HOUSE No. 4301

The Commonwealth of Massachusetts



EXECUTIVE DEPARTMENT
STATE HOUSE · BOSTON 02133
(617) 725-4000

July 11, 2014

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 2014 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects."

The legislation I am filing includes supplemental funding requests of \$41 million to fully fund the final costs of this winter's snow and ice removal costs and to add clinical staff at Bridgewater State Hospital to ensure patients committed there are getting the best possible care, consistent with my letter filed on July 2nd with the filing of legislation to reform the delivery of forensic mental health services.

In addition to these supplemental funding items, I am proposing legislation to carry-forward approximately \$24 million of fiscal year 2014 resources into fiscal year 2015 in a number of appropriations.

This legislation also includes some budget-related and other technical language changes, including:

- Validation of certain collective bargaining agreements
- Transferring the State Transportation Building from DCAMM to MassDOT

• Granting the Administration additional powers to control spending, as discussed in my letter explaining actions on the general appropriation bill

Sufficient revenues are estimated to be available to finance these appropriations. As many of the above fiscal year 2014 items are quite

Respectfully submitted

Deval L. Patrick, *Governor*

HOUSE No. 4301

[Pin Slip]

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act making appropriations for the fiscal year 2014 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 make supplemental appropriations for fiscal year 2014, and to make other changes in law, each of which is immediately needed for 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:

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2014, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2014. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items. These sums shall be made available until June 30, 2015.

SECTION 2.

10 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

- Office of the Secretary for Administration and Finance.
- 12 1599-8900 For a reserve associated with mental health treatment settings for
- 13 populations served by the department of mental health and the department of
- 14 corrections......\$10,000,000
- 15 SECTION 2C.I. For the purpose of making available in fiscal year 2015 balances of
- 16 appropriations which otherwise would revert on June 30, 2014, the unexpended balances of the

17 18 19 20 21 22 23 24 25 26 27	maintenance appropriations listed below, not to exceed the amount specified below for each item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 of chapter 38 of the acts of 2013. However, for items which do not appear in section 2 of the general appropriation act, the amounts in this section are reappropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 in prior appropriation acts. The unexpended balances of all appropriations in the Massachusetts management accounting and reporting system with a secretariat code of 01 or 17, are hereby re-appropriated for the purposes of and subject to the conditions stated for the corresponding item section 2 of chapter 38 of the acts of 2013 or section 2A of chapter 194 of the acts of 2011. The sums re-appropriated in this section shall be in addition to any amounts available for said purposes.
28	TREASURER AND RECEIVER GENERAL
29	0612-0105\$650,000
30	OFFICE OF THE STATE COMPTROLLER
31	1599-3384
32	1599-0024\$320,000
33	CENTER FOR HEALTH INFORMATION AND ANALYSIS
34	4100-0060\$300,000
35	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE
36	Office of the Secretary of Administration and Finance.
37	1599-2013\$341,623
38	1599-1705\$399,034
39	1599-0026
40	1599-7104\$4,000,000
41	1599-0027\$2,000,000
42	EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
43	Department of Environmental Protection.
44	2200-0100\$970,000
45	Department of Fish and Game.

46	2330-0100\$124,517
47	EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT
48	Office of the Secretary of Housing and Economic Development.
49	7002-0035\$69,000
50	EXECUTIVE OFFICE OF EDUCATION
51	Executive Office of Education.
52	7009-6402 \$127,849
53	EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
54	Office of the Chief Medical Examiner.
55	8000-0106\$600,000
56	8000-0122\$200,000
57	Military Division.
58	8700-0001\$100,000
59 60 61 62 63 64 65 66 67 68 69 70 71 72	SECTION 2C.II. For the purpose of making available in fiscal year 2015 balances of retained revenue and intragovernmental chargeback authorizations which otherwise would revert on June 30, 2014, the unexpended balances of the authorizations listed below, not to exceed the amount specified below for each item, are hereby re-authorized for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2B of the general appropriation act for fiscal year 2014. However, for items which do not appear in section 2 or 2B of the general appropriation act, the amounts in this section are re-authorized for the purposes of and subject to the conditions stated for the corresponding item in section 2, 2A, or 2B in prior appropriation acts. Amounts in this section are re-authorized from the fund or funds designated for the corresponding item in section 2 or 2B of the general appropriation act; however, for items which do not appear in section 2 or 2B of the general appropriation act, the amounts in this section are re-authorized from the fund or funds designated for the corresponding item in section 2, 2A, or 2B of this act or in prior appropriation acts. The sums re-authorized in this section shall be in addition to any amounts available for those purposes.
73	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE
74	Human Resources Division.
75	1750-0102\$250,000

76	1750-0601\$300,000
77	EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
78	Office of the Chief Medical Examiner.
79	8000-0122\$200,000
80	MBTA Financing
81 82 83	SECTION 3. (A) Section 35T of chapter 10 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out the definition of "Base revenue amount" and inserting in place thereof the following definition:-
84 85 86 87 88 89 90 91 92 93	"Base revenue amount", for fiscal year 2015 the amount of \$970,637,174, and for each fiscal year thereafter the base revenue amount for the prior fiscal year multiplied by the inflation index for the preceding 12 months, as certified by the comptroller on March 1 of each year, as se forth in subsection (b). In no year shall the base revenue amount exceed 103 per cent of the base revenue amount applicable for the prior fiscal year. If in any year the inflation index is less than 3 per cent but greater than the per cent increase in gross sales tax revenues received pursuant to chapters 64H and 64I in the preceding 12 months, excluding any portion of such taxes imposed on meals as defined in paragraph (h) of section 6 of said chapter 64H, then the base revenue amount shall be adjusted by the same percentage increase in those gross sales tax revenues. If in any year the per cent increase in the gross sales tax revenues or the inflation index is zero or less, then the base revenue amount shall not be adjusted for the subsequent fiscal year.
95 96 97	(B) Section 18 of chapter 161A of the General Laws is hereby amended by striking out the third and fourth paragraphs, added by section 170 of the general appropriation act for fiscal year 2015.
98 99	(C) Section 2 of the general appropriation act for fiscal year 2015 is hereby amended by striking out item 1599-1978.
100	(D) Section 280 of the general appropriation act for fiscal year 2015 is hereby repealed.
101	Clarify Labor Agencies' Rulemaking Authority
102 103 104 105 106	SECTION 4. Section 1 of chapter 23 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- Each department shall be headed by a director and each department may, with the approval of the secretary of labor and workforce development, adopt regulations under chapter 30A.
107	Office of the State Climatologist

108 109	SECTION 5. (A) The first sentence of section 21A of chapter 24 of the General Laws, inserted by section 42 of the general appropriation act for fiscal year 2015, is hereby amended by
	inserting after the words "secretary of energy and environmental affairs" the following words:-
111	and the chancellor of the University of Massachusetts at Amherst.
112	(B) The second sentence of said section 21A of said chapter 24, as so inserted, is hereby
113	amended by striking out the words "and the chancellor of the University of Massachusetts at
114	Amherst" and inserting in place thereof the following words:- shall be housed at the University
115	of Massachusetts at Amherst and.
116	Raising Minimum Procurement Requirement
117	SECTION 6. Section 4 of chapter 30B of the General Laws, as amended by section 61 of
118	the general appropriation act of fiscal year 2015, is hereby further amended by striking out, in
119	line 9, the figure "\$25,000" and inserting in place thereof the following figure:- \$35,000.
120	Secure Vital Registry Trust Fund
121	SECTION 7. (A) Section 33 of chapter 46 of the General Laws, as appearing in the
122	2012 Official Edition, is hereby amended by adding at the end of the second paragraph the
123	following 2 sentences:- This fee shall be determined annually by the secretary of administration
124	and finance under section 3B of chapter 7. Notwithstanding any other general or special law to
125	the contrary, the first \$20 of this fee received by the town clerk that issues a certified copy from
126	the database shall be retained by the town and the remainder shall be transmitted to the state
127	treasurer for deposit into the Secure Vital Registry Trust Fund, established by section 35.
128	(B) Said chapter 46 is hereby further amended by adding the following section:-
129	Section 35. There shall be established on the books of the commonwealth a separate fund
130	known as the Secure Vital Registry Trust Fund, to be expended without prior appropriation, by
131	the department. The trust shall consist of revenues generated from fees collected after July1,
132	2014, as authorized by section 3B of chapter 7 and transmitted to the state treasurer pursuant to
133	section 33. The commissioner or a designee shall be the trustee of the fund and shall make
134	expenditures from the fund for the administrative costs of development, maintenance and
135	operation of a centralized, automated database for the system of vital records and statistics. The
136	department may incur expenses, and the comptroller may certify for payment amounts in
137	anticipation of expected receipts; provided, however, that no expenditure shall be made from the
138	fund which shall cause the fund to be in deficit at the close of a fiscal year. Monies deposited in
139	the trust fund that are unexpended at the end of a fiscal year shall not revert to the General Fund.
140	Taxpayers May Opt for Electronic Notices
141	SECTION 8. Section 71 of chapter 62C of the General Laws, as so appearing, is hereby
142	amended by inserting after the word "commissioner", in lines 4 and 5, the following words:-, or

143 144	may be given as the parties otherwise agree, such as by sending electronic notification as provided in chapter 110G.
145	Foster Family Criminal Background Check Technical Correction
146 147 148 149	SECTION 9. Section 26A of chapter 119 of the General Laws, as amended by section 152 of the general appropriation act for fiscal year 2015, is hereby further amended by inserting after the words "42 U.S.C. § 16962", in each instance, the following words:- and Public Law 92-544.
150	Workers' Compensation Clarification
151 152 153	SECTION 10. Section 63 of chapter 152 of the General Laws, as amended by section 168 of the general appropriation act for fiscal year 2015, is hereby amended by striking out the words "insured pays" and inserting in place thereof the following words:- insurer receives.
154	Extend Scholarship Commission
155 156 157	SECTION 11. Subsection (c) of section 190 of chapter 68 of the acts of 2011 is hereby amended by striking out the words "December 31, 2012" and inserting in place thereof the following words:- November 1, 2014.
158	Extend PLA Commission
159 160 161	SECTION 12. Section 32 of chapter 242 of the acts of 2012 is hereby amended by striking out, in the last sentence, the words "July 1, 2013" and inserting in place thereof the following words:- December 31, 2014.
162	Extend Early Literacy Panel
163 164	SECTION 13. Section 2 of chapter 287 of the acts of 2012 is hereby amended by striking out the words "June 30" and inserting in place thereof the following words:- November 1, 2014.
165	Extend Benefits Task Force
166 167 168 169	SECTION 14. The fourth sentence of section 73 of chapter 36 of the acts of 2013, as amended by section 13 of chapter 52 of the acts of 2014, is hereby further amended by striking out the words "June 16, 2014" and inserting in place thereof the following words:- September 15, 2014.
170	Department of Children and Families Transferability
171 172 173 174	SECTION 15. Item 4800-0015 of section 2 of chapter 38 of the acts of 2013, as amended by section 7 of chapter 119 of the acts of 2014, is hereby further amended by striking out the words "among items 4800-0038, 4800-0040, 4800-0041, and 4800-0015; provided further, that the commissioner may transfer funds from items 4800-0038, 4800-0040, 4800-0041 and 4800-

175 176 177 178 179	0015 to item 4800-1100" and inserting in place thereof the following words: - among items 4800-0038, 4800-0040, 4800-0041, 4800-0015 and 4800-1100; provided further, that any funds unexpended in fiscal year 2014 in items 4800-0038, 4800-0040, 4800-0041, 4800-0015 and 4800-1100 shall not revert and shall be made available for the purposes of these items until June 30, 2015.
180	Extend Higher Education Finance Commission
181 182 183	SECTION 16. Subsection (c) of section 165 of chapter 38 of the acts of 2013 is hereby amended by striking out the words "June 30" and inserting in place thereof the following words:-November 1.
184	Snow and Ice Spending
185 186 187	SECTION 17. Item 1595-6368 of section 2E of chapter 52 of the acts of 2014 is hereby amended by striking out the figure "\$30,115,915" and inserting in place thereof the following figure:- \$62,115,915.
188	Housing Preservation and Stabilization Trust Fund
189 190 191 192 193 194 195 196	SECTION 18. Item 7004-9024 of section 2 of the general appropriation act for fiscal year 2015 is hereby amended by striking out the words "prior appropriation continued" and adding in place thereof the following words:- provided further, that any unexpended funds in fiscal year 2014 shall not revert to the General Fund but instead up to \$6,000,000 shall be deposited in the Housing Preservation and Stabilization Trust Fund established by section 60 of chapter 121B of the General Laws; and provided further, that any balance of unexpended funds in fiscal year 2014 not deposited in that Fund shall be made available for the purposes of this item until June 30, 2015.
197	Education IT Consolidation
198 199	SECTION 19. (A) Section 2 of the general appropriation act for fiscal year 2015 is hereby amended by striking out item 7061-9200.
200 201 202	(B) Item 7009-1700 of said section 2 of the general appropriation act for fiscal year 2015 is hereby amended by striking the figure "\$18,134,995" and inserting in place thereof the following figure:- \$18,930,543.
203	Comptroller Single Audit Chargebacks
204	SECTION 20. Item 1000-0005 of section 2B of the general appropriation act for fiscal

Massachusetts Developmental Disabilities Council Federal Grants

206 thereof the following figure: \$1,200,000.

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205 year 2015 is hereby amended by striking out the figure "\$1,000,000" and inserting in place

208 209	SECTION 21. Section 2D of the general appropriation act for fiscal year 2015 is hereby amended by striking out item 1100-1702 and inserting in place thereof the following 3 items:-
210	1100-1702
211 212 213 214 215	For the purposes of a federally funded grant entitled, Implementation of the Federal Developmental Disabilities Act; provided, that in order to qualify for said grant, this account shall be exempt from the first \$270,000 of fringe benefit and indirect cost charges pursuant to section 6B of chapter 29 of the General Laws \$1,400,096\$
216	1100-1703
217 218 219 220	For the purposes of a federally funded grant entitled, Implementation of the Federal Developmental Disabilities Act
221 222 223 224 225	For the purposes of a federally funded technical assistance grant entitled, Maintain and Further Development of Developmental Disabilities Suite; provided, that in order to qualify for this grant, this account shall be exempt from the first \$40,000 of fringe benefit and indirect cost charges pursuant to section 6B of chapter 29 of the General Laws
226	Delivery Systems Transformation Initiatives Trust Fund Payment Alignment
227 228 229	SECTION 22. (A) Item 1595-1067 of section 2E of the general appropriation act for fiscal year 2015 is hereby amended by striking out the figure "\$22,426,667" and inserting in place thereof the following figure:- \$22,423,677.
230 231 232	(B) Said item of said section of the general appropriation act for fiscal year 2015 is hereby further amended by striking out the figure "\$11,213,334" and inserting in place there of the following figure:- \$11,211,839.
233 234 235	(C) Said item 1595-1067 of said section 2E of the general appropriation act for fiscal year 2015 is hereby further amended by striking out the figure "\$210,261,306" and inserting in place thereof the following figure:- \$232,979,059.
236	Medical Assistance Trust Fund Payment Adjustment
237 238	SECTION 23. (A) Item 1595-1068 of section 2E of the general appropriation act for fiscal year 2015 is hereby amended by adding the following words:-

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- this section. The state conveyance and assignments shall be without warranties or representations by the commonwealth.
- 275 (b) The commissioner may retain or grant rights of way or easements for access, egress, 276 utilities and drainage across the transportation building and across other commonwealth property 277 contiguous to the transportation building, and may accept from the department such rights of 278 way or easements in roadways or across the transportation building for access, egress, drainage 279 and utilities as the commissioner considers necessary or appropriate to carry out this act.
- 280 (c) Notwithstanding any general or special law to the contrary, the department shall be 281 responsible for all costs and expenses including, but not limited to, costs associated with any engineering, surveys, appraisals, title examinations, recording fees and deed preparation related 282 283 to the transactions authorized by this act as such costs may be determined by the commissioner.

284 Retain Certain Amounts in General Fund

285 SECTION 28. Notwithstanding any general or special law to the contrary, during fiscal 286 year 2014, the comptroller shall retain in the General Fund all amounts that would otherwise be transferred under the last paragraph of section 2H of chapter 29 of the General Laws, but not 288 more than necessary for a consolidated net surplus of \$57,500,000.

Fiscal Management Tools

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- 290 SECTION 29. Until December 31, 2014, notwithstanding any general or special law to 291 the contrary:
- 292 (a) The power of the governor or the secretary of administration and finance to allot funds under section 9B of chapter 29 of the General Laws shall extend to any funds appropriated 294 by the general court, except funds appropriated for the legislative and judicial departments.
- (b) Whenever, in the opinion of the secretary of administration and finance, budgeted 296 revenues as determined by the secretary from time to time during the fiscal year under section 5B will be insufficient to meet all of the expenditures that the secretary reasonably anticipates will 298 be made from any budgetary fund during the fiscal year, the secretary shall proceed as required by section 9C of chapter 29 of the General Laws.

MassHealth Transferability

301 SECTION 30. Notwithstanding any general or special law to the contrary, the secretary 302 of health and human services, with the written approval of the secretary of administration and finance, may authorize transfers of surplus among items 4000-0320, 4000-0430, 4000-0500, 303 4000-0600, 4000-0700, 4000-0875, 4000-0880, 4000-0890, 4000-0940, 4000-0950, 4000-0990, 304 305 4000-1400, and 4000-1420 of section 2 of chapter 38 of the acts of 2013 for the purpose of

306307	reducing any deficiency in these items, but any such transfer shall be made not later than August 30, 2014.
308	MassHealth Accounts Payable
309 310 311 312 313 314	SECTION 31. Notwithstanding any general or special law to the contrary, any unexpended balances, not exceeding a total of \$20,000,000, in items 4000-0600 and 4000-0700 of section 2 of chapter 38 of the acts of 2013, shall not revert to the General Fund until September 1, 2014 and may be expended by the executive office of health and human services to pay for services enumerated in said items 4000-0600 and 4000-0700 of said section 2 of said chapter 38 provided during fiscal year 2014.
315	Collective Bargaining Agreement Ratification
316 317 318	SECTION 32. The salary adjustments and other economic benefits authorized by the following collective bargaining agreements shall be effective for the purposes of section 7 of chapter 150E of the General Laws:
319 320	(1) between the commonwealth and National Association of Government Employees , Units 1, 3 and 6;
321 322	(2) between the commonwealth and American Federation of State, County and Municipal Employees , Unit 2;
323	(3) between the Plymouth sheriff and the Association of County Employees;
324 325	(4) between the Barnstable sheriff and the American Federation of State, County and Municipal Employees, Local 1462C, AFL-CIO Council 93, Unit S2B;
326 327	(5) between the Middlesex sheriff and the Middlesex Sheriff's Superior Officers Association, Unit SM4;
328 329	(6) between the Worcester sheriff and the New England Police Benevolent Association, Local 275, Unit SW2;
330 331	(7) between the trial court and the National Association of Government Employees/Service Employees International Union Local 5000, Units J2C and J2P;
332 333	(8) between the Barnstable sheriff and the National Association of Government Employees, Local 220, Unit S5B;
334 335	(9) between the Barnstable sheriff and the Barnstable County Correctional Officers Union, Unit S1B;
336 337	(10) between the Barnstable sheriff and the National Correctional Employees Union Local 119, Unit S4B;

- (11) between the Barnstable sheriff and the National Association of Government
- 339 Employees International Brotherhood of Correctional Officers, Local 217 Public Safety,
- 340 Groups A,B, C, Unit S3B;
- 341 (12) between the Berkshire sheriff and the Berkshire County Sheriff's Office Employees
- 342 Association, Unit SB3;
- 343 (13) between the Berkshire sheriff's Office Communication Center and the I.U.E.-
- 344 C.W.A, Unit SB2;
- 345 (14) between the Essex sheriff and the International Brotherhood of Corrections Officers,
- 346 Local R1-71, Unit SE9;
- 347 (15) between the Berkshire sheriff and the International Brotherhood of Corrections
- 348 Officers Local R1-297, Unit SB1;
- 349 (16) between the Hampshire sheriff and the National Correctional Employees Union,
- 350 Unit SH9;
- 351 (17) between the Hampshire sheriff and the Hampshire Sherriff's Office Non-Uniform
- 352 Correctional Association, Unit SH7;
- 353 (18) between the Hampshire sheriff and the Hampshire Sherriff's Office Jail and House
- 354 of Correction Supervisory Correctional Officers' Association, Unit SH8;
- 355 (19) between the Hampshire sheriff and the Hampshire Sherriff's Office Jail and
- 356 Hampshire Sheriff's Office Treatment Association, Unit SH6;
- 357 (20) between the Norfolk sheriff and the National Association of Government Employees
- 358 /Service Employees International Union R1-202, Unit SN1;
- 359 (21) between the Plymouth sheriff and the National Correctional Employees Union, Unit
- 360 SP7;
- 361 (22) between the Plymouth sheriff and the Massachusetts Correctional Officers Federated
- 362 Union Bureau of Criminal Investigation Officers Unit, Unit SP3;
- 363 (23) between the Plymouth sheriff and the Massachusetts Correctional Officers Federated
- 364 Union Communication Officers Unit, Unit SP5;
- 365 (24) between the Plymouth sheriff and the National Correctional Employees Union, Unit
- 366 SP1;
- 367 (25) between the Suffolk sheriff and the National Association of Government Employees,
- 368 Local 298, Unit SS2;

- (26) between the Suffolk sheriff and the Jail Officers and Employees Association ofSuffolk County, Unit SS4;
- 371 (27) between the Suffolk sheriff and the American Federation of State, County and 372 Municipal Employees, Council 93, Local 419, Unit SS0;
- 373 (28) between the Suffolk sheriff and the American Federation of State, County and 374 Municipal Employees, Council 93, Local 3643, Unit SS5;
- 375 (29) between the Suffolk sheriff and the American Federation of State, County and 376 Municipal Employees, Council 93, Local 3967, Unit SS6;
- 377 (30) between the Suffolk sheriff and the American Federation of State, County and 378 Municipal Employees, Council 93, Local RN, Unit SS3;
- 379 (31) between the Hampden sheriff and the National Correctional Employees Union, Unit 380 SH4;
- 381 (32) between the Hampden sheriff and the Hampden County Superior Correctional 382 Officer Association, Unit SH3;
- 383 (33) between the Hampden sheriff and the Non-Uniformed Correctional Association, 384 Unit SH2;
- 385 (34) between the Franklin sheriff and the National Correctional Employees Union, Unit 386 SF1;
- 387 (35) between the Franklin sheriff and the Local R1-045, International Brotherhood of 388 Corrections Officers, Unit SF3; and
- 389 (36) between the trial court and the OPEIU Local 6, Units J6C and J6P.