

HOUSE No. 4081

House bill No. 4069, as changed by the committee on Bills in the Third Reading, and as amended and passed to be engrossed by the House. May 14, 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, 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 0321-1510 \$34,128,000

12 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

13 Group Insurance Commission.

14 1108-5200 \$50,000,000

15 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

16 Department of Veterans Services.

17 1410-0400 \$526,380

18 Department of Children and Families.

19 4800-0038 \$4,000,000

20 4800-0041 \$6,400,000

21 Department of Developmental Services.

22 5930-1000 \$11,318,251

23 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

24 Department of Housing and Community Development.

25 7004-0101 \$1,942,866

26 7004-0103 \$4,253,765

27 EXECUTIVE OFFICE OF EDUCATION

28 Department of Elementary and Secondary Education.

29 7061-9010 \$27,595,074

30 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

31 Military Division.

32 8700-0001 \$515,000

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

40 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

41 Office of the Secretary.

42 1599-0027 For a county reimbursement reserve to be administered by the executive
43 office for administration and finance; provided that the reserve shall be distributed to the
44 counties of Bristol, Norfolk and Plymouth, to mitigate unfunded pension liabilities related to
45 chapter 61 of the Acts of 2009\$2,000,000

46 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

47 Office of the Secretary.

48 7002-0040 For a transfer to the Massachusetts Growth Capital Corporation for the Small
49 Business Technical Assistance Grant Program; provided, that not less than \$2,000,000 shall be
50 disbursed as grants to community development corporations certified under chapter 40H of the
51 General Laws, nonprofit community development financial institutions certified by the U.S.
52 Treasury, or nonprofit community based organizations for the purpose of providing technical
53 assistance or training programs to businesses with 20 employees or fewer; provided further, that
54 priority shall be given to those organizations that focus on reaching under-served markets; and
55 provided further, that the Massachusetts Growth Capital Corporation shall annually, on or before
56 December 31, file a report with the house and senate committees on ways and means, and the
57 joint committee on small business and community development.....\$2,000,000

58 SECTION 3. Item 1599-2004 of section 2A of chapter 9 of the acts of 2011 is hereby
59 amended by inserting after the word “item”, in line 13, the following words:- ; and provided
60 further, that any funds unexpended in fiscal year 2014 shall not revert and shall be made
61 available for the purposes of this item until June 30, 2015.

62 SECTION 4. Item 1599-0054 of section 2A of chapter 3 of the acts of 2013as amended
63 by section 59 of chapter 36 of the acts of 2013, is hereby further amended by adding the
64 following words:- ; and provided further, that any funds unexpended in fiscal year 2014 shall not
65 revert and shall be made available for the purposes of this item until June 30, 2015.

66 SECTION 5. Item 1599-0117 of section 2A of chapter 5 of the acts of 2013 is hereby
67 amended by adding the following words:- ; provided further, that funds from this item may be
68 expended for the purpose of marathon preparation, security and safety for the 2014 Boston
69 Marathon and future marathons; and provided further, that any funds unexpended in fiscal year
70 2014 shall not revert and shall be made available for the purposes of this item until June 30,
71 2015.

72 SECTION 6. Item 1599-0415 of section 2A of chapter 36 of the acts of 2013 is hereby
73 amended by adding the following words:- ; and provided further, that any funds unexpended in
74 fiscal year 2014 shall not revert and shall be made available for the purposes of this item until
75 June 30, 2015.

76 SECTION 6A. Section 2 of chapter 38 of the acts of 2013 is hereby amended by
77 inserting after item 1790-0350 the following item:-

78 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION.

79 1790-0351 For the purposes of clause (b) of the second paragraph of section 4 of chapter
80 6C of the General Laws; provided, that a city or town shall comply with the procedures
81 established by the Massachusetts Department of Transportation; provided further, that a city or
82 town may appropriate for such projects amounts not in excess of the amount provided to the city
83 or town pursuant to this item; provided further, that the appropriation shall be considered an
84 available fund upon approval of the commissioner of revenue pursuant to section 23 of chapter
85 59 of the General Laws; provided further, that the commonwealth shall reimburse a city or town
86 pursuant to this item, subject to the availability of funds as provided in section 9G of chapter 29
87 of the General Laws, within 30 days after receipt by the department of a request for
88 reimbursement from the city or town, which request shall include certification by the city or
89 town that actual expenses have been incurred on projects eligible for reimbursement under this
90 item and that the work has been completed to the satisfaction of the city or town according to the
91 specifications of the project and in compliance with applicable laws and regulations and
92 procedures established by the department; and provided further, that funds appropriated in this
93 item shall not revert and shall be available for expenditure through June 30,
94 2015.....\$100,000,000

95 Commonwealth Stabilization Fund.....100%

96 SECTION 6B. Notwithstanding any special or general law to the contrary, the provisions
97 of section 6A shall not take effect until such time as the executive office of administration and
98 finance, in conjunction with the department of revenue and the department of transportation,
99 have furnished a study of its impact on the state’s economy and revenue cost to the
100 commonwealth and its cities and towns, including, but not limited to, the impact on the bond
101 rating of the commonwealth due to the withdrawal from the Stabilization Fund for purposes that
102 are otherwise funded by authorizing general obligation bonds of the commonwealth, a
103 distributional analysis showing the impact on taxpayers of varying income levels, the current
104 practice of other states and any anticipated change in employment and ancillary economic
105 activity to the joint committees on revenue and transportation and until legislation necessary to
106 achieve the recommendations has been filed with the General Court and passed pursuant to Part
107 2, Chap. 1, Sec. 1, Art. II of the Constitution.

108 SECTION 7. Item 4800-0015 of section 2 of chapter 38 of the acts of 2013 is hereby
109 amended by striking out the words “; provided further, that the commissioner may transfer funds
110 between items 4800-0038, 4800-0040 and 4800-0041 for services only, as necessary, under an
111 allocation plan, which shall detail, by object class, the distribution of the funds to be transferred
112 and no transfers shall be made for administrative costs” and inserting in place thereof the

113 following words: - ; provided further, that the commissioner may transfer funds among items
114 4800-0038, 4800-0040, 4800-0041, and 4800-0015; provided further, that the commissioner may
115 transfer funds from items 4800-0038, 4800-0040, 4800-0041 and 4800-0015 to item 4800-1100.

116 SECTION 8. Item 7002-0012 of said section 2 of said chapter 38 is hereby amended by
117 striking out the words “through September 1, 2014” and inserting in place thereof the following
118 words:- for programs or activities during the summer months.

119 SECTION 9. Item 7009-6400 of said section 2 of said chapter 38 is hereby amended by
120 striking out the words “through August 31, 2014” and inserting in place thereof the following
121 words:- for programs or activities during the summer months.

122 SECTION 10. Item 7009-9600 of said section 2 of said chapter 38 is hereby amended by
123 striking out the words “through August 31, 2014” and inserting in place thereof the following
124 words:- for programs or activities during the summer months.

125 SECTION 11. Item 7035-0035 of said section 2 of said chapter 38 is hereby amended by
126 striking out the words “through August 31, 2014” and inserting in place thereof the following
127 words:- for programs or activities during the summer months.

128 SECTION 12. Item 7061-9404 of said section 2 of said chapter 38 is hereby amended by
129 striking out the words “through August 31, 2014” and inserting in place thereof the following
130 words:- for programs or activities during the summer months.

131 SECTION 13. Item 7061-9408 of said section 2 of said chapter 38 is hereby amended by
132 striking out the words “through August 31, 2014” and inserting in place thereof the following
133 words:- for programs or activities during the summer months.

134 SECTION 14. Item 7061-9412 of said section 2 of said chapter 38 is hereby amended by
135 striking out the words “through August 31, 2014” and inserting in place thereof the following
136 words:- for programs or activities during the summer months.

137 SECTION 15. Item 7061-9611 of said section 2 of said chapter 38 is hereby amended by
138 striking out the words “through August 31, 2014” and inserting in place thereof the following
139 words:- for programs or activities during the summer months.

140 SECTION 16. Item 7061-9804 of said section 2 of said chapter 38 is hereby amended by
141 striking out the words “through August 31 , 2014” and inserting in place thereof the following
142 words:- for programs or activities during the summer months.

143 SECTION 17. Item 7066-0025 of said section 2 of said chapter 38 is hereby amended by
144 striking out the words “through August 31, 2014” and inserting in place thereof the following
145 words:- for programs or activities during the summer months.

146 SECTION 18. Item 7066-0040 of said section 2 of said chapter 38 is hereby amended by
147 striking out the words “through August 31, 2014” and inserting in place thereof the following
148 words:- for programs or activities during the summer months.

149 SECTION 19. The salary adjustments and other economic benefits authorized by the
150 collective bargaining agreement between the Middlesex sheriff and Teamsters Local 122 shall be
151 effective for the purpose of section 7 of chapter 150E of the General Laws.

152 SECTION 20. (a) Upon certification by the executive office for administration and
153 finance, an amount of not more than \$65,000,000 equal to federal financial participation funds
154 received shall be deposited in the Commonwealth Care Trust Fund. To accommodate the timing
155 of federal revenue receipts after June 30, 2014 amounts that would be collected during the fiscal
156 year 2014 accounts receivable period shall be deposited in the fund on a projected basis on June
157 15, 2014.

158 (b) The Commonwealth Care Trust Fund need not be in balance at the close of fiscal year
159 2014, but shall be in balance at the close of fiscal year 2015.

160 SECTION 21. (a) Notwithstanding chapter 334 of the acts of 1996 or any other general or
161 special law to the contrary, control and custody of the William A. Hinton State Laboratory
162 Institute located in the Jamaica Plain section of the City of Boston is transferred from the
163 University of Massachusetts to the division of capital asset management and maintenance,
164 effective July 1, 2014. After the effective date of that transfer, the division may assign the use
165 of space within the property to 1 or more state agencies and may make expenditures and perform
166 maintenance for the property that it considers reasonable and appropriate.

167 (b) Employees of the University of Massachusetts Medical School engaged in the
168 maintenance and security of the facility known as the William A. Hinton state laboratory
169 institute located in the Jamaica Plain section of the city of Boston shall be transferred to the
170 division of capital asset management and maintenance effective July 1, 2014. The personnel
171 administrator of the commonwealth, in consultation with the division of capital asset
172 management and maintenance, shall complete a study of job titles of the former University of
173 Massachusetts Medical School employees at the facility. The personnel administrator, in
174 consultation with the division, shall determine the appropriate commonwealth job titles for
175 former employees of the University of Massachusetts Medical School transferred to the division.
176 Employees transferred to the division shall be placed in job titles as determined by the personnel
177 administrator, and shall be paid wages and receive benefits consistent with the collective
178 bargaining agreement governing those job titles. Such a transfer shall not impair the civil service
179 status of any such transferred employee who immediately before the effective date of that
180 transfer either held a permanent appointment in a position classified under chapter 31 of the
181 General Laws or had tenure in a position by reason of section 9A of section 9A of chapter 30 of
182 the General Laws.

183 SECTION 22. The salary adjustments and other economic benefits authorized by the
184 collective bargaining agreement between the Middlesex sheriff and Teamsters Local 122 shall be
185 effective for the purpose of section 7 of chapter 150E of the General Laws.

186 SECTION 23. (a) Upon certification by the executive office for administration and
187 finance, an amount of not more than \$65,000,000 equal to federal financial participation funds
188 received shall be deposited in the Commonwealth Care Trust Fund. To accommodate the timing
189 of federal revenue receipts after June 30, 2014 amounts that would be collected during the fiscal
190 year 2014 accounts receivable period shall be deposited in the fund on a projected basis on June
191 15, 2014.

192 (b) The Commonwealth Care Trust Fund need not be in balance at the close of fiscal year
193 2014, but shall be in balance at the close of fiscal year 2015.

194 SECTION 24. Notwithstanding any general or special law to the contrary, infants born
195 addicted to drugs as a result of the use of illegal drugs by the birth mother during pregnancy shall
196 be placed under the care and custody of the department of children and families and placed in an
197 appropriate foster care home. The birth mother shall submit to treatment and random drug testing
198 as a provision of the service plan. No infant or child shall be placed with a parent or guardian
199 who has failed a drug test under the service plan.

200 SECTION 25. Notwithstanding any special or general law to the contrary, the provisions
201 of section 24 shall not take effect until such time as (i) the executive office of health and human
202 services, in conjunction with the committee for public counsel services and the office of the
203 attorney general, furnishes a study to the joint committee on children, families and persons with
204 disabilities and the joint committee on judiciary detailing the practice of current policy with
205 respect to service plans for parents whose children have been placed in the care of the
206 department of children and families, including existing court mandated drug testing; the impact
207 of the section upon the judicial system of the commonwealth due to increased appeals by
208 parents; and the section's impact on the rights of individuals pursuant to Article XIV of the
209 Constitution to due process under the law; the study shall also include a distributional analysis
210 showing the impact on residents of varying income levels and the current practice of other states;
211 and (ii) until legislation necessary to carry out any recommendations pursuant to the study has
212 been filed with the General Court and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the
213 Constitution.