

SENATE No. 28

Senate, March 19, 2015– Text of the Senate amendment to the House Bill making appropriations for the fiscal year 2015 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 65, amended) (being the text of Senate document numbered 21, printed as amended)

The Commonwealth of Massachusetts

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

1 SECTION 1. To provide for supplementing certain items in the general appropriation act
2 and other appropriation acts for fiscal year 2015, 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, 2015. These sums shall be in addition to any amounts
7 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\$34,708,792

12 SECRETARY OF THE COMMONWEALTH

13 0521-0000\$585,590

14 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

15 *Office of the Secretary of Administration and Finance*

16 1599-4444\$8,267,872

17 *Group Insurance Commission*

18 1108-5200\$190,000,000

19 *Human Resources Division*

20 1750-0300\$836,137

21 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

22 *Department of Developmental Services*

23 5930-1000\$3,365,693

24 *Department of Elder Affairs*

25 9110-1455\$2,100,000

26 *Department of Public Health*

27 4590-0915\$1,983,386

28 *Department of Children and Families*

29 4800-0038\$7,622,823

30 4800-0041\$27,384,824

31 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

32 *Department of Housing and Community Development*

33 7004-0101\$51,500,000

34 7004-0108\$3,000,000

35 EXECUTIVE OFFICE OF TRANSPORTATION AND PUBLIC WORKS

36 *Department of Transportation*

37 1595-6368\$50,000,000

38 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

39 *Department of Correction*

40 8900-0001\$5,691,913

41 OFFICE OF THE STATE COMPTROLLER

42 *Office of the State Comptroller*

43 1599-3384\$6,000,000

44 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
45 provide for an alteration of purpose for current appropriations and to meet certain requirements
46 of law, the sums set forth in this section are hereby appropriated from the General Fund unless
47 specifically designated otherwise in this section, for the several purposes and subject to the
48 conditions specified in this section and subject to the laws regulating the disbursement of public
49 funds for the fiscal year ending June 30, 2015. These sums shall be in addition to any amounts

50 previously appropriated and made available for the purposes of those items. These sums shall be
51 made available until June 30, 2015.

52 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

53 *Office of the Secretary of Administration and Finance*

54 1599-2015 For a reserve to reimburse state agencies for extraordinary expenses
55 incurred as a result of severe winter storms affecting the commonwealth in 2015; provided, that
56 the secretary of administration and finance may transfer from this item to other items of
57 appropriation and allocations thereof for fiscal year 2015 amounts necessary to meet these costs
58 where the amounts otherwise available are insufficient for the purpose, in accordance with a
59 transfer plan which shall be filed not less than 15 days in advance with the house and senate
60 committees on ways and means\$7,000,000

61 1599-4299 For a reserve to meet the fiscal year 2015 costs of salary adjustments and
62 other economic benefits authorized by collective bargaining agreements with the University of
63 Massachusetts that have not yet been ratified by the general court; provided, that no funds shall
64 be expended from this item before ratification of the collective bargaining agreements by the
65 general court; and provided further, that funding in this item shall be equitably distributed to the
66 campuses of Amherst, Boston, Dartmouth and Lowell.....\$2,200,000

67 SECTION 3. Subsection (a) of section 172 of chapter 6 of the General Laws, is hereby
68 amended by striking out clause (31), added by section 2 of chapter 284 of the acts of 2014, and
69 inserting in place thereof the following clause:-

70 (32) A person licensed pursuant to section 122 of chapter 140 may obtain from the
71 department data permitted under section 172M.

72 SECTION 4. Said chapter 6 is hereby further amended by striking out section 172L,
73 inserted by section 3 of said chapter 284, and inserting in place thereof the following section:-

74 Section 172M. Notwithstanding section 172 or any other general or special law to the
75 contrary, a person licensed pursuant to section 122 of chapter 140 shall obtain from the
76 department all available criminal offender record information prior to accepting a person as an
77 employee to determine the suitability of such employee who may have direct and unmonitored
78 contact with firearms, shotguns or rifles. A person obtaining information pursuant to this section
79 shall not disseminate such information for any purpose other than the further protection of public
80 safety.

81 SECTION 5. Section 9 of chapter 15A of the General Laws, as appearing in the 2012
82 Official Edition, is hereby amended by striking out, in lines 71 to 74, inclusive, the words “In the
83 case of the university, the council shall review the recommendations of the board of trustees
84 relative to tuition rates at said university and its campuses. Said tuition rates shall be subject to
85 the approval of the council” and inserting in place thereof the following words:- Tuition rates
86 shall be subject to the approval of the council; provided, however, that tuition rates at the
87 University of Massachusetts shall be subject to sections 1A and 1B of chapter 75 and shall not
88 require the approval of the council.

89 SECTION 6. Said section 9 of said chapter 15A, as so appearing, is hereby further
90 amended by striking out, in line 79, the words “public institution of higher education” and
91 inserting in place thereof the following words:- state university and community college.

92 SECTION 7. The second sentence of subsection (a) of section 13 of chapter 17 of the
93 General Laws, as appearing in section 2 of chapter 258 of the acts of 2014, is hereby amended by
94 striking out the figure “10” and inserting in place thereof the following figure:- 13.

95 SECTION 8. Section 8A of chapter 19 of the General Laws, as appearing in the 2012
96 Official Edition, is hereby amended by striking out the first sentence and inserting in place
97 thereof the following sentence:- The governor shall appoint a board of trustees for the Taunton
98 state hospital and for the Worcester recovery center and hospital.

99 SECTION 9. Section 14 of said chapter 19, as so appearing, is hereby amended by
100 striking out, in line 4, the word “fifteen” and inserting in place thereof the following words:- not
101 fewer than 15.

102 SECTION 10. Section 29D of chapter 29 of the General Laws, as so appearing, is hereby
103 amended by striking out, in lines 16 and 17, the words "COMPASS system, so-called" and
104 inserting in place thereof the following words:- "COMMBUYS system".

105 SECTION 11. Section 57 of chapter 59 of the General Laws, as so appearing, is hereby
106 amended by adding the following paragraph:-

107 Notwithstanding the first paragraph, if the last day for making a tax payment without
108 incurring interest on a bill for real estate or personal property taxes occurs on a Saturday, Sunday
109 or legal holiday, or on a day on which a municipal office is closed as authorized by charter, by-
110 law, ordinance or otherwise for a weather-related or public safety emergency, the payment may
111 be made on the next day on which a municipal office is open, without penalty or interest.

112 SECTION 12. Section 57C of said chapter 59, as so appearing, is hereby amended by
113 adding the following paragraph:-

114 Notwithstanding the preceding paragraphs, if the last day for making a tax payment
115 without incurring interest on a bill for real estate or personal property taxes occurs on a Saturday,
116 Sunday or legal holiday, or on a day on which a municipal office is closed as authorized by
117 charter, by-law, ordinance or otherwise for a weather-related or public safety emergency, the
118 payment may be made on the next day on which a municipal office is open, without penalty or
119 interest.

120 SECTION 13. Section 59 of said chapter 59, as amended by section 16 of chapter 62 of
121 the acts of 2014, is hereby further amended by adding the following paragraph:-

122 Notwithstanding the foregoing provisions, if the last day for making an application for
123 abatement of tax falls on a Saturday, Sunday, legal holiday or day on which municipal offices are
124 closed as authorized by charter, by-law, ordinance or otherwise for a weather-related or public
125 safety emergency, the application may be made on the next day on which a municipal office is
126 open.

127 SECTION 14. The first sentence of section 3A of chapter 70B of the General Laws is
128 hereby amended by inserting after the word “agency”, as appearing in section 8 of chapter 284
129 of the acts of 2014, the following words:- or a designee.

130 SECTION 15. Section 1A of chapter 75 of the General Laws, as appearing in the 2012
131 Official Edition, is hereby amended by striking out, in lines 142 and 143, the words “; (p) submit
132 recommendations to the council for approval for tuition rates at the university”.

133 SECTION 16. Said chapter 75 is hereby further amended by inserting after section 1A
134 the following section:-

135 Section 1B. (a) For the purposes of this section, the following words shall have the
136 following meanings unless the context clearly requires otherwise:-

137 “Student charges”, in-state and out-of-state tuition and fees that are charged to students
138 for general attendance at the university; provided, however, that “student charges” shall not
139 include any fee or other charge established by the university that is specific to a particular
140 course, program or activity nor any charges for room, board or student health insurance.

141 “Student tuition credit”, a reduction in student charges for an eligible student.

142 (b) The board of trustees shall fix and establish student charges for the university. In-
143 state tuition and mandatory student charges shall preserve affordability for residents of the
144 commonwealth. Out-of-state student charges shall appropriately balance the financial needs of
145 the university with the need to be competitive with peer institutions and, to the extent possible,
146 cover, at a minimum, the actual cost of the student’s education. Tuition shall comprise the
147 majority portion of student charges. In establishing student charges, the board of trustees shall
148 consider factors including: (i) the Consumer Price Index, as published by the Bureau of Labor
149 Statistics within the United States Department of Labor; (ii) the Higher Education Price Index, as
150 calculated by the Commonfund; (iii) tuition and fee rates at peer institutions; (iv) collective
151 bargaining costs; (v) total support from the commonwealth, including direct appropriations; and
152 (vi) other relevant data and measures.

153 (c) All student charges received by the university under this section shall be retained by
154 the university in a revolving trust fund and shall be expended as the board of trustees directs for

155 the operation and support of the university. Any balance remaining in the trust fund, established
156 under this section, at the end of a fiscal year shall continue to be held in the trust fund, shall
157 remain available for expenditure in subsequent fiscal years and shall not revert to the General
158 Fund. The trust fund shall be subject to audit by the state auditor.

159 (d) The university shall provide to each student a detailed statement of all student
160 charges. The statement of charges shall be in a form approved by the board of trustees and shall
161 break down the student charges and display the discount rate for in-state students and display the
162 discount for a student that is eligible for a tuition credit.

163 (e) For employees of the university who are paid from tuition retained under subsection
164 (c), fringe benefits and collective bargaining shall be funded as if those employees' salaries were
165 supported by state appropriations and the funds shall not be assessed fringe. This section shall
166 apply only to fringe benefits and collective bargaining costs associated with salaries paid from
167 retained tuition.

168 (f) All tuition waivers, grants and scholarships identified in chapter 15A or any other
169 general or special law and reductions collectively bargained for that are in the form of a tuition
170 or fee waiver shall be student tuition credits. Students that are eligible for a tuition credit shall
171 have their student charges reduced by the amount of the tuition credit.

172 (g) The board of trustees shall not accept any tuition waivers, grants or scholarships
173 identified in chapter 15A or any other general or special law or reductions collectively bargained
174 for that are in the form of a tuition or fee waiver established on or after July 1, 2015, unless the
175 reduction is accompanied with an appropriation that fully supports the reduction or the reduction
176 is approved by the board of trustees.

177 (h) The university shall annually report not later than March 1 to the senate and house
178 committees on ways and means, the joint committee on higher education, the secretary of
179 administration and finance and the secretary of education on: (i) the status of the percentage of
180 student education costs placed upon the student and subsidized by the commonwealth; and (ii) a
181 comprehensive document articulating the efficiencies and effectiveness of initiatives and
182 programs at the university that save the commonwealth and students money and make the 5-
183 campus system more efficient.

184 SECTION 17. Section 25M of chapter 111 of the General Laws, as appearing in the 2012
185 Official Edition, is hereby amended by striking out, in lines 22 to 24, inclusive, the words “; 1 of
186 whom shall be a representative of the Massachusetts Center for Nursing, Inc.”.

187 SECTION 18. Said section 25M of said chapter 111, as so appearing, is hereby further
188 amended by striking out, in line 31, the word “and”, the first time it appears.

189 SECTION 19. Said section 25M of said chapter 111, as so appearing, is hereby further
190 amended by inserting after the word “professional”, in line 32, the following words:- ; and 1 of
191 whom shall be appointed by the governor at the governor’s discretion.

192 SECTION 20. Section 229 of said chapter 111, added by section 1 of chapter 371 of the
193 acts of 2012, is hereby repealed.

194 SECTION 21. Said chapter 111 is hereby further amended by adding the following
195 section:-

196 Section 235. (a) For the purposes of this section, the following terms shall have the
197 following meanings unless the context clearly requires otherwise:

198 “Health care practitioner”, a person licensed or registered under section 2, 16, 74 or 74A
199 of chapter 112 who conducts or assists with the performance of surgery; provided, however, that
200 “health care practitioner” shall also include an intern, resident, fellow or medical officer.

201 “Operating room circulator”, a licensed registered nurse who is educated, trained and
202 experienced in perioperative nursing and who is immediately available to physically intervene in
203 providing care to a surgical patient.

204 “Surgical facility”, an entity that provides surgical health care services, whether inpatient
205 or outpatient and whether overnight or ambulatory, including, but not limited to, a hospital, clinic
206 or private office of a health care practitioner, whether conducted for charity or for profit and
207 whether or not subject to section 25C, and any organization, partnership, association,
208 corporation, trust or the commonwealth, or any subdivision thereof.

209 “Surgical technologist”, a person who provides surgical technology services but is not a
210 health care practitioner.

211 “Surgical technology”, surgical patient care including, but not limited to, any of the
212 following: (i) collaboration with an operating room circulator prior to a surgical procedure to
213 carry out the plan of care by preparing the operating room, gathering and preparing sterile
214 supplies, instruments and equipment, preparing and maintaining the sterile field using sterile and
215 aseptic techniques and ensuring that surgical equipment is functioning properly and safely; (ii)
216 intraoperative anticipation and response to the needs of a surgeon and other team members by
217 monitoring the sterile field and providing the required instruments or supplies; and (iii)
218 performance of tasks at the sterile field as directed in an operating room setting, including: (1)
219 passing supplies, equipment or instruments; (2) sponging or suctioning an operative site; (3)

220 preparing and cutting suture material; (4) transferring and irrigating with fluids; (5) transferring,
221 but not administering, drugs within the sterile field; (6) handling specimens; (7) holding
222 retractors; and (8) assisting in counting sponges, needles, supplies and instruments with an
223 operating room circulator.

224 (b) A surgical facility shall not employ or otherwise retain the services of a person to
225 perform surgical technology tasks or functions unless such person: (i) has successfully completed
226 an accredited educational program for surgical technologists and holds and maintains a certified
227 surgical technologist credential administered by a nationally-recognized surgical technologist
228 certifying body accredited by the National Commission for Certifying Agencies and recognized
229 by the American College of Surgeons and the Association of Surgical Technologists; (ii) has
230 successfully completed an accredited school of surgical technology but has not, as of the date of
231 hire, obtained the certified surgical technologist certification required by clause (i); provided,
232 however, that such certification shall be obtained within 12 months of the graduation date; (iii)
233 was employed as a surgical technologist in a surgical facility on or before July 1, 2013; (iv) has
234 successfully completed a training program for surgical technology in the United States Army,
235 Navy, Air Force, Marine Corps or Coast Guard or in the United States Public Health Service
236 which has been deemed appropriate by the commissioner; or (v) is performing surgical
237 technology tasks or functions in the service of the federal government but only to the extent that
238 such person is performing duties related to that service.

239 (c) A person employed or otherwise retained to practice surgical technology in a
240 healthcare facility may assist in the performance of operating room circulator duties under the
241 direct clinical supervision, limited to clinical guidance, of the operating room circulator if: (i) the
242 operating room circulator is present in the operating room for the duration of the procedure; (ii)

243 any such assistance has been assigned to such person by the operating room circulator; and (iii)
244 such assistance is consistent with the education, training and experience of the person providing
245 the assistance.

246 (d) Nothing in this section shall prohibit a registered nurse, licensed or registered health
247 care provider or other health care practitioner from performing surgical technology tasks or
248 functions if such person is acting within the scope of such person's license.

249 (e) Notwithstanding subsection (b), a surgical facility may employ a surgical technologist
250 who does not meet the requirements of this section if the surgical facility receives a waiver from
251 the department signifying that the surgical facility has: (i) made a diligent and thorough effort to
252 employ qualified surgical technologists who meet the requirements of this section; and (ii) is
253 unable to employ enough qualified surgical technologists for its needs. The department, in
254 consultation with an advisory committee of clinicians, shall establish criteria for such waiver.

255 SECTION 22. The first paragraph of section 9 of chapter 112 of the General Laws, as
256 appearing in the 2012 Official Edition, is hereby amended by adding the following clause:-

257 4. The applicant has applied to participate in the medical assistance program administered
258 by the secretary of health and human services in accordance with chapter 118E and Title XIX of
259 the Social Security Act and any federal demonstration or waiver relating to the medical
260 assistance program for the limited purpose of ordering and referring services covered under the
261 program if regulations governing such limited participation are promulgated under chapter 118E.

262 SECTION 23. Section 9F of said chapter 112, as so appearing, is hereby amended by
263 inserting after the first paragraph the following paragraph:-

264 The board shall require as a condition of granting or renewing a physician assistant's
265 certificate of registration that the physician assistant apply to participate in the medical assistance
266 program administered by the secretary of health and human services in accordance with chapter
267 118E and Title XIX of the Social Security Act and any federal demonstration or waiver relating
268 to such medical assistance program for the limited purpose of ordering and referring services
269 covered under the program if regulations governing such limited participation are promulgated
270 under chapter 118E.

271 SECTION 24. Section 24B 1/2 of said chapter 112, as so appearing, is hereby amended
272 by striking out, in lines 42 to 46, inclusive, the words “and (5) agree to complete, in each year of
273 the agreement, at least 5 additional contact hours or 0.5 continuing education units of board-
274 approved continuing education that addresses areas of practice generally related to collaborative
275 practice agreements” and inserting in place thereof the following words:- (5) agree to complete,
276 in each year of the agreement, at least 5 additional contact hours or 0.5 continuing education
277 units of board-approved continuing education that addresses areas of practice generally related to
278 collaborative practice agreements; and (6) apply to participate in the medical assistance program
279 administered by the secretary of health and human services in accordance with chapter 118E and
280 Title XIX of the Social Security Act and any federal demonstration or waiver relating to such
281 medical assistance program for the limited purpose of ordering and referring services covered
282 under the program if regulations governing such limited participation are promulgated under
283 chapter 118E.

284 SECTION 25. Section 119 of said chapter 112, as so appearing, is hereby amended by
285 striking out, in line 12, the word “and”.

286 SECTION 26. Said section 119 of said chapter 112, as so appearing, is hereby further
287 amended by inserting after the word “Association”, in line 15, the following words:- ; and

288 (e) has applied to participate in the medical assistance program administered by the
289 secretary of health and human services in accordance with chapter 118E and Title XIX of the
290 Social Security Act and any federal demonstration or waiver relating to such medical assistance
291 program for the limited purpose of ordering and referring services covered under the program if
292 regulations governing such limited participation are promulgated under chapter 118E; provided,
293 however, that a psychologist who chooses to participate in a medical assistance program as a
294 provider of services shall be deemed to have fulfilled this requirement.

295 SECTION 27. Section 131 of said chapter 112, as so appearing, is hereby amended by
296 adding the following sentence:- Such individual shall also apply to participate in the medical
297 assistance program administered by the secretary of health and human services in accordance
298 with chapter 118E and Title XIX of the Social Security Act and any federal demonstration or
299 waiver relating to such medical assistance program for the limited purpose of ordering and
300 referring services covered under the program if regulations governing such limited participation
301 are promulgated under chapter 118E.

302 SECTION 28. Section 252 of said chapter 112, as so appearing, is hereby amended by
303 striking out, in line 52, the figure “239” and inserting in place thereof the following figure:- 255.

304 SECTION 29. Section 257 of said chapter 112, as so appearing, is hereby amended by
305 striking out, in lines 2 and 14, in each instance, the figure “239” and inserting in place thereof the
306 following figure:- 255.

307 SECTION 30. Section 5 of chapter 128A of the General Laws, as so appearing, is hereby
308 amended by inserting after the word “meetings”, in line 55, the following words:- and, with the
309 approval of the appropriate horsemen’s association representing the horse owners racing at that
310 meeting, for payment of administrative and horseracing operations.

311 SECTION 31. Section 2 of chapter 128C of the General Laws is hereby amended by
312 inserting after the word “purses”, in line 130, as so appearing, the following words:- or, with the
313 approval of the appropriate horsemen’s association representing the horse owners racing at that
314 meeting, used for payment of administrative and horse racing operations.

315 SECTION 32. Section 4 of said chapter 128C, as so appearing, is hereby amended by
316 inserting after the word “meetings”, in line 45, the following words:- or, with the approval of the
317 appropriate horsemen’s association representing the horse owners racing at that meeting, for
318 payment of administrative and horse racing operations.

319 SECTION 33. Said section 4 of said chapter 128C, as so appearing, is hereby further
320 amended by inserting after the word “purses”, in line 55, the following words:- or, with the
321 approval of the appropriate horsemen’s association representing the horse owners racing at that
322 meeting, for payment of administrative and horse racing operations.

323 SECTION 34. Section 44A of chapter 149 of the General Laws, as so appearing, is
324 hereby amended by striking out, in line 67, the word "COMPASS" and inserting in place thereof
325 the following word:- COMMBUYS.

326 SECTION 35. Section 44D¹/₂ of said chapter 149, as so appearing, is hereby amended by
327 striking out, in line 124, the words "COMPASS system, so-called" and inserting in place thereof
328 the following words:- COMMBUYS system.

329 SECTION 36. Section 44D³/₄ of said chapter 149, as so appearing, is hereby amended by
330 striking out, in line 112, the words "COMPASS system, so-called" and inserting in place thereof
331 the following words:- COMMBUYS system.

332 SECTION 37. Subsection (l) of section 190 of said chapter 149, as appearing in section 3
333 of chapter 148 of the acts of 2014, is hereby amended by striking out clause (iii) and inserting in
334 place there of the following clause:- (iii) if applicable, the provisions for days of rest, sick days,
335 vacation days, personal days, holidays, transportation, health insurance, severance and yearly
336 raises and whether or not earned vacation days, personal days, holidays, severance,
337 transportation and health insurance are paid or reimbursed;.

338 SECTION 38. Section 5 of chapter 149A of the General Laws, as appearing in the 2012
339 Official Edition, is hereby amended by striking out, in line 92, the words "COMPASS system,
340 so-called" and inserting in place thereof the following words:- COMMBUYS system.

341 SECTION 39. Section 8 of said chapter 149A, as so appearing, is hereby amended by
342 striking out, in line 66, the words "COMPASS system, so-called" and inserting in place thereof
343 the following words:- COMMBUYS system.

344 SECTION 40. Section 22 of chapter 176O of the General Laws, as so appearing, is
345 hereby amended by striking out, in line 4, the words "and nurse practicing in an advance practice
346 nursing role" and inserting in place thereof the following words:- , nurse practicing in an

347 advance practice nursing role, intern, resident, physician assistant, pharmacist with a
348 collaborative practice agreement, psychologist and licensed independent clinical social worker.

349 SECTION 41. Section 2 of chapter 176Q of the General Laws, as so appearing, is hereby
350 amended by striking out, in line 15, the words "for administration and finance, or a designee,
351 who shall serve as chairperson; the director of medicaid" and inserting in place thereof the
352 following words:- of health and human services or a designee who shall serve as chairperson; the
353 secretary of administration and finance.

354 SECTION 42. Said section 2 of said chapter 176Q, as so appearing, is hereby further
355 amended by striking out, in line 40, the word "annually" and inserting in place thereof the
356 following word:- quarterly.

357 SECTION 43. The General Laws are hereby amended by inserting after chapter 277 the
358 following chapter:-

359 CHAPTER 277B

360 Statewide Grand Jury

361 Section 1. Upon written application of the attorney general to the chief justice of the
362 superior court department, with good cause stated therein, the chief justice may authorize the
363 convening of a statewide grand jury with jurisdiction extending throughout the commonwealth.

364 Section 2. The chief justice of the superior court department shall, upon granting an
365 application, receive recommendations from the attorney general as to the county in which the
366 statewide grand jury shall sit. Upon receiving the attorney general's recommendations, the chief
367 justice shall choose 1 of those recommended locations as the site where the grand jury shall sit.

368 Once a county has been selected, the chief justice shall direct the regional justice from the county
369 selected to appoint, and reappoint as necessary, a superior court justice to preside over the
370 statewide grand jury.

371 Section 3. The superior court justice appointed to preside over the grand jury shall
372 consult with the attorney general and district attorney for the relevant district about the nature
373 and scope of the investigation and shall thereafter designate and authorize an existing county
374 grand jury to serve as a statewide grand jury for the purposes of the investigation specified in the
375 written application or, alternatively, the superior court justice may convene and preside over a
376 specially-empaneled statewide grand jury.

377 Section 4. A specially-empaneled statewide grand jury shall be drawn and selected in the
378 same manner as the county grand jury in the county in which the specially-empaneled statewide
379 grand jury is to sit. A specially-empaneled statewide grand jury may, at the discretion of the
380 presiding superior court justice, draw jurors from counties adjoining the county in which the
381 statewide grand jury is to sit.

382 Section 5. A specially-empaneled statewide grand jury convened pursuant to this chapter
383 shall sit for a period not to exceed 18 months. The superior court justice presiding over the
384 statewide grand jury may extend that period if, in accordance with section 41 of chapter 234A
385 and section 1A of chapter 277, public necessity requires further time by the statewide grand jury
386 to complete an ongoing investigation.

387 Section 6. The attorney general or an assistant attorney general shall attend each session
388 of a statewide grand jury and may prosecute any indictment returned by it. The attorney general
389 or assistant attorney general shall have the same powers and duties in relation to a statewide

390 grand jury that the attorney general or assistant attorney general has in relation to a county grand
391 jury, except as otherwise provided by law.

392 Section 7. Indictments shall be returned in the county wherein the statewide grand jury
393 sits and shall thereafter be transferred to the county specified by the statewide grand jury on the
394 indictment. For the purposes of trial of offenses indicted by a statewide grand jury, venue shall
395 be in any county in which venue would otherwise be proper.

396 Section 8. Nothing in this chapter shall limit the jurisdiction of county grand juries or
397 district attorneys. Except as otherwise provided by law, an investigation by a statewide grand
398 jury shall not preempt an investigation by any other grand jury or agency having jurisdiction
399 over the same subject matter.

400 SECTION 44. Chapter 277B of the General Laws is hereby repealed.

401 SECTION 45. The first sentence of the second paragraph of subsection (c) of section
402 21D of chapter 703 of the acts of 1963, as appearing in section 30 of chapter 193 of the acts of
403 2004, is hereby amended by striking out the words “COMPASS system, so-called” and inserting
404 in place thereof the following words:- COMMBUYS system.

405 SECTION 46. The first sentence of subsection (f) of section 21G of said chapter 703, as
406 so appearing, is hereby amended by striking out the words “COMPASS system, so-called” and
407 inserting in place thereof the following words:- COMMBUYS system.

408 SECTION 47. Section 5 of chapter 624 of the acts of 1986, as amended by section 184
409 of chapter 165 of the acts of 2014, is hereby further amended by striking out the words “and use
410 of Turtle Lane, a private way, and the use of a private driveway shall be restricted to emergency

411 access, except that a temporary easement through Turtle lane shall be authorized for
412 rehabilitation of Elm Bank”.

413 SECTION 48. The penultimate sentence of section 30 of chapter 79 of the acts of 2014 is
414 hereby amended by striking out the words “October 31, 2014” and inserting in place thereof the
415 following words:- November 30, 2015.

416 SECTION 49. Item 3000-1000 of section 2 of chapter 165 of the acts of 2014, is hereby
417 amended by striking out the words “; provided further, that the total transfers from any 1 item
418 shall not exceed 3 per cent of the item’s total funding”.

419 SECTION 50. The last paragraph of section 236 of chapter 165 of the acts of 2014 is
420 hereby amended by striking out the figure " 2014" and inserting in place thereof the following
421 figure:- 2015.

422 SECTION 51. The last paragraph of section 272 of said chapter 165 is hereby amended
423 by striking out the words “December 31, 2014” and inserting in place thereof the following
424 words:- June 30, 2015.

425 SECTION 52. Subsection (a) of section 36 of chapter 465 of the acts of 1956, as
426 appearing in section 55 of chapter 46 of the acts of 2013, is hereby amended by striking out, in
427 line 4, the word “Bedford” and inserting in place thereof the following words:- Arlington,
428 Bedford, Belmont.

429 SECTION 53. Said subsection (a) of said section 36 of said chapter 465, as so appearing,
430 is hereby further amended by striking out, in line 5, the word “Cambridge” and inserting in place
431 thereof the following words:- Cambridge, Canton.

432 SECTION 54. Said subsection (a) of said section 36 of said chapter 465, as so appearing,
433 is hereby further amended by striking out, in line 6, the word “Malden” and inserting in place
434 thereof the following words:- Lynn, Malden, Marblehead.

435 SECTION 55. Said subsection (a) of said section 36 of said chapter 465, as so appearing,
436 is hereby further amended by striking out, in said line 6, the words “Revere, Scituate,
437 Somerville” and inserting in place thereof the following words:- Randolph, Revere, Salem,
438 Scituate, Somerville, Swampscott, Watertown.

439 SECTION 56. Notwithstanding section 23 of chapter 59 of the General Laws, section
440 31D of chapter 44 of the General Laws or any other general or special law to the contrary, a city
441 or town may amortize over fiscal years 2016 to 2020, inclusive, in equal installments or more
442 rapidly, the amount of its fiscal year 2015 snow and ice removal deficit. The local appropriating
443 authority as defined in section 21C of said chapter 59 shall adopt a deficit amortization schedule
444 in accordance with the preceding sentence before setting the municipality’s fiscal year 2016 tax
445 rate. The commissioner of revenue may issue guidelines or instructions for reporting the
446 amortization of deficits authorized by this section.

447 SECTION 57. Notwithstanding section 2 of chapter 128C of the General Laws, or any
448 other general or special law to the contrary, the Massachusetts gaming commission may, by
449 regulation, reduce or eliminate the premium to be paid by the greyhound dog racing meeting
450 licensee located in Suffolk county, the greyhound dog racing meeting licensee located in Bristol
451 county, the harness horse racing meeting licensee located in Norfolk county and the running
452 horse racing meeting licensee located in Suffolk county, for interstate simulcasts received, over
453 and above the costs of obtaining such simulcasts, to the horsemen at the race track licensee

454 where the premiums were received and paid to the horsemen as purses. In determining the
455 premium, the commission shall consider all factors it deems necessary to provide for the best
456 interest of all interested stakeholders, including but not limited to regional equity, payment
457 equity, the licensees' economic viability, local economic impacts and the amount necessary to
458 provide sufficient funding to the purse accounts of the horsemen. Annually, not later than July 1,
459 the commission shall file with the clerks of the house of representatives and the senate and with
460 the joint committee on economic development and emerging technologies, a report on the status
461 and sufficiency of the premiums to support the horsemen as purses.

462 SECTION 58. (a) Notwithstanding any general or special law to the contrary, the
463 University of Massachusetts shall consider a student tuition credit, as defined in section 1B of
464 chapter 75 of the General Laws, as all tuition waivers, grants and scholarships identified in
465 chapter 15A of the General Laws or any other general or special law and all reductions
466 collectively bargained for that are in the form of a tuition or fee waiver available to students as
467 student tuition credits.

468 (b) The University of Massachusetts shall calculate the value of all tuition waivers
469 authorized under section 19 of chapter 15A of the General Laws or any other general or special
470 law and all collectively bargained reductions existing on July 1, 2015.

471 (c) The University of Massachusetts shall credit to eligible students the calculated value
472 of the tuition waivers, grants and scholarships identified in chapter 15A of the General Laws or
473 any other general or special law and reductions collectively bargained for in the form of a tuition
474 or fee waiver calculated in subsection (b) as a student tuition credit on the student's statement of
475 student charges as defined in section 1B of chapter 75 of the General Laws.

476 (d) The University of Massachusetts shall report to the senate and house committees on
477 ways and means, the joint committee on higher education and the board of higher education the
478 existence and the calculated value of all tuition waivers, grants and scholarships identified in
479 chapter 15A of the General Laws or any other general or special law and reductions collectively
480 bargained for in the form of a tuition or fee waiver at the University of Massachusetts. The
481 report shall be submitted not later than August 1, 2015.

482 SECTION 59. Notwithstanding section 11 of chapter 211D of the General Laws, for
483 fiscal year 2015, the chief counsel of the committee for public counsel services may waive the
484 annual cap on billable hours for private counsel appointed or assigned to cases undertaken by the
485 children and family law program established by the committee provided that the chief counsel
486 finds that: (i) there is limited availability of qualified counsel in that practice area; (ii)
487 requirements for expertise rendering assignment to certain service providers would be more cost
488 effective or (iii) demonstrated efficiency of the service provider shows that shifting the service to
489 other providers shall reduce the quality and increase the cost of the service; provided, however,
490 that counsel appointed or assigned to such cases within the private counsel division shall not be
491 paid for any time billed in excess of 1800 billable hours. It shall be the responsibility of private
492 counsel to manage their billable hours.

493 SECTION 60. Notwithstanding any general or special law to the contrary, all tuition and
494 fee waivers that are exclusive to the University of Massachusetts shall require only the approval
495 by the board of trustees of the University of Massachusetts.

496 SECTION 61. Notwithstanding any general or special law to the contrary, if a
497 municipality closed its offices on February 2, 2015 due to a weather-related or public safety

498 emergency, the municipality may allow for an extension for any property owner subject to tax
499 under chapter 59 of the General Laws to make a payment or file an abatement application
500 without penalty or loss of legal rights resulting from the timing of the payment or the filing of the
501 application. Such extension shall be subject to the approval of the mayor and city council or the
502 board of aldermen in a city or the board of selectmen in a town.

503 SECTION 62. Notwithstanding any general or special law to the contrary, not later than
504 60 days after the effective date of this act, the sex offender registry board, as established under
505 section 178K of chapter 6 of the General Laws, shall initiate revisions to the board's regulations
506 to reflect recent supreme judicial court or appeals court decisions that have resulted in remands
507 or reversals of the sex offender registry board's final classification decisions.

508 SECTION 63. Notwithstanding section 2 of chapter 128A of the General Laws and
509 sections 1, 2, 2A and 4 of chapter 128C of the General Laws or any other general or special law
510 to the contrary, the running horse racing meeting licensee located in Suffolk county licensed to
511 conduct live racing pursuant to said chapter 128A and simulcast wagering pursuant to said
512 chapter 128C in calendar year 2014 shall remain licensed as a running horse racing meeting
513 licensee until July 31, 2016 and shall remain authorized to conduct simulcast wagering pursuant
514 to said chapter 128C for the entirety of any year in which at least 1 day and not more than 50
515 days of live running horse racing is conducted at the licensee's facility; provided, however, that
516 the days between January 1 and December 31 of each year shall be dark days pursuant to said
517 chapter 128C and the licensee shall be precluded from conducting live racing during that period
518 unless it applies for and is granted a supplemental live racing license pursuant to said chapter
519 128A; provided further, that all simulcasts shall comply with the Interstate Horse Racing Act of
520 1978, 15 U.S.C. Sec. 3001 et seq. or other applicable federal law; provided further, that all

521 simulcasts from states which have racing associations that do not require approval in compliance
522 with said Interstate Horse Racing Act, 15 U.S.C. Sec. 3004(a)(1)(A), except simulcasts during
523 the month of August, shall require the approval of the New England Horsemen's Benevolent &
524 Protective Association prior to being simulcast to a racing meeting licensee within the
525 commonwealth; and provided further, that if the association agrees to approve the simulcast for 1
526 racing meeting licensee, it shall approve the simulcast for all otherwise eligible racing meeting
527 licensees.

528 SECTION 64. The secretary of elder affairs and the undersecretary of consumer affairs
529 and business regulation in consultation with relevant stakeholders, shall review the necessity and
530 desirability of in-person and telephonic methods with respect to reverse mortgage counseling to
531 ensure proper protections for eligible seniors. Such review shall include, but shall not be limited
532 to, the advisability and overall protections for seniors, availability, costs and convenience of
533 counseling opportunities and full compliance with all federal lending laws.

534 The secretary of elder affairs and the undersecretary of consumer affairs and business
535 regulation shall file the report with the clerks of the house and senate and the house and senate
536 committees on ways and means not later than 60 days of the effective date of this act.

537 SECTION 65. The salary adjustments and other economic benefits authorized by the
538 following collective bargaining agreements shall be effective for the purposes of section 7 of
539 chapter 150E of the General Laws:

540 (1) between the University of Massachusetts and the Massachusetts Society of
541 Professors MTA/NEA, Amherst & Boston Campuses, Units A50 & B40;

542 (2) between the commonwealth and the Massachusetts Nurses Association, Unit 7;

543 (3) between the University of Massachusetts and the International Brotherhood of
544 Police Officers, Local 432, Amherst Campus, Unit A06;

545 (4) between the University of Massachusetts and the New England Police Benevolent
546 Protection Organization, Amherst Campus, Unit A07;

547 (5) between the University of Massachusetts and the University Staff
548 Association/MTA/NEA, Amherst Campus, Unit A08;

549 (6) between the University of Massachusetts and the Classified Staff
550 Union/MTA/NEA, Boston Campus, Units B31 and B32;

551 (7) between the University of Massachusetts and the AFT Massachusetts Maintainers
552 AFL-CIO, Local 6350, Dartmouth Campus, Unit D83;

553 (8) between the University of Massachusetts and the International Brotherhood of
554 Teamsters, Local 25, Lowell Campus, Unit L94;

555 (9) between the University of Massachusetts and the Classified and Technical Union,
556 Lowell Campus, Unit L92;

557 (10) between the University of Massachusetts and the Maintenance and Trades
558 Unit/MTA/NEA, Lowell Campus, Unit L93;

559 (11) between the University of Massachusetts and the American Federation of
560 Teachers, Faculty, Librarians and Technical Staff, Dartmouth Campus, Units D80 and D81;

561 (12) between the University of Massachusetts and the International Brotherhood of
562 Teamsters, Local 25, Boston Campus, Unit B33; and

563 (13) between the sheriff of the county of Dukes County and the Massachusetts
564 Correction Officers Federated Union, Units A and B.

565 SECTION 66. Sections 5, 6, 15, 16, 58 and 60 shall take effect on July 1, 2015.

566 SECTION 67. Sections 11 and 12 shall take effect as of January 26, 2015.

567 SECTION 68. Section 37 shall take effect on April 1, 2015.

568 SECTION 69. Section 44 shall take effect on December 31, 2020.

569 SECTION 70. Section 48 shall take effect as of October 31, 2014.

570 SECTION 71. Sections 50 and 51 shall take effect as of December 31, 2014.

571 SECTION 72. Section 57 shall expire on July 31, 2016.

572 SECTION 73. Section 61 shall expire 60 days after the effective date of this act.