

HOUSE No. 55

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act making appropriations for the fiscal year 2013 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 forthwith implement fiscal stability measures for fiscal year 2013, 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 2013, 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, 2013. These sums shall be in addition to any amounts
7 previously appropriated and made available for the purposes of those items.

8 JUDICIARY

9 Committee for Public Counsel Services.

10 0321-1510..... \$18,350,318

11 0321-1520..... \$6,649,682

12 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

13 Reserves.

14 1599-3384..... \$5,000,000

15 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

16	Department of Fish and Game.	
17	2310-0200.....	\$515,000
18	Inland Fisheries and Game Fund.....	100%
19	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES	
20	Department of Developmental Services.	
21	5930-1000.....	\$11,000,000
22	EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT	
23	Department of Housing and Community Development	
24	7004-0101.....	\$39,000,000
25	7004-0108.....	\$5,300,000
26	EXECUTIVE OFFICE OF EDUCATION	
27	Department of Higher Education	
28	7066-0021.....	\$1,017,551
29	EXECUTIVE OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY	
30	Military Division.	
31	8700-1150.....	\$2,500,000
32	SHERIFFS	
33	Middlesex Sheriff's Office.	
34	8910-0107.....	\$155,835
35	Hampshire Sheriff's Office.	
36	8910-0110.....	\$472,718
37	Berkshire Sheriff's Office.	
38	8910-0145.....	\$697,353
39	Franklin Sheriff's Office.	
40	8910-0108.....	\$1,277,768

41	Essex Sheriff's Office.	
42	8910-0619.....	\$1,600,000
43	Barnstable Sheriff's Office.	
44	8910-8200.....	\$1,028,036
45	Bristol Sheriff's Office.	
46	8910-8300.....	\$2,728,490
47	Dukes Sheriff's Office.	
48	8910-8400.....	\$102,678
49	Norfolk Sheriff's Office.	
50	8910-8600.....	\$1,855,578
51	Plymouth Sheriff's Office.	
52	8910-8700.....	\$5,836,139
53	Suffolk Sheriff's Office.	
54	8910-8800.....	\$1,854,299

55 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
56 provide for an alteration of purpose for current appropriations, and to meet certain requirements
57 of law, the sums set forth in this section are hereby appropriated from the General Fund unless
58 specifically designated otherwise in this section, for the several purposes and subject to the
59 conditions specified in this section, and subject to the laws regulating the disbursement of public
60 funds for the fiscal year ending June 30, 2013. These sums shall be in addition to any amounts
61 previously appropriated and made available for the purposes of those items.

62 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

63 Reserves

64 1599-0054 For a reserve for costs of the investigation and response related to the
65 breach at the Drug Analysis Laboratory at the Dr. William A. Hinton State Laboratory Institute;
66 provided, that the secretary of administration and finance may transfer funds from this item to
67 state agencies, as defined in section 1 of chapter 29 of the General Laws, and municipalities for
68 this purpose; provided further, that these transfers shall occur on a monthly basis in incremental
69 amounts based on costs to investigate or respond to the Hinton Laboratory breach unless the
70 secretary determines that funds must be transferred more or less frequently in order to meet

71 necessary funding needs of state agencies and municipalities; provided further, that transfers
72 shall be made in accordance with an executed memorandum of agreement between the secretary
73 and each entity receiving funding, documenting the types of costs eligible for funding pursuant
74 to this item and other terms of funding that the secretary considers appropriate, a copy of which
75 shall be filed with the chairs of the house and senate committees on ways and means within 10
76 days after the agreement's execution; provided further, that requests for funding of eligible costs
77 pursuant to any such memoranda of agreement shall include documentation evidencing these
78 eligible costs that the secretary, in his sole discretion, determines to be sufficient; provided
79 further, that no transfers shall be made from this item before the filing of the applicable
80 memorandum of agreement with the house and senate committees on ways and means; and
81 provided further, that the secretary shall file a quarterly report with the chairs of the house and
82 senate committees on ways and means which identifies, by funding recipient: (a) all funding
83 requests and transfers made for the quarter that has most recently ended; (b) the total funding
84 requested and transfers by fiscal year; and (c) projected funding required for the forthcoming
85 quarter.....\$30,000,000

86 1599-1712 For a reserve for costs incurred in response to Hurricane Sandy storms;
87 provided, that the comptroller shall transfer funds made available in this item to other
88 departments for this purpose upon the written request of the secretary of administration and
89 finance; and provided further, that expenditures from this item shall be offset by federal
90 reimbursements to the extent available \$3,000,000

91 1599-2007 For a reserve for costs incurred in implementing chapter 224 of the acts of
92 2012.....\$2,949,889

93 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

94 Division of Professional Licensure.

95 7006-0065 The division of standards may retain not more than \$655,000 in revenue from
96 registration fees and fines that it collects under sections 184B to 184E, inclusive, of chapter 94,
97 and sections 56D and 56E of chapter 98, of the General Laws to support its enforcement
98 activities as provided in subsection (h) of section 184D of said chapter 94, and, notwithstanding
99 any general or special law to the contrary, for the purpose of accommodating timing
100 discrepancies between the receipt of revenues and related expenditures, the department may
101 incur expenses and the comptroller may certify for payment the amounts not to exceed the lower
102 of this authorization or the most recent revenue estimate, as reported in the state accounting
103 system; provided, that notwithstanding said subsection (h), the division shall not fund the
104 municipal grant program provided in said subsection (h).....\$655,000

105 SHERIFFS

106 Bristol Sheriff's Office.

107 8910-8318 For a cost of living adjustment to supplement existing salaries for employees
108 of the Bristol sheriff’s department; provided, however, that all payments for the purpose
109 described herein shall only be expended in the AA object class; provided further, that prior to
110 the distribution of funds from this line item the sheriff shall submit a compensation spending
111 plan to the house and senate committees on ways and means and the executive office of
112 administration and finance detailing the amount and schedule of disbursement of these funds
113 amongst each salaried employee; and, provided further, that funds shall only be distributed to the
114 members of the collective bargaining units of the Massachusetts Correction Officers Federated
115 Union.....\$1,600,000

116 SECTION 3. Chapter 10 of the General Laws is hereby amended by striking out section
117 28B, as appearing in the 2010 Official Edition, and inserting in place thereof the following
118 section:-

119 Section 28B. The commission shall, on a monthly basis, transmit to the department of
120 transitional assistance, the executive office of health and human services, office of Medicaid, and
121 the IV-D agency, as set forth in chapter 119A, a list of all persons who were the holders of any
122 winning ticket in excess of \$600 in the prior month. The information shall be provided in a
123 format which is compatible with the automated data processing systems of these departments, or
124 in any other form and format requested by the departments and offices to ensure the immediate
125 identification of persons who may be receiving public assistance benefits. The information
126 provided shall include the name, address and social security number of the holder of the winning
127 ticket and the face value of the winning ticket.

128 SECTION 4. The last sentence of paragraph (f) of subsection (2) of section 59 of chapter
129 23K of the General Laws, as inserted by section 16 of chapter 194 of the acts of 2011, is hereby
130 amended by striking out the figure “25” and inserting in place thereof the following figure:- 20.

131 SECTION 5. Paragraph (2) of subsection (b) of section 5 of chapter 44B, as amended by
132 section 77 of chapter 139 of the acts of 2012, is hereby further amended by inserting after the
133 word “prohibited” the following words:- ; provided that projects approved by a municipality for
134 the acquisition of artificial turf for athletic fields prior to July 1, 2012, shall be authorized as a
135 permitted use of community preservation funding.

136 SECTION 6. Section 65 of chapter 143 of the General Laws is hereby amended by
137 striking out the second and third paragraphs, inserted by section 95 of chapter 68 of the acts of
138 2011, and inserting in place thereof the following 3 paragraphs:-

139 No elevator licensed under this chapter shall be operated without a valid inspection
140 certificate. An elevator shall be deemed to be operating for the purposes of this section unless it
141 has been placed out of service or decommissioned in accordance with a procedure approved by
142 the board. If a certificate has expired, no new certificate shall be issued until a new inspection
143 has been completed and no elevator shall be operated until a new certificate has been issued by a

144 qualified state inspector. The owner or operator of an elevator who fails to comply with this
145 section shall be punished by a fine of \$100 for each day that an elevator is in operation without a
146 valid certificate. Fines shall begin to accrue on the date that the elevator is determined to be
147 unsafe. Fines shall stop accruing on the date on which the owner or operator has, in writing or in
148 any manner prescribed by the department, requested an inspection of the elevator by the
149 department. For any unit that has a travel distance of 25 feet or less and is located in a single-
150 family owner-occupied residence in accordance with section 64, the maximum fine shall be
151 \$5,000. For all other units, the maximum fine shall be \$20,000. The commissioner or the
152 commissioner's designee, or another person as the commissioner may specifically authorize, may
153 issue a written notice of violation under section 21 of chapter 22 for a violation of this section.

154 The commissioner may assess a fee for appeals filed under this section, to be determined
155 by the secretary of administration and finance under section 3B of chapter 7.

156 Upon application for annual inspection, owners shall provide to the department a current
157 mailing address for the location of the unit.

158 SECTION 7. Chapter 146 of the General Laws is hereby amended by striking out section
159 82, as appearing in the 2010 Official Edition, and inserting in place thereof the following
160 section:-

161 Section 82. The bureau shall adopt regulations for the examining and licensing of fire
162 sprinkler contractors, pipefitters, refrigeration technicians and sprinkler fitters, including the
163 classification of pipefitter licenses, which shall include, but not be limited to, pipefitter welder,
164 process piping and apprentice.

165 SECTION 8. Section 4 of chapter 176J of the General Laws, as amended by section 32 of
166 chapter 118 of the acts of 2012, is hereby amended by striking out subsection (a) and inserting in
167 place thereof the following:-

168 (a)(1) Every carrier shall make available to every eligible individual and every small
169 business, including an eligible small group or eligible individual, a certificate that evidences
170 coverage under a policy or contract issued or renewed to a trust, association or other entity that is
171 not a group health plan, as well as to their eligible dependents, every health benefit plan that it
172 provides to any other eligible individual or eligible small business. No health plan may be
173 offered to an eligible individual or an eligible small business unless it complies with this chapter.
174 Upon the request of an eligible small business or an eligible individual, a carrier must provide
175 that group or individual with a price for every health benefit plan that it provides to any eligible
176 small business or eligible individual. Except under the conditions set forth in paragraph (3) of
177 subsection (a) and paragraph (2) of subsection (b), every carrier shall enroll any eligible small
178 business or eligible individual which seeks to enroll in a health benefit plan. Every carrier shall
179 permit every eligible small business group to enroll all eligible employees and all eligible
180 dependents; provided that the commissioner shall promulgate regulations which limit the

181 circumstances under which coverage must be made available to an eligible employee who seeks
182 to enroll in a health benefit plan significantly later than he was initially eligible to enroll in a
183 group plan. Notwithstanding the foregoing, this section shall not apply to health benefit plans
184 sold exclusively as child-only plans or catastrophic plans.

185 (2) (i) A carrier shall enroll eligible individuals, as defined by section 1, and eligible
186 individuals, as defined in section 2741 of the Health Insurance Portability and Accountability
187 Act of 1996, 42 U.S.C. section 300gg-41(b), into a health plan if such individuals request
188 coverage within 63 days of termination of any prior creditable coverage. A carrier shall also
189 enroll eligible individuals, as permitted under the federal Patient Protection and Affordable Care
190 Act, as well as any rules, regulations or guidance applicable thereto, into a health plan offered
191 through the Exchange.

192 (ii) A carrier shall also enable an eligible individual to renew his or her coverage if that
193 coverage is available to other eligible individuals. Coverage shall become effective within 30
194 days of the date of application, subject to reasonable verification of eligibility, and shall be
195 effective through December 31 of that same year.

196 (iii) Carriers shall notify eligible individuals of the following:

197 (1) coverage will be in effect only through December 31 in the year of enrollment;

198 (2) if the individual is in a health plan with a plan-year deductible or out-of-pocket
199 maximum, an explanation of how that deductible or out-of-pocket maximum and premiums will
200 be impacted for the period between the plan effective date and December 31 of the enrollment
201 year; and

202 (3) the next open enrollment period during which the individual will have the opportunity
203 to enroll in a health plan that will begin on January 1 of the following calendar year.

204 (iv) As of January 1, 2014, a carrier may not impose a pre-existing condition exclusion or
205 waiting period of any duration on a health plan.

206 (3) (i) Notwithstanding the requirements set forth in paragraph (2) of this subsection, a
207 carrier shall only enroll an eligible individual who does not meet the requirements of paragraph
208 (2) of this subsection into a health plan during the following annual open enrollment periods for
209 eligible individuals and their dependents:

210 (1) There shall be two open enrollment periods during 2013, with the first period taking
211 place beginning July 1, 2013 through August 15, 2013 and the second period taking place
212 beginning October 1, 2013 through December 31, 2013;

213 (2) There shall be two open enrollment periods during 2014, with the first period taking
214 place beginning January 1, 2014 through March 31, 2014 and the second period taking place
215 beginning October 15, 2014 through December 7, 2014;

216 (3) In years following calendar year 2014, the open enrollment period shall be from
217 October 15 through December 7, unless otherwise designated by the commissioner.

218 (ii) Notwithstanding the requirements set forth in paragraph (2) of this section, for
219 coverage issued or renewed to eligible individuals that has an effective date beginning February
220 1, 2013 through March 31, 2013, carriers shall notify those individuals of the following:

221 (1) coverage will be effective for a 12-month plan year from the date of the individual's
222 health plan effective date;

223 (2) if the individual maintains coverage for the full 12-month plan year:

224 (A) the individual only may enroll for coverage to be effective after the plan year in a
225 health plan that will be effective through December 31, 2014;

226 (B) the individual may enroll in a health plan effective on January 1, 2015 during the
227 open enrollment period taking place beginning October 15, 2014 through December 7, 2014; and

228 (C) coverage issued to individuals will be effective on January 1 in calendar years
229 subsequent to 2014;

230 (3) the individual has the choice within the 12-month plan year to enroll in a different
231 health plan during the open enrollment periods, and the carrier shall provide an explanation of
232 the coverage effective dates that would apply during each open enrollment period, as well as the
233 potential impact that such changes may have on the individual's coverage and premiums,
234 including an explanation of the impact on any health plans with plan year deductibles or plan
235 year out-of-pocket maximums.

236 (iii) (1) Notwithstanding the requirements set forth in paragraph (2) of this section, for
237 coverage issued or renewed to eligible individuals that has an effective date beginning April 1,
238 2013 through December 31, 2013, carriers shall make coverage effective through March 31,
239 2014.

240 (2) If the individual's coverage includes a plan year deductible or plan year out-of-pocket
241 maximum, the carrier shall issue a policy endorsement effective through the end of the coverage
242 period, approved as to form and content by the commissioner, that modifies such coverage to
243 pro-rate the deductible and out-of-pocket maximum to reflect that coverage will be in effect for
244 less than a 12-month period; this policy endorsement shall only be available to individuals with
245 coverage subject to this paragraph.

246 (3) Carriers further shall notify such eligible individuals of the following:

247 (A) coverage will be in effect only through March 31, 2014;

248 (B) if the individual is in a health plan with a plan year deductible or plan year out-of-
249 pocket maximum, the carrier shall describe how the deductible or out-of-pocket maximum and
250 premiums would be impacted for the period between the health plan's effective date in 2013 and
251 March 31, 2014; and

252 (C) if the individual maintains coverage through March 31, 2014:

253 (I) the individual only may enroll during the January through March 2014 open
254 enrollment period for coverage effective on April 1, 2014, which coverage will be effective only
255 through December 31, 2014;

256 (II) if the individual is in a health plan with a plan-year deductible or plan-year out-of-
257 pocket maximum, the carrier shall provide an explanation of how that deductible or out-of-
258 pocket maximum and premiums would be impacted for the period between April 1, 2014 and
259 December 31, 2014;

260 (III) the individual may enroll in a health plan effective on January 1, 2015 during the
261 open enrollment period taking place beginning October 15, 2014 through December 7, 2014; and

262 (IV) coverage issued to individuals will be effective on January 1 in calendar years
263 subsequent to 2014.

264 (D) the individual has the choice prior to March 31, 2014 to enroll in a different health
265 plan during the open enrollment periods, and the carrier shall provide an explanation of the
266 coverage effective dates that would apply for each open enrollment period, as well as the
267 potential impact that such changes may have on the individual's coverage and premiums,
268 including an explanation of the impact on any health plans with plan year deductibles or plan
269 year out-of-pocket maximums.

270 (iv) (1) Notwithstanding the requirements set forth in paragraph (2) of this section, for
271 coverage issued during the 2013 and 2014 open enrollment periods with an effective date
272 beginning January 1, 2014 through May 31, 2014, carriers shall make coverage effective through
273 December 31, 2014.

274 (2) If the individual's coverage includes a plan year deductible or out-of-pocket
275 maximum, the carrier shall issue a policy endorsement effective through the end of the coverage
276 period, approved as to form and content by the commissioner, that modifies such coverage to
277 pro-rate the deductible and out-of-pocket maximum to reflect that the coverage will be in effect
278 for less than a 12-month period; this policy endorsement shall only be available to individuals
279 with coverage subject to this paragraph.

280 (3) Carriers further shall notify such eligible individuals of the following:

281 (A) coverage will be effective only through December 31, 2014;

282 (B) if the individual is in a health plan with a plan year deductible or plan-year out-of-
283 pocket maximum, the carrier shall describe how that deductible or out-of-pocket maximum and
284 premiums would be impacted for the period beginning with the health plan's effective date
285 through December 31, 2014; and

286 (C) coverage issued to individuals will be effective on January 1 in calendar years
287 subsequent to 2014.

288 (v) (1) Notwithstanding the requirements set forth in paragraph (2) of this section, for
289 coverage issued with an effective date beginning June 1, 2014 through December 31, 2014,
290 carriers shall make coverage effective through December 31, 2014.

291 (2) Carriers further shall notify such eligible individuals of the following:

292 (A) coverage will be effective only through December 31, 2014;

293 (B) if the individual is in a health plan with a plan year deductible or out-of-pocket
294 maximum, an explanation of how that deductible or out-of-pocket maximum and premiums will
295 be impacted for the period between the plan effective date and December 31, 2014; and

296 (C) coverage issued to individuals will be effective on January 1 in calendar years
297 subsequent to 2014.

298 (4) Notwithstanding any other provision of this section or any general or special law, the
299 office of patient protection may administer and grant enrollment waivers to permit enrollment
300 not during a mandatory open enrollment period, to the extent permitted under the federal Patient
301 Protection and Affordable Care Act, or any rules, regulations or guidance applicable thereto, and
302 in accordance with Chapter 6D and any other applicable laws.

303 SECTION 9. Section 5B of chapter 271 of the General Laws, inserted by chapter 187 of
304 the acts of 2012, is hereby amended by striking out the words "or (5)" and inserting in place
305 thereof the following words:- (5) under chapter 23K; or (6).

306 SECTION 10. Chapter 194 of the acts of 2011 is amended by striking out section 100 and
307 inserting in place thereof the following section:-

308 Section 100. There shall be established and set up on the books of the commonwealth a
309 Healthcare Payment Reform Trust Fund, in this section called the fund. The fund shall be
310 credited with any monies transferred under section 97 and any monies credited or transferred to
311 the fund from any other fund or source. The health policy commission shall be the trustee of the
312 fund and may expend from the fund, without further appropriation, to carry out the purposes of
313 chapter 224 of the acts of 2012. For the purpose of accommodating discrepancies between the
314 receipt of revenues and related expenditures, the commission may incur obligations and the

315 comptroller may certify payment amounts not to exceed the most recent revenue estimate
316 submitted by the commission and approved by the comptroller, but the fund shall be in balance
317 by the close of fiscal year 2014 and all subsequent fiscal years.

318 SECTION 11. Item 0699-0015 of section 2 of chapter 139 of the acts of 2012 is hereby
319 amended by striking out the figure “\$2,010,444,553” and inserting in place thereof the following
320 figure:- \$1,968,056,853.

321 SECTION 12. Item 0699-9100 of said section 2 of said chapter 139 is hereby amended
322 by striking out the figure “\$29,131,247” and inserting in place thereof the following figure:-
323 \$16,384,477.

324 SECTION 13. Said section 2 of said chapter 139 is hereby amended by striking out item
325 number “8910-7100” and inserting in place thereof the following item number:- 8910-7110.

326 SECTION 14. Item 1595-1068 of section 2E of said chapter 139 is hereby amended by
327 striking out the figure “\$566,306,556” and inserting in place thereof the following figure:-
328 \$565,006,556.

329 SECTION 15. Item 1595-6368 of said section 2E of said chapter 139 is hereby amended
330 by striking out the figure “\$166,591,136” and inserting in place thereof the following figure:-
331 \$161,713,136.

332 SECTION 16. The first sentence of subsection (a) of section 160 of said chapter 139 is
333 hereby amended by striking out the figure “\$350,000,000” and inserting in place thereof the
334 following figure:- \$550,000,000.

335 SECTION 17. Section 187 of said chapter 139 is hereby repealed.

336 SECTION 18. Section 221 of chapter 139 of the acts of 2012 is hereby amended by
337 striking out the number “2013” and inserting in place thereof the following number:- 2014.

338 SECTION 19. Section 91 of chapter 238 of the acts of 2012 is hereby amended by
339 striking out the words “December 31, 2012” and inserting in place thereof the following words:-
340 July 31, 2013.

341 SECTION 20. Section 2C.I of chapter 239 of the acts of 2012 is hereby amended by
342 striking out the words “Department of Housing and Community Development”.

343 SECTION 21. Said section 2C.I of said chapter 239 is hereby further amended by
344 inserting after item 7002-0035 the following sub-heading:- Department of Housing and
345 Community Development.

346 SECTION 22. Chapter 239 of the acts of 2012 is hereby amended by striking out section
347 52 and inserting in place thereof the following section:-

348 Section 52. The bureau of pipefitters, refrigeration technicians and sprinkler fitters shall
349 adopt regulations and issue procedures related to the process piping pipefitter license, under
350 section 82 of chapter 146 of the General Laws, not later than July 1, 2013. A person who was not
351 required to be licensed under section 84 of said chapter 146, who submits satisfactory proof to
352 the bureau of pipefitters, refrigeration technicians and sprinkler fitters that the person has been
353 actively engaged in process piping for a period of 4 years before the effective date of this act,
354 and who has applied for a license within 180 days after the effective date of the regulations
355 adopted under this section, shall, upon payment of the applicable fee and after demonstrating
356 sufficient knowledge of the regulations related to the process piping pipefitter license, be issued
357 a process piping pipefitter license. Any proof required to be submitted under this section shall be
358 accompanied by a statement under the penalties of perjury.

359 SECTION 23. Section 4 of chapter 254 of the acts of 2012 is hereby repealed.

360 SECTION 24. Notwithstanding the last paragraph of section 2H of chapter 29 of the
361 General Laws, for the purpose of covering the costs authorized under item 1599-0054 of section
362 2A, the comptroller shall transfer to the General Fund the amount of those authorized costs from
363 the proceeds of one-time settlements or judgments that would otherwise be transferred to the
364 Commonwealth Stabilization Fund, according to a schedule approved by the secretary of
365 administration and finance and considering the cash flow needs of the commonwealth. If the
366 costs authorized under that item exceed the funds available from the proceeds of one-time
367 settlements or judgments that would otherwise be transferred to the Commonwealth Stabilization
368 Fund, the balance of the amount of the authorized costs, not exceeding a total of \$30,000,000 of
369 authorized costs, shall be transferred from the Commonwealth Stabilization Fund for this
370 purpose. Funds from the reserve created in said item 1599-0054 may be spent in anticipation of
371 deposits under this section.

372 SECTION 25. Notwithstanding subsection (e) of section 20 of chapter 304 of the acts of
373 2008, the net cash proceeds of the sale of the former Edward J. Sullivan Courthouse in the city of
374 Cambridge shall be deposited in the General Fund.

375 SECTION 26. Notwithstanding any general or special law to the contrary, the secretary
376 of administration and finance may reduce the transfer to the Commonwealth Care Trust Fund in
377 item 1595-5819 of section 2E of chapter 139 of the acts of 2012, if the secretary determines that
378 expenditures from the fund are lower than anticipated or that revenue to the fund is higher than
379 anticipated.

380 SECTION 27. Notwithstanding any general or special law to the contrary, the total
381 amount appropriated for fiscal year 2013 for the following constitutional offices, departments,
382 agencies or institutions of higher education not subject to section 9C of chapter 29 of the General
383 Laws shall be reduced by 1 per cent; provided that the reduction may be within any item of
384 appropriation: (1) office of the state comptroller; (2) center for health information and analysis;

385 (3) house of representatives; (4) state senate; (5) joint legislative account; (6) state ethics
386 commission; (7) office of campaign and political finance; (8) commission on the status of
387 women; (9) victim and witness assistance board; (10) disabled persons protection commission;
388 (11) Massachusetts cultural council; (12) board of library commissioners; (13) Massachusetts
389 commission against discrimination; (14) Massachusetts office of disability; (15) University of
390 Massachusetts; (16) Bridgewater State University; (17) Fitchburg State University; (18)
391 Framingham State University; (19) Massachusetts College of Art and Design; (20)
392 Massachusetts Maritime Academy; (21) Massachusetts College of Liberal Arts; (22) Salem State
393 University; (23) Westfield State University; (24) Worcester State University; (25) Berkshire
394 Community College; (26) Bristol Community College; (27) Bunker Hill Community College;
395 (28) Cape Cod Community College; (29) Greenfield Community College; (30) Holyoke
396 Community College; (31) Massachusetts Bay Community College; (32) Massasoit Community
397 College; (33) Middlesex Community College; (34) Mount Wachusett Community College; (35)
398 Northern Essex Community College; (36) North Shore Community College; (37) Quinsigamond
399 Community College; (38) Roxbury Community College; and (39) Springfield Technical
400 Community College.

401 SECTION 28. Notwithstanding any general or special law to the contrary, the secretary
402 of administration and finance may transfer funds among items 1599-4440, 1599-4441, 1599-
403 4442, 1599-4443, and 1599-4444 of section 2 of chapter 139 of the acts of 2012.

404 SECTION 29. Notwithstanding section 14 of chapter 151A of the General Laws, for
405 calendar year 2013, the experience rate of an employer qualifying therefor under subsection (b)
406 of said section 14 of said chapter 151A shall be the rate which appears in column "E" of clause
407 (1) of subsection (i) of said section 14 of said chapter 151A.

408 SECTION 30. The executive office of health and human services shall promulgate
409 regulations within six months of the effective date of this act to ensure that any programs that
410 provides direct services to clients and is operated, licensed, certified or funded by a department
411 or division of the executive office of health and human services has a workplace violence
412 prevention and crisis response plan, updated at least annually, for social workers, human services
413 workers, volunteers, and all other employees. Each such program shall provide a copy of the
414 current plan to any employee of the program upon request.

415 A workplace violence prevention and crisis response plan may include: (1) the
416 establishment of a system for centrally recording all incidents of workplace violence or threats of
417 workplace violence against social workers, human services workers, volunteers, and all other
418 employees providing direct services; (2) preparation of a written violence prevention and crisis
419 response plan that includes measures the program intends to take to respond to any incident of
420 workplace violence against social workers, human services workers, volunteers, and all other
421 employees providing direct services; (3) implementation of a training program to educate social
422 workers, human services workers, volunteers, and all other employees providing direct services

423 about workplace violence and ways to reduce the risks; and (4) the development and
424 maintenance of a violence prevention and response team or committee to monitor ongoing
425 compliance with the violence prevention and crisis response plan and to assist any social
426 workers, human services workers, volunteers, and all other employees providing direct services
427 who may be victimized by or threatened with workplace violence. A program that does not have
428 a training plan in place shall require its employees to enroll in training program to be developed
429 and offered by the executive office of health and human services.

430 SECTION 31. Section 29 shall take effect as of January 1, 2013.

431 SECTION 32. Section 5 shall take effect upon passage.