

SENATE No. 1890

The committee on Ways and Means, to whom was referred the House Bill making appropriations for the fiscal year 2013 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3700); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1890.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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. These sums shall be
8 made available until June 30, 2014.

9 SECTION 2.

DISTRICT ATTORNEYS

Worcester District Attorney.

12 0340-0498.....\$25,000

Berkshire District Attorney.

14 0340-1198.....\$65,535

15 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

16 *Department of Revenue.*

17 1232-0100.....\$2,254,260

18 *Human Resources Division.*

19 1750-0300.....\$60,000

20 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

21 *Office of the Secretary of Health and Human Services.*

22 4000-0265..... \$3,000,000

23 *Department of Public Health.*

24 4516-1000..... \$285,000

25 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

26 *Department of Workforce Development.*

27 7003-1206..... \$400,000

28 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

29 *Department of Housing and Community Development.*

30 7004-0103..... \$13,000,000

31 EXECUTIVE OFFICE OF EDUCATION

32 *Department of Elementary and Secondary Education.*

33 7027-1004.....\$540,000

34 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

35 *Executive Office of Public Safety.*

36 8000-0600.....\$81,517

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Department of Fire Services.

8324-0000.....\$100,000

Military Division.

8700-1150.....\$2,600,000

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 sum set forth in this section is 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, 2013. This sum shall be in addition to any amounts previously appropriated and made available for the purposes of this item. These sums shall be made available until June 30, 2014.

EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

Department of Workforce Development.

7003-0808 For the operation of the Massachusetts Workforce Professionals Association.....\$75,000

SECTION 2C.I. For the purpose of making available in fiscal year 2014 balances of appropriations which otherwise would revert on June 30, 2013, the unexpended balances of the maintenance appropriations listed below, not to exceed the amount specified below for each item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 of chapter 139 of the acts of 2012. The unexpended balances of all appropriations in the Massachusetts management accounting and reporting system with a secretariat code of 01 or 17, are hereby re-appropriated for the purposes of and subject to the

60 conditions stated for the corresponding item said section 2 of said chapter 139 or section 2A of
 61 chapter 194 of the acts of 2011. For items which do not appear in section 2 of the general
 62 appropriation act, the amounts in this section are re-appropriated for the purposes of and subject
 63 to the conditions stated for the corresponding item in section 2 of this act or in prior
 64 appropriation acts. Amounts in this section are re-appropriated from the funds designated for the
 65 corresponding item in said section 2 of the general appropriation act. The sums re-appropriated
 66 in this section shall be in addition to any amounts available for those purposes.

67 SECRETARY OF THE COMMONWEALTH

68 *Office of the Secretary of the Commonwealth*

69 0521-0000.....\$8,128,528

70 OFFICE OF THE INSPECTOR GENERAL

71 0910-0200.....\$400,000

72 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

73 *Office of the Secretary of Administration and Finance.*

74 1106-0064.....\$111,000

75 *Reserves.*

76 1599-0026.....\$1,060,000

77 1599-0087.....\$47,000

78 1599-0090.....\$1,207,450

79 1599-0093.....\$225,186

80 1599-0117.....\$2,395,754

81 1599-1705.....\$589,328

82 1599-2004.....\$695,000

83	1599-2013.....	\$100,000
84	1599-3384.....	\$3,000,000
85	EXECUTIVE OFFICE OF ENERGY AND ENVIORNMENTAL AFFAIRS	
86	<i>Department of Conservation and Recreation.</i>	
87	2810-0100.....	\$350,000
88	EXECUTIVE OFFICE OF EDUCATION	
89	<i>Department of Early Education and Care.</i>	
90	3000-1000.....	\$85,000
91	3000-7000.....	\$99,842
92	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES	
93	<i>Office of the Secretary of Health and Human Services.</i>	
94	4000-0300.....	\$300,000
95	4000-0700.....	\$16,062,000
96	<i>Department of Transitional Assistance.</i>	
97	4400-1000.....	\$1,300,000
98	4400-1100.....	\$800,000
99	<i>Department of Public Health.</i>	
100	4516-1010.....	\$1,000,000
101	4590-0915.....	\$221,000
102	<i>Department of Children and Families.</i>	
103	4800-0015.....	\$617,691
104	4800-0038.....	\$1,800,000
105	4800-0041.....	\$2,000,000

106 *Department of Mental Health*

107 5046-0000.....\$1,000,000

108 5095-0015.....\$2,500,000

109 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

110 *Department of Housing and Community Development.*

111 7004-0099.....\$150,000

112 7004-0102.....\$145,387

113 *Massachusetts Marketing Partnership.*

114 7008-0900.....\$575,000

115 EXECUTIVE OFFICE OF EDUCATION

116 *Department of Elementary and Secondary Education.*

117 7053-1925.....\$400,912

118 *Department of Higher Education.*

119 7066-0025.....\$1,240,000

120 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

121 *Chief Medical Examiner.*

122 8000-0106.....\$702,400

123 *Department of State Police.*

124 8100-1001.....\$100,000

125 *Department of Fire Services.*

126 8324-0000.....\$50,000

127 *Military Division.*

128 8700-0001.....\$100,000

129 *Parole Board.*
130 8950-0001.....\$387,991

131 SHERIFFS

132 *Worcester Sheriff's Office.*

133 8910-
134 0106.....\$50,000

135 SECTION 2C.II. For the purpose of making available in fiscal year 2014 balances of
136 retained revenue and intragovernmental chargeback authorizations which otherwise would revert
137 on June 30, 2013, the unexpended balances of the authorizations listed below, not to exceed the
138 amount specified below for each item, are hereby re-authorized for the purposes of and subject to
139 the conditions stated for the corresponding item in section 2 or 2B of the general appropriation
140 act for fiscal year 2013. For items which do not appear in said section 2 or 2B of the general
141 appropriation act, the amounts in this section are re-authorized for the purposes of and subject to
142 the conditions stated for the corresponding item in section 2, 2A, or 2B of this act or in prior
143 appropriation acts. Amounts in this section are re-authorized from the funds designated for the
144 corresponding item in said section 2 or 2B of the general appropriation act. The sums re-
145 authorized in this section shall be in addition to any amounts available for those purposes.

146 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

147 *Division of Human Resources.*

148 1750-0102.....\$220,000
149 1750-0601.....\$150,000

150 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

151 *Office of the Chief Medical Examiner.*

152 8000-0122.....\$250,000

153 SECTION 2E. The sums set forth in this section are hereby appropriated for transfer from
154 the General Fund to the trust funds named within each item unless specifically designated
155 otherwise in this section, for the purposes and subject to the conditions specified in this section
156 and subject to the laws regulating the disbursement of public funds for the fiscal year ending
157 June 30, 2014. Items in this section shall not be subject to allotment under section 9B of chapter
158 29 of the General Laws or reduction under section 9C of said chapter 29, without express
159 authorization from the general court. Notwithstanding section 19A of said chapter 29, any
160 transfer under this section shall be made by the comptroller in accordance with a transfer
161 schedule to be developed for each item by the comptroller, after consulting with the appropriate
162 agency secretary, the secretary of administration and finance and the state treasurer. The
163 schedule for each appropriation shall provide for transfers in increments considered appropriate
164 to meet the cash flow needs of each fund and all transfers under the schedule shall be completed
165 not later than June 30, 2014. Not later than 7 days after the schedules receive final approval by
166 the comptroller, they shall be reported to the house and senate committees on ways and means.
167 These sums shall be made available until June 30, 2014.

168 TRANSPORTATION

169 *Massachusetts Department of Transportation.*

170 1595-6368.....\$1,496,215

171 Commonwealth Transportation Fund.....100%

172 SECTION 3. The fourth sentence of section 41 of chapter 19A of the General Laws, as
173 appearing in section 32 of chapter 38 of the acts of 2013, is hereby amended by inserting after
174 the word “that” the following word:- no.

175 SECTION 4. Section 7H of chapter 29 of the General Laws, as appearing in the 2012
176 Official Edition, is hereby amended by striking out the first paragraph and inserting in place
177 thereof the following paragraph:-

178 The governor shall submit to the general court annually, within 3 weeks after the general
179 court convenes in regular session, an operating budget for the commonwealth. In the first year of
180 the term of office of a governor who has not served in the preceding year, the governor shall
181 recommend the budget within 8 weeks after the convening of the general court. The
182 recommendations contained therein shall, to the fullest possible extent, conform with the
183 programs of the several offices and departments as defined by the secretary of administration and
184 finance with the advice of the agency heads or other officers responsible for the administration
185 thereof. The budget shall also include definite recommendations of the governor for financing
186 the expenditures recommended.

187 SECTION 5. Section 7I of said chapter 29, as so appearing, is hereby amended by
188 striking out the last sentence.

189 SECTION 6. Chapter 29 of the General Laws is hereby amended by inserting after
190 section 9G the following section:-

191 Section 9G1/2. On or before July 1 of each year, the governor shall publish the allocation
192 of commonwealth debt for capital facility projects for the fiscal year starting on July 1 of that
193 year. A copy of the allocation shall be sent to the chairs of the house and senate committees on
194 bonding, capital expenditures and state assets and shall be published electronically on the
195 commonwealth’s website.

196 SECTION 7. Subsection (f) of section 60B of said chapter 29, as appearing in the 2012
197 Official Edition, is hereby amended by striking out the word “September 10” and inserting in
198 place thereof the following word: - December 15.

199 SECTION 8. Said section 60B of said chapter 29, as so appearing, is hereby further
200 amended by striking out subsection (h) and inserting in place thereof the following subsection:-

201 (h) On or before January 15, the governor shall determine the total authorizations of the
202 new commonwealth debt that the governor considers advisable for the next year; provided,
203 however, that in the first year of the term of office of a governor who has not served in the
204 preceding year, the total authorizations of the new commonwealth debt considered advisable for
205 the next year shall be determined not later than January 31 of that year.

206 SECTION 9. Section 1 of chapter 32 of the General Laws is hereby amended by inserting
207 after the word “law”, in line 543, as so appearing, the following words:- ; provided, however,
208 that for the purpose of investing in the Pension Reserves Investment Trust Fund established in
209 subdivision (8) of section 22, the Massachusetts State College Building Authority shall be
210 deemed to be a system.

211 SECTION 10. Chapter 119 of the General Laws is hereby amended by striking out
212 section 39I, as appearing in section 31 of chapter 240 of the acts of 2012, and inserting in place
213 thereof the following section:-

214 Section 39I. A child, parent, legal guardian or custodian may appeal from any order or
215 determination, whether final or not final, made under sections 39E to 39H, inclusive. Pending the
216 appeal, the juvenile court shall retain jurisdiction and may enter any order under this chapter to
217 meet the needs of the child. Notwithstanding any general or special law to the contrary, the

218 appeal shall be to a single justice of the appeals court under section 118 of chapter 231 and shall
219 proceed in accordance with the procedures governing petitions to a single justice.

220 SECTION 11. Chapter 151A of the General Laws is hereby amended by inserting after
221 section 38 the following section:-

222 Section 38A. (a) If the director, or the director's authorized representative, determines,
223 after providing written or electronic notice to the employer, that a payment of benefits was made
224 because the employing unit, or an agent of the employing unit, was at fault for failing to respond
225 timely or adequately to any request of the department for information relating to the claim for
226 benefits, then: (i) the employing unit, except for employing units making payments into the
227 Unemployment Compensation Fund under section 14A, shall not be relieved of charges on
228 account of any such payment of benefits; and (ii) if the employing unit makes payments into the
229 Fund under section 14A, it shall not be relieved from reimbursing the fund on account of any
230 such payment of benefits. For purposes of this subsection, a response shall be considered
231 inadequate if it fails to provide sufficient facts to enable the department to make the proper
232 determination regarding a claim for benefits. A response shall not be considered inadequate if the
233 department fails to ask for all necessary information, except in any case where there has been a
234 failure to respond.

235 (b) The director shall adopt regulations implementing this section.

236 (c) A determination that an employing unit, or an agent of an employing unit, is at fault
237 for failing to timely or adequately respond to a request of the department relating to a claim for
238 benefits may be appealed under sections 39 to 42, inclusive, but the remedy shall not be subject
239 to appeal.

240 SECTION 12. Section 69 of said chapter 151A, as appearing in the 2012 Official Edition,
241 is hereby further amended by adding the following subsection:-

242 (e) At the time the department determines that an erroneous payment from the
243 Unemployment Compensation Fund was made to an individual due to the individual's
244 misrepresentation of a material fact or failure to disclose a material fact that the individual knew,
245 or reasonably should have known, was material, the individual shall be assessed a penalty equal
246 to 15 per cent of the amount of the erroneous payment. Except as provided in subsection (b),
247 recovery of the penalty shall not be waived. Any appeal of the penalty under subsection (c) shall
248 be limited to whether the amount on which the penalty was assessed is correct. All assessments
249 paid under this subsection shall be deposited immediately in the Unemployment Compensation
250 Fund.

251 SECTION 13. Section 3 of chapter 203A of the General Laws is hereby amended by
252 striking out the first sentence, as so appearing, and inserting in place thereof the following
253 sentence:- An account of the administration of each common trust fund shall be prepared
254 annually and shall be audited by an independent certified public accountant and a copy of the
255 account and the audit report shall be made available to any interested party upon written request,
256 free of charge.

257 SECTION 14. Chapter 108 of the acts of 2006 is hereby repealed.

258 SECTION 15. The last sentence of the last paragraph of section 178 of chapter 131 of the
259 acts of 2010, as appearing in section 145 of chapter 139 of the acts of 2012, is hereby amended
260 by striking out the words "October 1, 2012" and inserting in place thereof the following words:-
261 December 31, 2013.

262 SECTION 16. The last sentence of section 94 of chapter 142 of the acts of 2011 is hereby
263 amended by striking out the figure "2013" and inserting in place thereof the following figure:-
264 2014.

265 SECTION 17. Item 2810-0100 of section 2 of chapter 139 of the acts of 2012, as most
266 recently amended by section 38 of chapter 36 of the acts of 2013, is hereby further amended by
267 adding the following words:- ; and provided further, that any unexpended funds for aquatic
268 invasive species control shall not revert and shall be made available for expenditure until June
269 30, 2014.

270 SECTION 18. Item 4516-1010 of said section 2 of said chapter 139, as most recently
271 amended by section 43 of said chapter 36, is hereby further amended by adding the following
272 words:- ; and provided further, that any unexpended funds for the city of Boston's public health
273 department for emergency preparedness and ambulance services at public events shall not revert
274 and shall be made available for expenditure until June 30, 2014.

275 SECTION 19. Item 7004-0099 of said section 2 of said chapter 139 is hereby amended
276 by adding the following words:- ; and provided further, that any unexpended funds for a one-
277 time community action grant in the town of Holbrook under section 69 of chapter 36 of the acts
278 of 2013 shall not revert and shall be made available for expenditure until June 30, 2014 for the
279 purposes of said section 69 of said chapter 36.

280 SECTION 20. Item 7004-0102 of said section 2 of said chapter 139, as most recently
281 amended by section 45 of chapter 36 of the acts of 2013, is hereby further amended by adding
282 the following words:- ; and provided further, that any unexpended funds for the Friends of the
283 Homeless, Inc. in the city of Springfield shall not revert and shall be made available for
284 expenditure until June 30, 2014.

285 SECTION 21. Item 7008-0900 of said section 2 of said chapter 139, as most recently
286 amended by section 47 of said chapter 36, is hereby further amended by adding the following
287 words:- ; and provided further, that any unexpended funds for: (i) the Massachusetts
288 International Festival of the Arts for the planned renovations and reopening of the Victory
289 Theatre in the city of Holyoke, including construction consulting, business planning and
290 architecture and engineering costs; (ii) the Wareham Summer of Celebration Organization,
291 Incorporated for the town of Wareham's two hundredth anniversary commemoration of the
292 attack on Wareham harbor by the British sloop HMS Nimrod and the two hundred and seventy-
293 fifth anniversary of the incorporation of the town of Wareham; (iii) the New Bedford Whaling
294 Museum, in cooperation with the city of New Bedford, for the visit of the whaling ship Charles
295 W. Morgan to the city of New Bedford in June 2014; (iv) the New Bedford Ocean Explorium;
296 (v) the Frederick Douglass House in the city of New Bedford for educational services,
297 interpretative and museum services, programs and acquisitions and to undertake tourism and
298 marketing activities; (vi) accessibility at the Arc of Greater Plymouth, Inc.; and (vii) the Greater
299 Plymouth Performing Arts Center, Inc. shall not revert and shall be made available for
300 expenditure until June 30, 2014.

301 SECTION 22. Item 8100-1001 of said section 2 of said chapter 139, as most recently
302 amended by section 51 of said chapter 36, is hereby further amended by adding the following
303 words:- ; and provided further, that any unexpended funds for the purposes of enhancing the state
304 police presence in the city of Springfield shall not revert and shall be made available for
305 expenditure until June 30, 2014.

306 SECTION 23. Item 8324-0000 of said section 2 of said chapter 139, as most recently
307 amended by section 53 of said chapter 36, is hereby further amended by adding the following

308 words:- ; and provided further, that any unexpended funds for conceptual planning and
309 development for fire safety improvements in the town of Dudley shall not revert and shall be
310 made available for expenditure until June 30, 2014.

311 SECTION 24. Subsection (a) of section 155 of said chapter 139, as appearing in section
312 145 of chapter 38 of the acts of 2013, is hereby amended by striking out the words “and (vii)”
313 and inserting in place thereof the following words:- (vii) \$21,800,000 to the secretary of
314 administration and finance for transfer to appropriate accounts for information technology
315 operating expenses; and (viii).

316 SECTION 25. The last sentence of section 131 of chapter 165 of the acts of 2012 is
317 hereby amended by striking out the word “July” and inserting in place thereof the following
318 word:- December.

319 SECTION 26. Chapter 262 of the acts of 2012 is hereby amended by striking out section
320 10 and inserting in place thereof the following section:-

321 Section 10. Regulations promulgated under section 1 shall be completed by January 1,
322 2014. Rules, regulations, ordinances or bylaws promulgated under section 9 shall be completed
323 by: (i) December 31, 2014; or (ii) 1 year after the effective date of regulations promulgated under
324 section 1, whichever last occurs.

325 SECTION 27. Item 1599-0087 of section 2A of chapter 36 of the acts of 2013 is hereby
326 amended by adding the following words:- ; provided, that any unexpended funds in this item
327 shall not revert and shall be made available for expenditure until June 30, 2014 for the purposes
328 as set forth in this item.

329 SECTION 28. Item 1599-0090 of said section 2A of said chapter 36 is hereby amended
330 by adding the following words:- ; and provided further, that any unexpended funds in this item

331 shall not revert and shall be made available for expenditure until June 30, 2014 for the purposes
332 as set forth in this item.

333 SECTION 29. Item 8910-0106 of said section 2A of said chapter 36 is hereby amended
334 by adding the following words:- ; and provided further, that any unexpended funds in this item
335 shall not revert and shall be made available for expenditure until June 30, 2014 for the purposes
336 as set forth in this item.

337 SECTION 30. Section 77 of said chapter 36 is hereby amended by adding the following
338 sentence:- Any unexpended funds for extraordinary election costs incurred by the town of
339 Northampton due to the November 6, 2012 election shall not revert and shall be made available
340 for expenditure until June 30, 2014 for the purposes as set forth in this section.

341 SECTION 31. Section 79 of said chapter 36 is hereby amended by adding the following
342 subsection:-

343 (d) Any unexpended funds transferred under subsection (a) for the uniform college and
344 career readiness pilot program shall not revert and shall be made available for the purposes of
345 subsection (b) until June 30, 2014.

346 SECTION 32. Item 4000-0500 of section 2 of chapter 38 of the acts of 2013 is hereby
347 amended by adding the following words:- ; provided further, that MassHealth shall implement
348 all Current Procedural Terminology, or CPT, evaluation and management codes for behavioral
349 health services in accordance with the new CPT evaluation and management codes as most
350 recently adopted by the American Medical Association and the Centers for Medicare and
351 Medicaid Services, or CMS; provided further, that any integrated care organization, managed
352 care entity or behavioral health carve-out entity that manages behavioral health services on
353 behalf of the commonwealth shall implement all CPT evaluation and management codes for

354 behavioral health services in accordance with the new CPT evaluation and management codes as
355 most recently adopted by the American Medical Association and CMS; provided further, that
356 any integrated care organization, managed care entity or behavioral health carve-out entity that
357 manages behavioral health services on behalf of the commonwealth shall be required to pay, at a
358 minimum, the MassHealth rates of payment for all CPT evaluation and management codes for
359 behavioral health services by January 1, 2014; and provided further, that MassHealth shall
360 review and may adjust all rates of payment accordingly for mental health services provided in
361 community health centers and mental health centers by January 1, 2014.

362 SECTION 33. Item 4000-0700 of said section 2 of said chapter 38 is hereby amended by
363 striking out the words “\$23,000,000 shall be expended from this item, or item 4000-0500 if
364 necessary, to achieve maximum federal financial participation, to enhance the ability of hospitals
365 and community health centers to serve populations in need more efficiently and effectively;
366 provided further, that the executive office shall maximize federal reimbursements for state
367 expenditures made to these providers” and inserting in place thereof the following words:- not
368 less than \$23,000,000 shall be expended for fiscal year 2014 from this item, or item 4000-0500 if
369 necessary to achieve maximum federal financial participation, to enhance the ability of hospitals
370 and community health centers to serve populations in need more efficiently and effectively;
371 provided, further, that not more than \$14,500,000 shall be expended for the purposes of the fiscal
372 year 2013 funding solicitation.

373 SECTION 34. Item 7003-1206 of said section 2 of said chapter 38 is hereby amended by
374 striking out the words “\$300,000 shall be expended for the Urban League of Springfield, Inc.”
375 and inserting in place thereof the following words:- \$400,000 shall be expended for the Urban

376 League of Springfield, Inc.; provided further, that not less than \$300,000 shall be expended for
377 the Urban League of Eastern Massachusetts.

378 SECTION 35. Item 7004-0103 of said section 2 of said chapter 38 is hereby amended by
379 adding the following words:- ; provided further, that upon written approval from the secretary of
380 administration and finance, funds may be transferred from item 7004-0101 to this item; provided
381 further, that the secretary of administration and finance shall notify the house and senate
382 committees on ways and means 30 days before approving any such transfer; and provided
383 further, that the secretary of administration and finance shall notify the house and senate
384 committees on ways and means concurrently with the transfer if the department has identified an
385 immediate cash run-out.

386 SECTION 36. Item 7061-9011 of said section 2 of said chapter 38 is hereby amended by
387 striking out the words “and provided further, that priority shall be given to schools proposed in
388 level 3 and 4 districts” and inserting in place thereof the following words:- provided further, that
389 priority shall be given to schools proposed in level 3 and 4 districts; and provided further, that up
390 to \$225,000 may be expended through June 30, 2015 on innovation fellowships in sponsoring
391 school districts that will participate in an in-depth, year-long planning process which shall
392 include, but not be limited to, a comprehensive review and analysis of the department’s District
393 Standards and Indicators, Conditions for School Effectiveness and other priorities of the
394 department.

395 SECTION 37. Item 8000-0600 of said section 2 of said chapter 38 is hereby amended by
396 inserting after the word “reimbursements” the following words:- ; provided further, that \$81,517
397 shall be made available for costs incurred by the city known as the town of Watertown due to the

398 events of the Boston Marathon bombing and deemed nonreimbursable by the Federal Emergency
399 Management Agency;

400 SECTION 38. Item 8315-1024 of section 2 of said chapter 38 is hereby amended by
401 adding the following words:- ; and provided further, that for the purpose of accommodating
402 timing discrepancies between the receipt of retained revenues and related expenditures, the
403 department may incur expenses and the comptroller may certify for payment amounts not to
404 exceed the lower of this authorization or the most recent revenue estimate as reported in the state
405 accounting system.

406 SECTION 39. Item 1595-1068 of section 2E of said chapter 38 of the acts of 2013 is
407 hereby amended by striking out the words “\$312,050,000 from the Medical Assistance Trust
408 Fund to the Cambridge public health commission for dates of service in state and federal fiscal
409 year 2014 only after the Cambridge public health commission transfers up to \$156,025,000” and
410 inserting in place thereof the following words:- \$308,000,000 from the Medical Assistance Trust
411 Fund to the Cambridge Public Health Commission for dates of service in state and federal fiscal
412 year 2014 only after the Cambridge Public Health Commission transfers up to \$154,000,000 of
413 its funds to the Medical Assistance Trust Fund using a federally permissible source of funds
414 which shall fully satisfy the non-federal share of such payment; and provided further, that
415 \$174,025,000 in payments made for federal fiscal year 2013 shall be made from the Medical
416 Assistance Trust Fund of which \$28,050,000 shall be made to the Cambridge Public Health
417 Commission for dates of service in state and federal fiscal year 2013 only after the Cambridge
418 Public Health Commission transfers up to \$14,025,000.

419 SECTION 40. Said item 1595-1068 of said section 2E of said chapter 38 is hereby further
420 amended by striking out the figure “\$394,000,000” and inserting in place thereof the following
421 figure:- \$568,025,000.

422 SECTION 41. The third paragraph of section 3 of said chapter 38 is hereby amended by
423 striking out the last sentence and inserting in place thereof the following 2 sentences:- The
424 department of elementary and secondary education shall not consider health care costs for retired
425 teachers to be part of net school spending for any district in which such costs were not
426 considered part of net school spending in fiscal year 1994. If this section conflicts with the
427 distribution listed below, the distribution below shall control.

428 SECTION 42. Section 154 of said chapter 38 is hereby repealed.

429 SECTION 43. Section 166 of said chapter 38 is hereby amended by striking out
430 subsection (a) and inserting in place thereof the following subsection:-

431 (a) There shall be a special commission to make an investigation and study of the cost of
432 administering early education and care services and make recommendations to enhance those
433 services where necessary and appropriate. The special commission shall consist of the
434 commissioner of early education and care, who shall serve as chair; the secretary of
435 administration and finance or a designee; the house and senate chairs of the joint committee on
436 education or their designees and the house and senate chairs of the joint committee on children,
437 families and persons with disabilities or their designees; the ranking minority members of the
438 house and senate serving on the joint committee on education or their designees; 1 member of
439 the house of representatives, 1 member of the senate; the child advocate or a designee; the
440 commissioner of elementary and secondary education or a designee who shall have experience in
441 elementary school transition; the executive director of the Massachusetts Head Start Association

442 or a designee; a representative of the Massachusetts Early Education and Care Association; the
443 commissioner of transitional assistance or a designee; the commissioner of children and families
444 or a designee; and 3 persons to be appointed by the governor, at least 1 of whom shall be a
445 provider of early education and care and at least 1 of whom shall be a social worker with
446 experience in serving families with children; a representative of the Massachusetts Teachers
447 Association; and a representative of the American Federation of Teachers-Massachusetts.

448 SECTION 44. Section 211 of said chapter 38 is hereby amended by adding the following
449 subsection:-

450 (d) If federal financial participation shall be unavailable to provide additional payment
451 under subsection (b), the office of Medicaid shall expend not more than \$6,153,884.50, subject
452 to sufficient funds received under an interagency agreement under this section, on such
453 additional payment under said subsection (b); provided, however, that the interagency agreement
454 under subsection (a) shall be reduced by \$6,153,884.50.

455 SECTION 45. (a) Notwithstanding sections 33 to 37, inclusive, of chapter 7C of the
456 General Laws, section 20 of chapter 304 of the acts of 2008, or any other general or special law
457 to the contrary, the commissioner of capital asset management and maintenance may convey a
458 certain parcel of state-owned land with the buildings thereon located at 2 Main street in the city
459 of Worcester to the city of Worcester.

460 (b) As consideration for the conveyance authorized in subsection (a), the city of
461 Worcester shall pay the commonwealth \$1. Upon any subsequent sale or lease of the property
462 or any portion thereof by the city of Worcester, the city shall pay half of the net proceeds of any
463 such sale or lease to the commonwealth.

464 (c) The city of Worcester shall bear all costs that the commissioner finds necessary or
465 appropriate for the conveyance authorized in this section including, without limitation, all costs
466 for legal work, surveys, title and the preparation of plans and specifications.

467 SECTION 46. (a) Notwithstanding sections 6 and 7 of chapter 53 of the General Laws,
468 sections 86 and 95 of chapter 54 of the General Laws or any other general or special law to the
469 contrary, the state secretary may add or change any dates relating to functions appurtenant to the
470 special primaries or the election for representative in the Congress of the United States in the
471 Fifth Congressional District, writs having been issued by the governor for December 10, 2013, as
472 the state secretary deems necessary for the orderly administration of the primaries or election by
473 providing notice of any such change with the regulations division and by posting on the
474 secretary's website and by whatever other means he deems appropriate.

475 (b) Notwithstanding any general or special law to the contrary, the full election calendar
476 shall be as follows: (i) the last day for a person running in the state primary to enroll in a party or
477 for a person running only in the state election to unenroll from a party, except for newly-
478 registered voters, shall be May 15, 2013 for party candidates and May 15, 2013 for nonparty
479 candidates; (ii) the last day and hour for submitting nomination papers to local registrars of
480 voters or election commissioners for the certification of signatures shall be 5:00 p.m. on July 31,
481 2013 for party candidates and 5:00 p.m. on September 17, 2013 for nonparty candidates; (iii) the
482 certification of nomination papers shall be completed by August 12, 2013 for party candidates
483 and September 26, 2013 for nonparty candidates; (iv) the last day and hour for filing nomination
484 papers, including enrollment certificates, with the state secretary shall be 5:00 p.m. on August
485 14, 2013 for party candidates and 5:00 p.m. on October 1, 2013 for nonparty candidates; (v) the
486 last day and hour for filing withdrawals of, or objections to, all nomination papers and

487 certificates of nomination with the state secretary shall be 5:00 p.m. on August 16, 2013 for party
488 candidates and 5:00 p.m. on October 3, 2013 for nonparty candidates; (vi) the last day and hour
489 for filling vacancies caused by withdrawals for primary candidates shall be 5:00 p.m. on August
490 20, 2013; (vii) the last day to register voters for the state primary shall be September 25, 2013;
491 (viii) the state primary shall be held on Tuesday, October 15, 2013; (ix) the last day and hour for
492 the filing of withdrawals of or objections to nominations made at the state primary and for filing
493 written acceptances by write-in or sticker candidates who won in the state primary with the state
494 secretary shall be 5:00 p.m. on October 21, 2013; (x) the last day and hour for filling vacancies
495 caused by withdrawals at the state primary shall be 5:00 p.m. on October 22, 2013; (xi) the last
496 day to register voters for the state election shall be November 20, 2013; and (xii) the state
497 election shall be held on Tuesday, December 10, 2013 pursuant to writs issued by the governor.

498 SECTION 47. The secretary of public safety and security shall conduct a study on the use
499 of active or passive fire suppression kits in state and municipal law enforcement vehicles. The
500 study shall include, but not be limited to, the costs and benefits of installing fire suppression kits
501 to aid in the prevention of fires resulting from rear end collisions. The secretary shall file a report
502 not later than March 1, 2014 with the clerks of the senate and house of representatives who shall
503 forward a copy of the report and recommendations to the chairs of the joint committee on public
504 safety and homeland security.

505 SECTION 48. Any monies remaining in the Supplemental Reserve Fund to Ensure Fiscal
506 Stability established in section 5 of chapter 108 of the acts of 2006 shall be transferred to the
507 Pentucket Regional School District Middle and High School Complex Capital Fund established
508 in section 49.

509 SECTION 49. Notwithstanding any general or special law to the contrary, there shall be a
510 Pentucket Regional School District Middle and High School Complex Capital Fund into which
511 shall be deposited all monies held in the Supplemental Reserve Fund to Ensure Fiscal Stability
512 established in section 5 of chapter 108 of the acts of 2006 for capital expenditures for the
513 Pentucket regional school district middle and high school complex located in the town of West
514 Newbury. The Pentucket regional school committee shall be the custodian of the fund and may
515 authorize disbursements from the fund for capital purposes that the committee considers
516 appropriate to provide for the middle and high school complex. Any income derived from the
517 investment or reinvestment of amounts held in the fund shall remain with and become part of the
518 fund.

519 SECTION 50. The Pentucket regional school committee may dissolve the Pentucket
520 Regional School District Middle and High School Complex Capital Fund and may authorize
521 disbursements from the fund for operating purposes that the committee considers appropriate to
522 maintain and continue regional school district operations.

523 SECTION 51. (a) Notwithstanding any general or special law to the contrary, the
524 secretary of administration and finance may direct the comptroller to transfer to the General
525 Fund any remaining balance in the Commonwealth Care Trust Fund as of June 30, 2013.

526 (b) Notwithstanding any general or special law to the contrary, the secretary of
527 administration and finance may expend funds from the Commonwealth Care Trust Fund in
528 anticipation of receipt of revenue during fiscal year 2014. The secretary shall ensure that no
529 expenditures from the fund shall cause the fund to be in deficiency at the close of the fiscal year.

530 SECTION 52. The salary adjustments and other economic benefits authorized by the
531 following collective bargaining agreements shall be effective for the purpose of section 7 of
532 chapter 150E of the General Laws:

533 (a) between the commonwealth and the Massachusetts Correction Officers Federated
534 Union, Unit 4;

535 (b) between the Bristol sheriff and the Bristol Correction Officers MCOFU, Unit SA4;

536 (c) between the Bristol sheriff and the Bristol NCEU, Unit SA3;

537 (d) between the Bristol sheriff and the Bristol K-9 Unit, Unit SA7;

538 (e) between the Franklin sheriff and the Franklin Administrative Professionals IBCO,
539 Unit SF3;

540 (f) between the Franklin sheriff and the Franklin NCEU Correction Officers, Unit SF1;

541 (g) between the Hampshire sheriff and the Hampshire Treatment Staff Local 1459, Unit
542 SH6;

543 (h) between the Hampshire sheriff and the Hampshire Non-Uniform, Unit SH7;

544 (i) between the Hampshire sheriff and the Hampshire Sheriff Officers Independent
545 Association, Unit SH8;

546 (j) between the Hampshire sheriff and the Hampshire Correction Officers NCEU, Unit
547 SH9;

548 (k) between the Suffolk sheriff and the Suffolk Jail Officers, Unit SS4;

549 (l) between the Plymouth sheriff and the NCEU 301, Unit SP7;

550 (l) between the Plymouth sheriff and the NCEU 104, Unit SP1;

551 (m) between the Worcester sheriff and the Worcester United Auto Workers, Unit SW5;

552 (n) between the Worcester sheriff and the Worcester Corrections Officers, Unit SW6;

553 (o) between the Worcester sheriff and the Worcester NAGE 06, Unit SW4;
554 (p) between the Worcester sheriff and the NEPBA Local 275, Unit SW2; and
555 (q) between the alcoholic beverages control commission and the Coalition of Public
556 Safety, Unit 5.

557 SECTION 53. The secretary of health and human services shall develop a methodology
558 for establishing capitation rates to be paid by Medicaid to the PACE program. The methodology
559 shall be based on an actuarially sound determination of costs incurred for the services provided
560 or paid for by PACE but the rate shall not be in excess of the upper payment level. The rate shall
561 be reviewed on an annual basis. The methodology shall be developed within 90 days after the
562 effective date of this section and shall be made available to PACE providers.

563

564 SECTION 54. (a) Notwithstanding the last paragraph of section 2H of chapter 29 of the
565 General Laws or any other general or special law to the contrary, the comptroller shall include in
566 the certification of the consolidated net surplus for fiscal year 2013 one-time settlements or
567 judgments for the commonwealth, of which the net value to the commonwealth of the proceeds
568 of that settlement or judgment, after all restitution or other remedial payments are made pursuant
569 to the settlement or judgment, exceeds \$10,000,000 in fiscal year 2013 and which would
570 otherwise be transferred to the Commonwealth Stabilization Fund; provided, however, that upon
571 certification by the comptroller that the consolidated net surplus equals \$106,800,000, all other
572 such judgments and settlements shall be disposed of pursuant to said last paragraph of said
573 section 2H of said chapter 29.

574 (b) Upon compliance with subsection (a), the comptroller shall dispose of the
575 consolidated net surplus under subsection (a) of section 155 of chapter 139 of the acts of 2012.

576 SECTION 55. Notwithstanding any general or special law to the contrary, the state
577 secretary shall reimburse the cities and towns from item 0521-0000 of section 2C.I for
578 extraordinary election costs due to the June 25, 2013 special election.

579 SECTION 56. Notwithstanding any general or special law to the contrary, the executive
580 office of health and human services shall expend not less than \$3,000,000 from item 4000-0265
581 of section 2 to increase community health centers' reimbursement for dental, behavioral health
582 and urgent care services under Medicaid.

583 SECTION 57. Except as otherwise provided, this act shall take effect as of June 30, 2013.

584 SECTION 58. Sections 3, 24, 32 to 44, inclusive, shall take effect as of July 1, 2013.

585 SECTION 59. Section 53 shall take effect upon passage of this act.

586 SECTION 60. Section 50 shall take effect on July 1, 2018.