

# SENATE . . . . . No. 2196

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Senate, March 24, 2016 -- Text of the Senate amendment to the House Bill making appropriations for the fiscal year 2016 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4116) (being the text of Senate, No. 2193, printed as amended).

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## The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court  
(2015-2016)

An Act Text of the Senate amendment (Senator Spilka) to the House Bill making appropriations for the fiscal year 2016 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4116).

*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 2016, the sums set forth in sections 2 to 2C, inclusive,  
3 are hereby appropriated from the General Fund unless specifically designated otherwise in this  
4 act or in those appropriation acts, for the several purposes and subject to the conditions specified  
5 in this act or in those appropriation acts and subject to the laws regulating the disbursement of  
6 public funds for the fiscal year ending June 30, 2016. These sums shall be in addition to any  
7 amounts previously appropriated and made available for the purposes of those items.

8           SECTION 2.

9           JUDICIARY

10          Committee for Public Counsel Services

11	0321-1510	\$25,000,000
12	0321-1520	\$1,100,000
13	SUFFOLK DISTRICT ATTORNEY	
14	Suffolk District Attorney	
15	0340-0198	\$81,853
16	SECRETARY OF THE COMMONWEALTH	
17	Office of the Secretary of the Commonwealth	
18	0521-0000	\$443,308
19	TREASURER AND RECEIVER-GENERAL	
20	Office of the Treasurer and Receiver-General	
21	0610-0050	\$70,000
22	EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS	
23	Department of Fish and Game	
24	2310-0200	\$870,000
25	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES	
26	Office of the Secretary of Health and Human Services	
27	4000-0700	\$11,000,000

28	Department of Transitional Assistance	
29	4400-1100	\$3,488,689
30	Department of Public Health	
31	4590-0918	\$4,000,000
32	Department of Children and Families	
33	4800-0015	\$2,686,662
34	4800-0025	\$144,197
35	4800-0038	\$3,226,463
36	4800-0041	\$8,830,544
37	EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT	
38	Department of Housing and Community Development	
39	7004-0101	\$41,000,000
40	7004-0108	\$2,500,000
41	EXECUTIVE OFFICE OF EDUCATION	
42	Department of Elementary and Secondary Education	
43	7061-9400	\$1,800,000
44	University of Massachusetts	

45           7100-0200           \$10,901,699

46           EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

47           Sex Offender Registry Board

48           8000-0125           \$200,000

49           Department of Correction

50           8900-0001           \$1,000,000

51           OFFICE OF THE STATE COMPTROLLER

52           Office of the State Comptroller

53           1599-3384           \$12,506,260

54           SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to  
55 provide for an alteration of purpose for current appropriations and to meet certain requirements  
56 of law, the sums set forth in this section are hereby appropriated from the General Fund unless  
57 specifically designated otherwise in this section, for the several purposes and subject to the  
58 conditions specified in this section and subject to the laws regulating the disbursement of public  
59 funds for the fiscal year ending June 30, 2016. These sums shall be in addition to any amounts  
60 previously appropriated and made available for the purposes of these items. These sums shall be  
61 made available until June 30, 2016.

62           EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

63           Office of the Secretary of Administration and Finance

64           1599-4445    For a reserve to meet the fiscal year 2016 costs of quarter point benefits  
65 authorized by collective bargaining agreements with the executive branch and ratified by the  
66 general

67           court   \$ 4,939,821

68           1599-4447    For a reserve to meet the fiscal year 2016 costs of salary adjustments  
69 authorized by collective bargaining agreements with the executive branch that have not yet been  
70 ratified by the general court; provided, however, that no funds shall be expended from this item  
71 prior to ratification of the collective bargaining agreements by the general court   \$11,373,102

72           1599-8910    For a reserve for identified current year deficiencies documented by the  
73 sheriffs

74           .....           \$18,000,000

75           PLYMOUTH DISTRICT ATTORNEY

76           Plymouth District Attorney

77           0340-0802    For costs associated with the moving and relocation of the Plymouth  
78 district attorney's office

79           .....\$2,409,170

80           SECTION 2C.I. For the purpose of making available in fiscal year 2017 balances of  
81 appropriations which otherwise would revert on June 30, 2016, the unexpended balances of the  
82 appropriations listed below, not to exceed the amount specified below for each item, are hereby  
83 re-appropriated for the purposes of and subject to the conditions stated for the corresponding  
84 item in section 2 of chapter 46 of the acts of 2015. For items which do not appear in said section

85 2 of said chapter 46, the amounts in this section are hereby re-appropriated for the purposes of  
86 and subject to the conditions stated for the corresponding item in section 2 or 2A in prior  
87 appropriation acts. The sums re-appropriated in this section shall be in addition to any amounts  
88 previously made available for these purposes.

89 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

90 Office of the Secretary of Health and Human Services

91 1599-0321 \$300,000

92 SECTION 3. Subsection (a) of section 2MMMM of chapter 29 of the General Laws, as  
93 amended by section 45 of chapter 46 of the acts of 2015, is hereby further amended by adding  
94 the following sentence:- Amounts credited to the fund shall not be subject to further  
95 appropriation and monies remaining in the fund at the end of a fiscal year shall not revert to the  
96 General Fund.

97 SECTION 4. Section 47C of chapter 51 of the General Laws, as appearing in the 2014  
98 Official Edition, is hereby amended by adding the following 3 paragraphs:-

99 The registry of motor vehicles shall provide data, as requested by the state secretary, for  
100 the purposes of maintaining accurate and complete voter lists. Not less than every 2 months, the  
101 registry of motor vehicles shall electronically transmit to the state secretary all data requested by  
102 the state secretary relative to voter registration including, if available: (i) the name, current  
103 address, mailing address, date of birth, driver's license or identification card number and  
104 telephone number; (ii) the date, time and nature of the last change to any such information; and

105 (iii) any additional information requested by the state secretary for voter registration purposes  
106 and reasonably related to maintaining accurate and complete voter lists.

107 The state secretary shall enter into an agreement with the Electronic Registration  
108 Information Center for the purpose of maintaining accurate and complete voting lists; provided,  
109 however, that the agreement shall specify the terms and conditions of the commonwealth's  
110 membership in the center. The state secretary shall provide to the center the names, addresses  
111 and other data contained in the central registry and any information received from the registry of  
112 motor vehicles relative to voter registration. Information sent to and received from the center  
113 shall not be a public record under clause Twenty-sixth of section 7 of chapter 4.

114 The state secretary shall implement, if practicable, a centralized system to manage and  
115 evaluate data received from the Electronic Registration Information Center to send required  
116 mailings to voters and residents identified as eligible but not registered centrally. The secretary  
117 shall provide information to the election registrars in electronic form.

118 SECTION 5. Section 11 of chapter 61A of the General Laws, as so appearing, is hereby  
119 amended by striking out, in lines 10 and 11, the words “, prior to January first of each year,”.

120 SECTION 6. Said section 11 of said chapter 61A, as so appearing, is hereby further  
121 amended by striking out, in line 17, the words “February first” and inserting in place thereof the  
122 following words:- April 1.

123 SECTION 7. Section 87CC of chapter 112 of the General Laws, as so appearing, is  
124 hereby amended by striking out the last sentence.

125 SECTION 8. Chapter 120 of the General Laws is hereby amended by striking out section  
126 16, as so appearing, and inserting in place thereof the following section:-

127 Section 16. A person committed to the department until the age of 18 as a delinquent  
128 child, if not already discharged, shall be discharged upon reaching the person's eighteenth  
129 birthday. A person committed to the department until the age of 19 as a delinquent child, if not  
130 already discharged, shall be discharged upon reaching the person's nineteenth birthday. A person  
131 committed to the department until the age of 20 as a delinquent child, if not already discharged,  
132 shall be discharged upon reaching the person's twentieth birthday. A person committed to the  
133 department until the age of 21 as a youthful offender, if not already discharged, shall be  
134 discharged when such person reaches the person's twenty-first birthday. The department may  
135 continue to have responsibility for any person provided for in this chapter who is under 22 years  
136 of age for specific educational or rehabilitative programs and under conditions agreed upon by  
137 both the department and any such person, terminable by either. Such programs shall be offered  
138 prior to the person's discharge date as provided herein; provided, however, that a person may  
139 request and the department shall consider any such request for the programs described, for up to  
140 90 days after person's effective date of discharge, even if the person has previously declined to  
141 participate in any such program or the person's participation in any such program was terminated  
142 for noncompliance; and provided further, that the department may reach agreement with the  
143 person, terminable by either, to participate in the a program described herein until the person  
144 attains the age of 22.

145 SECTION 9. Section 46 of chapter 151A of the General Laws, as so appearing, is hereby  
146 amended by striking out subsection (c) and inserting in place thereof the following subsection:

147 (c) The department shall disclose, upon request, such information in the following  
148 circumstances to:

149 (i) an employer, information concerning the employer's record;

150 (ii) a claimant or the claimant's authorized agent, information concerning the  
151 claimant's own record;

152 (iii) the heads of the departments of career services, transitional assistance,  
153 revenue, veterans' services, office of Medicaid and industrial accidents, information necessary in  
154 the performance of their official duties;

155 (iv) the heads of governmental agencies who are partners in the Workforce  
156 Innovation and Opportunity Act, information necessary to comply with performance reporting  
157 requirements of the Workforce Innovation and Opportunity Act;

158 (v) probation or parole officers working for a governmental agency, information  
159 necessary in the performance of their official duties;

160 (vi) the Internal Revenue Service of the United States Department of the  
161 Treasury, information necessary to administer federal unemployment taxes;

162 (vii) the state police, including the state police violent fugitive apprehension  
163 section, and local police departments, identifying and locating information, upon request for the  
164 sole purpose of identifying and locating individuals wanted on default or arrest warrants. Only  
165 identifying information including, but not limited to, name, date of birth, all pertinent addresses,  
166 telephone number and social security number shall be made available to the state police and local  
167 police departments pursuant to this section;

168 (viii) the commonwealth health insurance connector authority, information under  
169 an interagency agreement for the administration and enforcement of chapter 176Q; and

170 (ix) the executive office of health and human services, information under an  
171 interagency agreement for the administration and enforcement of paragraph (4) of subsection (a)  
172 of section 69 of chapter 118E.

173 SECTION 10. Item 4000-0321 of section 2 of chapter 46 of the acts of 2015 is hereby  
174 amended by inserting after the word “system”, in line 25, the following words:- ; provided  
175 further, that after providing payments due in accordance with the terms of the contingency  
176 contracts, the office may use available funds to support special MassHealth projects that will  
177 receive enhanced federal revenue opportunities, including MassHealth eligibility operations and  
178 systems enhancements that support reforms and improvements to the MassHealth programs;  
179 provided further, that any enhanced federal financial participation received for these special  
180 projects, including the Implementation Advanced Planning Document or other eligibility  
181 operations and systems enhancement that support reforms and improvements to the MassHealth  
182 program shall be deposited into this account.

183 SECTION 11. Item 4000-0700 of said section 2 of said chapter 46 is hereby amended by  
184 inserting after the word “cases”, in line 33, the following words:- ; provided further, that  
185 MassHealth shall expend not less than \$11,000,000 for payments in addition to its standard  
186 payment amount per discharge, or SPAD, above rate year 2013, or of reimbursement provided  
187 under any subsequent inpatient payment methodologies and for additional payments above its  
188 standard outpatient payment amount per episode, or PAPE, above rate year 2013, or of  
189 reimbursement provided under any subsequent outpatient payment methodologies to any acute

190 care hospital that has greater than 63 per cent of its gross patient service revenue from  
191 governmental payers and free care as determined by the executive office of health and human  
192 services.

193 SECTION 12. Item 4590-0918 of said section 2 of said chapter 46 is hereby amended by  
194 striking out, in line 2, the figure “\$14,000,000” and inserting in place thereof the following  
195 figure:- \$18,000,000.

196 SECTION 13. Said section 2 of said chapter 46 is hereby further amended by striking out  
197 item number 5046-0005 and inserting in place thereof the following item number:- 5046-0006.

198 SECTION 14. Item 7004-0101 of said section 2 of said chapter 46 is hereby amended by  
199 inserting after the word “costs”, in line 137, the following words:- except the department may  
200 expend not more than \$360,000 for the direct costs associated with the coordination and  
201 placement of homeless families in hotels and motels used as overflow shelter capacity and  
202 oversight of hotel and motel compliance with state requirements.

203 SECTION 15. Item 7035-0002 of said section 2 of said chapter 46 is hereby amended by  
204 striking out, in line 20, the words “Lawrence/Methuen Community Coalition” and inserting in  
205 place thereof the following words:- Family Services of the Merrimack Valley, Inc.

206 SECTION 16. Item 8900-0011 of said section 2 of said chapter 46 is hereby amended by  
207 adding the following words:- ; and provided further, that the commissioner of correction may  
208 allocate year-end net profits to the cost of the drug, substance abuse and rehabilitative  
209 programming.

210 SECTION 16A. Item 9110-1630 of said section 2 of chapter 46 is hereby amended by  
211 adding the following words:- ; provided further, that the executive office of elder affairs shall  
212 report to the house and senate committees on ways and means not later than January 1, 2017 on:  
213 (i) enrollment data and any other information relevant to caseload forecasting for this item and  
214 9110-1500 at current levels; (ii) projected utilization of services provided by this item and said  
215 9110-1500 with eligibility expanded to include the individuals whose income does not exceed  
216 275 per cent of the federal poverty level and with eligibility expanded to include the individuals  
217 whose income does not exceed 300 per cent of the federal poverty level; (iii) the projected fiscal  
218 impact of expanding eligibility to include the individuals whose income does not exceed 275 per  
219 cent of the federal poverty level and the individuals whose income does not exceed 300 per cent  
220 of the federal poverty level; (iv) program design considerations regarding the application of cost-  
221 sharing revenues to best support individuals in an expansion population of up to 300 per cent of  
222 the federal poverty level; and provided further, that the executive office of health and human  
223 services shall file a state plan amendment for section 1915(i) of the Social Security Act to  
224 maximize the opportunity for federal financial participation for any future expansion of  
225 eligibility for individuals whose incomes exceed current limits.

226 SECTION 17. Item 8900-0021 of section 2B of said chapter 46 is hereby amended by  
227 adding the following words:- ; provided, that the commissioner of correction may allocate year-  
228 end net profits to the cost of the drug, substance abuse and rehabilitative programming.

229 SECTION 18. Item 0330-0612 of section 2A of chapter 119 of the acts of 2015 is hereby  
230 amended by striking out, in line 7, the figure “2017” and inserting in place thereof the following  
231 figure:- 2016.

232 SECTION 19. Said item 0330-0612 of said section 2A of said chapter 119 is hereby  
233 further amended by striking out, in line 17, the figure “ 2016” and inserting in place thereof the  
234 following figure:- 2017.

235 SECTION 20. Section 54 of said chapter 119 of the acts of 2015 is hereby amended by  
236 striking out, in line 5, the word “March” and inserting in place thereof the following word:-  
237 November.

238 SECTION 21. Notwithstanding any general or special law to the contrary, the secretary  
239 of health and human services, with the written approval of the secretary of administration and  
240 finance, may authorize transfers of surplus among items 4000-0320, 4000-0430, 4000-0500,  
241 4000-0600, 4000-0640, 4000-0700, 4000-0875, 4000-0880, 4000-0885, 4000-0940, 4000-0950,  
242 4000-0990, 4000-1400, 4000-1420 and 4000-1425 of chapter 46 of the acts of 2015 for the  
243 purpose of reducing any deficiency in those items but any such transfer shall be made not later  
244 than September 1, 2016.

245 SECTION 22. The salary adjustments and other economic benefits authorized by the  
246 following collective bargaining agreements shall be effective for the purposes of section 7 of  
247 chapter 150E of the General Laws:

248 (i) between the Sheriff of Essex County and the Essex County Correctional Officers  
249 Association;

250 (ii) between the Commonwealth of Massachusetts and the International Association of  
251 Fire Fighters Local S-28 and S-29;

252 (iii) between the Commonwealth of Massachusetts and the Massachusetts Correction  
253 Officers Federated Union;

254 (iv) between the Sheriff of Worcester County and the New England Police Benevolent  
255 Association, Local 550;

256 (v) between the Sheriff of Essex County and the National Correctional Employees Union,  
257 Local 123; and

258 (vi) between the Sheriff of Essex County and the Essex County Regional Emergency  
259 Communication Dispatchers.

260 SECTION 23. Notwithstanding any general or special law to the contrary, for fiscal year  
261 2016, the health safety net office shall maintain eligibility criteria for the health safety net at the  
262 level in effect as of March 1, 2016. For fiscal year 2016, the health safety net office shall  
263 continue to provide services to persons whose income is below: (i) 400 per cent of the federal  
264 poverty level and who are otherwise eligible for reimbursement and that shall continue to be  
265 reimbursable pursuant to this section; and (ii) 200 per cent of the federal poverty level and who  
266 are otherwise eligible for reimbursement and that shall continue to be reimbursable pursuant to  
267 this section without any cost sharing burden to the patient. A hospital or community health  
268 center providing a service otherwise eligible for reimbursement by the health safety net shall be  
269 reimbursed if the service is provided up to 6 months before the date on which the application for  
270 reimbursement is submitted to the health safety net office.

271 SECTION 24. There shall be an interagency task force to make recommendations on the  
272 commonwealth's ability to most accurately and efficiently count low-income students in public  
273 school districts, hereinafter called the task force. The task force shall develop recommendations

274 on topics including, but not limited to: (i) accounting for low-income students who are not  
275 present in commonwealth databases serving low-income populations, such as the Supplemental  
276 Nutrition Assistance Program, or SNAP, and transitional assistance for families with dependent  
277 children, or TAFDC; (ii) overcoming existing obstacles and improving the ability of the  
278 commonwealth's data systems to successfully identify matches between school enrollment  
279 rosters and enrollment in the SNAP, TAFDC, the department of children and families' foster care  
280 program and the office of Medicaid; and (iii) ensuring that there is no loss of federal Title I and  
281 other funds from school districts due to undercounting of low-income students.

282 The task force shall include 1 designee from each of the following: the Massachusetts  
283 office of information technology; the department of elementary and secondary education; the  
284 department of transitional assistance; the office of Medicaid; the executive office of health and  
285 human services; the Massachusetts Association of School Superintendents; the Massachusetts  
286 Law Reform Institute; Project Bread; Health Care for All; and the Massachusetts Budget and  
287 Policy Center. The designees from the department of elementary and secondary education and  
288 the Massachusetts Association of School Superintendents shall serve as co-chairs.

289 The task force shall:

290 (i) identify best practices in the counting of low-income student populations in other  
291 states, including assessing whether using probabilistic matching algorithms would improve  
292 direct certification rates in the commonwealth and assessing whether there are other changes to  
293 the matching algorithm that would improve direct certification rates in the commonwealth;

294 (ii) identify all relevant data fields currently collected within each of the relevant  
295 databases in the commonwealth, and determining additional data needed in each of the databases

296 that would improve the ability of the systems to generate successful direct certification matches  
297 including, but not limited to, expanded use of the State Assigned Student Identifier and  
298 additional name fields and recommendations for implementing any necessary changes to data  
299 fields included in the databases;

300 (iii) determine necessary steps to allow the commonwealth to identify partial matches  
301 with the Medicaid database and to implement those changes;

302 (iv) recommend methods to ensure that direct certification includes all relevant  
303 commonwealth programs;

304 (v) recommend methods to ensure the commonwealth is able to accurately identify  
305 students eligible for free meals and students with incomes up to 185 per cent of the federal  
306 poverty level; and

307 (vi) analyze the format in which data are received and reviewed by schools and school  
308 districts and the procedures used by schools and school districts to review the data, in order to  
309 determine whether there are ways to simplify procedures for direct certification and the  
310 resolution of partial matches at the local level.

311 The task force shall file its recommendations with the clerks of the senate and house of  
312 representatives, the senate and house chairs of the joint committee on education and the house  
313 and senate committees on ways and means not later than August 31, 2016.