

# **HOUSE . . . . . No. 4502**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, February 26, 2020.

The committee on Ways and Means, to whom was referred the message from His Excellency the Governor recommending legislation relative to making appropriations for the fiscal year 2020 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4354), reports, in part, recommending that the accompanying bill ought to pass (House, No. 4502) [Total Appropriation: \$122,841,767.00].

For the committee,

AARON MICHLEWITZ.

**HOUSE . . . . . No. 4502**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-First General Court  
(2019-2020)**

An Act making appropriations for fiscal year 2020 to provide for supplementing certain existing appropriations and for certain other activities and projects.

*Whereas*, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2020 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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 2020, 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, 2020. 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, 2021, except as otherwise stated.

9           SECTION 2.

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JUDICIARY

*Committee for Public Counsel Services*

0321-1510.....\$15,000,000

DISTRICT ATTORNEYS

*Bristol District Attorney*

0340-0900.....\$216,617

INDEPENDENTS

*Cannabis Control Commission*

1070-0840.....\$300,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

*Division of Capital Asset Management and Maintenance*

1102-3199.....\$654,639

*Group Insurance Commission*

1108-5500.....\$450,000

*Reserves*

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

1599-4448.....\$16,300,000

27	<i>Human Resources Division</i>	
28	1750-0300.....	\$967,698
29	EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS	
30	<i>Office of the Secretary</i>	
31	2000-0100.....	\$169,805
32	<i>Department of Agricultural Resources</i>	
33	2511-0100.....	\$830,000
34	EXECUTIVE OFFICE OF EDUCATION	
35	<i>Department of Early Education and Care</i>	
36	3000-7040 .....	\$348,107
37	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES	
38	<i>Office of the Secretary</i>	
39	1595-1070.....	\$12,300,000
40	4000-1700.....	\$10,400,000
41	<i>Department of Transitional Assistance</i>	
42	4400-1004 .....	\$2,000,000
43	4403-2000.....	\$9,600,000

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*Department of Public Health*

4513-1020 .....	\$2,840,757
4516-1000 .....	\$1,871,829
4590-0300.....	\$2,000,000

*Department of Mental Health*

1595-4512 .....	\$350,000
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EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

*Department of Housing and Community Development*

7004-0101 .....	\$1,838,450
7004-0108.....	\$2,023,686

*Massachusetts Marketing Partnership*

7008-1116.....	\$650,000
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EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

*Sex Offender Registry*

8000-0125 .....	\$130,179
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SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless

62 specifically designated otherwise in this section, for the several purposes and subject to the  
63 conditions specified in this section, and subject to the laws regulating the disbursement of public  
64 funds for the fiscal year ending June 30, 2020. These sums shall be made available until June 30,  
65 2021, except as otherwise stated.

66 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

67 *Reserves*

68 1599-0717 For a reserve for the cleanup of disposal sites governed by chapter 21E of  
69 the General Laws where the commonwealth is or may be a person liable under section 5 of said  
70 chapter 21E; provided, that the secretary of administration and finance may transfer from this  
71 item to other items amounts that are necessary to meet these costs where the amounts otherwise  
72 available are insufficient for the purpose .....\$1,000,000

73 1599-1214 For a reserve for expansion, upgrades or enhancements to staffing,  
74 operations or infrastructure for new and existing facilities that treat men with an alcohol or  
75 substance use disorder under sections 1 and 35 of chapter 123 of the General Laws; provided,  
76 that the secretary of administration and finance may transfer funds from this item to state  
77 agencies as defined in section 1 of chapter 29 of the General Laws; provided further, that a plan  
78 to expend these funds effectively shall be developed by the secretaries of administration and  
79 finance, health and human services and public safety and security, and the commissioners of  
80 public health, mental health and the department of correction, in consultation with the  
81 Massachusetts Coalition for Addiction Services, Massachusetts Law Reform Institute, Inc.,  
82 Prisoners Legal Services, Disability Law Center, Inc. and other groups with relevant expertise;  
83 and provided further, that, not later than May 1, 2020, the secretary of administration and

84 finance, in coordination with the secretaries of health and human services and public safety and  
85 security, shall submit to the house and senate committees on ways and means and the joint  
86 committee on mental health, substance use and recovery a report on current and anticipated  
87 expenditures from this item, and on all steps taken to ensure: (1) that treatment is guided by  
88 proper clinical treatment standards, and (2) that the facility is run as a public health facility rather  
89 than a correctional institution .....\$5,400,000

90 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

91 *Department of Environmental Protection*

92 2250-2002 For the testing of potential Per- and Polyfluoroalkyl Substances (PFAS)  
93 contamination of water supplies and for grants to support treatment and design of affected  
94 drinking water systems; provided, that nothing in this item shall preclude PFAS-impacted  
95 communities from seeking reimbursement for costs and expenses already incurred for testing  
96 potentially contaminated water supplies and the treatment and design of affected drinking water  
97 systems related to PFAS contamination .....\$4,200,000

98 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

99 *Office of the Secretary*

100 4000-0011 For a public awareness campaign to promote the availability and use of  
101 behavioral health services in the commonwealth; provided, that the public awareness campaign  
102 shall partner with relevant advocacy organizations, employers, institutions of higher education  
103 and community-based organizations to ensure that the campaign reaches the populations that are  
104 most at risk of encountering existing barriers to behavioral health services.....\$500,000

105 Behavioral Health Outreach, Access and Support Trust Fund...100%

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107 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

108 *Department of Housing and Community Development*

109 7004-1000 For the federal Low Income Home Energy Assistance Program 42 U.S.C.  
110 section 8621 et seq. to assist eligible low-income elders, working families and other households  
111 with assistance paying a portion of winter heating bills; provided, that the department shall  
112 establish the maximum assistance for which a household shall be eligible .....\$15,000,000

113 7004-1966 For the loan program established pursuant to section 197E of chapter 111  
114 of the General Laws for lead abatement throughout the commonwealth; provided, that the terms  
115 and conditions of such loans shall be based on income eligibility criteria and include terms and  
116 plans that allow low- and moderate-income individuals to defer loan repayment until transfer of  
117 the property; provided further, that funds made available herein shall be administered by the  
118 department of housing and community development in consultation with the department of  
119 public health; provided further, that funds shall be disbursed from this item on a quarterly basis  
120 subject to a disbursement plan which shall be filed in advance with the house and senate  
121 committees on ways and means; provided further, that such disbursements shall be made upon  
122 demonstration of need by the entity selected by the department to implement the program funded  
123 herein; and provided further, that funds received for the repayment of loans made under this item  
124 may be retained and expended without further appropriations for the loan program established  
125 pursuant to said section 197E of said chapter 111 .....\$5,000,000



126 SECTION 2B. To provide for supplementing certain intragovernmental chargeback  
 127 authorizations in the general appropriation act and other appropriation acts for fiscal year 2020,  
 128 to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for  
 129 an alteration of purpose for current intragovernmental chargeback authorizations and to meet  
 130 certain requirements of law, the sums set forth in this section are hereby authorized from the  
 131 Intragovernmental Service Fund for the several purposes specified in this section or in the  
 132 appropriation acts, and subject to the provisions of law regulating the disbursement of public  
 133 funds for the fiscal year ending June 30, 2020. This sums shall be in addition to any amounts  
 134 previously authorized and made available for the purposes of this item.

135 OFFICE OF THE TREASURER AND RECEIVER GENERAL

136 0699-0018.....\$721,382

137 EXECUTIVE OFFICE OF TECHNOLOGY SERVICES AND SECURITY

138 1790-0400 .....\$200,000

139 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

140 *Massachusetts Commission for the Deaf and Hard of Hearing*

141 4125-0122 .....\$100,000

142 SECTION 2C.I. For the purpose of making available in fiscal year 2021 balances of  
 143 appropriations which otherwise would revert on June 30, 2020, the unexpended balances of the  
 144 appropriations listed below, not to exceed the amount specified below for each item, are hereby  
 145 re-appropriated for the purposes of and subject to the conditions stated for the corresponding  
 146 item in section 2 of chapter 41 of the acts of 2019. However, for items that do not appear in

147 section 2 of the general appropriation act, the amounts in this section are re-appropriated for the  
148 purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of  
149 this act or in prior appropriation acts. Amounts in this section are re-appropriated from the fund  
150 or funds designated for the corresponding item in section 2 of said chapter 41; provided,  
151 however, that for items which do not appear in section 2 of said chapter 41, the amounts in this  
152 section are re-appropriated from the fund or funds designated for the corresponding item in  
153 section 2 through 2E of this act or in prior appropriation acts. The sums re-appropriated in this  
154 section shall be in addition to any amounts available for said purposes.

155 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

156 *Department of Revenue*

157 1232-0100 .....\$11,300,000

158 SECTION 2C.II. For the purpose of making available in fiscal year 2021 balances of  
159 retained revenue and intragovernmental chargeback authorizations which otherwise would revert  
160 on June 30, 2020, the unexpended balances of the authorizations listed below, not to exceed the  
161 amount specified below for each item, are hereby re-authorized for the purposes of and subject to  
162 the conditions stated for the corresponding item in section 2 or 2B of chapter 41 of the acts of  
163 2019. However, for items which do not appear in section 2 or 2B of said chapter 41, the amounts  
164 in this section are re-authorized for the purposes of and subject to the conditions stated for the  
165 corresponding item in section 2, 2A or 2B of this act or in prior appropriation acts. Amounts in  
166 this section are re-authorized from the fund or funds designated for the corresponding item in  
167 section 2 or 2B of the general appropriation act; however, for items which do not appear in  
168 section 2 or 2B of the general appropriation act, the amounts in this section are re-authorized

169 from the fund or funds designated for the corresponding item in section 2, 2A or 2B of this act or  
170 in prior appropriation acts. The sums re-authorized in this section shall be in addition to any  
171 amounts available for those purposes.

172 *Department of Veterans Services*

173 1410-0018 .....\$250,000

174 SECTION 2E. The sums set forth in this section are hereby appropriated for transfer  
175 from the General Fund to the trust funds named within each item unless specifically designated  
176 otherwise in this section, for the purposes and subject to the conditions specified in this section  
177 and subject to the laws regulating the disbursement of public funds for the fiscal year ending  
178 June 30, 2019. Notwithstanding section 19A of chapter 29 of the General Laws, any transfer  
179 under this section shall be made effective by the comptroller no later than June 30, 2020.

180 EXECUTIVE OFFICE OF EDUCATION

181 *Office of the Secretary*

182 1595-0035 For an operating transfer to the Twenty-First Century Education Trust  
183 Fund established in section 35NNN of chapter 10 of the General Laws; provided, that funds shall  
184 be used for the purpose of addressing persistent disparities in achievement among student  
185 subgroups, improving educational opportunities for all students, sharing best practices for  
186 improving classroom learning and supporting efficiencies within and across school districts; and  
187 provided further, that competitive grants shall be made according to section 16 of chapter 70 of  
188 the General Laws, and in consultation with the Twenty-First Century Education Advisory  
189 Council established by said section 16 .....\$10,000,000

190 SECTION 3. Subsection (a) of section 35NNN of chapter 10 of the General Laws, as  
191 appearing in section 1 of chapter 132 of the acts of 2019, is hereby amended by striking out the  
192 third sentence and inserting in place thereof the following sentence:- Revenues deposited in the  
193 fund shall not be subject to further appropriation and any revenues that are unexpended at the  
194 end of a fiscal year shall not revert to the General Fund and shall be available for expenditure in  
195 the following fiscal year.

196 SECTION 4. Subclause (a) of clause (2) of section 59 of chapter 23K of the General  
197 Laws, as amended by section 3 of chapter 142 of the acts of 2019, is hereby further amended by  
198 striking out the words “section 2IIIII” and inserting in place thereof the following words:-  
199 section 2HHHHH.

200 SECTION 5. Section 2YYYY of chapter 29 of the General Laws, as appearing in the  
201 2018 Official Edition, is hereby amended by striking out the second paragraph and inserting in  
202 place thereof the following paragraph:-

203 The secretary may expend, without further appropriation, not more than \$27 million per  
204 year in fiscal year 2020 and not more than \$53 million per year in fiscal years 2021 and 2022  
205 from the fund to expand and support the residential treatment system to treat individuals with a  
206 substance use disorder or co-occurring mental health and substance use disorder; not more than  
207 \$11 million per year in fiscal year 2020 and not more than \$32 million per year in fiscal years  
208 2021 and 2022 from the fund to expand and support access to medication assisted treatment; not  
209 more than \$8 million per year in fiscal year 2020 and not more than \$15 million per year in fiscal  
210 years 2021 and 2022 from the fund to expand and support access to recovery treatment support  
211 services; and not more than \$4 million per year in fiscal year 2020 and not more than \$10 million

212 per year in fiscal years 2021 and 2022 from the fund to implement and support American Society  
213 of Addiction Medicine assessment and care planning across substance use treatment providers.  
214 For the purpose of accommodating timing discrepancies between the receipt of revenues and  
215 related expenditures, the fund may incur expenses, and the comptroller shall certify for payment,  
216 amounts not to exceed the most recent revenue estimate as certified by the MassHealth director,  
217 as reported in the state accounting system. Amounts credited to the fund shall not be subject to  
218 further appropriation and monies remaining in the fund at the end of a fiscal year shall not revert  
219 to the General Fund and shall be available for expenditure in the subsequent fiscal year.

220 SECTION 6. Subsection (b) of section 7E of chapter 64C of the General Laws, as  
221 appearing in section 16 of chapter 133 of the acts of 2019, is hereby amended by adding the  
222 following sentence:-

223 Thirty per cent of revenues received pursuant to this section, together with any penalties,  
224 forfeitures, interest, costs of suits and fines collected in connection therewith, less all amounts  
225 refunded or abated in connection therewith, as certified by the commissioner, shall be credited to  
226 the Community Behavioral Health Promotion and Prevention Trust Fund established in section  
227 35GGG of chapter 10.

228 SECTION 7. Section 51A of chapter 119 of the General Laws, as appearing in the 2018  
229 Official Edition, is hereby amended by striking out subsection (g) and inserting in place thereof  
230 the following subsection:-

231 (g) No person shall be liable in any civil or criminal action for filing a report under this  
232 section, contacting local law enforcement authorities or the child advocate or providing  
233 information or assistance, including diagnosis, to the department regarding a report under this

234 section or for cooperating with or testifying in any proceeding involving child abuse or neglect,  
235 if the report, contact, information, assistance, cooperation or testimony was made or provided in  
236 good faith, was not frivolous and the person did not cause the abuse or neglect. Any person filing  
237 a report, providing information or assistance, cooperating or testifying under this section may be  
238 liable in a civil or criminal action if the department or a district attorney determines that the  
239 person may have perpetrated or inflicted the abuse or caused the neglect.

240 SECTION 8. Item 4120-2000 of section 2 of chapter 41 of the acts of 2019 is hereby  
241 amended by inserting after the words “state appropriations” the following words:- or account  
242 4120-0029.

243 SECTION 9. Item 4516-1000 of said section 2 of said chapter 41 is hereby amended by  
244 inserting after the words “Massachusetts state public health laboratory” the following words:- ;  
245 provided, that up to \$95,000 may be expended for the surveillance, treatment, containment or  
246 prevention of the 2019 novel coronavirus; provided further, that, not later than June 1, 2020, the  
247 commissioner shall report to the legislature on all expenditures made under this item, and on all  
248 activities undertaken by the department to identify, treat, contain or prevent the virus, and shall  
249 include in said report any additional recommendations about policies, statutory changes or  
250 funding levels needed to achieve these goals; provided further, that said report shall be provided  
251 to the chairs of the house and senate committees on ways and means, the house and senate chairs  
252 of the joint committee on public health and the joint committee on health care financing.

253 SECTION 10. Item 7008-1116 of said section 2 of said chapter 41 is hereby amended by  
254 inserting after the words “the town hall in the town of Hopkinton” the following words:- ;  
255 provided further, that not less than \$500,000 shall be provided to Boston Pride for the fiftieth

256 anniversary of the Boston Pride parade; provided further, that not less than \$150,000 shall be  
257 allocated to the Community Foundation of Southeastern Massachusetts, Inc.

258 SECTION 11. Section 27 of chapter 133 of the acts of 2019 is hereby repealed.

259 SECTION 12. Section 94 of chapter 142 of the acts of 2019 is hereby amended by  
260 striking out the words “advisory committee for the lead poisoning prevention program  
261 established under section 190 of chapter 111 of the General Laws” and inserting in place thereof  
262 the following words:- department of public health.

263 SECTION 13. Notwithstanding any general or special law to the contrary, for fiscal year  
264 2020, the secretary of health and human services, with the written approval of the secretary of  
265 administration and finance, may authorize transfers of surplus among items 4000-0320, 4000-  
266 0430, 4000-0500, 4000-0601, 4000-0641, 4000-0700, 4000-0875, 4000-0880, 4000-0885, 4000-  
267 0940, 4000-0950, 4000-0990, 4000-1400, 4000-1420 and 4000-1425.

268 SECTION 14. Notwithstanding any general or special law to the contrary, any  
269 unexpended balances, not exceeding a total of \$40,000,000, in items 4000-0700 and 4000-1425  
270 of section 2 of chapter 41 of the acts of 2019 shall not revert to the General Fund until September  
271 1, 2020 and may be expended by the executive office of health and human services to pay for  
272 services enumerated in said items 4000-0700 and 4000-1425 provided during fiscal year 2020.

273 SECTION 15. Notwithstanding any special or general law to the contrary, the healthy  
274 incentive program established in item 4400-1004 of section 2 of chapter 41 of the acts of 2019  
275 shall be operated as a year-round 12-month program by the department of transitional assistance.  
276 If, on the effective date of this act, the program has been temporarily suspended as a result of a  
277 projected funding deficit in fiscal year 2020, the commissioner of transitional assistance shall lift

278 the suspension and ensure access to the benefit on the same terms as those in effect prior to the  
279 suspension. The commissioner shall certify to the legislature that the suspension has been lifted  
280 not later than 20 days after the effective date of this act. The certification shall be provided in a  
281 report to the chairs of the house and senate committees on ways and means, the chairs of the  
282 joint committee on children, families and persons with disabilities, and the chairs of the joint  
283 committee on environment, natural resources and agriculture. The report shall contain a  
284 description of any additional programmatic, administrative or fiscal challenges to the year-round  
285 administration of the program, including any remaining projected shortfall in the fiscal year 2020  
286 appropriation.

287 SECTION 16. The special commission established by chapter 3 of the resolves of 2018 is  
288 hereby revived and continued to December 31, 2020. The special commission shall file its report  
289 with the clerks of the house of representatives and the senate not later than December 31, 2020.

290 SECTION 17. The salary adjustments and other economic benefits authorized by the  
291 following collective bargaining agreement shall be effective for the purposes of section 7 of  
292 chapter 150E of the General Laws: between the commonwealth and the State Police Association  
293 of Massachusetts, Unit 5A.

294 SECTION 18. Sections 6 and 11 shall take effect on June 1, 2020.