

HOUSE No. 03510

The Commonwealth of Massachusetts

PRESENTED BY:

Brian Dempsey

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act making appropriations for the Fiscal Year 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects.

PETITION OF:

NAME:

| DISTRICT/ADDRESS:

HOUSE No. 03510

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on House, No. 3493, reported, in part, a Bill making appropriations for the fiscal year 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3510).

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act making appropriations for the Fiscal Year 2011 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 forthwith to make supplemental appropriations for fiscal year 2011 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 To provide for supplementing certain items in the general appropriation act and other
- 2 appropriation acts for fiscal year 2011, the sums set forth in section 2 are hereby appropriated
- 3 from the General Fund unless specifically designated otherwise in this act or in those
- 4 appropriation acts, for the several purposes and subject to the conditions specified in this act or
- 5 in those appropriation acts, and subject to the laws regulating the disbursement of public funds

6 for the fiscal year ending June 30, 2011. 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 FOR ADMINISTRATION AND FINANCE

10 Office of the Secretary of Administration and Finance

11 1599-3234\$337

12 EXECUTIVE OFFICE OF EDUCATION

13 Department of Early Education and Care

14 3000-4050..... \$10,000,000

15 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

16 Sheriffs

17 8910-0619..... \$2,867,678

18 8910-8200..... \$1,819,857

19 8910-8300..... \$1,316,539

20 8910-8400..... \$47,500

21 8910-8600..... \$1,027,000

22 8910-8700..... \$3,700,000

23 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
24 provide for an alteration of purpose for current appropriations, and to meet certain requirements
25 of law, the sums set forth in this section are hereby appropriated from the General Fund unless
26 specifically designated otherwise in this section, for the several purposes and subject to the
27 conditions specified in this section, and subject to the laws regulating the disbursement of public
28 funds for the fiscal year ending June 30, 2011. These sums shall be in addition to any amounts
29 previously appropriated and made available for the purposes of those items.

30 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

31 Office of the Secretary of Administration and Finance

32 1599-1705 For a reserve for costs incurred in response to the June 1, 2011 storms; provided,
33 that the comptroller shall transfer funds made available under this item to other departments for
34 this purpose, upon the written request of the secretary of administration and finance; provided
35 further, that expenditures from this item shall be offset by federal reimbursements to the extent
36 available; and provided further, that funds made available under this item shall not revert but
37 shall be made available for expenditure until June 30, 2012..... \$15,000,000

38 1599-4234 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other
39 economic benefits authorized by the collective bargaining agreement between the
40 Commonwealth and the 4; provided, that funding under this item shall not revert but shall be
41 made available for expenditure until June 30, 2012..... \$2,611,856

42 1599-4253 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other
43 economic benefits authorized by the collective bargaining agreement between the
44 Commonwealth and the New England Police Benevolent Association, Bargaining Unit 4A;

45 provided, that funding under this item shall not revert but shall be made available for expenditure
46 until June 30, 2012\$272,025

47 1599-4342 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other
48 economic benefits authorized by the collective bargaining agreement between the Essex county
49 sheriff's department and the Correction Officer Association..... \$21,578

50 1599-4370 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other
51 economic benefits authorized by the collective bargaining agreement between the
52 Commonwealth and Local S-28, International Association of Fire Fighters; provided, that any
53 unexpended funds from this item shall not revert and shall be made available for expenditure
54 until June 30, 2012..... \$436,000

55 1599-4426 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other
56 economic benefits authorized by the collective bargaining agreement between the University of
57 Massachusetts and the Amherst Council 93 Local 1776, AFL-CIO \$54,114

58 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

59 Office of the Secretary of Health and Human Services

60 4000-0005 For youth violence prevention program grants administered by the executive
61 office of health and human services; provided, that the programs shall be targeted at reducing
62 youth violence among young persons at highest risk for being perpetrators or victims of gun
63 violence; and provided further, that these funds shall be available to those municipalities with the
64 highest number of youth homicides and serious assaults as determined by the executive office of
65 health and human services \$10,000,000

66 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

67 Department of Housing and Community Development

68 7004-0108 For initial and start-up expenses incident to the establishment of a program of
69 short-term housing assistance; provided that, notwithstanding any general or special law to the
70 contrary, such purposes may include, but not be limited to, expenses necessary or useful in
71 procuring housing units for such a program that will be available for the use of families
72 determined to be eligible for such short-term housing assistance pursuant to such regulations as
73 the department may adopt in accordance with legislation for the operation of such a short-term
74 housing assistance; provided further, that the housing units procured through this item shall not
75 be entered into or used by such families until July 1, 2011, or later; provided further, that any
76 housing units procured through this item shall be rented pursuant to a lease term of at least 12
77 months, which lease shall include a provision allowing it to be assigned to the head of household
78 of a family determined to be eligible for such short-term housing assistance without further
79 liability as a tenant on the part of the department or any agency funded by the department
80 through this item; provided further, that the department shall distribute such funding for short-
81 term housing assistance initial and start-up costs through the following agencies: Berkshire
82 Housing Development Corporation, Central Massachusetts Housing Alliance, Inc., Community
83 Teamwork, Inc., Housing Assistance Corporation, Franklin County Housing and Redevelopment
84 Authority, Hap, Inc., Metropolitan Boston Housing Partnership, South Middlesex Opportunity
85 Council, Inc., South Shore Housing Development Corporation and RCA Solutions; provided
86 further, that such sum shall include any administrative expenses necessary or useful for
87 procuring and operating such housing units until they are ready for use by eligible families; and

88 provided further, that funding under this item shall not revert but shall be made available for
89 expenditure until June 30, 2012 \$1,200,000

90 SECTION 2C.I. For the purpose of making available in fiscal year 2012 balances of
91 appropriations which otherwise would revert on June 30, 2011, the unexpended balances of the
92 maintenance appropriations listed below, not to exceed the amount specified below for each
93 item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the
94 corresponding item in section 2 of chapter 131 of the acts of 2010. However, for items which do
95 not appear in section 2 of said chapter 131, the amounts in this section are re-appropriated for the
96 purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of
97 this act or in prior appropriation acts. Amounts in this section are re-appropriated from the fund
98 or funds designated for the corresponding item in section 2 of said chapter 131; but for items that
99 do not appear in section 2 of said chapter 131, the amounts in this section are re-appropriated
100 from the fund or funds designated for the corresponding item in section 2 or 2A of this act or in
101 prior appropriation acts. The sums re-appropriated in this section shall be in addition to any
102 amounts available for these purposes.

103 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

104 Office of the Secretary of Health and Human Services

105 4000-0005 \$10,000,000

106 SECTION 2C.II. For the purpose of making available in fiscal year 2012 balances of retained
107 revenue and intragovernmental chargeback authorizations which otherwise would revert on June
108 30, 2011, the unexpended balances of the authorizations listed below, not to exceed the amount
109 specified below for each item, are hereby re-authorized for the purposes of and subject to the

110 conditions stated for the corresponding item in section 2 of chapter 131 of the acts of 2010; but
111 for items which do not appear in section 2 or 2B of chapter 131 of the acts of 2010, the amounts
112 in this section are re-authorized for the purposes of and subject to the conditions stated for the
113 corresponding item in section 2, 2A, or 2B or in prior appropriation acts. Amounts in this section
114 are re-authorized from the fund or funds designated for the corresponding item in section 2 or 2B
115 of the general appropriation act; but for items which do not appear in section 2 or 2B of the
116 general appropriation act, the amounts in this section are re-authorized from the fund or funds
117 designated for the corresponding item in section 2, 2A, or 2B or in prior appropriation acts. The
118 sums re-authorized in this section shall be in addition to any amounts available for those
119 purposes.

120 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

121 Human Resources Division

122 1750-0102. \$127,000

123 SECTION 3. Section 8 of chapter 44 of the General Laws, as amended by sections 32 and 33 of
124 chapter 188 of the acts of 2010, is hereby further amended by striking out clause (9) and
125 inserting in place thereof the following 2 clauses:-

126 (9) For emergency appropriations that are approved by the director, not more than 2 years as
127 determined by the director. As used in this clause, emergency means a sudden, unavoidable
128 event or series of events which could not reasonably have been foreseen or anticipated at the
129 time of submission of the annual budget for approval. Emergency shall not include the funding
130 of collective bargaining agreements or items that were previously disapproved by the
131 appropriating authority for the fiscal year in which the borrowing is sought. For the purposes of

132 this clause, debt may be authorized by the treasurer of the city, town or district, with the
133 approval of the chief executive officer in a city or town, or the prudential committee, if any, or
134 by the commissioners in a district.

135 (9A) For emergency appropriations approved by a majority of the members of the municipal
136 finance oversight board, up to the period fixed by law for such debt as determined by the board;
137 provided, however, that this clause shall apply only to appropriations for capital purposes,
138 including but not limited to, the acquisition, construction, reconstruction or repair of any public
139 building, work, improvement or asset and upon a demonstration by the city, town or district that
140 the process for authorizing debt in the manner otherwise provided by law imposes an undue
141 hardship in its ability to respond to the emergency. As used in this clause, emergency means a
142 sudden, unavoidable event or series of events which could not reasonably have been foreseen or
143 anticipated at the time of submission of the annual budget for approval. For the purposes of this
144 clause, debt may be authorized by the treasurer of the city, town or district, with the approval of
145 the chief executive officer in a city or town, or the prudential committee, if any, or by the
146 commissioners in a district.

147 SECTION 4. The last paragraph of section 22 of chapter 61 of the acts of 2009 is hereby
148 amended by striking out the words "June 30, 2011", inserted by section 24 of chapter 409 of the
149 acts of 2010, and inserting in place thereof the following words:- January 2, 2012.

150 SECTION 5. Item 8910-8310 of section 2 of chapter 131 of the acts of 2010 is hereby amended
151 by striking out the figures "\$8,000,000", inserted by section 25 of chapter 409 of the acts of 2010
152 and inserting in place thereof, in each instance, the following figure:- \$9,495,000.

153 SECTION 6. Item 8910-8810 of said section 2 of said chapter 131 is hereby amended by striking
154 out the figures "\$8,000,000" and inserting in place thereof, in each instance, the following
155 figure:- \$10,000,000.

156 SECTION 7. Item 1750-0102 of section 3A of chapter 359 of the acts of 2010 is hereby amended
157 by striking out the figures "\$2,031,977" and inserting in place thereof, in each instance, the
158 following figure:- \$2,159,000.

159 SECTION 8. Item 1599-2004 of section 2A of chapter 9 of the acts of 2011 is hereby amended
160 by adding the following words:- ; and provided further, that any unexpended funds under this
161 item shall not revert but shall be made available for expenditure until June 30, 2012.

162 SECTION 9. Said section 2A of said chapter 9 is hereby further amended by striking out item
163 1599-4326 and inserting in place thereof the following item:-

164 1599-4326 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other
165 economic benefits authorized by the collective bargaining agreement between the Norfolk
166 county sheriff's department and CCOA Local 295.....\$37,158.

167 SECTION 10. Section 2 of chapter 27 of the acts of 2011 is hereby amended by striking out the
168 figure "1599-5973" and inserting in place thereof the following figure:- 1599-1973.

169 SECTION 11. Notwithstanding any general or special law or rule or regulation to the contrary,
170 any unexpended balances, not exceeding a total of \$15,000,000, in items 4000-0600 and 4000-
171 0700 of section 2 of chapter 131 of the acts of 2010, shall not revert to the General Fund until
172 September 1, 2011, and may be expended by the executive office of health and human services
173 to pay for services provided during fiscal year 2011.

174 SECTION 12. Notwithstanding any general or special law to the contrary, the secretary of health
175 and human services, with the written approval of the secretary of administration and finance,
176 may authorize transfers of surplus among items 4000-0320, 4000-0430, 4000-0500, 4000-0600,
177 4000-0640, 4000-0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0895, 4000-0950,
178 4000-0990, 4000-1400, 4000-1405, 4000-1420 of section 2 of chapter 131 of the acts of 2010 for
179 the purpose of reducing any deficiency in these items, but any such transfer shall take place not
180 later than June 30, 2011.

181 SECTION 13. Notwithstanding sections 2A and 38 of chapter 59 of the General Laws or any
182 other general or special law to the contrary, the board of assessors of a city or town in which real
183 property was damaged or destroyed by tornado activity on June 1, 2011, where the third sentence
184 of section 2A(a) of said chapter 59 has not been accepted, shall determine the condition of that
185 property as of June 30, 2011, and shall use that condition to determine the assessed valuation of
186 the property for purposes of assessing taxes as of January 1, 2011, for the fiscal year beginning
187 on July 1, 2011. This section shall take effect upon its acceptance by the local appropriating
188 authority as defined in section 21C of chapter 59 of the General Laws.

189 SECTION 14. Notwithstanding any general or special law to the contrary, the unexpended
190 balances of all capital accounts which otherwise would revert on June 30, 2011, but which are
191 necessary to fund obligations during fiscal year 2012, are hereby re-authorized; but this re-
192 authorization shall terminate upon enactment of capital account extension legislation.