

HOUSE No. 3869

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
24 BEACON STREET · BOSTON, MA 02133

KARYN POLITO
LIEUTENANT GOVERNOR

August 2, 2017

To the Honorable Senate and House of Representatives,

I am filing for your consideration a bill entitled “An Act Making Appropriations for Fiscal Year 2017 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.”

This bill consists of \$59.5 million in supplemental appropriations, at a net state cost of \$58.5 million, with the other \$1 million funded from an environmental fund that is not part of statutory balance.

The largest item is \$50.4 million for snow and ice spending that occurred last winter. While MassDOT was able to exercise its authority to spend into deficiency in order to pay these costs, it still needs legislative authorization in order to close the books on the year. Other recommendations include National Guard tuition and fee costs (\$4.7 million) and certain district attorneys’ costs (\$427,186).

I recommend that you use fiscal year 2017 resources for the Safe and Successful Youth Initiative, a violence-reduction program that saves and transforms lives. I also recommend the use of \$1 million from the Marine Recreational Fisheries Development Fund to build a fishing pier at Deer Island.

I further recommend increasing one chargeback ceiling, and continuing \$10 million in existing authorizations into fiscal year 2018.

Several spending items filed in February and still pending in the Legislature (H.72) remain necessary. I renew my request that you authorize spending for sheriffs' deficiencies (\$20.4 million), Saltonstall lease costs (\$2.2 million), National Guard tuition and fee waivers (\$4 million, in addition to the \$4.7 million filed today), and contractually-mandated training costs through the Human Resources Division (\$250,000).

This bill includes two sections that facilitate our joint efforts to close the fiscal year 2017 budget despite lower than projected tax revenue growth this spring.

Three sections make substantive changes to the FY18 budget: authorizing a \$5 million reserve for the implementation of an employer contribution to health care, advancing MassHealth savings by requiring commercial insurers to make more detailed certifications on the coverage of community-based behavioral and mental health services for children, and authorizing MCAD to spend \$600,000 more from federal funds. One section creates a statutory trust for substance use disorder (SUD) services, funded with expected federal 1115 waiver funds. The bill also proposes other technical changes to spending bills or the General Laws.

As with the spending items, I ask that you act on several sections previously filed and now pending as H.72:

Section 6 Changes to the 2014 welfare reform law to remove the cap on the number of recipients that "specialists" can assist in order to rebalance caseloads at the department of transitional assistance;

Sections 23-25 Changes to MGL Sec. 119, § 23, to bring the state into compliance with the federal Preventing Sex Trafficking and Strengthening Families Act;

Sections 34-36 Job order contracting extension;

Section 41 Elder Affairs transferability language;

Section 43 MassHealth accounts payable;

Section 44 MassHealth transferability language; and

Sections 45-46 Transfers related to the Commonwealth Care Trust Fund

Sufficient revenues are estimated to be available to finance the appropriations and other measures proposed in this legislation.

Because fiscal year 2017 has already ended, I urge you to enact this legislation promptly.

Respectfully submitted,

Charles D. Baker,

Governor

HOUSE No. 3869

Message from His Excellency the Governor recommending legislation relative to making appropriations for the fiscal year 2017 to provide for supplementing certain existing appropriations and for certain other activities and projects.

The Commonwealth of Massachusetts

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 purpose, which is to forthwith to 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 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 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. These sums shall be
8 made available until June 30, 2018.

9 SECTION 2.

10 DISTRICT ATTORNEYS

11 Hampden District Attorney

12 0340-0500 Hampden District Attorney \$150,215

13 Bristol District Attorney

14 0340-0998 Bristol District Attorney State Police OT \$19,393

15 Cape and Islands District Attorney

16 0340-1000 Cape and Islands District Attorney \$257,578

17 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

18 Department of Fish and Game

19 2330-0300 Saltwater Sportfish Licensing \$1,000,000

20 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

21 Office of the Secretary

22 4000-0005 Safe and Successful Youth Initiative \$3,000,000

23 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

24 Department of Transportation

25 1595-6368 Massachusetts Transportation Trust Fund \$50,375,417

26 Commonwealth Transportation Fund.....100%

27 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

28 Military Division

29 8700-1150 National Guard Tuition and Fees \$4,700,000

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

39 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

40 Office of the Secretary

41 4000-0102 Human Services Transportation \$353,021

42 SECTION 2C.I. For the purpose of making available in fiscal year 2018 balances of
43 appropriations which otherwise would revert on June 30, 2017, the unexpended balances of the
44 appropriations listed below, not to exceed the amount specified below for each item, are hereby
45 re-appropriated for the purposes of and subject to the conditions stated for the corresponding
46 item in section 2 of chapter 133 of the acts of 2016. However, for items which do not appear in
47 section 2 of the general appropriation act, the amounts in this section are re-appropriated for the

48 purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of
49 this act or in prior appropriation acts. Amounts in this section are re-appropriated from the fund
50 or funds designated for the corresponding item in section 2 of said chapter 133; provided,
51 however, that for items which do not appear in section 2 of said chapter 133, the amounts in this
52 section are re-appropriated from the fund or funds designated for the corresponding item in
53 section 2 through 2E of this act or in prior appropriation acts. The unexpended balance of each
54 appropriation in the Massachusetts management accounting and reporting system with a
55 secretariat code of 01 or 17 is hereby re-appropriated for the purposes of and subject to the
56 conditions stated for the corresponding item in said section 2 of said chapter 133. The sums re-
57 appropriated in this section shall be in addition to any amounts available for said purposes.

58 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

59 Reserves

60	1599-0044	Special Litigation Reserve	\$80,000
61	1599-0054	Hinton Lab Response Reserve	\$1,162,177
62	1599-0840	Cannabis Costs Reserve	\$300,000
63	1599-0999	Organization Transformation Reserve	\$253,085
64	1599-4445	Quarter Point Reserve	\$300,000
65	Health Policy Commission		
66	1599-1450	Health Policy Commission Substance Abuse	\$233,997
67	1599-2004	Health Care Cost Containment Reserve	\$83,326

68 MASSACHUSETTS OFFICE OF INFORMATION TECHNOLOGY

69 1790-0300 Vendor Computer Service Fee Retained Revenue \$3,500,000

70 CENTER FOR HEALTH INFORMATION AND ANALYSIS

71 4100-0060 Center for Health Information and Analysis \$1,800,000

72 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

73 Department of Mental Health

74 5046-0000 Adult Mental Health and Support Services \$900,000

75 Department of Children and Families

76 4800-0091 Child Welfare Training Institute Retained Revenue \$160,000

77 Department of Veteran Services

78 1410-0018 Agawam and Winchendon Cemeteries Retained Revenue \$139,396

79 Chelsea Soldiers Home

80 4180-1100 License Plate Sales Retained Revenue \$128,995

81 Holyoke Soldiers Home

82 4190-0300 Holyoke 12 Bed Retained Revenue \$30,000

83 4190-1100 License Plate Sales Retained Revenue \$587,579

84 SECTION 3. Section 18W of chapter 6A of the General Laws, as inserted by section 6 of

85 chapter 6 of the acts of 2017, is hereby repealed.

86 SECTION 4. Subsection (a) of section 12 of chapter 12C of the General Laws, as
87 appearing in the 2016 Official Edition, is hereby amended by striking out the fourth sentence and
88 inserting in place thereof the following sentence:- In order to ensure patient data confidentiality,
89 the center shall not contract or transfer control of the database to a third-party entity, nonprofit
90 organization or governmental entity; provided, however, that the center may enter into
91 interagency services agreements for transfer and use of the data.

92 SECTION 5. Section 2QQQ of chapter 29 of the General Laws, as so appearing, is
93 hereby amended by striking out, in lines 4 and 5, the words, “supplemental and incentive”.

94 SECTION 6. Subsection (b) of section 2RRRR of chapter 29 of the General Laws, as so
95 appearing, is hereby amended by inserting after the third sentence the following sentence:- For
96 the purpose of accommodating timing discrepancies between the receipt of retained revenues and
97 related expenditures, the department may incur expenses and the comptroller may certify for
98 payment amounts not to exceed the lower of this authorization or the most recent revenue
99 estimate as reported in the state accounting system.

100 SECTION 7. Chapter 29 of the General Laws is hereby amended by inserting after
101 section 2XXXX the following section:-

102 Section 2YYYY. In order to implement MassHealth’s substance use disorder 1115
103 waiver demonstration project and to enhance and expand substance use disorder services, there
104 shall be established and set up on the books of the commonwealth a separate fund to be known as
105 the Substance Use Disorder Federal Reinvestment Trust Fund, in this section called the fund.
106 There shall be credited to the fund revenues equal to the amount of federal financial participation
107 received by the Commonwealth’s General Fund for expenditures for Residential Recovery

108 Services, Transitional Support Services, Family Recovery Services, Recovery Support
109 Navigator Services, Recovery Coach Services and other new or expanded substance use disorder
110 treatment services and any other federal reimbursements, grants, premiums, gifts, interest or
111 other contributions from any source received that are specifically designated to be credited to the
112 fund. The secretary of health and human services shall be the trustee and expend monies in the
113 fund, without further appropriation, to expand and enhance the substance use disorder service
114 continuum for individuals in need of substance use disorder services and to support the planning,
115 implementation and operating costs of administering these funds. For the purpose of
116 accommodating timing discrepancies between the receipt of revenues and related expenditures,
117 the fund may incur expenses, and the comptroller shall certify for payment, amounts not to
118 exceed the most recent revenue estimate as certified by the MassHealth director, as reported in
119 the state accounting system. Amounts credited to the fund shall not be subject to further
120 appropriation and monies remaining in the fund at the end of a fiscal year shall not revert to the
121 General Fund and shall be available for expenditure in the subsequent fiscal year.

122 SECTION 8. Section 5H of chapter 29 of the General Laws, as appearing in the 2016
123 Official Edition, is hereby amended by striking out the second sentence and inserting in place
124 thereof the following sentence:- The state treasurer shall certify by October 31, the amount of
125 actual receipts and distributions to claimants of abandoned property for the previous fiscal year,
126 and beginning in fiscal year 2013, the comptroller shall transfer 75 per cent of the growth in
127 abandoned property net revenue, defined as the difference between abandoned property receipts
128 and distributions to claimants, that exceeds the amount of net revenue collected during the
129 previous fiscal year, to the Commonwealth Stabilization Fund established by section 2H;

130 provided, however, that said transfer shall be made prior to the certification of the consolidated
131 net surplus for the previous fiscal year as provided in section 5C.

132 SECTION 9. Subsection (a) of section 20 of chapter 301 of the acts of 1998, as appearing
133 in chapter 291 of the acts of 2014, is hereby amended by inserting after the figure “19”, in line
134 26, the following words:- ; and provided further, that a refunding or reissuance of the Series
135 2010A bonds or any use of the proceeds of the Series 2010A bonds, whenever occurring, shall
136 not be deemed to be the issuance of bonds or notes after the effective date of this section.

137 SECTION 10. Chapter 224 of the acts of 2012 is hereby amended by inserting after
138 section 254 the following section:-

139 Section 254A. All carriers and their contractors shall include in their annual certification
140 required under section 254 of this act, a certification indicating whether the carrier’s coverage
141 includes the following mental health home- and community-based services for children and
142 adolescents under the age of 21: intensive care coordination for youth with serious emotional
143 disturbance; mobile crisis intervention; family support and training; in-home therapy; therapeutic
144 mentoring services; and in-home behavioral services. The parity attestation shall substantiate that
145 networks for said provided services are active and adequate to ensure access.

146 For the purposes of this section, the following words shall have the following meanings:

147 “Family support and training”, a service provided to a parent or caretaker of a youth
148 under the age of 21 to improve the parent or caretaker’s capacity to ameliorate or resolve the
149 youth’s emotional or behavioral needs and strengthen the person’s capacity to parent; provided,
150 that said services shall be provided where the youth resides, such as the home, including a foster
151 home and therapeutic foster home, or another community setting.

152 “In-home behavioral services”, shall mean a combination of behavior management
153 therapy and behavior management monitoring; provided, that behavior management therapy
154 shall include assessment, development of the behavior plan, and supervision and coordination of
155 interventions to address specific behavioral objectives or performance, including the
156 development of a crisis-response strategy; provided further, that behavior management therapy
157 shall addresses challenging behaviors which interfere with the child’s successful functioning and
158 may include short-term counseling and assistance; provided further, that behavior management
159 monitoring shall include implementation of said behavior plan, monitoring the child’s behavior,
160 reinforcing implementation of said plan by parents or other caregivers.

161 “In-home therapy” shall mean therapeutic clinical intervention or ongoing training and
162 therapeutic support; provided, that therapeutic clinical intervention shall include a structured,
163 consistent, therapeutic relationship between a licensed clinician and the child and family for the
164 purpose of treating the child’s mental health needs including improving the family’s ability to
165 provide effective support for the child and to promote healthy functioning of the child within the
166 family; provided, further that therapeutic clinical intervention shall include the development of a
167 treatment plan and, using established psychotherapeutic techniques, working with the entire
168 family or a subset of the family, to enhance problem-solving, limit-setting, communication,
169 emotional support or other family or individual functions; provided further, that ongoing
170 therapeutic training and support shall include services that support implementation of the above
171 mentioned treatment plan, including, but not limited to, teaching the child to: understand, direct,
172 interpret, manage and control feelings and emotional responses to situations, and to assist the
173 family in supporting the child in addressing his or her emotional and mental health needs;

174 provided further, that said services shall be provided where the youth resides, such as the home,
175 including a foster home and therapeutic foster home, or another community setting.

176 “Mobile crisis intervention”, a short-term service that is a mobile, on-site, face-to-face
177 therapeutic response, which is available 24 hours a day, 7 days a week, to a youth experiencing a
178 behavioral health crisis for the purpose of identifying, assessing, treating, and stabilizing the
179 situation and reducing immediate risk of danger to the youth or others consistent with the youth’s
180 risk management/safety plan, if any.

181 “Therapeutic mentoring services”, services provided to a youth under the age of 21
182 designed to support age-appropriate social functioning or ameliorate deficits in the youth’s age-
183 appropriate social functioning; provided, that said services may include supporting, coaching,
184 and training the youth in age-appropriate behaviors, interpersonal communication, problem-
185 solving, conflict resolution and relating appropriately to other children and adolescents, as well
186 as adults, in recreational and social activities; provided further, that said services shall be
187 provided where the youth resides, such as the home, including a foster home and therapeutic
188 foster home, or another community setting.

189 SECTION 11. Item 1233-2350 of section 2 of chapter 133 of the acts of 2016 is hereby
190 amended by striking out the words “State Lottery and Gaming Fund” and inserting in place
191 thereof the following words:- Gaming Local Aid Fund.

192 SECTION 12. Item 9110-1630 of said section 2 is hereby amended by striking out the
193 words

194 "General Fund.....95%

195 Community First Trust Fund.....5%"

196 and inserting in place thereof the following words :-

197 General Fund.....86.32%

198 Community First Trust Fund.....13.68%

199 SECTION 13. Item 0940-0101 of section 2 of chapter 47 of the acts of 2017 is hereby
200 amended by striking out the figure "\$2,468,211" and inserting in place thereof the following
201 figure:- \$3,100,000.

202 SECTION 14. Said section 2 of said chapter 47 is hereby further amended by inserting
203 after item 1599-1977 the following item:-

204 1599-3222 For a reserve to fund the administrative costs associated with the
205 implementation of an employer contribution, including, but not limited to, costs of
206 commonwealth personnel, contracts, and the purchase of new information technologies as
207 necessary; provided further, that the secretary may transfer from the sum appropriated herein to
208 other items of appropriation and allocations as are necessary to meet said costs where the
209 amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan
210 which shall be filed in advance with the house and senate committees on ways and means; and
211 provided further, that the secretary may only transfer such amounts to other items of
212 appropriation and allocations within the executive office for administration and finance, the
213 executive office of health and human services, the executive office of labor and workforce
214 development, the department of revenue, and the department of unemployment assistance
215 \$5,000,000.

216 SECTION 15. Said section 2 of said chapter 47 is hereby further amended by inserting,
217 after item 4000-0051, the following item:-

218 4000-0250 For the Executive Office of Health and Human Services, which may expend
219 for the costs of the operations and maintenance of the health insurance exchange not more than
220 \$15,000,000 from monies received from the Commonwealth Connector Authority; provided, that
221 for the purpose of accommodating timing discrepancies between the receipt of retained revenues
222 and related expenditures, the office may incur expenses and the comptroller may certify for
223 payment amounts not to exceed the lower of this authorization or the most recent revenue
224 estimate as reported in the state accounting system; and provided further, that any unspent
225 balance at the close of fiscal year 2018 shall remain in the account and may be expended for this
226 item in fiscal year 2019....\$15,000,000.

227 SECTION 16. Said section 2 of said chapter 47 is hereby further amended by striking out
228 item 7002-1075.

229 SECTION 17. Item 8324-0000 of said section 2 of said chapter 47 is hereby amended by
230 inserting after the words "shall use the split training option" , the following words: - ; provided
231 further, that notwithstanding any general or special law to the contrary, 100 per cent of the
232 amount appropriated in this item for the administration of the department of fire services, the
233 state fire marshal's office, the Massachusetts firefighting academy, Critical Incident Stress
234 Management programs, the On-Site Academy, other fire training academies, the regional
235 dispatch centers, the radio and dispatch center improvements, and the associated fringe benefits
236 costs of personnel paid from this item for these purposes shall be assessed upon insurance
237 companies writing fire, homeowners multiple peril, or commercial multiple peril policies on

238 property situated in the commonwealth, and paid within 30 days after receiving notice of this
239 assessment from the commissioner of insurance.

240 SECTION 18. Item 2000-1701 of section 2B of said chapter 47 is hereby amended by
241 striking out the figure “\$1,535,671”, and inserting in place thereof the following figure:-
242 \$3,150,000.

243 SECTION 19. Item 4000-0102 of said section 2B of said chapter 47 is hereby amended
244 by striking out the figure “8,878,161”, and inserting in place thereof the following figure:-
245 \$11,914,066

246 SECTION 20. Item 1595-1068 of Section 2E of said chapter 47 is hereby amended by
247 striking out item 1595-1068 and inserting in place thereof the following item:-

248 1595-1068 For an operating transfer to the MassHealth provider payment account in
249 the Medical Assistance Trust Fund established in section 2QQQ of chapter 29 of the General
250 Laws; provided, that these funds shall be expended for services provided during state or federal
251 fiscal year 2016, 2017 or 2018 or for public hospital transformation and incentive initiative
252 payments for state fiscal year 2017 or 2018 or for Medicaid care organization payments under 42
253 CFR 438.6(c) for rate year 2018; provided further, that all payments from the Medical Assistance
254 Trust Fund shall be: (i) subject to the availability of federal financial participation; (ii) made only
255 under federally-approved payment methods; (iii) consistent with federal funding requirements
256 and all federal payment limits as determined by the secretary of health and human services; and
257 (iv) subject to the terms and conditions of an agreement with the executive office of health and
258 human services; provided further, that the secretary of health and human services shall notify, in
259 writing, the house and senate committees on ways and means and the joint committee on health

260 care financing of increases or decreases in any payments made within the term of the current
261 1115 waiver or other state plan amendments within 15 days; and provided further, that the
262 secretary of health and human services will utilize funds from the Medical Assistance Trust Fund
263 to make payments of up to \$492,955,903 to the Cambridge public health commission or to
264 Medicaid care organizations for payment to the Cambridge public health commission if the
265 Cambridge public health commission, in anticipation of receiving such payments, first
266 voluntarily transfers an amount equal to the non-federal share of such payments to the Medical
267 Assistance Trust Fund using a federally-permissible source of funds \$747,100,000

268 SECTION 21. Section 2E of said chapter 47 is hereby amended by inserting after item
269 1595-1069 the following item:-

270 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

271 Department of Career Services

272 1595-1075 For an operating transfer to the Workforce Competitiveness Trust Fund
273 established in Section 2WWW of chapter 29 of the General Laws.....\$1,000,000

274 SECTION 22. Chapter 63 of the acts of 2017 is hereby amended by striking out section
275 15 and inserting in place thereof the following section:-

276 Section 15. Sections 1, 3, 5, 7 and 9 shall take effect on January 1, 2018.

277 SECTION 23. Notwithstanding any general or special law to the contrary, unexpended
278 balances from item 7004-9024 of Section 2 of Chapter 133 of the acts of 2016 shall revert to the
279 General Fund at the end of fiscal year 2017.

280 SECTION 24. Notwithstanding any general or special law to the contrary, before the
281 close of fiscal year 2017 and upon the recommendation of the secretary of administration and
282 finance and the secretary of health and human services, or their designees, the comptroller shall
283 adjust any fiscal year 2017 appropriation fund split against or transferred out of the Community
284 First Trust Fund established in section 35AAA of chapter 10 of the General Laws to match final
285 department fiscal year 2017 Community First Trust Fund expenditures.