

SENATE No. 2010

The Commonwealth of Massachusetts

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In the Year Two Thousand Fourteen
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SENATE, February xx, 2014

The committee on Ways and Means, to whom was referred the House Bill making appropriations for the fiscal year 2014 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3899); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2010.

For the committee,
Stephen M. Brewer

12 *Trial Court.*
13 0321-2000..... \$53,000

14 DISTRICT ATTORNEYS
15 *Worcester District Attorney.*

16 0340-0400..... \$46,722

17 *Bristol District Attorney.*

18 0340-0900..... \$200,000

19 0340-0998..... \$250,000

20 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

21 *Group Insurance Commission.*

22 1108-5200..... \$16,000,000

23 *Reserves.*

24 1599-2013..... \$670,000

25 1599-4444..... \$17,357,782

26 *Human Resources Division.*

27 1750-0300..... \$1,766,344

28 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

29 *Office of the Secretary of Health and Human Services.*

30 4000-0005..... \$4,800,000

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Department of Youth Services.

4200-0200.....	\$3,030,853
4200-0300.....	\$4,873,738

Department of Children and Families.

4800-0015.....	\$1,650,000
4800-1100.....	\$1,130,000

Department of Elder Affairs.

9110-1455.....	\$1,019,000
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EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

Department of Housing and Community Development.

7004-0101.....	\$32,746,306
7004-0103.....	\$12,640,246

Massachusetts Marketing Partnership.

7008-0900.....	\$89,000
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EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

Chief Medical Examiner.

8000-0122.....	\$150,000
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49	SHERIFFS	
50	<i>Hampden Sheriff's Office.</i>	
51	8910-1030.....	\$762,570
52	<i>Worcester Sheriff's Office.</i>	
53	8910-0105.....	\$383,000
54	<i>Middlesex Sheriff's Office.</i>	
55	8910-0107.....	\$2,500,000
56	<i>Franklin Sheriff's Office.</i>	
57	8910-0108.....	\$650,000
58	<i>Berkshire Sheriff's Office.</i>	
59	8910-0445.....	\$50,000
60	<i>Essex Sheriff's Office.</i>	
61	8910-0619.....	\$5,869,420
62	<i>Barnstable Sheriff's Office.</i>	
63	8910-8200.....	\$2,500,000
64	<i>Bristol Sheriff's Office.</i>	
65	8910-8300.....	\$6,500,000
66	<i>Norfolk Sheriff's Office.</i>	
67	8910-8600.....	\$2,700,000
68	<i>Plymouth Sheriff's Office.</i>	
69	8910-8700.....	\$5,000,000
70	<i>Suffolk Sheriff's Office.</i>	
71	8910-8800.....	\$1,000,000

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Hampshire Sheriff's Office.

8910-0110..... \$686,000

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 specifically designated otherwise in this section for the several purposes and subject to the conditions specified in this section and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2014. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary of Administration and Finance.

1599-4000 For a reserve to support community colleges that serve a critical role in creating opportunity for local communities of the highest need; provided, that not less than \$3,000,000 shall be provided to Roxbury Community College\$5,000,000

1599-6901 For the fiscal year 2014 annualized costs of the human service provider salary increases funded in item 1599-6901 of chapter 139 of the acts of 2012; provided, that the secretary of administration and finance may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2014 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means.....\$10,695,490

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Department of Mental Health.

5095-1016 For the department of mental health, which may expend not more than \$500,000 in revenue collected from occupancy fees charged to the tenants of the state hospitals; provided, that all fees collected shall be expended to support the costs to sustain operations of the facilities; and provided further, that notwithstanding any general or

101 special law to the contrary, for the purpose of accommodating timing discrepancies
102 between the receipt of retained revenues and related expenditures, the department
103 may incur expenses and the comptroller may certify for payment amounts not to
104 exceed the lesser of this authorization or the most recent revenue estimate, as reported
105 in the state accounting system.....\$500,000

106 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

107 *Department of Business Development.*

108 7007-0210 For the purpose of the Brownfields Redevelopment Fund established under
109 section 29A of chapter 23G of the General Laws.....\$15,000,000

110 SECTION 2E.

111 DEPARTMENT OF TRANSPORTATION

112 *CTF Transfer to the Mass Transportation Trust Fund.*

113 1595-6368.....\$30,115,915

114 SECTION 3. Section 3 of chapter 38 of the General Laws, as appearing in the 2012
115 Official Edition, is hereby amended by striking out clause (13).

116 SECTION 4. Chapter 151F of the General Laws is hereby repealed.

117 SECTION 5. Chapter 176O of the General Laws is hereby amended by striking out
118 section 23.

119 SECTION 6. Said chapter 176O is hereby further amended by inserting, after section 22,
120 the following section:-

121 Section 23. All carriers shall establish a toll-free telephone number and website that
122 enables consumers to request and obtain from the carrier, within 2 working days, the estimated

123 or maximum allowed amount or charge for a proposed admission, procedure or service and the
124 estimated amount the insured, will be responsible to pay for a proposed admission, procedure or
125 service that is a medically necessary covered benefit, based on the information available to the
126 carrier at the time the request is made, including any facility fee, copayment, deductible,
127 coinsurance or other out of pocket amount for any covered health care benefits; provided, that
128 the insured shall not be required to pay more than the disclosed amounts for the covered health
129 care benefits that were actually provided; provided, however, that nothing in this section shall
130 prevent carriers from imposing cost sharing requirements disclosed in the insured's evidence of
131 coverage for unforeseen services that arise out of the proposed admission, procedure or service;
132 and provided further, that the carrier shall alert the insured that these are estimated costs, and that
133 the actual amount the insured will be responsible to pay may vary due to unforeseen services that
134 arise out of the proposed admission, procedure or service.

135 SECTION 7. Section 23 of said chapter 176O, inserted by section 6, is hereby amended
136 by striking out the words “within 2 working days” and inserting in place thereof the following
137 words:- in real time.

138 SECTION 8. Section 3 of chapter 176Q of the General Laws, as most recently amended
139 by section 90 of chapter 35 of the acts 2013, is hereby further amended by adding the following
140 clause:-

141 (w) to administer payments for additional required benefits in accordance with 42 U.S.C.
142 § 18031(d)(3)(B).

143 SECTION 9. Sections 9, 17 and 18 of chapter 176Q of the General Laws are hereby
144 repealed.

145 SECTION 10. Section 9 of chapter 211B of the General Laws, as appearing in the 2012
146 Official Edition, is hereby amended by striking out the word “court.”, in line 133, and inserting
147 in place thereof the following words:- court; and

148 (xxiv) the court administrator may, subject to the approval of the chief justice of the trial court,
149 apply for and accept on behalf of the commonwealth any funds, including grants, bequests, gifts
150 or contributions, from any person. Such funds shall be deposited in a separate account and may
151 be expended by the court administrator without further appropriation in accordance with chapter
152 29 and any rules or regulations promulgated under that chapter.

153 SECTION 11. Section 9A of said chapter 211B, as so appearing, is hereby amended by
154 striking out the word “court.”, in line 171, and inserting in place thereof the following words:-
155 court; and

156 (xxiv) the court administrator may, subject to the approval of the chief justice of the trial
157 court, apply for and accept on behalf of the commonwealth any funds, including grants, bequests,
158 gifts or contributions, from any person. Such funds shall be deposited in a separate account and
159 may be expended by the court administrator without further appropriation in accordance with
160 chapter 29 and any rules or regulations promulgated under that chapter.

161 SECTION 12. The third sentence of section 11A of chapter 293 of the acts of 2006,
162 inserted by section 16 of chapter 129 of the acts of 2008, is hereby amended by striking out the
163 figure “2” and inserting in place thereof the following figure:- 3.

164 SECTION 13. Item 1599-2013 of section 2A of chapter 142 of the acts of 2011, as
165 amended by section 28 of chapter 36 of the acts of 2013, is hereby further amended by inserting

166 after the figure “3:10-CV30073” the following words:- and for costs of cases in which the
167 department of developmental services is a defendant.

168 SECTION 14. Section 73 of chapter 36 of the acts of 2013 is hereby amended by striking
169 out the words “March 15, 2014” and inserting in place thereof the following words:- June 16,
170 2014.

171 SECTION 15. Section 2 of chapter 38 of the acts of 2013 is hereby amended by striking
172 out item 1599-0081.

173 SECTION 16. Item 3000-4065 of said section 2 of said chapter 38 is hereby amended by
174 striking out the figure “ 168” and inserting in place thereof the following figure:- 166.

175 SECTION 17. Said section 2 of said chapter 38 is hereby further amended by inserting
176 after item 4580-1000 the following item:-

177 4590-0081 For a public health evaluation grant program; provided, that the executive office
178 for administration and finance shall issue a report to the house and senate committees on ways
179 and means within 30 days of issuing a request for proposal for this program detailing the criteria
180 to be used to award grants; provided further, that grant recipients shall be selected through a
181 competitive grant process in which successful proposals shall: (a) demonstrate substantial
182 experience conducting evaluations of federal, state or local public health programs; (b) focus on
183 the evaluation of a state-funded department of public health program which may include, but
184 shall not be limited to, school-based health centers, smoking cessation programs, HIV/AIDS
185 prevention and treatment programs, obesity prevention programs and child nutrition programs;
186 (c) identify the state administrative datasets to be used; (d) ensure compliance with applicable
187 privacy regulations, including institutional review board policies; and (e) propose an evaluation

188 to be completed in not more than 24 months, which will provide analysis that examines the
189 following areas of policy relevance: (i) the quantifiable effect of the program on the population
190 treated through the program; (ii) an estimate of the cost to the commonwealth of the public
191 health problem being addressed through the program; (iii) a comparison of the cost of the
192 program and the estimated short-term and long-term benefits received by program recipients
193 through the program; (iv) data limitations in estimating the effect of the program; and (v)
194 recommendations for further study; provided further, that in awarding grants, priority shall be
195 given to organizations located within the commonwealth; provided further, that not more than 50
196 per cent of the amount appropriated in this item shall be granted to any 1 organization; provided
197 further, that the request for proposals shall be issued not later than June 30, 2014; provided
198 further, that the department of public health, the center for health information and analysis, the
199 executive office of health and human services, the executive office of education, the department
200 of housing and community development and other relevant state agencies shall work with grant
201 recipients funded through this item, as necessary, to provide secure access to state collected data
202 that is necessary for evaluations; provided further, that organizations receiving funds through this
203 item shall report quarterly to the house and senate committees on ways and means, the joint
204 committee on public health and the department of public health on: (A) the status and
205 preliminary results of studies funded through this item; and (B) any obstacles encountered in
206 access to data or other information that is negatively affecting the completion of the study; and
207 provided further, that funds appropriated in this item shall not revert and shall be available for
208 expenditure through the term of grants awarded under this item, but not later than October 1,
209 2016..... \$500,000

210 SECTION 18. Item 4800-0038 of said section 2 of said chapter 38 is hereby amended by
211 striking out the word “March” and inserting in place thereof the following word:- November.

212 SECTION 19. Item 7008-0900 of said section 2 of said chapter 38 is hereby amended by
213 inserting after the words “logo of the event” the following words:- ; provided further, that not
214 less than \$89,000 shall be provided for the support of the Plymouth Amphitheater.

215 SECTION 20. Item 8000-0122 of said section 2 of said chapter 38 is hereby amended by
216 striking out the figure “\$2,570,700” and inserting in place thereof the following figure:-
217 “2,720,700”.

218 SECTION 21. Item 8910-0445 of said section 2 of said chapter 38 is hereby amended by
219 striking out the figure “\$250,000” and inserting in place thereof the following figure:-
220 “\$300,000”.

221 SECTION 22. Item 1595-1068 of section 2E of said chapter 38 is hereby further
222 amended by striking out the figure “\$568,025,000”, inserted by section 40 of chapter 118 of the
223 acts of 2013, and inserting in place thereof the following figure:- \$620,025,000.

224 SECTION 23. Item 1595-6368 of section 2E of said chapter 38 is hereby amended by
225 inserting after the words “ year 2014” the following words:- ; provided further, that \$115,915
226 shall be expended for the Montachusett Regional Transit Authority to support services in the
227 town of Athol.

228 SECTION 24. The third paragraph of section 3 of said chapter 38, is hereby amended by
229 striking out the last 2 sentences, inserted by section 41 of chapter 118 of the acts of 2013, and
230 inserting in place thereof the following 2 sentences:- For fiscal year 2014, the commissioner of

231 elementary and secondary education shall begin a 4-year phase in of equal increments to include
232 health care costs for retired teachers as part of net school spending for any district in which the
233 costs were not considered part of net school spending in fiscal year 1994. For fiscal year 2014,
234 1/4 of the cost shall be included in calculating fulfillment of net school spending requirements;
235 provided, that in districts currently in level IV or level V status under the commonwealth's
236 accountability and assistance system the commissioner may delay or limit the inclusion of the
237 costs in calculating net school spending until their status is lowered to level III or below, at
238 which time the commissioner shall begin or resume a 4-year phase in of the remaining costs; and
239 provided further, that during the 4-year phase in period authorized under this section, the
240 commissioner may waive penalties associated with deficiencies in net school spending
241 requirements up to an amount that can be attributed to non-inclusion of health care costs for
242 retired teachers if the commissioner approves a schedule submitted by the district to meet the
243 requirements not later than at the end of the 4-year phase in period.

244 SECTION 25. Section 183 of said chapter 38 is hereby amended by striking out the
245 figure "2014" and inserting in place thereof the following figure:- 2015.

246 SECTION 26. Paragraph (a) of section 56A of chapter 118 of the acts of 2013 is hereby
247 amended by inserting after the words "said item 7004-2033 of said section 2D" the following
248 words:- ; provided further, that \$1,728,363 shall be expended regardless of federal
249 reimbursement so that participating agencies that administer the federal Low Income Home
250 Energy Assistance Program receive a total of \$20,000,000 in additional federal and state funding.

251 SECTION 27. (a) Notwithstanding any general or special law to the contrary, the
252 Massachusetts Department of Transportation may incur liabilities and make expenditures in

253 fiscal years 2014 and 2015 in excess of funds available to the department for snow and ice
254 removal; provided, however, that the expenditures are approved by the secretary of
255 transportation in consultation with the secretary of administration and finance. No expenses
256 shall be made in excess of funds available until \$38,000,000 has been expended for snow and ice
257 removal in each of fiscal years 2014 and 2015 and the negative balance of funds available for
258 snow and ice removal shall not exceed \$50,000,000 at any time during each fiscal year. The
259 comptroller may certify for payment invoices in excess of funds available to the department.

260 (b) The department shall, on or before May 1 in fiscal years 2014 and 2015, report to the
261 executive office for administration and finance and the house and senate committees on ways
262 and means the total amounts budgeted and expended for snow and ice removal. The department
263 shall seek appropriations, as required, to cure deficiencies resulting from the removal of snow
264 and ice for fiscal years 2014 and 2015.

265 SECTION 28. The salary adjustments and other economic benefits authorized by the
266 collective bargaining agreement between the commonwealth and the State Police Association of
267 Massachusetts, Unit 5A, shall be effective for the purposes of section 7 of chapter 150E of the
268 General Laws.

269 SECTION 29. The salary adjustments and other economic benefits authorized by the
270 collective bargaining agreement between the commonwealth and the Service Employees
271 International Union, local 509, for family based child-care providers shall be effective for the
272 purposes of section 7 of chapter 150E of the General Laws.

273 SECTION 30. Section 5 shall take effect as of November 4, 2012.

274 SECTION 31. Section 6 shall take effect as of October 1, 2013.

SECTION 32. Section 7 shall take effect on October 1, 2014.