

# HOUSE . . . . . No. 3761

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A message from His Excellency the Governor submitting recommendations for making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects. Ways and Means.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven  
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AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2012 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 2012 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:*

1           SECTION 1. To provide for supplementing certain items in the general appropriation act  
2   and other appropriation acts for fiscal year 2012, 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, 2012. 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	EXECUTIVE OFFICE	
10	Executive Office	
11	0411-1000	\$700,000
12	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE	
13	Office of the Secretary of Administration and Finance	
14	1100-1700	\$1,880,000
15	Group Insurance Commission	
16	1108-5201	\$989,250
17	Appellate Tax Board	
18	1310-1000	\$275,000
19	DEPARTMENT OF TRANSPORTATION	
20	Department of Transportation	
21	1595-6379	\$1,001,141
22	EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS	
23	Office of the Secretary of Energy and Environmental Affairs	
24	2000-1700	\$2,430,000
25	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES	

26	Office of the Secretary of Health and Human Services	
27	4000-1700	\$13,650,000
28	Department of Youth Services	
29	4200-0100	\$600,000
30	4200-0300	\$1,400,000
31	Department of Children and Families	
32	4800-0015	\$800,000
33	Department of Veterans' Services	
34	1410-0010	\$250,000
35	Division of Medical Assistance	
36	4000-0600	\$35,000,000
37	EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT	
38	Office of the Secretary of Housing and Economic Development	
39	7002-0018	\$140,000
40	Department of Housing and Community Development	
41	7004-0101	\$21,000,000
42	7004-0102	\$230,000

43	7004-0108	\$18,200,000
44	EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT	
45	Department of Workforce Development	
46	7002-0012	\$9,000,000
47	EXECUTIVE OFFICE OF EDUCATION	
48	Office of the Secretary of Education	
49	7009-1700	\$1,040,000
50	Department of Early Education and Care	
51	3000-4060	\$3,500,000
52	EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY	
53	Office of the Secretary of Public Safety and Security	
54	8000-1700	\$1,280,000
55	Office of the Chief Medical Examiner	
56	8000-0122	\$140,000
57	Department of Criminal Justice Information Services	
58	8000-0110	\$150,000
59	Massachusetts Emergency Management Agency	

60           8800-0001           \$150,000

61           Department of Correction

62           8900-0010           \$1,022,263

63           SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to  
64 provide for an alteration of purpose for current appropriations, and to meet certain requirements  
65 of law, the sums set forth in this section are hereby appropriated from the General Fund unless  
66 specifically designated otherwise in this section, for the several purposes and subject to the  
67 conditions specified in this section, and subject to the laws regulating the disbursement of public  
68 funds for the fiscal year ending June 30, 2012. These sums shall be in addition to any amounts  
69 previously appropriated and made available for the purposes of those items.

70           EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

71           Office of the Secretary of Administration and Finance

72           1599-1709    For a reserve for costs incurred in response to Tropical Storm Irene;  
73 provided, that the comptroller shall transfer funds made available in this item to other  
74 departments for this purpose upon the written request of the secretary of administration and  
75 finance; provided further, that expenditures from this item shall be offset by federal  
76 reimbursements to the extent available       \$10,000,000

77           1599-4282    To provide for certain collective bargaining costs, including the cost of  
78 salary adjustments and other economic benefits authorized by the collective bargaining  
79 agreements between the Commonwealth of Massachusetts and the Service Employees  
80 International Union, Local 509, Units 8 and 10 for fiscal year 2012 \$2,893,000

1599-4705 For a reserve for operations at sheriffs' facilities; provided, that any  
spending from this account shall be used solely for costs associated with the annual operations of  
the sheriffs' departments and not for capital projects; provided further, that each sheriff's  
department shall report in a format developed by the executive office for administration and  
finance in consultation with the Massachusetts Sheriffs' Association for fiscal years 2011 and  
2012 on programs for purposes other than care and custody of inmates, the dollar amount spent  
or estimated to be spent on those programs, and the source of that funding; provided further, that  
each sheriff's department shall report in a format developed by the executive office for  
administration and finance in consultation with the Massachusetts Sheriffs' Association on the  
fiscal years 2009, 2010, 2011, and 2012 the average number of full-time employees employed by  
the sheriff's department, the number of correctional officers employed by the sheriff's  
department, and the number of supervisors for correctional officers employed by the sheriff's  
department; and provided further, that the secretary of administration and finance, in consultation  
with the secretary of public safety and security, may transfer amounts from the reserve to a  
sheriff's department only if the secretary of administration and finance (i) has certified that the  
sheriff's department has submitted the reports required above as well as the reports listed in  
chapter 68 of the acts of 2011, and (ii) has determined, based on those reports and any other  
information or analysis that the secretary considers relevant, that the amounts to be transferred to  
the sheriff's department are necessary to support its operations \$20,000,000

## EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

### Division of Health Care Finance and Policy

4100-0062 For the division of health care Finance and policy, which may expend for the migration of health safety net claims adjudication to the executive office of health and human services through its MMIS system, and for the maintenance of that claims adjudication, an amount equal to the amount of federal financial participation received by the state for such activities, not to exceed \$6,000,000; provided, that the federal revenue received for such expenditures shall be deposited in the General Fund and an amount equal to such revenue shall be transferred in this account; and provided further, that notwithstanding any general or special law to the contrary, and for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses in anticipation of revenue, after written approval from the secretary of administration and finance, and the comptroller shall certify for payment, amounts not to exceed the lower of this authorization or the most recent revenue estimate, as reported in the state accounting system \$6,000,000

#### EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

##### Department of Criminal Justice Information Services

8000-0111 For the operation of the public safety information system and the criminal records review board within the department of criminal justice information services, provided that funding from this item may be retained and expended from fees charged and collected under section 172A of chapter 6 of the General Laws; provided further, that funding from this item may be used to assist ex-offenders in obtaining and maintaining employment and to provide education and assistance regarding criminal records as specified in said section 172A of said chapter 6, and that the commissioner of the department of criminal justice information services

124 may make funds from this item available for a competitive grant process to provide such  
125 assistance, training and education; and provided further, that for the purposes of accommodating  
126 discrepancies between the receipt of retained revenue and related expenditures, the department  
127 may incur expenses and the comptroller may certify for payment amounts not to exceed the  
128 lower of this authorization or the most recent revenue estimate as reported in the state accounting  
129 system; provided further that any unexpended funds in this item shall not revert but shall be  
130 made available for the purposes of this item until June 30, 2013. \$3,000,000

131 CORI Reform Technical Amendment

132 SECTION 3. Section 172 of chapter 6 of the General Laws, as appearing in the 2010  
133 Official Edition, is hereby amended by inserting after the word “more”, in line 184, the following  
134 words:- , for 10 years following the disposition thereof, including termination of any period of  
135 incarceration or custody .

136 Housing and Economic Development Trust

137 SECTION 4. Chapter 6A of the General Laws is hereby amended by inserting after  
138 section 16G the following section:-

139 Section 16H. (a) There is hereby established the Housing and Economic Development  
140 Trust, in this section called the trust, to be administered by the secretary of housing and  
141 economic development, in this section called the secretary. Monies in the trust shall be  
142 deposited with the state treasurer in a manner that will secure the highest interest rate available  
143 consistent with safety of the trust and with the requirement that all amounts on deposit be  
144 available for immediate use.



(b) The secretary shall appoint the fund's trustee, who shall serve until a successor is appointed.

(c) There shall be credited to the trust the following:

(1) Grants, bequests, gifts or contributions of cash or securities, or contributions of services or property in kind from any persons, or other governmental, non-governmental, quasi-governmental or local governmental entities made for the purpose of supporting the executive office of housing and economic development, in this section called the executive office, set forth in subsection (d).

(2) All interest earned on monies in the trust.

(d) Expenditures from the trust shall not be subject to appropriation, and balances remaining at the end of a fiscal year shall not revert to the General Fund. Expenditures from the trust shall be made only for the following purposes:

(1) Operating costs of the executive office including the divisions and programs within the executive office;

(2) Operating costs of the Massachusetts Marketing Partnership, and the offices within the Partnership, including the Massachusetts International Trade Office, the Commonwealth Marketing Office, the Massachusetts Office of Travel and Tourism, the Commonwealth Film Office, and the Office of Sports and Entertainment; and the Massachusetts Office of Business Development, including the divisions and programs within that Office;

(3) Costs associated with housing and economic development programs, grants and initiatives of the secretary.

(e) Funds deposited and expended from the trust shall not be assessed any indirect costs.

(f) For the purpose of accommodating timing discrepancies between the trust's receipt of revenues and related expenditures, the trust may incur expenses and the comptroller may certify payments from the trust in anticipation of trust receipts based on estimated receipts as certified by the trustee. The trustee shall insure that no expenditures from the trust shall cause the trust to be in deficiency at the close of a fiscal year.

#### No Substantial Mid-year GIC Benefit Changes

SECTION 5. Section 6 of chapter 32A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the second sentence the following 2 sentences:- For active and retired employees, their dependents, and their survivors, including municipal subscribers, except as otherwise required by state or federal law, and except effective July 1 of any year, the commission shall not alter the schedule of co-pays and deductibles for health plans, or alter any other terms relating to health plans which would require authorization by vote of the commissioners, but, for health plans whose rates change on January 1 instead of July 1, the commission may make such changes effective January 1. If, however, the governor reduces allotments to the commission under section 9C of chapter 29, the commission may make any necessary adjustments to account for the reduction, but the commission shall not alter the contribution ratios provided in the most recent applicable appropriation act.

#### Allow “Evergreen” Clauses in Public-Sector Collective Bargaining Agreements

SECTION 6. (A) Subsection (a) of section 7 of chapter 150E of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding after the word “years”, in line 3, the following words:- ; but a provision in a collective bargaining agreement stating that

the agreement's terms remain in effect beyond 3 years while the parties negotiate a successor agreement shall be valid and enforceable.

(B) Subsection (A) shall apply retroactively to a collective bargaining agreement that contained a provision stating that the agreement's terms remain in effect beyond 3 years while the parties negotiate a successor agreement but otherwise expired before the effective date of this act, unless the continued effectiveness of such an agreement was the subject of judicial proceedings pending on October 22, 2010 in a state or federal court in the commonwealth.

#### Increase DCR Retained Revenue Ceiling

SECTION 7. (A) Section 2 of chapter 68 of the acts of 2011 is hereby amended by striking out item 2810-2041 and inserting in place thereof the following item:-

2810-2041 For the department of conservation and recreation, which may expend not more than \$13,000,000 from revenue collected by the department, including, but not limited to, revenues collected from: (1) campsite reservation transactions from the automated campground reservation and registration program; (2) permits, leases, concessions, and all other contracts; (3) the operation and maintenance of the department's telecommunications system from revenues received from the Massachusetts Water Resources Authority, the Massachusetts Convention Center Authority, the division of highways, the Central Artery/Ted Williams Tunnel Project, the department of state police and quasi-public and private entities through a system of user fees and other charges established by the commissioner of conservation and recreation; provided, that nothing in this item shall impair or diminish the rights of access and utilization of all current users of the system under agreements previously entered into; and provided further, that this item may be reimbursed by political subdivisions of the commonwealth and private entities for direct

and indirect costs expended by the division to maintain the telecommunications system ; (4) skating rink fees and rentals; provided, that when assigning time for the use of its rinks, the department shall give priority to general public skating, and then to those which qualify under applicable state and federal law as nonprofit organizations or as a public school; (5) the operation and maintenance of the Ponkapoag golf course; provided, that the division of state parks and recreation may expend not less than \$1,098,011 from revenue collected from fees generated by the golf course; (6) the operation and maintenance of the Leo J. Martin golf course; provided, that the division of state parks and recreation may expend not less than \$824,790 from revenue collected from fees generated by the golf course; (7) activities authorized pursuant to section 34B of chapter 92 of the General Laws; provided further, that the department may retain and deposit 80% of the aforementioned fees; provided further, that for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, that no expenditures made in advance of the receipts shall be permitted to exceed 75 per cent of the amount of revenues projected by the first quarterly statement required by section 1B; provided further, that the comptroller shall notify the house and senate committees on ways and means at the time subsequent quarterly statements are published of the variance between actual and projected receipts in each such quarter and the implications of that variance for expenditures made; and provided further, that the division may issue grants to public and nonpublic entities from this item; and provided further that the department may use the aforementioned revenues for the operation and expenses of the department.

(B) Said section 2 of said chapter 68 is hereby further amended by striking out items 2810-2041, 2820-1000, 2820-1001, 2820-3001, 2820-4420 and 2820-4421.

#### DCF Transferability

SECTION 8. (A) Item 4800-0015 of said section 2 of said chapter 68 is hereby amended by striking out the words “; and provided further, that no funds shall be transferred from 4800-0040 to any of those items”.

(B) Said item 4800-0015 of said section 2 of said chapter 68 is hereby further amended by adding the following words:- ; and provided further, that the commissioner of the department of children and families may transfer funds into item 4800-0030 from 4800-0038, 4800-0040 and 4800-0041 as necessary under an allocation plan which shall detail, by object class, the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days before any such transfer”.

#### Zoo Account Change

SECTION 9. Said section 2 of said chapter 68 is hereby further amended by striking out the figure “7007-0951” and inserting in place thereof the following figure:- 7007-0952.

#### FY11 Highway Fund Account Change

SECTION 10. Section 2 of chapter 131 of the acts of 2010 is hereby amended by striking out the figure “8400-0100” and inserting in place thereof the following figure:- 8400-0101.

#### Adult Day Health Licensing by DPH

SECTION 11. Subsection (a) of chapter 87 of the acts of 2011 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:- The department of public health, in consultation with the executive office of health and human services, shall adopt regulations for the statewide licensure of adult day health programs.

#### Validate Amended Collective Bargaining Agreements

SECTION 12. The salary adjustments and other cost items authorized by the following 2011 amendments to collective bargaining agreements, for the period from July 1, 2011 to June 30, 2014, shall be effective for the purpose of section 7 of chapter 150E of the General Laws:

(a) between the Commonwealth and National Association of Government Employees for Units 1, 3, and 6;

(b) between the Commonwealth and Alliance/AFSCME for Unit 2;

(c) between the Commonwealth and New England Police Benevolent Association for Unit 4A;

(d) between the Essex Sheriff and International Brotherhood of Correction Officers Local R1-71; and

(e) between the Plymouth Sheriff and Massachusetts Correctional Officers Federated Union Bureau of Criminal Investigation.

#### Transferability between Veterans Accounts

270           SECTION 13. Notwithstanding any general or special law to the contrary, the secretary  
271 of health and human services, with the written approval of the secretary of administration and  
272 finance, may authorize transfers from and to items 1410-0300 and 1410-0400 of section 2 of  
273 chapter 68 of the acts of 2011, but any such transfers shall take place not later than June 30,  
274 2012.

275           MassHealth Transferability

276           SECTION 14. Notwithstanding any general or special law to the contrary, the secretary  
277 of health and human services, with the written approval of the secretary of administration and  
278 finance, may authorize transfers of surplus of not more than \$74,542,514 from item 4000-0700  
279 to item 4000-1420 of section 2 of chapter 68 of the acts of 20101, for the purpose of reducing  
280 any deficiency in these items, but any such transfer shall be made not later than August 31, 2012.