

# HOUSE . . . . . No. 04071

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, on a part of House, No. 3898, a Bill making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4071). May 7, 2012.

## The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

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 JUDICIARY

10 Committee for Public Counsel Services

11 0321-1510 . \$27,475,505

12 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

13 Department of Transitional Assistance

14 4405-2000 . \$11,037,557

15 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

16 Department of Career Services

17 7002-0012 . \$6,000,000

18 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

19 Housing and Community Development

20 7004-0101 . \$18,700,636

21 7004-0108 . \$8,499,097

22 SECTION 3. The comptroller shall establish a special account, to be known as the APG payment  
23 account, for the purpose of paying the costs of settling providers' claims before the MassHealth  
24 board of hearings and the superior court challenging MassHealth's former Ambulatory Payment  
25 Group payment system for acute hospital outpatient services, pursuant to a notice of agreement  
26 between the providers and MassHealth dated January 26, 2012. Notwithstanding the last  
27 paragraph of section 2H of chapter 29 of the General Laws, the proceeds of one-time settlements  
28 or judgments that would otherwise be transferred to the Commonwealth Stabilization Fund shall  
29 instead be deposited in the APG payment account, until the comptroller determines that the  
30 balance in that account is sufficient to pay those costs. The comptroller shall pay those costs  
31 from this account without further appropriation.

32 SECTION 4. Section 3 of chapter 176Q of the General Laws is hereby amended by inserting  
33 after subsection (t), the following subsection:-

34 (u) notwithstanding the foregoing, to perform all the duties and responsibilities required of an  
35 American Health Benefit Exchange, as that term is defined by the Patient Protection and  
36 Affordable Care Act, Pub. L. 111-148, as may be amended from time to time, including without  
37 limitation the certification of qualified health plans for sale in the Exchange, the determination of  
38 eligibility of individuals for shopping, receiving federal premium tax credits, and qualifying for  
39 reduced cost sharing through the Exchange, as provided by federal law, and the certification of  
40 individuals as exempt from the requirements of section 36B of the Internal Revenue Code of  
41 1986.