

SENATE No. 1814

Senate, June 27, 2013 – Text of the Senate amendment to the House Bill making appropriations for the fiscal year 2013 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3522) (being the text of Senate document numbered 1813, printed as amended).

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

1 SECTION 1. To provide for supplementing certain items in the general appropriation act
2 and other appropriation acts for fiscal year 2013, the sums set forth in section 2, 2A and 2E are
3 hereby appropriated from the General Fund unless specifically designated otherwise in this act or
4 in 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, 2013. These sums shall be in addition to any amounts
7 previously appropriated and made available for the purposes of those items.

8 SECTION 2.

JUDICIARY

Board of Bar Examiners.

11 0321-0100..... \$18,681

Committee for Public Counsel Services.

13 0321-1510..... \$16,829,206

14 0321-1520..... \$1,400,000

Berkshire District Attorney.

16 0340-1100..... \$53,813

17 *Bristol District Attorney.*
18 0340-0998..... \$125,000

19 SECRETARY OF THE COMMONWEALTH
20 *Office of the Secretary of the Commonwealth.*

21 0521-0000..... \$13,592,734

22 TREASURER AND RECEIVER-GENERAL
23 *Office of the Treasurer and Receiver-General.*

24 0610-2000..... \$500,000

25 0611-1000..... \$50,000

26 0612-0105..... \$200,000

27 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE
28 *Human Resources Division.*

29 1750-0300..... \$347,000

30 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT
31 *Department of Housing and Community Development*

32 7004-0103..... \$1,200,000

33 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
34 *Department of Workforce Development.*

35 7002-0012..... \$10,000,000

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EXECUTIVE OFFICE OF EDUCATION

Department of Elementary and Secondary Education.

7061-9010..... \$8,000,000

Department of Higher Education

7066-0009..... \$183,000

1599-0087 For expenses incurred by the city of Worcester for public safety
security.....\$47,000

Emergency Management Agency.

8800-0001..... \$641,750

Department of Correction.

8900-0001..... \$3,800,000

SHERIFFS

Essex Sheriff's Office.

8910-0619..... \$315,000

Franklin Sheriff's Office.

8910-0108..... \$390,000

Massachusetts Sheriffs' Association

8910-7100..... \$28,000

Barnstable Sheriff's Office.

8910-8200..... \$1,825,000

56 *Bristol Sheriff's Office.*
57 8910-8300..... \$3,200,000

58 *Dukes Sheriff's Office.*
59 8910-8400..... \$125,300

60 *Norfolk Sheriff's Office.*
61 8910-8600..... \$900,000

62 *Plymouth Sheriff's Office.*
63 8910-8700..... \$2,500,000

64 *Suffolk Sheriff's Office.*
65 8910-8800..... \$2,500,000

66 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
67 provide for an alteration of purpose for current appropriations and to meet certain requirements
68 of law, the sum set forth in this section is hereby appropriated from the General Fund unless
69 specifically designated otherwise in this section, for the several purposes and subject to the
70 conditions specified in this section and subject to the laws regulating the disbursement of public
71 funds for the fiscal year ending June 30, 2013. This sum shall be in addition to any amounts
72 previously appropriated and made available for the purposes of this item.

73 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

74 *Reserves.*

75 1599-0081 For a reserve to provide home modifications and moving expenses for certain
76 victims of the Boston Marathon bombings; provided, that funding shall only be
77 provided to a person who has either lost a limb or lost the use of a limb as a result of

78 the Boston Marathon bombings that occurred on April 15, 2013; provided further,
79 that an eligible person shall receive benefits for the purpose of home modification or
80 for moving expenses to suitably accessible housing that shall include, but not be
81 limited to, the following: special fixtures or movable facilities, other necessary home
82 modifications and moving expenses to obtain suitable alternative housing due to the
83 person's disability; provided further, that the secretary of administration and finance
84 shall promulgate rules and regulations necessary for the identification of eligible
85 victims of the Boston Marathon bombings and the awarding of benefits; and
86 provided further, that the funds appropriated in this item shall not revert and shall be
87 made available for these purposes through June 30, 2014.....\$200,000

88 1599-0090 For a reserve to reimburse municipalities for unanticipated costs related to extreme
89 weather events; provided, that not less than \$350,000 shall be available to the town
90 of Rockport for costs related to flood damage to Mill Pond Dam; provided further,
91 that \$307,450 shall be available to the town of Arlington to reimburse the town for
92 costs related to the July 2012 microburst; provided further, that not less than
93 \$250,000 shall be available to the Charlemont Sewer District for repairs related to
94 Hurricane Irene; and provided further, that \$300,000 shall be available to the town of
95 Milton to reimburse the town for health care costs related to injured municipal
96 employees.....\$1,207,450

97 1599-1973 For the costs of hired and leased equipment, vehicle repair and sand, salt and other
98 control chemicals used for snow and ice control.....\$55,687,495

99 Commonwealth Transportation Fund 100 %

100 1599-1974 For a reserve to be administered by the executive office for administration and
101 finance for the purposes of facilitating the purchase of health insurance by certain
102 commonwealth employees under the premium only plan of the Section 125 cafeteria
103 plan, 26 U.S.C. § 125, who are not eligible for health insurance coverage provided
104 by the group insurance commission under chapter 32A of the General Laws;
105 provided, that funds in this item may be expended until June 30,
106 2014.....\$400,000

107 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

108 *Department of Public Health*

109 4590-0925 For the costs of a prostate research program; provided, that the department shall grant
110 matching funds from this item to a research foundation selected by the department to
111 undertake the design and management of a 3-year multi-center clinical trial to
112 determine the value of high-quality multi-parametric magnetic resonance imaging
113 service, in this item called MP MRI, as defined by the prostate imaging radiologic
114 system, in this item called PI-RADS, for acquisition and reporting, to address the
115 central challenges in prostate cancer care; provided further, that the clinical trial shall
116 produce scientific data on the value of high-precision MP MRIs and shall include,
117 but not be limited to, evaluating MP MRI and PI-RADS in improving early detection
118 of aggressive prostate cancer, eliminating unnecessary biopsies and treatment of
119 indolent disease and reducing health care costs; provided further, that the research
120 foundation selected for this clinical trial shall have a demonstrated record of
121 designing, managing and supporting pioneering work in prostate magnetic resonance
122 imaging research and PI-RADS development and shall have a recognized leadership
123 role in integrating efforts of multiple public and private partners in national and

124 international transformational research programs; provided further, that the research
125 foundation selected for this clinical trial shall provide evidence of current or past
126 federally-funded prostate magnetic resonance imaging research that shall include PI-
127 RADS standardization; provided further, that any grant to a research foundation
128 from this item shall be subject to the research foundation's receipt of matching funds
129 from federal or private sources; and provided further, that funds in this item shall not
130 revert and shall be made available through June 30, 2014.....\$1,500,000

131 *SHERIFFS*

132 *Worcester Sheriff's Office*

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134 8910-0106 For the Worcester sheriff's office to conduct a feasibility study for a regional lock-up
135 facility for Worcester county.....\$50,000

136 *Executive Office for Administration and Finance*

137 SECTION 2C.I. For the purpose of making available in fiscal year 2014 balances of
138 appropriations which otherwise would revert on June 30, 2013, the unexpended balances of the
139 maintenance appropriations listed below, not to exceed the amount specified below for each
140 item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the
141 corresponding item in section 2 of the general appropriation act for fiscal year 2013; provided,
142 however, that for items which do not appear in said section 2 of the general appropriation act, the
143 amounts in this section are re-appropriated for the purposes of and subject to the conditions
144 stated for the corresponding item in said section 2 or 2A of this act or in prior appropriation acts.
145 Amounts in this section are re-appropriated from the funds designated for the corresponding item
146 in said section 2 of the general appropriation act; provided, however, that for items which do not

147 appear in said section 2 of the general appropriation act, the amounts in this section are re-
148 appropriated from the funds designated for the corresponding item in said section 2 or 2A of this
149 act or in prior appropriation acts. The sums re-appropriated in this section shall be in addition to
150 any amounts available for those purposes.

151 TRESURER AND RECEIVER-GENERAL

152 *Office of the Treasurer and Receiver General*

153 0612-0105\$200,000

154 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

155 *Office of the Secretary of Administration and Finance*

156 1599-2013\$477,000

157 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

158 *Department of Housing and Community Development*

159 7004-2027\$1,500,000

160 SECTION 2E.

161 TRANSPORTATION

162 *Massachusetts Department of Transportation.*

163 1595-6368..... \$1,496,215

164 Commonwealth Transportation Fund 100%

165 SECTION 3. Chapter 10 of the General Laws is hereby amended by inserting after

166 section 35XX the following section:-

167 Section 35YY. There shall be established upon the books of the commonwealth a
168 separate fund to be known as the Dockside Testing Trust Fund to be expended, without prior
169 appropriation, by the department of public health. The fund shall consist of fees to collected
170 from harvesters of molluscan shellfish on Georges Bank in waters that are not monitored for the
171 presence of paralytic shellfish toxin in the amount \$35,000 per vessel that harvests molluscan
172 shellfish in those waters. The commissioner shall make necessary expenditures from the fund
173 only for the administrative costs of the operations and programs of the department related to
174 regulating and monitoring the shellfish harvesters, including the testing of shellfish as necessary
175 to ensure that they are safe for human consumption. The department may incur expenses and the
176 comptroller may certify for payment amounts in anticipation of expected receipts, but no
177 expenditure shall be made from the fund that would cause the fund to be in deficit at the close of
178 a fiscal year. Moneys deposited in the fund that are unexpended at the end of a fiscal year shall
179 not revert to the General Fund.

180 SECTION 3A. Chapter 29 of the General Laws is hereby amended by inserting after
181 section 2IIII the following section:-

182 Section 2JJJJ. There shall be established and set upon the books of the commonwealth a
183 separate fund to be known as the Medical Marijuana Trust Fund, to be expended without prior
184 appropriation by the department of public health. Unless a greater amount is authorized by law,
185 the fund shall consist of revenue generated from fees collected after July 1, 2013, as authorized
186 by section 3B of chapter 7 of the General Laws and section 13 of chapter 369 of the acts of 2012.
187 The commissioner of public health or a designee shall administer the fund and shall make
188 expenditures from the fund for the administrative costs of operations and programs related to
189 said chapter 369. The department may incur expenses and the comptroller may certify for

190 payment, amounts in anticipation of expected receipts; provided, however, that no expenditure
191 shall be made from the fund which shall cause the fund to be in deficit at the close of a fiscal
192 year. Moneys deposited in the fund that are unexpended at the end of a fiscal year shall not revert
193 to the General Fund. The commissioner shall report annually not later than March 1 to the house
194 and senate committees on ways and means on the fund. The report shall include, but not be
195 limited to, revenue received by the fund, revenue and expenditure projections for the
196 forthcoming fiscal year and details of all expenditures from the fund, including an analysis of
197 whether the fund expenditures assisted the department in meeting its regulatory mandates.

198 SECTION 4. The definition of “System”, in section 1 of chapter 32 of the General Laws,
199 as appearing in the 2010 Official Edition, is hereby amended by adding the following words:- ;
200 provided, however, that for the purpose of investing in the Pension Reserves Investment Trust
201 Fund established in subdivision (8) of section 22, the Massachusetts State College Building
202 Authority shall be deemed to be a system.

203 SECTION 5. Section 24 of chapter 32A of the General Laws is hereby amended by
204 striking out, in lines 4 and 5, as so appearing, the words “and shall administer the fund in
205 accordance with that section” and inserting in place thereof the following words:- the fund and
206 shall employ the pension reserves investment management board to invest the fund’s assets in
207 the Pension Reserves Investment Trust Fund.

208 SECTION 6. Subsection (b) of section 6M of chapter 62 of the General Laws, as
209 appearing in section 29 of chapter 238 of the acts of 2012, is hereby amended by striking out the
210 definition of “Taxpayer” and inserting in place thereof the following definition:-

211 “Taxpayer”, a taxpayer subject to the personal income tax under this chapter.

212 SECTION 7. Clause (4) of subsection (c) of said section 6M of said chapter 62, as so
213 appearing, is hereby amended by striking out the word “fiscal” and inserting in place thereof the
214 following word:- taxable.

215 SECTION 8. Said section 6M of said chapter 62, as so appearing, is hereby further
216 amended by striking out subsections (f) to (k), inclusive, and inserting in place thereof the
217 following 6 subsections:-

218 (e) The total of all tax credits available to a taxpayer that makes a qualified investment
219 under this section shall not exceed \$1,000,000 in any 1 taxable year. No tax credit shall be
220 allowed to a taxpayer that makes a qualified investment of less than \$1,000.

221 (f) A taxpayer that makes a qualified investment shall be allowed a refundable credit, to
222 be computed as provided in this subsection, against the taxes imposed by this chapter. If the
223 amount of the credit allowed under this subsection exceeds the taxpayer’s tax liability, the
224 commissioner shall treat the excess as an overpayment and shall pay the taxpayer the amount of
225 the excess, without interest. Alternatively, at the option of the taxpayer, a taxpayer entitled to a
226 credit under this subsection for a taxable year may carry over and apply against the taxpayer’s
227 tax liability for any 1 or more of the succeeding 5 taxable years, the portion, as reduced from
228 year to year, of the credit which exceeds the tax for the taxable year. If the taxpayer elects to
229 carry over a credit balance, then the credit refund provision allowed by this subsection shall not
230 apply. The credit shall be equal to 50 per cent of the total qualified investments made by the
231 taxpayer, subject to the limits described in subsection (e). The department shall issue a
232 certification to the taxpayer after the taxpayer makes a qualified investment. The certification
233 shall be acceptable as proof that the expenditures related to that investment qualify as a qualified
234 investment for purposes of the credit allowed under this section.

235 (g) The credit allowable under this section shall be allowed for the taxable year in which
236 a qualified investment is made.

237 (h) Community investment tax credits allowed to a pass-through entity such as a
238 partnership or a limited liability company taxed as a partnership shall be passed through to the
239 persons designated as partners, members or owners, respectively, pro rata or pursuant to an
240 executed agreement among the persons designated as partners, members or owners documenting
241 an alternative distribution method without regard to their sharing of other tax or economic
242 attributes of the entity.

243 (i) The department shall authorize the tax credits under this section. The total value of
244 the tax credits authorized under this section, together with section 38EE of chapter 63, shall not
245 exceed \$3,000,000 in taxable year 2014 and \$6,000,000 in each of taxable years 2015 to 2019,
246 inclusive.

247 (j) The commissioner, in consultation with the department, shall adopt regulations to
248 carry out the tax credit established in this section.

249 SECTION 9. Subsection (b) of section 38EE of chapter 63 of the General Laws, as
250 appearing in section 35 of said chapter 238, is hereby amended by inserting before the definition
251 of “Community development corporation” the following definition:-

252 “Commissioner”, the commissioner of revenue or the commissioner’s duly authorized
253 representative.

254 SECTION 10. The definition of “Community investment tax credit” in said subsection
255 (b) of said section 38EE of said chapter 63, as so appearing, is hereby amended by striking out
256 the word “ subsection (c)” and inserting in place thereof the following word:- subsection (d).

257 SECTION 11. Subsection (b) of said section 38EE of said chapter 63, as so appearing, is
258 hereby amended by striking out the definition of “Taxpayer” and inserting in place thereof the
259 following definition:-

260 “Taxpayer”, a taxpayer subject to an excise under this chapter.

261 SECTION 12. Clause (4) of subsection (c) of said section 38EE of said chapter 63, as so
262 appearing, is hereby further amended by striking out the word “fiscal” and inserting in place
263 thereof the following word:- taxable.

264 SECTION 13. Said section 38EE of said chapter 63, as so appearing, is hereby further
265 amended by striking out subsections (e) to (i), inclusive, and inserting in place thereof the
266 following 5 subsections:-

267 (e) The total of all tax credits available to a taxpayer that makes a qualified investment
268 under this section shall not exceed \$1,000,000 in any 1 taxable year. No tax credit shall be
269 allowed to a taxpayer that makes a qualified investment of less than \$1,000.

270 (f) A taxpayer that makes a qualified investment shall be allowed a refundable credit, to
271 be computed as provided in this subsection, against the taxes imposed by this chapter. If the
272 amount of the credit allowed under this subsection exceeds the taxpayer’s tax liability, the
273 commissioner shall treat the excess as an overpayment and shall pay the taxpayer the amount of
274 the excess, without interest. Alternatively, at the option of the taxpayer, a taxpayer entitled to a
275 credit under this subsection for a taxable year may carry over and apply against the taxpayer’s
276 tax liability for any 1 or more of the succeeding 5 taxable years, the portion, as reduced from
277 year to year, of the credit which exceeds the tax for the taxable year. If the taxpayer elects to
278 carry over a credit balance, then the credit refund provision allowed by this subsection shall not
279 apply. The credit shall be equal to 50 per cent of the total qualified investments made by the

280 taxpayer, subject to the limits described in subsection (e). The department shall issue a
281 certification to the taxpayer after the taxpayer makes a qualified investment. The certification
282 shall be acceptable as proof that the expenditures related to that investment qualify as a qualified
283 investment for purposes of the credit allowed under this section.

284 (g) The credit allowable under this section shall be allowed for the taxable year in which
285 a qualified investment is made.

286 (h) Community investment tax credits allowed to a pass-through entity such as a
287 partnership or a limited liability company taxed as a partnership shall be passed through to the
288 persons designated as partners, members or owners, respectively, pro rata or under an executed
289 agreement among the persons designated as partners, members or owners documenting an
290 alternative distribution method without regard to their sharing of other tax or economic attributes
291 of the entity.

292 (i) The department shall authorize the tax credits under this section. The total value of
293 the tax credits authorized under this section, together with section 6M of chapter 62, shall not
294 exceed \$3,000,000 in taxable year 2014 and \$6,000,000 in each of taxable years 2015 to 2019,
295 inclusive.

296 SECTION 14. Section 12 of chapter 138 of the General Laws, as appearing in the 2010
297 Official Edition, is hereby amended by striking out, in lines 145 to 157, inclusive, the words “;
298 provided further, that a local licensing authority, subject to the approval of the commission, may
299 grant a license notwithstanding section 17 to sell wine for consumption on the winery premises
300 to a winegrower authorized to operate a farmer-winery under section 19B, to sell malt beverages
301 for consumption on the brewery premises to a farmer-brewer authorized to operate a farmer-
302 brewer under section 19C and to sell spirits for consumption on the distillery premises to a

303 farmer-distiller authorized to operate a farmer-distillery under section 19E; and provided further,
304 that such licensees may sell for on premises consumption wines, malt beverages and spirits
305 produced by the winery, brewery or distillery or produced for the winery, brewery or distillery
306 and sold under the winery, brewery or distillery brand name”.

307 SECTION 15. Section 19B of said chapter 138, as so appearing, is hereby amended by
308 striking out, in lines 112 and 113, the words “the pertinent provisions of section twelve” and
309 inserting in place thereof the following words:- this section.

310 SECTION 16. Said section 19B of said chapter 138, as so appearing, is hereby further
311 amended by adding the following subsection:-

312 (n) A local licensing authority, subject to the approval of the commission, may grant a
313 license notwithstanding section 17 to sell wines for consumption on the winery premises to a
314 winegrower authorized to operate a farmer-winery under this section; provided, however, that
315 such licensees may sell for on-premises consumption wines produced by the winery or produced
316 for the winery and sold under the winery brand name.

317 SECTION 17. Section 19C of said chapter 138, as so appearing, is hereby amended by
318 striking out, in line 119, the words “the pertinent provisions of section twelve” and inserting in
319 place thereof the following words:- this section.

320 SECTION 18. Said section 19C of said chapter 138, as so appearing, is hereby further
321 amended by adding the following subsection:-

322 (n) A local licensing authority, subject to the approval of the commission, may grant a
323 license notwithstanding section 17 to sell malt beverages for consumption on the brewery
324 premises to a farmer-brewer authorized to operate a farmer-brewery under this section; provided,

325 however, that such licensees may sell for on-premises consumption malt beverages produced by
326 the brewery or produced for the brewery and sold under the brewery brand name.

327 SECTION 19. Section 19E of said chapter 138, as so appearing, is hereby amended by
328 striking out, in line 123, the words “the pertinent provisions of section 12” and inserting in place
329 thereof the following words:- this section.

330 SECTION 20. Said section 19E of said chapter 138, as so appearing, is hereby further
331 amended by adding the following subsection:-

332 (o) A local licensing authority, subject to the approval of the commission, may grant a
333 license notwithstanding section 17 to sell spirits for consumption on the distillery premises to a
334 farmer-distiller authorized to operate a farmer-distillery under this section; provided, however,
335 that such licensees may sell for on-premises consumption spirits produced by the distillery or
336 produced for the distillery and sold under the distillery brand name.

337 SECTION 21. Section 4B of chapter 262 of the General Laws, as amended by section
338 116 of chapter 93 of the acts of 2011, is hereby further amended by adding the following
339 sentence:- No fee under this section shall be charged to the commonwealth or a state agency, but
340 if an action initiated by the commonwealth or a state agency results in the appointment of a
341 fiduciary with control over the assets of an estate, then any such fees normally chargeable to an
342 estate shall be deferred until the fiduciary is duly appointed and authorized to expend the assets
343 of the estate.

344 SECTION 22. Section 40 of said chapter 262, as appearing in section 60 of chapter 140
345 of the acts of 2012, is hereby amended by adding the following sentence:- No fee under this
346 section shall be charged to the commonwealth or a state agency, but if an action initiated by the
347 commonwealth or a state agency results in the appointment of a fiduciary with control over the

348 assets of an estate, then any such fees normally chargeable to an estate shall be deferred until the
349 fiduciary is duly appointed and authorized to expend the assets of the estate.

350 SECTION 23. Section 4 of chapter 29 of the acts of 2007 is hereby repealed.

351 SECTION 24. The last paragraph of section 22 of chapter 61 of the acts of 2009 is hereby
352 amended by striking out the words “October 31, 2012”, inserted by section 15 of chapter 239 of
353 the acts of 2012, and inserting in place thereof the following words:- July 15, 2013.

354 SECTION 25. Item 1599-2013 of section 2A of chapter 142 of the acts of 2011 is hereby
355 amended by inserting after the figure “3:10-CV30073” the following words:- , or other cases
356 involving the department of children and families.

357 SECTION 26. The last paragraph of section 56 of chapter 176 of the acts of 2011 is
358 hereby amended by striking out the words “April 15, 2013”, inserted by section 2 of chapter 435
359 of the acts of 2012, and inserting in place thereof the following words:- September 15, 2013.

360 SECTION 27. The last paragraph of section 59 of said chapter 176 is hereby amended by
361 striking out the words “March 15, 2013”, inserted by section 4 of said chapter 435, and inserting
362 in place thereof the following words:- August 15, 2013.

363 SECTION 28. Section 62 of said chapter 176 is hereby amended by striking out the
364 words “January 11, 2013”, inserted by section 5 of said chapter 435, and inserting in place
365 thereof the following words:- June 30, 2013.

366 SECTION 29. Item 0340-0900 of section 2 of chapter 139 of the acts of 2012 is hereby
367 amended by adding the following words:- ; and provided further, that any unexpended funds in
368 this item at the end of fiscal year 2013 shall not revert and shall be made available for the
369 purposes of this item until June 30, 2014.

370 SECTION 30. Item 1410-0010 of said section 2 of said chapter 139 is hereby amended
371 by adding the following words:- ; provided further, that any funds for the restoration of civil war
372 memorials shall not revert and shall be made available for the purpose of civil war memorial
373 restoration grants through June 30, 2014; and provided further, that not less than \$25,000 shall be
374 expended for the War Memorial in the town of Southwick to ensure compliance with the
375 Americans with Disabilities Act.

376 SECTION 30A. Said item 1410-0010 of said section 2 of said chapter 139 is hereby
377 further amended by striking out the figure “\$2,695,839” and inserting in place thereof the
378 following figure:- “\$2,720,839”.

379 SECTION 30B. Item 2810-0100 of said section 2 of said chapter 139 is hereby amended
380 by adding the following words:- ; and provided further, that not less than \$350,000 shall be
381 expended for aquatic invasive species control.

382 SECTION 30C. Said item 2810-0100 of said section 2 of said chapter 139 is hereby
383 further amended by striking out the figure:- “\$41,409,387” and inserting in place thereof the
384 following figure:- \$41,759,387.

385 SECTION 31. Item 4100-0060 of said section 2 of said chapter 139 is hereby amended
386 by inserting after the words “acts of 1997” the following words:- ; provided further, that
387 assessment revenue received after June 30, 2013 for assessments billed in fiscal 2013 shall be
388 credited toward fiscal 2013 revenue receipts.

389 SECTION 31A. Item 4513-1098 of said section 2 of said chapter 139 is hereby amended
390 by adding the following words:- ; and provided further, that any unexpended funds shall not
391 revert but shall be made available for expenditure until June 30, 2014.

392 SECTION 31B. Said item 4513-1098 of said section 2 of said chapter 139 is hereby
393 further amended by striking out the figure “\$125,000” and inserting in place thereof the
394 following figure:- \$275,000.

395 SECTION 31C. Item 4516-1010 of section 2 of chapter 139 of the acts of 2012 is hereby
396 amended by adding the following words:- provided, that not less than \$1,000,000 shall be
397 expended to the city of Boston’s public health department for emergency preparedness and
398 ambulance services at public events;

399 SECTION 31D. Said item 4516-1010 of said section 2 of said chapter 139 is hereby
400 further amended by striking out the figure “\$2,197,411” and inserting in place thereof the
401 following figure:- \$3,197,411.

402 SECTION 31E. Item 7004-0102 of said section 2 of said chapter 139 is hereby amended
403 by adding the following words:- ; and provided further, that \$145,387 shall be expended for the
404 Friends of the Homeless in the city of Springfield.

405 SECTION 31F. Said item 7004-0102 of said section 2 of said chapter 139 is hereby
406 further amended by striking out the figure “\$40,450,335” and inserting in place thereof the
407 following figure:- \$40,597,722.

408 SECTION 31G. Item 7008-0900 of said section 2 of said chapter 139 is hereby amended
409 by adding the following words:- ; provided further, that not less than \$100,000 shall be expended
410 to the Massachusetts International Festival of the Arts for the planned renovations and reopening
411 of the Victory Theatre in the city of Holyoke, including construction consulting, business
412 planning and architecture and engineering costs ; provided further, that not less than \$25,000
413 shall be expended for the Wareham Summer of Celebration Organization for the town of
414 Wareham’s two hundredth anniversary of the attack on Wareham harbor by the British sloop

415 HMS Nimrod and the two hundred and seventy-fifth anniversary of the incorporation of the town
416 of Wareham; provided further, that not less than \$50,000 shall be expended to the New Bedford
417 Whaling Museum, in cooperation with the city of New Bedford, for the visit of the whaling ship
418 Charles W. Morgan to the city of New Bedford in June, 2014; provided further, that not less than
419 \$100,000 shall be expended for the New Bedford Ocean Explorium; provided further, that not
420 less than \$150,000 shall be expended for the Frederick Douglas House in the city of New
421 Bedford for educational services, interpretative and museum services, programs and acquisitions
422 and to undertake tourism and marketing activities; and provided further, that not less than
423 \$100,000 shall be expended for accessibility at the Arc of Greater Plymouth; and provided
424 further, that not less than \$50,000 shall be expended to the Greater Plymouth Performing Arts
425 Center.

426 SECTION 31H. Said item 7008-0900 of said section 2 of said chapter 139 is hereby
427 further amended by striking out the figure “\$7,217,109” and inserting in place thereof the
428 following figure:- \$7,792,109.

429 SECTION 32. Item 7066-0025 of said section 2 of said chapter 139 is hereby amended
430 by adding the following words:- ; and provided further that funds from this item may be
431 expended through August 31, 2013.

432 SECTION 33. Item 8000-0122 of said section 2 of said chapter 139 is hereby amended
433 by striking out the figure “\$2,250,000”, each time it appears, and inserting in place thereof the
434 following figure:- \$2,500,000.

435 SECTION 33A. Item 8100-1001 of said section 2 of said chapter 139 is hereby amended
436 by adding the following words:- ; and provided further, that not less than \$100,000 shall be
437 expended for the purpose of enhancing the state police presence in the city of Springfield.

438 SECTION 33B. Said item 8100-1001 of said section 2 of said chapter 139 is hereby
439 further amended by striking out the figure “\$244,122,688” and inserting in place thereof the
440 following figure:- \$244,222,688.

441 SECTION 33C. Item 8324-0000 of said section 2 of said chapter 139 is hereby amended
442 by adding the following words:- ; and provided further, that \$50,000 shall be expended for
443 conceptual planning and development for fire safety improvements in the town of Dudley.

444 SECTION 33D. Said item 8324-0000 of said section 2 of said chapter 139 is hereby
445 further amended by striking out the figure amended by striking out the figure ‘\$18,513,773’ and
446 inserting in place thereof the following figure:- \$18,563,773.

447 SECTION 34. Item 8910-1000 of said section 2 of said chapter 139 is hereby amended
448 by striking out the figure “\$2,396,673”, each time it appears, and inserting in place thereof the
449 following figure:- \$2,496,673.

450 SECTION 35. Item 1595-1067 of section 2E of said chapter 139 is hereby amended by
451 inserting after the words “non-federal share of such payment” the following words:- ; provided
452 further, that upon certification from the secretary of administration and finance the comptroller
453 shall credit up to \$11,213,334 in transfers made by the Cambridge public health commission
454 received after June 30, 2013 toward fiscal year 2013 revenue receipts.

455 SECTION 36. Item 1595-6368 of said section 2E of said chapter 139 is hereby amended
456 by inserting after the words “in fiscal year 2012” the following words:- ; provided further, that
457 not less than \$971,215 shall be provided to reimburse the Community Transportation
458 Association for unpaid costs related to the operation of Berkshire Rides and Community Transit
459 Services in prior fiscal years.

460 SECTION 36A. Paragraph (2) of subsection (c) of section 41 of chapter 209 of the acts of
461 2012 is hereby amended by striking out the words “July 1, 2013” and inserting in place thereof
462 the following words:- October 31, 2013.

463 SECTION 37. Chapter 238 of the acts of 2012 is hereby amended by striking out sections
464 82 and 83 and inserting in place thereof the following section:-

465 Section 82. The office of commonwealth performance, accountability and transparency,
466 in consultation with the department of housing and community development and the
467 commissioner of revenue, shall review the community investment tax credit in section 6M of
468 chapter 62 of the General Laws and section 38EE of chapter 63 of the General Laws and report
469 on the estimate of the anticipated foregone revenue from the tax credit, whether this tax credit
470 achieves the desired outcome and stated public policy purpose of the tax credit, and if the tax
471 credit is the most cost effective means of achieving this public policy purpose and whether the
472 tax credit should be subject to a recapture if certain conditions are not met. Not later than March
473 1, 2015, the office of commonwealth performance, accountability and transparency shall file a
474 report, together with any recommendations regarding whether there should be legislative changes
475 to the tax credit or whether the goals of the tax credit can better be served through other means,
476 with the governor and with the clerks of the house of representatives and senate, who shall
477 forward the report to the joint committee on revenue, the joint committee on economic
478 development and emerging technologies, the joint committee on community development and
479 small businesses, and the house and senate committees on ways and means. The report required
480 to be filed by the office under this section shall be made available online.

481 SECTION 38. Item 1599-0054 of section 2A of chapter 3 of the acts of 2013 is hereby
482 amended by adding the following words:- ; and provided further, that any funds unexpended in

483 fiscal year 2013 shall not revert and shall be made available for the purposes of this item until
484 June 30, 2014.

485 SECTION 39. Section 27 of chapter 3 of the acts of 2013 is hereby amended by inserting
486 after the word “appropriation” the following words:- and that any portion of the reduction may
487 be met through the transfer of non-appropriated resources to the General Fund.

488 SECTION 40. Notwithstanding any general or special law to the contrary, the secretary
489 of health and human services, with the written approval of the secretary of administration and
490 finance, may authorize transfers of surplus among items 4000-0320, 4000-0430, 4000-0500,
491 4000-0600, 4000-0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0895, 4000-0950,
492 4000-0990, 4000-1400, 4000-1405 and 4000-1420 of section 2 of chapter 139 of the acts of 2012
493 for the purpose of reducing any deficiency in these items, but any such transfer shall be made
494 prior to August 30, 2013.

495 SECTION 40A. Notwithstanding any general or special law to the contrary, any
496 unexpended balances, not exceeding a total of \$20,000,000, in items 4000-0600 and 4000-0700
497 of section 2 of chapter 139 of the acts of 2012, shall not revert to the General Fund until
498 September 1, 2013 and may be expended by the executive office of health and human services to
499 pay for services enumerated in said items 4000-0600 and 4000-0700 of said section 2 of said
500 chapter 139 provided during fiscal year 2013.

501 SECTION 41. Notwithstanding any general or special law to the contrary, the secretary
502 of administration and finance may transfer funds from item 1599-1711 of section 2A of chapter
503 239 of the acts of 2012 to item 1599-1710 of said section 2A of said chapter 239. The secretary
504 shall notify the house and senate committees on way and means in writing not less than 10 days
505 before directing the comptroller to make any such transfer.

506 SECTION 42. The salary adjustments and other economic benefits authorized by the
507 following collective bargaining agreements shall be effective for the purposes of section 7 of
508 chapter 150E of the General Laws:

509 (a) between the University of Massachusetts and the International Brotherhood of
510 Teamsters, Local 25 (Unit B33), for the Boston campus;

511 (b) between the University of Massachusetts and the American Federation of Teachers,
512 Local 1895, AFL-CIO, Faculty Federation (Units D80 and D81), for the Dartmouth campus; and

513 (c) between the University of Massachusetts and the Federation of Maintenance and
514 Custodial Employees, MFT, AFT, AFL-CIO (Unit D83), for the Dartmouth campus.

515 SECTION 43. Notwithstanding any general or special law to the contrary and in
516 recognition of heroic measures taken by officer Sean Allen Collier, who was sworn as a special
517 state police officer under section 63 of chapter 22C of the General Laws and as a deputy sheriff
518 of Middlesex county and Suffolk county, to protect the public safety of the commonwealth, the
519 state retirement board shall issue a killed in the line of duty death benefit to the family of officer
520 Sean Allen Collier under section 100A of chapter 32 of the General Laws. The state retirement
521 board shall administer said benefit according to terms and conditions established for benefits
522 provided under said section 100A of said chapter 32.

523 SECTION 44. Notwithstanding any general or special law to the contrary, for fiscal year
524 2014, the secretary of health and human services shall implement, in its entirety and without
525 being subject to adjustment for the entire fiscal year, section 253 of chapter 224 of the acts of
526 2012 for its managed care and primary clinician programs.

527 SECTION 45. Notwithstanding any general or special law to the contrary, the secretary
528 of the commonwealth shall transfer \$716,511 from the elections division operating account, in

529 item 0521-0000 of section 2 of chapter 139 of the acts of 2012, to the HAVA Trust Account, in
530 item 0521-0700, in order to meet federal matching fund requirements.

531 SECTION 46. Notwithstanding any general or special law to the contrary, the
532 unexpended balances of all capital accounts which otherwise would revert on June 30, 2013, but
533 which are necessary to fund obligations during fiscal year 2014, are hereby re-authorized; but
534 this re-authorization shall terminate upon enactment of a capital account extension law.

535 SECTION 47. Notwithstanding any general or special law to the contrary, the department
536 of correction is directed to expend not less than \$2,000,000 for cities and towns hosting
537 department of correction facilities in fiscal year 2013, as appropriated in item 8900-0001;
538 provided, however, that of the \$2,000,000, no city or town hosting a department of correction
539 facility shall receive more than \$800,000 and shall not receive less than the amount allocated in
540 item 8900-0001 of section 2 of chapter 68 of the acts of 2011.

541 SECTION 48. Notwithstanding any general or special law to the contrary, the department
542 of conservation and recreation shall authorize the installation of a suitable marker on the
543 Esplanade in the city of Boston in recognition of David G. Mugar on the fortieth anniversary of
544 the Boston Pops July fourth fireworks spectacular.

545 SECTION 48A. Salem State University, in consultation with the department of
546 elementary and secondary education, local education authorities and private education providers,
547 shall study the delivery of special education services under chapter 71B of the General Laws and
548 all applicable federal laws, including the Individuals with Disabilities Educational Act of 1990.

549 The study shall include a comprehensive evaluation of existing and potential models for
550 providing special education and the associated costs and benefits including, but not limited to,
551 the costs of personnel compensation, transportation, housing and assistive technologies. The

552 study shall also seek to identify means by which services and instruction may be provided in a
553 proactive manner, without the requirement or need for an individual education plan, to maximize
554 learning progress in local educational settings.

555 The study, together with any legislative recommendations, shall be filed with the joint
556 committee on education and the clerks of the house and the senate not later than May 1, 2014.

557 SECTION 48B. (a) For the purposes of reducing the need for remediation following
558 matriculation into a postsecondary setting, the comptroller shall transfer \$30,000 from the
559 General Fund to the department of elementary and secondary education to administer the
560 uniform college and career readiness pilot program established in subsection (b).

561 (b) There shall be a uniform college and career readiness pilot program to be
562 administered by the department for the 2013 to 2014 school year for the school districts, charter
563 schools and innovation schools in gateway cities. The pilot program shall be administered to
564 approximately 750 students and shall consist of: (i) placement tests; (ii) diagnostic assessment
565 tests; (iii) intervention programs to be administered to students over a 10-week period as
566 indicated by a student's score on the diagnostic assessment test, to ensure that the student
567 receives online education services necessary for the student to demonstrate postsecondary and
568 workforce readiness with either a reduced or eliminated need for remediation; and (iv) second
569 placement tests following the delivery of any intervention services in order to collect data
570 necessary to determine the pilot program's efficacy. The placement tests and diagnostic
571 assessment tests shall be those tests commonly administered by public institutions of higher
572 education. The selected school districts, charter schools or innovation schools shall receive
573 funding to administer the tests and deliver the diagnosed remediation services. Administration of

574 the placement tests, diagnostic assessment tests and intervention services shall commence when
575 a student enters the eleventh grade.

576 (c) At the end of the pilot program, all recipient schools shall provide a report to the
577 department that includes data of the efficacy of the schools' program efforts by comparing the
578 initial placement tests to the placement tests administered following the delivery of remediation
579 services and the department shall submit the report to the house and senate committees on ways
580 and means, the joint committee on education and the joint committee on higher education by
581 August 1, 2014, to determine whether the pilot program shall be more broadly implemented.

582 SECTION 48C. Notwithstanding sections 6 and 7 of chapter 53 and sections 86 and 95 of
583 chapter 54 of the General Laws or any other general or special law to the contrary, the state
584 secretary only for compliance with the federal Uniformed and Overseas Citizen Absentee Voting
585 Act, 42 USC §§ 1973ff, shall have the authority to add or change any dates relating to such
586 special primaries or election for Representative in Congress in the year 2013 as the state
587 secretary deems necessary for the orderly administration of the election and so that absentee
588 ballots will be available to active duty military and overseas citizen voters not later than 45 days
589 before any special federal primary or election. The state secretary shall provide notice of these
590 changes with the rules and regulations division and by posting on the secretary's website and by
591 whatever other means the secretary deems appropriate.

592 SECTION 48D. There shall be established and set up on the books of the commonwealth
593 a separate fund to be known as the Section 1202 Trust Fund. An amount equal to the federal
594 financial participation received for the portion of expenditures eligible for 100 per cent federal
595 financial participation under section 1202 of the Patient Protection and Affordable Care Act and
596 regulations adopted thereunder shall be deposited into the fund. The amount deposited shall not

597 exceed the amount expended from the fund. The secretary of health and human services shall be
598 the trustee of the fund and shall expend moneys in the fund, without further appropriation,
599 exclusively for services provided in calendar years 2013 and 2014 that are eligible for 100 per
600 cent federal financial participation under said section 1202. The secretary may incur expenses
601 and the comptroller may certify for payment from the fund amounts in anticipation of expected
602 receipts, but no expenditure shall be made from the fund that shall cause the fund to be in deficit
603 at the close of a fiscal year. Any remaining balances in the fund at the end of a fiscal year shall
604 not revert to the General Fund and shall be available during the following fiscal year for the
605 purposes of this section. Funds may be expended for services provided in prior fiscal years.

606 SECTION 48E. Section 48D is hereby repealed.

607 SECTION 49. Sections 6 to 13, inclusive, shall take effect on January 1, 2014.

608 SECTION 50. Section 48E shall take effect on June 30, 2015.