

HOUSE No. 5009

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, December 20, 2018.

The committee on the Ways and Means to whom was referred the message from His Excellency the Governor making appropriations for the fiscal year 2019 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4231), report, in part, recommending that the accompanying bill (House, No. 5009) ought to pass [Total appropriation: \$7,850,00.00].

For the committee,

JEFFREY SANCHEZ.

HOUSE No. 5009

The Commonwealth of Massachusetts

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

An Act making appropriations for the fiscal year 2019 to provide for supplementing certain existing appropriations and for certain other activities and projects..

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make supplemental appropriations for fiscal year 2019 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 2019, 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, 2019. 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 TREASURER AND RECEIVER-GENERAL

10 0612-0105.....\$600,000

11 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
12 provide for an alteration of purpose for current appropriations, and to meet certain requirements
13 of law, the sums set forth in this section are hereby appropriated from the General Fund unless
14 specifically designated otherwise in this section, for the several purposes and subject to the
15 conditions specified in this section, and subject to the laws regulating the disbursement of public
16 funds for the fiscal year ending June 30, 2019.

17 CANNABIS CONTROL COMMISSION

18 Cannabis Control Commission

19 1070-0842 For the oversight of the medical marijuana industry by the cannabis control
20 commission..... \$3,000,000

21 Marijuana Regulation Fund.....100%

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

25 SECTION 4. Section 2 of chapter 40R of the General Laws, as so appearing, is hereby
26 amended by inserting after the figure “10”, in line 33, the following words:- , or other funds
27 available to the commonwealth.

28 SECTION 5. Said section 2 of said chapter 40R, as so appearing, is hereby further
29 amended by inserting after the figure “10”, in line 102, the following words:- , or other funds
30 available to the commonwealth.

31 SECTION 6. Section 9 of said chapter 40R, as so appearing, is hereby amended by
32 inserting after the word “fund”, in line 4, the following words:- or other funds available to the
33 commonwealth.

34 SECTION 7. Said section 9 of said chapter 40R, as so appearing, is hereby further
35 amended by inserting after the word “fund”, in line 22, the following words:- or other funds
36 available to the commonwealth.

37 SECTION 8. Section 14 of said chapter 40R, as so appearing, is hereby amended by
38 striking out, in line 9, the words “returned to the trust fund” and inserting in place thereof the
39 following words:- credited to the funding source from which the payment originated.

40 SECTION 9. Subsection (b) of section 21 of chapter 62C of the General Laws, as most
41 recently amended by section 3 of chapter 90 of the acts of 2018, is hereby further amended by
42 inserting after clause (28), the following clause:-

43 (29) the disclosure to the department of family and medical leave of return information
44 and wage reporting information received by the commissioner pursuant to chapter 62E necessary
45 for the administration of the family and medical leave program established pursuant to chapter
46 175M.

47 SECTION 10. Section 32E3/4 of chapter 90 of the General Laws, as appearing in the
48 2016 Official Edition, is hereby amended by inserting after the word "center", in line 4, the
49 words:- and police training.

50 SECTION 11. Section 32E7/8 of said chapter 90, inserted by section 3 of chapter 153 of
51 the acts of 2018, is hereby amended by inserting after the words "section 32E³/₄ and shall be", the
52 following words:- collected by the department of revenue and.

53 SECTION 12. Section 8 of chapter 175M of the General Laws is hereby amended by
54 striking out subsection (g), as amended by section 48 of the chapter 273 of the acts of 2018, and
55 inserting in place thereof the following subsection:-

56 (g) The department shall enforce this chapter and shall promulgate rules and regulations
57 pursuant thereto. An employer or covered business entity who fails or refuses to make
58 contributions as required in section 6 shall be assessed 0.63 per cent of its total annual payroll for
59 each year it so failed to comply, or fraction thereof, in addition to the total amount of benefits
60 paid to covered individuals for whom it failed to make contributions. The rate of assessment
61 imposed by this subsection shall be adjusted annually consistent with subsection (a) of section 6
62 and subsection (e) of section 7. The department may delegate the administration and collection
63 of contributions required by this chapter to the department of revenue, subject to the agreement
64 of the commissioner of revenue. Such contributions shall be treated for administration and
65 collection purposes as taxes to which the provisions of chapter 62C apply. Such contributions
66 shall also be treated as debts owed to the department under chapter 62D.

67 SECTION 13. Section 136 of chapter 47 of the acts of 2017, as amended by section 26 of
68 chapter 113 of the acts of 2018, is hereby amended by striking the third paragraph thereof, and
69 inserting in place thereof the following:-

70 All appointments to the commission shall be made not later than July 31, 2019. The
71 commission shall report its findings, including any recommendations for legislation, to the clerks
72 of the house of representatives and the senate not later than December 31, 2019.

73 SECTION 14. Item 4405-2000 of section 2 of chapter 154 of the acts of 2018 is hereby
74 amended by adding at the end thereof the following words:- and provided further, that rates of
75 reimbursement for residential care facilities and rest homes for fiscal year 2019 shall be
76 increased by not less than \$2,800,000 over the rates effective October 1, 2017.

77 SECTION 15. Said item 4405-2000 of said section 2 of said chapter 154 is hereby further
78 amended by striking out the figures “\$220,466,788” and inserting in place thereof the following
79 figures:- \$223,266,788.

80 SECTION 16. Item 4408-1000 of said section 2 of said chapter 154 is hereby amended
81 by adding at the end thereof the following words:- and provided further, that rates of
82 reimbursement for residential care facilities and rest homes for fiscal year 2019 shall be
83 increased by not less than \$1,200,000 over the rates effective October 1, 2017.

84 SECTION 17. Said item 4408-1000 of said section 2 of said chapter 154 is hereby further
85 amended by striking out the figures “\$76,264,729” and inserting in place thereof the following
86 figures:- \$77,464,729.

87 SECTION 18. Item 8000-0313 of said section 2 of said chapter 154 is hereby amended
88 by inserting, in line 1, after the word “programs” the following words:- ; provided further, that
89 not less than \$250,000 shall be expended to the Presentation School Foundation Community
90 Center in the Brighton section of the city of Boston for public safety upgrades.

91 SECTION 19. Subsection (e) of section 97 of chapter 209 of the acts of 2018, is hereby
92 amended by striking out the words “December 31, 2018” and inserting in place thereof the
93 following words:- December 31, 2019.

94 SECTION 20. (a) Notwithstanding any general or special law to the contrary, this section
95 shall facilitate the orderly transfer of the employees, proceeds, rules and regulations, property
96 and legal obligations and functions of state government from the transferor agency to the
97 transferee agency, defined as follows: the division of capital asset management and maintenance,
98 as transferor agency, to the department of public health, as transferee agency.

99 (b) Notwithstanding chapter 334 of the acts of 1996 or any other general or special law to
100 the contrary, control and custody of the State Laboratory Institute located in the Jamaica Plain
101 section of the city of Boston shall be transferred from the transferor agency to the transferee
102 agency. The transferor and transferee agencies shall enter into an agreement to effect such
103 transfer, which shall occur on or before December 31, 2018. Upon the transfer, the transferee
104 agency may assign the use of space within the property to state agencies and may make
105 expenditures and perform maintenance for the property that it considers reasonable and
106 appropriate.

107 (c) Upon the transfer, employees of the transferor agency engaged in the maintenance
108 and security of the State Laboratory Institute shall be transferred to the transferee agency. The
109 personnel administrator in the human resources division, in consultation with the transferee
110 agency, shall complete a study of job titles of the former transferor agency employees at the
111 laboratory. The personnel administrator, in consultation with the transferee agency, shall
112 determine the appropriate commonwealth job titles for former employees of the transferor

113 agency who are transferred to the transferee agency under this section. Employees transferred to
114 the transferee agency pursuant to this section shall be placed in job titles as determined by the
115 personnel administrator and shall be paid wages and receive benefits consistent with the
116 collective bargaining agreement governing those job titles.

117 (d) Subject to appropriation, the transferred employees of the transferor agency,
118 including those who immediately before the effective date of this act held permanent
119 appointment in positions classified under chapter 31 of the General Laws or have tenure in their
120 positions as provided by section 9A of chapter 30 of the General Laws or did not hold such
121 tenure, or held confidential positions, shall be transferred to the transferee agency without
122 interruption of service within the meaning of section 9A of chapter 30, without impairment of
123 seniority, retirement or other rights of the employee, and without reduction in compensation or
124 salary grade, notwithstanding any change in title pursuant to the provisions of subsection (c) or
125 duties resulting from such reorganization, and without loss of accrued rights to holidays, sick
126 leave, vacation and benefits, and without change in union representation or certified collective
127 bargaining unit as certified by the state labor relations commission or in local union
128 representation or affiliation. Any collective bargaining agreement in effect immediately before
129 the transfer date shall continue in effect and the terms and conditions of employment therein
130 shall continue as if the employees had not been so transferred. The reorganization shall not
131 impair the civil service status of any such reassigned employee who immediately before the
132 effective date of this act either held a permanent appointment in a position classified under
133 chapter 31 of the General Laws or had tenure in a position by reason of section 9A of chapter 30
134 of the General Laws.

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

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

147 (g) All orders, advisories, findings, rules and regulations duly made and all approvals
148 duly granted by the transferor agency, which are in force immediately before the effective date of
149 this act, shall continue in force and shall thereafter be enforced, until superseded, revised,
150 rescinded or canceled, in accordance with law, by the transferee agency.

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

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

158 SECTION 21. Notwithstanding any general or special law to the contrary, the portion of
159 the greenway, as defined in section 2 of chapter 306 of the acts of 2008, that is shown as parcel
160 23D on the plan defined in said section 2 of said chapter 306 shall be designated and known as
161 the Auntie Kay and Uncle Frank Chin Park. Subject to approval of an agreement between the
162 Massachusetts Department of Transportation and the Rose Fitzgerald Kennedy Greenway
163 Conservancy, Inc., the department shall: (i) erect and maintain suitable markers on parcel 23D
164 bearing that designation; or (ii) provide the conservancy with such suitable markers for display
165 by the conservancy on parcel 23D.

166 SECTION 22. The salary adjustments and other economic benefits authorized by the
167 following collective bargaining agreements shall be effective for the purposes of section 7 of
168 chapter 150E of the General Laws:

169 (1) between the commonwealth and the International Association of Firefighters
170 Local S-28 & S-29, Unit 11;

171 (2) between the board of higher education and the American Federation of State,
172 County and Municipal Employees, Local 1067/ Council 93;

173 (3) between the University of Massachusetts and the Professional Staff
174 Union/MTA/NEA, units A52 & B42;

175 (4) between the University of Massachusetts and the Classified Staff
176 Union/MTA/NEA, Boston Campus, Unit B31;

177 (5) between the University of Massachusetts and the Classified Staff
178 Union/MTA/NEA, Boston Campus, Unit B32;

179 (6) between the Berkshire county sheriff and the International Brotherhood of
180 Corrections Officers, Local R1-297, Unit SB1;

181 (7) between the Dukes county sheriff and the Massachusetts Correction Officers
182 Federated Union, Units A and B; and

183 (8) between the Middlesex county sheriff and the New England Police Benevolent
184 Association, Local 500, Unit SM5.

185 SECTION 23. Section 11 shall take effect on January 1, 2019.