

HOUSE No. 72

The Commonwealth of Massachusetts



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

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.

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*

27	2810-2042	Department of Conservation and Recreation Retained Revenue	
28		\$1,500,000
29		EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES	
30		<i>Department of Elder Affairs</i>	
31	9110-1630	Elder Home Care Purchased Services	\$4,492,753
32		<i>Department of Public Health</i>	
33	4512-0200	Bureau of Substance Abuse Services	\$495,000
34	4513-1012	WIC Program Manufacturer Rebates Retained Revenue	\$1,200,000
35	4590-0918	SOPS Department of Correction Retained Revenue	\$5,334,142
36		<i>Department of Mental Health</i>	
37	5047-0001	Emergency Services and Mental Health Care	\$822,396
38	5095-0015	Inpatient Facilities and Community Based Mental Health	\$2,000,000
39		<i>Department of Children and Families</i>	
40	4800-0038	Services for Children and Families	\$908,607
41	4800-0041	Congregate Care Services	\$4,317,062
42		<i>Department of Developmental Service</i>	
43	5920-5000	Turning 22 Program and Services	\$10,800,000
44		EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT	

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Department of Housing and Community Development

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

Division of Banks

7006-0010 Division of Banks \$850,000

EXECUTIVE OFFICE OF PUBLIC SAFETY

Department of State Police

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

Military Division

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

Department of Correction

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

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

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary for Administration and Finance

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

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

1599-3224 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

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

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

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

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Office of the Secretary

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

EXECUTIVE OFFICE OF PUBLIC SAFETY

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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,

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

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

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

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

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

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

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

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

The department may issue a warrant for the arrest of any person committed to its care or custody who has escaped from a facility, left any other type of placement or program without the department's authorization, or who has been granted conditional liberty, passes or any other type 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

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

(c) Farm Inspections

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

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

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

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

(4) 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.

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

(d) Produce Safety Trust Fund

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

(e) Records

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

(f) Regulations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 44. 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,

4000-0600, 4000-0640, 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, 2017.

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

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

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

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

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

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

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

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

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