

**HOUSE . . . . . No. 3761**

By Mr. Patrick of North Andover, a petition (accompanied by bill, House, No. 3761) of [PETITIONERS LIST] [BACKING TEXT]. House Ways and Means.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2012 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to make supplemental appropriations for fiscal year 2012 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. To provide for supplementing certain items in the general appropriation act  
2 and other appropriation acts for fiscal year 2012, the sums set forth in section 2 are hereby  
3 appropriated from the General Fund unless specifically designated otherwise in this act or in  
4 those appropriation acts, for the several purposes and subject to the conditions specified in this  
5 act or in those appropriation acts, and subject to the laws regulating the disbursement of public  
6 funds for the fiscal year ending June 30, 2012. These sums shall be in addition to any amounts  
7 previously appropriated and made available for the purposes of those items.

8 SECTION 2.

9 EXECUTIVE OFFICE

10 Executive Office

11 0411-1000 \$700,000

12 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

13 Office of the Secretary of Administration and Finance

14 1100-1700 \$1,880,000

15 Group Insurance Commission

16 1108-5201 \$989,250

17 Appellate Tax Board

18 1310-1000 \$275,000

19 DEPARTMENT OF TRANSPORTATION

20 Department of Transportation

21 1595-6379 \$1,001,141

22 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

23 Office of the Secretary of Energy and Environmental Affairs

24 2000-1700 \$2,430,000

25 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

26	Office of the Secretary of Health and Human Services	
27	4000-1700	\$13,650,000
28	Department of Youth Services	
29	4200-0100	\$600,000
30	4200-0300	\$1,400,000
31	Department of Children and Families	
32	4800-0015	\$800,000
33	Department of Veterans' Services	
34	1410-0010	\$250,000
35	Division of Medical Assistance	
36	4000-0600	\$35,000,000
37	EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT	
38	Office of the Secretary of Housing and Economic Development	
39	7002-0018	\$140,000
40	Department of Housing and Community Development	
41	7004-0101	\$21,000,000
42	7004-0102	\$230,000

43           7004-0108               \$18,200,000

44           EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

45           Department of Workforce Development

46           7002-0012               \$9,000,000

47           EXECUTIVE OFFICE OF EDUCATION

48           Office of the Secretary of Education

49           7009-1700               \$1,040,000

50           Department of Early Education and Care

51           3000-4060               \$3,500,000

52           EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

53           Office of the Secretary of Public Safety and Security

54           8000-1700               \$1,280,000

55           Office of the Chief Medical Examiner

56           8000-0122               \$140,000

57           Department of Criminal Justice Information Services

58           8000-0110               \$150,000

59           Massachusetts Emergency Management Agency

60           8800-0001                 \$150,000

61           Department of Correction

62           8900-0010                 \$1,022,263

63           SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to  
64 provide for an alteration of purpose for current appropriations, and to meet certain requirements  
65 of law, the sums set forth in this section are hereby appropriated from the General Fund unless  
66 specifically designated otherwise in this section, for the several purposes and subject to the  
67 conditions specified in this section, and subject to the laws regulating the disbursement of public  
68 funds for the fiscal year ending June 30, 2012. These sums shall be in addition to any amounts  
69 previously appropriated and made available for the purposes of those items.

70           EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

71           Office of the Secretary of Administration and Finance

72           1599-1709     For a reserve for costs incurred in response to Tropical Storm Irene;  
73 provided, that the comptroller shall transfer funds made available in this item to other  
74 departments for this purpose upon the written request of the secretary of administration and  
75 finance; provided further, that expenditures from this item shall be offset by federal  
76 reimbursements to the extent available                 \$10,000,000

77           1599-4282     To provide for certain collective bargaining costs, including the cost of  
78 salary adjustments and other economic benefits authorized by the collective bargaining  
79 agreements between the Commonwealth of Massachusetts and the Service Employees  
80 International Union, Local 509, Units 8 and 10 for fiscal year 2012 \$2,893,000

81           1599-4705     For a reserve for operations at sheriffs' facilities; provided, that any  
82 spending from this account shall be used solely for costs associated with the annual operations of  
83 the sheriffs' departments and not for capital projects; provided further, that each sheriff's  
84 department shall report in a format developed by the executive office for administration and  
85 finance in consultation with the Massachusetts Sheriffs' Association for fiscal years 2011 and  
86 2012 on programs for purposes other than care and custody of inmates, the dollar amount spent  
87 or estimated to be spent on those programs, and the source of that funding; provided further, that  
88 each sheriff's department shall report in a format developed by the executive office for  
89 administration and finance in consultation with the Massachusetts Sheriffs' Association on the  
90 fiscal years 2009, 2010, 2011, and 2012 the average number of full-time employees employed by  
91 the sheriff's department, the number of correctional officers employed by the sheriff's  
92 department, and the number of supervisors for correctional officers employed by the sheriff's  
93 department; and provided further, that the secretary of administration and finance, in consultation  
94 with the secretary of public safety and security, may transfer amounts from the reserve to a  
95 sheriff's department only if the secretary of administration and finance (i) has certified that the  
96 sheriff's department has submitted the reports required above as well as the reports listed in  
97 chapter 68 of the acts of 2011, and (ii) has determined, based on those reports and any other  
98 information or analysis that the secretary considers relevant, that the amounts to be transferred to  
99 the sheriff's department are necessary to support its operations       \$20,000,000

100           EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

101           Division of Health Care Finance and Policy

102           4100-0062     For the division of health care Finance and policy, which may expend for  
103 the migration of health safety net claims adjudication to the executive office of health and human  
104 services through its MMIS system, and for the maintenance of that claims adjudication, an  
105 amount equal to the amount of federal financial participation received by the state for such  
106 activities, not to exceed \$6,000,000; provided, that the federal revenue received for such  
107 expenditures shall be deposited in the General Fund and an amount equal to such revenue shall  
108 be transferred in this account; and provided further, that notwithstanding any general or special  
109 law to the contrary, and for the purpose of accommodating timing discrepancies between the  
110 receipt of retained revenues and related expenditures, the division may incur expenses in  
111 anticipation of revenue, after written approval from the secretary of administration and finance,  
112 and the comptroller shall certify for payment, amounts not to exceed the lower of this  
113 authorization or the most recent revenue estimate, as reported in the state accounting system  
114           \$6,000,000

115           EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

116           Department of Criminal Justice Information Services

117           8000-0111     For the operation of the public safety information system and the criminal  
118 records review board within the department of criminal justice information services, provided  
119 that funding from this item may be retained and expended from fees charged and collected under  
120 section 172A of chapter 6 of the General Laws; provided further, that funding from this item  
121 may be used to assist ex-offenders in obtaining and maintaining employment and to provide  
122 education and assistance regarding criminal records as specified in said section 172A of said  
123 chapter 6, and that the commissioner of the department of criminal justice information services

124 may make funds from this item available for a competitive grant process to provide such  
125 assistance, training and education; and provided further, that for the purposes of accommodating  
126 discrepancies between the receipt of retained revenue and related expenditures, the department  
127 may incur expenses and the comptroller may certify for payment amounts not to exceed the  
128 lower of this authorization or the most recent revenue estimate as reported in the state accounting  
129 system; provided further that any unexpended funds in this item shall not revert but shall be  
130 made available for the purposes of this item until June 30, 2013. \$3,000,000

131 CORI Reform Technical Amendment

132 SECTION 3. Section 172 of chapter 6 of the General Laws, as appearing in the 2010  
133 Official Edition, is hereby amended by inserting after the word “more”, in line 184, the following  
134 words:- , for 10 years following the disposition thereof, including termination of any period of  
135 incarceration or custody .

136 Housing and Economic Development Trust

137 SECTION 4. Chapter 6A of the General Laws is hereby amended by inserting after  
138 section 16G the following section:-

139 Section 16H. (a) There is hereby established the Housing and Economic Development  
140 Trust, in this section called the trust, to be administered by the secretary of housing and  
141 economic development, in this section called the secretary. Monies in the trust shall be  
142 deposited with the state treasurer in a manner that will secure the highest interest rate available  
143 consistent with safety of the trust and with the requirement that all amounts on deposit be  
144 available for immediate use.

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

147 (c) There shall be credited to the trust the following:

148 (1) Grants, bequests, gifts or contributions of cash or securities, or contributions of  
149 services or property in kind from any persons, or other governmental, non-governmental, quasi-  
150 governmental or local governmental entities made for the purpose of supporting the executive  
151 office of housing and economic development, in this section called the executive office, set forth  
152 in subsection (d).

153 (2) All interest earned on monies in the trust.

154 (d) Expenditures from the trust shall not be subject to appropriation, and balances  
155 remaining at the end of a fiscal year shall not revert to the General Fund. Expenditures from the  
156 trust shall be made only for the following purposes:

157 (1) Operating costs of the executive office including the divisions and programs within  
158 the executive office;

159 (2) Operating costs of the Massachusetts Marketing Partnership, and the offices within  
160 the Partnership, including the Massachusetts International Trade Office, the Commonwealth  
161 Marketing Office, the Massachusetts Office of Travel and Tourism, the Commonwealth Film  
162 Office, and the Office of Sports and Entertainment; and the Massachusetts Office of Business  
163 Development, including the divisions and programs within that Office;

164 (3) Costs associated with housing and economic development programs, grants and  
165 initiatives of the secretary.

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

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

#### 172 No Substantial Mid-year GIC Benefit Changes

173 SECTION 5. Section 6 of chapter 32A of the General Laws, as appearing in the 2010  
174 Official Edition, is hereby amended by inserting after the second sentence the following 2  
175 sentences:- For active and retired employees, their dependents, and their survivors, including  
176 municipal subscribers, except as otherwise required by state or federal law, and except effective  
177 July 1 of any year, the commission shall not alter the schedule of co-pays and deductibles for  
178 health plans, or alter any other terms relating to health plans which would require authorization  
179 by vote of the commissioners, but, for health plans whose rates change on January 1 instead of  
180 July 1, the commission may make such changes effective January 1. If, however, the governor  
181 reduces allotments to the commission under section 9C of chapter 29, the commission may make  
182 any necessary adjustments to account for the reduction, but the commission shall not alter the  
183 contribution ratios provided in the most recent applicable appropriation act.

#### 184 Allow "Evergreen" Clauses in Public-Sector Collective Bargaining Agreements

185 SECTION 6. (A) Subsection (a) of section 7 of chapter 150E of the General Laws, as  
186 appearing in the 2008 Official Edition, is hereby amended by adding after the word "years", in  
187 line 3, the following words:- ; but a provision in a collective bargaining agreement stating that

188 the agreement's terms remain in effect beyond 3 years while the parties negotiate a successor  
189 agreement shall be valid and enforceable.

190 (B) Subsection (A) shall apply retroactively to a collective bargaining agreement that  
191 contained a provision stating that the agreement's terms remain in effect beyond 3 years while  
192 the parties negotiate a successor agreement but otherwise expired before the effective date of this  
193 act, unless the continued effectiveness of such an agreement was the subject of judicial  
194 proceedings pending on October 22, 2010 in a state or federal court in the commonwealth.

195 Increase DCR Retained Revenue Ceiling

196 SECTION 7. (A) Section 2 of chapter 68 of the acts of 2011 is hereby amended by  
197 striking out item 2810-2041 and inserting in place thereof the following item:-

198 2810-2041 For the department of conservation and recreation, which may expend not  
199 more than \$13,000,000 from revenue collected by the department, including, but not limited to,  
200 revenues collected from: (1) campsite reservation transactions from the automated campground  
201 reservation and registration program; (2) permits, leases, concessions, and all other contracts;  
202 (3) the operation and maintenance of the department's telecommunications system from revenues  
203 received from the Massachusetts Water Resources Authority, the Massachusetts Convention  
204 Center Authority, the division of highways, the Central Artery/Ted Williams Tunnel Project, the  
205 department of state police and quasi-public and private entities through a system of user fees and  
206 other charges established by the commissioner of conservation and recreation; provided, that  
207 nothing in this item shall impair or diminish the rights of access and utilization of all current  
208 users of the system under agreements previously entered into; and provided further, that this item  
209 may be reimbursed by political subdivisions of the commonwealth and private entities for direct

210 and indirect costs expended by the division to maintain the telecommunications system ; (4)  
211 skating rink fees and rentals; provided, that when assigning time for the use of its rinks, the  
212 department shall give priority to general public skating, and then to those which qualify under  
213 applicable state and federal law as nonprofit organizations or as a public school; (5) the operation  
214 and maintenance of the Ponkapoag golf course; provided, that the division of state parks and  
215 recreation may expend not less than \$1,098,011 from revenue collected from fees generated by  
216 the golf course; (6) the operation and maintenance of the Leo J. Martin golf course; provided,  
217 that the division of state parks and recreation may expend not less than \$824,790 from revenue  
218 collected from fees generated by the golf course; (7) activities authorized pursuant to section 34B  
219 of chapter 92 of the General Laws; provided further, that the department may retain and deposit  
220 80% of the aforementioned fees; provided further, that for the purpose of accommodating timing  
221 discrepancies between the receipt of retained revenues and related expenditures, the division may  
222 incur expenses and the comptroller may certify for payment amounts not to exceed the lower of  
223 this authorization or the most recent revenue estimate as reported in the state accounting system;  
224 and provided further, that no expenditures made in advance of the receipts shall be permitted to  
225 exceed 75 per cent of the amount of revenues projected by the first quarterly statement required  
226 by section 1B; provided further, that the comptroller shall notify the house and senate  
227 committees on ways and means at the time subsequent quarterly statements are published of the  
228 variance between actual and projected receipts in each such quarter and the implications of that  
229 variance for expenditures made; and provided further, that the division may issue grants to public  
230 and nonpublic entities from this item; and provided further that the department may use the  
231 aforementioned revenues for the operation and expenses of the department.

232 (B) Said section 2 of said chapter 68 is hereby further amended by striking out items  
233 2810-2041, 2820-1000, 2820-1001, 2820-3001, 2820-4420 and 2820-4421.

234 DCF Transferability

235 SECTION 8. (A) Item 4800-0015 of said section 2 of said chapter 68 is hereby amended  
236 by striking out the words “; and provided further, that no funds shall be transferred from 4800-  
237 0040 to any of those items”.

238 (B) Said item 4800-0015 of said section 2 of said chapter 68 is hereby further amended  
239 by adding the following words:- ; and provided further, that the commissioner of the department  
240 of children and families may transfer funds into item 4800-0030 from 4800-0038, 4800-0040 and  
241 4800-0041 as necessary under an allocation plan which shall detail, by object class, the  
242 distribution of the funds to be transferred and which the commissioner shall file with the house  
243 and senate committees on ways and means 15 days before any such transfer”.

244 Zoo Account Change

245 SECTION 9. Said section 2 of said chapter 68 is hereby further amended by striking out  
246 the figure “7007-0951” and inserting in place thereof the following figure:- 7007-0952.

247 FY11 Highway Fund Account Change

248 SECTION 10. Section 2 of chapter 131 of the acts of 2010 is hereby amended by striking  
249 out the figure “8400-0100” and inserting in place thereof the following figure:- 8400-0101.

250 Adult Day Health Licensing by DPH

251 SECTION 11. Subsection (a) of chapter 87 of the acts of 2011 is hereby amended by  
252 striking out the second paragraph and inserting in place thereof the following paragraph:- The  
253 department of public health, in consultation with the executive office of health and human  
254 services, shall adopt regulations for the statewide licensure of adult day health programs.

255 Validate Amended Collective Bargaining Agreements

256 SECTION 12. The salary adjustments and other cost items authorized by the following  
257 2011 amendments to collective bargaining agreements, for the period from July 1, 2011 to June  
258 30, 2014, shall be effective for the purpose of section 7 of chapter 150E of the General Laws:

259 (a) between the Commonwealth and National Association of Government Employees  
260 for Units 1, 3, and 6;

261 (b) between the Commonwealth and Alliance/AFSCME for Unit 2;

262 (c) between the Commonwealth and New England Police Benevolent Association for  
263 Unit 4A;

264 (d) between the Essex Sheriff and International Brotherhood of Correction Officers  
265 Local R1-71; and

266 (e) between the Plymouth Sheriff and Massachusetts Correctional Officers Federated  
267 Union Bureau of Criminal Investigation.

268

269 Transferability between Veterans Accounts

270 SECTION 13. Notwithstanding any general or special law to the contrary, the secretary  
271 of health and human services, with the written approval of the secretary of administration and  
272 finance, may authorize transfers from and to items 1410-0300 and 1410-0400 of section 2 of  
273 chapter 68 of the acts of 2011, but any such transfers shall take place not later than June 30,  
274 2012.

275 MassHealth Transferability

276 SECTION 14. Notwithstanding any general or special law to the contrary, the secretary  
277 of health and human services, with the written approval of the secretary of administration and  
278 finance, may authorize transfers of surplus of not more than \$74,542,514 from item 4000-0700  
279 to item 4000-1420 of section 2 of chapter 68 of the acts of 2010, for the purpose of reducing  
280 any deficiency in these items, but any such transfer shall be made not later than August 31, 2012.