

HOUSE No. 3448

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 22, 2017.

The committee on Ways and Means to whom was referred the message from His Excellency the Governor recommending legislation relative to making appropriations for fiscal year 2017 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 72), report, in part, recommending that the accompanying bill (House, No. 3448) [Total appropriation: \$144,382,350.00].

For the committee,

BRIAN S. DEMPSEY.

HOUSE No. 3448

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

An Act making appropriations for the fiscal year 2017 to provide for supplementing certain existing appropriations and for certain other activities and projects.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are to forthwith make supplemental appropriations for fiscal year 2017 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

1 SECTION 1. To provide for supplementing certain items in the general appropriation act
2 and other appropriation acts for fiscal year 2017, the sums set forth in section 2 are hereby
3 appropriated from the General Fund unless specifically designated otherwise in this act or in
4 those appropriation acts, for the several purposes and subject to the conditions specified in this
5 act or in those appropriation acts, and subject to the laws regulating the disbursement of public
6 funds for the fiscal year ending June 30, 2017. These sums shall be in addition to any amounts
7 previously appropriated and made available for the purposes of those items. Notwithstanding
8 any general or special law to the contrary, appropriations made in section 2 shall not revert and
9 shall be available for expenditure until June 30, 2017.

10 SECTION 2.

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JUDICIARY

Committee on Public Counsel Services

0321-1510	\$26,938,875
0321-1520	\$4,118,994

INDEPENDENTS

Treasurer and Receiver-General

0612-0105	\$150,000
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Massachusetts Commission Against Discrimination

0940-0101	\$467,000
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Office of the Comptroller

1599-3384	\$6,000,000
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EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Department of Public Health

4512-0200	\$495,000
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4590-0918	\$5,334,142
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Department of Children and Families

4800-0038	\$908,607
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28 4800-0041 \$4,317,062

29 *Department of Mental Health*

30 5047-0001 \$822,396

31 5095-0015 \$2,000,000

32 *Department of Developmental Service*

33 5920-5000 \$10,800,000

34 *Department of Elder Affairs*

35 9110-1630 \$4,492,753

36 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

37 *Department of Housing and Community Development*

38 7004-0101 \$20,866,274

39 EXECUTIVE OFFICE OF PUBLIC SAFETY

40 *Department of Correction*

41 8900-0001 \$14,000,000

42 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
43 provide for an alteration of purpose for current appropriations, and to meet certain requirements
44 of law, the sums set forth in this section are hereby appropriated from the General Fund unless
45 specifically designated otherwise in this section, for the several purposes and subject to the

46 conditions specified in this section, and subject to the laws regulating the disbursement of public
47 funds for the fiscal year ending June 30, 2017. These sums shall be in addition to any amounts
48 previously appropriated and made available for the purposes of those items.

49 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

50 *Office of the Secretary for Administration and Finance*

- 51 1599-0054 For a reserve for costs of the investigation and response related to the
52 allegations of misconduct at the former state drug laboratories located in Amherst and Jamaica
53 Plain, Massachusetts, the Dr. William A. Hinton Laboratory at the State Laboratory Institute;
54 provided, that the secretary of administration and finance may transfer funds from this item to
55 state agencies, as defined in section 1 of chapter 29 of the General Laws, and to municipalities
56 for this purpose \$1,747,346

- 57 1599-0840 For a reserve to support costs associated with the regulation of possession
58 and sale of marijuana..... \$300,000

- 59 1599-4445 For a reserve to meet the costs of quarter point benefits authorized by
60 collective bargaining agreements with the executive branch and ratified by the general court
61 \$8,079,501

- 62 1599-4448 For a reserve to meet the costs of salary adjustments and other economic
63 benefits authorized by the collective bargaining agreement referenced in section 26 and for other
64 ratified collective bargaining agreements..... \$4,432,118

- 65 1599-6732 For a reserve for the public employee retirement administration
66 commission for a period of 3 fiscal years for the following purposes: (i) to audit other

67 postemployment benefits trust funds or other similar funds of certain cities and towns as
 68 otherwise provided by law; and (ii) to evaluate the retiree health care cost valuation of cities and
 69 towns; provided, that funds from this item shall be used by the commission in accordance with
 70 section 21 of chapter 32 of the General Laws and section 20 of chapter 32B of the General Laws,
 71 respectively; and provided further, the funds appropriated in this item shall not revert but shall be
 72 made available for these purposes through June 30, 2019 \$65,000

73 1599-8910 For a reserve to remediate identified and approved deficiencies incurred
 74 by the Sheriffs of the Commonwealth \$28,047,282

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

84 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

85 *Office of the Secretary*

86 4000-0102 \$268,127
 87 4000-0103 \$2,106,012

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EXECUTIVE OFFICE OF PUBLIC SAFETY

Department of State Police

8100-0002 \$3,000,000

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

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

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

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

SECTION 6. Section 1 of chapter 32 of the General Laws, as amended by section 1 of chapter 86 of the acts of 2015, is hereby further amended by striking out the definition of “Commonwealth’s pension liability” and inserting in place thereof the following definition:-

108 “Commonwealth's pension liability”, the financial obligation of the commonwealth to
109 pay all retirement benefits pursuant to this chapter for the state employees’ retirement system,
110 the teachers’ retirement system, for teachers employed by the city of Boston and for the
111 commonwealth’s share of the administrative cost of the Boston retirement system. The term,
112 “Commonwealth’s pension liability” shall also include any other pension obligations of a system
113 or of the commonwealth relative to future pension liabilities which the commonwealth may
114 assume by general or special law on behalf of any system other than the state employees’
115 retirement system, the teachers’ retirement system and for teachers employed by the city of
116 Boston, and the commonwealth’s financial obligations, which are associated with cost-of-living
117 adjustments or other benefits for members of systems other than the state employees’ retirement
118 system and the teachers’ retirement system who are not teachers employed by the city of Boston.

119 SECTION 7. Paragraph (e) of subdivision (8) of section 22 of said chapter 32, as
120 appearing in the 2014 Official Edition, is hereby amended by striking out clauses (ii) through
121 (vi), inclusive, and inserting in place thereof the following 3 clauses:-

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

125 (iii) all undistributed accumulated total deductions for the state employees’ and teachers’
126 retirement systems transferred pursuant to subdivision (3) of section 11; and

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

129 SECTION 8. The first paragraph of subdivision (1) of section 22C of said chapter 32, as
130 so appearing, is hereby amended by inserting after the first sentence, the following 2 sentences:-
131 In addition to the amount necessary to fully fund the system that is transferred to the
132 Commonwealth's Pension Liability Fund, the schedule shall include, and the comptroller shall
133 transfer from the General Fund to the appropriate parties without further appropriation, the
134 following amounts: (i) the administrative expenses for the public employee retirement
135 administration commission as annually adopted by the commission pursuant to section 49 of
136 chapter 7; (ii) the employer contribution to the optional retirement program under section 40 of
137 chapter 15A; and (iii) reimbursements to local retirement systems for all cost of living
138 adjustments made available by those systems on or after July 1, 1981, including but not limited
139 to adjustments made available pursuant to section 102. Said amounts shall be accounted for
140 separately.

141 SECTION 9. Section 100A of said chapter 32, as so appearing, is hereby amended by
142 striking out, in lines 9, 24, 35 and in line 37, the figure "\$150,000" and inserting in place thereof,
143 in each instance, the following figure:- \$300,000

144 SECTION 10. Section 5D of chapter 40 of the General Laws, as appearing in the 2014
145 Official Edition, is hereby amended by inserting in line 42, after the word, "member" the
146 following words:- , or in the case of a teacher as defined in section 1 of chapter 32, to the
147 Commonwealth's General Fund, established by section 2 of chapter 29.

148 SECTION 11. Section 7 of chapter 62C of the General Laws, as so appearing is hereby
149 amended by striking out, in line 3, the word "fourth" and inserting in place thereof the following
150 word:- third.

151 SECTION 12. Section 11 of said chapter 62C, as so appearing, is hereby amended by
152 striking out the first sentence and inserting in place thereof the following 2 sentences:-

153 Except as otherwise provided in this chapter, every business corporation, as defined in
154 section 30 of chapter 63, shall file a return providing such information as the commissioner
155 deems necessary for the determination of the taxes imposed upon it by chapter 63. Except as
156 otherwise provided in this chapter, an S corporation, as defined under section 1361 of the
157 Internal Revenue Code, as amended and in effect for the taxable year, shall file a return on or
158 before the fifteenth day of the third month following the close of each taxable year, and any other
159 business corporation shall file a return on or before the fifteenth day of the fourth month
160 following the close of each taxable year.

161 SECTION 13. Section 12 of said chapter 62C, as so appearing, is hereby amended by
162 striking out, in lines 2 and 59, the word “third” and inserting in place thereof, in each instance,
163 the following word:- fourth.

164 SECTION 14. Said section 12 of said chapter 62C, as so appearing, is hereby further
165 amended by striking out, in lines 14, 20, 43 and 64, the word “March” and inserting in place
166 thereof, in each instance, the following word:- April.

167 SECTION 15. Item 1599-4445 of section 2A of chapter 70 of the acts of 2016 is hereby
168 amended by striking out the words, “fiscal year 2016”.

169 SECTION 16. Item 0511-0000 of said section 2 of chapter 133 of the acts of 2016 is
170 hereby amended by inserting after the word “items” the following words:- 0511-0000, 0511-
171 0001, 0511-0002, 0511-0200, 0511-0230, 0511-0250, 0511-0260, 0511,0270, 0511-0420, 0517-
172 0000, 0521-0000, 0521-0001, 0521-0002, 0521-0006, 0524-0000, 0526-0100.

173 SECTION 17. Item 0940-0101 of said section 2 of said chapter 133 is hereby amended
174 by striking out the figure “\$2,518,910”, and inserting in place thereof the following figure:-
175 \$2,985,910.

176 SECTION 18. Item 4590-0918 of said section 2 of said chapter 133 is hereby amended
177 by striking out the figure, “\$19,665,858”, and inserting in place thereof the following figure:-
178 \$25,000,000.

179 SECTION 19. Section 151 of said chapter 133 is hereby amended by striking out, in the
180 last sentence, the word “March” and inserting in place thereof the word:- May.

181 SECTION 20. The second sentence of the first paragraph of chapter 4 of the resolves of
182 2016 is hereby amended by inserting after the word “ethics”, the first time it appears, the
183 following words:- or a designee.

184 SECTION 21. Said second sentence of said first paragraph of said chapter 4 is hereby
185 further amended by inserting after the word “ethics”, the second time it appears, the following
186 words:- or a designee.

187 SECTION 22. Said second sentence of said first paragraph of said chapter 4 is hereby
188 further amended by inserting after the word “oversight”, the first time it appears, the following
189 words:- or their designees.

190 SECTION 23. Said first paragraph of said chapter 4 is hereby further amended by
191 striking out the last sentence and inserting in place thereof the following sentence:- The chairs of
192 the joint committee on state administration and regulatory oversight, or their designees, and the

193 chairs of the house and senate committees on ethics, or their designees, shall serve as co-chairs
194 of the task force.

195 SECTION 24. The fourth paragraph of said chapter 4 is hereby amended by striking out
196 the words “March 15” and inserting in place thereof the following words:- June 1.

197 SECTION 25. Notwithstanding any general or special law to the contrary, during fiscal
198 year 2017, all reimbursement received by the state and teacher’s retirement systems under
199 paragraph (c) of subdivision (8) of section 3 of chapter 32 of the General Laws or under
200 paragraph (b) of subdivision (4) of section 7 of said chapter 32 shall be credited to the General
201 Fund established by section 2 of chapter 29 of the General Laws.

202 SECTION 26. The salary adjustments and other economic benefits authorized by the
203 collective bargaining agreement between the commonwealth of Massachusetts and the Coalition
204 of Public Safety shall be effective for the purposes of section 7 of chapter 150E of the General
205 Laws.

206 SECTION 27. Section 15 shall take effect on October 6, 2016.

207 SECTION 28. Section 9 shall take effect as of March 15, 2017 and shall apply to
208 applications received by the state board of retirement under section 100A of chapter 32 of the
209 General Laws on or after March 15, 2017.

210 SECTION 29. Sections 11 through 14, inclusive, shall take effect on January 1, 2018.