

HOUSE No. 4049

The Commonwealth of Massachusetts



DEVAL L. PATRICK
GOVERNOR

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EXECUTIVE DEPARTMENT
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April 16, 2014

To the Honorable Senate and House of Representatives,

I am filing for your consideration a bill entitled “An Act Making Appropriations for the Fiscal Year 2014 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.”

The legislation I am filing includes supplemental funding requests of \$161.7 million to fund obligations.

The legislation includes \$20 million for opiate abuse treatment and prevention, consistent with my March 27th declaration of a public health emergency. It also includes \$1 million for corrections officer training at the Department of Corrections in response to concerns raised about the treatment of mentally ill inmates in state prisons.

In addition, the legislation includes funding for the following:

- \$50 million for the Group Insurance Commission, the insurance broker for the Commonwealth’s employees to fund higher than anticipated utilization costs
- \$34.1 million for private counsel compensation required by the Committee on Public Counsel Services
- \$27.6 million for reimbursements to school districts for charter school costs

- \$11.3 million for the operation of the Fernald Developmental Center
- \$10.4 million for services provided by the Department of Children and Families, which is experiencing increased demand for family supports
- \$6.1 million for family emergency shelter services. Even with the program reforms my Administration has implemented, the state continues to see historic levels of demand for emergency housing services. \$400,000 of this funding will support 400 new family congregate shelter beds in FY14 to further reduce the number of families living in motels.

Many of the above fiscal year 2014 items are quite time-sensitive. Some require supplemental funding before May 15th. Accordingly, I especially request their prompt enactment.

This legislation also includes some budget-related and other technical language changes, including the following:

- Addressing end-of-year cash flow at the Health Connector caused by the delay of 2014 unemployment insurance bills being issued and the continued operation of the Commonwealth Care program
- Extending the 2013 Boston Marathon Reserve to support security costs at this year's marathon and future marathons
- Allowing the Commonwealth to enter into power-purchase agreements with private developers, to bolster our renewable energy portfolio

Sufficient revenues are estimated to be available to finance these appropriations. I urge your prompt and favorable consideration of this bill.

Respectfully submitted,

Deval L. Patrick,
Governor

HOUSE No. 4049

Message from His Excellency the Governor recommending legislation relative to making appropriations for the fiscal year 2014 to provide for supplementing certain existing appropriations and for certain other activities and projects.

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act making appropriations for the fiscal year 2014 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 [Emergency Preamble Text], 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 2014, 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, 2014. These sums shall be in addition to any amounts
7 previously appropriated and made available for the purposes of those items.

8 SECTION 2.

9 JUDICIARY

10 Committee for Public Counsel Services

11 0321-1510.....\$34,128,000

12 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

13 Group Insurance Commission

14 1108-5200.....\$50,000,000

15	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES	
16	Department of Veterans Services	
17	1410-0400.....	\$526,380
18	Department of Public Health	
19	4512-0200.....	\$20,000,000
20	Department of Children and Families	
21	4800-0038.....	\$4,000,000
22	4800-0041.....	\$6,400,000
23	Department of Developmental Services	
24	5930-1000.....	\$11,318,251
25	EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT	
26	Department of Housing and Community Development	
27	7004-0101.....	\$1,942,866
28	7004-0103.....	\$4,253,765
29	EXECUTIVE OFFICE OF EDUCATION	
30	Department of Elementary and Secondary Education	
31	7061-9010.....	\$27,595,074
32	EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY	
33	Military Division	
34	8700-0001.....	\$515,000
35	Department of Correction	
36	8900-0001.....	\$1,000,000
37	Technical Changes to Department of Mental Health Boards	

38 SECTION 3. (A) Section 8A of chapter 19 of the General Laws, as appearing in the
39 2012 Official Edition, is hereby amended by striking out the first sentence and inserting in place

40 thereof the following sentence:- The governor shall appoint a board of trustees for each of
41 Taunton state hospital and the Worcester Recovery Center and Hospital.

42 (B) Section 14 of said chapter 19, as so appearing, is hereby amended by striking out
43 the word “fifteen”, in line 4, and inserting in place thereof the following words:- not fewer than
44 15.

45 Power-Purchase Agreements for State Property

46 SECTION 4. Section 11C of chapter 25A of the General Laws, as appearing in the 2012
47 Official Edition, is hereby amended by adding the following subsection:-

48 (e)(1) Notwithstanding section 137 of chapter 164, and consistent with this section and
49 sections 30 and 31 of chapter 7C, the commissioner of capital asset management and
50 maintenance may, in cooperation with a state agency or building authority, develop requests for
51 proposals for power-purchase agreements or net metering agreements involving use of
52 commonwealth real property.

53 (2) A state agency may develop requests for proposals for power-purchase
54 agreements or net metering agreements, only consistent with section 11C and this subsection (e)
55 and only with the approval of the commissioner of capital asset management and maintenance,
56 who shall give her approval in writing to the authorized state agency. The division of capital
57 asset management and maintenance may contract for power-purchase agreements or net metering
58 agreements jointly with the authorized state agency, if the commissioner of capital asset
59 management and maintenance finds the arrangement necessary and appropriate.

60 (3) The commissioner of capital asset management and maintenance and the using
61 agency may award contracts for power-purchase agreements or net metering agreements to the
62 proposer whose proposal provides the best value for the commonwealth. For the purposes of this
63 section, a determination of best value may include price per unit of power, total energy output,
64 the quality of the proposal and the entity submitting a proposal, including but not limited to any
65 subcontractors and consultants used by the entity submitting a proposal, and other factors to be
66 determined by the commissioner of capital asset management and maintenance, which shall be
67 set forth in the request for proposals.

68 (4) Notwithstanding sections 33 through 36, inclusive, of chapter 7C or any other
69 general or special law to the contrary, the commissioner of capital asset management and
70 maintenance, in consultation with the authorized state agency, may lease one or more parcels of
71 land owned by the commonwealth, other than land subject to Article 49, as appearing in Article
72 97, of the Amendments to the Constitution, for a term, including extensions, not to exceed 20
73 years, in connection with a power-purchase agreement or net metering agreement under this
74 subsection. The commissioner of capital asset management and maintenance shall determine the
75 exact boundaries of the property so leased after completion of a survey. Each lease shall be

76 subject to terms and conditions that the commissioner of capital asset management and
77 maintenance may prescribe in consultation with the appropriate state agency. In connection
78 with any lease authorized by this section, the commissioner of capital asset management and
79 maintenance may grant rights of way or easements for access, egress and utilities across
80 commonwealth property contiguous to the leased premises, but those rights of way or easements
81 shall expire upon the expiration or termination of the lease.

82 Balancing Incentive Program Trust Fund

83 SECTION 5. Chapter 10 of the General Laws is hereby amended by inserting after
84 section 35YY the following section:-

85 Section 35ZZ. There shall be established upon the books of the commonwealth a
86 separate fund to be known as the Community First Trust Fund. The secretary of health and
87 human shall be the trustee of the fund and may expend monies in the fund, without further
88 appropriation, for the administration of the Community First program to improve the quality and
89 increase the offerings of home and community based services as long-term care alternatives to
90 nursing homes. There shall be credited to the fund an amount equal to the increase in revenues
91 from federal reimbursements resulting from the increased percentage points attributable to the
92 commonwealth's being a Balancing Incentive Payment State under Section 10202 of the Patient
93 Protection and Affordable Care Act. There shall be credited to the fund an amount equal to
94 revenues from federal financial participation earned on any qualifying expenditures sourced from
95 the Community First Trust Fund. The secretary of health and human services may incur
96 expenses and the comptroller may certify for payment amounts in anticipation of expected
97 receipts, but no expenditure shall be made from the fund which will cause the fund to be in
98 deficit at the close of a fiscal year. Any remaining balance in the fund at the end of a fiscal year
99 shall not revert to the General Fund but shall remain in the fund and be available to the secretary
100 during the following fiscal year for the purposes of this section. The secretary of health and
101 human may expend from the fund for services provided in prior fiscal years.

102 Continuing FY14 Appropriations

103 SECTION 6. (A) (Health Care Cost Containment Reserve) Item 1599-2004 of section
104 2A of chapter 9 of the acts of 2011 is hereby amended by adding the following words:- ; and
105 provided further, that any funds unexpended in fiscal year 2014 shall not revert and shall be
106 made available for the purposes of this item until June 30, 2015.

107 (B) (Hinton Reserve) Item 1599-0054 of section 2A of chapter 3 of the acts of 2013 is
108 hereby amended by adding the following words:- ; and provided further, that any funds
109 unexpended in fiscal year 2014 shall not revert and shall be made available for the purposes of
110 this item until June 30, 2015.

111 (C) (Marathon Reserve) Item 1599-0117 of section 2A of chapter 5 of the acts of
112 2013 is hereby amended by adding the following words:- ; provided further, that funds from this
113 item may be expended for the purpose of marathon preparation, security and safety for the 2014
114 Boston Marathon and future marathons; and provided further, that any funds unexpended in
115 fiscal year 2014 shall not revert and shall be made available for the purposes of this item until
116 June 30, 2015.

117 (D) (Boston Marathon Home Modifications) Item 1599-0415 of section 2A of chapter
118 36 of the acts of 2013 is hereby amended by adding the following words:- ; and provided further,
119 that any funds unexpended in fiscal year 2014 shall not revert and shall be made available for the
120 purposes of this item until June 30, 2015.

121 (E) (Summer Jobs) Item 7002-0012 of section 2 of chapter 38 of the acts of 2013 is
122 hereby amended by striking out the words “through September 1, 2014” and inserting in place
123 thereof the following words:- for programs or activities during the summer months.

124 (F) (ELL in Gateway) Item 7009-6400 of said section 2 of said chapter 38 is hereby
125 amended by striking out the words “through September 1, 2014” and inserting in place thereof
126 the following words:- for programs or activities during the summer months.

127 (G) (Advanced Placement) Item 7035-0035 of said section 2 of said chapter 38 is
128 hereby amended by striking out the words “through September 1, 2014” and inserting in place
129 thereof the following words:- for programs or activities during the summer months.

130 (H) (Assessment Exam) Item 7061-9404 of said section 2 of said chapter 38 is hereby
131 amended by striking out the words “through September 1, 2014” and inserting in place thereof
132 the following words:- for programs or activities during the summer months.

133 (I) (Targeted Intervention) Item 7061-9408 of said section 2 of said chapter 38 is
134 hereby amended by striking out the words “through September 1, 2014” and inserting in place
135 thereof the following words:- for programs or activities during the summer months.

136 (J) (Extended Learning) Item 7061-9412 of said section 2 of said chapter 38 is
137 hereby amended by striking out the words “through September 1, 2014” and inserting in place
138 thereof the following words:- for programs or activities during the summer months.

139 (K) (After School Programs) Item 7061-9611 of said section 2 of said chapter 38 is
140 hereby amended by striking out the words “through September 1, 2014” and inserting in place
141 thereof the following words:- for programs or activities during the summer months.

142 (L) (Franklin Institute) Item 7061-9619 of said section 2 of said chapter 38 is hereby
143 amended by striking out the words “through September 1, 2014” and inserting in place thereof
144 the following words:- for programs or activities during the summer months.

145 (M) (Bridges to College) Item 7066-0040 of said section 2 of said chapter 38 is hereby
146 amended by striking out the words “through September 1, 2014” and inserting in place thereof
147 the following words:- for programs or activities during the summer months.

148 (N) (Stem Starter) Item 7066-0036 of said section 2 of said chapter 38 is hereby
149 amended by striking out the words “through September 1, 2014” and inserting in place thereof
150 the following words:- for programs or activities during the summer months.

151 (O) (Inclusive Enrollment Programs) Item 7009-9600 of said section 2 of said chapter
152 38 is hereby amended by striking out the words “through September 1, 2014” and inserting in
153 place thereof the following words:- for programs or activities during the summer months.

154 (P) (English Language Professional Development) Item 7027-1004 of said section 2
155 of said chapter 38 is hereby amended by striking out the words “through September 1, 2014” and
156 inserting in place thereof the following words:- for programs or activities during the summer
157 months.

158 (Q) (Teacher Content) Item 7061-9804 of said section 2 of said chapter 38 is hereby
159 amended by striking out the words “through September 1, 2014” and inserting in place thereof
160 the following words:- for programs or activities during the summer months.

161 (R) (Performance Management) Item 7066-0025 of said section 2 of said chapter 38 is
162 hereby amended by striking out the words “through September 1, 2014” and inserting in place
163 thereof the following words:- for programs or activities during the summer months.

164 Department of Children and Families Transferability

165 SECTION 7. Item 4800-0015 of section 2 of chapter 38 of the acts of 2013 is hereby
166 amended by striking out the words “; provided further, that the commissioner may transfer funds
167 between items 4800-0038, 4800-0040 and 4800-0041 for services only, as necessary, under an
168 allocation plan, which shall detail, by object class, the distribution of the funds to be transferred
169 and no transfers shall be made for administrative costs” and inserting in place thereof the
170 following words: - ; provided further, that the commissioner may transfer funds among items
171 4800-0038, 4800-0040, 4800-0041, and 4800-0015; provided further, that the commissioner may
172 transfer funds from items 4800-0038, 4800-0040, 4800-0041 and 4800-0015 to item 4800-1100

173 Effective Date Correction

174 SECTION 8. Section 215 of chapter 38 of the acts of 2013 is hereby amended by striking
175 out the figure “175” and inserting in place thereof the following figure:- 173.

176 Validate Middlesex Sheriff Collective Bargaining Agreement

177 SECTION 9. The salary adjustments and other economic benefits authorized by the
178 collective bargaining agreement between the Middlesex Sheriff and Teamsters Local 122 shall
179 be effective for the purpose of section 7 of chapter 150E of the General Laws.

180 Commonwealth Care Trust Fund

181 SECTION 10. (a) Upon certification by the executive office for administration and
182 finance, an amount of not more than \$65,000,000 equal to federal financial participation funds
183 received shall be deposited in the Commonwealth Care Trust Fund. To accommodate the timing
184 of federal revenue receipts after June 30, amounts that would be collected during the fiscal year
185 2014 accounts receivable period shall be deposited in the fund on a projected basis on June 15.

186 (b) The Commonwealth Care Trust Fund need not be in balance at the close of fiscal
187 year 2014, but shall be in balance at the close of fiscal year 2015.

188 Transfer Hinton Labs Facility and Certain Employees to DCAMM

189 SECTION 11. (a) Notwithstanding chapter 334 of the acts of 1996 or any other general
190 or special law to the contrary, the University of Massachusetts Medical School may enter into a
191 written agreement with the division of capital asset management and maintenance and the
192 department of public health to transfer control and use of the William A. Hinton state laboratory
193 institute located in the Jamaica Plain section of the city of Boston to the division of capital asset
194 management and maintenance. After the effective date of that transfer, the division may assign
195 the use of space within and around the property to 1 or more state agencies and may make
196 expenditures and perform maintenance for the property that it considers reasonable and
197 appropriate.

198 (b) Employees of the University of Massachusetts Medical School engaged in the
199 maintenance and security of the facility known as the William A. Hinton state laboratory
200 institute located in the Jamaica Plain section of the city of Boston shall be transferred to the
201 division of capital asset management and maintenance. The personnel administrator of the
202 commonwealth, in consultation with the division of capital asset management and maintenance,
203 shall complete a study of job titles of the former University of Massachusetts Medical School
204 employees at the facility. The personnel administrator, in consultation with the division, shall
205 determine the appropriate commonwealth job titles for former employees of the University of
206 Massachusetts Medical School transferred to the division. Employees transferred to the division
207 shall be placed in job titles as determined by the personnel administrator, and shall be paid wages
208 and receive benefits consistent with the collective bargaining agreement governing those job
209 titles. Such a transfer shall not impair the civil service status of any such transferred employee
210 who immediately before the effective date of that transfer either held a permanent appointment in
211 a position classified under chapter 31 of the General Laws or had tenure in a position by reason
212 of section 9A of section 9A of chapter 30 of the General Laws.