

HOUSE No. 03761

(House – [Enter text], 10/18/2011)



The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND ELEVEN

October 17, 2011

To the Honorable Senate and House of Representatives:

I am filing for your consideration a bill entitled “An Act Making Appropriations for the Fiscal Year 2012 (FY12) to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.”

The legislation I am filing includes supplemental funding requests totaling \$161.2 million (\$131.6 million after accounting for offsetting revenues). Funding proposed in the bill includes the following:

• *\$35 million to preserve Adult Day Health services provided by MassHealth for low-income seniors and disabled persons for the remainder of the fiscal year. These costs will be offset with \$17.5 million in federal Medicaid reimbursements.*

• *\$39.2 million for programs and services for families in Massachusetts who are homeless or at risk of becoming so.*

• *\$20.4 million to sustain critical information technology services and programs in support of state programs and agency operations.*

• \$20 million in a reserve to be administered by the Secretary of Administration and Finance to offset projected deficiencies at state sheriffs' offices for the operations of correctional facilities.

• \$10 million for a reserve to offset FY12 costs of state agencies incurred in response to the August Tropical Storm Irene.

• \$9 million for employment opportunities and summer jobs for low-income youths in the Commonwealth.

• \$3.5 million to maintain child care services for low-income families.

• \$2 million for programs and services for youthful offenders in the care and custody of the state.

I am also filing funding today to support the costs this year associated with an agreement with the Service Employees International Union (SEIU). Additionally, language in the bill will validate collective bargaining agreement extensions negotiated with other state unions.

Finally, today the Secretary of Administration and Finance has revised upward by \$395 million the projected tax revenues for Fiscal Year 2012 based on actual receipts to-date and expected tax performance for the remainder of the fiscal year. These revenues are available to finance these appropriations. I urge your prompt and favorable consideration of this bill.

Respectfully submitted,

HOUSE No. 03761

The Commonwealth of Massachusetts

PRESENTED BY:

Deval Patrick

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 2012 TO PROVIDE FOR
SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN
OTHER ACTIVITIES AND PROJECTS.

PETITION OF:

NAME:

| DISTRICT/ADDRESS:

[Pin Slip]

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 forthwith 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 and
- 2 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; provided, that
73 the comptroller shall transfer funds made available in this item to other departments for this
74 purpose upon the written request of the secretary of administration and finance; provided further,
75 that expenditures from this item shall be offset by federal reimbursements to the extent available
76 \$10,000,000

77 1599-4282 To provide for certain collective bargaining costs, including the cost of salary
78 adjustments and other economic benefits authorized by the collective bargaining agreements
79 between the Commonwealth of Massachusetts and the Service Employees International Union,
80 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 spending
82 from this account shall be used solely for costs associated with the annual operations of the
83 sheriffs' departments and not for capital projects; provided further, that each sheriff's department
84 shall report in a format developed by the executive office for administration and finance in
85 consultation with the Massachusetts Sheriffs' Association for fiscal years 2011 and 2012 on
86 programs for purposes other than care and custody of inmates, the dollar amount spent or
87 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 the
103 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 records
118 review board within the department of criminal justice information services, provided that
119 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 Official
133 Edition, is hereby amended by inserting after the word “more”, in line 184, the following words:-
134 , 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 section 16G
138 the following section:-

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

143 safety of the trust and with the requirement that all amounts on deposit be available for
144 immediate use.

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

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

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

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

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

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

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

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

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

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

171 No Substantial Mid-year GIC Benefit Changes

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

183 Allow "Evergreen" Clauses in Public-Sector Collective Bargaining Agreements

184 SECTION 6. (A) Subsection (a) of section 7 of chapter 150E of the General Laws, as appearing
185 in the 2008 Official Edition, is hereby amended by adding after the word “years”, in line 3, the
186 following words:- ; but a provision in a collective bargaining agreement stating that the
187 agreement’s terms remain in effect beyond 3 years while the parties negotiate a successor
188 agreement shall be valid and enforceable.

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

194 Increase DCR Retained Revenue Ceiling

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

197 2810-2041 For the department of conservation and recreation, which may expend not more
198 than \$13,000,000 from revenue collected by the department, including, but not limited to,
199 revenues collected from: (1) campsite reservation transactions from the automated campground
200 reservation and registration program; (2) permits, leases, concessions, and all other contracts;
201 (3) the operation and maintenance of the department's telecommunications system from revenues
202 received from the Massachusetts Water Resources Authority, the Massachusetts Convention
203 Center Authority, the division of highways, the Central Artery/Ted Williams Tunnel Project, the
204 department of state police and quasi-public and private entities through a system of user fees and
205 other charges established by the commissioner of conservation and recreation; provided, that

206 nothing in this item shall impair or diminish the rights of access and utilization of all current
207 users of the system under agreements previously entered into; and provided further, that this item
208 may be reimbursed by political subdivisions of the commonwealth and private entities for direct
209 and indirect costs expended by the division to maintain the telecommunications system ; (4)
210 skating rink fees and rentals; provided, that when assigning time for the use of its rinks, the
211 department shall give priority to general public skating, and then to those which qualify under
212 applicable state and federal law as nonprofit organizations or as a public school; (5) the operation
213 and maintenance of the Ponkapoag golf course; provided, that the division of state parks and
214 recreation may expend not less than \$1,098,011 from revenue collected from fees generated by
215 the golf course; (6) the operation and maintenance of the Leo J. Martin golf course; provided,
216 that the division of state parks and recreation may expend not less than \$824,790 from revenue
217 collected from fees generated by the golf course; (7) activities authorized pursuant to section 34B
218 of chapter 92 of the General Laws; provided further, that the department may retain and deposit
219 80% of the aforementioned fees; provided further, that for the purpose of accommodating timing
220 discrepancies between the receipt of retained revenues and related expenditures, the division may
221 incur expenses and the comptroller may certify for payment amounts not to exceed the lower of
222 this authorization or the most recent revenue estimate as reported in the state accounting system;
223 and provided further, that no expenditures made in advance of the receipts shall be permitted to
224 exceed 75 per cent of the amount of revenues projected by the first quarterly statement required
225 by section 1B; provided further, that the comptroller shall notify the house and senate
226 committees on ways and means at the time subsequent quarterly statements are published of the
227 variance between actual and projected receipts in each such quarter and the implications of that
228 variance for expenditures made; and provided further, that the division may issue grants to public

229 and nonpublic entities from this item; and provided further that the department may use the
230 aforementioned revenues for the operation and expenses of the department.

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

233 DCF Transferability

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

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

243 Zoo Account Change

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

246 FY11 Highway Fund Account Change

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

249 Adult Day Health Licensing by DPH

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

254 Validate Amended Collective Bargaining Agreements

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

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

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

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

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

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

267

268 Transferability between Veterans Accounts

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

274 MassHealth Transferability

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