

HOUSE No.

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
24 BEACON STREET · BOSTON, MA 02133

KARYN POLITO
LIEUTENANT GOVERNOR

February 8, 2018

To the Honorable Senate and House of Representatives,

I am filing for your consideration a bill entitled “An Act Making Appropriations for Fiscal Year 2018 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.”

This bill consists of \$159.5 million in supplemental appropriations, at a net state cost of \$153.8 million, for deficiencies related to routine expenses in the FY18 budget. In the absence of supplemental funding, these costs would remain unfunded despite the \$104 million deficiency reserve that was established in the FY18 GAA. That reserve has been budgeted for sheriffs’ FY17 payroll costs, a student assessment contract, certain collective bargaining commitments that predate FY18, the costs of indigent legal defense, and the costs of snow and ice removal.

The spending items recommended in this bill include:

- Sheriffs Reserve: \$42.2 M for costs anticipated since the start of the year;
- Transitional Aid to Families with Dependent Children (TAFDC) benefits: \$25.6 M, for costs anticipated since the start of the year (\$11.8 M) as well as later caseload updates;
- Emergency Assistance shelter beds: \$19.3 M, for costs anticipated since the start of the year (\$9.9 M), and later caseload updates;
- Health IT Trust: \$15.0 M for operating costs of the HIX system, previously funded on capital but now primarily on the operating budget;

- Collective Bargaining: \$12.1 M for SEIU Local 509;
- Judgments and Settlements Reserve: \$12.0 M, including \$3 M for costs of treating DOC inmates with Hepatitis C;
- Department of Correction: \$8.9 M for payroll costs anticipated since the start of the year;
- Veteran's benefits: \$7.0 M for Gold Star family annuities authorized last summer;
- Reserve for hurricane relief costs: \$2.5 M for transit costs for evacuees who would like to return home but lack the means, and other hurricane response costs;
- State Police details: \$2.3 M increase to retained revenue ceiling, neutral to the budget;
- Department of Developmental Services: \$2.0 M for higher than anticipated service needs;
- Title X Reserve Funds: \$1.6 M to assure continuous access to reproductive health services for low income women, in the event that Congress allows funding to run out in March;
- Other smaller needs totaling \$9.0 M (\$5.7 M net) for: the Board of Bar Examiners; costs of early voting; Norfolk and Northwestern DA moving costs; MCAD; DCR: DEP; DPH; DLS; HED (Working Cities); MassCOR; CME; EOPSS IT; and the Parole Board.

We also recommend raising three chargeback ceilings: for prior year deficiencies (by \$30 M); State Police Details (\$3.6 M); and MCD interpreter services (\$100k).

The bill proposes a limited exception to the conflict of interest laws to permit cities and towns to share employees, and proposes to shift operational responsibility for the Hinton State Laboratory building from DCAMM to DPH, to align the management of that facility with other facilities managed by DPH. It also proposes technical changes to recently-enacted legislation, such as the municipal speed enforcement and other provisions in the Municipal Modernization Act. In addition, this bill proposes several sections intended to conform or otherwise facilitate compliance with recent changes to federal law.

Sufficient revenues are estimated to be available to finance these appropriations. Because at least one item requires supplemental funding in March, I urge you to enact this legislation promptly.

Respectfully submitted,

Charles D. Baker,
Governor

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

Whereas, The deferred operation of this act would tend to defeat its purposes, which are to 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.

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2018, 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, 2018. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

9 JUDICIARY

10		<i>Board of Bar Examiners</i>	
11	0321-0100	Board of Bar Examiners.....	\$25,000
12		INDEPENDENTS	
13		<i>Northwestern District Attorney</i>	
14	0340-0600	Northwestern District Attorney.....	\$468,000
15		<i>Norfolk District Attorney</i>	
16	0340-0700	Norfolk District Attorney.....	\$174,404
17		<i>Massachusetts Commission Against Discrimination</i>	
18	0940-0100	Massachusetts Commission Against Discrimination.....	\$250,000
19	0940-0101	Fees and Federal Reimbursement Retained Revenue.....	\$400,000
20	0940-0102	Discrimination Prevention Program Retained Revenue.....	\$170,000
21		EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE	
22		<i>Reserves</i>	
23	1599-3384	Judgments, Settlements, and Legal Fees.....	\$12,000,000
24		EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS	
25		<i>Office of the Secretary of Energy and Environmental Affairs</i>	
26	2030-1000	Environmental Law Enforcement.....	\$380,287

27 2030-1004 Environmental Law Enforcement Detail Retained Revenue \$37,000

28 *Department of Conservation and Recreation*

29 2800-0501 DCR Seasonals..... \$545,397

30 2820-0101 State House Park Rangers..... \$157,396

31 2820-2000 Street Lighting..... \$585,162

32 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

33 *Department of Public Health*

34 4513-1012 WIC Program Manufacturer Rebates Retained Revenue..... \$600,000

35 4590-0912 Western Massachusetts Hospital Federal Reimbursement Retained
36 Revenue..... \$1,000,000

37 *Department of Transitional Assistance*

38 4403-2000 Transitional Aid to Families with Dependent Children Grant Payment
39\$25,633,697

40 *Department of Developmental Services*

41 5911-1003 DDS Service Coordination and Administration..... \$2,000,000

42 *Department of Veterans' Services*

43 1410-0400 Veterans' Benefits.....\$7,000,000

44 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

45		<i>Department of Housing and Community Development</i>	
46	7004-0101	Emergency Assistance Family Shelters and Services.....	\$19,263,955
47		EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT	
48		<i>Department of Labor Standards</i>	
49	7003-0200	Department of Labor Standards.....	\$179,000
50		EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY	
51		<i>Office of the Secretary of Public Safety and Security</i>	
52	8000-1700	Public Safety Information Technology Costs.....	\$684,000
53		<i>Chief Medical Examiner</i>	
54	8000-0105	Office of the Chief Medical Examiner.....	\$233,566
55		<i>Department of State Police</i>	
56	8100-0012	Special Event Detail Retained Revenue.....	\$2,300,000
57		<i>Military Division</i>	
58	8700-0001	Military Division.....	\$473,917
59		<i>Department of Correction</i>	
60	8900-0001	Department of Correction Facility Operations.....	\$8,900,000
61	8900-0010	Prison Industries and Farm Services Program.....	\$567,079

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Parole Board

8950-0001 Parole Board.....\$502,400

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, 2018.

INDEPENDENTS

Secretary of the Commonwealth

0521-0002 For reimbursements to municipalities for costs associated with the implementation of the mandated provisions of early voting for the November 8, 2016 State Election as required by section 25B of chapter 54 of the General Laws, as was determined through the collection and certification of accurate accounting by the state auditor and division of local mandates.....\$1,063,978

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Reserves

1599-0010 For the purposes of ensuring the continuity of clinical family planning services, education and counseling, physical exams, provision of contraceptive methods with an emphasis on services that reduce barriers to care, sexually-transmitted disease testing and treatment, HIV testing, and reproductive cancer screening services provided through the Federal

Title X program that supports clinical family planning services with a focus on serving clients under 100% of the federal poverty level; provided that \$337,000 may be made available to the Department of Public Health; provided further, that \$437,000 may be made available to Action for Boston Community Development; provided further, that \$337,000 may be made available to Health Quarters; provided further, that \$333,000 may be made available to Health Imperatives; provided further, that \$160,000 may be made available to the Planned Parenthood League of Massachusetts; and provided further, that no funds shall be made available by the Secretary for Administration and Finance if the US Department of Health and Human Services releases funds by March 31, 2018 to ensure these services are uninterrupted.....\$1,604,000

1599-0014 For a reserve to fund the costs associated with assisting the residents of Puerto Rico or the United States Virgin Islands who have arrived in the commonwealth due to the impact of hurricanes Maria and Irma, including, but not limited to: (i) transportation costs, including travel from the commonwealth to Puerto Rico or the United States Virgin Islands; (ii) immediate living and related expenses; and (iii) costs incurred by political subdivisions of the commonwealth; ; provided, that the secretary for administration and finance may transfer from this item to other items of appropriation and allocations thereof for fiscal years 2018 and 2019 amounts necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that the funds appropriated in this item in fiscal year 2018 shall not revert but shall be made available for these purposes through June 30, 2019..... \$2,500,000

1599-4448 For a reserve to meet the costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth of

106 Massachusetts and the Service Employees International Union, Local 509, Units 8 and 10, which
107 is effective for the purposes of section 7 of chapter 150E of the General Laws, and for future
108 collective bargaining agreements, subject to the requirements of section 7 of chapter 150E of the
109 General Laws.....\$12,100,000

110 1599-8910 For a reserve to remediate identified and approved deficiencies incurred
111 by the Sheriffs of the
112 Commonwealth.....\$42,152,371

113 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

114 *Office of the Secretary of Housing and Economic Development*

115 7002-1506 For the Working Cities Challenge, competitive technical assistance grants
116 to be administered by the executive office of housing and economic development, in
117 coordination with the Federal Reserve Bank of Boston, to provide multi-year support to
118 initiatives that advance cross-sector collaboration among the public, private and non-profit
119 sectors; provided, that in order to qualify for funding, a project proposal shall catalyze and
120 accelerate initiatives that create new or stronger working relationships between key institutions,
121 agencies, organizations and businesses within municipalities with: (i) a population of greater
122 than 35,000 and less than 250,000; (ii) a median family income that is below the median of those
123 similarly-sized municipalities; and (iii) a median poverty rate that is above the median for those
124 similarly-sized municipalities; provided further, that the Federal Reserve Bank of Boston shall
125 identify additional program eligibility requirements; and provided further, that the private sector
126 and other institutions shall contribute to this program an amount that is at least equal to the total
127 state appropriation for this program.....\$500,000

SECTION 2B. To provide for supplementing certain intragovernmental chargeback authorizations in the general appropriation act and other appropriation acts for fiscal year 2018, 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, 2018. These sums shall be in addition to any amounts previously authorized and made available for the purposes of those items.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Reserves

1599-2040	Chargeback for Prior-Year Deficiencies.....	\$30,000,000
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EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Massachusetts Commission for the Deaf and Hard of Hearing

4125-0122	Chargeback for Interpreter Services.....	\$100,000
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EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

Department of State Police

8100-0002	Chargeback for State Police Details.....	\$3,628,210
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SECTION 2E. The sum set forth in this section is hereby appropriated for transfer from the General Fund to the trust fund named within the item unless specifically designated

otherwise in section 2E of chapter 47 of the acts of 2017, for the purposes and subject to the conditions specified in this section and said section 2E and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2018. This sum shall be in addition to any amounts previously appropriated and made available for the purposes of that item.

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Office of the Secretary

1595-1069 Health Information Technology Trust Fund.....\$15,000,000

SECTION 3. Section 35AA of chapter 10 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in line 9, the words “(c)” and inserting in place thereof the following words:- (b).

SECTION 4. Subsection (a) of section 2SSSS of chapter 29 of the General Laws, as so appearing, is hereby amended by adding the following words:- “and (iii) other federally approved Delivery System Reform Incentive Program purposes.”

SECTION 5. Section 2 of chapter 40R of the General Laws, as so appearing, is hereby amended by inserting after the figure “10”, in line 33, the following words:- , or other funds available to the commonwealth.

SECTION 6. Said section 2 of said chapter 40R, as so appearing, is hereby further amended by inserting after the figure “10”, in line 102, the following words:- , or other funds available to the commonwealth.

168 SECTION 7. Section 9 of said chapter 40R, as so appearing, is hereby amended by
169 inserting after the word “fund”, in line 4, the following words:- or other funds available to the
170 commonwealth.

171 SECTION 8. Said section 9 of said chapter 40R, as so appearing, is hereby further
172 amended by inserting after the word “fund”, in line 22, the following words:- or other funds
173 available to the commonwealth.

174 SECTION 9. Section 14 of said chapter 40R, as so appearing, is hereby amending by
175 striking out, in line 9, the words “returned to the trust fund” and inserting in place thereof the
176 following words:- credited to the funding source from which the payment originated.

177 SECTION 10. Section 1B of chapter 41 of the General Laws, as so appearing, is hereby
178 amended by striking out the first and second paragraphs and inserting in place thereof the
179 following paragraphs:-

180 Section 1B. Any office or board, except the board of selectmen and the school
181 committee, elected under the provisions of section 1 may become an appointed position or board
182 by a majority vote of the annual or special town meeting and acceptance by the voters of the
183 town at the annual town elections; provided, however, that any vote by an annual or special town
184 meeting taken under the provisions of this section shall take place at least 60 days prior to the
185 acceptance of the voters at the annual town election. Such acceptance by the voters shall be in
186 the form of the following question, to be placed on the official ballot:

187 Shall the town vote to have its elected (Title of office or board) become an appointed
188 (Title of office or board) of the town? Yes _____ No _____

189 SECTION 11. Said section 1B of said chapter 41, as so appearing, is hereby further
190 amended by inserting after the fourth paragraph the following 3 paragraphs:-

191 For purposes of this section, the positions of town treasurer and collector of taxes, elected
192 pursuant to section 1, may be combined into a single position and become an appointed position
193 in the manner provided in this section. Such acceptance by the voters shall be in the form of the
194 following question, to be placed on the official ballot:

195 Shall the town vote to have its elected offices of treasurer and collector of taxes become
196 an appointed office of treasurer-collector? Yes _____ No _____

197 If a majority of votes cast in answer to said question is in the affirmative, the elected
198 offices of treasurer and collector of taxes shall be combined and become one appointed office of
199 treasurer-collector in accordance with the provisions of this section.

200 Any incumbent of the office of treasurer or collector of taxes serving at the time of
201 acceptance by the voters or any individual elected to the office of collector of taxes or office of
202 treasurer at the same election, under the provisions of this section, shall hold said office and
203 perform the duties thereof until the appointment to the office of treasurer-collector is otherwise
204 made under the provisions of this section.

205 SECTION 12. Section 20 of chapter 44 of the General Laws, as so appearing, is hereby
206 amended by striking out the fifth sentence and inserting in place thereof the following 3
207 sentences:-

208 Any premium received upon the sale of notes, less the cost of preparing, issuing and
209 marketing the notes, and any accrued interest received upon the delivery of the notes, shall be

210 applied to the first payment of interest on the note. Any premium received upon the sale of
211 bonds, less the cost of preparing, issuing and marketing them, and any accrued interest received
212 upon the delivery of bonds shall be: (i) in the case of bonds sold by a city or town that have been
213 excluded under section 21C of chapter 59, or bonds sold by a regional school district for which
214 one or more member cities or towns have so excluded their share of the bond, applied by the
215 treasurer to pay costs of the project being financed by the bonds and to reduce the amount
216 authorized to be borrowed for the project by like amount; or (ii) in the case of any other bonds,
217 applied by the treasurer to pay costs of the project being financed by the bonds and to reduce the
218 amount authorized to be borrowed for the project by like amount; or if not so applied,
219 appropriated to pay costs of a project for which the city, town or district has authorized a
220 borrowing, or may authorize a borrowing. Notwithstanding this section, any premium and
221 accrued interest received on account of an issue of bonds, less the cost of preparing, issuing and
222 marketing the bonds, not in excess of \$50,000 may be applied, with the approval of the chief
223 executive officer, for the payment of indebtedness.

224 SECTION 13. Section 21A of said chapter 44 of the General Laws, as so appearing, is
225 hereby amended by inserting in line 2, before the word “and”, the following words:- , the school
226 committee of a regional school district.

227 SECTION 14. Said section 21A of said chapter 44, as so appearing, is hereby further
228 amended by inserting in line 4, before the words “or district”, the following words:- , regional
229 school district.

230 SECTION 15. Said section 21A of said chapter 44, as so appearing, is hereby further
231 amended by inserting in line 69, before the words “or district”, the following words:- , the school
232 committee of a regional school district.

233 SECTION 16. Section 28A of said chapter 44, as so appearing, is hereby amended by
234 inserting after the word “thereto,” in line 7, the following words:- and the provisions of section
235 21C relating to lease purchase financing agreements.

236 SECTION 17. Section 31 of said chapter 44, as so appearing, is hereby amended by
237 striking out the word “council,” in line 28, and inserting in place thereof the following word:-
238 counsel.

239 SECTION 18. Section 63 of said chapter 44, as so appearing, is hereby amended by
240 striking out the words “clause (3) of section seven,” in line 11, and inserting in in place thereof
241 the words:- clause (1) of section 7 to purchase land, or interests in land, or construct or enlarge
242 buildings, including the cost of original equipment and furnishings of the buildings or
243 enlargements.

244 SECTION 19. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby
245 amended by striking out clause Twenty-second G and inserting in place thereof the following
246 clause:-

247 Twenty-second G. In any city or town that accepts this clause, a person whose domicile is
248 owned by a trustee, conservator or other fiduciary for the person’s benefit shall be deemed the
249 owner of the domicile for purposes of clauses Twenty-second to Twenty-second F, inclusive, and
250 shall be granted the exemption provided the person is otherwise eligible under such clauses.

SECTION 20. Section 18 of said chapter 59, as so appearing, is hereby amended by striking out the words “an executor or administrator,” in line 6, and inserting in place thereof the following words:- a personal representative.

SECTION 21. Said section 18 of said chapter 59, as so appearing, is hereby further amended by striking out the words “executor or administrator,” in line 6, and inserting in place thereof the following words:- personal representative.

SECTION 22. Section 57 of said chapter 59, as so appearing, is hereby amended by striking out the third paragraph.

SECTION 23. The twelfth paragraph of section 57C of said chapter 59, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- For purposes of this section, amounts not timely received shall be deemed unpaid.

SECTION 24. Said section 57C of said chapter 59, as so appearing, is hereby amended by striking out the fourteenth paragraph.

SECTION 25. Section 64 of said chapter 59, as so appearing, is hereby amended by adding the following paragraph:-

For the purposes of determining jurisdictional interest requirements on appeals under this section, if a payment for taxes on personal property or a parcel of real estate is, after the date prescribed by sections 23D, 57 or 57C, delivered to the collector by United States mail or by an alternative private delivery service as the collector may permit, the payment date shall be deemed to be the date of the United States postmark, the date of the certification of mailing stamped and postmarked by the United States postal service, the date of a certified mail receipt

provided by the United States postal service or other substantiating date mark permitted by the Rules of Practice and Procedure of the Appellate Tax Board that is affixed on the envelope or other appropriate wrapper in which the payment is mailed or delivered if the payment was mailed in the United States in an envelope or such appropriate wrapper, first class postage prepaid, or delivered to an alternative private delivery service, properly addressed to the collector; provided, however, that a taxpayer shall have the burden of proving the timely mailing of any payment of taxes to said collector under this section and the collector shall have no obligation to maintain any record relative to the date of mailing of the tax; and provided further, that nothing in this section shall be construed to place the burden of proving any untimely mailing on the collector. As used in this section, "United States postmark" shall mean only a postmark made by the United States post office. This paragraph shall not apply to the calculation of interest on taxes due under sections 23D, 57 or 57C.

SECTION 26. Section 2A of chapter 61A of the General Laws, as so appearing, is hereby amended by striking out the words "chapter 25," in line 6, and inserting in place thereof the following words:- chapter 25A.

SECTION 27. Section 13 of chapter 64J of the General Laws, as so appearing, is hereby amended by striking out the word "and," in line 5, and inserting in place thereof the following word:- or.

SECTION 28. Subsection (a) of section 17C of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out the words, "on any roadway inside a thickly settled or business district in the city or town on any way that is not a state highway," and inserting in

place thereof the following words:-on all roadways inside thickly settled or business districts in the city or town that are not state highways.

SECTION 29. Subsection (a) of section 18B of said chapter 90, as so appearing, is hereby amended by striking out the word “on” and inserting in place thereof the following words:- subject to section 2 of chapter 85.

SECTION 30. Sections 66 to 73, inclusive, of chapter 94 of the General Laws are hereby repealed.

SECTION 31. Sections 303A to 303E, inclusive, of said chapter 94 are hereby repealed.

SECTION 32. Section 224 of chapter 111 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

There shall be a commission on falls preventions within the department. The commission shall consist of the commissioner of public health or the commissioner's designee, who shall chair the commission; the secretary of elder affairs or the secretary's designee; the director of MassHealth or the director's designee; and 13 members to be appointed by the governor, 1 of whom shall be a member of the Home Care Alliance of Massachusetts, Inc., 1 of whom shall be a member of the AARP, 1 of whom shall be a member of the Massachusetts Senior Care Association, Inc., 1 of whom shall be a member of the Massachusetts Association of Councils on Aging, Inc., 1 of whom shall be a member of the Massachusetts Medical Society Alliance, Inc., 1 of whom shall be a member of the Massachusetts Assisted Living Facilities Association, 1 of whom shall be a member of Mass Home Care, 1 of whom shall be a member of the American Physical Therapy Association of Massachusetts, 1 of whom shall be a member of the

315 Massachusetts Association for Occupational Therapy, 1 of whom shall be a member of the
316 Massachusetts Pharmacists Association Foundation, Inc., 1 of whom shall have expertise in
317 vision, 1 of whom shall have expertise in healthcare coverage and payment, and 1 of whom shall
318 have expertise in the built environment.

319 SECTION 33. Said section 224 of said chapter 111, as so appearing, is hereby further
320 amended, in the third paragraph, by striking out the words “September 22, annually,”, and
321 inserting in place thereof the following words:- September 22, 2018, and every other year
322 thereafter,.

323 SECTION34. Section 42A of chapter 112 of the General Laws, as so appearing, is hereby
324 amended by inserting in line 17, after the word “Administration.”, the following 2 sentences:-

325 The board may enter into agreements with the federal Food and Drug Administration
326 pursuant to 21 C.F.R. § 20.88 for the purpose of receiving records and information. Records and
327 information received pursuant to such agreements shall be exempt from disclosure as a public
328 record.

329 SECTION 35. Section 109 of said chapter 112, as so appearing, is hereby amended by
330 striking out the second paragraph and inserting in place thereof the following paragraph:

331 (b) No person shall be admitted to or permitted to take an examination for license as a
332 nursing home administrator unless he shall have first submitted evidence satisfactory to the
333 board, (1) that he is over eighteen years of age, (2) that he is of good moral character, (3) that he
334 is suitable and fit to be licensed and to practice as a nursing home administrator.

SECTION 36. Section 255 of said chapter 112, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

A person who meets the qualifications to be admitted to the examination for licensure as a genetic counselor may apply to practice as a provisional licensed genetic counselor by filing an approved application with the board and payment of a fee to be determined by the secretary of administration and finance. The board may grant a provisional license to a person who successfully completes a genetic counseling education program approved by the board and is qualified to be admitted to the examination. Such provisional license shall be valid for 2 years from the date of its issue and may be renewed for an additional 2 years if an applicant fails the first sitting of the ABGC or ABMG certification exam. Such provisional license shall expire automatically upon the earliest of the following:

- (a) issuance of a full license;
- (b) 30 days after the applicant fails to pass the complete examination; or
- (c) the expiration date printed on the provisional license.

An application for extension shall be signed by a supervising licensed genetic counselor.

SECTION 37. Chapter 128 of the General Laws is hereby amended by adding the following section:-

Section 116. (a) The following words as used in this section shall have the following meanings unless the context otherwise requires:

"Farm", lands that are used by a person for farming or agriculture as defined in section 1A.

356 "Federal act", the FDA Food Safety Modernization Act, Public Law No. 111-353, as
357 amended.

358 "Federal standards", the standards adopted under the Federal Act for the growing,
359 harvesting, packing, and holding of produce for human consumption, as set forth in Title 21, Part
360 112 of the Code of Federal Regulations, as amended.

361 "Produce", produce as defined in 21 C.F.R. § 112.3, as amended.

362 "Produce farm", any farm engaged in the growing, harvesting, packing, or holding of
363 produce.

364 (b) The department may enforce in the Commonwealth the federal standards. The
365 department may consult and collaborate, and enter into cooperative agreements, with the
366 department of public health regarding application and enforcement of the federal act.

367 (c) (1) The department may enter upon and inspect a produce farm during reasonable
368 hours for the purpose of ensuring compliance with the federal standards or, pursuant to
369 paragraph (2) of this subsection, comparable state standards applicable to produce not meeting
370 the definition of "covered produce" under 21 C.F.R. § 112.3, as amended. The Commissioner
371 may promulgate regulations as may be necessary to implement this paragraph.

372 (2) The department may conduct inspections of produce not meeting the definition of
373 covered produce under 21 C.F.R. § 112.3, as amended, or a produce farm not subject to the
374 federal standards under 21 C.F.R. §§ 112.4-11.25, as amended, only upon the request of the
375 operator of the produce farm. Such request for inspection shall subject the produce farm and its
376 operator to the authority of the department as set forth in this section.

(3) After inspection, the department may issue an inspection certificate that shall include the date and place of inspection along with any other information that the department may prescribe. The department may coordinate with other state and federal agencies and organizations to carry out inspections at or near the same time on a particular produce farm.

(d) The department may issue reasonable orders necessary to effectuate the purposes of this section, including but not limited to, orders for the embargo, destruction, quarantine, and release of produce. The Commissioner may promulgate regulations as may be necessary to implement this subsection.

(e) The operator of a produce farm shall maintain records required by the federal act and rules adopted thereunder and shall make those records available to the department upon request.

SECTION 38. Section 21 of chapter 218 of the General Laws, as so appearing, is hereby amended by striking out the words “or an”, in line 9, and inserting in place thereof the following words:- in any amount or any other.

SECTION 39. Said section 21 of said chapter 218, as so appearing, is hereby further amended by striking out the words “or an action by a city or town which shall not exceed \$15,000”, in lines 43 and 44, and inserting in place thereof the following words:- in any amount or any other action by a city or town which shall not exceed \$15,000 or an action.

SECTION 40. Section 17 of chapter 268A of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

This section shall not prevent a municipal employee from acting as an agent for, or performing services on behalf of, the employee’s municipality and one or more other

governmental units, as defined by section 4A of chapter 40, under an intermunicipal agreement under said section 4A of said chapter 40, or as otherwise provided by law; provided that the employee is acting within the scope of the employee's duties under the agreement or law.

SECTION 41. Chapter 218 of the acts of 2016 is hereby amended by striking out section 253 and inserting in place thereof the following section:-

SECTION 253. Sections 175-177, inclusive, shall take effect as of January 1, 2017, provided, however, that notwithstanding any deemed revocation, a city or town may receive and retain any excises imposed on or before December 31, 2017.

SECTION 42. Item 0940-0101 of section 2 of chapter 47 of the acts of 2017, as amended by section 28 of chapter 110 of the acts of 2017, is hereby further amended by striking out the figure "\$3,100,000" and inserting in place thereof the following figure:- \$3,500,000

SECTION 43. Item 0940-0102 of said section 2 of said chapter 47 is hereby amended by striking out the figure "\$240,000" and inserting in place thereof the following figure:- \$410,000

SECTION 44. Item 2030-1004 of said section 2 of said chapter 47 is hereby amended by striking out the figure "\$333,000" and inserting in place thereof the following figure:- \$370,000

SECTION 45. Item 4000-0641 of said section 2 of said chapter 47 is hereby amended by striking out words "that not later than March 1, 2018, MassHealth shall report to the house and senate committees on ways and means on the impact on wages for direct care workers at the nursing homes receiving funds" and inserting in place thereof the following words:- that MassHealth shall provide to the house and senate committee on ways and means an interim

418 report not later than June 15, 2018 and a final report not later than December 31, 2018 on the
419 impact of wages for direct care workers at the nursing home receiving funds.

420 SECTION 46. Item 4513-1012 of said section 2 of said chapter 47 is hereby amended by
421 striking out the figure “\$26,200,000” and inserting in place thereof the following figure:-
422 \$26,800,000

423 SECTION 47. Item 4590-0912 of said section 2 of said chapter 47 is hereby amended by
424 striking out the figure “\$21,650,862” and inserting in place thereof the following figure:-
425 \$22,650,862

426 SECTION 48. Item 7004-0108 of said section 2 of said chapter 47 is hereby amended by
427 adding the following words:- ; provided further, that the undersecretary of housing and
428 community development may transfer surplus funds appropriated in this item to item 7004-0101
429 to address deficiencies in item 7004-0101; and provided further, that not more than \$4,000,000
430 shall be transferred from this item in fiscal year 2018.

431 SECTION 49. Item 8100-0012 of said section 2 of said chapter 47 is hereby amended by
432 striking out the figure “\$2,200,000” and inserting in place thereof the following figure:-
433 \$4,500,000

434 SECTION 50. Section 99 of said chapter 47 is hereby amended by striking the second
435 sentence and inserting in place thereof the following sentence: - Other federally permissible
436 funding mechanisms available for certain hospitals, as defined by regulations of the executive
437 office of health and human services, may be used to reimburse up to \$70,000,000 of
438 uncompensated care pursuant to sections 66 and 69 of said chapter 118E using sources distinct
439 from the funding made available to the Health Safety Net Trust Fund.

SECTION 51. Notwithstanding any general or special law to the contrary, the secretary of health and human services, with the written approval of the secretary of administration and finance, may authorize transfers of surplus among items 4000-0320, 4000-0430, 4000-0500, 4000-0601, 4000-0641, 4000-0700, 4000-0875, 4000-0880, 4000-0885, 4000-0940, 4000-0950, 4000-0990, 4000-1400, 4000-1420 and 4000-1425 for the purpose of reducing any deficiency in these items, but any such transfer shall be made not later than September 30, 2018.

SECTION 52. Notwithstanding any general or special law to the contrary, any unexpended balances, not exceeding a total of \$20,000,000, in items 4000-0700 and 4000-1425 of section 2 of chapter 47 of the acts of 2017 shall not revert to the General Fund until September 1, 2018 and may be expended by the executive office of health and human services to pay for services enumerated in said items 4000-0700 and 4000-1425 provided during fiscal year 2018.

SECTION 53. (a) Notwithstanding any general or special law to the contrary, this section shall facilitate the orderly transfer of the employees, proceeds, rules and regulations, property and legal obligations and functions of state government from the transferor agency to the transferee agency, defined as follows: the division of capital asset management and maintenance, as transferor agency, to the department of public health, as transferee agency.

(b) Notwithstanding chapter 334 of the acts of 1996 or any other general or special law to the contrary, control and custody of the MA State Public Health Laboratory Campus located in the Jamaica Plain section of the city of Boston shall be transferred from the transferor agency to the transferee agency. The transferor and transferee agencies shall enter into an agreement to effect such transfer, which shall occur on or before December 31, 2018. Upon such transfer, the transferee agency may assign the use of space within the property to state agencies and may

make expenditures and perform maintenance for the property that it considers reasonable and appropriate.

(c) Upon the transfer required in subsection (b), employees of the transferor agency engaged in the maintenance and security of the MA State Public Health Laboratory Campus shall be transferred to the transferee agency. The personnel administrator in the human resources division, in consultation with the transferee agency, shall complete a study of job titles of the former transferor agency employees at the laboratory. The personnel administrator, in consultation with the transferee agency, shall determine the appropriate commonwealth job titles for former employees of the transferor agency who are transferred to the transferee agency under this section. Employees transferred to the transferee agency pursuant to this section shall be placed in job titles as determined by the personnel administrator and shall be paid wages and receive benefits consistent with the collective bargaining agreement governing those job titles.

(d) Subject to appropriation, the transferred employees of the transferor agency, including those who immediately before the effective date of this act held permanent appointment in positions classified under chapter 31 of the General Laws or have tenure in their positions as provided by section 9A of chapter 30 of the General Laws or did not hold such tenure, or held confidential positions, shall be transferred to the transferee agency without interruption of service within the meaning of section 9A of chapter 30, without impairment of seniority, retirement or other rights of the employee, and without reduction in compensation or salary grade, notwithstanding any change in title pursuant to the provisions of subsection (c) or duties resulting from such reorganization, and without loss of accrued rights to holidays, sick leave, vacation and benefits, and without change in union representation or certified collective bargaining unit as certified by the state labor relations commission or in local union

representation or affiliation. Any collective bargaining agreement in effect immediately before the transfer date shall continue in effect and the terms and conditions of employment therein shall continue as if the employees had not been so transferred. The reorganization shall not impair the civil service status of any such reassigned employee who immediately before the effective date of this act either held a permanent appointment in a position classified under chapter 31 of the General Laws or had tenure in a position by reason of section 9A of chapter 30 of the General Laws.

(e) Notwithstanding any general or special law to the contrary, all such employees shall continue to retain their right to bargain collectively pursuant to chapter 150E of the General Laws and shall be considered employees for the purposes of chapter 150E. Nothing in this section shall confer upon any employee any right not held immediately before the date of the transfer, or to prohibit any reduction of salary grade, transfer, reassignment, suspension, discharge or layoff not prohibited before such date; nor shall anything in this section prohibit the abolition of any management position within the division of capital asset management and maintenance after transfer to the department of public health.

(f) All petitions, requests, investigations, filings and other proceedings appropriately and duly brought before the transferor agency, or pending before it before the effective date of this act, shall continue unabated and remain in force, but shall be assumed and completed by the transferee agency.

(g) All orders, advisories, findings, rules and regulations duly made and all approvals duly granted by the transferor agency, which are in force immediately before the effective date of

506 this act, shall continue in force and shall thereafter be enforced, until superseded, revised,
507 rescinded or canceled, in accordance with law, by the transferee agency.

508 (h) All books, papers, records, documents, equipment, buildings, facilities, cash and
509 other property, both personal and real, including all such property held in trust, which
510 immediately before the effective date of this act are in the custody of the transferor agency, shall
511 be transferred to the transferee agency.

512 (i) All duly existing contracts, leases and obligations of the transferor agency, shall
513 continue in effect but shall be assumed by the transferee agency. No such existing right or
514 remedy of any character shall be lost, impaired or affected by this act.