HOUSE . . . . . No. 3695

Message from His Excellency the Governor recommending legislation making appropriations for the fiscal year 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects. August 25, 2011.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act making appropriations for the fiscal year 2011 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 2011 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2011, 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, 2011. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

SECTION 2.

STATE AUDITOR

Office of the State Auditor

0710-0000 $874,830

ATTORNEY GENERAL

13 Office of the Attorney General

14 0810-0000 $671,665

15 INSPECTOR GENERAL

16 Office of the Inspector General

17 0910-0200 $709,394

18 OFFICE OF THE STATE COMPTROLLER

19 Office of the State Comptroller

20 1599-3384 $2,000,000

21 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

22 Office of the Secretary of Administration and Finance

23 1599-4227 $3,813,028

24 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

25 Office of the Secretary of Health and Human Services

26 4000-0300 $3,000,000

27 Department of Public Health

28 4510-0100 $2,313,560

29 Department of Mental Health

30 5046-0000 $3,000,000

31 Department of Youth Services

32 4200-0300 $600,000

33 Department of Transitional Assistance

34 4403-2000 $8,200,000

35 Department of Children and Families

36 4800-0015 $1,580,000

37 4800-1100 $650,000

38 Department of Developmental Services

39 5920-2000 $5,000,000

40 5920-3000 $5,500,000

41 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

42 Department of Workforce Development

43 7002-0012 $9,000,000

44 EXECUTIVE OFFICE OF EDUCATION

45 Department of Elementary and Secondary Education

46 7035-0002 $5,000,000

47 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
48 provide for an alteration of purpose for current appropriations, and to meet certain requirements
49 of law, the sums set forth in this section are hereby appropriated from the General Fund unless
50 specifically designated otherwise in this section, for the several purposes and subject to the
51 conditions specified in this section, and subject to the laws regulating the disbursement of public
52 funds for the fiscal year ending June 30, 2011. These sums shall be in addition to any amounts
53 previously appropriated and made available for the purposes of those items.

54 OFFICE OF THE STATE COMPTROLLER

55 Office of the State Comptroller

56 1599-3393 For a reserve for the Hayes settlement $5,000,000

57 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

58 Office of the Secretary of Administration and Finance

59 1599-0029 For a reserve to meet the fiscal year 2012 costs of employee training and
60 other economic benefits authorized by the collective bargaining agreement between the
61 commonwealth and service employees international union local 1199; provided, that the
62 secretary of administration and finance may transfer from the sum appropriated in this item to
63 other items of appropriation amounts that are necessary to meet these costs where the amounts
64 otherwise available are insufficient for the purpose; and provided further, that funds under this
65 item shall not revert but shall be made available for expenditure until June 30, 2012
66 $1,000,000

67 1599-1706 For a reserve for the state share of costs to certain municipalities relating
68 to the June 1, 2011 storms; provided, that the comptroller shall transfer funds made available in
69 this item to municipalities for this purpose upon the written request of the secretary of
70 administration and finance $10,000,000

71 1599-1707 For a reserve for the state share of costs to certain municipalities and
72 municipal lighting plants as identified by the Federal Emergency Management Agency for
73 Emergency Declaration 3296 relating to the December 2008 severe winter storm, for the counties
74 of Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Suffolk and Worcester;
75 provided, that the comptroller shall transfer funds made available in this item to municipalities
76 for this purpose upon the written request of the secretary of administration and finance
77 $6,200,000

78 1599-2013 For a reserve for costs associated with the Commonwealth's defense in the
79 case of Connor B., et al v. Patrick, et al, civil action No. 3:10-cv30073; provided, that the
80 secretary may transfer from the sum appropriated in this item to other items of appropriation
81 amounts that are necessary to meet these costs where the amounts otherwise available are
82 insufficient for the purpose. $2,500,000

83 1599-3381 For a reserve to pay attorneys' fees in the lawsuit known as Hutchinson v.
84 Patrick, pending in the United States District Court. $745,000

85 1599-4204 For a reserve to meet the fiscal year 2011 and 2012 costs of salary
86 adjustments and other economic benefits authorized by the collective bargaining agreement
87 between the Commonwealth and the State Police Association of Massachusetts $4,509,518

88 1599-4252 For a reserve to meet the fiscal year 2011 and 2012 costs of salary
89 adjustments and other economic benefits authorized by the collective bargaining agreement
90 between the commonwealth and the Coalition for Public Safety, Unit 5 $140,000

91 1599-4343 For a reserve to meet the fiscal year 2011 and fiscal year 2012 costs of
92 salary adjustments and other economic benefits authorized by the collective bargaining
93 agreement between the Suffolk county sheriff's department and the County Correction
94 Officers/AFSCME Local 414 $293,950

95 1599-4430 For a reserve to meet the fiscal year 2011 and 2012 costs of salary
96 adjustments and other economic benefits authorized by the collective bargaining agreement
97 between the commonwealth and NAGE local 229 $1,300,000

98 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

99 Office of the Secretary of Health and Human Services

100 4000-0114 For the purposes of establishing an EOHHS pilot program that would link
101 increased training to modest pay increases in order to reduce turnover rates; provided, that
102 EOHHS shall issue regulations for the administration and distribution of such funds and shall
103 submit said regulations to the House and Senate Committees on Ways and Means $3,800,000

104 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

105 Department of Housing and Community Development

106 7004-0109 For a pilot program for stabilization services provided by regional
107 homeless networks, including programs designed to support and leverage HomeBASE; provided,
108 that this implementation shall be developed in collaboration with the interagency council to end
109 homelessness, as established in Executive Order 492 $5,000,000

110 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

111 Department of Career Services

112 7002-1500 For the operation of the commonwealth corps program $500,000

113 SECTION 2C.I. For the purpose of making available in fiscal year 2012 balances of
114 appropriations which otherwise would revert on June 30, 2011, the unexpended balances of the
115 maintenance appropriations listed below, not to exceed the amount specified below for each
116 item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the
117 corresponding item in section 2 of the general appropriation act for fiscal year 2011. However,
118 for items which do not appear in section 2 of the general appropriation act, the amounts in this
119 section are re-appropriated for the purposes of and subject to the conditions stated for the
120 corresponding item in section 2 or 2A of this act or in prior appropriation acts. Amounts in this
121 section are re-appropriated from the fund or funds designated for the corresponding item in
122 section 2 of the general appropriation act; provided, however, that for items which do not appear
123 in section 2 of the general appropriation act, the amounts in this section are re-appropriated from
124 the fund or funds designated for the corresponding item in section 2 or 2A of this act or in prior
125 appropriation acts. The sums re-appropriated in this section shall be in addition to any amounts
126 available for said purposes.

127 TREASURER AND RECEIVER-GENERAL

128 Lottery Commission

129 0640-0000 $815,000

130 SHERIFFS

131 Essex Sheriff's Department

132 8910-0619 $21,578

133 STATE AUDITOR

134 Office of the State Auditor

135 0710-0000 $874,830

136 ATTORNEY GENERAL

137 Office of the Attorney General

138 0810-0000 $671,665

139 INSPECTOR GENERAL

140 Office of the Inspector General

141 0910-0200 $709,394

142 OFFICE OF THE STATE COMPTROLLER

143 Office of the State Comptroller

144 1599-3384 $2,000,000

145 1599-3393 $5,000,000

146 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

147 Office of the Secretary of Administration and Finance

148 1100-1560 $440,693

149 1599-0016 $110,000

150 1599-0029 $1,000,000

151 1599-1706 $10,000,000

152 1599-1707 $6,200,000

153 1599-2013 $2,500,000

154 1599-3381 $745,000

155 1599-4204 $4,509,518

156 1599-4227 $4,132,356

157 1599-4252 $140,000

158 1599-4281 $10,000

159 1599-4282 $10,000

160 1599-4283 $10,000

161 1599-4284 $10,000

162 1599-4343 $293,950

163 1599-4430 $1,300,000

164 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

165 Office of the Secretary of Health and Human Services

166 4000-0114 $3,800,000

167 4000-0300 $3,000,000

168 Department of Public Health

169 4510-0100 $2,313,560

170 Department of Mental Health

171 5046-0000 $3,000,000

172 Department of Youth Services

173 4200-0300 $600,000

174 Department of Transitional Assistance

175 4403-2000 $8,200,000

176 Department of Children and Families

177 4800-0015 $1,580,000

178 4800-0038 $500,000

179 4800-0041 $2,500,000

180 4800-1100 $2,000,000

181 Massachusetts Commission for the Deaf and Hard of Hearing

182 4125-0100 $90,000

183 Department of Developmental Services

184 5920-2000 $5,000,000

185 5920-3000 $5,500,000

186 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

187 Department of Housing and Community Development

188 7004-0109 $5,000,000

189 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

190 Department of Workforce Development

191 7002-0012 $9,000,000

192 Department of Career Services

193 7002-1500 $500,000

194 EXECUTIVE OFFICE OF EDUCATION

195 Department of Elementary and Secondary Education

196 7035-0002 $5,000,000

197 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

198 Office of the Secretary of Public Safety and Security

199 8000-0600 $6,500

200 Department of State Police

201 8100-1001 $2,700,000

202 Military Division

203 8700-0001 $200,000

204 Parole Board

205 8950-0001 $500,000

206 SECTION 2C.II. For the purpose of making available in fiscal year 2012 balances of
207 retained revenue and intragovernmental chargeback authorizations which otherwise would revert
208 on June 30, 2011, the unexpended balances of the authorizations listed below, not to exceed the
209 amount specified below for each item, are hereby re-authorized for the purposes of and subject to
210 the conditions stated for the corresponding item in section 2 or 2B of the general appropriation
211 act for fiscal year 2009. However, for items which do not appear in section 2 or 2B of the
212 general appropriation act, the amounts in this section are re-authorized for the purposes of and
213 subject to the conditions stated for the corresponding item in section 2, 2A, or 2B of this act or in
214 prior appropriation acts. Amounts in this section are re-authorized from the fund or funds
215 designated for the corresponding item in section 2 or 2B of the general appropriation act;
216 however, for items which do not appear in section 2 or 2B of the general appropriation act, the
217 amounts in this section are re-authorized from the fund or funds designated for the corresponding
218 item in section 2, 2A, or 2B of this act or in prior appropriation acts. The sums re-authorized in
219 this section shall be in addition to any amounts available for those purposes.

220 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

221 Office of the Secretary of Public Safety and Security

222 8000-0004 $3,000,000

223 Municipal Police Training Committee

224 8200-0222 $48,000

225 SECTION 2E. The sums set forth in this section are hereby appropriated for transfer
226 from the General Fund to the trust funds named within each item unless specifically designated
227 otherwise in this section, for the purposes and subject to the conditions specified in this section
228 and subject to the laws regulating the disbursement of public funds for the fiscal year ending
229 June 30, 2011. Items in this section shall not be subject to allotment under section 9B of chapter
230 29 of the General Laws or reduction under section 9C of said chapter 29, without express
231 authorization from the general court. Notwithstanding section 19A of said chapter 29, any
232 transfer under this section shall be made by the comptroller in accordance with a transfer
233 schedule to be developed for each item by the comptroller, after consulting with the appropriate
234 agency secretary, the secretary of administration and finance and the state treasurer. The
235 schedule for each appropriation shall provide for transfers in increments considered appropriate
236 to meet the cash flow needs of each fund and all transfers under the schedule shall be completed
237 not later than June 30, 2011. Not later than 7 days after the schedules receive final approval by
238 the comptroller, they shall be reported to the house and senate committees on ways and means.

239 OFFICE OF THE STATE COMPTROLLER

240 Office of the State Comptroller

241 1595-6583 For an operating transfer to the Infrastructure Development Fund
242 $35,000,000

243 1595-6585 For an operating transfer to the Low Income Housing Tax Credit Fund
244 $10,000,000

245 1599-0030 For an operating transfer to the Health Care Workforce Training
246 Fund…… $15,000,000

247 1599-6584 For an operating transfer to the Innovation Investment and Access Fund
248 $15,000,000

249 EXECUTIVE OFFICE OF EDUCATION

250 Department of Higher Education

251 7066-0035 For the support of the science, technology, engineering, and mathematics
252 grant fund established by section 2MMM of chapter 29 of the General Laws $500,000

253 Authorize United States Treasury Reciprocal Offset Program

254 SECTION 3 . (A) Chapter 7A of the General Laws is hereby amended by adding the
255 following section: -

256 Section 19. (a) Notwithstanding any other general or special law to the contrary, the
257 comptroller may enter into an agreement with the Secretary of the Treasury to participate in a
258 reciprocal Treasury Offset Program pursuant to 31 U.S.C. section 3716 for the collection of any
259 debts owed to the commonwealth or to state agencies from federal payments to vendors,
260 contractors and taxpayers. The agreement may provide for the United States to submit non-tax
261 debts owed to federal agencies for offset against state payments otherwise due and owing to
262 taxpayers, vendors and contractors providing goods or services to the commonwealth, its
263 departments, agencies or institutions.

264 (b) For purposes of this section the following words have the following meanings:

265 "Agreement" or "offset agreement" means the agreement between the comptroller and
266 the Secretary of the Treasury authorized by this section.

267 "Debt" means a delinquent state tax or non-tax debt certified by the state treasurer or a
268 federal non-tax debt certified by a federal official and shall include but shall not be limited to
269 fines, fees, penalties and other non-tax assessments imposed by or payable to the commonwealth
270 or federal government that are finally determined to be due and owing.

271 "Federal official" means a unit or official of the federal government charged with the
272 collection of non-tax liabilities payable to the federal government and with the authority to enter
273 into the offset agreement.

274 "Person" means an individual, vendor, contractor, partnership, society, association, joint
275 stock company, limited liability company, corporation, estate, receiver, trustee, assignee, and any
276 other person acting in a fiduciary or representative capacity whether appointed by a court or
277 otherwise, or any combination of the foregoing.

278 “Refund” means an amount described as a refund of tax under the provision of the state
279 tax law that authorized its payment.

280 "State payments" shall include tax refunds and any vendor or contractor payments made
281 by the commonwealth to any person including expense reimbursements to an employee of the
282 commonwealth, provided that "state payments" do not include salary, wages, pension and any
283 other type, class or amount of payment as the comptroller determines to impact the health or
284 welfare of the citizens of the commonwealth.

285 (c) Pursuant to the agreement, a federal official may:

286 (1) certify to the comptroller the existence of a person's delinquent, non-tax debt owed by
287 the person to the federal government by providing:

288 (A) the full name and address of the person and any other names known to be used by the
289 person;

290 (B) the social security number or federal tax identification number;

291 (C) the amount of the federal non-tax liability; and

292 (D) a statement certifying that the debt is past due, that due process has been provided
293 and that the debt is legally enforceable in the amount certified, which may be provided in
294 procedures for certifying payments in the agreement.

295 (E) Any other information pursuant to the agreement;

296 (2) Request the comptroller to withhold any state payment to which the person is entitled;
297 and

298 (3) Retain a portion of the proceeds of any federal administrative setoff authorized by the
299 federal offset program.

300 (d) As required or permitted by state law, federal law or the offset agreement, the
301 comptroller:

302 (1) Shall determine if a person for whom a certification is received is due a state
303 payment;

304 (2) Shall withhold a state payment that is due a person whose name has been certified by
305 a federal official;

306 (3) Shall notify the person of the amount withheld in accordance with the offset
307 agreement;

308 (4) Shall pay to the federal official the lesser of:

309 (A) The entire state payment; or

310 (B) The amount certified; and

311 (C) Pay any refund or state payment in excess of the certified amount to the person less
312 any fee pursuant to subsection (e);

313 (D) If an individual filed a joint income tax return and the debt certified by a federal
314 official is not the liability of both parties to the joint income tax return, the comptroller may not
315 withhold or pay to the federal official that portion of the income tax refund attributable to the
316 individual not owing the debt. The comptroller and the commissioner of revenue shall adopt
317 procedures notifying parties to a joint income tax return of a proposed offset of a state income
318 tax refund for a debt certified by a federal official and shall allow the parties to such return 60
319 days to assert in writing that a portion of the income tax refund is attributable to the individual
320 not owing the debt. If no such assertion by a party to the joint return is made within 60 days of
321 notice, all of the income tax refund shall be deemed attributable to the individual owing the debt.

322 (5) May certify to a federal official a person's delinquent debt owed to the commonwealth
323 by providing the federal official:

324 (A) the full name and address of the person and any other names known to be used by the
325 person;

326 (B) the social security number or federal tax identification number;

327 (C) the amount of the liability; and

328 (D) a statement certifying that the debt is past due, that due process has been provided
329 and that the debt is legally enforceable in the amount certified, which may be provided in
330 procedures for certifying payments in the agreement.

331 (E) Any other information required by state statute or regulation applicable to the
332 collection of the debt by offset of federal payments;

333 (6) May request that the federal official withhold any federal vendor or other federal
334 payment pursuant to the offset agreement to which the person is entitled:

335 (A) The entire federal payment; or

336 (B) The amount certified; and

337 (C) Pay any refund or federal payment in excess of the certified amount to the person less
338 any fee pursuant to subsection (e);

339 (e) The comptroller may, by rule, establish a reasonable administrative fee to be charged
340 to the person for the provision of the state offset of a federal debt or the federal offset of a state
341 debt. The fee is a separate debt and may be withheld from any refund, reimbursement or other
342 monies held for the person. The comptroller may charge the person who is the subject of federal
343 offset of a state debt, a fee equal to the fee authorized in subsection (c). Any state administrative
344 fees may be retained by the comptroller, without further appropriation, for the costs of the
345 intercept program, including reporting, and for costs associated with other revenue generation
346 and cost savings initiatives as determined by the comptroller.

347 (f) The comptroller and the heads of the various state agencies may enter into interagency
348 agreements for the purpose of protecting a person's return information as defined under state tax
349 law and collecting debts, fees and penalties due the commonwealth, its departments, agencies or
350 institutions.

351 (B) Section 1 of chapter 62D of the General Laws, as appearing in the 2008 Official
352 Edition, is hereby amended by inserting after the numeral “29”, in line 29, the following words:-
353 , or any federal agency as certified by a federal official to the comptroller pursuant to section 19
354 of chapter 7A.

355 (C) Section 13 of said chapter 62D, as so appearing, is hereby amended by inserting after
356 the numeral “29”, in line 15, the following words:- , or any federal agency as certified by a
357 federal official to the comptroller pursuant to section 19 of chapter 7A.

358 Accommodating Workforce Training Fund Receipt of Revenues

359 Section 3A. Subsection (a) of the section 2RR of chapter 29 of the General Laws, as
360 amended by section 93 of chapter 3 of the acts of 2011, is hereby further amended by adding the
361 following sentence:- For the purpose of accommodating discrepancies between the receipt of
362 revenues and related expenditures, the director of career services may incur obligations and the
363 comptroller may certify payment amounts not to exceed the most recent revenue estimate
364 submitted by the department and approved by the comptroller; provided, however, that the fund
365 shall be in balance by the close of each fiscal year.

366 Filing Change for Regulatory Small Business Impact Statements

367 SECTION 4. (A) Section 2 of chapter 30A of the General Laws is hereby amended by
368 striking out the fourth paragraph, inserted by section 67 of chapter 240 of the acts of 2010, and
369 inserting in place thereof the following paragraph:-

370 A small business impact statement shall be filed with the state secretary on the same day
371 the notice is filed and shall accompany the notice. Notwithstanding section 6, the state secretary
372 shall include the small business impact statement on the electronic website of the state secretary,
373 and the statement may be inspected and copied in the office of the state secretary during business
374 hours.

375 (B) Section 3 of said chapter 30A is hereby amended by striking out the fourth paragraph,
376 inserted by section 68 of said chapter 240, and inserting in place thereof the following
377 paragraph:-

378 A small business impact statement shall be filed with the state secretary on the same day
379 the notice is filed and shall accompany the notice. Notwithstanding section 6, the state secretary
380 shall include the small business impact statement on the electronic website of the state secretary,
381 and the statement may be inspected and copied in the office of the state secretary during business
382 hours.

383 End State Police Quinn Benefits

384 SECTION 5. (A) Section 108L of chapter 41 of the General Laws, as appearing in the
385 2008 Official Edition, is hereby amended by striking out, in lines 3 to 5, the words “, uniformed
386 members of the department of state police appointed under said section ten, state police
387 detectives appointed under section ten of said chapter twenty-two C”.

388 (B) The fifth paragraph of said section 108L of said chapter 41, as so appearing, is hereby
389 amended by striking out the third sentence.

390 Allow “Evergreen” Clauses in Public-Sector Collective Bargaining Agreements

391 SECTION 6. (A) Subsection (a) of section 7 of chapter 150E of the General Laws, as
392 appearing in the 2008 Official Edition, is hereby amended by adding after the word “years”, in
393 line 3, the following words:- ; but a provision in a collective bargaining agreement stating that
394 the agreement’s terms remain in effect beyond 3 years while the parties negotiate a successor
395 agreement shall be valid and enforceable.

396 (B) Subsection (A) shall apply retroactively to a collective bargaining agreement that
397 contained a provision stating that the agreement’s terms remain in effect beyond 3 years while
398 the parties negotiate a successor agreement but otherwise expired before the effective date of this
399 act, unless the continued effectiveness of such an agreement was the subject of judicial
400 proceedings pending on October 22, 2010 in a state or federal court in the commonwealth.

401 DCF Access to CPCS Indigency Forms

402 SECTION 7. Subsection (c) of section 2A of chapter 211D of the General Laws, as
403 appearing in section 112 of chapter 68 of the acts of 2011, is hereby amended by adding the
404 following paragraph:-

405 Upon request by the department of children and families, the commissioner of probation
406 shall provide to the department a copy of a person's indigency intake form, final assessment of
407 financial circumstances, and any report certifying that the person either continues to meet or no
408 longer meets the definition of indigency prepared by the chief probation officer in accordance
409 with this section. The department shall use these forms and reports for the purpose of
410 completing eligibility determinations under Title IV-E of the Social Security Act and for no other
411 purpose. The commissioner of probation and the commissioner of children and families shall
412 jointly determine the process by which the department of children and families shall obtain and
413 maintain these forms and reports. The department of children and families shall not make, and
414 shall prohibit, any dissemination of such information for any purpose other than those set forth in
415 this paragraph.

416 Mass. Service Alliance to Administer Commonwealth Corps

417 SECTION 8. Chapter 192 of the acts of 2007 is hereby amended by striking out sections
418 5 to 11, inclusive, and inserting in place thereof the following 4 sections:-

419 Section 5. As used in sections 5 to 11, inclusive, the following words shall, unless the
420 context clearly requires otherwise, have the following meanings:-

421 "Corps members", individuals who commit to service in the commonwealth corps
422 pursuant to this act.

423 "Corps projects", programs established pursuant to this act to satisfy unmet community
424 needs.

425 "Corps sponsors", non-profit and public entities that participate in corps projects.

426 "Massachusetts Service Alliance," or "MSA", the non-profit organization which
427 administers the commonwealth corps program.

428 "Unmet community needs", needs including, but not limited to, those pertaining to
429 education, public health, public safety, the environment and other human needs in underserved
430 populations and areas in the commonwealth.

431 Section 6. (a) Subject to the receipt of adequate funding by the commonwealth or other
432 sources, there shall be a commonwealth corps.

433 (b) The commonwealth corps shall be composed of corps members who will commit to
434 no more than 12 months of full-time, part-time or flex-time service to the commonwealth to
435 address unmet community needs.

436 (c) Corps members shall be residents of the commonwealth who are at least 18 years of
437 age. Members shall be the responsibility of the corps sponsors with support from the MSA.
438 Corps members shall undertake meaningful service projects addressing unmet community needs
439 in areas including, but not limited to, the environment, education, health and basic human
440 services and may serve full or part-time; but, members having direct contact with minor children
441 or vulnerable adults shall be required to pass a background check.

442 (d) The MSA and the corps sponsors shall, to the extent practicable, ensure that corps
443 members are placed with corps projects that match their interests, geographic constraints, skills
444 and abilities. Corps sponsors may enroll individuals who choose to defer a stipend to serve as a
445 corps member. Corps sponsors shall seek to enroll individuals who are economically,
446 geographically, ethnically, socially, physically or educationally diverse.

447 (e) A corps member shall not be subject to chapter 31 or chapter 30, section 9A of the
448 General Laws. Corps members shall not be considered to be an employee of the commonwealth
449 entitled to the benefit of chapter 152 of the General Laws, nor shall a corps member be
450 considered to be an employee of the commonwealth for any other purpose.

451 Section 7. (a) The MSA shall administer the commonwealth corps and in so doing shall:
452 (1) provide the personnel necessary to carry out the purposes of this chapter; (2) recruit corps
453 sponsors; (3) coordinate among agencies of the commonwealth and other organizations using
454 community service and volunteerism as a strategy to assist in the solution of local, regional and
455 statewide problems; (4) initiate studies and analyses of proposed and implemented service and
456 volunteer projects, which will aid in solving local, regional and statewide problems; (5)
457 recommend expansion of corps opportunities to address all community needs, such as education,
458 environment, public safety, public health and employment and training; (6) encourage the
459 corporate community of the commonwealth to become an active partner in the support, advocacy
460 and promotion of community service and volunteer opportunities in the commonwealth; (7)
461 develop a grant application and selection process using the criteria set forth in subsection (b) for
462 non-profit organizations and public entities, including schools and educational institutions,
463 seeking to participate in the commonwealth corps; (8) review grant applications from non-profit
464 organizations and public entities, including schools and educational institutions and selecting
465 grant awardees; (9) establish criteria and procedures for recruiting residents of the
466 commonwealth who are 18 years or older to serve as corps members; (10) establish procedures
467 for matching and placing corps members with corps projects; (11) establish personnel policies
468 and procedures for corps members; (12) determine the appropriate financial match support levels
469 by private business, community groups, foundations, public agencies and individuals; (13) assist
470 corps sponsors in the development of scholarships and matching funds from private businesses,

471 community groups, foundations, public agencies and individuals in order to support a portion of
472 a corps member's stipend and benefits; and (14) monitor corps members and corps sponsors for
473 compliance with all state and federal laws and funding agreements.

474 (b) The MSA shall give projects meeting the following criteria preference: (1) projects
475 addressing a well-established unmet community need; (2) projects articulating measurable goals,
476 including an assessment of the impact on the corps members and on the targeted community; (3)
477 projects providing services to communities and organizations throughout the commonwealth; (4)
478 projects not using corps members to replace previously budgeted positions or to reduce overtime,
479 hours of work or opportunities for advancement for employees or members of corps sponsors;
480 and (5) projects falling within 1 or both of the following categories: (i) direct service projects
481 that give corps members opportunities to provide direct services addressing unmet community
482 needs including, but not limited to, tutoring or mentoring, providing health care education,
483 providing services to the homeless, enhancing historic, cultural, and natural resources of the
484 commonwealth, enhancing environmental restoration, enhancing emergency preparedness and
485 response; or (ii) volunteer-generating projects that give corps members the opportunity to recruit,
486 train and support volunteers to participate in civic projects and to meet unmet community needs.

487 Section 8. The MSA shall file with the governor, on or before January 1 and on or before
488 July 1 of each year, a report, which shall include but not be limited to the following: (1) a
489 financial statement summarizing its expenditures and available funds; (2) the number of projects
490 and proposed placements submitted to it; (3) the number of volunteers assigned to corps
491 sponsors; (4) the number of hours served by corps members; (5) the number of beneficiaries
492 served by corps projects; (6) a description of corps projects and a summary of the work
493 completed; (7) a measure of outputs and outcomes; and (8) information on other pertinent service
494 data as may be determined by the governor.

495 Highway Fund Accounts Change

496 SECTION 9. Section 2 of chapter 131 of the acts of 2010 is hereby amended by striking
497 out the figure "0340-0101" and inserting in place thereof the following figure:- 0340-0198.

498 SECTION 10. Said section 2 of said chapter 131 is hereby further amended by striking
499 out the figure "0340-0201" and inserting in place thereof the following figure:-0340-0298.

500 SECTION 11. Said section 2 of said chapter 131 is hereby further amended by striking
501 out the figure "0340-0301" and inserting in place thereof the following figure:- 0340-0398.

502 SECTION 12. Said section 2 of said chapter 131 is hereby further amended by striking
503 out the figure "0340-0401" and inserting in place thereof the following figure:- 0340-0498.

504 SECTION 13. Said section 2 of said chapter 131 is hereby further amended by striking
505 out the figure "0340-0501" and inserting in place thereof the following figure:- 0340-0598.

506 SECTION 14. Said section 2 of said chapter 131 is hereby further amended by striking
507 out the figure “0340-0601” and inserting in place thereof the following figure:-0340-0698.

508 SECTION 15. Said section 2 of said chapter 131 is hereby further amended by striking
509 out the figure “0340-0701” and inserting in place thereof the following figure:- 0340-0798.

510 SECTION 16. Said section 2 of said chapter 131 is hereby further amended by striking
511 out the figure “0340-0801” and inserting in place thereof the following figure:- 0340-0898.

512 SECTION 17. Said section 2 of said chapter 131 is hereby further amended by striking
513 out the figure “0340-0901” and inserting in place thereof the following figure:- 0340-0998.

514 SECTION 18. Said section 2 of said chapter 131 is hereby further amended by striking
515 out the figure “0340-1001” and inserting in place thereof the following figure:- 0340-1098.

516 SECTION 19. Said section 2 of said chapter 131 is hereby further amended by striking
517 out the figure “0340-1101” and inserting in place thereof the following figure:- 0340-1198.

518 SECTION 20. Said section 2 of said chapter 131 is hereby further amended by striking
519 out the figure “0699-0016” and inserting in place thereof the following figure:- 0699-0014.

520 SECTION 21. Said section 2 of said chapter 131 is hereby further amended by striking
521 out the figure “0699-2004” and inserting in place thereof the following figure:- 0699-2005.

522 SECTION 22. Said section 2 of said chapter 131 is hereby further amended by striking
523 out the figure “0810-0007” and inserting in place thereof the following figure:- 0810-0098.

524 SECTION 23. Said section 2 of said chapter 131 is hereby further amended by striking
525 out the figure “8000-0000” and inserting in place thereof the following figure:- 8000-0600.

526 SECTION 24. Said section 2 of said chapter 131 is hereby further amended by striking
527 out the figure “8100-0000” and inserting in place thereof the following figure:- 8100-1001.

528 SECTION 25. Said section 2 of said chapter 131 is hereby further amended by striking
529 out the figure “8100-0011” and inserting in place thereof the following figure:- 8100-0018.

530 SECTION 26. Section 2 of chapter 68 of the acts of 2011 is hereby amended by striking
531 out the figure “0340-0101” and inserting in place thereof the following figure:- 0340-0198.

532 SECTION 27. Said section 2 of said chapter 68 is hereby further amended by striking out
533 the figure “0340-0201” and inserting in place thereof the following figure:-0340-0298.

534 SECTION 28. Said section 2 of said chapter 68 is hereby further amended by striking out
535 the figure “0340-0301” and inserting in place thereof the following figure:- 0340-0398.

SECTION 29. Said section 2 of said chapter 68 is hereby further amended by striking out the figure “0340-0401” and inserting in place thereof the following figure:- 0340-0498.

SECTION 30. Said section 2 of said chapter 68 is hereby further amended by striking out the figure “0340-0501” and inserting in place thereof the following figure:- 0340-0598.

SECTION 31. Said section 2 of said chapter 68 is hereby further amended by striking out the figure “0340-0601” and inserting in place thereof the following figure:-0340-0698.

SECTION 32. Said section 2 of said chapter 68 is hereby further amended by striking out the figure “0340-0701” and inserting in place thereof the following figure:- 0340-0798.

SECTION 33. Said section 2 of said chapter 68 is hereby further amended by striking out the figure “0340-0801” and inserting in place thereof the following figure:- 0340-0898.

SECTION 34. Said section 2 of said chapter 68 is hereby further amended by striking out the figure “0340-0901” and inserting in place thereof the following figure:- 0340-0998.

SECTION 35. Said section 2 of said chapter 68 is hereby further amended by striking out the figure “0340-1001” and inserting in place thereof the following figure:- 0340-1098.

SECTION 36. Said section 2 of said chapter 68 is hereby further amended by striking out the figure “0340-1101” and inserting in place thereof the following figure:- 0340-1198.

SECTION 37. Said section 2 of said chapter 68 is hereby further amended by striking out the figure “0699-0016” and inserting in place thereof the following figure:- 0699-0014.

SECTION 38. Said section 2 of said chapter 68 is hereby further amended by striking out the figure “0699-2004” and inserting in place thereof the following figure:- 0699-2005.

SECTION 39. Said section 2 of said chapter 68 is hereby further amended by striking out the figure “0810-0007” and inserting in place thereof the following figure:- 0810-0098.

SECTION 40. Said section 2 of said chapter 68 is hereby further amended by striking out the figure “8000-0000” and inserting in place thereof the following figure:- 8000-0600.

SECTION 41. Said section 2 of said chapter 68 is hereby further amended by striking out the figure “8100-0000” and inserting in place thereof the following figure:- 8100-1001.

SECTION 42. Said section 2 of said chapter 68 is hereby further amended by striking out the figure “8100-0011” and inserting in place thereof the following figure:- 8100-0018.

Bristol County Sheriff Retained Revenue

566 SECTION 43. Item 8910-8310 of said section 2 of said chapter 131 is hereby amended
567 by striking out the figure "$8,000,000", inserted by section 25 of chapter 409 of the acts of 2010,
568 wherever it appears, and inserting in place thereof in each instance the following figure:-
569 $9,495,000

570 HRD Civil Service Retained Revenue

571 SECTION 44. Item 1750-0102 of section 2 of chapter 68 of the acts of 2011 is hereby
572 amended by striking out the figure "$2,056,966", both times it appears, and inserting in place
573 thereof, in each instance, the following figure:- $2,700,000.

574 SAVE Funding

575 SECTION 45. (A) Item 4000-0300 of said section 2 of said chapter 68 is hereby further
576 amended by adding the following words:- ; and provided further, that funds may be expended for
577 the purposes of implementing the federal Systematic Alien Verification for Entitlements, or
578 SAVE, system.

579 DHCFP Funding

580 SECTION 46. (A) Said section 2 of said chapter 68 is hereby further amended by striking
581 out item 4100-0059.

582 (B) Item 4100-0060 of said section 2 of said chapter 68 is hereby amended by striking out
583 the words "between July 1, 2011 and December 31, 2011".

584 (C) Said item 4100-0060 of said section 2 of said chapter 68 is hereby further amended
585 by striking out the figure "$10,578,754" and inserting in place thereof the following figure:-
586 $21,157,507.

587 DCF Transferability

588 SECTION 47. (A) Item 4800-0015 of said section 2 of said chapter 68 is hereby amended
589 by striking out the words "; and provided further, that no funds shall be transferred from 4800-
590 0040 to any of those items".

591 (B) Said item 4800-0015 of said section 2 of said chapter 68 is hereby further amended
592 by adding the following words:- ; and provided further, that the commissioner of the department
593 of children and families may transfer funds into item 4800-0030 from 4800-0038, 4800-0040 and
594 4800-0041 as necessary under an allocation plan which shall detail, by object class, the
595 distribution of the funds to be transferred and which the commissioner shall file with the house
596 and senate committees on ways and means 15 days prior to any such transfer".

597 State Police Training

598 SECTION 48. (A) Said section 2 of said chapter 68 is hereby amended by striking out
599 item 8100-0011 and inserting in place thereof the following item:-

600 8100-0011 For the department of state police, which may expend an amount not to
601 exceed $4,100,000 for certain police activities provided pursuant to agreements authorized in this
602 item; provided, that for fiscal year 2012, the colonel of state police may enter into service
603 agreements with the commanding officer or other person in charge of a military reservation of
604 the United States located in the Massachusetts Development Finance Agency, established in
605 chapter 23G of the General Laws; provided further, that such agreements shall establish the
606 responsibilities pertaining to the operation and maintenance of police services including, but not
607 limited to: (a) provisions governing payment to the department for the cost of regular salaries,
608 overtime, retirement, and other employee benefits; and (b) provisions governing payment to the
609 department for the cost of furnishings and equipment necessary to provide such police services;
610 provided further, that the department may charge any recipients of police services for the cost of
611 such services, as authorized by this item; provided further, that the department may retain the
612 revenue so received and expend such revenue as necessary pursuant to this item to provide the
613 agreed level of services; provided further, that the colonel may enter into service agreements as
614 may be necessary to enhance the protection of persons, as well as assets and infrastructure
615 located within the commonwealth, from possible external threat or activity; provided further, that
616 such agreements shall establish the responsibilities pertaining to the operation and maintenance
617 of police services including, but not limited to: (a) provisions governing payment to the
618 department for the cost of regular salaries, overtime, retirement, and other employee benefits;
619 and (b) provisions governing payment to the department for the cost of training and /or
620 equipment necessary to provide such police services; provided further, that the department may
621 charge any recipients of police services for the cost of such services, as authorized by this item;
622 provided further, that the department may retain the revenue so received and expend such
623 revenue as necessary pursuant to this item to provide the agreed level of services; provided
624 further, that the colonel may expend from this item costs associated with joint federal and state
625 law enforcement activities from federal reimbursements received therefore; and provided further,
626 that notwithstanding any general or special law to the contrary, for the purposes of
627 accommodating discrepancies between the receipt of retained revenues and related expenditures,
628 the department may incur expenses and the comptroller may certify for payment amounts not to
629 exceed the lower of this authorization or the most recent revenue estimate as reported in the state
630 accounting system $4,100,000

631 (B) Said section 2 of said chapter 68 is hereby further amended by striking out item 8100-
632 0515 and inserting in place thereof the following item:-

633 8100-0515 For trainee salary, salary-related and medical expenses, including mental
634 and medical health screening, and for the operating and clerical costs associated with the
635 Massachusetts State Police Academy for the purpose of hiring and training state police recruits to
636 maintain the strength of the department of state police $2,000,000

637 DOC Retained Revenue Correction

638 SECTION 49. Item 8900-0010 of said section 2 of said chapter 68 is hereby amended by
639 striking out the words “amounts collected” and inserting in place thereof the following words:- to
640 the comptroller the amounts to be transferred from the Commonwealth Transportation Fund to
641 the department of correction revenue source 9000.

642 Senior Care Options Notification

643 SECTION 50. The executive office of health and human service shall provide to each
644 beneficiary age 65 and over a one-time notice of options available for enrollment in voluntary
645 programs including Program of All Inclusive Care for the Elderly plans, MassHealth Senior Care
646 Options, Frail Elder Home and Community Based Waiver Program and any other voluntary
647 elected benefit to which the beneficiary is entitled to supplement or replace such beneficiary’s
648 MassHealth benefits. The executive office shall include in the notice the names and contact
649 information for the program providers, general contact information for the division and a general
650 description of the benefits of joining particular programs. The notice shall be written in clear and
651 simple language and shall include instructions for requesting a copy of such notice in a language
652 other than English. The notice shall include a method for the beneficiary to request from the
653 executive office additional information on any program described in the notice. Before the
654 content and format of the annual notice is finalized, the executive office shall forward the
655 proposed draft for review and comment to the program providers. The executive office shall
656 work with the program providers and other appropriate stakeholders to assess whether, and to
657 what extent, barriers to program enrollment shall be alleviated through modifications to the
658 program or the enrollment process.

659 CPCS Transferability

660 SECTION 51. Notwithstanding any general or special law to the contrary, at the request
661 of the committee for public counsel services, with written approval of the secretary of
662 administration and finance, the comptroller shall allow the transfer of funds at any time from
663 item 0321-1510 to item 0321-1520 for the purpose of reducing any deficiency in the latter
664 appropriation. All such transfers, in aggregate, shall not exceed $3,200,000 and shall be
665 effective for fiscal year 2011.

666 Balance Remaining in Workforce Training Trust Fund

667 SECTION 52. Notwithstanding any general or special law to the contrary, any
668 unexpended funding made available under item 7003-0701 of section 2 of chapter 131 of the acts
669 of 2010 shall not revert, but shall remain available for expenditure from the Workforce Training
670 Trust Fund, established by section 2RR of chapter 29 of the General Laws.

671 MDDC Waiver

672 SECTION 53. Notwithstanding any general or special law to the contrary, the budget
673 director may waive up to $86,000 in costs that would otherwise be collected by the state
674 comptroller from the Massachusetts developmental disabilities council under sections 5D and 6B
675 of chapter 29 of the General Laws. The waiver shall be in writing and the budget director shall
676 provide copies to the house and senate committees on ways and means. The waiver shall be
677 solely for the purpose of state match funding for federal grant awards received from the National
678 Association of Councils on Developmental Disabilities. The waiver shall be effective until June
679 30, 2012.

680 Health Care Workforce Training Fund

681 SECTION 54. There shall be established and set up on the books of the commonwealth
682 a fund to be known as the Health Care Workforce Training Fund. The fund shall be used to
683 provide employment and training opportunities for health care employees. The secretary of
684 administration and finance shall serve as the fund's trustee and may, in consultation with the
685 secretary of labor and workforce development, make expenditures or transfer funds to other
686 departments for the purposes of providing additional employment and training opportunities for
687 health care workers in the commonwealth.

688 The fund shall support the distribution of state incentive grants to selected health systems,
689 non-profit organizations, labor unions, labor-industry partnerships and others. Such grants shall
690 incentivize cooperative efforts with the healthcare workforce to better align education programs
691 with industry needs, and to provide job retraining, career ladder and/or educational services. The
692 fund shall support programs for current healthcare workforce employees and healthcare workers
693 who are seeking new positions or placements within the health care industry. The fund shall
694 supplement and not replace existing publicly-financed training and educational programs
695 available for the healthcare workforce.

696 The fund shall be credited with any appropriations, bond proceeds or other monies
697 authorized by the general court and specifically designated to be credited to it, such additional
698 funds as are subject to the direction and control of the secretary, any pension funds, federal
699 grants or loans, royalties or private investment capital which may properly be applied in
700 furtherance of the objectives of the fund, any proceeds from the sale of qualified investments
701 secured or held by the fund, any fees and charges imposed relative to the making of qualified
702 investments as defined by the secretary, secured or held by the fund and any other monies which
703 may be available to the secretary for the purposes of the fund from any other source or sources.

704 This fund shall be in effect until June 30, 2014.

705 Low Income Housing Tax Credit Fund

706 SECTION 55. There shall be established and set up on the books of the commonwealth a
707 fund to be known as the state low income housing tax credit fund. The commissioner of revenue

708 shall serve as the fund's trustee. Funds made available for this fund shall only be used for the
709 purpose of offsetting General Fund costs associated with the state low income housing tax credit
710 claimed annually by eligible taxpayers in the commonwealth. By June 30 of every fiscal year
711 during which this fund is effective, the commissioner shall determine the projected costs to the
712 state of the state low income housing tax credit within the fiscal year and request that the
713 comptroller transfer funding from the fund to the General Fund in an amount not to exceed the
714 projected costs, but no such transfer shall be processed without the written approval of the
715 secretary of administration and finance. The aggregate amount of transferred funds for all fiscal
716 year during which the fund is effective shall not exceed $10,000,000. The fund shall remain in
717 effect until June 30, 2014.

718 Infrastructure Development Fund

719 SECTION 56. There shall be established and set up on the books of the commonwealth a
720 fund to be known as the Infrastructure Development Fund. The secretary of housing and
721 economic development shall serve as the fund's trustee. The fund is created for purpose of
722 creating jobs and stimulating economic development in the commonwealth through
723 infrastructure-related investments made by the secretary of housing and economic development
724 in consultation with the secretary of transportation. Allowable purposes of this fund shall include
725 shovel-ready infrastructure projects including, but not limited to, transit and highway projects,
726 business expansion and redevelopment use and other related projects found by the secretary of
727 housing and economic development to create economic opportunity and jobs both directly and
728 indirectly across the state. Funds may be used by the secretary of housing and economic
729 development to support matching funds for certain capital expenditures which are sponsored by
730 higher education institutions for scientific or technology research and development. No funds
731 shall be expended from this fund, including any spending by the secretary of housing and
732 economic development for the oversight of the fund, without the written approval of the
733 secretary of administration and finance. This fund shall remain in effect until June 30, 2013.

734 Projects that are eligible under this fund include, up to $5,000,000 for infrastructure
735 supporting downtown redevelopment in Quincy; up to $1,250,000 for Main Street streetscape
736 improvements in the town of Bourne; up to $3,000,000 for infrastructure to support the
737 redevelopment of the Dever School in the city of Taunton; up to $2,000,000 for the Acushnet
738 Avenue International Marketplace in the city of New Bedford; up to $750,000 for the
739 reconstruction of Dicks Brook culvert and downtown streetscape improvements in the town of
740 Barre; up to $2,500,000 for rehabilitation of downtown parking structure in the city of Pittsfield;
741 up to $1,300,000 for downtown revitalization and streetscape improvements in the town of
742 Randolph; up to $1,000,000 for Everett Avenue reconstruction in the city of Chelsea; up to
743 $2,500,000 for downtown revitalization and sewer improvements in the town Easton; up to
744 $2,200,000 for construction of an access road at Holyoke Community College in the city of
745 Holyoke; up to $1,250,00 for road and infrastructure improvements to support downtown
746 revitalization in the town of Amesbury; up to $1,550,000 for Commerce Way improvements in

747 the town of Plymouth; up to $2,000,000 for infrastructure improvements to support
748 redevelopment of Greylock Glen in the town of Adams; up to $1,000,000 for the restoration of
749 rail crossing and the towns of Hopedale and Milford; up to $2,000,000 for the Route 1 water
750 main relocation in the town Saugus; up to $1,000,000 for the Merrimack Street parking facility
751 and streetscape improvements for the town of Haverhill; up to $1,200,000 for South End
752 streetscape improvements in the city of Springfield; up to $1,500,000 for public infrastructure
753 improvements at Northwest Park in the town of Burlington; up to $500,000 for the Ingelside
754 Park revitalization in the town of Winthrop; and up to $1,500,000 for downtown streetscape
755 improvements in the city of Brockton.

756 Innovation Investments and Access Fund

757 SECTION 57.There shall be established and set up on the books of the commonwealth a
758 fund to be known as the Innovation Investments and Access Fund. The secretary of housing and
759 economic development shall serve as the fund's trustee. The fund is created for the purpose of
760 supporting innovation across the commonwealth through investments that target growth
761 industries that will create jobs. Allowable purposes of this fund shall include targeted
762 investments by the secretary, including through other state departments or quasi-public agencies
763 where, in his determination, the state has a great opportunity for economic growth and business
764 development. No funds shall be expended from this fund, including any spending by the
765 secretary of housing and economic development for the oversight of the fund, without the written
766 approval of the secretary of administration and finance. This fund shall remain in effect until
767 June 30, 2013.