health and Human Services.	
110	4000-0300.....	\$300,000
111	4000-0700.....	\$16,062,000
112	Department of Transitional Assistance.	
113	4400-1000.....	\$1,300,000
114	4400-1100.....	\$800,000
115	Department of Public Health.	
116	4516-1010.....	\$1,000,000
117	4590-0915.....	\$221,000
118	Department of Children and Families.	
119	4800-0015.....	\$617,691
120	4800-0038.....	\$1,800,000
121	4800-0041.....	\$2,000,000
122	Department of Mental Health.	
123	5046-0000.....	\$1,000,000
124	5095-0015.....	\$2,500,000
125	EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT	
126	Department of Housing and Community Development.	
127	7004-0099.....	\$150,000

128	7004-0102.....	\$145,387
129	Massachusetts Marketing Partnership.	
130	7008-0900.....	\$575,000
131	EXECUTIVE OFFICE OF EDUCATION	
132	Department of Elementary and Secondary Education.	
133	7053-1925.....	\$400,912
134	Department of Higher Education.	
135	7066-0025.....	\$1,240,000
136	EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY	
137	State Police Crime Laboratory.	
138	8000-0106.....	\$702,400
139	Department of State Police.	
140	8100-1001.....	\$100,000
141	Department of Fire Services.	
142	8324-0000.....	\$50,000
143	Military Division.	
144	8700-0001.....	\$100,000
145	Parole Board.	
146	8950-0001.....	\$387,991
147	SHERIFFS	
148	Worcester Sheriff's Office.	
149	8910-0106.....	\$50,000

150 SECTION 2C.II. For the purpose of making available in fiscal year 2014 balances of  
151 retained revenue and intragovernmental chargeback authorizations which otherwise would revert  
152 on June 30, 2013, the unexpended balances of the authorizations listed below, not to exceed the  
153 amount specified below for each item, are hereby re-authorized for the purposes of and subject to  
154 the conditions stated for the corresponding item in section 2 or 2B of the general appropriation

155 act for fiscal year 2013. For items which do not appear in section 2 or 2B of the general  
156 appropriation act, the amounts in this section are re-authorized for the purposes of and subject to  
157 the conditions stated for the corresponding item in section 2, 2A, or 2B of this act or in prior  
158 appropriation acts. Amounts in this section are re-authorized from the fund or funds designated  
159 for the corresponding item in section 2 or 2B of the general appropriation act; provided,  
160 however, for items which do not appear in section 2 or 2B of the general appropriation act, the  
161 amounts in this section are re-authorized from the fund or funds designated for the corresponding  
162 item in section 2, 2A or 2B of this act or in prior appropriation acts. The sums re-authorized in  
163 this section shall be in addition to any amounts available for those purposes.

164 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

165 Division of Human Resources.

166 1750-0102.....\$220,000

167 1750-0601.....\$150,000

168 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

169 Chief Medical Examiner.

170 8000-0122.....\$250,000

171 SECTION 2E. The sums set forth in this section are hereby appropriated for  
172 transfer from the General Fund to the trust funds named within each item unless specifically  
173 designated otherwise in this section, for the purposes and subject to the conditions specified in  
174 this section and subject to the laws regulating the disbursement of public funds for the fiscal year  
175 ending June 30, 2014. Items in this section shall not be subject to allotment pursuant to section  
176 9B of chapter 29 of the General Laws or reduction pursuant to section 9C of said chapter 29,  
177 without express authorization from the general court. Notwithstanding section 19A of said  
178 chapter 29, any transfer under this section shall be made by the comptroller in accordance with a  
179 transfer schedule to be developed for each item by the comptroller, after consulting with the  
180 appropriate agency secretary, the secretary of administration and finance and the state treasurer.  
181 The schedule for each appropriation shall provide for transfers in increments considered  
182 appropriate to meet the cash flow needs of each fund and all transfers under the schedule shall be  
183 completed not later than June 30, 2014. Not later than 7 days after the schedules receive final  
184 approval by the comptroller, they shall be reported to the house and senate committees on ways  
185 and means. These sums shall be made available until June 30, 2014.

186 TRANSPORTATION

187 Massachusetts Department of Transportation.

188 1595-6368.....\$1,496,215

189 Commonwealth Transportation Fund.....100%

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

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

196 SECTION 5. The definition of “System” in section 1 of chapter 32 of the General Laws,  
197 as so appearing, is hereby amended by adding the following sentence:- For the purpose of  
198 investing in the Pension Reserve Investment Trust Fund established by subdivision (8) of section  
199 22, the Massachusetts State College Building Authority shall be a system.

200 SECTION 6. Chapter 119 of the General Laws is hereby amended by striking out section  
201 39I, as so appearing, and inserting in place thereof the following section:-

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

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

211 Section 38A. (a) If the commissioner, or the commissioner’s authorized representative,  
212 determines that a payment of benefits was made because the employing unit, or an agent of the  
213 employing unit, was at fault for failing to respond timely or adequately to any request of the  
214 department for information relating to the claim for benefits, then the employing unit, except for  
215 employing units making payments into the Unemployment Compensation Fund pursuant to  
216 section 14A, shall not be relieved of charges on account of any such payment of benefits;  
217 provided, however, if the employing unit makes payments into the Unemployment  
218 Compensation Fund pursuant to section 14A, it shall not be relieved from reimbursing the Fund  
219 on account of any such payment of benefits. For purposes of this subsection, a response shall be  
220 considered inadequate if it fails to provide sufficient facts to enable the department to make the  
221 correct determination regarding a claim for benefits. A response shall not be considered  
222 inadequate if the department failed to ask for all necessary information, except in any case where  
223 there has been a failure to respond.



224 (b) The commissioner shall adopt regulations implementing this section, including, but  
225 not limited to, the duration of the prohibition against relieving employing units from charges or  
226 reimbursements; provided, however, that the prohibition shall continue, at a minimum, until the  
227 department: (i) determines that any individual receiving a payment of benefits because the  
228 employing unit, or an agent of the employing unit, was at fault, within the meaning of subsection  
229 (a), is no longer eligible for benefits, and; (ii) stops paying benefits to the individual.

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

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

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

239 (e) At the time the department determines that an erroneous payment from the  
240 Unemployment Compensation Fund was made to an individual due to the individual’s  
241 misrepresentation of a material fact or failure to disclose a material fact that the individual knew,  
242 or reasonably should have known, was material, the individual shall be assessed a penalty in the  
243 amount of 15 per cent of the amount of the erroneous payment. Except as provided in subsection  
244 (b), recovery of this penalty shall not be waived. Any appeal of the penalty under subsection (c)  
245 shall be limited to whether the amount on which the penalty was assessed is correct. All  
246 assessments paid pursuant to this subsection shall be deposited immediately in the  
247 Unemployment Compensation Fund.

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

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

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

258 SECTION 13. The last sentence of section 94 of chapter 142 of the acts of 2011, as  
259 appearing in section 23 of chapter 239 of the acts of 2012, is hereby amended by striking out the  
260 figure "2013" and inserting in place thereof the following figure:- 2014.

261 SECTION 14. Item 7004-0099 of section 2 of chapter 139 of the acts of 2012 is hereby  
262 amended by adding the following words:- ; and provided further, that any unexpended funds for  
263 a one-time community action grant in the town of Holbrook as set forth in section 69 of chapter  
264 36 of the acts of 2013 shall not revert and shall be made available for expenditure until June 30,  
265 2014 for the purposes set forth in said section 69.

266 SECTION 15. Subsection (a) of section 155 of chapter 139 of the acts of 2012, as  
267 appearing in section 145 of chapter 38 of the acts of 2013, is hereby amended by striking out the  
268 words "and (vii)" and inserting in place thereof the following words:- (vii) \$21,800,000 to the  
269 secretary of administration and finance, for transfer to appropriate accounts for information  
270 technology operating expenses; and (viii).

271 SECTION 15A. The last sentence of section 206 of chapter 139 of the acts of 2012 is  
272 hereby amended by striking out the figure "2013" and inserting in place thereof the following  
273 figure:- 2014.

274 SECTION 16. The last sentence of section 131 of chapter 165 of the acts of 2012  
275 is hereby amended by striking out the word "July" and inserting in place thereof the following  
276 word:- December.

277 SECTION 17. Chapter 262 of the acts of 2012 is hereby amended by striking out section  
278 10 and inserting in place thereof the following section:-

279 Section 10. Regulations promulgated pursuant to section 1 shall be completed by January  
280 1, 2014. Rules, regulations, ordinances or bylaws promulgated pursuant to section 9 shall be  
281 completed by the later of: (i) December 31, 2014, or (ii) within 1 year of the effective date of  
282 regulations promulgated pursuant to section 1.

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

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

291 SECTION 20. Item 8910-0106 in said section 2A of said chapter 36 is hereby amended  
292 by adding the following words:- ; provided, that any unexpended funds in this item shall not

293 revert and shall be made available for expenditure until June 30, 2014 for the purposes as set  
294 forth in this item.

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

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

304 SECTION 23. Section 44 of said chapter 36 is hereby amended by adding the following  
305 words:- ; and provided further, that any unexpended funds for the Friends of the Homeless, Inc.  
306 in the city of Springfield shall not revert and shall be made available for expenditure until June  
307 30, 2014 for the purposes as set forth in this section.

308 SECTION 24. Section 46 of said chapter 36 is hereby amended by adding the following  
309 words:- ; and provided further, that any unexpended funds for the followingshall not revert and  
310 shall be made available for expenditure until June 30, 2014 for the4 purposes as set forth in this  
311 section : (i) Massachusetts International Festival of the Arts for the planned renovations and  
312 reopening of the Victory Theatre in the city of Holyoke, including construction consulting,  
313 business planning and architecture and engineering costs; (ii) Wareham Summer of Celebration  
314 Organization, Incorporated for the town of Wareham's two hundredth anniversary of the attack  
315 on Wareham harbor by the British sloop HMS Nimrod and the 275th anniversary of the  
316 incorporation of the town of Wareham; (iii) the New Bedford Whaling Museum, in cooperation  
317 with the city of New Bedford, for the visit of the whaling ship Charles W. Morgan to the city of  
318 New Bedford in June 2014; (iv) Frederick Douglas House in the city of New Bedford for  
319 educational services, interpretative and museum services, programs and acquisitions and to  
320 undertake tourism and marketing activities; (v) accessibility at the Arc of Greater Plymouth, Inc. ;  
321 and (vi) Greater Plymouth Performing Arts Center, Inc.

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

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

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

334 SECTION 27A. Section 79 of said chapter 36 is hereby amended by adding the following  
335 subsection:-

336 (d) Any unexpended funds transferred under subsection (a) for the uniform college and  
337 career readiness pilot program shall not revert and shall be made available for the purposes of  
338 subsection (b) until June 30, 2014.

339 SECTION 27B. Item 2511-0100 of section 2 of chapter 38 of the acts of 2013 is hereby  
340 amended by inserting after the words “commissions and committees chaired by the department”  
341 the following:- provided further, that the department of agricultural resources shall provide an  
342 updated cost estimate of the groundwater herbicide monitoring program study.

343 SECTION 28. Item 4000-0500 of section 2 of chapter 38 of the acts of 2013 is  
344 hereby amended by adding the following:-

345 “provided further, that MassHealth shall implement all Current Procedural Terminology  
346 evaluation and management codes for behavioral health services in accordance with new Current  
347 Procedural Terminology as most recently adopted by the American Medical Association and  
348 Centers for Medicare and Medicaid Services ; provided further that if a code is covered and paid  
349 on the medical surgical benefit then the code shall reimburse providers the same rate as provided  
350 in non-facility settings on the behavioral health and substance abuse benefit; provided further,  
351 that any integrated care organization, managed care entity or behavioral health carve out entity  
352 that manages behavioral health services on behalf of the commonwealth shall implement all  
353 Current Procedural Terminology evaluation and management codes for behavioral health  
354 services in accordance with new Current Procedural Terminology as most recently adopted by  
355 the American Medical Association and Centers for Medicare and Medicaid Services; provided  
356 further, that if a code is covered and paid on the medical surgical benefit then the code shall  
357 reimburse providers the same rate as provided in non-facility settings on the behavioral health  
358 and substance abuse benefit; provided further, that the codes shall be available and paid in the  
359 same manner and value for psychiatric services as for any other medical or surgical service and  
360 be required to pay, at a minimum, the MassHealth rates of payment for all evaluation and  
361 management psychiatric services; provided further, that MassHealth shall review and adjust all  
362 Relative Value Units in the same manner as Relative Value Units paid on the medical surgical  
363 benefit; and provided further, that MassHealth shall review and adjust all rates of payment for  
364 mental health services provided in community health centers and mental health centers by  
365 January 1, 2014”

366 SECTION 29. Item 4000-0700 in said section 2 of said chapter of 38 is hereby amended  
367 by striking out the words “provided further, that \$23,000,000 shall be expended from this item,  
368 or item 4000-0500 if necessary, to achieve maximum federal financial participation, to enhance  
369 the ability of hospitals and community health centers to serve populations in need more  
370 efficiently and effectively; provided further, that the executive office shall maximize federal  
371 reimbursements for state expenditures made to these providers” and inserting in place thereof the  
372 following words:- “provided further, that not less than \$23,000,000 shall be expended for fiscal  
373 year 2014 from this item, or item 4000-0500 if necessary, to achieve maximum federal financial  
374 participation, to enhance the ability of hospitals and community health centers to serve  
375 populations in need more efficiently and effectively; provided further, that not more than  
376 \$14,500,000 shall be expended for the purposes of the fiscal year 2013 funding solicitation;  
377 provided further, that the executive office shall maximize federal reimbursements for state  
378 expenditures made to these providers.”

379 SECTION 30. Item 7003-1206 of said section 2 of said chapter 38 is hereby amended by  
380 striking out the words: “provided further, that not less than \$300,000 shall be expended for the  
381 Urban League of Springfield, Inc.,” and inserting in place thereof the following words:-  
382 “provided further, that not less than \$400,000 shall be expended for the Urban League of  
383 Springfield, Inc.; provided further, that not less than \$300,000 shall be expended for the Urban  
384 League of Eastern Massachusetts, Inc.,”

385 SECTION 31. Item 7004-0103 of said section 2 of said chapter 38 is hereby amended by  
386 adding the following words:- ; provided further, that upon written approval from the secretary of  
387 administration and finance, funds may be transferred from item 7004-0101 to item 7004-0103;  
388 provided further, that the secretary of administration and finance shall notify the house and  
389 senate committees on ways and means 30 days before approving any such transfer; and provided  
390 further, that the secretary of administration and finance shall notify the house and senate  
391 committees on ways and means concurrently with the transfer if the department has identified an  
392 immediate cash run-out.

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

402 SECTION 33. Item 8000-0600 of said section 2 of said chapter 38 is hereby amended by  
403 inserting after the words “ reimbursements” the following words:- ; provided further, that

404 \$81,517 shall be made available for costs incurred by the town of Watertown due to the events of  
405 the Boston Marathon bombing and deemed non-reimbursable by the Federal Emergency  
406 Management Agency;

407 SECTION 33A. Item 8100-1001 of section 2 of chapter 38 of the acts of 2013 is hereby  
408 amended by inserting after the words “performed by state police officers” the following words:- ;  
409 provided further, that \$40,000 shall be made available for the town of North Attleboro to assist  
410 with the law enforcement expenses incurred as a result of the Odin Lloyd murder investigation.

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

417 SECTION 35. Item 1595-1068 of section 2E of said chapter 38 is hereby amended by  
418 striking out the words “\$312,050,000 from the Medical Assistance Trust Fund to the Cambridge  
419 public health commission for dates of service in state and federal fiscal year 2014 only after the  
420 Cambridge public health commission transfers up to \$156,025,000 of its funds to the Medical  
421 Assistance Trust Fund using a federally permissible source of funds which shall fully satisfy the  
422 non-federal share of such payment” and inserting in place thereof the following words:-  
423 \$308,000,000 from the Medical Assistance Trust Fund to the Cambridge public health  
424 commission for dates of service in state and federal fiscal year 2014 only after the Cambridge  
425 public health commission transfers up to \$154,000,000 of its funds to the Medical Assistance  
426 Trust Fund using a federally permissible source of funds which shall fully satisfy the non-federal  
427 share of such payment; and provided further, that \$174,025,000 in payments made for federal  
428 fiscal year 2013 shall be made from the Medical Assistance Trust Fund, of which \$28,050,000  
429 shall be made to the Cambridge public health commission for dates of service in state and federal  
430 fiscal year 2013 only after the Cambridge public health commission transfers up to \$14,025,000  
431 of its funds to the Medical Assistance Trust Fund using a federally permissible source of funds  
432 which shall fully satisfy the non-federal share of such payment.

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

436 SECTION 37. Section 3 of said chapter 38 is hereby amended by striking out the last  
437 sentence of the third paragraph and inserting in place thereof the following:- The department of  
438 elementary and secondary education shall not consider health care costs for retired teachers to be  
439 part of net school spending for any district in which such costs were not considered part of net

440 school spending in fiscal year 1994. If there is a conflict between the language of this section and  
441 the distribution listed below, the distribution below shall control.

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

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

445 (a) There shall be a special commission to make an investigation and study of the cost of  
446 administering early education and care services in the commonwealth and make  
447 recommendations to enhance said services where appropriate and necessary. The special  
448 commission shall consist of the commissioner of early education and care, who shall serve as  
449 chair; the secretary of administration and finance, or a designee; the house and senate chairs of  
450 the joint committee on education, or their designees; the house and senate chairs of the joint  
451 committee on children, families, and persons with disabilities, or their designees; the ranking  
452 minority members of the house and senate on the joint committee on education, or their  
453 designees; a member of the house of representatives appointed by the speaker of the house, a  
454 member of the senate appointed by the president of the senate; the child advocate, or a designee;  
455 the commissioner of elementary and secondary education, or a designee with experience in  
456 elementary school transition; the executive director of the Massachusetts Head Start Association,  
457 or a designee; a representative of the Massachusetts Early Education and Care Association; the  
458 commissioner of transitional assistance, or a designee; the commissioner of children and  
459 families, or a designee; and 3 members appointed by the governor, 1 of whom shall be a provider  
460 of early education and care, and 1 of whom shall be a social worker with experience in serving  
461 families with children; a representative of the Massachusetts Teachers Association; and a  
462 representative of the American Federation of Teachers-Massachusetts.

463 SECTION 40. Section 211 of said chapter 38 is hereby amended by adding the following  
464 subsection:-

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

470 SECTION 41. (a) Notwithstanding sections 33 to 37, inclusive, of chapter 7C of the  
471 General Laws, section 20 of chapter 304 of the acts of 2008, or any other general or special law  
472 to the contrary, the commissioner of capital asset management and maintenance may convey a  
473 certain parcel of land with the buildings thereon located at 2 Main street in the city of Worcester  
474 to the city of Worcester.

475 (b) As consideration for the conveyance described in subsection (a), the city of Worcester  
476 shall pay the commonwealth \$1 at the time of the conveyance. Upon any subsequent sale or  
477 lease of the property or any portion thereof by the city of Worcester, the city shall pay half of the  
478 net proceeds of any the sale or lease to the commonwealth.

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

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

490 (b) Notwithstanding any general or special law to the contrary, the full election calendar  
491 shall be as follows: (i) the last day for a person running in the state primary to enroll in a party or  
492 for a person running only in the state election to unenroll from a party, except for newly  
493 registered voters, shall be May 15, 2013 for party candidates and May 15, 2013 for non-party  
494 candidates; (ii) the last day and hour for submitting nomination papers to local registrars of  
495 voters or election commissioners for the certification of signatures shall be 5:00 p.m. on July 31,  
496 2013 for party candidates and 5:00 p.m. on September 17, 2013 for non-party candidates; (iii) the  
497 certification of nomination papers shall be completed by August 12, 2013 for party candidates  
498 and September 26, 2013 for non-party candidates; (iv) the last day and hour for filing nomination  
499 papers, including enrollment certificates, with the state secretary shall be 5:00 p.m. on August  
500 14, 2013 for party candidates and 5:00 p.m. on October 1, 2013 for non-party candidates; (v) the  
501 last day and hour for filing withdrawals of, or objections to, all nomination papers and  
502 certificates of nomination with the state secretary shall be 5:00 p.m. on August 16, 2013 for party  
503 candidates and 5:00 p.m. on October 3, 2013 for non-party candidates; (vi) the last day and hour  
504 for filling vacancies caused by withdrawals for primary candidates shall be 5:00 p.m. on August  
505 20, 2013; (vii) the last day to register voters for the state primary shall be September 25, 2013;  
506 (viii) the state primary shall be held on Tuesday, October 15, 2013; (ix) the last day and hour for  
507 the filing of withdrawals of or objections to nominations made at the state primary and for filing  
508 written acceptances by write-in or sticker candidates who won in the state primary with the state  
509 secretary shall be 5:00 p.m. on October 21, 2013; (x) the last day and hour for filling vacancies  
510 caused by withdrawals at the state primary shall be 5:00 p.m. on October 22, 2013; (xi) the last  
511 day to register voters for the state election shall be November 20, 2013; and (xii) the state  
512 election shall be held on Tuesday, December 10, 2013 pursuant to writs issued by the governor.



513 SECTION 43. The secretary of public safety and security shall conduct a study on the use  
514 of active or passive fire suppression kits in state and municipal law enforcement vehicles. The  
515 study shall include, but not be limited to, the costs and benefits of installing fire suppression kits  
516 to aid in the prevention of fires resulting from rear end collisions. The secretary shall file a report  
517 on the secretary's findings not later than March 1, 2014 with the clerks of the house of  
518 representatives and the senate who shall forward a copy of the report and recommendations to  
519 the chairs of the joint committee on public safety and homeland security.

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

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

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

538 SECTION 47. (a) Notwithstanding any general or special law to the contrary, the  
539 secretary of administration and finance may direct the comptroller to transfer to the General  
540 Fund any remaining balance in the Commonwealth Care Trust Fund established in section 2000  
541 of chapter 29 of the General Laws as of June 30, 2013.

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

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

- 549 (a) between the commonwealth and the Massachusetts Correction Officers Federated  
550 Union, Unit 4;
- 551 (b) between the Bristol sheriff and the Bristol Correction Officers MCOFU, Unit SA4;
- 552 (c) between the Bristol sheriff and the Bristol NCEU, Unit SA3;
- 553 (d) between the Bristol sheriff and the Bristol K-9 Unit, Unit SA7;
- 554 (e) between the Franklin sheriff and the Franklin Administrative Professionals IBCO,  
555 Unit SF3;
- 556 (f) between the Franklin sheriff and the Franklin NCEU Correction Officers, Unit SF1;
- 557 (g) between the Hampshire sheriff and the Hampshire Treatment Staff Local 1459, Unit  
558 SH6;
- 559 (h) between the Hampshire sheriff and the Hampshire Non-Uniform, Unit SH7;
- 560 (i) between the Hampshire sheriff and the Hampshire Sheriff Officers Independent  
561 Association, Unit SH8;
- 562 (j) between the Hampshire sheriff and the Hampshire Correction Officers NCEU, Unit  
563 SH9;
- 564 (k) between the Suffolk sheriff and the Suffolk Jail Officers, Unit SS4;
- 565 (l) between the Plymouth sheriff and the NCEU 301, Unit SP7;
- 566 (m) between the Plymouth sheriff and the NCEU 104, Unit SP1;
- 567 (n) between the Worcester sheriff and the Worcester United Auto Workers, Unit SW5;
- 568 (o) between the Worcester sheriff and the Worcester Corrections Officers, Unit SW6; and
- 569 (p) between the alcoholic beverages control commission and the Coalition of Public  
570 Safety, Unit 5.
- 571 (q) between the Worcester sheriff and the Worcester NAGE 06 Local R1-255, Unit SW4;
- 572 (r) between the Worcester sheriff and the NEPBA Local 275, Unit SW2;

573 Section 49. The secretary of the executive office of health and human services shall  
574 develop a methodology for establishing capitation rates to be paid by Medicaid to Program of  
575 All-Inclusive Care for the Elderly, hereinafter referred to as PACE. The methodology shall be  
576 based on an actuarially sound determination of costs incurred for the services provided by or  
577 paid for by PACE, but in no case shall the rate be in excess of the federal upper payment limit.

578 The capitation rates shall be reviewed annually.. The methodology shall be developed within 90  
579 days of the passage of this act and shall be made available to PACE providers.

580 SECTION 50. (a) Notwithstanding the last paragraph of section 2H of chapter 29 of the  
581 General Laws or any other general or special law to the contrary, the comptroller shall include in  
582 the certification of the consolidated net surplus for fiscal year 2013 one-time settlements or  
583 judgments for the commonwealth, of which the net value to the commonwealth of the proceeds  
584 of that settlement or judgment, after all restitution or other remedial payments are made pursuant  
585 to the settlement or judgment, exceeds \$10,000,000 in fiscal year 2013 and which would  
586 otherwise be transferred to the Commonwealth Stabilization Fund; provided, however, that upon  
587 certification by the comptroller that the consolidated net surplus equals \$106,800,000 all other  
588 such judgments and settlements shall be disposed of pursuant to the last paragraph of said section  
589 2H of said chapter 29.

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

592 SECTION 51. Notwithstanding any general or special law to the contrary, the secretary  
593 of the commonwealth shall reimburse the cities and towns of the commonwealth for  
594 extraordinary election costs due to the June 25, 2013 special election, as appropriated in item  
595 0521-0000 of section 2C.I.

596 SECTION 52. Notwithstanding any general or special law to the contrary, the executive  
597 office of health and human services shall expend not less than \$3,000,000 to increase community  
598 health centers' reimbursement for dental, behavioral health and urgent care services under  
599 Medicaid as appropriated in item 4000-0265 of section 2.

600 SECTION 52A. As used in sections 52A and 52B, inclusive, of this act, the following  
601 words shall, unless the context clearly indicates otherwise, have the following meanings:-

602 "Commissioner", the commissioner of capital asset management and maintenance.

603 "GDC committee", the Glavin Developmental Center Reuse Committee, which shall  
604 include 3 representatives of the town of Shrewsbury, 1 of whom shall be a member of the  
605 Shrewsbury board of selectmen or his designee who shall serve as chairperson, 1 of whom shall  
606 be a member of the Shrewsbury planning board or his designee, and 1 of whom shall be chosen  
607 by the Shrewsbury board of selectmen; 1 representative of the division of capital asset  
608 management and maintenance; and 1 representative of the department of developmental services.  
609 Such members, other than the representatives of the state agencies, shall be appointed annually  
610 by the local governing authority. The senator and representative who represent the town shall  
611 serve as ex-officio members.

612 "GDC site", the area of state-owned land located in the town of Shrewsbury known as the  
613 Glavin Developmental Center, together with the buildings and improvements thereon and the  
614 rights, easements and other interests appurtenant thereto.

615 "Plan", a reuse plan prepared by the division in consultation with the GDC committee  
616 which shall be approved by the commissioner and filed in accordance with section 2; provided,  
617 however, that the plan may be enhanced, refined or amended from time to time as provided in  
618 this section and shall include uses for department programs, uses that promote environmental  
619 preservation, open space and any other use found to be appropriate by the commissioner, town  
620 and committee.

621 "Selection committee", the proposal selection committee established to review proposals  
622 and make recommendations to the commissioner, which shall include 1 representative of the  
623 respective town chosen by the board of selectmen to be appointed annually; 1 representative of  
624 the division of capital asset management and maintenance; 1 representative of the department of  
625 developmental services; and 1 representative from the GDC committee.

626 SECTION 52B. The commissioner shall undertake planning, studies and preparation of  
627 plans and specifications necessary to carry out the provisions of this section consistent with the  
628 plan. The GDC committee shall submit their recommendations for the reuse plans with the  
629 commissioner within 180 days after the effective date of this act. The GDC committee shall hold  
630 no less than 2 public comment sessions. The commissioner shall consult with the GDC  
631 committee on any amendment to the plan and shall develop, issue and advertise requests for  
632 proposals consistent with the plan within 90 days of receipt of the plan. Upon receipt of  
633 proposals the commissioner shall convene the selection committee for the purpose of reviewing  
634 and making recommendations regarding selection to the commissioner. Shrewsbury's governing  
635 authority shall be encouraged to submit proposals for uses consistent with the plan for some or  
636 all of the property. Should proposals from the municipalities be among those recommended to  
637 the commissioner, the commissioner shall reasonably accommodate the schedule required for  
638 town meeting votes, should said vote be required to complete or approve a proposal, prior to  
639 making any final decisions on the proposals. Any re-use must be consistent with chapter 212 of  
640 the acts 2012 of which limits some uses on the GDC site. SECTION 53. Sections 1 to 2E,  
641 inclusive, 14, 18 to 27A, inclusive, 47, and 50 to 52, inclusive, shall take effect on June 30, 2013.

642 SECTION 53. Sections 1 to 2E, inclusive, 14, 18 to 27A, inclusive, 47, and 50 to  
643 52, inclusive, shall take effect on June 30, 2013.

644 SECTION 53A. Sections 3, 15, 27B, and 28 to 40, inclusive, shall take effect on  
645 July 1, 2013.

646 SECTION 53B. Section 42 shall expire on January 31, 2014.

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

648 SECTION 55. (a) Notwithstanding any general or special law to the contrary, the  
649 department of housing and community development may provide not more than \$20,000,000, as  
650 provided for in item 7004-1000, in advance funding to participating agencies that administer the  
651 federal Low Income Home Energy Assistance Program described in item 7004-2033 of section  
652 2D of chapter 38 of the acts of 2013 for the purposes of operating the program in fiscal year  
653 2014; provided, that the advanced funding shall be subject to the federal reimbursement of funds  
654 under said item 7004-2033 of said section 2D; provided further, that a portion may be expended  
655 for approved administrative costs consistent with the current or prior year's state operation plan  
656 required by the federal program. The department and the eligible entities may, after November 1,  
657 2013, expend a portion of these funds to assist low-income elders, working families and other  
658 households with the purchase of heating oil, propane and natural gas and electricity and other  
659 primary or secondary heating sources.

660 (b) Notwithstanding any general or special law to the contrary, upon receipt of  
661 \$20,000,000 of federal funds for the administration of the federal Low Income Home Energy  
662 Assistance Program pursuant to item 7004-2033 of section 2D of chapter 38 of the acts of 2013  
663 and prior to complying with the provisions of said item 7004-2033 of said section 2D, the  
664 Comptroller shall transfer such amount from the General Fund to the Stabilization Fund.  
665 Notwithstanding any general or special law to the contrary, the full expenditure of the program  
666 described by said item 7004-2033 of said section 2D of chapter 38 of the acts of 2013 shall not  
667 exceed \$133,623,245 in state fiscal year 2014.