

HOUSE No. 4160

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 31, 2018.

The committee on Ways and Means, to whom was referred the message from His Excellency the Governor recommending legislation relative to making appropriations to provide funding for certain activities and projects associated with the Commonwealth's efforts to assist the residents of Puerto Rico and the United States Virgin Islands (House, No. 4158), reports recommending that the accompanying bill (House, No. 4160) ought to pass. [Total Appropriations: \$16,520,000.00] [Representative Boldyga of Southwick dissents].

For the committee,

JEFFREY SÁNCHEZ.

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

An Act making appropriations for fiscal year 2018 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 forthwith to make supplemental appropriations for fiscal year 2018 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, 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 2018, 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, 2018. These sums shall be in addition to any amounts
7 previously appropriated and made available for the purposes of those items.

8 SECTION 2.

9 JUDICIARY

10 Committee for Public Counsel Services
11 0321-1510
12\$700,000

13 INDEPENDENTS

14 Massachusetts Commission Against Discrimination
15 0940-0100
16\$250,000

17 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
18 provide for an alteration of purpose for current appropriations, and to meet certain requirements
19 of law, the sums set forth in this section are hereby appropriated from the General Fund unless
20 specifically designated otherwise in this section, for the several purposes and subject to the
21 conditions specified in this section, and subject to the laws regulating the disbursement of public
22 funds for the fiscal year ending June 30, 2018. These sums shall be in addition to any amounts
23 previously appropriated and made available for the purposes of these items. These sums shall be
24 made available until June 30, 2018.

25 EXECUTIVE OFFICE OF EDUCATION

26 Department of Elementary and Secondary Education

27 7061-0011 For a reserve to provide extraordinary relief to school districts educating
28 students who are residents of Puerto Rico or the U.S. Virgin Islands who have enrolled in their
29 schools, or in an educational entity to whom they pay tuition to educate their students, after
30 October 2, 2017 due to the impact of hurricanes Maria and Irma; provided, that financial support

31 shall be provided to said districts, on a full time equivalent basis, and in a manner consistent with
32 the aid calculations made under the chapter 70 school aid program; provided further, that funds
33 distributed from this item, shall not be considered prior year chapter 70 aid and shall not be used
34 in the calculation of the minimum required local contribution for fiscal year 2019; and provided
35 further, that the department of elementary and secondary education shall adopt equitable and
36 proportionate guidelines and application procedures for grants to be made pursuant to this
37 section within 60 days of enactment of this chapter..... \$15,000,000

38 SECTION 3. Section 1 of chapter 211D of the General Laws, as appearing in the 2016
39 Official Edition, is hereby amended by striking out, in lines 35 through 37, inclusive, the words:-
40 “While serving on the committee, no member shall be assigned or appointed to represent
41 indigent defendants before any court of the commonwealth.”.

42 SECTION 4. Item 0940-0101 of section 2 of chapter 47 of the acts of 2017, as most
43 recently amended by section 28 of chapter 110 of the acts of 2017, is hereby amended by striking
44 out the figure “\$3,100,000”, each time it appears and inserting in place thereof, in each instance,
45 the following figure:- \$3,500,000.

46 SECTION 5. Item 0940-0102 of section 2 of chapter 47 of the acts of 2017 is hereby
47 amended by striking out the figure “\$240,000”, each time it appears and inserting in place
48 thereof, in each instance, the following figure:- \$410,000.

49 SECTION 6. (a) Notwithstanding any general or special law to the contrary, if the
50 committee for public counsel services, hereinafter the committee, determines that there exists a
51 limited availability of qualified private counsel appointed or assigned to care and protection
52 cases in any county the committee may, by a majority vote, declare an emergency in that county.

53 (b) Upon the declaration of an emergency pursuant to subsection (a) the committee may
54 authorize a temporary increase in the rate of compensation for private counsel appointed or
55 assigned to care and protection cases in that county who, prior to the declaration of an
56 emergency, have billed not less than 350 hours in the current fiscal year as private counsel
57 appointed or assigned to care and protection cases or who have billed not less than 700 hours in
58 the previous fiscal year as private counsel appointed or assigned to care and protection cases.
59 The committee shall designate a certain minimum number of cases to be taken by each private
60 appointed counsel who is designated eligible to receive the emergency temporary rate of
61 compensation. The temporary increase in the rate of compensation shall be for new case
62 assignments made on or after the date of the declaration of an emergency pursuant to subsection
63 (a). The temporary increase in the rate of compensation shall apply for the duration of such new
64 case assignments. The temporary increase in the rate of compensation for private counsel
65 appointed or assigned to care and protection cases approved by the committee shall not exceed
66 \$75 per hour. If the committee determines that the increase in the rate of compensation has not
67 resulted in a sufficient increase in the number of care and protection assignments being taken by
68 private counsel, the committee may modify the eligibility criteria. The chief counsel shall notify
69 the chairs of the house and senate committees on ways and means upon any such modification.

70 (c) Upon the declaration of an emergency pursuant to subsection (a) the chief counsel of
71 the committee may waive the annual cap on billable hours for private counsel appointed or
72 assigned to represent clients in care and protection cases in the specified county; provided,
73 however, that any counsel appointed or assigned to such cases shall not be paid for any time
74 billed in excess of 2,000 billable hours.

75 (d) The committee may limit the availability of the rate of compensation authorized under
76 subsection (b) based on the committee's monitoring and evaluation of the performance of
77 counsel under section 10 of chapter 211D or to attorneys whose offices are located in particular
78 counties.

79 (e) The committee shall submit a report of the effectiveness of this section to the chairs of
80 the house and senate committees on ways and means and the secretary of administration and
81 finance, not later than October 1, 2018.

82 SECTION 7. Section 6 of this act is hereby repealed.

83 SECTION 8. Section 7 of this act shall take effect on July 1, 2018.