HOUSE . . . . . No. 3448

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 22, 2017.

The committee on Ways and Means to whom was referred the message from His Excellency the Governor recommending legislation relative to making appropriations for fiscal year 2017 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 72), report, in part, recommending that the accompanying bill (House, No. 3448) [Total appropriation: $144,382,350.00].

For the committee,

BRIAN S. DEMPSEY.

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HOUSE DOCKET, NO. FILED ON: 3/22/2017

HOUSE . . . . . No. 3448

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act making appropriations for the fiscal year 2017 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 purposes, which are to forthwith make supplemental appropriations for fiscal year 2017 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public, 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:

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2017, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2017. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items. Notwithstanding any general or special law to the contrary, appropriations made in section 2 shall not revert and shall be available for expenditure until June 30, 2017.

SECTION 2.

JUDICIARY

Committee on Public Counsel Services

0321-1510	…….	$26,938,875
0321-1520	…….	$4,118,994

INDEPENDENTS

Treasurer and Receiver-General

0612-0105	…….	$150,000

Massachusetts Commission Against Discrimination

0940-0101	…….	$467,000

Office of the Comptroller

1599-3384	…….	$6,000,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Department of Public Health

4512-0200	…….	$495,000
4590-0918	…….	$5,334,142

Department of Children and Families

4800-0038	…….	$908,607

4800-0041	…….	$4,317,062

Department of Mental Health

5047-0001	…….	$822,396
5095-0015	…….	$2,000,000

Department of Developmental Service

5920-5000	…….	$10,800,000

Department of Elder Affairs

9110-1630	…….	$4,492,753

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

Department of Housing and Community Development

7004-0101	…….	$20,866,274

EXECUTIVE OFFICE OF PUBLIC SAFETY

Department of Correction

8900-0001	…….	$14,000,000

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the

conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2017. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary for Administration and Finance

1599-0054 For a reserve for costs of the investigation and response related to the allegations of misconduct at the former state drug laboratories located in Amherst and Jamaica Plain, Massachusetts, the Dr. William A. Hinton Laboratory at the State Laboratory Institute; provided, that the secretary of administration and finance may transfer funds from this item to state agencies, as defined in section 1 of chapter 29 of the General Laws, and to municipalities for this purpose …….. $1,747,346

1599-0840 For a reserve to support costs associated with the regulation of possession and sale of marijuana…… $300,000

1599-4445 For a reserve to meet the costs of quarter point benefits authorized by collective bargaining agreements with the executive branch and ratified by the general court ……. $8,079,501

1599-4448 For a reserve to meet the costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement referenced in section 26 and for other ratified collective bargaining agreements……. $4,432,118

1599-6732 For a reserve for the public employee retirement administration commission for a period of 3 fiscal years for the following purposes: (i) to audit other

postemployment benefits trust funds or other similar funds of certain cities and towns as otherwise provided by law; and (ii) to evaluate the retiree health care cost valuation of cities and towns; provided, that funds from this item shall be used by the commission in accordance with section 21 of chapter 32 of the General Laws and section 20 of chapter 32B of the General Laws, respectively; and provided further, the funds appropriated in this item shall not revert but shall be made available for these purposes through June 30, 2019 $65,000

1599-8910 For a reserve to remediate identified and approved deficiencies incurred by the Sheriffs of the Commonwealth $28,047,282

SECTION 2B. To provide for supplementing certain intragovernmental chargeback authorizations in the general appropriation act and other appropriation acts for fiscal year 2017, to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for an alteration of purpose for current intragovernmental chargeback authorizations, and to meet certain requirements of law, the sums set forth in this section are hereby authorized from the Intragovernmental Service Fund for the several purposes specified in this section or in the appropriation acts, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2017. These sums shall be in addition to any amounts previously authorized and made available for the purposes of those items.

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Office of the Secretary

4000-0102 ..... $268,127

4000-0103 ..... $2,106,012

EXECUTIVE OFFICE OF PUBLIC SAFETY

Department of State Police

8100-0002 …….. $3,000,000

SECTION 3. Section 49 of chapter 7 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out paragraph (d) and inserting in place thereof the following paragraph:-

(d) The commission shall adopt an annual budget and supplemental budgets as deemed necessary by the said commission. Said budgets shall be funded by the commonwealth and accounted for separately as specified in section 22C of chapter 32.

SECTION 4. Section 40 of chapter 15A of the General Laws, as so appearing, is hereby amended by striking out, in lines 137 and 138, the words, “the state employees retirement system shall contribute” and inserting in place thereof the following words:- there shall be an employer contribution in.

SECTION 5. Said section 40 of said chapter 15A, is hereby further amended by inserting in line 141, after the word “program” the following words:- , which contribution shall be funded by the commonwealth and accounted for separately in the commonwealth funding schedule as defined in section 1 of chapter 32.

SECTION 6. Section 1 of chapter 32 of the General Laws, as amended by section 1 of chapter 86 of the acts of 2015, is hereby further amended by striking out the definition of “Commonwealth’s pension liability” and inserting in place thereof the following definition:-

"Commonwealth's pension liability", the financial obligation of the commonwealth to pay all retirement benefits pursuant to this chapter for the state employees' retirement system, the teachers' retirement system, for teachers employed by the city of Boston and for the commonwealth's share of the administrative cost of the Boston retirement system. The term, "Commonwealth's pension liability" shall also include any other pension obligations of a system or of the commonwealth relative to future pension liabilities which the commonwealth may assume by general or special law on behalf of any system other than the state employees' retirement system, the teachers' retirement system and for teachers employed by the city of Boston, and the commonwealth's financial obligations, which are associated with cost-of-living adjustments or other benefits for members of systems other than the state employees' retirement system and the teachers' retirement system who are not teachers employed by the city of Boston.

SECTION 7. Paragraph (e) of subdivision (8) of section 22 of said chapter 32, as appearing in the 2014 Official Edition, is hereby amended by striking out clauses (ii) through (vi), inclusive, and inserting in place thereof the following 3 clauses:-

(ii) all monies transferred from the Annuity Reserve Funds of the state employees' and teachers' retirement systems pursuant to paragraph (c) of subdivision (2) or from the investment accounts of such systems pursuant to clause (iii) of paragraph (a) of subdivision (6);

(iii) all undistributed accumulated total deductions for the state employees' and teachers' retirement systems transferred pursuant to subdivision (3) of section 11; and

(iv) all assets of the state employees' and teachers' retirement systems except assets credited to such systems' expense funds, Annuity Savings Funds and Annuity Reserve Funds.

SECTION 8. The first paragraph of subdivision (1) of section 22C of said chapter 32, as so appearing, is hereby amended by inserting after the first sentence, the following 2 sentences:- In addition to the amount necessary to fully fund the system that is transferred to the Commonwealth's Pension Liability Fund, the schedule shall include, and the comptroller shall transfer from the General Fund to the appropriate parties without further appropriation, the following amounts: (i) the administrative expenses for the public employee retirement administration commission as annually adopted by the commission pursuant to section 49 of chapter 7; (ii) the employer contribution to the optional retirement program under section 40 of chapter 15A; and (iii) reimbursements to local retirement systems for all cost of living adjustments made available by those systems on or after July 1, 1981, including but not limited to adjustments made available pursuant to section 102. Said amounts shall be accounted for separately.

SECTION 9. Section 100A of said chapter 32, as so appearing, is hereby amended by striking out, in lines 9, 24, 35 and in line 37, the figure "$150,000" and inserting in place thereof, in each instance, the following figure:- $300,000

SECTION 10. Section 5D of chapter 40 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting in line 42, after the word, "member" the following words:- , or in the case of a teacher as defined in section 1 of chapter 32, to the Commonwealth's General Fund, established by section 2 of chapter 29.

SECTION 11. Section 7 of chapter 62C of the General Laws, as so appearing is hereby amended by striking out, in line 3, the word "fourth" and inserting in place thereof the following word:- third.

SECTION 12. Section 11 of said chapter 62C, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following 2 sentences:-

Except as otherwise provided in this chapter, every business corporation, as defined in section 30 of chapter 63, shall file a return providing such information as the commissioner deems necessary for the determination of the taxes imposed upon it by chapter 63. Except as otherwise provided in this chapter, an S corporation, as defined under section 1361 of the Internal Revenue Code, as amended and in effect for the taxable year, shall file a return on or before the fifteenth day of the third month following the close of each taxable year, and any other business corporation shall file a return on or before the fifteenth day of the fourth month following the close of each taxable year.

SECTION 13.Section 12 of said chapter 62C, as so appearing, is hereby amended by striking out, in lines 2 and 59, the word “third” and inserting in place thereof, in each instance, the following word:- fourth.

SECTION 14.Said section 12 of said chapter 62C, as so appearing, is hereby further amended by striking out, in lines 14, 20, 43 and 64, the word “March” and inserting in place thereof, in each instance, the following word:- April.

SECTION 15. Item 1599-4445 of section 2A of chapter 70 of the acts of 2016 is hereby amended by striking out the words, “fiscal year 2016”.

SECTION 16. Item 0511-0000 of said section 2 of chapter 133 of the acts of 2016 is hereby amended by inserting after the word “items” the following words:- 0511-0000, 0511-0001, 0511-0002, 0511-0200, 0511-0230, 0511-0250, 0511-0260, 0511,0270, 0511-0420, 0517-0000, 0521-0000, 0521-0001, 0521-0002, 0521-0006, 0524-0000, 0526-0100.

SECTION 17. Item 0940-0101 of said section 2 of said chapter 133 is hereby amended by striking out the figure “$2,518,910”, and inserting in place thereof the following figure:- $2,985,910.

SECTION 18. Item 4590-0918 of said section 2 of said chapter 133 is hereby amended by striking out the figure, “$19,665,858”, and inserting in place thereof the following figure:- $25,000,000.

SECTION 19. Section 151 of said chapter 133 is hereby amended by striking out, in the last sentence, the word “March” and inserting in place thereof the word:- May.

SECTION 20. The second sentence of the first paragraph of chapter 4 of the resolves of 2016 is hereby amended by inserting after the word “ethics”, the first time it appears, the following words:- or a designee.

SECTION 21. Said second sentence of said first paragraph of said chapter 4 is hereby further amended by inserting after the word “ethics”, the second time it appears, the following words:- or a designee.

SECTION 22. Said second sentence of said first paragraph of said chapter 4 is hereby further amended by inserting after the word “oversight”, the first time it appears, the following words:- or their designees.

SECTION 23. Said first paragraph of said chapter 4 is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- The chairs of the joint committee on state administration and regulatory oversight, or their designees, and the

chairs of the house and senate committees on ethics, or their designees, shall serve as co-chairs of the task force.

SECTION 24. The fourth paragraph of said chapter 4 is hereby amended by striking out the words “March 15” and inserting in place thereof the following words:- June 1.

SECTION 25. Notwithstanding any general or special law to the contrary, during fiscal year 2017, all reimbursement received by the state and teacher’s retirement systems under paragraph (c) of subdivision (8) of section 3 of chapter 32 of the General Laws or under paragraph (b) of subdivision (4) of section 7 of said chapter 32 shall be credited to the General Fund established by section 2 of chapter 29 of the General Laws.

SECTION 26. The salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth of Massachusetts and the Coalition of Public Safety shall be effective for the purposes of section 7 of chapter 150E of the General Laws.

SECTION 27. Section 15 shall take effect on October 6, 2016.

SECTION 28. Section 9 shall take effect as of March 15, 2017 and shall apply to applications received by the state board of retirement under section 100A of chapter 32 of the General Laws on or after March 15, 2017.

SECTION 29. Sections 11 through 14, inclusive, shall take effect on January 1, 2018.