

HOUSE No. 3903

House bill No. 3899, as changed by the committee on Bills in the Third Reading, and as amended and passed to be engrossed by the House. February 12, 2014.

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act making appropriations for the fiscal year 2014 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 forthwith supplemental appropriations for fiscal year 2014, and to make other changes in law, 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 2014, 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, 2014. 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 0321-1520..... \$8,000,000

12 Worcester District Attorney.

13 0340-0400.....\$46,722

14	DISTRICT ATTORNEYS.	
15	Hampden District Attorney.	
16	0340-0500.....	\$132,391
17	Bristol District Attorney.	
18	0340-0900.....	\$200,000
19	0340-0998.....	\$250,000
20	Berkshire District Attorney.	
21	0340-1198.....	\$67,000
22	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.	
23	Group Insurance Commission.	
24	1108-5200.....	\$16,000,000
25	Reserves.	
26	1599-0026.....	\$500,000
27	1599-2013.....	\$670,000
28	1599-4444.....	\$16,384,884
29	1599-7104.....	\$2,500,000
30	EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS.	
31	Department of Fish and Game.	
32	2330-0100.....	\$100,000
33	2330-0120.....	\$100,000
34	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.	
35	Office of the Secretary.	
36	4000-0005.....	\$4,800,000
37	Department of Youth Services.	
38	4200-0200.....	\$3,030,853

39	4200-0300.....	\$4,873,738
40	Department of Children and Families.	
41	4800-0015.....	\$1,650,000
42	4800-1100.....	\$1,130,000
43	Department of Elder Affairs.	
44	9110-1455.....	\$1,019,000
45	EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT.	
46	Office of the Secretary.	
47	7002-0021.....	\$2,000,000
48	Department of Housing and Community Development.	
49	7004-0101.....	\$32,746,306
50	7004-0103.....	\$12,640,246
51	7004-0104.....	\$200,000
52	Massachusetts Marketing Partnership.	
53	7008-0900.....	\$200,000
54	University of Massachusetts.	
55	7100-0200.....	\$50,000
56	EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT.	
57	Department of Career Services.	
58	7002-0012.....	\$1,000,000
59	EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY.	
60	Chief Medical Examiner.	
61	8000-0122.....	\$150,000
62	SHERIFFS.	
63	Hampden Sheriff's Office.	

64	8910-0102.....	\$762,570
65	Worcester Sheriff's Office.	
66	8910-0105.....	\$383,000
67	Middlesex Sheriff's Office.	
68	8910-0107.....	\$2,500,000
69	Franklin Sheriff's Office.	
70	8910-0108.....	\$650,000
71	Berkshire Sheriff's Office.	
72	8910-0445.....	\$50,000
73	Essex Sheriff's Office.	
74	8910-0619.....	\$5,869,420
75	Barnstable Sheriff's Office.	
76	8910-8200.....	\$2,500,000
77	Bristol Sheriff's Office.	
78	8910-8300.....	\$6,500,000
79	Dukes Sheriff's Department.	
80	8910-8400.....	\$265,000
81	Norfolk Sheriff's Office.	
82	8910-8600.....	\$2,700,000
83	Plymouth Sheriff's Office.	
84	8910-8700.....	\$3,000,000
85	Suffolk Sheriff's Office.	
86	8910-8800.....	\$1,000,000
87	Hampshire Sheriff's Office.	
88	8910-0110.....	\$686,000

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2014. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

Office of the Secretary.

0521-0000 To reimburse the Secretary of the Commonwealth for cost incurred by his office to conduct the following (7) special elections: 5th Middlesex Senate District, 4th Hampden House District, 13th Suffolk House District, 2nd Suffolk House District, 16th Suffolk House District, 5th Suffolk House District, and 9th Norfolk House District; and provided further, that these funds shall be in addition to any amounts previously appropriated and made available for expenditure through June 30, 2015, for a total reimbursement of.....\$310,901.14

1599-1206 For the salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Service Employees International Union, local 509, for family based child-care providers, effective for the purposes of section 7 of chapter 150E of the General Laws..... \$3,232,824

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

1599-6901 For the fiscal year 2014 annualized costs of the human service provider salary increases funded in item 1599-6901 of section 2 of chapter 139 of the acts of 2012; provided, that the secretary of administration and finance may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2014 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means.....\$10,695,490

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Department of Public Health.

4516-1005 For the department of public health, which may expend not more than \$120,000 generated by fees collected from providers or insurers for sexually transmitted

124 infections testing performed at the state laboratory institute; provided, that revenues collected
125 may be used to supplement the costs of the laboratory; and provided further, that notwithstanding
126 any general or special law to the contrary, for the purpose of accommodating timing
127 discrepancies between the receipt of retained revenues and related expenditures, the department
128 may incur expenses and the comptroller may certify for payment amounts not to exceed the
129 lesser of this authorization or the most recent revenue estimate, as reported in the state
130 accounting system.....\$120,000

131 Department of Mental Health.

132 5095-1016 For the department of mental health, which may expend not more than
133 \$500,000 in revenue collected from occupancy fees charged to the tenants of the state hospitals;
134 provided, that all fees collected shall be expended to support the costs to sustain operations of the
135 state hospital facilities; and provided further, that notwithstanding any general or special law to
136 the contrary, for the purpose of accommodating timing discrepancies between the receipt of
137 retained revenues and related expenditures, the department may incur expenses and the
138 comptroller may certify for payment amounts not to exceed the lesser of this authorization or the
139 most recent revenue estimate, as reported in the state accounting
140 system.....\$500,000

141 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT.

142 Office of Business Development.

143 7007-0210 For the purpose of the Brownfields Redevelopment Fund established
144 pursuant to section 8G of chapter 212 of the acts of 1975\$15,000,000

145 SECTION 3. The first paragraph of section 3 of chapter 38 of the General Laws, as
146 appearing in the 2012 Official Edition, is hereby amended by striking out clauses (13) through
147 (19), inclusive, and inserting in place thereof the following 6 clauses:-

148 (13) death in any public or private conveyance;

149 (14) fetal death, as defined by section 202 of chapter 111, where the period of gestation
150 has been 20 weeks or more, or where fetal weight is 350 grams or more;

151 (15) death of children under the age of 18 years from any cause;

152 (16) any person found dead;

153 (17) death in any emergency treatment facility, medical walk-in center, child care center,
154 or under foster care; or

155 (18) deaths occurring under such other circumstances as the chief medical examiner shall
156 prescribe in regulations promulgated pursuant to the provisions of chapter 30A.

SECTION 4. The first paragraph of section 2 of chapter 112 of the General Laws, as so appearing, is hereby amended by inserting after the second sentence the following 3 sentences:-

The board shall require that applicants for licensure, who are engaged in direct patient care, demonstrate that their practice utilizes digitized patient-specific clinical information. Physicians license pursuant to this chapter, whose patient records are not digitized, shall be required to demonstrate to the board familiarity with the use of digitized records in comprehensive patient care.

SECTION 4A. The second paragraph of section 65 of chapter 143 of the General Laws, as most recently amended by section 6 of chapter 3 of the acts of 2013, is hereby further amended by inserting after the third sentence the following sentence:- The Commissioner may consider, on a case by case basis, to waive all or a portion of the \$100 per day fine if the owner or operator of the elevator demonstrates in writing to the Commissioner that payment of such fine creates a hardship on such owner or operator. When all or a portion of the fine is waived, the Commissioner shall establish a schedule of no more than 30 days for the owner or operator of the elevator to become compliant with this section.

SECTION 5. Chapter 151F of the General Laws is hereby repealed.

SECTION 6. Section 3 of chapter 176Q of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following clause:-

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

SECTION 7. Section 9 of chapter 176Q of the General Laws is hereby repealed.

SECTION 8. Sections 17 and 18 of chapter 176Q of the General Laws are hereby repealed.

SECTION 9. Section 9 of chapter 211B of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following clause:-

(xxiv) authority to approve, upon the request of the court administrator, the court administrator's application for and acceptance on behalf of the commonwealth of any funds, including grants, bequests, gifts or contributions, from any person which shall be deposited in a separate account and may be expended by the court administrator, without further appropriation, in accordance with chapter 29 and any rules or regulations promulgated thereunder.

SECTION 10. Section 9A of said chapter 211B, as so appearing, is hereby further amended by adding the following clause:-

(xxiv) the authority, subject to the approval of the chief justice of the trial court, apply for and accept on behalf of the commonwealth any funds, including grants, bequests, gifts or

contributions, from any person which shall be deposited in a separate account and may be expended by the court administrator, without further appropriation, in accordance with chapter 29 and any rules or regulations promulgated thereunder.

SECTION 11. Section 11A of chapter 293 of the acts of 2006, as inserted by section 16 of chapter 129 of the acts of 2008, is hereby amended by striking out, in line 20, the figure “2” and inserting in place thereof the following figure:- 3.

SECTION 12. Item 1599-2013 of section 2A of chapter 142 of the acts of 2011 is hereby amended by inserting after the word “families”, inserted by section 28 of chapter 36 of the acts of 2013, the following words:- , and for costs of cases in which the department of developmental services is a defendant.

SECTION 13. Section 108 of chapter 224 of the acts of 2012 is hereby repealed.

SECTION 14. Section 23 of chapter 176O of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 3, the words “in real time” and inserting in place thereof the following words:- within 2 working days.

SECTION 15. Said section 23 of said chapter 176O is hereby further amended by striking out the words “within 2 working days”, inserted by section 13, and inserting in place thereof the following words:- in real time.

SECTION 16. Section 299 of chapter 224 of the acts of 2012 is hereby repealed.

SECTION 17. The fourth sentence of section 73 of chapter 36 of the acts of 2013 is hereby amended by striking out the words “March 15, 2014” and inserting in place thereof the following words:- June 16, 2014.

SECTION 17A. Item 0340-0400 of section 2 of chapter 38 of the acts of 2013 is hereby amended by inserting after the words “paid from this item” the following words:- ; provided further, that no less than \$46,722 be expended on upgrades to extend the life of the computer systems at the Worcester County District Attorney’s office.

SECTION 18. Item 1599-0026 of section 2 of chapter 38 of the acts of 2013 is hereby amended by inserting after the words “accountability and transparency for local governments” the following words:- provided further, that not less than \$500,000 shall be expended to fund a pilot program in Plymouth County, including projects of regionalized county government services.

SECTION 18A. Item 2300-0100 of section 2 of chapter 38 of the acts of 2013 is hereby amended by striking out the words “not later than 180 days after the effective date of this item” and inserting in place thereof the following:- not later than May 1, 2014.

SECTION 18B. Item 2330-0100 of section 2 of chapter 38 of the acts of 2013 is hereby amended by inserting after the words “hinder the existing functions of the plant;” the following words:- provided further, that no less than \$100,000 shall be expended to address new concerns associated with bacterial contamination of marine wasters and shellfish.

SECTION 18C. Item 2330-0120 of section 2 of chapter 38 of the acts of 2013 is hereby amended by inserting after the words “updating of data” the following words:-

; provided that \$100,000 shall be expended to conduct a stock assessment of black sea bass in coastal waters in collaboration with the Atlantic States Marine Fisheries Commission and the Mid-Atlantic Fishery Management Council, and employing the services of contracted fishing vessels.

SECTION 19. Item 3000-4065 of said section 2 of said chapter 38 is hereby amended by striking out the figure “168” and inserting in place thereof the following figure:- 166.

SECTION 20. Item 4800-0038 of said section 2 of said chapter 38 is hereby amended by striking out the following: “March 1” and inserting in place thereof the following:- November 30.

SECTION 21. Item 7004-0104 of said section 2 of said chapter 38 is hereby amended by inserting after the words “state-funded programs” the following words:- , prior appropriation continued.

SECTION 21A. Item 7004-9316 of section 2 of chapter 38 of the acts of 2013 is hereby amended by striking out “provided further, that not less than 90 per cent of the funds shall be provided to households with an income not greater than 30 per cent of area median income, subject to the department’s discretion based on data reflecting program demand and usage; provided further, that in distributing 90 per cent of the funds, the department shall prioritize those families most likely to otherwise require shelter services under item 7004-0101” and inserting in place thereof the following words:- provided further, that not less than 50 per cent of the funds shall be provided to households with an income not greater than 30 per cent of area median income, subject to the department’s discretion based on data reflecting program demand and usage; provided further, that in distributing 50 per cent of the funds, the department shall prioritize those families most likely to otherwise require shelter services under item 7004-0101.

SECTION 22. Item 7008-0900 of said section 2 of said chapter 38 is hereby amended by inserting after the words “Memorial Day to Columbus Day” the following words:- ; provided further, that not less than \$200,000 shall be expended for any hosting fees associated with visiting historical artifacts touring the commonwealth in 2014.

SECTION 23. Item 7066-0036 of said section 2 of said chapter 38 is hereby amended by striking out the words "August 1, 2014" and inserting in place thereof the following:- December 31, 2014; and provided further, that funds may be expended through December 31, 2014.

SECTION 24. Item 8910-0108 of said section 2 of said chapter 38 is hereby amended by inserting after the words "Franklin sheriff's office" the following words:- provided further, that not less than \$40,000 shall be expended for the Franklin County Opioid Education and Awareness Task Force.

SECTION 25. Item 1595-1068 of section 2E of said chapter 38 is hereby amended by striking out the figure "\$568,025,000", inserted by section 40 of chapter 118 of the acts of 2013, and inserting in place thereof the following figure:- \$620,025,000.

SECTION 26. The third sentence of the first paragraph of section 183 of said chapter 38 is hereby amended by striking out the figure "2014" and inserting in place thereof the following figure:- 2015.

SECTION 27. The first sentence of paragraph (a) of section 56A of chapter 118 of the acts of 2013 is hereby amended by inserting after the words "said section 2D" the following words:- ; provided further, that \$1,728,363 shall be expended regardless of federal reimbursement so that participating agencies that administer the federal Low Income Home Energy Assistance Program receive a total of \$20,000,000 in additional federal and state funding.

SECTION 28. Notwithstanding section 14 of chapter 151A of the General Laws, for calendar year 2014, the experience rate of an employer qualifying therefor under subsection (b) of section 14 of chapter 151A of the General Laws shall be the rate which appears in column "E" of clause (1) of subsection (i) of said section 14 of said chapter 151A.

SECTION 29. (a) Notwithstanding any general or special law to the contrary, the Massachusetts Department of Transportation may incur liabilities and make expenditures in fiscal years 2014 and 2015 in excess of funds available to the department for snow and ice removal; provided that the expenditures are approved by the secretary of transportation in consultation with the secretary of administration and finance. No expenditures shall be made in excess of funds available until \$38,000,000 has been expended for snow and ice removal in each of fiscal years 2014 and 2015 and the negative balance of funds available for snow and ice removal shall not exceed \$50,000,000 at any time during each fiscal year. The state comptroller may certify for payment invoices in excess of funds available to the department.

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

SECTION 29A. Notwithstanding any general or special law to the contrary, the Board of the Commonwealth Health Insurance Connector shall provide a monthly report on the status of the Connector to the Clerks of the House of Representatives and Senate, and the Joint Committee on Health Care Financing. The first report shall be submitted within two weeks of the effective date of this act.

SECTION 29B. Notwithstanding any general or special law to the contrary, that until such time as a report has been issued by the Child Welfare League of America, the department of children and families shall not license any foster parents and shall not approve any new foster placements where a household member has been convicted of a willful and malicious act aimed at a specific person committed with the intent to cause fear, intimidation, abuse or damage to that person; or (ii) an act that, by force, threat or duress causes another to involuntarily engage in sexual relations, or constitutes a violation of section 13B, 13F, 13H, 22, 22A, 23, 24, 24B, 26C, 43 or 43A of chapter 265 or section 3 of chapter 272. Current foster placements where a household member has been convicted of such a crime shall be reviewed for appropriateness. The department shall also provide a report to the clerks of the house of representatives and senate detailing the procedures for conducting background checks on applicants for foster placement. The report shall be submitted on or before March 31, 2014.

SECTION 30. The salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the State Police Association of Massachusetts, Unit 5A shall be effective for the purpose of section 7 of chapter 150E of the General Laws.

SECTION 31. Chapter 38 of the Acts of 2013 is hereby amended in subsection c, of section 164 by striking the words "December 31, 2013" and inserting in place thereof the following language, "December 31, 2014".

SECTION 32: Section 38A of chapter 41 of the general laws is hereby amended by striking the first sentence and inserting in place thereof the following:

A city or town may by ordinance, by-law or vote, notwithstanding any other provision of law, general or special, provide that the collector of taxes shall be authorized to collect, under the title of city or town collector, any accounts due the city or town, and may in like manner define his powers and duties in relation to the collection of such accounts, but no such ordinance, by-law or vote, heretofore or hereafter passed, shall limit such collector in the exercise of the remedies hereinafter conferred.

SECTION 33. Notwithstanding any general or special law to the contrary, the Department of Capital Asset Management and Maintenance shall enter into a 10-year lease for one dollar per year for the use of land at the Lemeul Shattuck Hospital in the city of Boston for the siting of a modular child care center, outdoor play area, and parking; provided, that the Department of Public Health, with support from the Executive Office of Health and Human

Services and the Department of Capital Asset Management and Maintenance, shall allow the Shattuck Child Care Center, Inc. to remain in its present location under the terms of the existing agreement between the Lemuel Shattuck Hospital and the Shattuck Child Care Center until the Center moves to the modular facilities; provided further, that the Shattuck Child Care Center, Inc. will reserve a portion of its slots for employees of the MBTA's Forest Hills Facility.

SECTION 34. Section 4A shall apply to all fines assessed or any appeal of such fine filed on or after January 1, 2013.

SECTION 35. Notwithstanding any general or special law to the contrary, the secretary of Energy & Environmental Affairs shall convene an advisory committee on flood risks created by climate change. The advisory committee shall be chaired by the secretary, or his designee, and be comprised of representatives with expertise in the following areas: coastal zone and river flooding, hydrological and hydraulic modeling, natural hazard preparedness and mitigation, sea level and storm surge projections, risk measurement and reduction, emergency management planning and scenario planning.

The advisory committee shall complete a report, not later than July 1, 2015 which shall include:

- (1) a set of combined sea-level rise and storm-surge scenarios for Massachusetts;
- (2) estimates of risk levels of each scenario occurring by 2030, 2050 and 2100;
- (3) estimates of flood water levels in coastal areas under each scenario which shall reflect appropriate local information such as local uplift and subsidence, and coastal erosion rates;
- (4) estimates based on hydrological and hydraulic modeling of flood water levels in each scenario in historically coastal areas now currently protected by dams, including the Charles River Basin and the Mystic River Basin;
- (5) maps of areas subject to inundation in each scenario; and
- (6) recommendations for additional study to assess the vulnerability of state agency and public utility assets based on the scenarios developed.

The committee shall conduct a public hearing before procuring any contract for consulting services and a second hearing before finalizing its report. The report shall be filed with the Clerks of the House and Senate, who will forward the report to the Chairs of the Joint Committee on Environment and Natural Resources.

SECTION 36. The Attorney General shall provide a written advisory opinion concerning whether denying the right to counsel for indigent petitioners in sex offender registry board proceedings pursuant to sections 178L and 178M of chapter 6 of the General Laws raises constitutional issues. The opinion shall be filed on or before April 15, 2014, with the clerks of

364 the house of representatives and senate who shall forward the same to the joint committee on the
365 judiciary and the house and senate committees on ways and means.

366 SECTION 37. Section 13 shall take effect as of October 1, 2013.

367 SECTION 38. Section 26 shall take effect as of January 1, 2014.

368 SECTION 39. Section 14 shall take effect October 1, 2014.

369 SECTION 40. Section 4 shall take effect January 1, 2015.