

HOUSE No. 4116

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 23, 2016.

The committee on Ways and Means to whom was referred the message from His Excellency the Governor recommending legislation relative to making appropriations for the fiscal year 2016 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4009), reports, in part, recommending that the accompanying bill (House, No. 4116) ought to pass [Total appropriation: \$157,771,768.00].

For the committee,

BRIAN S. DEMPSEY.

HOUSE No. 4116

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act making appropriations for the fiscal year 2016 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 2016 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, it is hereby declared to be an emergency law, necessary for the immediate preservation of , 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
2 appropriation act and other appropriation acts for fiscal year 2016, the sums set forth in sections
3 2 to 2C, inclusive, are hereby appropriated from the General Fund unless specifically designated
4 otherwise in this act or in those appropriation acts, for the several purposes and subject to the
5 conditions specified in this act or in those appropriation acts, and subject to the laws regulating
6 the disbursement of public funds for the fiscal year ending June 30, 2016. These sums shall be in
7 addition to any amounts previously appropriated and made available for the purposes of those
8 items.

9 SECTION 2.

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JUDICIARY

Committee for Public Counsel Services

0321-1510	\$25,000,000
0321-1520	\$1,100,000

DISTRICT ATTORNEY

Suffolk District Attorney

0340-0198	\$81,853
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SECRETARY OF THE COMMONWEALTH

Office of the Secretary

0521-0000	\$443,308
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OFFICE OF THE STATE TREASURER

Office of the Treasurer

0610-0050	\$70,000
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OFFICE OF THE STATE COMPTROLLER

Office of the State Comptroller

1599-3384	\$12,506,260
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EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

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Department of Fish and Game

28 2310-0200\$870,000

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EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

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Executive Office of Health and Human Services

31 4000-0700\$11,000,000

32

Department of Transitional Assistance

33 4400-1100\$3,488,689

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Department of Public Health

35 4590-0918\$4,000,000

36

Department of Children and Families

37 4800-0015\$2,686,662

38 4800-0025\$144,197

39 4800-0038\$3,226,463

40 4800-0041\$8,830,544

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EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

42

Department of Housing and Community Development

43 7004-0101\$41,000,000

44 7004-0108\$2,500,000

45 EXECUTIVE OFFICE OF EDUCATION

46 *Department of Elementary and Secondary Education*

47 7061-9400\$1,800,000

48 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

49 *Sex Offender Registry Board*

50 8000-0125\$200,000

51 *Department of Correction*

52 8900-0001\$1,000,000

53 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
54 provide for an alteration of purpose for current appropriations, and to meet certain requirements
55 of law, the sums set forth in this section are hereby appropriated from the General Fund unless
56 specifically designated otherwise in this section, for the several purposes and subject to the
57 conditions specified in this section, and subject to the laws regulating the disbursement of public
58 funds for the fiscal year ending June 30, 2015. These sums shall be in addition to any amounts
59 previously appropriated and made available for the purposes of these items. These sums shall be
60 made available until June 30, 2016.

61 DISTRICT ATTORNEY

62 *Plymouth District Attorney*

63 0340-0802 For costs associated with the moving and relocation of the Plymouth district
64 attorney's office\$2,409,170

65 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

66 *Office of the Secretary for Administration and Finance*

67 1599-4299 For a reserve to meet the fiscal year 2015 costs of salary adjustments and
68 other economic benefits authorized by collective bargaining agreements with the University of
69 Massachusetts that have not yet been ratified by the general court; provided, that no funds shall
70 be expended from this item before ratification of the collective bargaining agreements by the
71 general court; and provided further, that funding in this item shall be equitably distributed to the
72 campuses of Amherst, Boston, Dartmouth and Lowell.....\$10,901,699

73 1599-4445 For a reserve to meet the fiscal year 2016 costs of quarter point benefits
74 authorized by collective bargaining agreements with the executive branch and ratified by the
75 general court..... \$4,939,821

76 1599-4447 For a reserve to meet the fiscal year 2016 costs of salary adjustments
77 authorized by collective bargaining agreements with the executive branch that have not yet been
78 ratified by the general court; provided, that no funds shall be expended from this item prior to
79 ratification of the collective bargaining agreements by the general court..... \$11,373,102

80 1599-8910 For a reserve for identified current year deficiencies documented by the
81 Sheriffs of the Commonwealth..... \$18,000,000

82 SECTION 2C.I. For the purpose of making available in fiscal year 2017 balances of
83 appropriations which otherwise would revert on June 30, 2016, the unexpended balances of the

84 appropriations listed below, not to exceed the amount specified below for each item, are hereby
85 re-appropriated for the purposes of and subject to the conditions stated for the corresponding
86 item in section 2 of chapter 46 of the acts of 2015. However, for items which do not appear in
87 section 2 of the general appropriation act, the amounts in this section are re-appropriated for the
88 purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A in
89 prior appropriation acts. The sums re-appropriated in this section shall be in addition to any
90 amounts available for said purposes.

91 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

92 *Office of the Secretary of Health and Human Services*

93 1599-0321 Women’s Preventive Health Reserve\$300,000

94 SECTION 3. Chapter 3 of the General Laws is hereby amended by adding the following
95 section:-

96 Section 71. (a) There shall be a permanent commission on older lesbian, gay, bisexual
97 and transgender, hereinafter LGBT, adults and their caregivers to consist of the following
98 members, or their designees: the house and senate chairs of the joint committee on elder affairs,
99 who shall serve as co-chairs; the secretary of elder affairs; the director of housing and
100 community development; the commissioner of public health; the director of the LGBT Aging
101 Project; the president of Fenway Health; the executive director of the Gay & Lesbian Advocates
102 & Defenders; a representative of the National Association on HIV Over Fifty, Inc.; the executive
103 director of MassEquality; the executive director of the Mass Home Care; the director of AARP
104 Massachusetts; the executive director of the Massachusetts Association of Councils on Aging,
105 Inc.; the director of the Massachusetts Senior Care Association; the director of the Massachusetts

106 Council for Home Care Aides Services, Inc.; and 5 members appointed by the governor, 1 of
107 whom shall be a member of the Massachusetts bar who practices elder law, 1 of whom shall be
108 an expert in LGBT public policy or research and 3 LGBT elders, at least 1 of whom shall be
109 transgender. The governor's appointees shall ensure that the commission has at least 1
110 representative from each of the following areas: Cape Cod, western Massachusetts and central
111 Massachusetts.

112 (b) The commission shall investigate, analyze and study the health, housing, financial,
113 psychosocial and long-term care needs of older LGBT adults and their caregivers and shall make
114 recommendations to improve access to benefits and services where appropriate and necessary.
115 In furtherance of its duties, the commission shall: (1) examine the impact of state policies and
116 regulations on LGBT older adults and make recommendations to ensure equality of access,
117 treatment, care and benefits; (2) examine strategies to increase provider awareness of the needs
118 of LGBT older adults and their caregivers and improve the competence of and access to
119 treatment, services and on-going care, including preventive care; (3) assess the funding and
120 programming needed to enhance services to the growing population of LGBT older adults; (4)
121 examine best practices for increasing access, reducing isolation, preventing abuse and
122 exploitation, promoting independence and self-determination, strengthening caregiving,
123 eliminating disparities and improving quality of life; (5) examine whether certain policies and
124 practices, or the absence thereof, promote the premature admission of LGBT older adults to
125 institutional care; (6) recommend, as appropriate and necessary, lower cost and culturally
126 appropriate home and community-based alternatives to institutional care; (7) examine the
127 feasibility of developing statewide training curricula to improve provider competency in the
128 delivery of health, housing and long-term support services to older LGBT adults and their

129 caregivers; and, (8) examine outreach protocols to reduce apprehension among LGBT elders and
130 caregivers of utilizing mainstream providers.

131 (c) The commission, in formulating its recommendations, shall take into account the best
132 policies and practices in other states and jurisdictions. The commission may hold regular public
133 meetings, fact-finding hearings and other public forums as it considers necessary.

134 (d) The commission may accept and solicit funds, including any gifts, donations, grants
135 or bequests or any federal funds, for any of the purposes of this section. These funds shall be
136 deposited in a separate account with the state treasurer, be received by the treasurer on behalf of
137 the commonwealth, and be expended by the commission in accordance with law.

138 (e) The commission shall report its activities and findings, as well as any
139 recommendations to the governor, the clerks of the house of representatives and the senate and
140 the house and senate chairs of the joint committee on elder affairs annually, not later than
141 December 31.

142 SECTION 4. Section 16Y of chapter 6A of the General Laws, as inserted by section 9 of
143 chapter 46 of the acts of 2015, is hereby repealed.

144 SECTION 5. Section 11 of chapter 61A of the General Laws, as appearing in the 2014
145 Official Edition, is hereby amended by striking out, in lines 10 and 11 the words “, prior to
146 January first of each year,”.

147 SECTION 6. Said section 11 of said chapter 61A, as so appearing, is hereby further
148 amended by striking out, in line 17, the words “February first” and inserting in place thereof the
149 following words:- April 1.

150 SECTION 7. Subsection (i) of section 184C of chapter 94 of the General Laws, as
151 appearing in the 2014 Official Edition, is hereby amended by inserting after the second sentence
152 the following sentence:- For the purposes of this subsection, and unless the deputy director
153 determines otherwise, individual items that differ only by color, flavor or scent shall be counted
154 as the same item if they are identical in all other aspects, including price, size and brand.

155 SECTION 8. Section 87CC of chapter 112 of the General Laws, as appearing in the 2014
156 Official Edition, is hereby amended by striking out the last sentence.

157 SECTION 9. Chapter 120 of the General Laws is hereby amended by striking out section
158 16, as so appearing, and inserting in place thereof the following section:-

159 Section 16. Every person committed to the department until the age of 18 as a delinquent
160 child, if not already discharged, shall be discharged upon reaching the person's eighteenth
161 birthday. Every person committed to the department until the age of 19 as a delinquent child, if
162 not already discharged, shall be discharged upon reaching the person's nineteenth birthday.
163 Every person committed to the department until the age of 20 as a delinquent child, if not already
164 discharged, shall be discharged upon reaching the person's twentieth birthday. Every person
165 committed to the department until the age of 21 as a youthful offender, if not already discharged,
166 shall be discharged upon reaching the person's twenty-first birthday. The department may
167 continue to have responsibility for any person provided for in this chapter under 22 years of age
168 for the purposes of specific educational or rehabilitative programs, under conditions agreed upon
169 by both the department and such persons terminable by either. Such services must be offered
170 prior to the person's discharge date as provided herein; however, a person may request and the
171 department shall consider any such request for the services described, for up to 90 days after the

172 person's effective date of discharge, even where the person has previously declined services or
173 services were terminated for non-compliance, and may reach agreement with the person,
174 terminable by either, to provide the services described herein until such person attains the age of
175 22.

176 SECTION 10. Section 53 of Chapter 146 of the General Laws is hereby amended by
177 striking out subsection (e), as so appearing, and inserting in place thereof the following
178 subsections:-

179 (e) A public utility company which has self-propelled truck mounted cranes,
180 derricks and similar hoisting equipment which is used for the maintenance and construction of
181 the equipment of such company and which has at least one supervisory employee who holds a
182 license issued by the department and is designated as the responsible person in charge of hoisting
183 equipment and a company in-service training program shall be exempt from the provisions of
184 this section. Such exemption shall only apply if such company has an in-service training program
185 for employees approved by the department. The in-service training program may be audited by
186 the department. The company shall issue to each trained and certified employee a company
187 license which shall contain a picture of the licensee, a list of the specific hoisting equipment that
188 the licensee has been qualified to operate and the signature of the supervisor who holds a
189 department license.

190 The commissioner may adopt rules and regulations authorizing the extension of the scope
191 of this provision to permit operation of additional types of equipment for which employees of
192 exempt utility companies have been trained and certified in an approved in-service licensing
193 program.

194 (f) Any other company which has equipment such as cranes, derricks and similar hoisting
195 equipment used only upon utility company property or equipment shall also be exempt from the
196 provisions of this section; provided, however, that (1) all of the requirements of paragraph (e)
197 above, have been complied with or (2) such company's employees have obtained a company
198 license from an approved in-service training program of the public utility company for which
199 they are performing work or (3) such company's employees are working at the direction of the
200 public utility company and performing work associated with service restoration in connection
201 with a weather or other emergency causing damage to property or equipment. The public utility
202 company shall provide written or electronic notification to the Commissioner prior to the
203 commencement of such work.

204 (g) Any other company which operates hoisting equipment specifically limited to
205 industrial lift trucks, forklifts, overhead cranes and other hoisting equipment, specifically
206 authorized by the department and used exclusively on company property shall also be exempt
207 from this section; provided, however, that the company has complied with all of the requirements
208 of paragraph (e) above, and further that at least 1 supervisory employee is on site at all times of
209 operation who holds a license issued by the department under this section and who is designated
210 as the responsible person in charge of hoisting equipment during that period of operation.

211 SECTION 11. Subsection (c) of section 46 of chapter 151A of the General Laws, as so
212 appearing, is hereby amended by striking out clause (3) and inserting in place thereof the
213 following clauses:-

214 (3) to the heads of the departments of career services, transitional assistance, revenue,
215 veterans' services, medical security and industrial accidents, information necessary in the
216 performance of their official duties;

217 (3 ½) to the heads of governmental agencies who are partners in the Workforce
218 Innovation and Opportunity Act, information necessary for the purpose(s) of complying with
219 performance reporting requirements of the Workforce Innovation and Opportunity Act (Public
220 Law 113-128);

221 SECTION 12. Section 186 of chapter 38 of the acts of 2013 is hereby repealed.

222 SECTION 13. Item 4000-0321 of said section 2 of said chapter 46 of the acts of 2015 is
223 hereby amended by inserting, after the words "accounting system," the following words:- ;
224 provided further, that after providing payments due in accordance with the terms of the
225 contingency contracts, the office may use available funds to support special MassHealth projects
226 that will receive enhanced federal revenue opportunities, including MassHealth eligibility
227 operations and systems enhancements that support reforms and improvements to the MassHealth
228 programs; provided further, that any enhanced federal financial participation received for these
229 special projects, including the Implementation Advanced Planning Document or other eligibility
230 operations and systems enhancement that support reforms and improvements to the MassHealth
231 program shall be deposited into this account.

232 SECTION 14. Item 4000-0700 of said section 2 of chapter 46 is hereby amended by
233 inserting after the words "neonatal intensive care unit cases" the following words:- ; provided
234 further, that MassHealth shall expend not less than \$11,000,000 for payments in addition to its
235 standard payment amount per discharge, or SPAD, above rate year 2013, or of reimbursement

236 provided under any subsequent inpatient payment methodologies, and to provide additional
237 payments above its standard outpatient payment amount per episode, or PAPE, above rate year
238 2013, or of reimbursement provided under any subsequent outpatient payment methodologies to
239 any acute care hospital that has greater than 63 per cent of its gross patient service revenue from
240 governmental payers and free care as determined by the executive office of health and human
241 services.

242 SECTION 15. Item 4590-0918 of said section 2 of said chapter 46 is hereby amended by
243 striking out the figure “\$14,000,000” and inserting in place thereof the following figure:-
244 \$18,000,000.

245 SECTION 16. Said section 2 of said chapter 46 is hereby amended by striking out item
246 5046-0005 and inserting in place thereof the following item:

247 5046-0006 For adult mental health community-based placements; provided, that funds
248 shall be used to expand community-based placements for discharge ready individuals currently
249 in the department’s continuing care facilities; and provided further, that the annualized cost of
250 these placements in fiscal year 2017 shall not exceed the amount appropriated in this item
251 \$4,000,000

252 Community First Trust Fund.... 100%

253 SECTION 17. Item 7004-0101 of said section 2 of said chapter 46 is hereby amended by
254 inserting after the words, “administrative costs” the following words:- except the department
255 may expend not more \$360,000 for the direct costs associated with the coordination and
256 placement of homeless families in hotels and motels used as overflow shelter capacity and
257 oversight of hotel and motel compliance with state requirements.

258 SECTION 18. Item 7035-0002 of said section 2 of said chapter 46 is hereby amended by
259 striking out the words “Lawrence/Methuen Community Coalition” and inserting in place thereof
260 the following words:- Family Services of the Merrimack Valley.

261 SECTION 19. Item 8900-0011 of said section 2 of said chapter 46 is hereby amended by
262 inserting after the word “system,” the following words:- ; provided further, that the
263 commissioner of correction may allocate year-end net profits to the cost of the drug, substance
264 abuse and rehabilitative programming.

265 SECTION 20. Item 9110-1630 of said section 2 of chapter 46 of the acts of 2015 is
266 hereby amended by adding the following words:- ; provided further, that the executive office of
267 elder affairs shall report, not later than January 1, 2017, to the house and senate committees on
268 ways and means on: (i) enrollment data and any other information relevant to caseload
269 forecasting for items 9110-1630 and 9110-1500 at current levels; (ii) projected utilization of
270 services provided by said items 9110-1630 and 9110-1500 with eligibility expanded to include
271 the individuals whose income does not exceed 275 per cent of the federal poverty level and with
272 eligibility expanded to include the individuals whose income does not exceed 300 per cent of the
273 federal poverty level; (iii) the projected fiscal impact of expanding eligibility to include the
274 individuals whose income does not exceed 275 per cent of the federal poverty level and the
275 individuals whose income does not exceed 300 per cent of the federal poverty level; (iv) program
276 design considerations regarding the application of cost-sharing revenues to best support
277 individuals in an expansion population of up to 300 per cent of the federal poverty level.
278 provided further that the executive office of health and human services may file a state plan
279 amendment for section 1915(i) of the federal Social Security Act to maximize the opportunity for

280 federal financial participation for any future expansion of eligibility for individuals whose
281 incomes exceed current limits.

282 SECTION 21. Item 8900-0021 of section 2B of said chapter 46 is hereby amended, by
283 inserting after the words “inmates” the following words:- ; provided, that the commissioner of
284 correction may allocate year-end net profits to the cost of the drug, substance abuse and
285 rehabilitative programming.

286 SECTION 22. Item 1595-6368 of section 2E of said chapter 46 is hereby amended by
287 striking out the figure “\$365,025,340” and inserting in place thereof the following figure:-
288 \$337,468,038.

289 SECTION 23. Subsection (a) of section 151 of said chapter 46 is hereby amended by
290 striking out the fifth and sixth sentences and inserting in place thereof the following 3 sentences:-
291 The tax amnesty program shall apply to returns due on or before December 31, 2015. In the case
292 of taxpayers otherwise coming into compliance with tax obligations pursuant to the amnesty,
293 unless the commissioner determines that the taxpayer has acted with fraudulent intent, the
294 commissioner may apply limited look-back periods for unfiled returns, not to exceed 4 years.
295 The scope of the tax amnesty program, including the particular tax types, periods covered, and
296 the applicability of the look-back periods, shall be determined by the commissioner.

297 SECTION 24. Subsection (c) of said section 151 of said chapter 46 is hereby amended by
298 striking out the words, “for any tax period beginning before January 1, 2014,” and inserting in
299 place thereof the following words:- on or before December 31, 2015.

300 SECTION 25. Section 54 of chapter 119 of the acts of 2015 is hereby amended by
301 striking out the words, "March 1," and inserting in place thereof the following words:-
302 November 1.

303 SECTION 26. The department of public health shall conduct a study to determine the
304 feasibility of developing standards to allow for pharmacists in the commonwealth to fill
305 prescriptions for schedule II narcotics written by mid-level practitioners in contiguous states.
306 The study shall examine the educational requirements for licensing such mid-level practitioners
307 by the contiguous states and whether such standards are equivalent to those in the
308 commonwealth for the licensing of similar professions. The department shall report the results
309 of the study to the joint committee on mental health and substance abuse and the house and
310 senate committees on ways and means on or before December 31, 2016.

311 SECTION 27. The salary adjustments and other economic benefits authorized by the
312 following collective bargaining agreements shall be effective for the purposes of section 7 of
313 chapter 150E of the General Laws:

314 (1) Between the Sheriff of Essex County and the Essex County Correctional Officers
315 Association;

316 (2) Between the Commonwealth of Massachusetts and the International Association of
317 Fire Fighters Local S-28 & S-29;

318 (3) Between the Commonwealth of Massachusetts and the Massachusetts Correction
319 Officers Federated Union;

320 (4) Between the Sheriff of Worcester County and the New England Police Benevolent
321 Association, Local 550;

322 (5) Between the Sheriff of Essex County and the National Correctional Employees
323 Union, Local 123; and

324 (6) Between the Sheriff of Essex County and the Essex County Regional Emergency
325 Communication Dispatchers.