HOUSE . . . . . No. 3510

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on House, No. 3493, reported, in part, a Bill making appropriations for the fiscal year 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3510).

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act making appropriations for the Fiscal Year 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make supplemental appropriations for fiscal year 2011 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:

To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2011, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2011. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

SECTION 2.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary of Administration and Finance

1599-3234 .....$337

EXECUTIVE OFFICE OF EDUCATION

13 Department of Early Education and Care

14 3000-4050..... $10,000,000

15 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

16 Sheriffs

17 8910-0619..... $2,867,678

18 8910-8200..... $1,819,857

19 8910-8300..... $1,316,539

20 8910-8400..... $47,500

21 8910-8600..... $1,027,000

22 8910-8700..... $3,700,000

23 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
24 provide for an alteration of purpose for current appropriations, and to meet certain requirements
25 of law, the sums set forth in this section are hereby appropriated from the General Fund unless
26 specifically designated otherwise in this section, for the several purposes and subject to the
27 conditions specified in this section, and subject to the laws regulating the disbursement of public
28 funds for the fiscal year ending June 30, 2011. These sums shall be in addition to any amounts
29 previously appropriated and made available for the purposes of those items.

30 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

31 Office of the Secretary of Administration and Finance

32 1599-1705 For a reserve for costs incurred in response to the June 1, 2011 storms;
33 provided, that the comptroller shall transfer funds made available under this item to other
34 departments for this purpose, upon the written request of the secretary of administration and
35 finance; provided further, that expenditures from this item shall be offset by federal
36 reimbursements to the extent available; and provided further, that funds made available under
37 this item shall not revert but shall be made available for expenditure until June 30,
38 2012..... $15,000,000

39 1599-4234 For a reserve to meet the fiscal year 2011 costs of salary adjustments and
40 other economic benefits authorized by the collective bargaining agreement between the
41 Commonwealth and the 4; provided, that funding under this item shall not revert but shall be
42 made available for expenditure until June 30, 2012..... $2,611,856

43 1599-4253 For a reserve to meet the fiscal year 2011 costs of salary adjustments and
44 other economic benefits authorized by the collective bargaining agreement between the
45 Commonwealth and the New England Police Benevolent Association, Bargaining Unit 4A;
46 provided, that funding under this item shall not revert but shall be made available for expenditure
47 until June 30, 2012 .....$272,025

48 1599-4342 For a reserve to meet the fiscal year 2011 costs of salary adjustments and
49 other economic benefits authorized by the collective bargaining agreement between the Essex
50 county sheriff's department and the Correction Officer Association.....
51 $21,578

52 1599-4370 For a reserve to meet the fiscal year 2011 costs of salary adjustments and
53 other economic benefits authorized by the collective bargaining agreement between the
54 Commonwealth and Local S-28, International Association of Fire Fighters; provided, that any
55 unexpended funds from this item shall not revert and shall be made available for expenditure
56 until June 30, 2012..... $436,000

57 1599-4426 For a reserve to meet the fiscal year 2011 costs of salary adjustments and
58 other economic benefits authorized by the collective bargaining agreement between the
59 University of Massachusetts and the Amherst Council 93 Local 1776, AFL-CIO $54,114

60 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

61 Office of the Secretary of Health and Human Services

62 4000-0005 For youth violence prevention program grants administered by the
63 executive office of health and human services; provided, that the programs shall be targeted at
64 reducing youth violence among young persons at highest risk for being perpetrators or victims of
65 gun violence; and provided further, that these funds shall be available to those municipalities
66 with the highest number of youth homicides and serious assaults as determined by the executive
67 office of health and human services $10,000,000

68 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

69 Department of Housing and Community Development

70 7004-0108 For initial and start-up expenses incident to the establishment of a program
71 of short-term housing assistance; provided that, notwithstanding any general or special law to the
72 contrary, such purposes may include, but not be limited to, expenses necessary or useful in
73 procuring housing units for such a program that will be available for the use of families
74 determined to be eligible for such short-term housing assistance pursuant to such regulations as
75 the department may adopt in accordance with legislation for the operation of such a short-term
76 housing assistance; provided further, that the housing units procured through this item shall not
77 be entered into or used by such families until July 1, 2011, or later; provided further, that any

78 housing units procured through this item shall be rented pursuant to a lease term of at least 12
79 months, which lease shall include a provision allowing it to be assigned to the head of household
80 of a family determined to be eligible for such short-term housing assistance without further
81 liability as a tenant on the part of the department or any agency funded by the department
82 through this item; provided further, that the department shall distribute such funding for short-
83 term housing assistance initial and start-up costs through the following agencies: Berkshire
84 Housing Development Corporation, Central Massachusetts Housing Alliance, Inc., Community
85 Teamwork, Inc., Housing Assistance Corporation, Franklin County Housing and Redevelopment
86 Authority, Hap, Inc., Metropolitan Boston Housing Partnership, South Middlesex Opportunity
87 Council, Inc., South Shore Housing Development Corporation and RCA Solutions; provided
88 further, that such sum shall include any administrative expenses necessary or useful for
89 procuring and operating such housing units until they are ready for use by eligible families; and
90 provided further, that funding under this item shall not revert but shall be made available for
91 expenditure until June 30, 2012 $1,200,000

92 SECTION 2C.I. For the purpose of making available in fiscal year 2012 balances of
93 appropriations which otherwise would revert on June 30, 2011, the unexpended balances of the
94 maintenance appropriations listed below, not to exceed the amount specified below for each
95 item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the
96 corresponding item in section 2 of chapter 131 of the acts of 2010. However, for items which do
97 not appear in section 2 of said chapter 131, the amounts in this section are re-appropriated for the
98 purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of
99 this act or in prior appropriation acts. Amounts in this section are re-appropriated from the fund
100 or funds designated for the corresponding item in section 2 of said chapter 131; but for items that
101 do not appear in section 2 of said chapter 131, the amounts in this section are re-appropriated
102 from the fund or funds designated for the corresponding item in section 2 or 2A of this act or in
103 prior appropriation acts. The sums re-appropriated in this section shall be in addition to any
104 amounts available for these purposes.

105 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

106 Office of the Secretary of Health and Human Services

107 4000-0005 $10,000,000

108 SECTION 2C.II. For the purpose of making available in fiscal year 2012 balances of
109 retained revenue and intragovernmental chargeback authorizations which otherwise would revert
110 on June 30, 2011, the unexpended balances of the authorizations listed below, not to exceed the
111 amount specified below for each item, are hereby re-authorized for the purposes of and subject to
112 the conditions stated for the corresponding item in section 2 of chapter 131 of the acts of 2010;
113 but for items which do not appear in section 2 or 2B of chapter 131 of the acts of 2010, the
114 amounts in this section are re-authorized for the purposes of and subject to the conditions stated

115 for the corresponding item in section 2, 2A, or 2B or in prior appropriation acts. Amounts in this
116 section are re-authorized from the fund or funds designated for the corresponding item in section
117 2 or 2B of the general appropriation act; but for items which do not appear in section 2 or 2B of
118 the general appropriation act, the amounts in this section are re-authorized from the fund or funds
119 designated for the corresponding item in section 2, 2A, or 2B or in prior appropriation acts. The
120 sums re-authorized in this section shall be in addition to any amounts available for those
121 purposes.

122 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

123 Human Resources Division

124 1750-0102. $127,000

125 SECTION 3. Section 8 of chapter 44 of the General Laws, as amended by sections 32
126 and 33 of chapter 188 of the acts of 2010, is hereby further amended by striking out clause (9)
127 and inserting in place thereof the following 2 clauses:-

128 (9) For emergency appropriations that are approved by the director, not more than 2 years
129 as determined by the director. As used in this clause, emergency means a sudden, unavoidable
130 event or series of events which could not reasonably have been foreseen or anticipated at the
131 time of submission of the annual budget for approval. Emergency shall not include the funding
132 of collective bargaining agreements or items that were previously disapproved by the
133 appropriating authority for the fiscal year in which the borrowing is sought. For the purposes of
134 this clause, debt may be authorized by the treasurer of the city, town or district, with the
135 approval of the chief executive officer in a city or town, or the prudential committee, if any, or
136 by the commissioners in a district.

137 (9A) For emergency appropriations approved by a majority of the members of the
138 municipal finance oversight board, up to the period fixed by law for such debt as determined by
139 the board; provided, however, that this clause shall apply only to appropriations for capital
140 purposes, including but not limited to, the acquisition, construction, reconstruction or repair of
141 any public building, work, improvement or asset and upon a demonstration by the city, town or
142 district that the process for authorizing debt in the manner otherwise provided by law imposes
143 an undue hardship in its ability to respond to the emergency. As used in this clause, emergency
144 means a sudden, unavoidable event or series of events which could not reasonably have been
145 foreseen or anticipated at the time of submission of the annual budget for approval. For the
146 purposes of this clause, debt may be authorized by the treasurer of the city, town or district, with
147 the approval of the chief executive officer in a city or town, or the prudential committee, if any,
148 or by the commissioners in a district.

149 SECTION 4. The last paragraph of section 22 of chapter 61 of the acts of 2009 is hereby
150 amended by striking out the words “June 30, 2011”, inserted by section 24 of chapter 409 of the
151 acts of 2010, and inserting in place thereof the following words:- January 2, 2012.

152 SECTION 5. Item 8910-8310 of section 2 of chapter 131 of the acts of 2010 is hereby
153 amended by striking out the figures "$8,000,000", inserted by section 25 of chapter 409 of the
154 acts of 2010 and inserting in place thereof, in each instance, the following figure:- $9,495,000.

155 SECTION 6. Item 8910-8810 of said section 2 of said chapter 131 is hereby amended by
156 striking out the figures "$8,000,000" and inserting in place thereof, in each instance, the
157 following figure:- $10,000,000.

158 SECTION 7. Item 1750-0102 of section 3A of chapter 359 of the acts of 2010 is hereby
159 amended by striking out the figures “$2,031,977” and inserting in place thereof, in each instance,
160 the following figure:- $2,159,000.

161 SECTION 8. Item 1599-2004 of section 2A of chapter 9 of the acts of 2011 is hereby
162 amended by adding the following words:- ; and provided further, that any unexpended funds
163 under this item shall not revert but shall be made available for expenditure until June 30, 2012.

164 SECTION 9. Said section 2A of said chapter 9 is hereby further amended by striking out
165 item 1599-4326 and inserting in place thereof the following item:-

166 1599-4326 For a reserve to meet the fiscal year 2011 costs of salary adjustments and
167 other economic benefits authorized by the collective bargaining agreement between the Norfolk
168 county sheriff’s department and CCOA Local 295……$37,158.

169 SECTION 10. Section 2 of chapter 27 of the acts of 2011 is hereby amended by striking
170 out the figure “1599-5973” and inserting in place thereof the following figure:- 1599-1973.

171 SECTION 11. Notwithstanding any general or special law or rule or regulation to the
172 contrary, any unexpended balances, not exceeding a total of $15,000,000, in items 4000-0600
173 and 4000-0700 of section 2 of chapter 131 of the acts of 2010, shall not revert to the General
174 Fund until September 1, 2011, and may be expended by the executive office of health and human
175 services to pay for services provided during fiscal year 2011.

176 SECTION 12. Notwithstanding any general or special law to the contrary, the secretary
177 of health and human services, with the written approval of the secretary of administration and
178 finance, may authorize transfers of surplus among items 4000-0320, 4000-0430, 4000-0500,
179 4000-0600, 4000-0640, 4000-0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0895,
180 4000-0950, 4000-0990, 4000-1400, 4000-1405, 4000-1420 of section 2 of chapter 131 of the acts
181 of 2010 for the purpose of reducing any deficiency in these items, but any such transfer shall take
182 place not later than June 30, 2011.

183 SECTION 13. Notwithstanding sections 2A and 38 of chapter 59 of the General Laws or
184 any other general or special law to the contrary, the board of assessors of a city or town in which
185 real property was damaged or destroyed by tornado activity on June 1, 2011, where the third
186 sentence of section 2A(a) of said chapter 59 has not been accepted, shall determine the condition
187 of that property as of June 30, 2011, and shall use that condition to determine the assessed
188 valuation of the property for purposes of assessing taxes as of January 1, 2011, for the fiscal year
189 beginning on July 1, 2011. This section shall take effect upon its acceptance by the local
190 appropriating authority as defined in section 21C of chapter 59 of the General Laws.

191 SECTION 14. Notwithstanding any general or special law to the contrary, the
192 unexpended balances of all capital accounts which otherwise would revert on June 30, 2011, but
193 which are necessary to fund obligations during fiscal year 2012, are hereby re-authorized; but
194 this re-authorization shall terminate upon enactment of capital account extension legislation.