

HOUSE No. 57

House bill No. 55, as changed by the committee on Bills in the Third Reading, and as amended and passed to be engrossed by the House. February 6, 2013.

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 implement forthwith 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 druganalysis 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 of chapter 98, of the General Laws to support its enforcement activities as
98 provided in subsection (h) of section 184D of said chapter 94, and, notwithstanding any general
99 or special law to the contrary, for the purpose of accommodating timing discrepancies between
100 the receipt of revenues and related expenditures, the department may incur expenses and the
101 comptroller may certify for payment the amounts not to exceed the lower of this authorization or
102 the most recent revenue estimate, as reported in the state accounting system; provided, that
103 notwithstanding said subsection (h), the division shall not fund the municipal grant program
104 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
114 the members of the collective bargaining units of the Massachusetts Correction Officers
115 Federated Union and the uniformed security staff of the National Correctional Employees Union
116\$1,600,000

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

120 Section 28B. The commission shall, on a monthly basis, transmit to the department of
121 transitional assistance, the executive office of health and human services, the office of Medicaid
122 and the IV-D agency, as set forth in chapter 119A, a list of all persons who were the holders of
123 any winning ticket in excess of \$600 in the prior month. The information shall be provided in a
124 format which is compatible with the automated data processing systems of these departments to
125 ensure the immediate identification of persons who may be receiving public assistance benefits.
126 The information provided shall include the name, address and social security number of the
127 holder of the winning 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, as 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 stop accruing on the date on which the owner or operator has, in
147 writing or in any manner prescribed by the department, requested an inspection of the elevator by
148 the department. For any unit that has a travel distance of 25 feet or less and is located in an
149 owner-occupied single family residence in accordance with section 64, the maximum fine shall
150 be \$5,000. For all other units, the maximum fine shall be \$20,000. The commissioner or the
151 commissioner's designee, or another person as the commissioner may specifically authorize, may
152 issue a written notice of violation under section 21 of chapter 22 for a violation of this section.

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

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

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

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

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

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

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

184 (2) (i) A carrier shall enroll eligible individuals, as defined by section 1, and eligible
185 individuals, as defined in section 2741 of the Health Insurance Portability and Accountability
186 Act of 1996, 42 U.S.C. section 300gg-41(b), into a health plan if such individuals request
187 coverage within 63 days of termination of any prior creditable coverage. A carrier shall also
188 enroll eligible individuals, as permitted under the federal Patient Protection and Affordable Care
189 Act, as well as any rules, regulations or guidance applicable thereto, into a health plan offered
190 through the commonwealth health insurance exchange, as defined by 42 U.S.C. section 300GG-
191 91.,

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 2 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 2 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, as inserted by chapter 187
304 of 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 Fund, herein after referred to in this section as the fund. The fund
310 shall be credited with any monies transferred under section 93 and any monies credited or
311 transferred to the fund from any other fund or source. The health policy commission shall be the
312 trustee of the fund and may expend from the fund, without further appropriation, to carry out the
313 purposes of chapter 224 of the acts of 2012. For the purpose of accommodating discrepancies
314 between the receipt of revenues and related expenditures, the commission may incur obligations

315 and the 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 12A. Item 7035-0035 of said section 2 of said chapter 139 is hereby amended
325 by inserting after the words “private funding” the following words:- for direct support of
326 educators and other uses.

327 SECTION 13. Said section 2 of said chapter 139 is hereby further amended by striking
328 out item number “8910-7100” and inserting in place thereof the following item number:- 8910-
329 7110.

330 SECTION 14. Item 1595-1068 of section 2E of said chapter 139, as amended by section
331 39 of chapter 239 of the acts of 2012, is hereby further amended by striking out the figure
332 “\$566,306,556” and inserting in place thereof the following figure:- \$565,006,556.

333 SECTION 15. Item 1595-6368 of said section 2E of said chapter 139 is hereby amended
334 by striking out the figure “\$166,591,136” and inserting in place thereof the following figure:-
335 \$161,713,136.

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

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

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

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

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

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

350 SECTION 22. Chapter 239 of the acts of 2012 is hereby amended by striking out section
351 52 and inserting in place thereof the following section:-

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

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

364 SECTION 23A. Section 7 of chapter 459 of the acts of 2012 is hereby amended by
365 striking the words “board of early education and care” in the fourth paragraph and inserting in
366 place thereof the following words:- board of elementary and secondary education.

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

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

384 SECTION 27. Notwithstanding any general or special law to the contrary, the total
385 amount appropriated for fiscal year 2013 for the following constitutional offices, departments,
386 agencies or institutions of higher education not subject to section 9C of chapter 29 of the General
387 Laws shall be reduced by 1 per cent; provided that the reduction may be within any item of
388 appropriation: (1) office of the state comptroller; (2) center for health information and analysis;
389 (3) house of representatives; (4) state senate; (5) joint legislative account; (6) state ethics
390 commission; (7) office of campaign and political finance; (8) commission on the status of
391 women; (9) victim and witness assistance board; (10) disabled persons protection commission;
392 (11) Massachusetts cultural council; (12) Massachusetts commission against discrimination; (13)
393 University of Massachusetts; (14) Bridgewater State University; (15) Fitchburg State University;
394 (16) Framingham State University; (17) Massachusetts College of Art and Design; (18)
395 Massachusetts Maritime Academy; (19) Massachusetts College of Liberal Arts; (20) Salem State
396 University; (21) Westfield State University; (22) Worcester State University; (23) Berkshire
397 Community College; (24) Bristol Community College; (25) Bunker Hill Community College;
398 (26) Cape Cod Community College; (27) Greenfield Community College; (28) Holyoke
399 Community College; (29) Massachusetts Bay Community College; (30) Massasoit Community
400 College; (31) Middlesex Community College; (32) Mount Wachusett Community College; (33)
401 Northern Essex Community College; (34) North Shore Community College; (35) Quinsigamond
402 Community College; (36) Roxbury Community College; and (37) Springfield Technical
403 Community College.

404 SECTION 28. Notwithstanding any general or special law to the contrary, the secretary
405 of administration and finance may transfer funds among items 1599-4440, 1599-4441, 1599-
406 4442, 1599-4443, and 1599-4444 of section 2 of chapter 139 of the acts of 2012.

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

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

418 A workplace violence prevention and crisis response plan may include: (1) the
419 establishment of a system for centrally recording all incidents of workplace violence or threats of
420 workplace violence against social workers, human services workers, volunteers and all other
421 employees providing direct services; (2) preparation of a written violence prevention and crisis

422 response plan that includes measures the program intends to take to respond to any incident of
423 workplace violence against social workers, human services workers, volunteers and all other
424 employees providing direct services; (3) implementation of a training program to educate social
425 workers, human services workers, volunteers and all other employees providing direct services
426 about workplace violence and ways to reduce the risks; and (4) the development and
427 maintenance of a violence prevention and response team or committee to monitor ongoing
428 compliance with the violence prevention and crisis response plan and to assist any social
429 workers, human services workers, volunteers and all other employees providing direct services
430 who may be victimized by or threatened with workplace violence. A program that does not have
431 a training plan in place shall require its employees to enroll in a training program to be
432 developed and offered by the executive office of health and human services.

433 SECTION 31. Section 29 shall take effect on January 1, 2013.

434 SECTION 32. The joint committee on higher education shall investigate and report on
435 the impact to the public institutions of higher education in the commonwealth in accepting new
436 students who are now eligible for work permits under the federal Deferred Action Executive
437 Order. The committee shall include in its report an explanation of the Deferred Action Executive
438 Order on the status of non-citizens who reside in the commonwealth; the Board of Higher
439 Education's regulatory authority to admit any new students who have been impacted by such an
440 executive order; the fiscal impact of admitting such students; and any benefits or detriments
441 associated with new admissions to the public institutions of higher education. The committee
442 will submit its report to the House and Senate Committees on Ways and Means on or before July
443 1, 2013.