

**HOUSE . . . . . No. 72**

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The Commonwealth of Massachusetts

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CHARLES D. BAKER  
GOVERNOR

OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
STATE HOUSE · BOSTON, MA 02133

KARYN POLITO  
LIEUTENANT GOVERNOR

February 17, 2017

To the Honorable Senate and House of Representatives,

I am filing for your consideration a bill entitled “An Act Making Appropriations for Fiscal Year 2017 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.”

This bill consists of \$259 million in supplemental appropriations, at a net state cost of \$249 million, primarily for unavoidable deficiencies in the FY17 budget, plus funding for reforms at Bridgewater State Hospital. These spending items include:

- \$62 million for representation of indigent defendants;
- \$49 million for a reserve for sheriffs deficiencies;
- \$29 million for the department of correction, related in part to reforms at Bridgewater State Hospital;
- \$21 million for emergency assistance (shelter) deficiencies;
- \$20 million for snow and ice costs at the Department of Transportation;
- \$15 million for payments to direct care workers mandated by chapter 257;
- \$13 million for collective bargaining costs, including funding for the Coalition of Public Safety (COPS) contract

- \$11 million for the Turning 22 program at the Department of Developmental Services;
- \$8 million for legal settlements and judgments;
- \$7 million to raise the ceiling on the Department of Public Health's authority to spend retained revenue in two accounts, inmate pharmacy purchases, and distribution of WIC formula rebates
- \$5 million for caseload exposures at the Department of Children and Families;
- \$4 million for Elder Affairs home care services;
- \$4 million for National Guard tuition and fee waiver costs owed to campuses;
- \$3 million for the Department of Mental Health's Emergency Service Program in the Southeast region; and
- \$9 million for a range of smaller needs (each \$2 million or under).

In addition, this bill proposes several sections intended to conform or otherwise facilitate compliance with recent changes to federal law. Among these are:

- Proposed changes to the tax return filing dates for certain business organizations, effective for January 1, 2018;
- Authorization for the Department of Agricultural Resources to undertake inspections in compliance with the Food Safety Modernization Act; and
- Three changes to programs managed by the Department of Children and Families to comply with the federal Preventing Sex Trafficking and Strengthening Families Act of 2014.

The bill also proposes technical changes to recently-enacted legislation, such as the municipal speed enforcement and overlay account provisions in the Municipal Modernization Act. The bill proposes other spending related technical changes that will enable the Commonwealth to end Fiscal Year 2017 in balance.

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

Respectfully submitted,

Charles D. Baker,  
*Governor*

# HOUSE . . . . . No. 72

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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. February 17, 2017.

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## The Commonwealth of Massachusetts

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

An Act making appropriations for 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 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 2017, 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, 2017. These sums shall be in addition to any amounts  
7 previously appropriated and made available for the purposes of those items. Notwithstanding  
8 any general or special law to the contrary, appropriations made in section 2 shall not revert and  
9 shall be available for expenditure until June 30, 2017.

10 SECTION 2.

11 JUDICIARY

12 *Committee on Public Counsel Services*

13 0321-1510 Indigent Persons Fees and Court Costs ..... \$53,877,749

14 0321-1520 Court Costs ..... \$8,237,988

15 INDEPENDENTS

16 *Office of the Comptroller*

17 1599-3384 Judgments, Settlements, and Legal Fees ..... \$8,000,000

18 *Commission Against Discrimination*

19 0940-0101 Fees and Federal Reimbursement Retained Revenue ..... \$467,000

20 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

21 *Office of the Secretary for Administration and Finance*

22 1599-6903 Chapter 257 and Human Service Reserve ..... \$14,962,481

23 *Human Resources Division*

24 1750-0100 Human Resources Division ..... \$250,000

25 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

26 *Department of Conservation and Recreation*



45 *Department of Housing and Community Development*

46 7004-0101 Emergency Assistance Family Shelters and Services ..... \$20,866,274

47 *Division of Banks*

48 7006-0010 Division of Banks ..... \$850,000

49 EXECUTIVE OFFICE OF PUBLIC SAFETY

50 *Department of State Police*

51 8100-0006 Private Detail Retained Revenue ..... \$1,500,000

52 *Military Division*

53 8700-1150 National Guard Tuition and Fee Waivers ..... \$4,000,000

54 *Department of Correction*

55 8900-0001 Department of Correction Facilities ..... \$29,000,000

56 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to  
57 provide for an alteration of purpose for current appropriations, and to meet certain requirements  
58 of law, the sums set forth in this section are hereby appropriated from the General Fund unless  
59 specifically designated otherwise in this section, for the several purposes and subject to the  
60 conditions specified in this section, and subject to the laws regulating the disbursement of public  
61 funds for the fiscal year ending June 30, 2017. These sums shall be in addition to any amounts  
62 previously appropriated and made available for the purposes of those items.

63 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

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*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

1599-3224 For a reserve for costs associated with taxes owed to the City of Boston for the property at 100 Cambridge Street ..... \$2,220,000

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 49 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

85 towns; provided, that funds from this item shall be used by the commission in accordance with  
86 section 21 of chapter 32 of the General Laws and section 20 of chapter 32B of the General Laws,  
87 respectively; and provided further, the funds appropriated in this item shall not revert but shall be  
88 made available for these purposes through June 30, 2019 ..... \$65,000

89 1599-8910 For a reserve to remediate identified and approved deficiencies incurred  
90 by the Sheriffs of the Commonwealth ..... \$48,456,192

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

100 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

101 *Office of the Secretary*

102 4000-0102 Chargeback for Human Services Transportation ..... \$268,127  
103 4000-0103 Chargeback for Human Services Administration ..... \$2,106,012

104 EXECUTIVE OFFICE OF PUBLIC SAFETY

105 *Department of State Police*



106           8100-0002    Chargeback for State Police Details .....       \$3,000,000

107           SECTION 2E. The sums set forth in this section are hereby appropriated for transfer from  
108 the General Fund to the trust fund named within the item unless specifically designated  
109 otherwise in section 2E of chapter 133 of the acts of 2016, for the purposes and subject to the  
110 conditions specified in this section and said section 2E and subject to the laws regulating the  
111 disbursement of public funds for the fiscal year ending June 30, 2017. These sums shall be in  
112 addition to any amounts previously appropriated and made available for the purposes of those  
113 items.

114                                    MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

115    *Department of Transportation*

116           1595-6368    Massachusetts Transportation Trust Fund .....       \$20,000,000

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

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

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

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

131 SECTION 6. Section 5 of chapter 18 of the General Laws, as so appearing, is hereby  
132 amended by striking out, in lines 71 and 72, the words “and shall have a caseload of not more  
133 than 60 recipients”.

134 SECTION 7. Chapter 18A of the General Laws is hereby amended by inserting after  
135 section 8 the following new section:-

136 Section 8A. (a) Each current or prospective department employee, intern or volunteer, or  
137 subcontractor providing residential or support services, with the potential for unsupervised  
138 contact with youth committed to the care or custody of the department, shall be subject to  
139 background check which shall include the following: (i) a finger print-based check of the state  
140 and national criminal history databases and a criminal offender record information check  
141 pursuant to Public Law 92-544; (ii) a check for supported findings of abuse or neglect pursuant  
142 to G.L. c. 119, §51B; (iii) a sex offender registry information check; and where relevant to the  
143 employee’s duties, (iv) a registry of motor vehicles information check.

144 (b) Fingerprints shall be submitted to the identification section of the department of state  
145 police for a state criminal history check and forwarded to the Federal Bureau of Investigation for  
146 a national criminal history check, according to the policies and procedures established by the  
147 state identification section and by the department of criminal justice information services.

148 Fingerprint submissions may be retained by the Federal Bureau of Investigation, the state

149 identification section and the department of criminal justice information services to assist the  
150 department in its review of suitability for initial or continued employment, licensure, certification  
151 or approval. The department of criminal justice information services may disseminate the results  
152 of a state and national criminal history check to the department to determine the suitability of: (i)  
153 all current and prospective employees, who have the potential for unsupervised contact with  
154 youth committed to the care or custody of the department and (ii) all sub-contractors, interns,  
155 volunteers or any other individual employed or retained by the department who has the potential  
156 for unsupervised contact with youth committed to the care or custody of the department. If the  
157 department receives information from a fingerprint-based check that does not include any final  
158 disposition or is otherwise incomplete, the department may request that an applicant, either new  
159 or renewing, provide additional information to assist the department in determining the  
160 suitability of the individual for licensure, certification, approval, funding or employment.

161 (c) The department of criminal justice information services shall disseminate the results  
162 of the criminal background check to the department. The department of criminal justice  
163 information services shall only disseminate information under this section that would otherwise  
164 be available to requesting entities under sections 167 to 178, inclusive, of chapter 6 and the  
165 regulations thereunder regarding criminal offender record information.

166 (d) All persons required to submit fingerprints under this section, including but not  
167 limited to all current and prospective employees, interns, sub-contractors and volunteers in any  
168 department program who have the potential for unsupervised contact with youth committed to  
169 the care or custody of the department, may be charged a fee to be established by the secretary of  
170 administration and finance, in consultation with the secretary of public safety and the  
171 commissioner of youth services, to offset the costs of operating and administering a fingerprint-

172 based criminal background check system. The fee shall not exceed \$45 per person. The secretary  
173 of administration and finance, in consultation with the secretary of public safety and the  
174 commissioner of youth services, may increase the fee accordingly if the Federal Bureau of  
175 Investigation increases its fingerprint background check service fee. The department may  
176 reimburse employees and applicants for employment, internship or volunteer positions, for all or  
177 part of the fee. Any fees collected from fingerprinting activity under this chapter shall be  
178 deposited into the Fingerprint-Based Background Check Trust Fund, established in section  
179 2HHHH of chapter 29.

180 (e) When the department receives the results of the national criminal background checks,  
181 it shall treat the information according to the department's background check procedures  
182 regarding criminal offender record information. Notwithstanding subsections 9 and 9½ of section  
183 4 of chapter 151B, the department of criminal justice information services shall only disseminate  
184 information under this section that would otherwise be available to requesting entities under that  
185 department's regulations related to criminal offender record information.

186 (f) The department shall promulgate regulations necessary to carry out this section.

187 SECTION 8. Section 29 of chapter 23G of the General Laws, as appearing in the 2014  
188 Official Edition, is hereby amended by striking out, in lines 8 and 9, the words, “, \$200,000,000  
189 of which shall be for the exclusive use of the Devens project, so-called”.

190 SECTION 9. Section 2QQQ of chapter 29 of the General Laws, as amended by section  
191 47 of chapter 46 of the acts of 2015, is hereby further amended by inserting in line 5, after the  
192 word “providers”, the following words:- or care organizations.

193 SECTION 10. Chapter 29 of the General Laws is hereby amended by inserting after  
194 section 2VVVV, the following section:-

195 Section 2WWWW. There shall be a Public Health Community Grant Trust Fund,  
196 hereinafter referred to as the fund. The commissioner of public health shall administer and may  
197 make expenditures from the fund as necessary for the department of public health to meet the  
198 obligations associated with receipt of the moneys awarded to the department that are deposited  
199 into the fund.

200 There shall be credited to the fund any moneys from non-federal public or private sources  
201 including, but not limited to, gifts, grants, donations, rebates, settlements, bequests, contributions  
202 of cash or securities, contributions of services or property in kind from persons or other  
203 governmental, non-governmental, quasi-governmental or local governmental entities. The  
204 department shall separately track each award. The department may incur expenses; provided,  
205 however, that no expenditure shall be made from the fund which shall cause the fund to be in  
206 deficit at the close of the fiscal year. Amounts credited to the fund shall not be subject to further  
207 appropriation and monies remaining in the fund at the end of a fiscal year shall not revert to the  
208 General Fund and shall be available for expenditure in the subsequent fiscal year.

209 SECTION 11. Section 1 of chapter 32 of the General Laws, as amended by section 1 of  
210 chapter 86 of the acts of 2015, is hereby further amended by striking out the definition of  
211 “Commonwealth’s pension liability” and inserting in place thereof the following definition:-

212 “Commonwealth's pension liability”, the financial obligation of the commonwealth to  
213 pay all retirement benefits pursuant to this chapter for the state employees’ retirement system,  
214 the teachers’ retirement system, for teachers employed by the city of Boston and for the

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

223 SECTION 12. Section 22 of chapter 32 of the General Laws, as appearing in the 2014  
224 Official Edition, is hereby amended by striking out, in paragraph (e) of subdivision (8), clauses  
225 (ii) to (vi), inclusive, and inserting in place thereof the following 3 clauses:-

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

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

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

233 SECTION 13. Section 22C of said chapter 32, as so appearing, is hereby amended by  
234 inserting in the first paragraph of subdivision (1), after the first sentence, the following sentence:-  
235 In addition to the amount necessary to fully fund the system that is transferred to the  
236 Commonwealth's Pension Liability Fund, the schedule shall include, and the comptroller shall

237 transfer from the General Fund to the appropriate parties without further appropriation, the  
238 following amounts: (1) the administrative expenses for the public employee retirement  
239 administration commission as annually adopted by the commission pursuant to section 49 of  
240 chapter 7; (2) the employer contribution to the optional retirement program under section 40 of  
241 chapter 15A; and (3) reimbursements to local retirement systems for all cost of living  
242 adjustments made available by those systems on or after July 1, 1981, including but not limited  
243 to adjustments made available pursuant to section 102.

244 SECTION 14. Section 5D of chapter 40 of the General Laws, as so appearing, is hereby  
245 amended by inserting in line 42, after the word, “member,” the following words:- or in the case  
246 of a teacher as defined in section 1 of chapter 32, to the Commonwealth’s General Fund,  
247 established by section 2 of chapter 29,.

248 SECTION 15. Section 25 of chapter 59 of the General Laws, as amended by section 133  
249 of chapter 218 of the acts of 2016, is amended by striking out the second sentence and inserting  
250 in place thereof the following sentence:- The overlay account may be used only for avoiding  
251 fractional divisions of the amount to be assessed, for abatements granted on account of property  
252 assessed for any fiscal year and for any interest payable on such abatements under section 64 or  
253 69 of this chapter.

254 SECTION 16. Section 7 of chapter 62C of the General Laws, as appearing in the 2014  
255 Official Edition, is hereby amended by striking out, in line 3, the word “fourth” and inserting in  
256 place thereof the following word:- third.

257 SECTION 17. Section 11 of said chapter 62C, as so appearing, is hereby amended by  
258 striking out the first sentence and inserting in place thereof the following:-

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

267           SECTION 18. Subsection (a) of section 17C of chapter 90 of the General Laws, as  
268 inserted by section 193 of chapter 218 of the acts of 2016, is hereby amended by striking out the  
269 words, “on any roadway inside a thickly settled or business district in the city or town on any  
270 way,” and inserting in place thereof the following words:- on all roadways inside thickly settled  
271 or business districts in the city or town.

272           SECTION 19. Subsection (a) of section 18B of chapter 90, as inserted by section 194 of  
273 chapter 218 of the acts of 2016, is hereby amended by striking out the word “on” and inserting in  
274 place thereof the following words:- as provided in section 2 of chapter 85.

275           SECTION 20. Section 7 of chapter 94C of the General Laws, as amended by section 64  
276 of chapter 133 of the acts of 2016, is hereby further amended by inserting after subsection (a) the  
277 following subsection:-

278           (a½) Except in the case of a pharmacy, wholesale druggist or outsourcing facility, every  
279 person with a principal place of business located in the commonwealth, and in the business of  
280 manufacturing controlled substances outside of the commonwealth, shall upon payment of a fee,



281 the amount of which shall be determined annually by the secretary of administration and finance  
282 under the provision of section 3B of chapter 7, register with the commissioner of public health,  
283 in accordance with his regulations, said registration to be effective for 1 year from the date of  
284 issuance.

285 SECTION 21. Section 45A of chapter 112 of the General Laws, as appearing in the 2014  
286 Official Edition, is hereby amended by striking out, in lines 4 and 5, the words “the faculty of a  
287 reputable dental college as defined in section forty-six” and inserting place thereof the following  
288 words:- a dental college approved by the board.

289 SECTION 22. Section 255 of said chapter 112, as so appearing, is hereby amended by  
290 striking out, in lines 2 to 4 inclusive, the words “, between the date of filing an application for  
291 licensure and the announcement of the results of the next succeeding examination,”.

292 SECTION 23. Subsection (c) of section 23 of chapter 119 of the General Laws, as so  
293 appearing, is hereby amended by inserting in line 93, after the word “child,” the following  
294 words:- , including the parents of siblings who have custody of the siblings,.

295 SECTION 24. Subsection (a) of section 29B of said chapter 119, as so appearing, is  
296 hereby amended by striking out the last 2 sentences, and inserting in place thereof the following  
297 4 sentences:- No child under the age of 16 shall have a permanency plan for another permanent  
298 planned living arrangement. The department shall file a permanency plan prior to a permanency  
299 hearing that shall address the above placement alternatives. The court shall consult with the child  
300 in an age-appropriate manner about the permanency plan developed for the child, including for  
301 children and young adults whose permanency planned is another permanent planned living  
302 arrangement, asking the child or young adult their desired permanency plan. At each hearing

303 where the court determines that the permanency plan for the child is another permanency  
304 planned living arrangement, the court shall specify why this plan is in the child's best interest  
305 and the compelling reasons why it is not in the child's best interest to (i) return home; (ii) be  
306 placed for adoption; (iii) be placed with a legal guardian; or (iv) be placed in the permanency  
307 care with relatives.

308 SECTION 25. Subsection (c) of said section 29B of said chapter 119, as so appearing, is  
309 hereby amended by striking out the third sentence and inserting in place thereof the following 2  
310 sentences: In the case of a child who has attained age 14 or any young adult, the permanency  
311 plan shall also address the services needed to assist the child or young adult in making the  
312 transition from foster care to a successful adulthood; provided, however, that the court shall  
313 consult with the child or young adult in an age-appropriate manner about the permanency plan. If  
314 the permanency plan for the child is another permanent planned living arrangement, the  
315 permanency plan shall address the efforts the department has made to place the child or young  
316 adult with a parent, relative or in a guardianship or adoption placement.

317 SECTION 26. Section 13 of chapter 120 of the General Laws, as so appearing, is hereby  
318 amended by striking out the first sentence and inserting in place thereof the following new  
319 sentence:-

320 The department may issue a warrant for the arrest of any person committed to its care or  
321 custody who has escaped from a facility, left any other type of placement or program without the  
322 department's authorization, or who has been granted conditional liberty, passes or any other type  
323 of community access by the department and broken the conditions thereof.

324 SECTION 27. Chapter 128 of the General Laws is hereby amended by adding the  
325 following new section:-

326 Section 116. (a) Definitions.

327 The following words as used in this section shall have the following meanings unless the  
328 context otherwise requires:-

329 “Department”, the Department of Agricultural Resources.

330 “Farm”, lands that are owned or leased by a person engaged in any of the activities stated  
331 in Chapter 128, Section 1A.

332 “Federal Act”, the federal Food Safety Modernization Act, Public Law No. 111-353, as  
333 may be amended.

334 “Produce”, produce as defined in 21 C.F.R. § 112.3.

335 “Produce farm”, any farm engaged in the growing, harvesting, packing, or holding of  
336 produce.

337 “Commissioner”, the Commissioner of the Department of Agricultural Resources.

338 (b) Authority; enforcement.

339 The department may enforce in the Commonwealth the requirements of the rules adopted  
340 under the Federal Act, for standards for growing, harvesting, packing, and holding of produce for  
341 human consumption, as set forth in 21 C.F.R. § 112, as amended. The department may consult  
342 and collaborate with the department of public health regarding application of the Federal Act and

343 the rules adopted thereunder in the Commonwealth as necessary for it to carry out the purposes  
344 of this section and may enter into cooperative agreements as it deems necessary.

345 (c) Farm Inspections

346 (1) The department may enter upon and inspect a produce farm during reasonable hours  
347 for the purposes of ensuring compliance with (i) the federal standards for growing, harvesting,  
348 packing, and holding of produce for human consumption, as adopted under 21 C.F.R. § 112; or  
349 (ii) the regulations adopted under this section.

350 After inspection, the department may issue an inspection certificate that shall include the  
351 date and place of inspection along with any other information that it may require. The  
352 department may coordinate with other state and federal agencies and organizations to carry out  
353 inspections at or near the same time on a given produce farm.

354 (2) The department may conduct inspections of produce not covered under 21 C.F.R. §  
355 112, as amended, upon request. Such request for inspection shall subject the produce farm to the  
356 provisions of this section.

357 (3) The department may charge a fee in connection with an inspection carried out under  
358 this section. The department may also charge a fee for the application of and issuance of an  
359 inspection certificate issued under this section.

360 (4) The department may issue reasonable orders necessary to effectuate the purposes of  
361 this section, including but not limited to, orders for the embargo, destruction, quarantine, and  
362 release of produce.

363 (5) This section shall not limit the Commissioner's authority to respond to an emergency  
364 in order to prevent a public health hazard through the issuance of an emergency order.

365 (d) Produce Safety Trust Fund

366 There shall be established upon the books of the Commonwealth a separate fund to be  
367 known as the Produce Safety Trust Fund, to be expended, without prior appropriation, by the  
368 department. Monies in the Produce Safety Trust Fund may be expended on programs and costs,  
369 and for furthering other purposes, of produce safety as set forth in this section, and as may be  
370 required under 21 C.F.R. § 112. The Produce Safety Fund shall consist of and may receive  
371 monies from: (1) monies collected under this section; (2) gifts, grants, and donations from public  
372 or private sources; (3) federal reimbursements and grants-in-aid; and (4) any interest earned from  
373 the fund. Funds shall be held in such a manner as to ensure the highest interest rate available  
374 consistent with the safety of the fund. Any unexpended balance in the fund at the end of the  
375 fiscal year shall not revert to the General Fund but shall remain available for expenditure in  
376 subsequent fiscal years. No expenditure made from the Produce Safety Trust Fund shall cause  
377 the fund to become deficient at any point during a fiscal year.

378 (e) Records

379 The owner or operator of a produce farm shall maintain records required by the Federal  
380 Act, rules adopted thereunder, and regulations adopted under this section and shall make those  
381 records available to the department upon request.

382 (f) Regulations

383           The Commissioner shall promulgate regulations as may be necessary to implement this  
384 section and any requirements under 21 C.F.R. § 112, as amended.

385           SECTION 28. Chapter 132B of the General Laws is hereby amended by inserting after  
386 section 10 the following new section:-

387           Section 10A. Any pesticide company engaged in the practice of providing pesticide  
388 services shall apply to the department to be a registered pesticide company in the commonwealth  
389 prior to engaging in any activity subject to this chapter. For the purposes of this section,  
390 “pesticide company” shall include but not be limited to, any association, partnership, sole  
391 proprietorship, corporation, company, business organization, or other entity lawfully created or  
392 existing under the laws of the Commonwealth.

393           Said applicant shall submit to the department a statement supplying such information  
394 thereon as the department may require. An applicant for such a registration shall pay such  
395 registration fee as may be established by the secretary of administration and finance under  
396 section 3B of chapter 7.

397           The department shall grant a pesticide company registration for a term not to exceed 1  
398 year. The department shall grant such registrations subject to such terms, conditions and  
399 restrictions as it deems necessary or appropriate to ensure compliance with this chapter.

400           The department shall refuse to grant a pesticide company registration if it finds that the  
401 applicant has acted in a manner inconsistent with the purposes for requirements of this chapter or  
402 FIFRA.

403           The department may modify, suspend, or revoke any pesticide company registration, at  
404 any time, if it finds that its terms, conditions or restrictions are being violated or are inadequate  
405 to avoid unreasonable adverse effects on the environment. A person may appeal such decision  
406 within twenty one days in accordance with the provisions of this chapter and chapter 30A. Such  
407 action shall become immediately effective and remain in effect pending the outcome of any  
408 appeal under chapter 30A.

409           As part of its determination to refuse to grant, or to revoke, a pesticide company  
410 registration the department may specify a period, not to exceed two years, within which the  
411 applicant may not reapply for a pesticide company registration. In the event that the department  
412 has specified a period for nonapplication, the department may later, at its discretion, shorten or  
413 waive such period.

414           Registration fees collected under this section shall be deposited into the Agricultural  
415 Inspection and Infrastructure Trust Fund.

416           The department may adopt and promulgate such regulations as may be necessary to  
417 effectuate the purposes of this section.

418           SECTION 29. Chapter 132B of the General Laws is hereby amended by striking out  
419 section 14A and inserting in place thereof the following section:

420           Section 14A. Notwithstanding any other section in this chapter, the department may  
421 assess a civil administrative penalty in an amount not to exceed \$1,000 per offense upon any  
422 person who violates any section of this chapter. Each day a violation continues shall constitute a  
423 separate offense.

424 Notice of assessment of a penalty pursuant to this section shall be made by service in  
425 hand, or by certified mail, return receipt requested, and shall state the amount of the  
426 administrative penalty, the date the penalty shall be due, a statement of the violator’s right to an  
427 adjudicatory hearing pursuant to this chapter and chapter 30A regarding the assessment, and the  
428 manner of acceptable payment if an election to waive a hearing is made.

429 A person shall be deemed to have waived all right to an adjudicatory hearing unless,  
430 within twenty one days of the date of the department’s notice, the person files a written notice,  
431 by hand or by certified mail, return receipt requested, requesting such adjudicatory hearing. In  
432 the event that such request is not received in accordance with this section, the proposed  
433 administrative penalty shall become final and payment shall be due in accordance with the  
434 notice.

435 The remedies provided in this section are available in addition to, and without limiting,  
436 any other penalties provided by law or equity, in this chapter or elsewhere.

437 The department may adopt and promulgate such regulations as may be necessary to  
438 effectuate the purposes of this section.

439 SECTION 30. Section 62 of chapter 143 of the General Laws, as amended by section 4 of  
440 chapter 45 of the acts of 2016, is hereby amended by striking out the last sentence.

441 SECTION 31. Section 64 of said chapter 143, as amended by section 97 of chapter 133 of  
442 the acts of 2016, is hereby further amended by striking out, in the second paragraph, the words  
443 “as a limited use elevator including, but not limited to, a wheelchair lift, dumbwaiter and vertical  
444 reciprocating conveyer” and inserting in place thereof the following words:- as a limited use  
445 elevator, wheelchair lift, dumbwaiter, or vertical reciprocating conveyer.



446 SECTION 32. Section 65 of chapter 143 of the General Laws, as amended by section 99  
447 of chapter 133 of the acts of 2016, is hereby further amended by striking out the words  
448 “dumbwaiter, limited use elevator or limited application elevator, as defined in section 71E, or a  
449 wheelchair lift” and inserting in place thereof the following words:- dumbwaiter, wheelchair lift,  
450 vertical reciprocating conveyor, limited use elevator or limited application elevator, as defined in  
451 section 71E, regardless of its location, or for any type of elevator.

452 SECTION 33. Section 5 of chapter 161A of the General Laws, as appearing in the 2014  
453 Official Edition, is hereby amended by adding the following clause:-

454 (s) To the extent the authority collects personal data for fare collection, the authority shall  
455 maintain the confidentiality of all such information including, but not limited to, transit system  
456 transactions, photographs or other recorded images, and credit and account data relative to riders  
457 who use its fare collection system. Such information shall not be a public record under clause  
458 twenty-sixth of section 7 of chapter 4 or section 10 of chapter 66 and shall be used for fare  
459 collection purposes only.

460 Notwithstanding any other law or regulation, fare collection data, if available, may be  
461 provided to a representative of the authority’s Transit Police Department, in situations involving  
462 imminent and immediate threat to the safety, health, and well-being of an individual or the  
463 public, in accordance with policies and procedures developed by the authority. Such policies and  
464 procedures shall include, but not be limited to the procedure for determining those emergency  
465 situations that would warrant making such data available, and the duration the data will be made  
466 available.

467 SECTION 34. Subsection (d) of section 49 of chapter 9 of the acts of 2011, as amended  
468 by section 23 of chapter 119 of the acts of 2015, is hereby further amended by striking out, in the  
469 second sentence, the figure, “\$100,000” and inserting in place thereof the following figure:-  
470 \$150,000.

471 SECTION 35. Subsection (e) of said section 49 of said chapter 9, as so amended, is  
472 hereby further amended by striking out the words, “January 1, 2017,” and inserting in place  
473 thereof the following words:- January 1, 2019.

474 SECTION 36. Subsection (f) of said section 49 of said chapter 9, as amended by section  
475 24 of chapter 119 of the acts of 2015, is hereby amended by striking out the words, “June 30,  
476 2017” and inserting in place thereof the following words:- June 30, 2019.

477 SECTION 37. Item 1599-4445 of section 2A of chapter 70 of the acts of 2016 is hereby  
478 amended by striking out the words, “fiscal year 2016”.

479 SECTION 38. Item 4513-1012 of section 2 of chapter 133 of the acts of 2016 is hereby  
480 amended by striking out the figure “\$25,600,000”, and inserting in place thereof the following  
481 figure:- \$26,800,000.

482 SECTION 39. Item 4590-0918 of said section 2 of said chapter 133 is hereby amended  
483 by striking out the figure, “\$19,665,858”, and inserting in place thereof the following figure:-  
484 \$25,000,000.

485 SECTION 40. Item 7006-0011 of said section 2 of said chapter 133 is hereby amended  
486 by inserting after the words, “under criteria established by the division;”, the following words:-  
487 provided further, grants may also be for first-time homeowner counseling, financial services

488 education programs, and housing counseling provided by regional housing consumer education  
489 centers operated by regional nonprofit housing authorities, and that grants shall be awarded  
490 through a competitive application process;.

491 SECTION 41. Item 9110-1630 of said section 2 of said chapter 133 is hereby further  
492 amended by inserting after the words, “case management services and the administration of the  
493 home care program” the following words:- ; provided further, that the secretary of elder affairs  
494 may transfer funds appropriated in this item to item 9110-1500 for the provision of enhanced  
495 home care services.

496 SECTION 42. Notwithstanding any general or special law to the contrary, the secretary  
497 of housing and economic development, with the written approval of the secretary of  
498 administration and finance, may authorize transfers of surplus among items 7004-0101 and  
499 7004-0108 of chapter 133 of the acts of 2016, as amended, for the purpose of reducing any  
500 deficiency in these items, but any such transfer shall be made not later than September 1, 2017.

501 SECTION 43. Notwithstanding any general or special law to the contrary, any  
502 unexpended balances, not exceeding a total of \$20,000,000, in items 4000-0600, 4000-0700, and  
503 4000-1425 of section 2 of chapter 133 of the acts of 2016, as amended shall not revert to the  
504 General Fund until September 1, 2017 and may be expended by the executive office of health  
505 and human services to pay for services enumerated in said items 4000-0600, 4000-0700, and  
506 4000-1425 provided during fiscal year 2017.

507 SECTION 44. Notwithstanding any general or special law to the contrary, the secretary  
508 of health and human services, with the written approval of the secretary of administration and  
509 finance, may authorize transfers of surplus among items 4000-0320, 4000-0430, 4000-0500,

510 4000-0600, 4000-0640, 4000-0700, 4000-0875, 4000-0880, 4000-0885, 4000-0940, 4000-0950,  
511 4000-0990, 4000-1400, 4000-1420, and 4000-1425 for the purpose of reducing any deficiency in  
512 these items, but any such transfer shall be made not later than September 30, 2017.

513 SECTION 45. Notwithstanding any general or special law to the contrary, payments from  
514 the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws  
515 may be made either as safety net care payments under the commonwealth's waiver pursuant to  
516 section 1115 of the federal Social Security Act or as an adjustment to Title XIX service rate  
517 payments or a combination of both. Other federally permissible funding mechanisms available  
518 for public service hospitals, as defined by regulations of the executive office of health and human  
519 services, may be used to reimburse up to \$70,000,000 of uncompensated care pursuant to said  
520 sections 66 and 69 of said chapter 118E using sources distinct from the funding made available  
521 to the Health Safety Net Trust Fund.

522 SECTION 46. Notwithstanding any general or special law to the contrary, the executive  
523 office for administration and finance may transfer up to \$15,000,000 from the Commonwealth  
524 Care Trust Fund established in section 2000 of chapter 29 of the General Laws to the Health  
525 Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws.

526 SECTION 47. Notwithstanding any general or special law to the contrary, during fiscal  
527 year 2017, all reimbursement received by the commonwealth under part (8)(c) of section 3 or  
528 under part (4)(b) of section 7 of chapter 32 of the General Laws shall be credited to the General  
529 Fund.

530 SECTION 48. (a) Notwithstanding any general or special law to the contrary, the  
531 unexpended balances in items 0699-0014, 0699-0015, 0699-2005 and 0699-9100 shall be

532 deposited into the State Retiree Benefits Trust Fund established in section 24 of chapter 32A of  
533 the General Laws not later than June 30, 2017. The amount deposited shall be an amount equal  
534 to 10 per cent of all payments received by the commonwealth in fiscal year 2017 under the  
535 master settlement agreement in Commonwealth of Massachusetts v. Philip Morris, Inc. et al.,  
536 Middlesex Superior Court, No. 95-7378; provided, however, that if in fiscal year 2017 the  
537 unexpended balances of said items 0699-0014, 0699-0015, 0699-2005 and 0699-9100 is less  
538 than 10 per cent of all payments received by the commonwealth in fiscal year 2017 under the  
539 master settlement agreement payments, an amount equal to the difference shall be transferred to  
540 the State Retiree Benefits Trust Fund from payments received by the commonwealth under the  
541 master settlement agreement.

542 (b) Notwithstanding any general or special law to the contrary, the percentage increase  
543 set forth in section 152 of chapter 68 of the acts of 2011 shall not apply in fiscal year 2017.

544 SECTION 49. The salary adjustments and other economic benefits authorized by the  
545 collective bargaining agreement between the Commonwealth of Massachusetts and the Coalition  
546 of Public Safety shall be effective for the purposes of section 7 of chapter 150E of the General  
547 Laws.

548 SECTION 50. Section 37 shall take effect on October 6, 2016.

549 SECTION 51. Notwithstanding section 53E½ of chapter 44 or any other general or  
550 special law to the contrary, no limit shall apply to the amount of receipts the city or town may  
551 authorize in expenditures by any board, department or officer from the revolving funds under its  
552 control, or from all revolving funds, during the fiscal year beginning on July 1, 2017. Revolving  
553 funds for use by a city or town agency, board, department or office for the fiscal year beginning

554 on July 1, 2017 may be established by (1) a vote of the legislative body upon the  
555 recommendation of the chief administrative or executive officer or (2) a bylaw or ordinance; and  
556 a vote by the legislative body on the total amount that may be expended from each fund during  
557 the fiscal year. This section shall apply only to revolving funds established under section 53E½  
558 of chapter 44.

559 SECTION 52. Sections 16 and 17 shall take effect on January 1, 2018.