

SENATE No. 1891

Senate, October 17, 2013 – Text of the Senate amendment to the House Bill making appropriations for the fiscal year 2013 to provide for supplementing certain existing appropriations and for certain other activities and projects,-- being the text of (Senate, No. 1890, printed as amended).

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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.

DISTRICT ATTORNEYS

Worcester District Attorney.

12 0340-0498.....\$25,000

Berkshire District Attorney.

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

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Department of Revenue.

1232-0100.....\$2,254,260

Human Resources Division.

1750-0300.....\$60,000

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Department of Fish and Game.

2300-0110 For the division of marine fisheries; provided, that the division shall develop a plan to protect, preserve and strengthen the commonwealth's commercial domestic harvest capacity of groundfish in response to the crisis occurring from federal allowable catch reductions; provided further, that in the development of such plan, the division shall conduct at least 3 public hearings in geographically-diverse coastal commercial fishing ports and shall consider strategies including, but not limited to: (i) direct grants to commercial fishing vessel owners and crews; (ii) the purchase, lease and banking of commercial groundfish permits and catch quota, loans, guarantees and subsidies; (iii) the lease of commercial fishing vessels for research and other academic purposes; and (iv) other mechanisms to prevent the extinction or outmigration of commercial groundfish capacity and allowable catch of commercial groundfish from the commonwealth; provided further, that the plan shall consider and include all areas of the commonwealth and all gear types for harvesting, including trawls, gillnets, hooks and seines; and provided further, that the plan, together with cost estimates and necessary legislative and regulatory actions required for implementation, shall be reported to the clerks of the senate and house of representatives not later than December 31, 2013.....\$50,000

38 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES
39 *Office of the Secretary of Health and Human Services.*
40 4000-0265..... \$3,000,000

41 *Department of Public Health.*
42 4516-1000..... \$285,000

43 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
44 *Department of Workforce Development.*
45 7003-1206..... \$400,000

46 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT
47 *Department of Housing and Community Development.*
48 7004-0103..... \$13,000,000

49 EXECUTIVE OFFICE OF EDUCATION
50 *Department of Elementary and Secondary Education.*
51 7027-1004.....\$540,000

52 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
53 *Executive Office of Public Safety.*
54 8000-0600.....\$81,517

55 *Department of Fire Services.*
56 8324-0000.....\$100,000
57 *Military Division.*

58 8700-1150.....\$2,600,000

59 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
60 provide for an alteration of purpose for current appropriations and to meet certain requirements

61 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, 2013. These sums shall be in addition to any amounts
65 previously appropriated and made available for the purposes of these items. These sums shall be
66 made available until June 30, 2014.

67 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

68 *Department of Workforce Development.*

69 7003-0808 For the operation of the Massachusetts Workforce Professionals
70 Association.....\$75,000

71 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

72 *Department of Housing and Community Development.*

73 7004-1000.....For the federal Low Income Home Energy Assistance Program 42 U.S.C. section
74 8621 et seq., to assist low-income elders, working families and other households with the
75 purchase of heating oil, propane, natural gas, electricity and other primary or secondary heating
76 sources; provided, that expenditure from this item shall be made in accordance with the state
77 plan submitted by the department of housing and community development for operation of the
78 fiscal year 2014 program in accordance with federal law; provided further, that such funds shall
79 be expended until such time as the department of housing and community development receives
80 federal funds for the administration of the federal Low Income Energy Assistance Program
81 pursuant to item 7004-2033 of section 2D of chapter 38 of the acts of
82 2013.....\$20,000,000

83 SECTION 2C.I. For the purpose of making available in fiscal year 2014 balances of
 84 appropriations which otherwise would revert on June 30, 2013, the unexpended balances of the
 85 maintenance appropriations listed below, not to exceed the amount specified below for each
 86 item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the
 87 corresponding item in section 2 of chapter 139 of the acts of 2012. The unexpended balances of
 88 all appropriations in the Massachusetts management accounting and reporting system with a
 89 secretariat code of 01 or 17, are hereby re-appropriated for the purposes of and subject to the
 90 conditions stated for the corresponding item said section 2 of said chapter 139 or section 2A of
 91 chapter 194 of the acts of 2011. For items which do not appear in section 2 of the general
 92 appropriation act, the amounts in this section are re-appropriated for the purposes of and subject
 93 to the conditions stated for the corresponding item in section 2 of this act or in prior
 94 appropriation acts. Amounts in this section are re-appropriated from the funds designated for the
 95 corresponding item in said section 2 of the general appropriation act. The sums re-appropriated
 96 in this section shall be in addition to any amounts available for those purposes.

97 SECRETARY OF THE COMMONWEALTH

98 *Office of the Secretary of the Commonwealth*

99 0521-0000.....\$8,128,528

100 OFFICE OF THE INSPECTOR GENERAL

101 0910-0200.....\$400,000

102 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

103 *Office of the Secretary of Administration and Finance.*

104 1106-0064.....\$111,000

105 *Reserves.*

106	1599-0026.....	\$1,060,000
107	1599-0087.....	\$47,000
108	1599-0090.....	\$1,207,450
109	1599-0093.....	\$225,186
110	1599-0117.....	\$2,395,754
111	1599-1705.....	\$589,328
112	1599-2004.....	\$695,000
113	1599-2013.....	\$100,000
114	1599-3384.....	\$3,000,000
115	EXECUTIVE OFFICE OF ENERGY AND ENVIORNMENTAL AFFAIRS	
116	<i>Department of Conservation and Recreation.</i>	
117	2810-0100.....	\$350,000
118	EXECUTIVE OFFICE OF EDUCATION	
119	<i>Department of Early Education and Care.</i>	
120	3000-1000.....	\$85,000
121	3000-7000.....	\$99,842
122	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES	
123	<i>Office of the Secretary of Health and Human Services.</i>	
124	4000-0300.....	\$300,000
125	4000-0700.....	\$16,062,000
126	<i>Department of Transitional Assistance.</i>	
127	4400-1000.....	\$1,300,000
128	4400-1100.....	\$800,000

129 *Department of Public Health.*

130 4516-1010.....\$1,000,000

131 4590-0915.....\$221,000

132 *Department of Children and Families.*

133 4800-0015.....\$617,691

134 4800-0038.....\$1,800,000

135 4800-0041.....\$2,000,000

136 *Department of Mental Health*

137 5046-0000.....\$1,000,000

138 5095-0015.....\$2,500,000

139 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

140 *Department of Housing and Community Development.*

141 7004-0099.....\$150,000

142 7004-0102.....\$145,387

143 *Massachusetts Marketing Partnership.*

144 7008-0900.....\$575,000

145 EXECUTIVE OFFICE OF EDUCATION

146 *Department of Elementary and Secondary Education.*

147 7053-1925.....\$400,912

148 *Department of Higher Education.*

149 7066-0025.....\$1,240,000

150 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

151 *Chief Medical Examiner.*

152 8000-0106.....\$702,400

153 *Department of State Police.*

154 8100-1001.....\$100,000

155 *Department of Fire Services.*

156 8324-0000.....\$50,000

157 *Military Division.*

158 8700-0001.....\$100,000

159 *Parole Board.*

160 8950-0001.....\$387,991

161 **SHERIFFS**

162 *Worcester Sheriff's Office.*

163 8910-

164 0106.....\$50,000

165 SECTION 2C.II. For the purpose of making available in fiscal year 2014 balances of
166 retained revenue and intragovernmental chargeback authorizations which otherwise would revert
167 on June 30, 2013, the unexpended balances of the authorizations listed below, not to exceed the
168 amount specified below for each item, are hereby re-authorized for the purposes of and subject to
169 the conditions stated for the corresponding item in section 2 or 2B of the general appropriation
170 act for fiscal year 2013. For items which do not appear in said section 2 or 2B of the general
171 appropriation act, the amounts in this section are re-authorized for the purposes of and subject to
172 the conditions stated for the corresponding item in section 2, 2A, or 2B of this act or in prior
173 appropriation acts. Amounts in this section are re-authorized from the funds designated for the

174 corresponding item in said section 2 or 2B of the general appropriation act. The sums re-
175 authorized in this section shall be in addition to any amounts available for those purposes.

176 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

177 *Division of Human Resources.*

178 1750-0102.....\$220,000
179 1750-0601.....\$150,000

180 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

181 *Office of the Chief Medical Examiner.*

182 8000-0122.....\$250,000

183 SECTION 2E. The sums set forth in this section are hereby appropriated for transfer from
184 the General Fund to the trust funds named within each item unless specifically designated
185 otherwise in this section, for the purposes and subject to the conditions specified in this section
186 and subject to the laws regulating the disbursement of public funds for the fiscal year ending
187 June 30, 2014. Items in this section shall not be subject to allotment under section 9B of chapter
188 29 of the General Laws or reduction under section 9C of said chapter 29, without express
189 authorization from the general court. Notwithstanding section 19A of said chapter 29, any
190 transfer under this section shall be made by the comptroller in accordance with a transfer
191 schedule to be developed for each item by the comptroller, after consulting with the appropriate
192 agency secretary, the secretary of administration and finance and the state treasurer. The
193 schedule for each appropriation shall provide for transfers in increments considered appropriate
194 to meet the cash flow needs of each fund and all transfers under the schedule shall be completed
195 not later than June 30, 2014. Not later than 7 days after the schedules receive final approval by

196 the comptroller, they shall be reported to the house and senate committees on ways and means.
197 These sums shall be made available until June 30, 2014.

198 TRANSPORTATION

199 *Massachusetts Department of Transportation.*

200 1595-6368.....\$1,496,215

201 Commonwealth Transportation Fund.....100%

202 SECTION 3. The fourth sentence of section 41 of chapter 19A of the General Laws, as
203 appearing in section 32 of chapter 38 of the acts of 2013, is hereby amended by inserting after
204 the word “that” the following word:- no.

205 SECTION 4. Section 7H of chapter 29 of the General Laws, as appearing in the 2012
206 Official Edition, is hereby amended by striking out the first paragraph and inserting in place
207 thereof the following paragraph:-

208 The governor shall submit to the general court annually, within 3 weeks after the general
209 court convenes in regular session, an operating budget for the commonwealth. In the first year of
210 the term of office of a governor who has not served in the preceding year, the governor shall
211 recommend the budget within 8 weeks after the convening of the general court. The
212 recommendations contained therein shall, to the fullest possible extent, conform with the
213 programs of the several offices and departments as defined by the secretary of administration and
214 finance with the advice of the agency heads or other officers responsible for the administration
215 thereof. The budget shall also include definite recommendations of the governor for financing
216 the expenditures recommended.

217 SECTION 5. Section 7I of said chapter 29, as so appearing, is hereby amended by
218 striking out the last sentence.

219 SECTION 6. Chapter 29 of the General Laws is hereby amended by inserting after
220 section 9G the following section:-

221 Section 9G1/2. On or before July 1 of each year, the governor shall publish the allocation
222 of commonwealth debt for capital facility projects for the fiscal year starting on July 1 of that
223 year. A copy of the allocation shall be sent to the chairs of the house and senate committees on
224 bonding, capital expenditures and state assets and shall be published electronically on the
225 commonwealth's website.

226 SECTION 7. Subsection (f) of section 60B of said chapter 29, as appearing in the 2012
227 Official Edition, is hereby amended by striking out the word "September 10" and inserting in
228 place thereof the following word: - December 15.

229 SECTION 8. Said section 60B of said chapter 29, as so appearing, is hereby further
230 amended by striking out subsection (h) and inserting in place thereof the following subsection:-

231 (h) On or before January 15, the governor shall determine the total authorizations of the
232 new commonwealth debt that the governor considers advisable for the next year; provided,
233 however, that in the first year of the term of office of a governor who has not served in the
234 preceding year, the total authorizations of the new commonwealth debt considered advisable for
235 the next year shall be determined not later than January 31 of that year.

236 SECTION 9. Section 1 of chapter 32 of the General Laws is hereby amended by inserting
237 after the word "law", in line 543, as so appearing, the following words:- ; provided, however,
238 that for the purpose of investing in the Pension Reserves Investment Trust Fund established in
239 subdivision (8) of section 22, the Massachusetts State College Building Authority shall be
240 deemed to be a system.

241 SECTION 10. Chapter 119 of the General Laws is hereby amended by striking out
242 section 39I, as appearing in section 31 of chapter 240 of the acts of 2012, and inserting in place
243 thereof the following section:-

244 Section 39I. A child, parent, legal guardian or custodian may appeal from any order or
245 determination, whether final or not final, made under sections 39E to 39H, inclusive. Pending the
246 appeal, the juvenile court shall retain jurisdiction and may enter any order under this chapter to
247 meet the needs of the child. Notwithstanding any general or special law to the contrary, the
248 appeal shall be to a single justice of the appeals court under section 118 of chapter 231 and shall
249 proceed in accordance with the procedures governing petitions to a single justice.

250 SECTION 11. Chapter 151A of the General Laws is hereby amended by inserting after
251 section 38 the following section:-

252 Section 38A. (a) If the director, or the director's authorized representative, determines,
253 after providing written or electronic notice to the employer, that a payment of benefits was made
254 because the employing unit, or an agent of the employing unit, was at fault for failing to respond
255 timely or adequately to any request of the department for information relating to the claim for
256 benefits, then: (i) the employing unit, except for employing units making payments into the
257 Unemployment Compensation Fund under section 14A, shall not be relieved of charges on
258 account of any such payment of benefits; and (ii) if the employing unit makes payments into the
259 Fund under section 14A, it shall not be relieved from reimbursing the fund on account of any
260 such payment of benefits. For purposes of this subsection, a response shall be considered
261 inadequate if it fails to provide sufficient facts to enable the department to make the proper
262 determination regarding a claim for benefits. A response shall not be considered inadequate if the

263 department fails to ask for all necessary information, except in any case where there has been a
264 failure to respond.

265 (b) The director shall adopt regulations implementing this section.

266 (c) A determination that an employing unit, or an agent of an employing unit, is at fault
267 for failing to timely or adequately respond to a request of the department relating to a claim for
268 benefits may be appealed under sections 39 to 42, inclusive, but the remedy shall not be subject
269 to appeal.

270 SECTION 12. Section 69 of said chapter 151A, as appearing in the 2012 Official Edition,
271 is hereby further amended by adding the following subsection:-

272 (e) At the time the department determines that an erroneous payment from the
273 Unemployment Compensation Fund was made to an individual due to the individual's
274 misrepresentation of a material fact or failure to disclose a material fact that the individual knew,
275 or reasonably should have known, was material, the individual shall be assessed a penalty equal
276 to 15 per cent of the amount of the erroneous payment. Except as provided in subsection (b),
277 recovery of the penalty shall not be waived. Any appeal of the penalty under subsection (c) shall
278 be limited to whether the amount on which the penalty was assessed is correct. All assessments
279 paid under this subsection shall be deposited immediately in the Unemployment Compensation
280 Fund.

281 SECTION 13. Section 3 of chapter 203A of the General Laws is hereby amended by
282 striking out the first sentence, as so appearing, and inserting in place thereof the following
283 sentence:- An account of the administration of each common trust fund shall be prepared
284 annually and shall be audited by an independent certified public accountant and a copy of the

285 account and the audit report shall be made available to any interested party upon written request,
286 free of charge.

287 SECTION 14. Chapter 108 of the acts of 2006 is hereby repealed.

288 SECTION 15. The last sentence of the last paragraph of section 178 of chapter 131 of the
289 acts of 2010, as appearing in section 145 of chapter 139 of the acts of 2012, is hereby amended
290 by striking out the words "October 1, 2012" and inserting in place thereof the following words:-
291 December 31, 2013.

292 SECTION 16. The last sentence of section 94 of chapter 142 of the acts of 2011 is hereby
293 amended by striking out the figure "2013" and inserting in place thereof the following figure:-
294 2014.

295 SECTION 17. Item 2810-0100 of section 2 of chapter 139 of the acts of 2012, as most
296 recently amended by section 38 of chapter 36 of the acts of 2013, is hereby further amended by
297 adding the following words:- ; and provided further, that any unexpended funds for aquatic
298 invasive species control shall not revert and shall be made available for expenditure until June
299 30, 2014.

300 SECTION 18. Item 4516-1010 of said section 2 of said chapter 139, as most recently
301 amended by section 43 of said chapter 36, is hereby further amended by adding the following
302 words:- ; and provided further, that any unexpended funds for the city of Boston's public health
303 department for emergency preparedness and ambulance services at public events shall not revert
304 and shall be made available for expenditure until June 30, 2014.

305 SECTION 19. Item 7004-0099 of said section 2 of said chapter 139 is hereby amended
306 by adding the following words:- ; and provided further, that any unexpended funds for a one-
307 time community action grant in the town of Holbrook under section 69 of chapter 36 of the acts

308 of 2013 shall not revert and shall be made available for expenditure until June 30, 2014 for the
309 purposes of said section 69 of said chapter 36.

310 SECTION 20. Item 7004-0102 of said section 2 of said chapter 139, as most recently
311 amended by section 45 of chapter 36 of the acts of 2013, is hereby further amended by adding
312 the following words:- ; and provided further, that any unexpended funds for the Friends of the
313 Homeless, Inc. in the city of Springfield shall not revert and shall be made available for
314 expenditure until June 30, 2014.

315 SECTION 21. Item 7008-0900 of said section 2 of said chapter 139, as most recently
316 amended by section 47 of said chapter 36, is hereby further amended by adding the following
317 words:- ; and provided further, that any unexpended funds for: (i) the Massachusetts
318 International Festival of the Arts for the planned renovations and reopening of the Victory
319 Theatre in the city of Holyoke, including construction consulting, business planning and
320 architecture and engineering costs; (ii) the Wareham Summer of Celebration Organization,
321 Incorporated for the town of Wareham's two hundredth anniversary commemoration of the
322 attack on Wareham harbor by the British sloop HMS Nimrod and the two hundred and seventy-
323 fifth anniversary of the incorporation of the town of Wareham; (iii) the New Bedford Whaling
324 Museum, in cooperation with the city of New Bedford, for the visit of the whaling ship Charles
325 W. Morgan to the city of New Bedford in June 2014; (iv) the New Bedford Ocean Explorium;
326 (v) the Frederick Douglass House in the city of New Bedford for educational services,
327 interpretative and museum services, programs and acquisitions and to undertake tourism and
328 marketing activities; (vi) accessibility at the Arc of Greater Plymouth, Inc.; and (vii) the Greater
329 Plymouth Performing Arts Center, Inc. shall not revert and shall be made available for
330 expenditure until June 30, 2014.

331 SECTION 22. Item 8100-1001 of said section 2 of said chapter 139, as most recently
332 amended by section 51 of said chapter 36, is hereby further amended by adding the following
333 words:- ; and provided further, that any unexpended funds for the purposes of enhancing the state
334 police presence in the city of Springfield shall not revert and shall be made available for
335 expenditure until June 30, 2014.

336 SECTION 23. Item 8324-0000 of said section 2 of said chapter 139, as most recently
337 amended by section 53 of said chapter 36, is hereby further amended by adding the following
338 words:- ; and provided further, that any unexpended funds for conceptual planning and
339 development for fire safety improvements in the town of Dudley shall not revert and shall be
340 made available for expenditure until June 30, 2014.

341 SECTION 24. Subsection (a) of section 155 of said chapter 139, as appearing in section
342 145 of chapter 38 of the acts of 2013, is hereby amended by striking out the words “and (vii)”
343 and inserting in place thereof the following words:- (vii) \$21,800,000 to the secretary of
344 administration and finance for transfer to appropriate accounts for information technology
345 operating expenses; and (viii).

346 SECTION 25. The last sentence of section 131 of chapter 165 of the acts of 2012 is
347 hereby amended by striking out the word “July” and inserting in place thereof the following
348 word:- December.

349 SECTION 26. Chapter 262 of the acts of 2012 is hereby amended by striking out section
350 10 and inserting in place thereof the following section:-

351 Section 10. Regulations promulgated under section 1 shall be completed by January 1,
352 2014. Rules, regulations, ordinances or bylaws promulgated under section 9 shall be completed

353 by: (i) December 31, 2014; or (ii) 1 year after the effective date of regulations promulgated under
354 section 1, whichever last occurs.

355 SECTION 27. Item 1599-0087 of section 2A of chapter 36 of the acts of 2013 is hereby
356 amended by adding the following words:- ; provided, that any unexpended funds in this item
357 shall not revert and shall be made available for expenditure until June 30, 2014 for the purposes
358 as set forth in this item.

359 SECTION 28. Item 1599-0090 of said section 2A of said chapter 36 is hereby amended
360 by adding the following words:- ; and provided further, that any unexpended funds in this item
361 shall not revert and shall be made available for expenditure until June 30, 2014 for the purposes
362 as set forth in this item.

363 SECTION 29. Item 8910-0106 of said section 2A of said chapter 36 is hereby amended
364 by adding the following words:- ; and provided further, that any unexpended funds in this item
365 shall not revert and shall be made available for expenditure until June 30, 2014 for the purposes
366 as set forth in this item.

367 SECTION 30. Section 77 of said chapter 36 is hereby amended by adding the following
368 sentence:- Any unexpended funds for extraordinary election costs incurred by the town of
369 Northampton due to the November 6, 2012 election shall not revert and shall be made available
370 for expenditure until June 30, 2014 for the purposes as set forth in this section.

371 SECTION 31. Section 79 of said chapter 36 is hereby amended by adding the following
372 subsection:-

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

376 SECTION 32. Item 4000-0500 of section 2 of chapter 38 of the acts of 2013 is hereby
377 amended by adding the following words:- ; provided further, that MassHealth shall implement
378 all Current Procedural Terminology, or CPT, evaluation and management codes for behavioral
379 health services in accordance with the new CPT evaluation and management codes as most
380 recently adopted by the American Medical Association and the Centers for Medicare and
381 Medicaid Services, or CMS; provided further, that if a code is covered under a MassHealth fee
382 schedule and paid on the medical surgical benefit, then the code shall reimburse providers the
383 same rate as provided in nonfacility settings on the behavioral health and substance abuse
384 benefit; provided further, that the office of Medicaid shall work with its actuary to ensure that
385 capitation rates for contracting managed care organizations appropriately account for changes in
386 MassHealth provider rates for all rate changes associated with incremental increases for
387 behavioral health services; provided further, that not later than December 15, 2013, the office of
388 Medicaid shall report to the house and senate committees on ways and means the methodology
389 used to create actuarially-sound capitation rates for contracting managed care organizations to
390 reflect changes to behavioral health services payments; provided further, that any integrated care
391 organization, managed care entity or behavioral health carve-out entity that manages behavioral
392 health services on behalf of the commonwealth shall implement all CPT evaluation and
393 management codes for behavioral health services in accordance with the new CPT evaluation
394 and management codes as most recently adopted by the American Medical Association and
395 CMS; provided further, that any integrated care organization, managed care entity or behavioral
396 health carve-out entity that manages behavioral health services on behalf of the commonwealth
397 shall be required to pay, at a minimum, the MassHealth rates of payment for all CPT evaluation
398 and management codes for behavioral health services by January 1, 2014; and provided further,

399 that MassHealth shall review and adjust all rates of payment accordingly for mental health
400 services provided in community health centers and mental health centers by January 1, 2014.

401 SECTION 33. Item 4000-0700 of said section 2 of said chapter 38 is hereby amended by
402 striking out the words “\$23,000,000 shall be expended from this item, or item 4000-0500 if
403 necessary, to achieve maximum federal financial participation, to enhance the ability of hospitals
404 and community health centers to serve populations in need more efficiently and effectively;
405 provided further, that the executive office shall maximize federal reimbursements for state
406 expenditures made to these providers” and inserting in place thereof the following words:- not
407 less than \$23,000,000 shall be expended for fiscal year 2014 from this item, or item 4000-0500 if
408 necessary to achieve maximum federal financial participation, to enhance the ability of hospitals
409 and community health centers to serve populations in need more efficiently and effectively;
410 provided, further, that not more than \$14,500,000 shall be expended for the purposes of the fiscal
411 year 2013 funding solicitation.

412 SECTION 34. Item 7003-1206 of said section 2 of said chapter 38 is hereby amended by
413 striking out the words “\$300,000 shall be expended for the Urban League of Springfield, Inc.”
414 and inserting in place thereof the following words:- \$400,000 shall be expended for the Urban
415 League of Springfield, Inc.; provided further, that not less than \$300,000 shall be expended for
416 the Urban League of Eastern Massachusetts.

417 SECTION 35. Item 7004-0103 of said section 2 of said chapter 38 is hereby amended by
418 adding the following words:- ; provided further, that upon written approval from the secretary of
419 administration and finance, funds may be transferred from item 7004-0101 to this item; provided
420 further, that the secretary of administration and finance shall notify the house and senate
421 committees on ways and means 30 days before approving any such transfer; and provided

422 further, that the secretary of administration and finance shall notify the house and senate
423 committees on ways and means concurrently with the transfer if the department has identified an
424 immediate cash run-out.

425 SECTION 36. Item 7061-9011 of said section 2 of said chapter 38 is hereby amended by
426 striking out the words “and provided further, that priority shall be given to schools proposed in
427 level 3 and 4 districts” and inserting in place thereof the following words:- provided further, that
428 priority shall be given to schools proposed in level 3 and 4 districts; and provided further, that up
429 to \$225,000 may be expended through June 30, 2015 on innovation fellowships in sponsoring
430 school districts that will participate in an in-depth, year-long planning process which shall
431 include, but not be limited to, a comprehensive review and analysis of the department’s District
432 Standards and Indicators, Conditions for School Effectiveness and other priorities of the
433 department.

434 SECTION 37. Item 8000-0600 of said section 2 of said chapter 38 is hereby amended by
435 inserting after the word “reimbursements” the following words:- ; provided further, that \$81,517
436 shall be made available for costs incurred by the city known as the town of Watertown due to the
437 events of the Boston Marathon bombing and deemed nonreimbursable by the Federal Emergency
438 Management Agency.

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

445 SECTION 39. Item 1595-1068 of section 2E of said chapter 38 is hereby amended by
446 striking out the words “\$312,050,000 from the Medical Assistance Trust Fund to the Cambridge
447 public health commission for dates of service in state and federal fiscal year 2014 only after the
448 Cambridge public health commission transfers up to \$156,025,000” and inserting in place
449 thereof the following words:- \$308,000,000 from the Medical Assistance Trust Fund to the
450 Cambridge Public Health Commission for dates of service in state and federal fiscal year 2014
451 only after the Cambridge Public Health Commission transfers up to \$154,000,000 of its funds to
452 the Medical Assistance Trust Fund using a federally permissible source of funds which shall
453 fully satisfy the non-federal share of such payment; and provided further, that \$174,025,000 in
454 payments made for federal fiscal year 2013 shall be made from the Medical Assistance Trust
455 Fund of which \$28,050,000 shall be made to the Cambridge Public Health Commission for dates
456 of service in state and federal fiscal year 2013 only after the Cambridge Public Health
457 Commission transfers up to \$14,025,000.

458 SECTION 40. Said item 1595-1068 of said section 2E of said chapter 38 is hereby further
459 amended by striking out the figure “\$394,000,000” and inserting in place thereof the following
460 figure:- \$568,025,000.

461 SECTION 41. The third paragraph of section 3 of said chapter 38 is hereby amended by
462 striking out the last sentence and inserting in place thereof the following 2 sentences:- The
463 department of elementary and secondary education shall not consider health care costs for retired
464 teachers to be part of net school spending for any district in which such costs were not
465 considered part of net school spending in fiscal year 1994. If this section conflicts with the
466 distribution listed below, the distribution below shall control.

467 SECTION 42. Section 154 of said chapter 38 is hereby repealed.

468 SECTION 43. Section 166 of said chapter 38 is hereby amended by striking out
469 subsection (a) and inserting in place thereof the following subsection:-

470 (a) There shall be a special commission to make an investigation and study of the cost of
471 administering early education and care services and make recommendations to enhance those
472 services where necessary and appropriate. The special commission shall consist of the
473 commissioner of early education and care, who shall serve as chair; the secretary of
474 administration and finance or a designee; the house and senate chairs of the joint committee on
475 education or their designees and the house and senate chairs of the joint committee on children,
476 families and persons with disabilities or their designees; the ranking minority members of the
477 house and senate serving on the joint committee on education or their designees; 1 member of
478 the house of representatives, 1 member of the senate; the child advocate or a designee; the
479 commissioner of elementary and secondary education or a designee who shall have experience in
480 elementary school transition; the executive director of the Massachusetts Head Start Association
481 or a designee; a representative of the Massachusetts Early Education and Care Association; the
482 commissioner of transitional assistance or a designee; the commissioner of children and families
483 or a designee; and 3 persons to be appointed by the governor, at least 1 of whom shall be a
484 provider of early education and care and at least 1 of whom shall be a social worker with
485 experience in serving families with children; a representative of the Massachusetts Teachers
486 Association; and a representative of the American Federation of Teachers-Massachusetts.

487 SECTION 44. Section 211 of said chapter 38 is hereby amended by adding the following
488 subsection:-

489 (d) If federal financial participation shall be unavailable to provide additional payment
490 under subsection (b), the office of Medicaid shall expend not more than \$6,153,884.50, subject

491 to sufficient funds received under an interagency agreement under this section, on such
492 additional payment under said subsection (b); provided, however, that the interagency agreement
493 under subsection (a) shall be reduced by \$6,153,884.50.

494 SECTION 45. (a) Notwithstanding sections 33 to 37, inclusive, of chapter 7C of the
495 General Laws, section 20 of chapter 304 of the acts of 2008, or any other general or special law
496 to the contrary, the commissioner of capital asset management and maintenance may convey a
497 certain parcel of state-owned land with the buildings thereon located at 2 Main street in the city
498 of Worcester to the city of Worcester.

499 (b) As consideration for the conveyance authorized in subsection (a), the city of
500 Worcester shall pay the commonwealth \$1. Upon any subsequent sale or lease of the property
501 or any portion thereof by the city of Worcester, the city shall pay half of the net proceeds of any
502 such sale or lease to the commonwealth.

503 (c) The city of Worcester shall bear all costs that the commissioner finds necessary or
504 appropriate for the conveyance authorized in this section including, without limitation, all costs
505 for legal work, surveys, title and the preparation of plans and specifications.

506 SECTION 45A. (a) As used in this section, the following words shall have the following
507 meanings unless the context clearly requires otherwise:

508 “Commissioner”, the commissioner of capital asset management and maintenance.

509 “GRC committee”, the Irving A. Glavin Regional Center at Shrewsbury Reuse
510 Committee, which shall include 3 representatives of the town of Shrewsbury, 1 of whom shall be
511 a member of the Shrewsbury board of selectmen or a designee who shall serve as chairperson, 1
512 of whom shall be a member of the Shrewsbury planning board or a designee and 1 of whom shall
513 be chosen by the Shrewsbury board of selectmen; 1 representative of the division of capital asset

514 management and maintenance and 1 representative of the department of developmental services.
515 The members, other than the representatives of the state agencies, shall be appointed annually by
516 the local governing authority. The senator and representative who represent the town shall serve
517 as ex-officio members.

518 “GRC site”, the area of state-owned land located in the town of Shrewsbury known as the
519 Irving A. Glavin Regional Center at Shrewsbury, together with the buildings and improvements
520 thereon and the rights, easements and other interests appurtenant thereto.

521 “Plan”, a reuse plan prepared by the division in consultation with the GRC committee
522 which shall be approved by the commissioner and filed in accordance with subsection (b);
523 provided, however, that the plan may be enhanced, refined or amended from time to time as
524 provided in this section and shall include uses for department programs, uses that promote
525 environmental preservation, open space and any other use found to be appropriate by the
526 commissioner, town and committee.

527 “Selection committee”, the proposal selection committee established to review proposals
528 and make recommendations to the commissioner, which shall include 1 representative of the
529 town chosen by the board of selectmen to be appointed annually; 1 representative of the division
530 of capital asset management and maintenance; 1 representative of the department of
531 developmental services; and 1 representative from the GRC committee.

532 (b) The commissioner shall undertake planning, studies and preparation of plans and
533 specifications necessary to carry out this section consistent with the plan. The GRC committee
534 shall submit its recommendations for the reuse plan with the commissioner within 180 days after
535 the effective date of this section. The GRC committee shall hold at least 2 public comment

536 sessions. The commissioner shall consult with the GRC committee on any amendment to the
537 plan and shall develop, issue and advertise requests for proposals consistent with the plan within
538 90 days after receipt of the plan. Upon receipt of proposals, the commissioner shall convene the
539 selection committee to review and make recommendations regarding selection to the
540 commissioner. The town's governing authority shall be encouraged to submit proposals for uses
541 consistent with the plan for some or all of the property. If proposals from the town shall be
542 among those recommended to the commissioner, the commissioner shall reasonably
543 accommodate the schedule required for town meeting votes if a town meeting vote is required to
544 complete or approve a proposal before making any final decisions on the proposals. Any reuse
545 shall be consistent with chapter 212 of the acts 2012.

546 SECTION 46. (a) Notwithstanding sections 6 and 7 of chapter 53 of the General Laws,
547 sections 86 and 95 of chapter 54 of the General Laws or any other general or special law to the
548 contrary, the state secretary may add or change any dates relating to functions appurtenant to the
549 special primaries or the election for representative in the Congress of the United States in the
550 Fifth Congressional District, writs having been issued by the governor for December 10, 2013, as
551 the state secretary deems necessary for the orderly administration of the primaries or election by
552 providing notice of any such change with the regulations division and by posting on the
553 secretary's website and by whatever other means he deems appropriate.

554 (b) Notwithstanding any general or special law to the contrary, the full election calendar
555 shall be as follows: (i) the last day for a person running in the state primary to enroll in a party or
556 for a person running only in the state election to unenroll from a party, except for newly-
557 registered voters, shall be May 15, 2013 for party candidates and May 15, 2013 for nonparty
558 candidates; (ii) the last day and hour for submitting nomination papers to local registrars of

559 voters or election commissioners for the certification of signatures shall be 5:00 p.m. on July 31,
560 2013 for party candidates and 5:00 p.m. on September 17, 2013 for nonparty candidates; (iii) the
561 certification of nomination papers shall be completed by August 12, 2013 for party candidates
562 and September 26, 2013 for nonparty candidates; (iv) the last day and hour for filing nomination
563 papers, including enrollment certificates, with the state secretary shall be 5:00 p.m. on August
564 14, 2013 for party candidates and 5:00 p.m. on October 1, 2013 for nonparty candidates; (v) the
565 last day and hour for filing withdrawals of, or objections to, all nomination papers and
566 certificates of nomination with the state secretary shall be 5:00 p.m. on August 16, 2013 for party
567 candidates and 5:00 p.m. on October 3, 2013 for nonparty candidates; (vi) the last day and hour
568 for filling vacancies caused by withdrawals for primary candidates shall be 5:00 p.m. on August
569 20, 2013; (vii) the last day to register voters for the state primary shall be September 25, 2013;
570 (viii) the state primary shall be held on Tuesday, October 15, 2013; (ix) the last day and hour for
571 the filing of withdrawals of or objections to nominations made at the state primary and for filing
572 written acceptances by write-in or sticker candidates who won in the state primary with the state
573 secretary shall be 5:00 p.m. on October 21, 2013; (x) the last day and hour for filling vacancies
574 caused by withdrawals at the state primary shall be 5:00 p.m. on October 22, 2013; (xi) the last
575 day to register voters for the state election shall be November 20, 2013; and (xii) the state
576 election shall be held on Tuesday, December 10, 2013 pursuant to writs issued by the governor.

577 SECTION 47. The secretary of public safety and security shall conduct a study on the use
578 of active or passive fire suppression kits in state and municipal law enforcement vehicles. The
579 study shall include, but not be limited to, the costs and benefits of installing fire suppression kits
580 to aid in the prevention of fires resulting from rear end collisions. The secretary shall file a report
581 not later than March 1, 2014 with the clerks of the senate and house of representatives who shall

582 forward a copy of the report and recommendations to the chairs of the joint committee on public
583 safety and homeland security.

584 SECTION 48. Any monies remaining in the Supplemental Reserve Fund to Ensure Fiscal
585 Stability established in section 5 of chapter 108 of the acts of 2006 shall be transferred to the
586 Pentucket Regional School District Middle and High School Complex Capital Fund established
587 in section 49.

588 SECTION 49. Notwithstanding any general or special law to the contrary, there shall be a
589 Pentucket Regional School District Middle and High School Complex Capital Fund into which
590 shall be deposited all monies held in the Supplemental Reserve Fund to Ensure Fiscal Stability
591 established in section 5 of chapter 108 of the acts of 2006 for capital expenditures for the
592 Pentucket regional school district middle and high school complex located in the town of West
593 Newbury. The Pentucket regional school committee shall be the custodian of the fund and may
594 authorize disbursements from the fund for capital purposes that the committee considers
595 appropriate to provide for the middle and high school complex. Any income derived from the
596 investment or reinvestment of amounts held in the fund shall remain with and become part of the
597 fund.

598 SECTION 50. The Pentucket regional school committee may dissolve the Pentucket
599 Regional School District Middle and High School Complex Capital Fund and may authorize
600 disbursements from the fund for operating purposes that the committee considers appropriate to
601 maintain and continue regional school district operations.

602 SECTION 51. (a) Notwithstanding any general or special law to the contrary, the
603 secretary of administration and finance may direct the comptroller to transfer to the General
604 Fund any remaining balance in the Commonwealth Care Trust Fund as of June 30, 2013.

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

609 SECTION 52. The salary adjustments and other economic benefits authorized by the
610 following collective bargaining agreements shall be effective for the purpose of section 7 of
611 chapter 150E of the General Laws:

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

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

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

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

617 (e) between the Franklin sheriff and the Franklin Administrative Professionals IBCO,
618 Unit SF3;

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

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

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

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

625 (j) between the Hampshire sheriff and the Hampshire Correction Officers NCEU, Unit
626 SH9;

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

628 (l) between the Plymouth sheriff and the NCEU 301, Unit SP7;
629 (m) between the Plymouth sheriff and the NCEU 104, Unit SP1;
630 (n) between the Worcester sheriff and the Worcester United Auto Workers, Unit SW5;
631 (o) between the Worcester sheriff and the Worcester Corrections Officers, Unit SW6;
632 (p) between the Worcester sheriff and the Worcester NAGE Local R1-255, Unit SW4;
633 (q) between the Worcester sheriff and the NEPBA Local 275, Unit SW2; and
634 (r) between the alcoholic beverages control commission and the Coalition of Public
635 Safety, Unit 5.

636 SECTION 53. The secretary of health and human services shall develop a methodology
637 for establishing capitation rates to be paid by Medicaid to the PACE program. The methodology
638 shall be based on an actuarially sound determination of costs incurred for the services provided
639 or paid for by PACE but the rate shall not be in excess of the upper payment level. The rate shall
640 be reviewed on an annual basis. The methodology shall be developed within 90 days after the
641 effective date of this section and shall be made available to PACE providers.

642
643 SECTION 54. (a) Notwithstanding the last paragraph of section 2H of chapter 29 of the
644 General Laws or any other general or special law to the contrary, the comptroller shall include in
645 the certification of the consolidated net surplus for fiscal year 2013 one-time settlements or
646 judgments for the commonwealth, of which the net value to the commonwealth of the proceeds
647 of that settlement or judgment, after all restitution or other remedial payments are made pursuant
648 to the settlement or judgment, exceeds \$10,000,000 in fiscal year 2013 and which would
649 otherwise be transferred to the Commonwealth Stabilization Fund; provided, however, that upon
650 certification by the comptroller that the consolidated net surplus equals \$106,800,000, all other

651 such judgments and settlements shall be disposed of pursuant to said last paragraph of said
652 section 2H of said chapter 29.

653 (b) Upon compliance with subsection (a), the comptroller shall dispose of the
654 consolidated net surplus under subsection (a) of section 155 of chapter 139 of the acts of 2012.

655 SECTION 55. Notwithstanding any general or special law to the contrary, the state
656 secretary shall reimburse the cities and towns from item 0521-0000 of section 2C.I for
657 extraordinary election costs due to the June 25, 2013 special election.

658 SECTION 56. Notwithstanding any general or special law to the contrary, the executive
659 office of health and human services shall expend not less than \$3,000,000 from item 4000-0265
660 of section 2 to increase community health centers' reimbursement for dental, behavioral health
661 and urgent care services under Medicaid.

662 SECTION 56A. (a) Notwithstanding any general or special law to the contrary, the
663 department of housing and community development may provide not more than \$20,000,000 as
664 provided for in item 7004-1000 in advance funding to participating agencies that administer the
665 federal Low Income Home Energy Assistance Program described in item 7004-2033 of section
666 2D of chapter 38 of the acts of 2013 for the purposes of operating the program in fiscal year
667 2014; provided, however, that the advanced funding shall be subject to the federal
668 reimbursement of funds under said item 7004-2033 of said section 2D of said chapter 38;
669 provided further, that a portion may be expended for approved administrative costs consistent
670 with the current or prior year's state plan required by the federal program. The department and
671 the eligible entities may, after November 1, 2013, expend a portion of these funds to assist low-
672 income elders, working families and other households with the purchase of heating oil, propane
673 and natural gas and electricity and other primary or secondary heating sources.

674 (b) Notwithstanding any general or special law to the contrary, upon receipt of any
675 federal funds for the administration of the federal Low Income Home Energy Assistance
676 Program pursuant to item 7004-2033 of section 2D of chapter 38 of the acts of 2013, the
677 comptroller shall transfer such amount from the General Fund to the Stabilization Fund as
678 expended through item 7004-1000.

679 SECTION 56B. Notwithstanding any general or special law to the contrary, the town of
680 North Attleboro shall provide a report detailing the extraordinary law enforcement expenses
681 incurred as a result of the Odin Lloyd murder investigation. Said report shall be submitted by the
682 town of North Attleboro to the executive office for administration and finance.

683 SECTION 57. Except as otherwise provided, this act shall take effect as of June 30, 2013.

684 SECTION 58. Sections 3, 24, 32 to 44, inclusive, shall take effect as of July 1, 2013.

685 SECTION 58A. Section 46 is hereby repealed.

686 SECTION 59. Sections 45A and 53 shall take effect upon their passage.

687 SECTION 60. Section 50 shall take effect on July 1, 2018.

688 SECTION 61. Section 58A shall take effect on January 31, 2014.