H 3539

Chapter 36,

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Thirteen

AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2013 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 2013, and to make other changes in law, each of which is immediately needed for important public purposes, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2013, to provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations and to meet certain requirements of law the sums set forth in sections 2 through 2E, inclusive, 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, 2013. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

SECTION 2.

JUDICIARY

Board of Bar Examiners.

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

Committee for Public counsel Services.

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

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

Bristol District Attorney.

0340-0998 .....$125,000

Berkshire District Attorney.

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

SECRETARY OF THE COMMONWEALTH

Office of the Secretary of the Commonwealth.

0511-0000 .....$19,547

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

TREASURER AND RECEIVER GENERAL

Office of the Treasurer and Receiver General.

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

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

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

Human Resource Division.

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

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

Department of Housing and Community Development

7004-0099 .....$100,000

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

EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

Department of Workforce Development.

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

EXECUTIVE OFFICE OF EDUCATION

Department of Elementary and Secondary Education.

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

Department of Higher Education

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

EXECUTIVE OFFICE FOR PUBLIC SAFETY AND SECURITY

Office of the Chief Medical Examiner.

8000-0122 .....$250,000

Emergency Management Agency.

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

Department of Corrections.

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

SHERIFFS

Essex Sheriff's Office.

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

Franklin Sheriff's Office.

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

Hampden Sheriff's Office.

8910-1000 .....$100,000

Massachusetts Sheriffs Association.

8910-7110 .....$28,000

Barnstable Sheriff's Office.

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

Bristol Sheriff's Office.

8910-8300 .....$3,200,000

Dukes Sheriff's Office.

8910-8400 .....$125,300

Norfolk Sheriff's Office.

8910-8600 .....$900,000

Plymouth Sheriff's Office.

8910-8700 .....$2,500,000

Suffolk Sheriff's Office.

8910-8800 .....$2,500,000

SECTION 2A.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Reserves

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

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

1599-0415 For a reserve to provide home modifications and moving expenses for certain victims of the Boston Marathon bombings; provided, however, that funding shall only be provided to a person who has either lost a limb or lost the use of a limb as a result of the Boston Marathon bombings that occurred on April 15, 2013; provided further, that an eligible person shall receive benefits for the purpose of home modification or moving expenses to suitably accessible housing that shall include, but not be limited to, the following: special fixtures or movable facilities, moving expenses to obtain suitable alternative housing and other necessary home modifications due to the person's disability; provided further, that the secretary of administration and finance shall promulgate rules and regulations necessary for the identification of eligible victims of the Boston Marathon bombings and the awarding of benefits; and provided further, that the funds appropriated in this item shall not revert and shall be made available for these purposes through June 30, 2014 .....$200,000

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

Commonwealth Transportation Fund ..... 100 %

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

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Department of the Secretary of Health and Human Services

4000-0265 .....$1,000,000

Department of Public Health

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

current or past federally-funded prostate MRI research that shall include PI-RADS standardization; provided further, that any grant to a research foundation from this item shall be subject to such research foundation's receipt of matching funds from federal or private sources; and provided further, that funds in this item shall not revert and shall be made available through June 30, 2014 .....$1,500,000

SHERIFFS

Worcester Sheriff's Office

8910-0106 For the Worcester Sheriff's Office to conduct a feasibility study for a regional lock-up facility for Worcester County $50,000

Middlesex Sheriff's Office

8910-1102 For the Middlesex Sheriff's Office for payroll, emergency supplies and added costs incurred as a result of the Middlesex Jail evacuation and the Boston Marathon bombings $168,504

SECTION 2C.I. For the purpose of making available in fiscal year 2014 balances of appropriations which otherwise would revert on June 30, 2013, the unexpended balances of the maintenance appropriations listed below, not to exceed the amount specified below for each item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 of the general appropriation act for fiscal year 2013. However, for items which do not appear in section 2 of the general appropriation act, the amounts in this section are re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts. Amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in section 2 of the general appropriation act; provided, however, that for items which do not appear in section 2 of the general appropriation act, the amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts. The sums re-appropriated in this section shall be in addition to any amounts available for said purposes.

TRESURER AND RECEIVER GENERAL

Office of the Treasurer and Receiver General

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

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary of Administration and Finance

1599-2013 .....$477,000

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

Department of Housing and Community Development

7004-2027 .....$1,500,000

SECTION 2E.

TRANSPORTATION

Massachusetts Department of Transportation

7004-2027 .....$1,496,215

Commonwealth Transportation Fund 100%

SECTION 3. Chapter 10 of the General Laws is hereby amended by inserting after section 35XX the following section:-

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

SECTION 4. Paragraph (B) of section 2 of chapter 18 of the General Laws, as amended by section 1 of chapter 161 of the acts of 2012, is hereby further amended by adding the following 2 clauses:-

(k) require the use of photo identification on the front of each newly issued and reissued electronic benefit transfer card for each cardholder who is over the age of 18; provided, however, that the department shall promulgate regulations to ensure that all authorized users and members of the household are able to use an electronic benefit transfer card pursuant to 7 U.S.C.A § 2016(h)(9); provided further, that the department shall not require the use of photo identification for individuals who are 60 years of age or over, blind, disabled or victims of domestic violence; and provided, further, that in developing regulations for authorized users, the department shall consult with businesses or vendor associations whose members accept electronic benefit transfer cards as a form of payment including, but not limited to, the Massachusetts Food Association, the New England Convenience Store Association and the Retailers Association of Massachusetts.

(l) include the fraud hotline number and department website on all newly issued electronic benefit transfer cards.

SECTION 5. Chapter 29 of the General Laws is hereby amended by inserting after section 2IIII the the following section:-

Section 2KKKK. There shall be established and set upon the books of the commonwealth a separate fund to be known as the Medical Marijuana Trust Fund, to be expended without prior appropriation by the department of public health. Unless a greater amount is authorized by law, the fund shall consist of revenue generated from fees collected after July 1, 2013, as authorized by section 3B of chapter 7 of the General Laws and section 13 of chapter 369 of the acts of 2012. The commissioner of public health or a designee shall administer the fund and shall make expenditures from the fund for the administrative costs of operations and programs related to said chapter 369. The department may incur expenses and the comptroller may certify for payment, amounts in anticipation of expected receipts; provided, however, that no expenditure shall be made from the fund which shall cause the fund to be in deficit at the close of a fiscal year. Moneys deposited in the fund that are unexpended at the end of a fiscal year shall not revert to the General Fund. The commissioner shall report annually not later than March 1 to the house and senate committees on ways and means on the fund. The report shall include, but not be limited to, revenue received by the fund, revenue and expenditure projections for the forthcoming fiscal year and details of all expenditures from the fund, including an analysis of whether the fund expenditures assisted the department in meeting its regulatory mandates.

SECTION 6. Section 100A of chapter 32 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the word "prosecutor ", in line 18, the following words: ", any municipal or public emergency medical technician".

SECTION 7. Section 24 of chapter 32A of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 5, as so appearing, the words "and shall administer the fund in accordance with that section" and inserting in place thereof the following words:- the fund and shall employ the pension reserves investment management board to invest the fund's assets in the Pension Reserves Investment Trust Fund.

SECTION 8. Subsection (b) of section 6M of chapter 62 of the General Laws, as appearing in section 29 of chapter 238 of the acts of 2012, is hereby amended by striking out the definition of "Taxpayer" and inserting in place thereof the following definition:-

"Taxpayer", a taxpayer subject to the personal income tax under this chapter.

SECTION 9. Clause (4) of subsection (c) of said section 6M of said chapter 62, as so appearing, is hereby amended by striking out the word "fiscal" and inserting in place thereof the following word:- taxable.

SECTION 10. Said section 6M of said chapter 62, as so appearing, is hereby further amended by striking out subsections (f) to (k), inclusive, and inserting in place thereof the following 6 subsections:-

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

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

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

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

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

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

SECTION 11. Subsection (b) of section 38EE of chapter 63 of the General Laws, as appearing in section 35 of said chapter 238, is hereby amended by

inserting before the definition of "Community development corporation" the following definition:-

"Commissioner", the commissioner of revenue or the commissioner's duly authorized representative.

SECTION 12. The definition of "Community investment tax credit" in said subsection (b) of said section 38EE of said chapter 63, as so appearing, is hereby amended by striking out the word " subsection (c)" and inserting in place thereof the following word:- subsection (d).

SECTION 13. Subsection (b) of said section 38EE of said chapter 63, as so appearing, is hereby amended by striking out the definition of "Taxpayer" and inserting in place thereof the following definition:-

"Taxpayer", a taxpayer subject to an excise under this chapter.

SECTION 14. Clause (4) of subsection (c) of said section 38EE of said chapter 63, as so appearing, is hereby further amended by striking out the word "fiscal" and inserting in place thereof the following word:- taxable.

SECTION 15. Said section 38EE of said chapter 63, as so appearing, is hereby further amended by striking out subsections (e) to (i), inclusive, and inserting in place thereof the following 5 subsections:-

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

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

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

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

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

SECTION 16. Section 12 of chapter 138 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 145 to 157, inclusive, the words "; provided further, that a local licensing authority, subject to the approval of the commission, may grant a license notwithstanding section 17 to sell wine for consumption on the winery premises to a winegrower authorized to operate a farmer-winery under section 19B, to sell malt beverages for consumption on the brewery premises to a farmer-brewer authorized to operate a farmer-brewer under section 19C and to sell spirits for consumption on the distillery premises to a farmer-distiller authorized to operate a farmer-distillery under section 19E; and provided further, that such licensees may sell for on premises consumption wines, malt beverages and spirits produced by the winery, brewery or distillery or produced for the winery, brewery or distillery and sold under the winery, brewery or distillery brand name".

SECTION 17. Section 19B of said chapter 138, as so appearing, is hereby amended by striking out, in lines 112 and 113, the words "the pertinent provisions of section twelve" and inserting in place thereof the following words:- this section.

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

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

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

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

(n) Notwithstanding section 17, a local licensing authority, subject to the approval of the commission, may grant a license to sell malt beverages for consumption on the brewery premises to a farmer-brewer authorized to operate a farmer-brewery pursuant to this section; provided, however, that such licensees may sell for on-premises consumption malt beverages produced by the brewery or produced for the brewery and sold under the brewery brand name.

SECTION 21. Section 19E of said chapter 138, as so appearing, is hereby amended by striking out, in line 123, the words "the pertinent provisions of section 12" and inserting in place thereof the following words:- this section.

SECTION 22. Said section 19E of said chapter 138, as so appearing, is hereby further amended by adding the following subsection:-

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

SECTION 23. Chapter 176D of the General Laws is hereby amended by inserting after section 3B the following section:-

Section 3C. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Ambulance service provider", a person or entity licensed by the department of public health pursuant to section 6 of chapter 111C to establish or maintain an ambulance service.

"Emergency ambulance services", emergency services that an ambulance service provider is authorized to render pursuant to its ambulance service license when a condition or situation in which an individual has a need for immediate medical attention, or where the potential for such need is perceived by the individual, a bystander or an emergency medical services provider.

"Insurance policy" and "insurance contract", a contract of insurance, motor vehicle insurance, indemnity, medical or hospital service, dental or optometric, suretyship or annuity issued, proposed for issuance or intended for issuance by any insurer.

"Insured", an individual entitled to ambulance services benefits pursuant to an insurance policy or insurance contract.

"Insurer", a person, as defined in section 1 of chapter 176D; any health maintenance organization, as defined in section 1 of chapter 176G; a non-profit hospital service corporation organized pursuant to chapter 176A; any organization, as defined in section 1 of chapter 176I, that participates in a preferred provider arrangement, as defined in said section 1 of said chapter 176I; any carrier offering a small group health insurance plan pursuant to chapter 176J; any company, as defined in section 1 of chapter 175; any

employee benefit trust; any self-insurance plan; and any company possessing a certificate, as defined in section 34A of chapter 90, and authorized to issue a policy of motor vehicle liability insurance pursuant to section 113A of chapter 175 that provides insurance for the expense of medical coverage.

(b) Notwithstanding the provisions of any general or special law to the contrary, in any instance in which an ambulance service provider that provides an emergency ambulance service to an insured is not an ambulance service provider under contract to the insurer maintaining or providing the insured's insurance policy or insurance contract, the insurer maintaining or providing such insurance policy or insurance contract shall pay the ambulance service provider directly and promptly for the emergency ambulance service rendered to the insured. Notwithstanding any prohibition against an insured's assigning benefits under the insured's insurance policy or insurance contract, such payment shall be made to the ambulance service provider; provided that the insured executes an assignment of benefits to the ambulance service provider. In the event that an insured is either incapable or unable as a practical matter to execute an assignment of benefits under an insurance policy or insurance contract pursuant to which an assignment of benefits is not prohibited, or in connection with an insurance policy or insurance contract that contains a prohibition against any such assignment of benefits, such payment shall be made to the ambulance service provider regardless of any such incapacity or inability. An ambulance service provider shall not be considered to have been paid for an emergency ambulance service rendered to an insured if the insurer makes payment for the emergency ambulance service to the insured. An ambulance service provider shall have a right of action against an insurer that fails to make a payment to it pursuant to this subsection.

(c) Payment to an ambulance service provider pursuant to subsection (b) shall be at a rate equal to the rate established by the municipality where the patient was transported from.

(d) An ambulance service provider receiving payment for an ambulance service in accordance with subsections (b) and (c) shall be deemed to have been paid in full for the ambulance service provided to the insured, and shall have no further right or recourse to further bill the insured for said ambulance service with the exception of coinsurance, co-payments or deductibles for which the insured is responsible under the insured's insurance policy or insurance contract.

(e) No term or provision of this section shall be construed as limiting or adversely affecting an insured's right to receive benefits under any insurance policy or insurance contract providing insurance coverage for ambulance services. No term or provision of this section shall create an entitlement on behalf of an insured to coverage for ambulance services if the insured's insurance policy or insurance contract provides no coverage for ambulance services.

SECTION 24. Section 4B of chapter 262 of the General Laws, as amended by section 116 of chapter 93 of the acts of 2011, is hereby further amended by adding the following sentence:- No fee pursuant to this section shall be charged to the commonwealth or a state agency; provided, however, that if an action initiated by the commonwealth or a state agency results in the appointment of a fiduciary with control over the assets of an estate, any such fees normally chargeable to an estate shall be deferred until the fiduciary is duly appointed and authorized to expend the assets of the estate.

SECTION 25. Section 40 of said chapter 262, as appearing in section 60 of chapter 140 of the acts of 2012, is hereby amended by adding the following sentence:- No fee under this section shall be charged to the commonwealth or a state agency; provided, however, that if an action initiated by the commonwealth or a state agency results in the appointment of a fiduciary with control over the assets of an estate, any such fees normally chargeable to an estate shall be deferred until the fiduciary is duly appointed and authorized to expend the assets of the estate.

SECTION 26. Section 4 of chapter 29 of the acts of 2007 is hereby repealed.

SECTION 27. The last paragraph of section 22 of chapter 61 of the acts of 2009 is hereby amended by striking out the words "October 31, 2012", as inserted by section 15 of chapter 239 of the acts of 2012, and inserting in place thereof the following words:- July 15, 2013.

SECTION 28. Item 1599-2013 of section 2A of chapter 142 of the acts of 2011 is hereby amended by inserting after the figure "3:10-CV30073" the following words:- , or other cases involving the department of children and families.

SECTION 29. The last paragraph of section 56 of chapter 176 of the acts of 2011 is hereby amended by striking out the words "April 15, 2013", as inserted by section 2 of chapter 435 of the acts of 2012, and inserting in place thereof the following words:- September 15, 2013.

SECTION 30. The last paragraph of section 59 of said chapter 176 is hereby amended by striking out the words "March 15, 2013", as inserted by section 4 of said chapter 435, and inserting in place thereof the following words:- August 15, 2013.

SECTION 31. Section 62 of said chapter 176 is hereby amended by striking out the words "January 11, 2013", as inserted by section 5 of said chapter 435, and inserting in place thereof the following words:- July 31, 2013.

SECTION 32. Item 0340-0900 of section 2 of chapter 139 of the acts of 2012 is hereby amended by adding the following words:- ; and provided further, that any unexpended funds in this item at the end of fiscal year 2013 shall not revert and shall be made available for the purposes of this item until June 30, 2014.

SECTION 33. Item 0511-0000 of said section 2 of said chapter 139 is hereby amended by adding the following words:— ; and provided further, that the secretary is directed to transfer $19,547 to the Essex south registry of deeds for unanticipated rent costs.

SECTION 34. Item 1410-0010 of said section 2 of said chapter 139 is hereby amended by adding the following words:- ; provided further, that any funds for the restoration of civil war memorials shall not revert and shall be made available for the purpose of civil war memorial restoration grants through June 30, 2014; and provided further, that not less than $25,000 shall be expended for the War Memorial in the town of Southwick to ensure compliance with the Americans with Disabilities Act of 1990, Public Law 101-336, as amended.

SECTION 35. Said item 1410-0010 of said section 2 of said chapter 139 is hereby further amended by striking out the figure "$2,695,839" and inserting in place thereof the following figure:- "$2,720,839".

SECTION 36. Item 2800-0700 of said section 2 of said chapter 139 is hereby amended by adding the following words:- ; and provided, further, that the department may issue grants to public entities for the repair and maintenance of certain flood prevention structures established pursuant to chapter 602 of the acts of 1966.

SECTION 37. Item 2810-0100 of said section 2 of said chapter 139 is hereby amended by adding the following words:- ; and provided further, that not less than $350,000 shall be expended for aquatic invasive species control.

SECTION 38. Said item 2810-0100 of said section 2 of said chapter 139 is hereby further amended by striking out the figure:- "$41,409,387" and inserting in place thereof the following figure:- $41,759,387.

SECTION 39. Item 4100-0060 of said section 2 of said chapter 139 is hereby amended by inserting after the words "acts of 1997" the following words:- ; provided further, that assessment revenue received after June 30, 2013 for assessments billed in fiscal 2013 shall be credited toward fiscal 2013 revenue receipts.

SECTION 40. Item 4513-1098 of said section 2 of said chapter 139 is hereby amended by adding the following words:- ; and provided further, that any unexpended funds shall not revert but shall be made available for expenditure until June 30, 2014.

SECTION 41. Said item 4513-1098 of said section 2 of said chapter 139 is hereby further amended by striking out the figure "$125,000" and inserting in place thereof the following figure:- $275,000.

SECTION 42. Item 4516-1010 of said section 2 of said chapter 139 is hereby amended by adding the following words:- provided, that not less than $1,000,000 shall be expended to the city of Boston's public health department for emergency preparedness and ambulance services at public events.

SECTION 43. Said item 4516-1010 of said section 2 of said chapter 139 is hereby further amended by striking out the figure "$2,197,411" and inserting in place thereof the following figure:- $3,197,411.

SECTION 44. Item 7004-0102 of said section 2 of said chapter 139 is hereby amended by adding the following words:- ; and provided further, that $145,387 shall be expended for the Friends of the Homeless, Inc. in the city of Springfield.

SECTION 45. Said item 7004-0102 of said section 2 of said chapter 139 is hereby further amended by striking out the figure "$40,450,335" and inserting in place thereof the following figure:- $40,597,722.

SECTION 46. Item 7008-0900 of said section 2 of said chapter 139 is hereby amended by adding the following words:- ; provided further, that not less than $100,000 shall be expended to the Massachusetts International Festival of the Arts for the planned renovations and reopening of the Victory Theatre in the city of Holyoke, including construction consulting, business planning and architecture and engineering costs ; provided further, that not less than $25,000 shall be expended for the Wareham Summer of Celebration Organization, Incorporated for the town of Wareham's two hundredth anniversary of the attack on Wareham harbor by the British sloop HMS Nimrod and the two hundred and seventy-fifth anniversary of the incorporation of the town of Wareham; provided further, that not less than $50,000 shall be expended to the New Bedford Whaling Museum, in cooperation with the city of New Bedford, for the visit of the whaling ship Charles W. Morgan to the city of New Bedford in June 2014; provided further, that not less than $100,000 shall be expended for the New Bedford Ocean Explorium; provided further, that not less than $150,000 shall be expended for the Frederick Douglas House in the city of New Bedford for educational services, interpretative and museum services, programs and acquisitions and to undertake tourism and marketing activities; provided further, that not less than $100,000 shall be expended for accessibility at the Arc of Greater Plymouth, Inc.; and provided further, that not less than $50,000 shall be expended to the Greater Plymouth Performing Arts Center, Inc.

SECTION 47. Said item 7008-0900 of said section 2 of said chapter 139 is hereby further amended by striking out the figure "$7,217,109" and inserting in place thereof the following figure:- $7,792,109.

SECTION 48. Item 7066-0025 of said section 2 of said chapter 139 is hereby amended by adding the following words:- ; and provided further that funds from this item may be expended through August 31, 2013.

SECTION 49. Item 8000-0122 of said section 2 of said chapter 139 is hereby amended by striking out the figure "$2,250,000", each time it appears, and inserting in place thereof, in each instance, the following figure:- $2,500,000.

SECTION 50. Item 8100-1001 of said section 2 of said chapter 139 is hereby amended by adding the following words:- ; and provided further, that

not less than $100,000 shall be expended for the purpose of enhancing the state police presence in the city of Springfield.

SECTION 51. Said item 8100-1001 of said section 2 of said chapter 139 is hereby further amended by striking out the figure "$244,122,688" and inserting in place thereof the following figure:- $244,222,688.

SECTION 52. Item 8324-0000 of said section 2 of said chapter 139 is hereby amended by adding the following words:- ; and provided further, that $50,000 shall be expended for conceptual planning and development for fire safety improvements in the town of Dudley.

SECTION 53. Said item 8324-0000 of said section 2 of said chapter 139 is hereby further amended by striking out the figure "$18,513,773" and inserting in place thereof the following figure:- $18,563,773.

SECTION 54. Item 8910-1000 of said section 2 of said chapter 139 is hereby amended by striking out the figure "$2,396,673", each time it appears, and inserting in place thereof, in each instance, the following figure:- $2,496,673.

SECTION 55. Item 1595-1067 of section 2E of said chapter 139 is hereby amended by inserting after the words "non-federal share of such payment" the following words:- ; provided further, that upon certification from the secretary of administration and finance the comptroller shall credit up to $11,213,334 in transfers made by the Cambridge public health commission received after June 30, 2013, toward fiscal year 2013 revenue receipts.

SECTION 56. Item 1595-6368 of said section 2E of said chapter 139 is hereby amended by inserting after the words "in fiscal year 2012", the second time it appears, the following words:- ; provided further, that not less than $971,215 shall be provided to reimburse the Community Transportation Association for unpaid costs related to the operation of Berkshire Rides and Community Transit Services in prior fiscal years.

SECTION 57. Paragraph 2 of subsection (c) of section 41 of chapter 209 of the acts of 2012 is hereby amended by striking out "July 1, 2013" and inserting in place thereof the following words:- October 31, 2013.

SECTION 58. Chapter 238 of the acts of 2012 is hereby amended by striking out sections 82 and 83 and inserting in place thereof the following section:-

Section 82. The office of commonwealth performance, accountability and transparency, in consultation with the department of housing and community development and the commissioner of revenue, shall review the community investment tax credit in section 6M of chapter 62 of the General Laws and section 38EE of chapter 63 of the General Laws and report on the estimate of the anticipated foregone revenue from the tax credit, whether this tax credit achieves the desired outcome and stated public policy purpose of the tax credit and if the tax credit is the most cost effective means of achieving this public policy purpose and whether the tax credit should be subject to a

recapture if certain conditions are not met. Not later than March 1, 2015, the office of commonwealth performance, accountability and transparency shall file a report, together with any recommendations regarding whether there should be legislative changes to the tax credit or whether the goals of the tax credit can better be served through other means, with the governor and with the clerks of the house of representatives and senate, who shall forward the report to the joint committee on revenue, the joint committee on economic development and emerging technologies, the joint committee on community development and small businesses and the house and senate committees on ways and means. The report required to be filed by the office under this section shall be made available online.

SECTION 59. Item 1599-0054 of section 2A of chapter 3 of the acts of 2013 is hereby amended by adding the following words:- ; and provided further, that any funds unexpended in fiscal year 2013 shall not revert and shall be made available for the purposes of this item until June 30, 2014.

SECTION 60. Section 27 of said chapter 3 is hereby amended by inserting after the word "appropriation" the following words:- and that any portion of the reduction may be met through the transfer of non-appropriated resources to the General Fund.

SECTION 61. Notwithstanding any general or special law to the contrary, the secretary of health and human services, with the written approval of the secretary of administration and finance, may authorize transfers of surplus among items 4000-0320, 4000-0430, 4000-0500, 4000-0600, 4000-0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0895, 4000-0950, 4000-0990, 4000-1400, 4000-1405 and 4000-1420 of section 2 of chapter 139 of the acts of 2012 for the purpose of reducing any deficiency in these items, but any such transfer shall be made not later than August 30, 2013.

SECTION 62. Notwithstanding any general or special law to the contrary, the secretary of administration and finance may transfer funds from item 1599-1711 of section 2A of chapter 239 of the acts of 2012 to item 1599-1710 of said section 2A of said chapter 239. The secretary shall notify the house and senate committees on ways and means in writing not less than 10 days before directing the comptroller to make any such transfer.

SECTION 63. The salary adjustments and other economic benefits authorized by the following collective bargaining agreements shall be effective for the purposes of section 7 of chapter 150E of the General Laws:

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

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

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

SECTION 64. Notwithstanding any general or special law to the contrary, the department of conservation and recreation shall authorize the installation and maintenance of a suitable marker on the Charles River Esplanade in the city of Boston in recognition of David G. Mugar on the fortieth anniversary of the Boston Pops July fourth fireworks spectacular.

SECTION 65. Notwithstanding any general or special law to the contrary and in recognition of heroic measures taken by officer Sean Allen Collier, who was sworn as a special state police officer pursuant to section 63 of chapter 22C of the General Laws and as a deputy sheriff of Middlesex county and Suffolk county, to protect the public safety of the commonwealth, the state retirement board shall issue a killed in the line of duty death benefit to the family of officer Sean Allen Collier pursuant to section 100A of chapter 32 of the General Laws. The state retirement board shall administer said benefit according to terms and conditions established for benefits provided pursuant to said section 100A of said chapter 32.

SECTION 66. Notwithstanding any general or special law to the contrary, for fiscal year 2014, the secretary of health and human services shall implement, in its entirety and without being subject to adjustment for the entire fiscal year, section 253 of chapter 224 of the acts of 2012 for its managed care and primary clinician programs.

SECTION 67. Notwithstanding any general or special law to the contrary, the secretary of the commonwealth shall transfer $716,511 from the elections division operating account, in item 0521-0000 of section 2 of chapter 139 of the acts of 2012, to the HAVA Trust Account in item 0521-0700 in order to meet federal matching fund requirements.

SECTION 68. Notwithstanding any general or special law to the contrary, the unexpended balances of all capital accounts which otherwise would revert on June 30, 2013, but which are necessary to fund obligations during fiscal year 2014, are hereby re-authorized; provided, however, that this re-authorization shall terminate upon enactment of a capital account extension law.

SECTION 69. Notwithstanding any general or special law to the contrary, the department of housing and community development is directed to expend not less than a total of $150,000 for a one-time community action grant in the town of Holbrook in fiscal year 2013, as appropriated for in item 7004-0099.

SECTION 70. Notwithstanding any general or special law to the contrary, the department of correction shall expend not less than $2,000,000 for cities and towns hosting department of correction facilities in fiscal year 2013, as appropriated in item 8900-0001; provided, however, that of the $2,000,000, no city or town hosting a department of correction facility shall receive more

than $800,000 and shall not receive less than the amount allocated in item 8900-0001 of section 2 of chapter 68 of the acts of 2011.

SECTION 71. Notwithstanding any general or special law to the contrary, the funds appropriated in item 4000-0265 of section 2A of chapter 142 of the acts of 2011 shall be again appropriated for the same dollar amount in line item 4000-0265 and shall be distributed and managed in the same manner as designated in section 60 of chapter 118 of the acts of 2012.

SECTION 72. Notwithstanding any general or special law to the contrary, on or before March 1, 2014, the executive office of health and human services and the executive for administration and finance shall submit a report to the house and senate committees on ways and means and the joint committee on health care financing detailing the cost savings to the commonwealth that would result from the implementation of a basic health program pursuant to section 9 of chapter 118E and 42 U.S.C. section 18051.

SECTION 73. There is hereby established a special task force on state verification and eligibility consisting of 6 members: the state auditor or a designee; the attorney general or a designee; the inspector general or a designee; the state treasurer and receiver general or a designee; the secretary of health and human services or a designee; and the secretary of administration and finance or a designee, who shall serve as chair of the task force. The task force shall make an investigation and study of the following issues: (1) the development of a common eligibility standard to be applied to all agencies of the commonwealth administering public assistance programs; (2) the obstacles to the implementation of a common eligibility standard; (3) the fiscal impacts to the commonwealth of implementing a common eligibility standard; (4) any federal limitations on the implementation of such a standard; and (5) any ancillary impacts to the commonwealth or recipients of public benefits. Subject to appropriation, the task force may hire an independent consultant to conduct research and assist with the development of any recommendations. The task force shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation to carry its recommendations into effect, by filing the same with the clerks of the senate and the house of representatives on or before March 15, 2014

SECTION 74. Notwithstanding any general or special law to the contrary, and pursuant to section 2 of chapter 18 of the General Laws, within 12 months of the effective date of this act, the department of transitional assistance shall replace all existing electronic benefit transfer cards with cards containing a photograph of the cardholder.

SECTION 75. Notwithstanding any general or special law to the contrary, and pursuant to section 2 of chapter 18 of the General Laws, within 6 months of the effective date of this act, the department of transitional assistance

shall include on all new or reissued electronic benefit cards a photograph of the cardholder.

SECTION 76. The department of transitional assistance shall consider utilizing the photograph databases of the registry of motor vehicles and the Massachusetts Bay Transportation Authority as a cost-saving measure. The department of transitional assistance shall work with the registry of motor vehicles to access and cross-share facial recognition data and resources for the purpose of identifying potential fraud by December 31, 2014. The department shall report any case where there is reason to believe that fraud has been committed to the bureau of special investigations, the district attorney or an appropriate law enforcement entity for such action as they may deem proper.

SECTION 77. Notwithstanding any general or special law to the contrary, the secretary of the commonwealth shall expend not less than a total of $19,392 for extraordinary election costs incurred by the town of Northampton due to the November 6, 2012 election, as appropriated for in item 0521-0000.

SECTION 78. Notwithstanding any general or special law to the contrary, any unexpended balances, not exceeding a total of $20,000,000, in items 4000-0600 and 4000-0700 of section 2 of chapter 139 of the acts of 2012, shall not revert to the General Fund until September 1, 2013 and may be expended by the executive office of health and human services to pay for services enumerated in said items 4000-0600 and 4000-0700 of said section 2 of said chapter 139 provided during fiscal year 2013.

SECTION 79. (a) For the purposes of reducing the need for remediation following matriculation into a postsecondary setting, the comptroller shall transfer $30,000 from the General Fund to the department of elementary and secondary education to administer the uniform college and career readiness pilot program established in subsection (b).

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

and deliver the diagnosed remediation services. Administration of the placement tests, diagnostic assessment tests and intervention services shall commence when a student enters the eleventh grade.

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

SECTION 80. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Section 1202 Trust Fund. An amount equal to the federal financial participation received for the portion of expenditures eligible for 100 per cent federal financial participation under section 1202 of the Patient Protection and Affordable Care Act, Public Law 111-152 and regulations adopted thereunder shall be deposited into the fund. The amount deposited shall not exceed the amount expended from the fund. The secretary of health and human services shall be the trustee of the fund and shall expend moneys in the fund, without further appropriation, exclusively for services provided in calendar years 2013 and 2014 that are eligible for 100 per cent federal financial participation under said section 1202. The secretary may incur expenses, and the comptroller may certify for payment from the fund amounts in anticipation of expected receipts, but no expenditure shall be made from the fund that shall cause the fund to be in deficit at the close of a fiscal year. Any remaining balances in the fund at the end of a fiscal year shall not revert to the General Fund and shall be available during the following fiscal year for the purposes of this section. Funds may be expended for services provided in prior fiscal years.

SECTION 81. Section 80 is hereby repealed.

SECTION 82. Sections 8 to 15, inclusive, shall take effect on January 1, 2014.

SECTION 83. Section 81 shall take effect on June 30, 2015.

ENDORSEMENTS FOLLOW ON PAGE 22

House of Representatives, July 1, 2013.

Preamble adopted, Speaker.

In Senate, July 1, 2013.

Preamble adopted, President.

House of Representatives, July 1, 2013.

Bill passed to be enacted, Speaker.

In Senate, July 1, 2013.

Bill passed to be enacted, President.

I disapprove the following items:

in Section 2

0340-1100
7004-0099
7066-0009

In Section 2A

4590-0925
8910-0106

In Section 2E

7004-2027

I disapprove Sections 37, 38, 44, 45,50, 51, 52, 53, 69, 70

I reduce the following items in Section 2 to the following amounts:

Section 2	Reduce By	Reduce To
8900-0001	2,000,000	1,800,000

I reduce the following items in Section 2C.I to the following amounts:

Section 2C.I	Reduce By	Reduce To
7004-2027	750,000	750,000

I reduce the following items in Section 2A to the following amounts, and disapprove the wording as indicated:

Section 2A	Reduce By	Reduce To	Wording Stricken
1599-0090	900,000	307,450	"not less than $350,000 shall be available to the town of Rockport for costs related to flood damage to Mill Pond Dam; provided further, that"

and

"; provided further, that not less than $250,000 shall be available to the Charlemont sewer district for repairs related to Hurricane Irene; and provided further, that $300,000 shall be available to the town of Milton to reimburse the town for health care costs related to injured municipal employees"

I reduce the following items in Sections 46 and 47 to the following amounts, and disapprove the wording as indicated:

Sections 46 and 47	Reduce By	Reduce To	Wording Stricken
Section 46	NA	NA	"that not less than $100,000 shall be expended to the Massachusetts International Festival of the Arts for the planned renovations and reopening of the Victory Theatre in the city of Holyoke, including construction consulting, business planning and architecture and engineering costs ; provided further, that not less than $25,000 shall be expended for the Wareham Summer of Celebration Organization, Incorporated for the town of Wareham's two hundredth anniversary of the attack on Wareham harbor by the British sloop HMS Nimrod and the two hundred and seventy-fifth anniversary of the incorporation of the town of Wareham; provided further,"
			and
			"provided further, that not less than $100,000 shall be expended for the New Bedford Ocean Explorium;"
			and
			"; provided further, that not less than $100,000 shall be expended for accessibility at the Arc of Greater Plymouth, Inc.; and provided further, that not less than $50,000 shall be expended to the Greater Plymouth Performing Arts Center, Inc."
Section 47	375,000	7,417,109	

I return for amendment, pursuant to the authority vested in me by Article 56, as amended by Article 90, Section 3, of the Amendments to the Constitution, Sections 4, 23, 74 and 75. The text of my recommended amendments is set forth in separate letters of this date to the Senate and House of Representatives.

The remainder of this bill I approve.

Approved, July 11, 2013

at 1 o'clock and 47 minutes, P.M.

Deval Patrick
Governor