

Art Commission

1 SECTION 4. Section 19 of chapter 6 of the General Laws is hereby repealed.

Art Commission

2 SECTION 5. Chapter 6 of the General Laws is hereby amended by striking out
3 section 20, as appearing in the 2010 Official Edition, and inserting in place thereof the
4 following section:-

5 Section 20. (a) As used in this section, the following words shall have the
6 following meanings unless the context clearly requires otherwise:

7 “Historical artifact”, an object commemorating, representing or having specific
8 ties to a significant historical event or era in the history of the commonwealth; provided,
9 however, that “historical artifact” shall not include flags under the care of the
10 superintendent of the state house under section 17A of chapter 8.

11 “Work of art”, (i) a portrait or other memorial procured under section 19 or 19A
12 of chapter 8; and (ii) a painting, portrait, mural decoration, stained glass, statue, bas-
13 relief, ornament, fountain or other article or structure of a permanent character intended
14 for decoration or commemoration.

15 (b) There shall be an art commission for the state house consisting of 7 members,
16 3 of whom shall be appointed by the governor, 2 of whom shall be appointed by the
17 senate president and 2 of whom shall be appointed by the speaker of the house of
18 representatives. All of the members shall be residents of the commonwealth qualified by
19 training and experience in public art, museum collections or historic preservation.
20 Commission members shall serve for 5-year terms without compensation, but shall be
21 reimbursed for travel and other expenses necessary for the performance of their duties, as
22 approved by the superintendent of the state house and paid for from the State House
23 Special Event Fund established in section 35P of chapter 10. The commission may adopt
24 its own rules and elect such officers from its own members as may be considered proper.

25 (c) The governor shall appoint a state house curator from among candidates
26 recommended by the commission. The curator shall be qualified by training and
27 experience in historic preservation and art collections management, care and
28 conservation. The curator shall report to the superintendent of the state house and the
29 commission and shall be responsible for the curatorial, registrarial and administrative
30 duties associated with both the day-to-day oversight of the state house art and artifact
31 collection and the historic preservation of the state house.

32 (d) The commission shall have the custody and care of all works of art and
33 historical artifacts in the state house art collection, including those inside the state house,
34 on its grounds, on display and in storage. The commission shall oversee the care of such
35 works of art and historical artifacts according to the codes of ethics and standards for
36 practice established by the American Alliance of Museums and the American Institute for
37 Conservation of Historic and Artistic Works.

38 The commission shall oversee the handling and display of works of art and
39 historical artifacts in public areas and private offices; provided, however, that the
40 commission shall not place in or remove from any space in the state house assigned to the
41 general court any such works of art or historical artifacts without the approval of the
42 committees on rules of the 2 branches, acting concurrently.

43 (e) The commission shall serve as an advisor to the governor and legislature on all
44 artistic matters at the state house, including the historic preservation of the building.

45 (f) The commission shall direct the process of acquisitions to the state house art
46 collection, from review of all plans to the final approval of completed art works. The art
47 commission shall be advised of any proposal relative to the permanent addition of works
48 of art or historical artifacts to the state house art collection and shall submit its opinion
49 regarding the appropriateness of proposed art work to the governor prior to the approval
50 required under section 21 of chapter 8.

51 (g) The commission shall review and approve any plan or design relative to the
52 creation, acquisition, construction, erection or remodeling of any work of art in the state
53 house. The commission may consult with sponsors and donors to revise and refine such
54 plans and designs. The commission shall give its final approval upon the arrival of the
55 work of art to the state house. The commission shall file with the governor, within 30
56 days after submission of a plan or design, its opinion of such proposed work of art
57 together with any suggestions and recommendations as it may consider proper.

58 (h) The commission may receive grants, gifts, bequests and other contributions
59 for maintenance, restoration and acquisition of works of art and historical artifacts. The
60 funds shall be received by the state treasurer on behalf of the commonwealth and
61 deposited in a special trust account and may be expended, without further appropriation,
62 under the direction of the superintendent and the commission. The special trust account
63 shall be subject to an annual audit by the state auditor.

Sex Offender Registry

64 SECTION 6. Section 178D of said chapter 6, as so appearing, is hereby amended
65 by striking out, in lines 31 and 32, the words:- or level 2.

Sex Offender Registry

66 SECTION 7. Section 178K of said chapter 6, as so appearing, is hereby amended
67 by striking out, in line 126, the figure "178I" and inserting in place thereof the following
68 words:- 178D, 178I.

Office for Refugees and Immigrants Trust

69 SECTION 8. Said chapter 6 is hereby further amended by inserting after section
70 208 the following section:-

71 Section 208A. There shall be an Office for Refugees and Immigrants Trust to be
72 administered by the director of the office for refugees and immigrants. The director shall
73 appoint the fund's trustee, who shall serve until a successor is appointed. There shall be
74 credited to the trust grants, bequests, gifts or contributions of cash or securities and
75 contributions of services or property in kind from persons or other governmental,
76 nongovernmental, quasi-governmental or local governmental entities made for the
77 purpose of supporting the office for refugees and immigrants. Expenditures from the
78 trust shall not be subject to appropriation and balances remaining at the end of a fiscal
79 year shall not revert to the General Fund. Expenditures from the trust shall be made only
80 for the following purposes: (1) operating costs of the office for refugees and immigrants,
81 including the divisions and programs within the office; (2) costs related to carrying out
82 the powers of the office under section 207; and (3) costs associated with refugee and
83 immigrant-related programs, grants and initiatives of the director. For the purpose of
84 accommodating timing discrepancies between the trust's receipt of revenues and related
85 expenditures, the trust may incur expenses and the comptroller may certify payments
86 from the trust in anticipation of trust receipts based on estimated receipts as certified by
87 the trustee. The trustee shall ensure that no expenditures from the trust shall cause the
88 trust to be in deficiency at the close of a fiscal year.

Housing and Economic Development Trust

89 SECTION 9. Chapter 6A of the General Laws is hereby amended by inserting
90 after section 16H the following section:-

91 Section 16I. (a) There shall be a Housing and Economic Development Trust to be
92 administered by the secretary of housing and economic development. Monies in the trust
93 shall be deposited with the state treasurer in a manner that will secure the highest interest
94 rate available consistent with the safety of the trust and with the requirement that all
95 amounts on deposit be available for immediate use.

96 (b) The secretary shall appoint the fund's trustee, who shall serve until a successor
97 is appointed.

98 (c) There shall be credited to the trust: (1) grants, bequests, gifts or contributions
99 of cash or securities, or contributions of services or property in kind from any persons or
100 other governmental, nongovernmental, quasi-governmental or local governmental entities
101 made for the purpose of supporting the executive office of housing and economic
102 development as set forth in subsection (d); and (2) all interest earned on monies in the
103 trust.

104 (d) Expenditures from the trust shall not be subject to appropriation and balances
105 remaining at the end of a fiscal year shall not revert to the General Fund. Expenditures
106 from the trust shall be made only for the following purposes: (1) operating costs of the
107 executive office of housing and community development, including the divisions and
108 programs within the executive office; (2) operating costs of the Massachusetts marketing
109 partnership and the offices within the partnership, including the Massachusetts
110 international trade office, the commonwealth marketing office, the office of travel and
111 tourism, the Massachusetts film office and the Massachusetts sports partnership; and the

112 Massachusetts office of business development, including the divisions and programs
113 within that office; and (3) costs associated with housing and economic development
114 programs, grants and initiatives of the secretary.

115 (e) Funds deposited and expended from the trust shall not be assessed any indirect
116 costs.

117 (f) For the purpose of accommodating timing discrepancies between the trust's
118 receipt of revenues and related expenditures, the trust may incur expenses and the
119 comptroller may certify payments from the trust in anticipation of trust receipts based on
120 estimated receipts as certified by the trustee. The trustee shall insure that no expenditures
121 from the trust shall cause the trust to be in deficiency at the close of a fiscal year.

Criminal Justice Standing Commission

122 SECTION 10. Chapter 6A of the General Laws is hereby amended by adding the
123 following section:-

124 Section 105. (a) There shall be a standing commission to study the
125 commonwealth's criminal justice system which shall include: 3 members of the house of
126 representatives, 1 of whom shall be appointed by the minority leader; 3 members of the
127 senate, 1 of whom shall be appointed by the minority leader; the secretary of public
128 safety and security, who shall serve as chair; the attorney general or a designee; the chief
129 justice of the supreme judicial court or a designee; the president of the Massachusetts
130 Sheriffs Association or a designee; the president of the Massachusetts District Attorneys
131 Association or a designee; the chief counsel of the committee for public counsel services
132 or a designee; a representative from the Massachusetts Bar Association; a representative
133 from the Boston Bar Association; a representative from the Massachusetts Association of
134 Criminal Defense Lawyers, Inc.; and 3 persons to be appointed by the governor, 1 of
135 whom shall have experience in mental health and substance abuse and addiction
136 treatment, 1 of whom shall have experience in providing services or supervision for
137 offenders and 1 of whom shall have experience in juvenile justice.

138 (b) In reviewing the commonwealth's criminal justice system, the commission
139 shall examine a variety of areas including, but not limited to: the prisoner classification
140 systems; mandatory minimum sentences and sentencing guidelines, including the
141 sentencing commission's authority to revisit such sentences and guidelines; the provision
142 of cost-effective healthcare in corrections settings; the probation and parole systems, with
143 particular emphasis on their relative roles in pretrial diversion and post-release
144 supervision; the operations of the sheriffs' offices; conditions of confinement, including
145 overcrowding in state prisons and houses of correction and the provision of health care
146 and mental health and substance abuse treatment; recidivism rates; the treatment of
147 juveniles within the criminal justice system; the impact of mental health and substance
148 abuse issues; and best practices for reintegrating prisoners into the community, including
149 an investigation of expanded community supervision.

150 (c) Where feasible, the chair of the commission shall apply for technical
151 assistance from nationally-recognized criminal justice reform programs with a data

152 driven approach in order to develop legislation that would reduce corrections spending
153 and utilize the savings to reduce crime, strengthen public safety and fund other budget
154 priorities; provided, however, that the commission shall give priority in applying to those
155 programs in which technical assistance comes at no cost to the commonwealth.

156 (d) The commission shall have access to information related to both adults and
157 juveniles including, but not limited to, crime, arrest, conviction, jail, prison, probation
158 and parole supervision data provided by state and local agencies; provided, however that
159 any information sharing shall be in compliance with chapter 66A and shall be provided in
160 a manner that meets all applicable federal and state privacy and security requirements.
161 As necessary, the commission shall: (i) meet with affected stakeholders; (ii) partner with
162 nongovernmental organizations that have expertise that can benefit the commission; and
163 (iii) create advisory subgroups that include affected stakeholders as necessary.

164 (e) The commission shall issue annual reports not later than March 31 on its
165 activities. The report shall include recommendations for legislation to reduce recidivism,
166 improve overall public safety outcomes, provide alternatives for defendants with drug-
167 addictions or mental illness, increase communication and cooperation among public
168 safety entities, reduce overcrowding of facilities, increase reliance upon evidence-based
169 criminal justice methods, improve the collection and reporting of data on adults and
170 juveniles in the corrections system, contain correction costs and otherwise increase
171 efficiencies within the commonwealth's public safety entities. The report shall also list
172 methods used by the department of correction and sheriffs to measure recidivism rates for
173 persons released from the state prison or a house of correction, including after the
174 expiration of a sentence or if approved for parole. The report shall also include a uniform
175 standard for comparing recidivism rates among the department of correction and the
176 houses of correction. The data shall include, where available, a comparison to prior
177 calendar years and any other information the commission deems relevant to measuring
178 recidivism.

Bureau of the State House

179 SECTION 11. Section 6A of chapter 8 of the General Laws, inserted by section
180 14 of chapter 139 of the acts of 2012, is hereby amended by striking out the figure
181 "\$1,000" and inserting in place thereof the following figure:- \$5,000.

Bureau of the State House

182 SECTION 12. Section 9 of said chapter 8, as appearing in section 15 of said
183 chapter 139, is hereby amended by inserting after the first sentence the following
184 sentence:- The superintendent shall also be responsible for oversight of the immediate
185 state house loading dock spaces.

Bureau of the State House

186 SECTION 13. Section 35P of chapter 10 of the General Laws is hereby amended
187 by striking out the fifth sentence, as appearing in section 20 of chapter 139 of the acts of
188 2012, and inserting in place thereof the following sentence:- All monies, grants, gifts,

189 bequests or other contributions received by the superintendent under this section shall be
190 made payable to and deposited in the fund; provided, however, that the superintendent
191 may retain funds to be expended after consultation with the committee on rules of the 2
192 branches, acting concurrently, for the restoration, equipment repair and replacement and
193 educational and cultural programs and tours at the state house; and provided further, that
194 funds shall be used for the maintenance of the military history museum under section 14
195 of chapter 8.

Division of Professional Licensure Trust Fund

196 SECTION 14. Section 35V of chapter 10 of the General Laws, as appearing in the
197 2010 Official Edition, is hereby amended by inserting after the second sentence the
198 following sentence:- The fund shall consist of 100 per cent of any fee increase that takes
199 effect July 1, 2013 or after.

Division of Professional Licensure Trust Fund

200 SECTION 15. Said section 35V of said chapter 10, as so appearing, is hereby
201 further amended by striking out the sixth sentence and inserting in place thereof the
202 following sentence:- All moneys deposited into the trust fund that are unexpended at the
203 end of the fiscal year and that total not more than 50 per cent of the division's
204 expenditures for the previous fiscal year shall not revert to the General Fund.

False Claims Act Technical Correction

205 SECTION 16. Subsection (c) of section 5G of chapter 12 of the General Laws, as
206 appearing in section 29 of chapter 139 of the acts of 2012, is hereby amended by
207 inserting after the words "dismiss an action" the following words:- or claim.

Contingent Contracts and Agreements for Tax Revenue Maximization

208 SECTION 17. Chapter 14 of the General Laws is hereby amended by inserting
209 after section 3A the following section:-

210 Section 3B. (a) Notwithstanding any general or special law to the contrary, the
211 commissioner may enter into contracts or interdepartmental service agreements for the
212 purpose of identifying and pursuing increased tax revenue collections. The payments or
213 oversight costs or fees related to this section may be paid from the revenues collected,
214 under standards established by the commissioner, without further appropriation, and the
215 comptroller shall establish accounts and procedures to accomplish the revenue generation
216 purposes of this section. Under such standards, compensation may be added to the
217 amount of the tax and collected as a part thereof by the contractor or agency and may be
218 deducted and retained by the contractor or agency from the amount of tax collected or
219 paid by the commonwealth.

220 (b) The commissioner shall notify, in writing, the house and senate committees on
221 ways and means 60 days before entering into any contract or interdepartmental service
222 agreement authorized under this section.

223 (c) The commissioner shall, as part of the commissioner’s annual report under
224 section 6, list all agencies, individuals, companies, associations or corporations with
225 whom the commissioner has agreements for identifying and pursuing increased tax
226 revenue collections during the fiscal year and the amount of taxes collected by and the
227 compensation paid to each such agency, individual, company, association or corporation.

University of Massachusetts Tuition Retention

228 SECTION 18. Section 9 of chapter 15A of the General Laws, as appearing in the
229 2010 Official Edition, is hereby amended by striking out, in lines 71 to 74, inclusive, the
230 words “In the case of the university, the council shall review the recommendations of the
231 board of trustees relative to tuition rates at said university and its campuses. Said tuition
232 rates shall be subject to the approval of the council” and inserting in place thereof the
233 following words:- Tuition rates shall be subject to the approval of the council; provided,
234 however, that tuition rates at the University of Massachusetts shall be subject to sections
235 1A and 1B of chapter 75 and shall not require the approval of the council.

University of Massachusetts Tuition Retention

236 SECTION 19. Said section 9 of said chapter 15A, as so appearing, is hereby
237 further amended by striking out, in line 79, the words “public institution of higher
238 education” and inserting in place thereof the following words:- state university and
239 community college.

Sex Offender Registry Address Check

240 SECTION 20. The second paragraph of subsection (a) of section 7 of chapter 15D
241 of the General Laws, as appearing in section 1 of chapter 459 of the acts of 2012, is
242 hereby amended by striking out the first sentence and inserting in place thereof the
243 following sentence:- As part of the department’s licensure and background record check
244 process, the department shall obtain from the sex offender registry board all available sex
245 offender registry information associated with the address of the program, center or home
246 and conduct fingerprint-based checks of the state and national criminal history databases
247 under 42 U.S.C. § 16962 before issuing a license.

Sex Offender Registry Address Check

248 SECTION 21. The second paragraph of subsection (b) of said section 7 of said
249 chapter 15D, as appearing in section 2 of said chapter 459, is hereby amended by striking
250 out the first sentence and inserting in place thereof the following sentence:- As part of
251 the department’s approval process, the department shall obtain from the sex offender
252 registry board all available sex offender registry information associated with the address
253 of the center, home or facility and conduct fingerprint-based checks of the national crime
254 information databases under 42 U.S.C. § 16962 before issuing any approval.

Sex Offender Registry Address Check

255 SECTION 22. Section 8 of chapter 15D of the General Laws, as most recently
256 amended by section 5 of said chapter 459, is hereby further amended by adding the
257 following subsection:-

258 (k) The board shall adopt regulations establishing the conclusiveness of
259 information obtained by the department in an address search of the sex offender registry
260 for purposes of licensing, license renewal or approval of school-aged child care
261 programs, child care centers, family child care homes, placement agencies or large family
262 child care homes, family foster care that is not supervised and approved by a placement
263 agency, group care facilities or temporary shelter facilities, including the conditions in
264 which the address search of the sex offender registry shall be sufficient cause for the
265 department to deny an application for a license, license renewal or approval.

Veterans Independence Plus Initiative Trust Fund

266 SECTION 23. Chapter 19A of the General Laws is hereby amended by adding the
267 following section:-

268 Section 41. There shall be established upon the books of the commonwealth a
269 separate fund to be known as the Veterans Independence Plus Initiative Trust Fund. The
270 secretary shall be the trustee of the fund and may expend monies in the fund, without
271 further appropriation, for the administration of the Veterans Independence Plus Initiative,
272 a joint initiative of the United States Department of Veterans Affairs and the
273 Administration on Aging in the United States Department of Health and Human Services.
274 Revenues collected by the department from this initiative shall be deposited in the fund.
275 The department may incur expenses and the comptroller may certify for payment
276 amounts in anticipation of expected receipts, but no expenditure shall be made from the
277 fund which shall cause the fund to be in deficit at the close of a fiscal year. Any
278 remaining balance in the fund at the end of a fiscal year shall not revert to the General
279 Fund but shall remain in the fund and be available to the department during the following
280 fiscal year for the purposes of this section. The secretary may expend from the fund for
281 services provided in prior fiscal years.

Interagency Agreements Between Department of Developmental Services and Medicaid or Department of Mental Health

282 SECTION 24. Chapter 19B of the General Laws is amended by striking out
283 section 18, as appearing in the 2010 Official Edition, and inserting in place thereof the
284 following section:-

285 Section 18. Subject to approval by the secretary of health and human services, the
286 commissioner may enter into interagency agreements with the commissioner of mental
287 health or the office of Medicaid for the coordinated regulation of or for the coordinated or
288 joint management of certain services that are required or that shall be provided by the
289 department of developmental services and the department of mental health or the office
290 of Medicaid. Such an agreement may be entered if it is determined by the commissioners
291 of the departments that would be parties to the agreement and the director of Medicaid, if
292 the office of Medicaid would be party to the agreement, that the services require

293 coordinated regulation to ensure development of substantially similar standards
294 consistent with certain shared needs of persons with a mental illness and persons with an
295 intellectual disability or persons enrolled in the commonwealth's Money Follows the
296 Person Demonstration or related waivers or that the services will be more efficiently and
297 effectively provided by a single, unified management system than by 2 separate
298 management systems. These services may include, without limitation, transportation,
299 laundry, data processing, certain services to mixed populations of persons with a mental
300 illness and persons with an intellectual disability with common needs for care and
301 treatment or to persons who have been diagnosed as having both an intellectual disability
302 and a mental illness, research activities, program monitoring and services provided to
303 persons enrolled in the commonwealth's Money Follows the Person Demonstration or
304 related waivers. Coordinated regulation of these services may include, without limitation,
305 issues such as restraint, charges for care, investigations and case management. Under
306 these agreements, the department of developmental services may assume responsibility
307 for the provision of these services to the department of mental health or the office of
308 Medicaid. These agreements may delegate responsibility to the department of mental
309 health to provide those services to the department of developmental services. These
310 agreements may provide for the expenditure of appropriated funds consistent with the
311 joint management service systems and may further provide for assignment of certain staff
312 to the joint management service system. These agreements shall not conflict with the
313 department of developmental services' primary responsibility for persons with an
314 intellectual disability regardless of whether those persons also have a mental illness or are
315 enrolled in the commonwealth's Money Follows the Person Demonstration or related
316 waivers.

Environmental Police Trust Fund

317 SECTION 25. Chapter 21A of the General Laws is hereby amended by inserting
318 after section 10H the following section:-

319 Section 10I. Notwithstanding any general or special law to the contrary, there
320 shall be a surcharge of 20 per cent on a fine assessed against a person convicted of or
321 found responsible for a violation under this chapter or a violation of a special regulation
322 promulgated under this chapter; provided, however, that the complaining officer shall
323 have been an environmental police officer or deputy environmental police officer.
324 Notwithstanding the distribution of fines, penalties and forfeitures in the ninth paragraph
325 of section 10G, the surcharge in this section shall be deposited into the Environmental
326 Police Trust Fund established in section 2KKKK of chapter 29.

Department of Public Safety Civil Penalties

327 SECTION 26. Subsection (a) of section 21 of chapter 22 of the General Laws, as
328 appearing in section 35 of chapter 68 of the acts of 2011, is hereby amended by striking
329 out clause (6).

Department of Public Safety Civil Penalties

330 SECTION 27. Said section 21 of said chapter 22, as so appearing, is hereby
331 further amended by inserting after subsection (a) the following subsection:-

332 (a¹/₂) The commissioner or the commissioner's designee may issue a written
333 notice of violation, which shall be a written warning or a citation to assess civil monetary
334 fines of not more than \$1,000 for a violation of sections 71K and 71N of chapter 143;
335 provided, however, that a designee of the recreational tramway board may also issue a
336 warning or citation under said sections 71K and 71N.

Department of Public Safety Civil Penalties

337 SECTION 28. Said section 21 of said chapter 22, as so appearing, is hereby
338 further amended by adding the following subsection:-

339 (f) The commissioner may assess a fee for appeals filed under this section which
340 shall be determined by the secretary of administration and finance under section 3B of
341 chapter 7.

Gateway Cities Population Threshold

342 SECTION 29. Section 3A of chapter 23A of the General Laws, as appearing in
343 the 2010 Official Edition, is hereby amended by striking out, in line 139, the figure
344 "35,000" and inserting in place thereof the following figure:- 20,000.

MassWorks Infrastructure Program Correction

345 SECTION 30. Section 63 of chapter 23A of the General Laws, inserted by section
346 11 of chapter 238 of the acts of 2012, is hereby amended by striking out subsection (a)
347 and inserting in place thereof the following subsection:-

348 (a) There shall be established within the executive office of housing and economic
349 development a MassWorks infrastructure program to issue public infrastructure grants to
350 municipalities and other public instrumentalities for design, construction, building, land
351 acquisition, rehabilitation, repair and other improvements to publicly-owned
352 infrastructure including, but not limited to, sewers, utility extensions, streets, roads, curb-
353 cuts, parking, water treatment systems, telecommunications systems, transit
354 improvements and pedestrian and bicycle ways. The program shall also provide for
355 commercial and residential transportation and infrastructure development, improvements
356 and various capital investment projects under the growth districts initiative administered
357 by the executive office of housing and economic development. The grants shall be used
358 to assist municipalities in advancing projects that support job creation and expansion,
359 housing development and rehabilitation, community development and small town
360 transportation projects; provided, however, that projects supporting smart growth as
361 defined by the state's sustainable development principles shall be preferred. The
362 program may also be used to match other public and private funding sources to build or
363 rehabilitate transit-oriented housing located within 0.25 miles of a commuter rail station,
364 subway station, ferry terminal or bus station, at least 25 per cent of which shall be
365 affordable.

Employer Medical Assistance Contribution

366 SECTION 31. Section 8A of chapter 23H of the General Laws is hereby amended
367 by striking out, in lines 2 and 3, as appearing in the 2010 Official Edition, the words
368 “Medical Security Trust Fund established in section 14G of chapter 151A” and inserting
369 in place thereof the following words:- employer medical assistance contribution
370 established in section 189 of chapter 149.

Balanced Budget Definition

371 SECTION 32. Section 1 of chapter 29 of the General Laws is hereby amended by
372 striking out the definition of “Balanced budget”, as appearing in section 112 of chapter
373 165 of the acts of 2012, and inserting in place thereof the following definition:-

374 “Balanced budget”, an annual general appropriation act resulting in a consolidated
375 net surplus that is not less than 0.

Tax Settlement Revenue

376 SECTION 33. Section 2H of said chapter 29 is hereby amended by striking out
377 the third paragraph, as so appearing, and inserting in place thereof the following 2
378 paragraphs:-

379 Upon receiving a written joint certification from the commissioner of revenue and
380 the attorney general that the department of revenue is in receipt of a 1-time settlement or
381 judgment for the commonwealth, of which the net value to the commonwealth of the
382 proceeds of that settlement or judgment, after all restitution and other remedial payments
383 are made under the settlement or judgment, exceeds \$10,000,000 in any 1 fiscal year, the
384 comptroller shall transfer the proceeds from the General Fund to the Commonwealth
385 Stabilization Fund.

386 In each fiscal year, prior to certifying the consolidated net surplus under section
387 5C, the comptroller shall transfer from the Commonwealth Stabilization Fund to the
388 General Fund the lesser of: (a) one-half of the lowest aggregate amount collected in any 1
389 of the previous 3 fiscal years from 1-time tax settlements or judgments collected by the
390 department of revenue for the commonwealth with a net value that exceeds \$10,000,000;
391 or (b) \$35,000,000.

Employer Medical Assistance Contribution

392 SECTION 34. Section 2000 of said chapter 29, as so appearing in section 112 of
393 chapter 165 of the acts of 2012, is hereby amended by striking out the words “(a) all
394 contributions collected under section 188 of chapter 149; (b) all revenues from surcharges
395 imposed under section 18B of chapter 118G; (c) any transfers from the Health Safety Net
396 Trust Fund established in section 36 of said chapter 118G” of chapter 149” and inserting
397 in place thereof the following words:- (a) employer medical assistance contributions
398 under section 189 of chapter 149; (b) all revenue from surcharges imposed under section

399 18 of chapter 176Q; (c) any transfers from the Health Safety Net Trust Fund established
400 in section 66 of chapter 118E.

Public Safety Training Fund and Environmental Police Trust Fund

401 SECTION 35. Said chapter 29 is hereby further amended by inserting after section
402 2IIII the following 2 sections:-

403 Section 2JJJJ. There shall be established and set upon the books of the
404 commonwealth a separate fund to be known as the Public Safety Training Fund. The
405 fund shall be used for the instruction of public safety personnel including, but not limited
406 to, the recruitment of additional state police classes and for the municipal police training
407 committee, under section 116 of chapter 6, as necessary, to preserve and promote the
408 public safety. The fund shall be credited with all revenues collected from the surcharge
409 imposed by section 12 of chapter 89 and the seventh paragraph of section 20 of chapter
410 90. The fund shall not be subject to section 5C of chapter 29 and shall be subject to
411 appropriation.

412 Section 2KKKK. There shall be established and set up on the books of the
413 commonwealth a separate fund to be known as the Environmental Police Trust Fund,
414 which shall be administered by the secretary of energy and environmental affairs. The
415 fund shall be credited with: (1) all revenues collected from the administrative fees and
416 surcharges imposed by section 10I of chapter 21A and section 39 of said chapter 90B; (2)
417 a 10 per cent maintenance fee charged on all office of law enforcement private details
418 which shall be separate from any other administrative fees charged on private details; (3)
419 any appropriations, bond proceeds or other monies authorized by the general court and
420 specifically designated to be credited thereto; (4) interest or investment earnings on any
421 such monies; and (5) all other monies credited or transferred to the fund from any other
422 fund or service. Amounts credited to the fund may be expended, without further
423 appropriation, on programs and costs related to the office of law enforcement including,
424 but not limited to: (1) the expenses of hiring, equipping and training environmental police
425 recruits; and (2) maintenance expenses of the office of law enforcement. The
426 unexpended balance in the fund at the end of the fiscal year shall not revert to the General
427 Fund but shall remain available for expenditure in subsequent fiscal years. No
428 expenditure made from the fund shall cause the fund to become deficient at any point
429 during a fiscal year; provided, however, that the secretary of energy and environmental
430 affairs shall report annually, not later than January 15, to the house and senate
431 committees on ways and means and the joint committee on environment, natural
432 resources and agriculture relative to the source and amount of funds deposited into the
433 fund, the amounts distributed and the purpose of expenditures from the fund.

Eliminate Statutory Carry-Forward

434 SECTION 36. Said chapter 29 is hereby further amended by striking out section
435 5C, as appearing in section 112 of chapter 165 of the acts of 2012, and inserting in place
436 thereof the following section:-

437 Section 5C. The comptroller shall annually, on or before October 31, certify to the
438 secretary of administration and finance the amount of the consolidated net surplus in the
439 budgetary funds at the close of the preceding fiscal year. Except as otherwise provided
440 by law, the amounts so certified shall be transferred to the Commonwealth Stabilization
441 Fund. This transfer shall be made from the undesignated fund balances in the budgetary
442 funds proportionally from those undesignated fund balances, but no such transfer shall
443 cause a deficit in any of those funds. Before certifying the consolidated net surplus under
444 this section, the comptroller shall, to the extent possible, eliminate deficits in any fund
445 contributing to the surplus by transferring positive fund balances from any other fund
446 contributing to the surplus.

Residency Requirement

447 SECTION 37. Section 58 of chapter 31 of the General Laws is hereby amended
448 by inserting after the word "town", in line 33, as appearing in the 2010 Official Edition,
449 the following words:- ; provided, however, in a city upon majority vote of the city
450 council and approval by the mayor and in a town by a majority vote at the annual town
451 meeting, any city or town may require any person who receives an appointment to the
452 police force or fire force of said city or town to establish residence within such city or
453 town or at any other place in the commonwealth that is within 35 miles of the closest
454 border of the city or town in which said person resides within 9 months after
455 appointment.

Health Information Technology

456 SECTION 38. Subsection (a) of section 6D of chapter 40J of the General Laws, as
457 appearing in section 38 of chapter 224 of the acts of 2012, is hereby amended by adding
458 the following sentence:- The corporation and the institute shall maintain responsibility for
459 fulfilling the obligations under the Office of the National Coordinator for Health
460 Information Technology Challenge Grant Program and the Health Information Exchange
461 Cooperative Agreement Program.

Health Information Technology

462 SECTION 39. Subsection (d) of said section 6D of said chapter 40J, as so
463 appearing, is hereby amended by striking out the last 2 sentences and inserting in place
464 thereof the following 2 sentences:- Before issuing requests for proposals relating to
465 contracts to be entered into under this section, the institute's director shall consult with
466 the council regarding the content of the requests for proposals. Nothing in this section
467 shall be construed to provide the corporation or the institute any authority with respect to
468 any contract relating to the development and implementation of the statewide health
469 information exchange by the executive office of health and human services under section
470 2 of chapter 118I; provided, however, that the corporation shall maintain authority over
471 contracts entered into by the corporation that the institute deems necessary: (i) to
472 implement its responsibilities under the Office of the National Coordinator for Health
473 Information Technology Challenge Grant Program and the Health Information Exchange

474 Cooperative Agreement Program; or (ii) in conjunction with any grants or other funding
475 authorized under subsection (e) or any loan arrangements authorized under section 6E ½.

Appellate Tax Board Efficiency

476 SECTION 40. Section 1 of chapter 58A of the General Laws is hereby amended
477 by striking out the first paragraph, as amended by section 15 of chapter 93 of the acts of
478 2011, and inserting in place thereof the following paragraph:-

479 There shall be in the executive office for administration and finance, but not
480 subject to its control in the conduct of its adjudicatory functions, an appellate tax board,
481 to consist of 5 members appointed by the governor, with the advice and consent of the
482 council, for 6-year terms beginning on March 1 in the year of appointment. A member of
483 the board shall be a member in good standing of the Massachusetts bar with at least 5
484 years of experience in tax law or litigation or a real estate appraiser with at least 5 years
485 of experience holding the Appraisal Institute designation of MAI or SRA. The governor,
486 with the advice and consent of the council, shall designate 1 member to serve as the
487 chairperson. In addition to the minimum qualifications for appointment, the chairperson
488 shall have proven knowledge of this chapter and the rules of practice and procedure of
489 the board and shall possess demonstrable administrative and management ability. Upon
490 the expiration of the term of office of a member of the board, a successor shall be
491 appointed in like manner. The chairperson shall receive as compensation 75 per cent of
492 the salary received by the chief justice of the trial court. The remaining members shall
493 receive as compensation 75 per cent of the salary received by an associate justice of the
494 trial court, as provided in section 4 of chapter 211B.

Appellate Tax Board Efficiency

495 SECTION 41. The first paragraph of section 1A of said chapter 58A, as appearing
496 in the 2010 Official Edition, is hereby amended by striking out the last sentence and
497 inserting in place thereof the following sentence:- An individual member of the board
498 may decide cases on appeal from a board of assessors as provided in section 7 or 7A
499 where the assessed value of the property involved does not exceed \$1,000,000.

Appellate Tax Board Efficiency

500 SECTION 42. Section 7A of said chapter 58A, as so appearing, is hereby
501 amended by striking out, in line 41, the figure "\$20,000" and inserting in place thereof
502 the following figure:- \$500,000.

Appellate Tax Board Efficiency

503 SECTION 43. Section 7B of said chapter 58A, as so appearing, is hereby
504 amended by striking out, in lines 7, 8, 9, 11, 12 and 18, the figure "\$5,000" and inserting
505 in place thereof, in each instance, the following figure:- \$25,000.

Brownfields Tax Credit Extension

506 SECTION 44. Section 6 of chapter 62 of the General Laws is hereby amended by
507 striking out, in line 273, as so appearing, the figure “2013” and inserting in place thereof
508 the following figure:- 2018.

Brownfields Tax Credit Extension

509 SECTION 45. Said section 6 of said chapter 62 is hereby further amended by
510 striking out, in line 278, as so appearing, the figure “2014” and inserting in place thereof
511 the following figure:- 2019.

Wholesaler Reporting

512 SECTION 46. Subsection (k) of section 16 of chapter 62C of the General Laws,
513 as so appearing, is hereby amended by adding the following 4 sentences:- In addition,
514 each such person shall annually, on or before March 20, file an information return for the
515 prior calendar year in such form and containing such information as the commissioner
516 may, by rule or regulation, require including, but not limited to, the total monthly sales
517 amount to each person to whom sales have been made, exclusive of deposits required by
518 sections 321 to 327, inclusive, of chapter 94, and identifying information for such
519 purchasers. If any person fails to file the information return required by this subsection,
520 the person shall be liable for a penalty of \$1,000 for each failure. The penalty shall be
521 considered assessed upon the issuance by the commissioner of a notice to the taxpayer
522 setting out the amount of the penalty and the period for which the information return was
523 due. No other notice or demand for payment shall be required as a prerequisite to the
524 imposition or collection of a penalty imposed under this subsection, and the penalty shall
525 be collected in the same manner as a tax. A penalty imposed by the commissioner for a
526 failure to file an information return under this subsection shall be subject to subsection (f)
527 of section 33 relative to waiver of penalties.

Franchisor Reporting

528 SECTION 47. Said section 16 of said chapter 62C, as so appearing, is hereby
529 further amended by adding the following subsection:-

530 (m) A franchisor that has at least 1 franchisee, required to be registered under
531 section 67 as a sales tax vendor under chapter 64H, 64I or 64L, shall annually, not later
532 than March 20, file an information return for the prior calendar year in such form and
533 containing such information as the commissioner may require including, but not limited
534 to, the total monthly transactions made by the franchisor, each person to whom sales have
535 been made and identifying information for such purchasers. If a franchisor fails to file
536 the information return required by this subsection, the franchisor shall be liable for a
537 penalty of \$1,000 for each failure. The penalty shall be considered assessed upon the
538 issuance by the commissioner of a notice to the taxpayer setting out the amount of the
539 penalty and the period for which the information return was due. No other notice or
540 demand for payment shall be required as a prerequisite to the imposition or collection of
541 a penalty imposed under this subsection and the penalty shall be collected in the same
542 manner as a tax. A penalty imposed by the commissioner for a failure to file an

543 information return under this subsection shall be subject to subsection (f) of section 33
544 relative to waiver of penalties.

Electronic Records

545 SECTION 48. The first paragraph of section 24 of said chapter 62C, as so
546 appearing, is hereby amended by inserting after the first sentence the following sentence:-
547 The taxpayer shall provide to the commissioner all accounting records and information in
548 a searchable electronic format, as requested by the commissioner, to the extent that the
549 taxpayer maintains such records in electronic format.

Pass-Through Entity Corrections

550 SECTION 49. Said chapter 62C is hereby further amended by striking out section
551 24A, as so appearing, and inserting in place thereof the following section:-

552 Section 24A. (a) Members or indirect owners of a pass-through entity shall report
553 items of income, expense or credit derived from the pass-through entity in a manner
554 consistent with the reporting of the pass-through entity, except to the extent that a
555 taxpayer member or indirect owner makes a declaration of inconsistency with its original
556 return.

557 (b) The commissioner shall establish by regulation unified audit procedures. The
558 commissioner may audit, in a unified proceeding, a pass-through entity 1 or more of
559 whose members or indirect owners are subject to tax under chapters 62 or 63; provided,
560 however, that nothing in this section shall limit the ability of the commissioner to audit or
561 assess individual members or indirect owners with respect to items derived from a pass-
562 through entity or the ability of the commissioner to inspect books and records of a pass-
563 through entity outside of a unified audit procedure. The determination of pass-through
564 entity items shall be binding on all members and indirect owners participating in the
565 unified audit procedure. For purposes of this section, “members and indirect owners
566 participating in the unified audit procedure” shall mean all members and indirect owners
567 of a pass-through entity subject to audit in a unified proceeding under this section, other
568 than members and indirect owners that elect not to participate in the unified audit
569 procedure under subsection (e). The regulations shall establish the types of pass-through
570 entities subject to unified audit proceedings which may include, but shall not be limited
571 to, partnerships and S corporations. The regulations shall also require the pass-through
572 entity to designate a tax matters partner who may represent all the members and indirect
573 owners participating in the unified proceeding. The authority of the tax matters partner in
574 a unified audit procedure shall include, but not be limited to, the following on behalf of
575 members and indirect owners participating in the unified audit procedure: (i) receiving
576 tax notices; (ii) representing members and indirect owners during the unified audit
577 procedure and in administrative appeals with the commissioner; (iii) entering into
578 settlement agreements with the commissioner under section 37C with regard to pass-
579 through entity items; and (iv) filing petitions with the appellate tax board and pursuing
580 any subsequent judicial appeal with respect to a determination of pass-through entity

581 items by the commissioner. So far as practicable, the commissioner's regulations shall be
582 modeled on federal rules.

583 (c)(1) A unified audit procedure shall begin when the commissioner so notifies
584 the tax matters partner. Except as otherwise provided, the commissioner shall begin a
585 unified audit procedure and issue a notice of determination of pass-through entity items
586 within 3 years after the later of the date on which the entity's return for the taxable year
587 was either filed or required to be filed, taking extensions into account. The 3-year period
588 shall be extended to the extent the statute of limitations for audit or assessment is
589 extended under subsection (d). It shall be the responsibility of the tax matters partner to
590 inform members and indirect owners of the pendency of the unified audit procedure.
591 Such notice shall be provided in the manner and to the extent required in the partnership
592 or other agreement governing the pass-through entity and its members and indirect
593 owners. The failure of the tax matters partner to provide notice shall not affect the
594 validity of the unified audit procedure with respect to all members and indirect owners
595 participating in the unified audit procedure. The determination of pass-through entity
596 items after the commencement of a unified audit procedure shall be made exclusively
597 under the unified audit process which, except as specified in this section, shall supersede
598 the assessment and abatement process otherwise applicable under this chapter to
599 members and indirect owners with respect to pass-through entity items. If, in the course
600 of a unified audit procedure, it appears to the commissioner that the statement of pass-
601 through entity items on the entity's return will result in a tax liability of members and
602 indirect owners that is different from the correct amount, the commissioner shall give
603 notice of proposed adjustments to the tax matters partner and other members specified in
604 regulations issued by the commissioner. Within 30 days after the notice, the tax matters
605 partner or other members specified in regulations issued by the commissioner may
606 request a conference with regard to proposed adjustments of pass-through entity items.
607 After unified audit administrative proceedings are concluded, the commissioner shall
608 issue a notice of determination of pass-through entity items to the tax matters partner.
609 The tax matters partner or other members specified in regulations issued by the
610 commissioner may petition the appellate tax board for review of the determination of
611 pass-through entity items within 60 days after the determination has been sent to the tax
612 matters partner. The appellate tax board shall have jurisdiction to decide petitions under
613 this section and its decision shall be a final decision of the board for the purpose of the
614 right to a judicial appeal.

615 (2) If no petition is filed with the appellate tax board as provided in this
616 subsection, the determination of pass-through entity items shall become a final
617 determination the day after the last date on which the pass-through entity may appeal the
618 determination of pass-through entity items. If a timely petition is filed with the appellate
619 tax board, the determination of pass-through entity items shall become a final
620 determination on the later of: (i) the date of the appellate tax board decision or
621 subsequent final judicial decision; or (ii) the day after the date on which the right to any
622 further appeal expires. After a final determination of pass-through entity items is made,
623 the commissioner shall assess or abate members and indirect owners in accordance with
624 the final determination. The commissioner shall not be required to issue a notice of intent
625 to assess prior to assessment.

626 (d)(1) Except as provided in this subsection, the statute of limitations for the
627 assessment of tax of a member or indirect owner with respect to a pass-through entity
628 item or an item affected by a pass-through entity item for a taxable year to which pass-
629 through entity items relate shall not expire before the later of: (i) the assessment period,
630 including subsections (d) or (h) of section 26, applicable to the taxpayer member or
631 indirect owner for tax periods to which pass-through entity items relate; or (ii) 1 year
632 after the date the determination of pass-through entity items becomes a final
633 determination under paragraph (2) of subsection (c).

634 (2) Subsections (d) and (h) of section 26 shall apply to returns filed by a pass-
635 through entity. In such cases, the commissioner may conduct a unified audit of pass-
636 through entity items and reach final determination of those items during such extended
637 time periods as are consistent with those described in said subsections (d) and (h) of said
638 section 26.

639 (3) The tax matters partner or other person authorized by a pass-through entity
640 may enter into a written agreement with the commissioner following the procedures
641 under section 27 to extend the statute of limitations for the conduct of a unified audit
642 procedure and determination of pass-through entity items.

643 (4) A member or indirect owner participating in the unified audit procedure may,
644 within 6 months after an assessment or abatement made after a final determination of
645 pass-through entity items in accordance with paragraph (2) of subsection (d), challenge
646 the computation of tax as it applies to that taxpayer by filing an application for abatement
647 under section 37; provided, however, that the application shall be limited to
648 computational matters on the member's or indirect owner's return attributable to pass-
649 through entity items and shall not contest the underlying determination of the pass-
650 through entity items.

651 (e) Members or indirect owners of a pass-through entity may elect not to
652 participate in a unified audit procedure by providing notice to the commissioner in such
653 time and manner as the commissioner may require. Members or indirect owners who
654 elect not to participate in the unified audit procedure shall follow the procedures under
655 section 26 for pre-assessment conferences and procedures under section 37 for abatement
656 requests and appeals with respect to determining and disputing tax related to pass-through
657 entity items; provided, however, that the statute of limitations for assessment of tax to
658 members or indirect owners who have elected not to participate in the unified audit
659 procedure with respect to pass-through entity items and affected items derived from a
660 pass-through entity that is subject to a unified audit procedure shall not expire in any
661 event sooner than the end of 1 year after the date the determination of pass-through entity
662 items becomes a final determination.

Department of Revenue Authority to Offset Refunds

663 SECTION 50. Section 1 of chapter 62D of the General Laws is hereby amended
664 by striking out, in line 5, and in lines 42 and 43, as so appearing, the words "division of
665 employment and training" and inserting in place thereof, in each instance, the following
666 words:- department of unemployment assistance.

Department of Revenue Authority to Offset Refunds

667 SECTION 51. Said section 1 of said chapter 62D is hereby further amended by
668 inserting after the word “debtor”, in line 20, as so appearing, the following words:- ; an
669 amount owed to the department of unemployment assistance.

Department of Revenue Authority to Offset Refunds

670 SECTION 52. Said section 1 of said chapter 62D is hereby further amended by
671 inserting after the word “bankruptcy”, in line 48, as so appearing, the following words:- ;
672 a person owing a debt certified by the comptroller.

Department of Revenue Authority to Offset Refunds

673 SECTION 53. Said section 1 of said chapter 62D is hereby further amended by
674 inserting after the definition of “Debtor” , as so appearing, the following definition:-

675 “Department”, the department of revenue.

Department of Revenue Authority to Offset Refunds

676 SECTION 54. Said section 1 of said chapter 62D is hereby further amended by
677 striking out the definition of “Refund”, as so appearing, and inserting in place thereof the
678 following 2 definitions:-

679 "Person", an individual, vendor, contractor, partnership, society, association, joint
680 stock company, limited liability company, corporation, estate, receiver, trustee, assignee
681 or any other person acting in a fiduciary or representative capacity, whether appointed by
682 a court or otherwise, or any combination of persons.

683 “Refund”, an overpayment of a tax, including interest and penalties, that may be
684 returned or credited to the taxpayer under section 30, 31A, 36, 36A, 37 or 39 of chapter
685 62C, section 27 or 27A of chapter 65, section 6 of chapter 65A or any other general or
686 special law that authorizes such a return or credit; provided, however, the commissioner
687 shall not offset any refunds under this chapter payable to an operator as defined in section
688 1 of chapter 64G, a vendor as defined in section 1 of chapter 64H or section 1 of chapter
689 64I or a direct broadcast satellite service provider as defined in section 1 of chapter 64M
690 to the extent that the person is obligated under those chapters to repay the purchaser the
691 amount for which the application for refund is made.

Department of Revenue Authority to Offset Refunds

692 SECTION 55. Section 13 of said chapter 62D is hereby amended by striking out,
693 in lines 6 and 7, as so appearing, the words “division of employment and training” and
694 inserting in place thereof the following words:- department of unemployment assistance.

Department of Revenue Authority to Offset Refunds

695 SECTION 56. Said section 13 of said chapter 62D is hereby further amended by
696 striking out, in line 12, as so appearing, the word “and”.

Department of Revenue Authority to Offset Refunds

697 SECTION 57. Said section 13 of said chapter 62D is hereby further amended by
698 inserting after the figure “7A”, as appearing in section 14 of chapter 142 of the acts of
699 2011, the following words:- ; (x) unpaid federal nontax liabilities to a federal agency
700 under section 15; and (xi) unpaid tax liabilities of another state under section 16.

Department of Revenue Authority to Offset Refunds

701 SECTION 58. Said chapter 62D is hereby further amended by adding the
702 following 2 sections:-

703 Section 15. (a) As used in this section, the following words shall have the
704 following meanings, unless the context clearly requires otherwise:

705 “Federal nontax liability”, a delinquent nontax liability certified by a federal
706 official including, but not limited to, any interest, penalty, fine, fee or other nontax
707 assessment imposed by or payable to the federal government that is finally determined to
708 be due and owing.

709 “Federal official”, a unit or official of the federal government charged with the
710 collection of federal nontax liabilities payable to the federal government and with the
711 authority to enter into the offset agreement.

712 “Offset agreement”, the agreement between the commissioner, the state
713 comptroller and the Secretary of the Treasury authorized by this section and section 19 of
714 chapter 7A.

715 “State tax liability”, a delinquent tax liability certified by the commissioner
716 including, but not limited to, any tax, interest, penalty or other addition to a tax imposed
717 by or payable to the commonwealth that is finally determined to be due and owing under
718 chapter 62C.

719 (b) Notwithstanding any other general or special law to the contrary, in
720 coordination with the comptroller under section 19 of chapter 7A, the commissioner may
721 enter into an offset agreement with the Secretary of the Treasury to participate in a
722 reciprocal Treasury Offset Program under 31 U.S.C. section 3716 for the collection of
723 any state tax liabilities owed to the commonwealth from federal payments to vendors and
724 contractors. The offset agreement may provide for the United States to submit federal
725 nontax liabilities owed to federal agencies for offset against refunds otherwise due and
726 owing to taxpayers.

727 (c) Under the offset agreement, a federal official may: (1) certify to the
728 commissioner the existence of a person's delinquent federal nontax liability, owed by the
729 person to the federal government, by providing: (i) the full name and address of the
730 person and any other names known to be used by the person; (ii) the social security
731 number or federal tax identification number of the person; (iii) the amount of the federal

732 nontax liability; (iv) a statement certifying that the liability is past due, that due process
733 has been provided and that the liability is legally enforceable in the amount certified,
734 which may be provided in procedures for certifying payments in the offset agreement;
735 and (v) any other information needed under the agreement; (2) request the commissioner
736 to withhold any refund to which the person is entitled; and (3) retain a portion of the
737 proceeds of any federal administrative setoff authorized by the federal offset program.

738 (d) As required or permitted by state law, federal law or the offset agreement, the
739 commissioner shall: (1) determine if a person for whom a certification is received is due a
740 refund; (2) withhold a refund that is due a person whose name has been certified by a
741 federal official; (3) notify the person of the amount withheld in satisfaction of the federal
742 nontax liability certified by a federal official; and (4) pay to the federal official the lesser
743 of the entire refund or the amount certified plus any fee due under subsection (g) and pay
744 any refund in excess of such amount to the person.

745 (e) The commissioner may certify to a federal official a person's delinquent state
746 tax liability owed to the commonwealth by providing the federal official: (i) the full name
747 and address of the person and any other names known to be used by the person; (ii) the
748 social security number or federal tax identification number of the person; (iii) the amount
749 of the state tax liability; (iv) a statement certifying that the state tax liability is past due,
750 that due process has been provided and that the liability is legally enforceable in the
751 amount certified, which may be provided in procedures for certifying payments in the
752 offset agreement; and (v) any other information required by state statute or regulation
753 applicable to the collection of the state tax liability by offset of federal payments to
754 vendors and contractors.

755 (f) The commissioner may request that the federal official withhold the lesser of
756 any federal vendor or contractor payment to which the person is entitled under the offset
757 agreement or the amount certified plus any fee due under subsection (g).

758 (g) The commissioner shall establish a reasonable administrative fee to be
759 charged to the person for the state offset of a federal nontax liability or the federal offset
760 of a state tax liability. The fee shall be a separate charge and may be withheld from any
761 refund. State administrative fees may be retained by the commissioner and shall be
762 deposited in a separate revolving fund to be used by the commissioner, without further
763 appropriation, for the costs in operating the offset program.

764 (h) Notwithstanding section 21 of chapter 62C or any other law prohibiting
765 disclosure by the department of the contents of a taxpayer's records or information, all
766 information exchanged to accomplish and effectuate the intent of this section shall be
767 lawful.

768 (i) If an individual filed a joint income tax return and the federal nontax liability
769 certified by a federal official is not the liability of both parties to the joint income tax
770 return, the commissioner may not withhold or pay to the federal official that portion of
771 the income tax refund attributable to the individual not owing the liability. The
772 commissioner shall adopt procedures notifying parties to a joint income tax return of a
773 proposed offset of a refund for a federal nontax liability certified by a federal official.

774 The parties to the return shall have 60 days to assert, in writing, that a portion of the
775 income tax refund is attributable to the individual not owing the federal nontax liability.
776 If no such assertion, by a party to the joint return, is made within 60 days of notice, all of
777 the refund shall be deemed attributable to the individual owing the liability.

778 Section 16. (a) As used in this section the following words shall have the
779 following meanings, unless the context clearly requires otherwise:

780 "Other state tax liability", a delinquent tax liability certified by the tax officer of
781 the reciprocal state, including but not limited to, any tax, interest, penalty or other
782 addition to a tax imposed by or payable to the participating state that is finally determined
783 to be due and owing under the laws of that state.

784 "State", any state or the District of Columbia which extends a like comity for the
785 collection of taxes owed to the commonwealth and participates in the reciprocal offset
786 program.

787 "State offset agreement", the agreement between the commissioner and the tax
788 officer of the state which allows the department and the state to participate in a reciprocal
789 offset program.

790 "State refund", an overpayment of any tax that is returned or credited to the
791 taxpayer under the laws of the state.

792 "State tax liability", a delinquent tax liability certified by the commissioner
793 including, but not limited to, any tax, interest, penalty or other addition to a tax imposed
794 by or payable to the commonwealth that is finally determined to be due and owing under
795 chapter 62C.

796 "Tax officer", a unit or official of a state, or the duly authorized agent of such unit
797 or official, charged with the imposition, assessment or collection of taxes in that state.

798 "Taxpayer", a person identified by the commissioner or a tax officer as owing tax
799 liabilities to the department or a state.

800 (b) Notwithstanding any other general or special law to the contrary, the
801 commissioner may enter into a state offset agreement with a tax officer to participate in a
802 reciprocal offset program for the collection of state tax liabilities owed to the
803 commonwealth from state refunds due a taxpayer of the reciprocal state. The state offset
804 agreement may provide for the state to submit other state tax liabilities to be offset
805 against refunds due to commonwealth taxpayers.

806 (c) The commissioner may establish, in the state offset agreement, procedures and
807 methods to be employed by the department and a state to safeguard information and
808 implement this section. No state shall request the collection of taxes through the remedy
809 established under this section unless the tax is at least \$50.

810 (d) Under the state offset agreement, a tax officer may: (1) certify to the
811 commissioner the existence of a person's delinquent other state tax liability, owed by the

812 person to the state, by providing: (i) the full name and address of the person and any other
813 names known to be used by the person; (ii) the social security number or federal tax
814 identification number of the person; (iii) the amount of the other state tax liability due to
815 the state, including interest and penalties; (iv) a statement certifying that the liability is
816 past due, that due process has been provided and that the other state tax liability is legally
817 enforceable in the amount certified, which may be provided in procedures for certifying
818 payments in the state offset agreement; and (v) any other information needed under the
819 agreement; (2) request the commissioner to withhold any refund to which the person is
820 entitled; and (3) retain a portion of the proceeds of any setoff authorized by the state
821 offset program.

822 (e) As required or permitted by state law and the state offset agreement, the
823 commissioner shall: (1) determine if a person for whom a certification is received is due a
824 refund; (2) withhold a refund that is due a person whose name has been certified by a tax
825 officer; (3) notify the person of the amount withheld in satisfaction of the other state tax
826 liability certified by a tax officer; (4) pay to the state the lesser of the entire refund or the
827 amount certified plus any fee due under subsection (h); and (5) pay any refund in excess
828 of such amount to the person.

829 (f) The commissioner may certify to a tax officer a person's delinquent state tax
830 liability owed the commonwealth by providing the tax officer: (i) the full name and
831 address of the person and any other names known to be used by the person; (ii) the social
832 security number or federal tax identification number of the person; (iii) the amount of the
833 state tax liability; (iv) a statement certifying that the state tax liability is past due, that due
834 process has been provided and that the liability is legally enforceable in the amount
835 certified, which may be provided in procedures for certifying payments in the state offset
836 agreement; and (v) any other information required by state statute or regulation
837 applicable to the collection of the state tax liability by offset of state refunds due a
838 taxpayer.

839 (g) The commissioner may request that the tax officer withhold the lesser of any
840 state refund to which the person is entitled under the state offset agreement or the amount
841 certified plus any fee due under subsection (h).

842 (h) The commissioner and the state may establish a reasonable administrative fee
843 to be charged to the person for the provision of the offsets. The fee shall be a separate
844 charge and may be withheld from any refund or state refund due to the person. Any
845 applicable administrative fees may be retained by the commissioner and shall be
846 deposited in a separate revolving fund to be used by the commissioner, without further
847 appropriation, for the costs in operating the state offset program.

848 (i) Notwithstanding section 21 of chapter 62C or any other law prohibiting
849 disclosure by the department of the contents of a taxpayer's records or information, all
850 information exchanged to accomplish and effectuate the intent of this section is lawful.

851 (j) If an individual filed a joint income tax return and the other state tax liability
852 certified by a tax officer is not the liability of both parties to the joint income tax return,
853 the commissioner shall not withhold or pay to the state that portion of the income tax

854 refund attributable to the individual not owing the liability. The commissioner shall
855 adopt procedures notifying parties to a joint income tax return of a proposed offset of a
856 refund for the other state tax liability certified by a tax officer. The parties to the return
857 shall have 60 days to assert in writing that a portion of the income tax refund is
858 attributable to the individual not owing the liability. If no such assertion by a party to the
859 joint return is made within 60 days of notice, all of the refund shall be deemed
860 attributable to the individual owing the liability.

Employer Medical Assistance Contribution

861 SECTION 59. Section 12 of chapter 62E of the General Laws is hereby amended
862 by striking out, in lines 23 and 24, as appearing in the 2010 Official Edition, the words
863 “fair share employer contribution requirement under section 188” and inserting in place
864 thereof the following words:- employer medical assistance contribution under section
865 189.

Brownfields Tax Credit Extension

866 SECTION 60. Section 38Q of chapter 63 of the General Laws, as so appearing, is
867 hereby amended by striking out, in line 3, the figure “2013” and inserting in place thereof
868 the following figure:- 2018.

Brownfields Tax Credit Extension

869 SECTION 61. Said section 38Q of said chapter 63, as so appearing, is hereby
870 further amended by striking out, in line 8, the figure “2014” and inserting in place thereof
871 the following figure:- 2019.

Chapter 70 Minimum Local Contribution

872 SECTION 62. Chapter 70 of the General Laws is hereby amended by inserting
873 after section 6 the following section:-

874 Section 6A. (a) Notwithstanding any general or special law to the contrary, upon
875 the request of the board of selectmen in a town, the city council in a city with a plan E
876 form of government or the mayor in any other city, within any fiscal year, the department
877 of revenue may recalculate the minimum required local contribution for that year. Based
878 on the criteria established in this section, the department of revenue shall recalculate the
879 minimum required local contribution for a municipality's local and regional schools and
880 shall certify the amounts calculated to the department of elementary and secondary
881 education.

882 (b) A city or town that used qualifying revenue amounts in a fiscal year which are
883 not available for use in the next fiscal year, or that is required to use revenue for
884 extraordinary non-school-related expenses for which it did not have to use revenues in
885 the preceding fiscal year or that has an excessive certified municipal revenue growth
886 factor which is greater than or equal to 1.5 times the state average municipal revenue
887 growth factor may appeal to the department of revenue, not later than October 1, for an

888 adjustment of its minimum required local contribution and net school spending for that
889 fiscal year.

890 (c) If an appeal is determined to be valid, the department of revenue may reduce
891 proportionately the minimum required local contribution amount based on the amount of
892 shortfall in revenue or based on the amount of increase in extraordinary expenditures in
893 the current fiscal year, but no adjustment to the minimum required local contribution on
894 account of an extraordinary expense in the budget for the fiscal year in which the waiver
895 is granted, shall affect the calculation of the minimum required local contribution in
896 subsequent fiscal years. Qualifying revenue amounts shall include, but not be limited to,
897 extraordinary amounts of free cash, overlay surplus and other available funds.

898 (d) If upon submission of adequate documentation, the department of revenue
899 determines that a municipality's appeal regarding an excessive municipal revenue growth
900 factor is valid, the department of revenue shall recalculate the municipal revenue growth
901 factor and the department of elementary and secondary education shall use the revised
902 growth factor to calculate the preliminary local contribution, the minimum required local
903 contribution and any other factor that directly or indirectly uses the municipal revenue
904 growth factor. Any relief granted as a result of an excessive municipal revenue growth
905 factor shall constitute a permanent reduction in the minimum required local contribution.

906 (e) The board of selectmen in a town, the city council in a city with a plan E form
907 of government, the mayor in any other city or a majority of the member municipalities of
908 a regional school district, which used qualifying revenue amounts in a fiscal year that are
909 not available for use in the next fiscal year, may appeal to the department of revenue, not
910 later than October 1, for an adjustment to its net school spending requirement for that
911 fiscal year. If an appeal is determined to be valid, the department of revenue shall reduce
912 the net school spending requirement based on the amount of the shortfall in revenue and
913 reduce the minimum required local contribution of the member municipalities
914 accordingly. Qualifying revenue amounts shall include, but not be limited to,
915 extraordinary amounts of excess and deficiency, surplus and uncommitted reserves.

916 (f) If the regional school budget has already been adopted by two-thirds of the
917 member municipalities then, upon a majority vote of the member municipalities, the
918 regional school committee shall adjust the assessments of the member municipalities in
919 accordance with the reduction in minimum required local contributions approved by the
920 department of revenue or the department of elementary and secondary education in
921 accordance with this section.

922 (g) Notwithstanding clause (14) of section 3 of chapter 214 or any other general
923 or special law to the contrary, the amounts determined under this section shall be the
924 minimum required local contribution described in this chapter. The department of
925 revenue and the department of elementary and secondary education shall notify the house
926 and senate committees on ways and means and the joint committee on education of the
927 amount of any reduction in the minimum required local contribution amount.

928 (h) If a city or town has an approved budget that exceeds the recalculated
929 minimum required local contribution and net school spending amounts for its local school

930 system or its recalculated minimum required local contribution to its regional school
931 districts as provided in this section, the local appropriating authority shall determine the
932 extent to which the community shall avail itself of any relief authorized by this section.

933 (i) The amount of financial assistance due from the commonwealth in any fiscal
934 year, under this chapter or any other law, shall not be changed on account of any
935 redetermination of the minimum required local contribution under this section.

936 (j) The department of revenue and the department of elementary and secondary
937 education shall issue guidelines to implement their respective duties under this section.

University of Massachusetts Tuition Retention

938 SECTION 63. Section 1A of chapter 75 of the General Laws, as appearing in the
939 2010 Official Edition, is hereby amended by striking out, in lines 142 and 143, the words
940 “; (p) submit recommendations to the council for approval for tuition rates at the
941 university”.

University of Massachusetts Tuition Retention

942 SECTION 64. Said chapter 75 is hereby further amended by inserting after
943 section 1A the following section:-

944 Section 1B. (a) For the purposes of this section, the following words shall have
945 the following meanings:-

946 “Student charges”, in-state and out-of-state tuition and fees that are charged to
947 students for general attendance at the university; provided, however, that “student
948 charges” shall not include any fee or other charge established by the university that is
949 specific to a particular course, program or activity nor any charges for room, board or
950 student health insurance;

951 “Student tuition credit”, a reduction in student charges for an eligible student.

952 (b) The board of trustees shall fix and establish student charges for the university.
953 In-state tuition and mandatory student charges shall preserve affordability for residents of
954 the commonwealth. Out-of-state student charges shall appropriately balance the financial
955 needs of the university with the need to be competitive with peer institutions and, to the
956 extent possible, cover, at minimum, the actual cost of the student’s education. Tuition
957 shall comprise the majority portion of student charges. In establishing student charges
958 the board of trustees shall consider factors including, but not limited to, the Consumer
959 Price Index, as published by the United States Department of Labor, Bureau of Labor
960 Statistics, the Higher Education Price Index, as calculated by the Commonfund, tuition
961 and fee rates at peer institutions, collective bargaining costs and total support from the
962 commonwealth including direct appropriations along with other relevant data and
963 measures.

964 (c) All student charges received by the university under this section shall be
965 retained by the university in a revolving trust fund and shall be expended as the board of

966 trustees directs for the operation and support of the university. Any balance remaining in
967 the trust fund, established under this section, at the end of a fiscal year shall continue to
968 be held in the trust fund, shall remain available for expenditure in subsequent fiscal years
969 and shall not revert to the General Fund. All such trust funds shall be subject to audit by
970 the state auditor.

971 The university shall provide to each student a detailed statement of all student
972 charges. The statement of charges shall be in a form approved by the board of trustees
973 and shall break down the student charges and display the discount rate for in-state
974 students and display the discount for any student that is eligible for a tuition credit.

975 (d) For employees of the university who are paid from tuition retained under
976 subsection (c), fringe benefits and collective bargaining shall be funded as if those
977 employees' salaries were supported by state appropriations and such funds shall not be
978 assessed fringe. This section shall apply only to fringe benefits and collective bargaining
979 costs associated with salaries paid from retained tuition.

980 (e) All tuition waivers, grants and scholarships identified in chapter 15A, other
981 statutes and reductions collectively bargained that are in the form of a tuition or fee
982 waiver shall be student tuition credits. Students that are eligible for a tuition credit shall
983 have their student charges reduced by the amount of the tuition credit.

984 (f) The board of trustees shall not accept any future tuition waivers, grants or
985 scholarships identified in chapter 15A, other statutes or reductions collectively bargained
986 that are in the form of a tuition or fee waiver unless the reduction is accompanied with an
987 appropriation that fully supports them or the reduction is approved by the board of
988 trustees.

989 (g) The university shall annually report not later than March 1 to the senate and
990 house committees on ways and means, the joint committee on higher education, the
991 secretary of administration and finance and the secretary of education: (1) the status of
992 the percentage of student education costs placed upon the student and subsidized by the
993 commonwealth; and (2) a comprehensive document articulating the efficiencies and
994 effectiveness of initiatives and programs at the university that save the commonwealth
995 and students money and make the 5-campus system more efficient.

School Choice

996 SECTION 65. Section 12B of chapter 76 of the General Laws is hereby amended
997 by striking out, in lines 89 to 92, inclusive, as appearing in the 2010 Official Edition, the
998 words "Said tuition amount shall be equal to seventy-five percent of the actual per pupil
999 spending amount in the receiving district for such education as is required by such non-
1000 resident student, but not more than five thousand dollars" and inserting in place thereof
1001 the following words:- That tuition amount shall be \$5,000.

Public Safety Training Fund

1002 SECTION 66. Chapter 89 of the General Laws is hereby amended by adding the
1003 following section:-

1004 Section 12. There shall be a surcharge of \$5 on a fine assessed against a person
1005 convicted of or found responsible for a motor vehicle violation under this chapter or a
1006 violation of a special regulation lawfully made under the authority of this chapter. The
1007 surcharge shall be transferred by the registrar of motor vehicles to the state treasurer for
1008 deposit into the Public Safety Training Fund established in section 2JJJJ of chapter 29.

Veteran Designation on License or ID Card

1009 SECTION 67. Section 8 of chapter 90 of the General Laws, as appearing in the
1010 2010 Official Edition, is hereby amended by inserting after the tenth paragraph the
1011 following paragraph:-

1012 A license shall include the word “Veteran” upon presentation of sufficient
1013 evidence, as determined by the registrar, that a person is a veteran as defined in clause
1014 Forty-third of section 7 of chapter 4. A fee for a license that includes the word “Veteran”
1015 shall be equal to or less than the fee required for a license without such designation.

Veteran Designation on License or ID Card

1016 SECTION 68. Section 8E of said chapter 90, as amended by section 1 of chapter
1017 170 of the acts of 2012, is hereby further amended by adding the following paragraph:-

1018 An identification card shall include the word “Veteran” upon presentation of
1019 sufficient evidence, as determined by the registrar, that a person is a veteran as defined in
1020 clause Forty-third of section 7 of chapter 4. A fee for a card that includes the word
1021 “Veteran” shall be equal to or less than the fee required for a card without such
1022 designation.

Public Safety Training Fund

1023 SECTION 69. Section 20 of said chapter 90, as amended by section 95 of chapter
1024 139 of the acts of 2012, is hereby further amended by adding the following paragraph:-

1025 There shall be a surcharge of \$5 on a fine assessed against a person convicted of
1026 or found responsible for a motor vehicle violation under this chapter or a violation of a
1027 special regulation lawfully made under the authority of this chapter. The surcharge shall
1028 be transferred by the registrar of motor vehicles to the state treasurer for deposit into the
1029 Public Safety Training Fund established in section 2JJJJ of chapter 29.

Environmental Police Trust Fund

1030 SECTION 70. Section 35 of chapter 90B of the General Laws, as appearing in the
1031 2010 Official Edition, is hereby amended by adding the following sentence:- Such
1032 distribution of fines shall not apply to the surcharge amount imposed by section 39 of this
1033 chapter and section 10I of chapter 21A.

Environmental Police Trust Fund

1034 SECTION 71. Said chapter 90B is hereby amended by adding the following
1035 section:-

1036 Section 39. (a) There shall be a 10 per cent administrative fee charged on all
1037 registration, title and permit fees collected under this chapter by the office of law
1038 enforcement, established in section 10A of chapter 21A. The administrative fee shall be
1039 deposited into the Environmental Police Trust Fund, established in section 2KKKK of
1040 chapter 29.

1041 (b) A surcharge of 20 per cent shall be added to all fines assessed against persons
1042 convicted of, or found responsible for, a violation of this chapter or a violation of a
1043 special regulation promulgated under this chapter. Notwithstanding section 10G of
1044 chapter 21A, the surcharge shall be deposited into the Environmental Police Trust Fund,
1045 established in section 2KKKK of chapter 29.

Employer Medical Assistance Contribution

1046 SECTION 72. Chapter 111K of the General Laws is hereby amended by striking
1047 out section 9, as appearing in the 2010 Official Edition, and inserting in place thereof the
1048 following section:-

1049 Section 9. To provide the monies necessary to establish and meet the purposes of
1050 the fund, the commission shall receive out of the employer medical assistance
1051 contribution under section 189 of chapter 149, \$1 annually for each employee whose
1052 wages determine such employer's total employer medical assistance contribution under
1053 said section 189 of said chapter 149. Said contribution shall be collected by the director
1054 of unemployment assistance and paid over to the state treasurer for deposit in the fund
1055 annually as provided by the commission.

General Health Supplies Definition

1056 SECTION 73. The definition of "General health supplies, care or rehabilitative
1057 services and accommodations" in section 8A of chapter 118E of the General Laws,
1058 inserted by section 115 of chapter 224 of the acts of 2012, is hereby amended by inserting
1059 after the word "surgical" the following word:- , chiropractic.

Health Safety Net Assessments

1060 SECTION 74. The definition of "Managed care organization" in section 64 of
1061 chapter 118E of the General Laws, inserted by section 131 of chapter 224 of the acts of
1062 2012, is hereby amended by inserting after the figure "9D" the following words:- or an
1063 integrated care organization, as defined in section 9F.

Health Safety Net Assessments

1064

1065 SECTION 75. Clause (1) of the definition of "Payments subject to surcharge" in
1066 said section 64 of said chapter 118E, as so inserted, is hereby amended by inserting after
1067 the figure "65" the following words:- who are not enrolled in an integrated care
1068 organization.

Health Safety Net Assessments

1069
1070 SECTION 76. Said definition of "Payments subject to surcharge" in said section
1071 64 of said chapter 118E, as so inserted, is hereby further amended by striking out the
1072 word "division" and inserting in place thereof the following words:- executive office.

Health Safety Net Assessments

1073 SECTION 77. Said section 64 of said chapter 118E, as so inserted, is hereby
1074 further amended by inserting after the definition of "Surcharge payor" the following 2
1075 definitions:-

1076 "Total acute hospital assessment amount", an amount equal to \$160,000,000 plus
1077 50 per cent of the estimated cost, as determined by the secretary of administration and
1078 finance, of administering the health safety net and related assessments in accordance with
1079 sections 65 to 69, inclusive.

1080 "Total surcharge amount", an amount equal to \$160,000,000 plus 50 per cent of
1081 the estimated cost, as determined by the secretary of administration and finance, of
1082 administering the health safety net and related assessments in accordance with sections
1083 65 to 69, inclusive.

Health Safety Net Assessments

1084 SECTION 78. Said chapter 118E is hereby further amended by striking out
1085 section 66, as so inserted, and inserting in place thereof the following section:-
1086 Section 66. (a) There shall be established and set up on the books of the
1087 commonwealth a fund to be known as the Health Safety Net Trust Fund, in this section
1088 and in sections 67 to 69, inclusive, called the fund, which shall be administered by the
1089 health safety net office, hereinafter the office. Expenditures from the fund shall not be
1090 subject to appropriation unless otherwise required by law. The purposes of the fund shall
1091 be to: (i) maintain a health care safety net by reimbursing hospitals and community health
1092 centers for a portion of the cost of reimbursable health services provided to low-income,
1093 uninsured or underinsured residents; (ii) support the estimated expenses of the executive
1094 office in administering the health safety net and related assessments under sections 65 to
1095 69, inclusive; and (iii) support a portion of the costs of the Medicaid program under this
1096 chapter and the commonwealth care health insurance program under chapter 118H. The
1097 office shall administer the fund using methods, policies, procedures, standards and
1098 criteria for the proper and efficient operation of the fund and programs supported by it in
1099 a manner designed to distribute the fund resources as equitably as possible. The secretary
1100 of administration and finance, in consultation with the secretary of health and human
1101 services, shall determine annually the estimated expenses to administer the fund.

1102 (b) The fund shall consist of: (i) all amounts paid by acute hospitals and surcharge
1103 payors under sections 67 and 68; (ii) all appropriations for the purpose of payments to
1104 acute hospitals or community health centers for health services provided to uninsured and
1105 underinsured residents; (iii) any transfers from the Commonwealth Care Trust Fund,
1106 established under section 2000 of chapter 29; and (iv) all property and securities
1107 acquired by and through the use of monies belonging to the fund and all interest thereon.
1108 The office shall expend amounts in the fund, except for amounts transferred to the
1109 Commonwealth Care Trust Fund, for payments to hospitals and community health
1110 centers for reimbursable health services provided to uninsured and underinsured residents
1111 of the commonwealth, consistent with the requirements of this section and section 69 and
1112 the regulations adopted by the office. The office shall also annually expend monies from
1113 the fund for the expenses of the executive office, including the health safety net office
1114 under subsection (a), for the administration of the health safety net and related
1115 assessments. The office shall also expend not more than \$6,000,000 annually from the
1116 fund for demonstration projects that use case management and other methods to reduce
1117 the liability of the fund to acute hospitals. Any amounts collected from surcharge payors
1118 in any year in excess of the total surcharge amount, adjusted to reflect applicable
1119 surcharge credits, shall be transferred to the General Fund to support a portion of the
1120 costs of the Medicaid program and commonwealth care health insurance program. Any
1121 annual balance remaining in the fund after these payments have been made shall be
1122 transferred to the Commonwealth Care Trust Fund. All interest earned on the amounts in
1123 the fund shall be deposited or retained in the fund. The director shall from time to time
1124 requisition from the fund amounts that the director considers necessary to meet the
1125 current obligations of the office for the purposes of the fund and estimated obligations for
1126 a reasonable future period.

Health Safety Net Assessments

1127 SECTION 79. Subsection (a) of section 67 of said chapter 118E, as so inserted, is
1128 hereby amended by striking out clause (ii) and inserting in place thereof the following
1129 clause:- (ii) the total acute hospital assessment amount.

Health Safety Net Assessments

1130 SECTION 80. The fourth sentence of subsection (a) of section 68 of said chapter
1131 118E, as so inserted, is hereby amended by striking out the figure "\$160,000,000" and
1132 inserting in place thereof the following words:- the total surcharge amount.

Health Safety Net Assessments

1133 SECTION 81. The fifth sentence of said subsection (a) of said section 68 of said
1134 chapter 118E, as so inserted, is hereby amended by striking out the words "less than
1135 \$150,000,000 or more than \$170,000,000 in surcharge payments," and inserting in place
1136 thereof the following words:- less than the total surcharge amount minus \$10,000,000 or
1137 more than the total surcharge amount plus \$10,000,000.

Health Information Technology

1138 SECTION 82. Subsection (b) of section 3 of chapter 118I of the General Laws,
1139 inserted by section 134 of chapter 224 of the acts of 2012, is hereby amended by striking
1140 out clauses (ii) to (iv), inclusive, and inserting in place thereof the following 2 clauses:-
1141 (ii) implement, operate and maintain the statewide health information exchange; and
1142 (iii) develop and implement statewide health information exchange infrastructure,
1143 including, without limitation, provider directories, certificate storage, transmission
1144 gateways, auditing systems and any components necessary to connect the statewide
1145 health information exchange to provider electronic health records systems.

Health Information Technology

1146 SECTION 83. Section 10 of said chapter 118I, as so inserted, is hereby amended
1147 by striking out the last sentence.

Construction and Disposition of Certain Public Housing Units

1148 SECTION 84. Section 26 of chapter 121B of the General Laws, as appearing in
1149 the 2010 Official Edition, is hereby amended by adding the following clause:-

1150 (p) Notwithstanding this section or section 34 to the contrary, to dispose of or
1151 demolish any part or all of an existing housing project assisted by the commonwealth
1152 under chapter 689 of the acts of 1974, chapter 167 of the acts of 1987 or chapter 705 of
1153 the acts of 1966, if: (i) the department and the housing authority have determined that it
1154 is not financially feasible to bring the units up to a reasonable program standard for
1155 occupancy or permissible to convert the units to another low rent housing program; and
1156 (ii) for units financed under chapter 705 of the acts of 1966, the units were vacant as of
1157 November 1, 2012, or, for units financed under chapter 689 of the acts of 1974 or chapter
1158 167 of the acts of 1987, the department has received written confirmation from both the
1159 department of developmental services and the department of mental health that those
1160 units are obsolete and inappropriate for housing their respective clients; provided,
1161 however, that the housing authority may dispose of the property by sale, ground lease or
1162 other transfer of its interest in the property only upon such approval by the department;
1163 and provided further that, the department shall review and approve any appraisal, request
1164 for proposals related to the disposition and the selection of the bidder. The request for
1165 proposals shall provide that: (i) in reviewing responses to the request for proposals, first
1166 priority for selecting from among the responsive and responsible bidders shall be those
1167 bidders that offer a feasible plan to provide housing on the site that is permanently
1168 affordable to households under 80 per cent of area median income as defined by the
1169 department; provided, that those bidders shall obtain the property for \$1, subject to an
1170 enforceable agreement to meet the requirements of its proposal; and (ii) if no responsive
1171 and responsible bidder meets the above standard, the property shall be sold to the bidder
1172 offering the highest price for the property.

1173 Notwithstanding this chapter to the contrary, proceeds from the disposition, after
1174 paying for the costs of the disposition, shall be deposited in an expendable trust
1175 controlled by the department, the purpose of which shall be to fund capital improvements

1176 that the department determines are necessary and appropriate at existing housing
1177 developments that serve households that would have been eligible for occupancy of the
1178 units that had been sited on the property.

Bone Marrow Donors

1179 SECTION 85. Chapter 149 of the General Laws is hereby amended by inserting
1180 after section 33E the following section:-

1181 Section 33F. (a) An employee of the commonwealth or an employee of a county,
1182 city or town that accepts this section may take a leave of absence, without loss of pay, of
1183 not more than 5 days to undergo the medical procedure and associated physical recovery
1184 time due to participation in a bone marrow donor program.

1185 (b) If the necessity for leave under this section is foreseeable, the employee shall
1186 provide the employer with not less than 7 days' notice before the leave is to begin. If the
1187 necessity for leave is not foreseeable, the employee shall provide such notice as is
1188 practicable.

1189 (c) An employer may require that a request for leave under this section be
1190 supported by a certification issued at such time and in such manner as the attorney
1191 general may by regulation require.

1192 (d) The attorney general shall enforce this section, and may obtain injunctive or
1193 declaratory relief for this purpose. Violations of this section shall be subject to the
1194 second paragraph of section 150 and to section 180.

Bone Marrow Donors

1195 SECTION 86. Section 150 of said chapter 149, as appearing in the 2010 Official
1196 Edition, is hereby amended by inserting after the figure "33E", in line 20, the following
1197 figure:- , 33F.

Employer Medical Assistance Contribution

1198 SECTION 87. Section 188 of said chapter 149 is hereby repealed.

Employer Medical Assistance Contribution

1199 SECTION 88. Said chapter 149 is hereby amended by adding the following
1200 section:-

1201 Section 189. (a) Each employer, subject to sections 14, 14A and 14C of chapter
1202 151A, shall pay, in the same manner and at the same times as the director of
1203 unemployment assistance prescribes for the contribution required by said section 14, an
1204 employer medical assistance contribution. The employer medical assistance contribution
1205 shall be computed by multiplying the wages the employer paid its employees by the
1206 employer medical assistance contribution rate of .36 per cent; provided, however, that
1207 employers who employ 5 or fewer employees shall not be required to pay such employer

1208 medical assistance contribution. The purpose of the employer medical assistance
1209 contribution shall be to support the provision of subsidized health care services funded by
1210 the Commonwealth Care Trust Fund and the Health Safety Net Trust Fund.

1211 (b) The receipts from such contributions shall be placed in the Commonwealth
1212 Care Trust Fund established under section 2000 of chapter 29, or any successor fund;
1213 provided, however, that \$1 for each employee whose wages determine each employer's
1214 total employer medical assistance contribution shall be deposited annually in the
1215 Catastrophic Illness in Children Relief Fund established by section 2ZZ of chapter 29;
1216 and provided further, that the Commonwealth Care Trust Fund shall transfer not less than
1217 \$30,000,000 of these funds annually to the Health Safety Net Trust Fund established
1218 under section 66 of chapter 118E. Prior to depositing the amounts collected under this
1219 section, the director of unemployment assistance may deduct all administrative costs
1220 incurred by the department as a result of this section, including an amount as determined
1221 by the United States Secretary of Labor in accordance with federal cost rules; provided,
1222 however, that in no calendar year may such deduction exceed 5 per cent of the amounts
1223 collected under this section.

1224 (c)(1) For the purposes of this section, the term "wages" shall not include that part
1225 of remuneration which, after remuneration equal to the employer medical assistance
1226 contribution wage base with respect to employment with such employer has been paid to
1227 an individual during the calendar year, is paid to such individual during such year. For
1228 the purposes of this paragraph, remuneration shall include remuneration paid to an
1229 individual during the calendar year with respect to employment with a transferring
1230 employer, as that term is used in subsection (n) of section 14 of chapter 151A.

1231 (2) For the purposes of this section, the term "employer medical assistance
1232 contribution wage base" shall have the same meaning as the term "unemployment
1233 insurance taxable wage base" as defined in paragraph (4) of subsection (a) of section 14
1234 of chapter 151A.

1235 (d)(1) This section shall not apply to an employer newly subject to chapter 151A,
1236 until such employer has been an employer for a minimum of 12 consecutive months, as
1237 specified in paragraph (1) of subsection (b) of said section 14 of said chapter 151A.

1238 (2) Notwithstanding the contribution rate set forth in subsection (a), during the
1239 first calendar year in which this section shall apply to an employer under paragraph (1),
1240 the employer's employer medical assistance contribution rate shall be .12 per cent.

1241
1242 (3) Notwithstanding the contribution rate set forth in subsection (a), during the
1243 second calendar year in which this section shall apply to an employer newly subject to
1244 this chapter under paragraph (1), the employer's employer medical assistance contribution
1245 shall be .24 per cent.

1246 (e) Except where inconsistent with this section, the terms and conditions of
1247 chapter 151A that are applicable to the payment and collection of contributions or
1248 payments in lieu of contributions shall apply to the same extent to the payment of and the
1249 collection of such employer medical assistance contribution; provided, however, that

1250 such contributions shall not be credited to the employer's account or to the solvency
1251 account established under sections 14, 14A or 14C of chapter 151A.

1252 (f) There shall be an employer medical assistance contribution rate review board
1253 composed of the: (i) director of the health safety net office or a designee; (ii) director of
1254 the department of unemployment assistance or a designee; (iii) executive director of the
1255 commonwealth health insurance connector authority or a designee; and (iv) the
1256 commissioner of insurance or a designee. The rate review board shall meet on or before
1257 November 30 of each year to review the costs paid by the commonwealth in the previous
1258 fiscal year to provide subsidized care to low-income residents of the commonwealth. If
1259 the board determines that costs have increased by more than 5 per cent from the previous
1260 fiscal year, it may, by a majority vote, adjust the employer medical assistance
1261 contribution by not more than 5 per cent. The board shall file a report detailing its cost
1262 review determination with the executive office for administration and finance, the clerks
1263 of the senate and house of representatives, the joint committee on labor and workforce
1264 development and the house and senate committees on ways and means not later than
1265 December 31 of each year.

1266 (g) The director of unemployment assistance, the director of the health safety net
1267 office and the executive director of the commonwealth health insurance connector
1268 authority shall report annually, after the end of each calendar year, to the governor and
1269 the house and senate committees on ways and means. The report shall include the
1270 number of employers paying an employer medical assistance contribution, the amount
1271 collected in the fund, the amount needed to administer the fund, the amount transferred,
1272 how the funds were used by program. The report may also make recommendations for
1273 changes in the law and regulations governing the fund.

1274 (h) Any employer notified of a liability determination under this section by the
1275 director of unemployment assistance may request a hearing on such determination. The
1276 request for hearing shall be filed within 10 days after mailing of the notice of the
1277 determination. If a hearing is requested, the director shall give the employer a reasonable
1278 opportunity for a fair hearing before an impartial hearing officer designated by the
1279 director. The hearing shall be conducted in accordance with the procedures in subsection
1280 (b) of section 39 of chapter 151A. Any employer aggrieved by the decision following the
1281 hearing may appeal such decision as prescribed by sections 40 to 42, inclusive, of chapter
1282 151A. Unless action is taken under section 40 of chapter 151A, the decision of the
1283 director shall be final on all questions of fact and law.

Employer Medical Assistance Contribution

1284 SECTION 89. Section 14G of chapter 151A of the General Laws is hereby
1285 repealed.

Employer Medical Assistance Contribution

1286 SECTION 90. Paragraph (7) of subsection (c) of section 46 of said chapter 151A,
1287 as amended by section 145 of chapter 224 of the acts of 2012, is hereby further amended

1288 by striking out the words “and for the administration of the fair share employer
1289 contribution requirement under section 188 of chapter 149”.

Regional Transit Authority Annual Audit

1290 SECTION 91. Section 8 of chapter 161B of the General Laws, as appearing in the
1291 2010 Official Edition, is hereby amended by striking out subsection (g) and inserting in
1292 place thereof the following subsection:-

1293 (g) The authority shall on or before October 1 of each year deliver to the chief
1294 financial and accounting officer of the department of transportation, the secretary of
1295 administration and finance, the state treasurer, the state comptroller, the regional advisory
1296 board, the house and senate committees on ways and means, the joint committee on
1297 transportation and the clerks of the senate and house of representatives a report of its
1298 operations for the preceding fiscal year, including a description of organization for the
1299 authority, its comprehensive program for mass transportation as most recently revised
1300 and its audited financial statements for the most recently completed fiscal year. The
1301 financial statements shall be audited in accordance with generally accepted auditing
1302 standards and government auditing standards issued by the Comptroller General of the
1303 United States. The financial statements shall include the opinion of the independent
1304 auditor thereon.

Out-of-Network Ambulance Services

1305 SECTION 92. Chapter 176D of the General Laws is hereby amended by inserting
1306 after section 3B the following section:-

1307 Section 3C. (a) As used in this section, the following words shall, unless the
1308 context clearly requires otherwise, have the following meanings:-

1309 “Ambulance service provider”, a person or entity licensed by the department of
1310 public health under section 6 of chapter 111C to establish or maintain an ambulance
1311 service.

1312 “Emergency ambulance services”, emergency services that an ambulance service
1313 provider is authorized to render under its ambulance service license when a condition or
1314 situation in which an individual has a need for immediate medical attention, or where the
1315 potential for such need is perceived by the individual, a bystander or an emergency
1316 medical services provider.

1317 “Insurance policy” and “insurance contract”, a contract of insurance, motor
1318 vehicle insurance, indemnity, medical or hospital service, dental or optometric, suretyship
1319 or annuity issued, proposed for issuance or intended for issuance by any insurer.

1320 “Insured”, an individual entitled to ambulance services benefits under an
1321 insurance policy or insurance contract.

1322 “Insurer”, a person as defined in section 1 of chapter 176D; any health
1323 maintenance organization as defined in section 1 of chapter 176G; a non-profit hospital

1324 service corporation organized under chapter 176A; any organization as defined in section
1325 1 of chapter 176I that participates in a preferred provider arrangement also as defined in
1326 said section 1 of said chapter 176I; any carrier offering a small group health insurance
1327 plan under chapter 176J; any company as defined in section 1 chapter 175; any employee
1328 benefit trust; any self-insurance plan, and any company certified under section 34A of
1329 chapter 90 and authorized to issue a policy of motor vehicle liability insurance under
1330 section 113A of chapter 175 that provides insurance for the expense of medical coverage.

1331 (b) Notwithstanding any general or special law to the contrary, in any instance in
1332 which an ambulance service provider provides an emergency ambulance service to an
1333 insured but is not an ambulance service provider under contract to the insurer maintaining
1334 or providing the insured's insurance policy or insurance contract, the insurer maintaining
1335 or providing such insurance policy or insurance contract shall pay the ambulance service
1336 provider directly and promptly for the emergency ambulance service rendered to the
1337 insured. Such payment shall be made to the ambulance service provider notwithstanding
1338 that the insured's insurance policy or insurance contract contains a prohibition against the
1339 insured assigning benefits thereunder so long as the insured executes an assignment of
1340 benefits to the ambulance service provider and such payment shall be made to the
1341 ambulance service provider in the event an insured is either incapable or unable as a
1342 practical matter to execute an assignment of benefits under an insurance policy or
1343 insurance contract pursuant to which an assignment of benefits is not prohibited, or in
1344 connection with an insurance policy or insurance contract that contains a prohibition
1345 against any such assignment of benefits. An ambulance service provider shall not be
1346 considered to have been paid for an emergency ambulance service rendered to an insured
1347 if the insurer makes payment for the emergency ambulance service to the insured. An
1348 ambulance service provider shall have a right of action against an insurer that fails to
1349 make a payment to it pursuant to this subsection.

1350 (c) Payment to an ambulance service provider shall be in accordance with pricing
1351 standards set forth by the commissioner of insurance through regulation. Such pricing
1352 standards shall ensure that such payments are fair, reasonable and reflect the cost of
1353 providing such services, including, but not limited to, the distance traveled and cost
1354 differences between services originating in urban versus rural areas.

1355 (d) An ambulance service provider receiving payment for emergency ambulance
1356 services under subsections (b) and (c) shall be deemed to have been paid in full for the
1357 emergency ambulance services provided to the insured and shall have no further right or
1358 recourse to further bill the insured for said emergency ambulance services with the
1359 exception of coinsurance, co-payments or deductibles for which the insured is responsible
1360 under the insured's insurance policy or insurance contract.

1361 (e) No term or provision of this section shall be construed as limiting or adversely
1362 affecting an insured's right to receive benefits under any insurance policy or insurance
1363 contract providing insurance coverage for emergency ambulance services. Nothing in
1364 this section shall create an entitlement on behalf of an insured to coverage for emergency
1365 ambulance services if the insured's insurance policy or insurance contract provides no
1366 coverage for emergency ambulance services.

1367 (f) The commissioner of insurance shall enforce this section.

Mosquito Control

1368 SECTION 93. The second paragraph of section 5A of chapter 252 of the General
1369 Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the
1370 following sentence:- The certification shall not give the board the authority to modify the
1371 budget approved by a mosquito control project without the mosquito control project's
1372 approval.

Postponement of FAS 109 Deduction

1373 SECTION 94. Paragraph (2) of section 95 of chapter 173 of the acts of 2008 is
1374 hereby amended by striking out the figure "2014", inserted by section 140 of chapter 139
1375 of the acts of 2012, and inserting in place thereof the following figure:- 2015.

Extend Authority to Terminate and Renegotiate Leases

1376 SECTION 95. Section 23 of chapter 5 of the acts of 2009 is hereby amended by
1377 striking out the figure "2013", inserted by section 143 of chapter 139 of the acts of 2012,
1378 and inserting in place thereof the following figure:- 2014.

Extend Authority to Terminate and Renegotiate Leases

1380 SECTION 96. Section 195 of chapter 131 of the acts of 2010 is hereby amended
1381 by striking out the figure "2013", inserted by section 146 of said chapter 139, and
1382 inserting in place thereof the following figure:- 2014.

Tobacco Settlement OPEB Transfer

1383 SECTION 97. Section 152 of chapter 68 of the acts of 2011 is hereby repealed.

Substance Abuse Services Fund

1384 SECTION 98. Section 94 of chapter 142 of the acts of 2011 is hereby amended by
1385 striking out the figure "2013" and inserting in place thereof the following figure:- 2014.

Out of District Vocational Technical School Tuition Payments

1386 SECTION 99. Section 89 of chapter 139 of the acts of 2012 is hereby repealed.

Out of District Vocational Technical School Tuition Payments

1387 SECTION 100. Section 221 of said chapter 139 of the acts of 2012, as most
1388 recently amended by section 18 of chapter 3 of the acts of 2013, is hereby repealed.

Employer Medical Assistance Contribution

1389 SECTION 101. Sections 141, 142 and 301 of chapter 224 of the acts of 2012 are
1390 hereby repealed.

Tobacco Settlement OPEB Transfer

1391 SECTION 102. Notwithstanding section 1 of chapter 29D of the General Laws or
1392 any other general or special law to the contrary, the unexpended balances in items 0699-
1393 0014, 0699-0015, 0699-0019, 0699-2005 and 0699-9100 shall be deposited into the State
1394 Retiree Benefits Trust Fund, established by section 24 of chapter 32A of the General
1395 Laws, not later than June 1 of each fiscal year. The amount deposited shall be an amount
1396 equal to 20 per cent of all payments received by the commonwealth in fiscal year 2014
1397 under the master settlement agreement in Commonwealth of Massachusetts v. Philip
1398 Morris, Inc. et. al., Middlesex Superior Court, No. 95-7378. If, in any fiscal year, the
1399 unexpended balances of items 0699-0014, 0699-0015, 0699-2005 and 0699-9100 is less
1400 than the required percentage of the master settlement agreement payments due to the
1401 State Retiree Benefits Trust Fund, an amount equal to the difference shall be transferred
1402 to the State Retiree Benefits Trust Fund from payments received by the commonwealth
1403 under the master settlement agreement in Commonwealth of Massachusetts v. Philip
1404 Morris, Inc. et. al., Middlesex Superior Court, No. 95-7378.

1405 The amount to be deposited in the State Retiree Benefits Trust Fund shall be
1406 increased by 10 percentage points in fiscal year 2015 and in each subsequent fiscal year
1407 until the amount to be deposited reaches an amount equal to 100 per cent of the payments
1408 received under the master settlement agreement.

Fertilizer Bylaws

1409 SECTION 103. Notwithstanding sections 2 and 65A of chapter 128 of the
1410 General Laws, sections 8 and 9 of chapter 262 of the acts of 2012 or any other general or
1411 special law to the contrary, any ordinance or by-law relative to nutrient management or
1412 establishing fertilizer guidelines enacted or adopted by a city or adopted by a town
1413 between July 31, 2012 and July 31, 2013 shall be enforceable by that city or town,
1414 notwithstanding any disapproval under section 32 of chapter 40 of the General Laws
1415 occurring prior to July 1, 2013.

Pension Cost of Living Adjustment

1416 SECTION 104. Notwithstanding any general or special law to the contrary, the
1417 amounts transferred under subdivision (1) of section 22C of chapter 32 of the General
1418 Laws shall be made available for the Commonwealth's Pension Liability Fund established
1419 by section 22 of said chapter 32. The amounts transferred under said subdivision (1) of
1420 said section 22C of said chapter 32 shall meet the commonwealth's obligations under said
1421 section 22C of said chapter 32, including retirement benefits payable by the state
1422 employees' and the state teachers' retirement systems, for the costs associated with a 3 per
1423 cent cost of living adjustment, under section 102 of said chapter 32, for the
1424 reimbursement of local retirement systems for previously authorized cost of living
1425 adjustments under said section 102 of said chapter 32 and for the costs of increased

1426 survivor benefits under chapter 389 of the acts of 1984. The state board of retirement and
1427 each city, town, county and district shall verify these costs, subject to the rules adopted
1428 by the state treasurer. The state treasurer may make payments upon a transfer of funds to
1429 reimburse certain cities and towns for pensions to retired teachers, including any other
1430 obligations which the commonwealth has assumed on behalf of any retirement system
1431 other than the state employees' or state teachers' retirement systems and also including the
1432 commonwealth's share of the amounts to be transferred under section 22B of said chapter
1433 32 and the amounts transferred under clause (a) of the last paragraph of section 21 of
1434 chapter 138 of the General Laws. All payments for the purposes described in this section
1435 shall be made from the fund and any distribution and the payments for which
1436 distributions are required shall be detailed in a written report filed quarterly by the
1437 secretary of administration and finance with the house and senate committees on ways
1438 and means and the joint committee on public service in advance of this distribution.
1439 Distributions shall not be made in advance of the date on which a payment is actually to
1440 be made. The state board of retirement may expend an amount for the purposes of the
1441 board of higher education's optional retirement program under section 40 of chapter 15A
1442 of the General Laws. To the extent that the amount transferred under said subdivision (1)
1443 of said section 22C of said chapter 32 exceeds the amount necessary to adequately fund
1444 the annual pension obligations, the excess amount shall be credited to the Pension
1445 Reserves Investment Trust Fund, established by subdivision (8) of section 22 of said
1446 chapter 32, to reduce the unfunded pension liability of the commonwealth.

Trial Court Transferability

1447 SECTION 105. Notwithstanding clause (xiii) of the third paragraph of section 9A
1448 of chapter 211B of the General Laws or any other general or special law to the contrary,
1449 the court administrator may, from the effective date of this act through April 30, 2014,
1450 transfer funds from any item of appropriation within the trial court to any other item of
1451 appropriation within the trial court; provided, however, that a transfer under this section
1452 shall not occur until 10 days after the revised funding schedules have been submitted in
1453 writing to the house and senate committees on ways and means; and provided further,
1454 that the revised funding schedules shall include: (1) the amount of money transferred
1455 from any item of appropriation to any other item of appropriation; (2) the reason for the
1456 necessity of the transfer; and (3) the date on which the transfer shall be completed.

Edward J. Sullivan Courthouse

1457 SECTION 106. Notwithstanding subsection (e) of section 20 of chapter 304 of the
1458 acts of 2008, the net cash proceeds of the sale of the former Edward J. Sullivan
1459 Courthouse in the city of Cambridge shall be deposited in the General Fund.

Fuel Assistance Forward Funding

1460 SECTION 107. Notwithstanding any general or special law to the contrary, the
1461 department of housing and community development may provide not more than
1462 \$10,000,000 to eligible entities that administer the federal Low Income Home Energy
1463 Assistance Program described in item 7004-2033 of section 2D to allow the eligible

1464 entities to begin start-up operations of the program to provide advanced funding not later
1465 than 30 days after the start of the fiscal year; provided, that the department and eligible
1466 entities may expend a portion of these funds for approved administrative costs consistent
1467 with the current or prior year's state plan submitted by the department under the federal
1468 program; provided further, that the department and the eligible entities may, after
1469 November 1, 2013, expend a portion of these funds to assist low-income elders, working
1470 families and other households with the purchase of heating oil, propane and natural gas
1471 and electricity and other primary or secondary heating sources; provided further, that
1472 funds expended for this purpose shall be transferred from the General Fund; and provided
1473 further, that the advanced funding shall be subject to the federal reimbursement of funds
1474 under said item 7004-2033 of said section 2D.

MassDOT Snow and Ice

1475 SECTION 108. (a) Notwithstanding any general or special law to the contrary,
1476 the Massachusetts Department of Transportation may incur liabilities and make
1477 expenditures in fiscal year 2014 in excess of funds available to the department for snow
1478 and ice removal; provided, however, that the expenditures are approved by the secretary
1479 of transportation in consultation with the secretary of administration and finance;
1480 provided further, that no expenses shall be made in excess of funds available until
1481 \$38,000,000 has been expended for snow and ice removal in fiscal year 2014; provided
1482 further, that the negative balance of funds available for snow and ice removal shall not
1483 exceed \$42,000,000 at any time; and provided further, that the state comptroller may
1484 certify for payment invoices in excess of funds available to the department.

1485 (b) The department shall, on or before May 1, 2014, report to the executive office
1486 for administration and finance and the house and senate committees on ways and means
1487 the total amounts budgeted and expended for snow and ice removal; provided, however,
1488 that the department shall seek appropriations, as required, to cure deficiencies resulting
1489 from the removal of snow and ice for the fiscal year ending June 30, 2014.

MassHealth Savings Report

1490 SECTION 109. Notwithstanding any general or special law to the contrary,
1491 MassHealth shall, not later than October 1, 2013, file a report with the executive office
1492 for administration and finance and the house and senate committees on ways and means
1493 identifying savings initiatives and cash management strategies that the executive office of
1494 health and human services will pursue in fiscal year 2014 in order to operate the
1495 MassHealth program within the amounts appropriated in items 4000-0430, 4000-0500,
1496 4000-0600, 4000-0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0895,
1497 4000-0940, 4000-0950, 4000-0990, 4000-1400 and 4000-1405 of this act; provided, that
1498 MassHealth shall notify the executive office for administration and finance and the house
1499 and senate committees on ways and means not less than 15 days in advance of any
1500 deviation from the planned implementation of savings initiatives and cash management
1501 strategies included in this initial report; and provided further, that MassHealth shall notify
1502 the executive office for administration and finance and the house and senate committees

1503 on ways and means not less than 45 days in advance of implementing any proposed rate
1504 cuts to providers or service cuts to members.

Tobacco Settlement Transfer Payment Authorization

1505 SECTION 110. Notwithstanding section 1 of chapter 29D of the General Laws or
1506 any other general or special law to the contrary, all payments received by the
1507 commonwealth in fiscal year 2014 under the master settlement agreement in
1508 Commonwealth of Massachusetts v. Philip Morris, Inc. et. al., Middlesex Superior Court,
1509 No. 95-7378, shall be deposited in the General Fund. Notwithstanding section 3 of said
1510 chapter 29D to the contrary, the comptroller shall transfer 100 per cent of the earnings
1511 generated in fiscal year 2014 from the Health Care Security Trust, as certified under
1512 paragraph (f) of said section 3 of said chapter 29D, to the General Fund.

MassHealth and Commonwealth Care Dental Services

1513 SECTION 111. (a) Notwithstanding section 53 of chapter 118E of the General
1514 Laws, for fiscal year 2014, the executive office of health and human services may
1515 determine the extent to which to include within its covered services for adults the
1516 federally-optional dental services that were included in its state plan or demonstration
1517 program in effect on January 1, 2002 and the dental services that were covered for adults
1518 in the MassHealth basic program as of January 1, 2002; provided, however, that
1519 notwithstanding any general or special law to the contrary, at least 45 days before
1520 restructuring any MassHealth dental benefits, the executive office of health and human
1521 services shall file a report with the executive office for administration and finance and the
1522 house and senate committees on ways and means detailing the proposed changes and the
1523 anticipated fiscal impact of the changes.

1524 (b) Notwithstanding subsection (a) of section 6 of chapter 118H of the General
1525 Laws, for fiscal year 2014, medically necessary dental services covered through health
1526 insurance plans procured by the board of the commonwealth health insurance connector
1527 authority for any resident with a household income that does not exceed 100 per cent of
1528 the federal poverty level shall include preventative procedures but shall exclude those
1529 categories of services that are not provided through MassHealth.

FY 2013 Consolidated Net Surplus

1530 SECTION 112. Section 155 of chapter 139 of the acts of 2012 is hereby
1531 amended by striking out subsection (a) and inserting in place thereof the following
1532 subsection:- (a) Notwithstanding any general or special law to the contrary, after
1533 certifying the amount of consolidated net surplus in the budgetary funds at the close of
1534 the preceding fiscal year under section 5C of chapter 29 of the General Laws, the
1535 comptroller shall dispose of the consolidated net surplus in the budgetary funds for fiscal
1536 year 2013 in the following order to the extent that funds are available: (i) transfer
1537 \$25,000,000 to the Massachusetts Community Preservation Trust Fund, established by
1538 section 9 of chapter 44B of the General Laws; (ii) transfer \$15,000,000 to the
1539 Massachusetts Life Sciences Investment Trust Fund, established by section 6 of chapter
1540 23I of the General Laws; and (iii) transfer the remaining undesignated fund balances

1541 from the budgetary funds contributing to the consolidated net surplus to the
1542 Commonwealth Stabilization Fund.

Nursing Facility Assessment

1543 SECTION 113. Notwithstanding any general or special law to the contrary, the
1544 nursing home assessment established by subsection (b) of section 63 of chapter 118E of
1545 the General Laws shall be sufficient in the aggregate to generate \$220,000,000 in fiscal
1546 year 2014.

Stabilization Fund Transfer

1547 SECTION 114. (a) Notwithstanding any general or special law to the contrary,
1548 the comptroller shall, on or before June 30, 2014, transfer \$350,000,000 to the General
1549 Fund from the Commonwealth Stabilization Fund; provided, however, the comptroller
1550 shall instead transfer a lesser amount if the secretary of administration and finance so
1551 requests in writing. The comptroller, in consultation with the secretary of administration
1552 and finance, may take the overall cash flow needs of the commonwealth into
1553 consideration in determining the timing of any transfer of funds. The comptroller shall
1554 provide a schedule of transfers to the secretary of administration and finance and to the
1555 house and senate committees on ways and means.

1556 (b) Notwithstanding any general or special law to the contrary, the comptroller
1557 shall, on or before June 30, 2014, transfer the interest earned from the Commonwealth
1558 Stabilization Fund during fiscal year 2014 to the General Fund.

Authorization to Transfer Trust Balances

1559 SECTION 115. Notwithstanding any general or special law to the contrary, upon
1560 receiving a written request from the secretary of administration and finance, the
1561 comptroller shall transfer to the General Fund all or part of the unexpended balance of a
1562 fund, trust fund or other separate account, in existence on April 1, 2013, whether
1563 established administratively or by law, including a separate account established under
1564 section 6 of chapter 6A of the General Laws or section 4F of chapter 7 of the General
1565 Laws. The request shall certify that the secretary, in consultation with the comptroller,
1566 has determined that this balance, or the specified part of it, is not necessary for the
1567 purposes for which it was made available. The secretary and comptroller shall report to
1568 the house and senate committees on ways and means 45 days before any such transfer;
1569 provided, however, that the comptroller may submit an alternative plan to further
1570 maximize revenue generation from additional trust fund balance transfers to the General
1571 Fund to the house and senate committees on ways and means not later than October 1,
1572 2013.

English Language Learner and Safe and Successful Youth Program Evaluation

1573 SECTION 116. Notwithstanding any general or special law to the contrary, no
1574 grant applications shall be accepted by the executive office of health and human services
1575 under item 4000-0005 of section 2 or by the executive office of education for grants

1576 distributed under item 7009-6400 of said section 2 in fiscal year 2014 before the
1577 competitive selection of an independent program evaluator by each administering agency.
1578 The independent evaluator chosen for each program shall provide assistance with the
1579 evaluation of grant applications and, to the extent possible, in developing the
1580 requirements for grant recipients. The independent evaluator shall be responsible for a
1581 multi-year evaluation of each program's implementation and outcomes; provided,
1582 however, that the evaluator shall be responsible for evaluation design. Each program
1583 shall select an evaluator based on a competitive process. The selected evaluator shall
1584 demonstrate: (i) prior experience in evaluating the impact of social programs on low-
1585 income urban youth and communities using either random assignment of treatment or
1586 regression discontinuity methods; (ii) prior experience in field evaluation; and (iii)
1587 demonstrated skill in using quantitative analysis relevant for program evaluation. When
1588 selecting an independent evaluator, the administering agency shall consider: (1) a sample
1589 of previous similar work; (2) the ability to perform requested services; and (3) a proposed
1590 evaluation budget; provided, however, that the administering agency shall give
1591 preference to nonprofit research organizations. Each administering agency shall develop
1592 a request for proposals for program evaluators based on the criteria included in this
1593 section not later than August 15, 2013 and shall select an evaluator not later than October
1594 1, 2013. Once selected, evaluators shall assist the administering agency with reviewing
1595 and, to the extent possible, developing requests for proposal for grant funds that ensure
1596 that grant recipients: (A) fully cooperate with the independent evaluator; (B) commit to
1597 seeking the informed consent of program clients and their families to share data relevant
1598 to evaluation; and (C) provide access to program and administrative data necessary for
1599 evaluation. The evaluators shall provide quarterly progress updates to the house and
1600 senate committees on ways and means that shall inform the committees on the progress
1601 of implementing the evaluation plan and shall identify in those updates any obstacles
1602 encountered in implementing the evaluation plan; provided, however, that the first
1603 quarterly report shall detail the evaluation plan for each program, data required for
1604 analysis and outcomes measured. The evaluators shall provide an annual report on
1605 relevant findings and analysis not later than March 15, 2014.

Suspension of Tourism Formula

1606 SECTION 117. Notwithstanding any general or special law to the contrary, the
1607 formula for application of funds provided in section 35J of chapter 10 of the General
1608 Laws shall not apply in fiscal year 2014.

General Appropriation Act Electronic Reporting Requirement

1609 SECTION 118. Notwithstanding any general or special law to the contrary, all
1610 secretariats, departments and agencies required to submit reports under this act shall file
1611 their reports by the dates required in this act via electronic means to the chairs of any
1612 committees named as recipients as well as with the clerks of the senate and house of
1613 representatives; provided, however, that the house and senate clerks shall develop
1614 procedures and requirements for secretariats, departments and agencies for the
1615 preparation of the reports to facilitate their collection and storage and the reports shall be
1616 made available to the public on the general court's website.

**University of Massachusetts and Executive Office of Health and Human Services
Interagency Service Agreements**

1617 SECTION 119. Notwithstanding any general or special law to the contrary, the
1618 executive office of health and human services, acting in its capacity as the single state
1619 agency under Title XIX of the Social Security Act and as the principal agency for all of
1620 the agencies within the executive office and other federally-assisted programs
1621 administered by the executive office, may enter into interdepartmental services
1622 agreements with the University of Massachusetts medical school to perform activities
1623 that the secretary of health and human services, in consultation with the comptroller,
1624 determines appropriate and within the scope of the proper administration of said Title
1625 XIX and other federal funding provisions to support the programs and activities of the
1626 executive office. The activities may include: (1) providing administrative services
1627 including, but not limited to, providing the medical expertise to support or administer
1628 utilization management activities, determining eligibility based on disability, supporting
1629 case management activities and similar initiatives; (2) providing consulting services
1630 related to quality assurance, program evaluation and development, integrity and
1631 soundness and project management; and (3) providing activities and services to pursue
1632 federal reimbursement or avoid costs, third-party liability and recoup payments to third
1633 parties. Federal reimbursement for any expenditure made by the University of
1634 Massachusetts medical school relative to federally-reimbursable services the university
1635 provides under these interdepartmental service agreements or other contracts with the
1636 executive office shall be distributed to the university and recorded distinctly in the state
1637 accounting system. The secretary may negotiate contingency fees for activities and
1638 services related to pursuing federal reimbursement or avoiding costs and the comptroller
1639 shall certify these fees and pay them upon the receipt of this revenue, reimbursement or
1640 demonstration of costs avoided. Contracts for contingency fees shall not exceed 3 years
1641 and shall not be renewed without prior review and approval by the executive office for
1642 administration and finance. The secretary shall not pay contingency fees in excess of
1643 \$40,000,000 for state fiscal year 2014; provided, however, that contingency fees paid to
1644 the University of Massachusetts medical school under an interagency service agreement
1645 for recoveries related to the special disability workload projects shall be excluded from
1646 that \$40,000,000 limit for fiscal year 2014. The secretary of health and human services
1647 shall submit to the secretary of administration and finance and the senate and house
1648 committees on ways and means a quarterly report detailing the amounts of the
1649 agreements, the ongoing and new projects undertaken by the university, the amounts
1650 expended on personnel and the amount of federal reimbursement and recoupment
1651 payments that the university collected.

Inspector General’s Audits of MassHealth and Health Safety Net

1652 SECTION 120. Notwithstanding any general or special law to the contrary, in
1653 hospital fiscal year 2014, the office of the inspector general may continue to expend
1654 funds from the Health Safety Net Trust Fund, established in section 66 of chapter 118E of
1655 the General Laws:

1656 (1) to conduct a study and review of the MassHealth program; provided that the
1657 study shall include, but not be limited to, a review of the program's eligibility
1658 requirements, utilization, claims administration and compliance with federal mandates;
1659 provided further that the inspector general shall report any preliminary findings to the
1660 secretary of health and human services and the house and senate committees on ways and
1661 means on or before October 30, 2013 and issue a final report on or before March 1, 2014;
1662 and

1663 (2) for costs associated with maintaining a pool audit unit within the office;
1664 provided that the unit shall continue to oversee and examine the practices in all hospitals
1665 including, but not limited to, the care of the uninsured and the resulting free charges;
1666 provided further that the inspector general shall submit a report to the house and senate
1667 committees on ways and means on the results of the audits and any other completed
1668 analyses not later than March 1, 2014; and provided further that for the purposes of these
1669 audits, allowable free care services shall be defined under said chapter 118E and any
1670 regulations adopted under that chapter.

Initial Gross Payment to Acute Care Hospitals

1671 SECTION 121. Notwithstanding any general or special law to the contrary, on or
1672 before October 1, 2013 and without further appropriation, the comptroller shall transfer
1673 from the General Fund to the Health Safety Net Trust Fund, established under section 66
1674 of chapter 118E of the General Laws in this section called the fund, the greater of
1675 \$45,000,000 or 1/12 of the total expenditures to hospitals and community health centers
1676 required under this act, to make initial gross payments to qualifying acute care hospitals
1677 for the hospital fiscal year beginning October 1, 2013. These payments shall be made to
1678 hospitals before, and in anticipation of, the payment by hospitals of their gross liability to
1679 the fund. The comptroller shall transfer from the fund to the General Fund, on or before
1680 June 30, 2014, the amount of the transfer authorized by this section and any allocation of
1681 that amount as certified by the director of the health safety net office.

Nursing and Resident Care Facility Base Year

1682 SECTION 122. Notwithstanding any general or special law to the contrary,
1683 nursing facility and resident care facility rates effective July 1, 2013 under section 13D of
1684 chapter 118E of the General Laws may be developed using the costs of calendar year
1685 2005.

Funding for Payments to Certain Health Providers

1686 SECTION 123. (a) Notwithstanding any general or special law to the contrary,
1687 the health policy commission shall enter into an interagency agreement with the
1688 executive office of health and human services to provide up to \$20,000,000 in available
1689 funding from the Healthcare Payment Reform Fund, established in section 100 of chapter
1690 194 of the acts of 2011, during fiscal year 2014, for payments required by section 262 of
1691 chapter 224 of the acts of 2012. The comptroller shall deposit in the fund all federal
1692 reimbursements paid to the commonwealth as a result of these payments.

1693 (b) The interagency agreement under subsection (a) shall be effective upon
1694 deposit of sufficient funds into the Healthcare Payment Reform Fund under section 93 of
1695 chapter 194 of the acts of 2011.

Procurement Savings

1696 SECTION 124. (a) Whenever the secretary of administration and finance
1697 determines that procurement reforms or initiatives have resulted in cost savings for an
1698 agency of the executive department during fiscal year 2014, the secretary may reduce
1699 allotments under section 9B of chapter 29 of the General Laws to reflect some or all of
1700 the amounts saved; provided, however, that within 15 days of reducing allotments, the
1701 secretary shall notify the house and senate committees on ways and means in writing.

1702 (b) If as of October 1, 2013 the secretary of administration and finance
1703 determines that allotment reductions related to procurement reforms or initiatives in fiscal
1704 year 2014 shall be insufficient to generate \$30,000,000, the secretary may submit to the
1705 chairs of the house and senate committees on ways and means a cost saving plan to
1706 reduce allotments under said section 9B of said chapter 29; provided, however, that no
1707 allotment reductions shall be made under this subsection before the submission of a cost
1708 savings plan.

1709 (c) The total amount of allotment reductions under this section shall not exceed
1710 \$30,000,000 in fiscal year 2014.

University of Massachusetts Tuition Retention

1711 SECTION 125. (a) Notwithstanding any general or special law to the contrary,
1712 the University of Massachusetts shall consider all tuition waivers, grants and scholarships
1713 identified in chapter 15A of the General Laws or any other law and reductions
1714 collectively bargained for that are in the form of a tuition or fee waiver available to
1715 students as student tuition credits as defined in section 1B of chapter 75 of the General
1716 Laws.

1717 (b) On July 1, 2014 the University of Massachusetts shall calculate the value of
1718 all existing tuition waivers in section 19 of chapter 15A of the General Laws or
1719 reductions collectively bargained for.

1720 (c) The calculated value of the tuition waivers, grants and scholarships identified
1721 in chapter 15A of the General Laws or any other law and reductions collectively
1722 bargained for in the form of a tuition or fee waiver calculated in subsection (b) shall be
1723 credited to the eligible student as a student tuition credit on the student's statement of
1724 student charges as defined in said section 1B of chapter 75 of the General Laws.

1725 (d) The University of Massachusetts shall report to the senate and house
1726 committees on ways and means, the joint committee on higher education and the board of
1727 higher education the existence and the calculated value of all tuition waivers, grants and
1728 scholarships identified in chapter 15A of the General Laws or any other law and

1729 reductions collectively bargained for in the form of a tuition or fee waiver at the
1730 University of Massachusetts. The report shall be submitted not later than August 1, 2014.

University of Massachusetts Tuition Retention

1731 SECTION 126. Notwithstanding any general or special law to the contrary, all
1732 tuition and fee waivers that are exclusive to the University of Massachusetts shall only
1733 require the approval by the board of trustees of the University of Massachusetts.

Information Technology Investment Trust Fund

1734 SECTION 127. There shall be established and set up on the books of the
1735 commonwealth an Information Technology Investment Trust Fund. The information
1736 technology division shall serve as the fund's trustee. The fund shall be used to support
1737 information technology improvements in the executive offices of administration and
1738 finance, health and human services, housing and economic development, education,
1739 energy and environmental affairs, labor and workforce development and public safety
1740 and security. In fiscal years 2013 and 2014, the secretaries of health and human services,
1741 housing and economic development, education, energy and environmental affairs, labor
1742 and workforce development and public safety and security, may identify up to
1743 \$10,000,000 in funds unexpended from items within each relevant secretariat that would
1744 otherwise revert to the General Fund as savings from information technology efficiencies.
1745 The secretary of administration and finance shall approve the identified savings or a
1746 lesser amount; provided, however, that the approval of the savings shall not reduce the
1747 transfers made in section 112. Upon the approval of the secretary of administration and
1748 finance, an amount equal to the approved savings shall be transferred from items within
1749 each secretariat to the fund. Each executive office with approved savings transferred to
1750 the fund shall have access to not less than 80 per cent of the amount of approved savings
1751 related to that executive office for information technology improvements and
1752 enhancements. The executive office for administration and finance and the information
1753 technology division shall have access to an amount not greater than 20 per cent of the
1754 approved savings credited to the fund. The secretary of administration and finance shall
1755 report to the house and senate committees on ways and means not later than September 1,
1756 2013 and September 1, 2014 on the amounts credited to the fund by each executive
1757 office. The information technology division shall report quarterly to the house and senate
1758 committees on ways and means on: (a) amounts transferred from the fund; (b) the
1759 purpose of all expenditures made through the fund; and (c) the remaining balance in the
1760 fund. For the purposes of this section, the secretary of education may identify savings
1761 from unexpended funds from items within the department of early education and care, the
1762 department of elementary and secondary education and the department of higher
1763 education; provided, however, that in fiscal year 2014, the secretary of administration and
1764 finance may transfer not more than \$7,500,000 from the fund to the Social Innovation
1765 Financing Trust Fund established in section 35VV of chapter 10 of the General Laws.

Tax Fairness Commission

1766 SECTION 128. There shall be a tax fairness commission to study the federal,
1767 state and local tax laws applicable to residents of the commonwealth. The commission
1768 shall review and evaluate the equity of historical tax rates and methods in relation to the
1769 changing income and wealth of residents of the commonwealth since 1990. The
1770 commission shall examine the experiences and policy efforts of other states relating to
1771 tax fairness.

1772 The commission shall file a report with the clerks of the senate and house of
1773 representatives not later than March 1, 2014. The report shall include, but not be limited
1774 to: (i) the total amount of taxes currently paid by individuals at various income levels; (ii)
1775 the effects that changes to tax laws would have on individuals of all income levels; (iii)
1776 the changes in revenue collected by the commonwealth as a result of tax law revisions;
1777 (iv) the adequacy of revenue generated by individuals, businesses and any other tax
1778 types; (v) tax rates necessary to fund investment in public infrastructure; (vi) tax rates
1779 necessary to promote prosperity for all residents; (vii) restrictions on tax changes under
1780 Article XLIV of the Amendments to the Constitution; (viii) recommendations for
1781 changes in laws to achieve an equitable and adequate system of taxation; and (ix) the best
1782 practices of other states.

1783 The commission shall consist of the secretary of administration and finance or
1784 the secretary's designee; the minority leader of the house of representatives or a designee;
1785 the minority leader of the senate or a designee; the chairs of the house and senate
1786 committees on ways and means or the chairs' designees; the house and senate chairs of
1787 the joint committee on revenue or the chairs' designees, who shall serve as co-chairs of
1788 the commission; a representative of the Massachusetts Budget and Policy Center; a
1789 representative of the Massachusetts Taxpayers Foundation; a representative of the Kitty
1790 and Michael Dukakis Center for Urban and Regional Policy; a representative of the
1791 Pioneer Institute; and 4 members to be appointed by the governor, 1 of whom shall
1792 represent labor and 2 of whom shall have expertise in economics or tax policy.

Work Ready Program Task Force

1793 SECTION 129. There shall be a special task force to investigate the feasibility of
1794 a program to provide skills training internships for residents who are unemployed and are
1795 receiving unemployment insurance benefits under chapter 151A of the General Laws.
1796 The task force shall be comprised of: the secretary of labor and workforce development
1797 or a designee, who shall serve as chair, the commissioner of higher education or a
1798 designee, the house and senate chairs of the joint committee on labor and workforce
1799 development, 1 member to be appointed by the minority leader of the house of
1800 representatives, 1 member to be appointed by the minority leader of the senate and 2
1801 members to be appointed by the governor, 1 of whom shall be a representative of labor
1802 and 1 of whom shall be an employer.

1803 The task force shall: (i) review existing federal and state laws, regulations and
1804 policies governing eligibility for unemployment insurance, unpaid internships, wages and
1805 hours and workers' compensation insurance; (ii) outline eligibility requirements for
1806 persons and businesses to participate in a program; (iii) investigate procedures to ensure
1807 that interns do not displace or adversely affect the wages, hours or other benefits held by

1808 existing employees; (iv) recommend specific industries or businesses in the
1809 commonwealth for participation in the program; (v) examine methods or incentives to
1810 encourage participation in the program; (vi) consider benchmarks and reporting standards
1811 to measure successful outcomes; and (vii) explore any other measures it deems necessary
1812 for a skills training internship program.

1813 The task force shall file a report of its findings and recommendations for
1814 legislation, if any, with the clerks of the senate and house of representatives not later than
1815 January 2, 2014.

Section 1202 Trust Fund

1816 SECTION 130. There shall be established and set up on the books of the
1817 commonwealth a separate fund to be known as the Section 1202 Trust Fund. An amount
1818 equal to the federal financial participation received for the portion of expenditures
1819 eligible for 100 per cent federal financial participation under section 1202 of the Patient
1820 Protection and Affordable Care Act and regulations adopted thereunder shall be
1821 deposited into the fund. The amount deposited shall not exceed the amount expended
1822 from the fund. The secretary of health and human services shall be the trustee of the fund
1823 and shall expend moneys in the fund, without further appropriation, exclusively for
1824 services provided in calendar years 2013 and 2014 that are eligible for 100 per cent
1825 federal financial participation under section 1202. The secretary may incur expenses and
1826 the comptroller may certify for payment from the fund amounts in anticipation of
1827 expected receipts, but no expenditure shall be made from the fund that shall cause the
1828 fund to be in deficit at the close of a fiscal year. Any remaining balances in the fund at
1829 the end of a fiscal year shall not revert to the General Fund and shall be available during
1830 the following fiscal year for the purposes of this section. Funds may be expended for
1831 services provided in prior fiscal years. The fund shall expire on June 30, 2015.

Employer Medical Assistance Contribution

1832 SECTION 131. Notwithstanding any general or special law to the contrary,
1833 obligations under section 188 of chapter 149 of the General Laws existing or arising from
1834 conduct prior to the effective date of this act shall continue to be governed by section 188
1835 of chapter 149 of the General Laws as though it had not been repealed.

Employer Medical Assistance Contribution

1836 SECTION 132. Notwithstanding any general or special law to the contrary, the
1837 comptroller shall transfer to the Commonwealth Care Trust Fund established by section
1838 2000 of chapter 29 of the General Laws all of the unexpended balance in the Medical
1839 Security Trust Fund.

Employer Medical Assistance Contribution

1840 SECTION 133. Notwithstanding section 87, the department of unemployment
1841 assistance shall maintain the Fair Share Unit until all liabilities through June 30, 2013 are
1842 accounted for.

Education Technology

1843 SECTION 134. The Massachusetts School Building Authority, in consultation
1844 with the department of elementary and secondary education, shall submit a report making
1845 recommendations for a grant or low-interest loan program to expand the use and
1846 availability of educational technology in public elementary and secondary classrooms.
1847 The recommendations shall assume not more than \$25,000,000 annually in funding for
1848 the grant or low-interest loan program. The report shall consider: (i) existing disparities
1849 across the commonwealth on the use and availability of educational technology in the
1850 classroom; (ii) impediments to expanding broadband technology access to public
1851 elementary and secondary schools; and (iii) the cost associated with installing broadband
1852 access in public elementary and secondary schools. The recommendations may propose
1853 a required local match or other forms of non-state support as a condition for receiving the
1854 funds. The report shall be submitted to the house and senate committees on ways and
1855 means and the joint committee on education not later than January 2, 2014.

Education Technology

1856 SECTION 135. Notwithstanding any general or special law to the contrary, the
1857 Massachusetts School Building Authority shall make available \$10,000,000 in fiscal year
1858 2014 to support the expansion of educational technology in the classroom, consistent
1859 with recommendations reported from the authority and the department of elementary and
1860 secondary education under section 134. Such funds shall be expended from the dedicated
1861 sales tax revenue amount transferred to the School Modernization and Reconstruction
1862 Trust Fund established in section 35BB of chapter 10 of the General Laws from the sales
1863 tax collected from computer system design services and the modification, integration,
1864 enhancement, installation or configuration of standardized software under section 2
1865 chapter 64H of the General Laws. The funds shall be distributed in a manner that
1866 provides fair and adequate access to educational technology for all public elementary and
1867 secondary schools in every area of the commonwealth and priority shall be given to
1868 school districts who are installing broadband access in the classrooms.

Collective Bargaining Agreement Validations

1869 SECTION 136. The salary adjustments and other economic benefits authorized by
1870 the following collective bargaining agreements shall be effective for the purposes of
1871 section 7 of chapter 150E of the General Laws:

- 1872 (1) between the commonwealth and the Coalition of Public Safety, Unit 5;
1873 (2) between the commonwealth and the Massachusetts Nurses Association, Unit
1874 7;
1875 (3) between the commonwealth and the Professional Firefighters of
1876 Massachusetts, Unit 11;
1877 (4) between the Hampden sheriff and the National Correctional Employees
1878 Union, Unit SH4;

1879 (5) between the Hampden sheriff and the Non-Uniform Correctional Association,
1880 Unit SH2; and
1881 (6) between the Hampden sheriff and the Superior Correctional Officer
1882 Association, Unit SH3.

Massachusetts State Police Class

1883 SECTION 137. Notwithstanding section 11 of chapter 22C of the General Laws,
1884 or any other general or special law to the contrary or the certification of a successor
1885 eligible list created from the 2013 police officer entrance examination, all active
1886 candidates for appointment to the eighty-first recruit training troop of the state police
1887 shall reserve all rights and privileges associated with their placement on the 2009 eligible
1888 list; provided, that all such rights and privileges provided by this section shall expire
1889 within 15 days of the start of the eighty-first recruit training troop.

Line of Duty Benefits

1890 SECTION 138. Notwithstanding any general or special law to the contrary and in
1891 recognition of heroic measures taken by officer Sean Allen Collier to protect the public
1892 safety of the commonwealth, who was sworn as a special state police officer under
1893 section 63 of chapter 22C of the General Laws and as a deputy sheriff of Middlesex
1894 county and Suffolk county, the state retirement board shall issue a killed in the line of
1895 duty death benefit to the family of officer Sean Allen Collier under section 100A of
1896 chapter 32 of the General Laws. The state retirement board shall administer said benefit
1897 according to terms and conditions established for benefits provided under said section
1898 100A of said chapter 32.

Art Commission

1899 SECTION 139. Notwithstanding any general or special law to the contrary, the
1900 term of the sitting members of the art commission for the commonwealth established in
1901 section 19 of chapter 6 of the General Laws shall expire 90 days after the effective date
1902 of this section.

1903 The initial membership of the art commission for the state house to be appointed
1904 under section 20 of chapter 6 of the General Laws shall be appointed as follows: the
1905 members to be appointed by the governor shall be appointed for 2-year terms; of the
1906 members to be appointed by the senate president, 1 shall be appointed for a 3-year term
1907 and 1 shall be appointed for a 4-year term; of the members appointed by the speaker of
1908 the house of representatives, 1 shall be appointed for a 3-year term and 1 shall be
1909 appointed for a 4-year term. The governor, senate president and speaker of the house of
1910 representatives shall make these appointments to the commission within 90 days after the
1911 effective date of this act.

1912 Nothing in this section shall preclude the reappointment of a sitting member of
1913 the art commission for the commonwealth established in section 19 of chapter 6 of the
1914 General Laws.

Public Safety Training Fund - Effective Date

1915 SECTION 140. Section 2JJJJ of chapter 29 of the General Laws, inserted by
1916 section 35 shall take effect on December 1, 2013.

Public Safety Training Fund - Effective Date

1917 SECTION 141. Sections 66 and 69 shall take effect on December 1, 2013.

University of Massachusetts Tuition Retention - Effective Date

1918 SECTION 142. Sections 18, 19, 63, 64, 125 and 126 shall take effect on July 1,
1919 2014.

**Employer Medical Assistance Contribution and Out-of-Network Ambulance
Services - Effective Date**

1920 SECTION 143. Sections 31, 34, 59, 72, 88, 89 and 92 shall take effect on January
1921 1, 2014.

Employer Medical Assistance Contribution - Effective Date

1922 SECTION 144. Section 132 shall take effect on December 31, 2013.

Effective Date

1923 SECTION 145. Except as otherwise provided, this act shall take effect on July 1,
1924 2013.