

HOUSE No. 3898

Message from His Excellency the Governor recommending legislation relative to making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects. January 25, 2012.

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

(617) 725-4000



DEVAL L. PATRICK

GOVERNOR

TIMOTHY P. MURRAY

LIEUTENANT GOVERNOR

January 25, 2012.

To the Honorable Senate and House of Representatives:

I am filing for your consideration a bill entitled “An Act Making Appropriations for the Fiscal Year 2012 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.”

Consistent with our previously planned expenditures for fiscal year 2012, the legislation I am filing includes supplemental funding requests of \$251.1 million (\$114.6 million after accounting for offsetting revenue) to fund obligations including:

- \$187 million (\$82 million net) for payments to safety net hospitals in the Commonwealth to transition to delivery system reform, made possible by successful waiver negotiations with the federal Centers for Medicaid and Medicare.
- \$32 million (\$0 net) for premium costs associated with new municipalities joining the Group Insurance Commission, which will be paid from revenues received from those municipalities.
- \$11.7 million for the Department of Transitional Assistance’s payments for Supplemental Security Income (SSI).

- \$10.2 million to support the ongoing costs at the Fernald Developmental Center in Waltham.
- \$9 million for employment opportunities and summer jobs for low-income youths in the Commonwealth.
- \$960K for tuition and fee waivers for National Guard members.
- \$85K for costs related to studying municipal retiree health care.
- \$22K for 2012 costs related to ratified collective bargaining agreements.

The above fiscal year 2012 items are quite time-sensitive. Accordingly, I especially request their prompt enactment. In addition, other proposals included in this legislation will allow initiatives to begin in fiscal year 2012 and achieve full-year savings in fiscal year 2013, including:

- Authorization for the Commissioner of Correction to close the Bay State Correctional Center.
- Authorization for the Department of Correction to re-negotiate food service, healthcare and commissary contracts.
- A provision increasing the incidental purchase level for which a procurement is not required from \$5,000 to \$10,000. This provision creates more flexibility for small, lower risk purchases and provides more opportunities for small, minority and women-owned businesses to conduct business with the state without undergoing an extensive procurement process.
- A section establishing a Social Innovation Financing Trust and allowing the A&F Secretary to enter into “pay for success” contracts.
- A provision prohibiting compensation for local housing authority board members.
- Transferability among MassHealth line items in order to mitigate deficiencies in some accounts with surpluses in others.
- Authorization for the Department of Public Utilities to assess utility company shareholders for the cost of investigating storm responses.
- Various technical amendments to earlier laws.

This bill also includes several provisions designed to help municipalities save money by:

- Allowing for an additional enrollment period for municipalities wishing to join the GIC.
- Authorization for municipalities to post municipal procurement notices online to save costs.

Sufficient revenues are estimated to be available to finance these appropriations. I urge your prompt and favorable consideration of this bill.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deval Patrick", written in a cursive style.

DEVAL L. PATRICK,
Governor.

HOUSE No. 3898

Message from His Excellency the Governor recommending legislation relative to making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects. January 25, 2012.

The Commonwealth of Massachusetts

—
In the Year Two Thousand Twelve
—

AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2012 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Whereas, the deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2012 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:

- 1 SECTION 1. To provide for supplementing certain items in the general appropriation act and
- 2 other appropriation acts for fiscal year 2012, the sums set forth in section 2 are hereby
- 3 appropriated from the General Fund unless specifically designated otherwise in this act or in
- 4 those appropriation acts, for the several purposes and subject to the conditions specified in this
- 5 act or in those appropriation acts, and subject to the laws regulating the disbursement of public

6 funds for the fiscal year ending June 30, 2012. These sums shall be in addition to any amounts
7 previously appropriated and made available for the purposes of those items.

8 SECTION 2.

9 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

10 *Group Insurance Commission*

11 1108-5200 \$32,000,000

12 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

13 *Department of Transitional Assistance*

14 4405-2000 \$11,720,732

15 *Department of Developmental Services*

16 5930-1000 \$10,232,477

17 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

18 *Department of Workforce Development*

19 7002-0012 \$9,000,000

20 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

21 *Military Division*

22 8700-1150 \$960,040

23 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
24 provide for an alteration of purpose for current appropriations, and to meet certain requirements
25 of law, the sums set forth in this section are hereby appropriated from the General Fund unless
26 specifically designated otherwise in this section, for the several purposes and subject to the
27 conditions specified in this section, and subject to the laws regulating the disbursement of public
28 funds for the fiscal year ending June 30, 2012. These sums shall be in addition to any amounts
29 previously appropriated and made available for the purposes of those items.

30 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

31 *Office of the Secretary of Administration and Finance*

32 1599-4278 For a reserve to meet the fiscal year 2012 costs of salary adjustments and other
33 economic benefits authorized by the collective bargaining agreement between the
34 commonwealth and the Coalition for Public Safety Unit 5, at the alcoholic beverages control
35 commission.....\$9,848

36 1599-4303 For a reserve to meet the fiscal year 2012 costs of salary adjustments and other
37 economic benefits authorized by the collective bargaining agreement between the Barnstable
38 county sheriff’s department and the American Federation of State, County and Municipal
39 Employees, Local 1462C, AFL /AFL-CIO, Council 93, Local 1462C
40 \$12,689

41 1599-7050 For a reserve to evaluate the retiree health care cost valuation of cities and towns
42 in the Commonwealth; provided, that funds from this items may be used by the public employee
43 retirement administration commission in agreement with section 57 of chapter 68 of the acts of
44 2011.....\$90,000

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EXECUTIVE OFFICE OF EDUCATION

Department of Higher Education

7077-0024 For a contract with the Cummings School of Veterinary Medicine at Tufts University; provided, that funds appropriated in this item shall be expended for workforce training support targeted to specific skills required within the life sciences sector. \$210,000

SECTION 2E. 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 this section are hereby appropriated for transfer from the General Fund to the trust funds named within each item unless specifically designated otherwise in this section, for the purposes and subject to the conditions specified in this section and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2012. Items in this section shall not be subject to allotment under section 9B of chapter 29 of the General Laws or reduction under section 9C of said chapter 29, without express authorization from the general court. Notwithstanding section 19A of said chapter 29, any transfer under this section shall be made by the comptroller in accordance with a transfer schedule to be developed for each item by the comptroller, after consulting with the appropriate agency secretary, the secretary of administration and finance and the state treasurer. The schedule for each appropriation shall provide for transfers in increments considered appropriate to meet the cash flow needs of each fund and all transfers under the schedule shall be completed not later than June 30, 2012. Not later than 7 days after the schedules receive final approval by the comptroller, they shall be reported to the house and senate committees on ways and means.

67

Office of the State Comptroller

68 1595-1067 For an operating transfer to the Delivery System Transformation Initiatives Trust
69 Fund established in section 35WW of chapter 10 of the General Laws; provided, that these funds
70 shall be expended pursuant to the Delivery System Transformation Initiative Master Plan and
71 hospital-specific plans approved in the MassHealth section 1115 demonstration for fiscal year
72 2012; provided further, that all payments from the Delivery System Transformation Initiatives
73 Trust Fund shall be subject to the availability of federal financial participation, shall be made
74 only in accordance with federally approved payment methods, shall be consistent with federal
75 funding requirements and all federal payment limits as determined by the secretary of health and
76 human services and shall be subject to the terms and conditions of an agreement with the
77 executive office of health and human services; and provided further, that the secretary of health
78 and human services shall make payments of up to \$44,853,333 from the Delivery System
79 Transformation Initiatives Fund to the Cambridge Public Health Commission for fiscal year
80 2012 only after the Cambridge Public Health Commission transfers up to \$22,426,667 of its
81 funds to the Delivery System Transformation Initiatives Trust Fund using a federally permissible
82 source of funds which shall fully satisfy the non-federal share of such
83 payment.....\$186,907,667

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Section 3 - Sex Offender Registry Board

85 SECTION 3. (A) Section 178H of chapter 6 of the General Laws, as appearing in the 2010
86 Official Edition, is hereby amended by adding the following subsection:-

87 (c) Copies of records created by the sex offender registry board which are certified and attested
88 to by the chairperson of the board or the chairperson's designee shall be admissible in the

89 prosecution of these offenses as self-authenticating evidence in any court of the commonwealth
90 to prove the facts contained in the records.

91 (B) Section 178K of said chapter 6, as so appearing, is hereby amended by striking out, in lines 7
92 to 10, the words "psychologists or psychiatrists with special expertise in the assessment and
93 evaluation of sex offenders and who have knowledge of the forensic mental health system; at
94 least one licensed psychologist or psychiatrist " and inserting in place thereof the following
95 words:- mental health professionals with special expertise in the assessment and evaluation of
96 sex offenders and who have knowledge of the forensic mental health system; at least one
97 licensed mental health professional .

98 (C) Section 178L of said chapter 6, as so appearing, is hereby amended by striking out, in line
99 9, the words "psychologist or psychiatrist" and inserting in place thereof the following words:-
100 mental health professional.

101 **Section 4 - AmeriCorps Trust Fund**

102 SECTION 4. Chapter 6 of the General Laws is hereby amended by inserting after section 208
103 the following section:-

104 Section 208A.

105 (a) There shall be an Office for Refugees and Immigrants Trust, in this section called the trust, to
106 be administered by the executive director of the office for refugees and immigrants, in this
107 section called the director.

108 (b) The director shall appoint the fund's trustee, who shall serve until a successor is appointed.

109 (c) There shall be credited to the trust grants, bequests, gifts or contributions of cash or
110 securities, and contributions of services or property in kind from any persons, or other
111 governmental, non-governmental, quasi-governmental or local governmental entities made for
112 the purpose of supporting the office for refugees and immigrants.

113 (d) Expenditures from the trust shall not be subject to appropriation, and balances remaining at
114 the end of a fiscal year shall not revert to the General Fund. Expenditures from the trust shall be
115 made only for the following purposes:

116 (1) operating costs of the office for refugees and immigrants, including the divisions and
117 programs within the office;

118 (2) costs related to carrying out the powers of the office, as set forth in section 207; and

119 (3) costs associated with refugee and immigrant related programs, grants and initiatives of the
120 director.

121 (e) For the purpose of accommodating timing discrepancies between the trust's receipt of
122 revenues and related expenditures, the trust may incur expenses and the comptroller may certify
123 payments from the trust in anticipation of trust receipts based on estimated receipts as certified
124 by the trustee. The trustee shall insure that no expenditures from the trust shall cause the trust to
125 be in deficiency at the close of a fiscal year.

126 **Section 5 - Amendment to EOE's Enabling Statute**

127 SECTION 5. (A) Section 14A of chapter 6A of the General Laws, as appearing in the 2010
128 Official Edition, is hereby amended by striking out, in line 28, the word "and".

129 (B) Said section 14A of said chapter 6A is hereby further amended by inserting after the word
130 “boards”, in line 32, the following words:-

131 and (7) manage all information technology resources within the departments listed in subsection
132 (a), including, but not limited to, all resources necessary to implement a longitudinal data system
133 to coordinate the collection and analysis of educational data from pre-kindergarten programs
134 through higher education, and oversee the departments' compliance with all standards and
135 policies of the information technology division.

136 **Section 6 - Authorizing ITD to Provide Services to other States**

137 SECTION 6. The first paragraph of subsection (d) of section 4A of chapter 7 of the General
138 Laws, as amended by section 11 of chapter 68 of the acts of 2011, is hereby further amended by
139 striking out, in the fifth sentence, the words “and other political subdivisions of the
140 commonwealth” and inserting in place thereof the following words:- other political subdivisions
141 of the commonwealth and other states of the United States where the provision of these services
142 to other states will decrease the costs or improve the efficiency of the services provided by the
143 information technology division to the commonwealth.

144 **Section 7 - Increased Incidental Purchase Level**

145 SECTION 7. Section 22 of said chapter 7 of the General Laws, as appearing in the 2010 Official
146 Edition, is hereby amended by striking out, in line 20, the figure "\$5,000" and inserting in place
147 thereof the following figure:- \$10,000.

148 **Section 8 - Accident Recovery Trust Fund, Money Follows the Person Trust Fund, Delivery**
149 **Service Transformation Initiative (DSTI) Trust Fund, Social Innovation Financing Trust**
150 **Fund**

151 SECTION 8. Chapter 10 of the General Laws is hereby amended by inserting after section 35TT
152 the following 4 sections:-

153 Section 35UU. There shall be established and set up on the books of the commonwealth a
154 separate fund to be known as the Accident Recovery Trust Fund to be used, without further
155 appropriation, to repair parkways and facilities under the control of the department of
156 conservation and recreation that have been damaged by an individual or group. Any balance in
157 the fund at the end of the fiscal year shall not revert to the General Fund, but shall remain
158 available for expenditure in subsequent fiscal years. No expenditure made from the fund shall
159 cause the fund to become deficient at any point during a fiscal year. Notwithstanding any general
160 or special law to the contrary, the department of conservation and recreation shall work directly
161 with insurance companies and individuals and groups responsible for damage to recoup damage
162 costs. Reimbursements collected under this section for damages to property shall be deposited in
163 the Accident Recovery Trust Fund.

164 Section 35VV. There shall be established and set up on the books of the commonwealth a
165 separate fund to be known as the Money Follows the Person (MFP) Rebalancing Demonstration
166 Grant Trust Fund, which shall be administered by the secretary of health and human services.
167 Funds from the trust fund shall be used for expenses that primarily benefit individuals who have
168 a disability or long-term illness, or who are elders. The comptroller shall credit to the trust fund
169 an amount equal to the amount of Money Follows the Person (MFP) -enhanced federal financial

170 participation received by the commonwealth on MFP qualified, demonstration, or supplemental
171 services under the terms and conditions of the Money Follows the Person Rebalancing
172 Demonstration as determined by a federally-approved list of home and community based long-
173 term services and supports (LTSS), and federally-approved allocation methodologies for home
174 and community based LTSS purchased through capitated arrangements. These funds shall be
175 used to fund slots for MFP participants in the 2 new MFP Home and Community-Based Waiver
176 programs established to support the state's rebalancing initiative. The secretary may authorize
177 expenditures of amounts from the trust fund without further appropriation. The comptroller shall
178 transfer to the trust fund no later than the tenth business day of each quarter, an amount equal to
179 the amount of enhanced federal financial participation collected from the previous quarter. The
180 secretary may certify for payment amounts in anticipation of federal revenues collected for the
181 corresponding quarter during the previous fiscal year. For the purpose of accommodating timing
182 discrepancies between the receipt of revenues and related expenditures, the secretary may incur
183 expenses, after written approval from the secretary of administration and finance, and the
184 comptroller shall certify for payment, amounts not to exceed the most recent revenue estimate as
185 certified by the MassHealth director, as reported in the state accounting system

186 Section 35WW. There shall be established on the books of the commonwealth the Delivery
187 System Transformation Initiatives Trust Fund, which shall be administered by the secretary of
188 health and human services. Funds from the trust fund may be expended for delivery system
189 transformation initiatives payments to qualifying providers under an approved federal waiver.
190 Amounts credited to the trust fund shall not be subject to further appropriation.

191 Section 35XX. (a) There shall be established and set up upon the books of the commonwealth a
192 trust to be known as the Social Innovation Financing Trust Fund, in this section called the trust,

193 for the purpose of funding contracts to improve outcomes and lower costs for contracted
194 government services, in this section called pay for success contracts, subject to the requirements
195 of subsection (b).

196 (b) Notwithstanding any general or special law to the contrary, the secretary of administration
197 and finance, in this section called the secretary, may enter into pay for success contracts. Each
198 contract shall include: (1) a requirement that a substantial portion of the payment be conditioned
199 on the achievement of specific outcomes based on defined performance targets; (2) an objective
200 process by which an independent evaluator will determine whether the performance targets have
201 been achieved; (3) a calculation of the amount and timing of payments that would be earned by
202 the service provider during each year of the agreement if performance targets are achieved as
203 determined by the independent evaluator; (4) a sinking fund requirement under which the
204 secretary shall request an appropriation for each fiscal year that the contract is in effect, in an
205 amount equal to the expected payments that the commonwealth would ultimately be obligated to
206 pay in the future based upon service provided during that fiscal year, if performance targets were
207 achieved; and (5) a determination by the secretary that the contract will result in significant
208 performance improvements and budgetary savings across all impacted agencies if the
209 performance targets are achieved.

210 (c) The secretary, in his discretion, may provide that payments in future years under such
211 contracts shall constitute a general obligation of the commonwealth for which the full faith and
212 credit of the commonwealth shall be pledged for the benefit of the provider or providers of the
213 contracted government services, but the total amount of payments under such contracts secured
214 by such a pledge of the full faith and credit of the commonwealth shall not in the aggregate
215 exceed \$50,000,000.

216 (d) The secretary shall be the trustee of the trust, shall administer the trust and shall ensure that
217 all funds appropriated as described above are deposited in the trust and shall make payments
218 from the trust in accordance with the terms and conditions of the contracts, without further
219 appropriation. The secretary shall provide a status report on all contracts no later than February
220 1 of each year to the house and senate committees on ways and means.

221 **Section 9 - DPS Civil Fines**

222 SECTION 9. Subsection (a) of section 21 of chapter 22 of the General Laws, as inserted by
223 section 35 of chapter 68 of the acts of 2011, is hereby amended by inserting after the words “80,
224 inclusive”, in clause (7), the following words:- section 84.

225 **Section 10 - DPU Storm Trust Fund**

226 SECTION 10. (A) Chapter 25 of the General Laws is hereby amended by inserting after section
227 12O the following section:-

228 Section 12P. There shall be established upon the books of the commonwealth a separate fund to
229 be known as the Department of Public Utilities Storm Trust Fund. There shall be credited to this
230 fund all amounts collected under the third paragraph of section 18 and any income derived from
231 the investment of amounts credited to the fund. All amounts credited to the fund shall be held in
232 trust and shall be available for expenditure, without further appropriation, by the department of
233 public utilities, for activities of the department in investigating the preparation for and responses
234 to storm and other emergency events by the electric companies. Any unexpended balance in the
235 fund at the close of a fiscal year shall remain in the fund and shall be available for expenditure in
236 the following fiscal year.

237 (B) Section 18 of said chapter 25 of the General Laws, as appearing in the 2010 Official Edition,
238 is hereby amended by inserting after the second paragraph the following paragraph:-

239 For the purpose of providing the department with additional operating funds for activities of the
240 department in investigating the preparation for and responses to storm and other emergency
241 events by the electric companies doing business in the commonwealth, the commission may
242 make a separate assessment proportionally against each electric company under the jurisdictional
243 control of the department, based upon the intrastate operating revenues subject to the jurisdiction
244 of the department of each of such companies derived from sales within the commonwealth of
245 electric service, as shown in the annual report of each of such companies to the department. This
246 assessment shall be made at a rate that shall be determined and certified annually by the
247 commission as sufficient to produce an annual amount of not less than \$460,000, commencing in
248 fiscal year 2012, plus the costs of fringe benefits and indirect costs as established by the
249 commissioner of administration under section 5D of chapter 29, including group life and health
250 insurance, retirement benefits, paid vacations, holidays and sick leave. The amount of the
251 assessment may be increased by the commission annually by a rate not to exceed the most recent
252 annual consumer price index as calculated for the northeast region for all urban consumers.
253 Notwithstanding any other provision to the contrary, no electric company shall be entitled to
254 seek recovery of any assessments made under this paragraph in any rate proceeding before the
255 department. Each company shall pay the amount assessed against it within 30 days after the date
256 of the notice of assessment from the department. Such assessments shall be collected by the
257 department, and credited to the Department of Public Utilities Storm Trust Fund established by
258 section 12P.

259 **Section 11 - State Use of Owner Controlled Insurance Programs**

260 SECTION 11. Chapter 30 of the General Laws is hereby amended by inserting after section 39S
261 the following section:-

262 Section 39T. Notwithstanding section 8 of chapter 268A, the following agencies and authorities
263 may implement competitively procured owner controlled insurance programs, and may permit
264 the use of contractor controlled insurance programs, on projects having estimated construction
265 costs equal to or greater than \$50,000,000: the division of capital asset management and
266 maintenance, the department of transportation, the Massachusetts Port Authority, the
267 Massachusetts Water Resources Authority, the Massachusetts State Colleges Building Authority,
268 and the University of Massachusetts Building Authority.

269 **Section 12 - Online Municipal Procurement Notices**

270 SECTION 12. Section 5 of chapter 30B, as appearing in the 2010 Official Edition, is hereby
271 amended by inserting after the word "body", in line 32, the following words:- or, in the
272 alternative, on a public internet web site of either the governmental body or the commonwealth.

273 **Section 13 - Deadlines for Municipal Enrollment in GIC**

274 SECTION 13. (A) Section 19 of chapter 32B of the General Laws, as so appearing, is hereby
275 amended by striking out, in lines 165 to 167, the words "not later than December 1 of each year
276 and the transfer of subscribers to the commission shall take effect on the following July 1" and
277 inserting in place thereof the following words:- on or before December 1 of each year for
278 transfer of subscribers to the commission effective the following July 1, or on or before July 1 of
279 each year for transfer of subscribers to the commission effective the following January 1.

280 (B) Subsection (a) of section 23 of said chapter 32B, as inserted by section 3 of chapter 69 of the
281 acts of 2011, is hereby amended by striking out, in the second sentence, the words “and the
282 transfer of subscribers to the commission shall take effect on the following July 1” and inserting
283 in place thereof the following words:- for transfer of subscribers to the commission effective the
284 following July 1, or on or before July 1 of each year for transfer of subscribers to the commission
285 effective the following January 1.

286 **Section 14 - Municipal Health Reform Technical Correction**

287 SECTION 14. Section 21 of said chapter 32B of the General Laws, as inserted by section 3 of
288 chapter 69 of the acts of 2011, is hereby amended by inserting after the word “meeting”, in
289 subsection (a), the following words:- or by vote of the district’s governing board.

290 **Section 15 - Uniform Probate Code Technical Corrections**

291 SECTION 15. (A) Section 32 of chapter 118E of the General Laws, as appearing in the 2010
292 Official Edition, is hereby amended by striking the words "executor or administrator" where they
293 appear, and inserting in place thereof, in each instance, the following words:- personal
294 representative.

295 (B) Said section 32 of said chapter 118E, as so appearing, is hereby further amended by inserting
296 after the word "mail", in line 6, the following words: - in accordance with sections 3-306(f) and
297 3-403(f) of chapter 190B.

298 (C) Said section 32 of said chapter 118E, as so appearing, is hereby further amended by inserting
299 after the word " division", in line 10, the following words:- ,as described above,.

300 (D) Said section 32 of said chapter 118E, as so appearing, is hereby further amended by striking
301 out, in line 21, the words “9 of chapter 197” and inserting in place thereof the following words:-
302 3-803 of chapter 190B.

303 (E) Said section 32 of said chapter 118E, as so appearing, is hereby further amended by striking
304 out, in line 83, the words “9 of chapter 197” and inserting in place thereof the following words:-
305 3-803 of chapter 190B.

306 (F) Section 3-306 of chapter 190B of the General Laws, as appearing in the 2010 Official
307 Edition, is hereby amended by striking out subsection (f) and inserting in place thereof the
308 following 2 subsections:-

309 (f) The petitioner shall give written notice 7 days before petitioning for informal probate or
310 appointment by sending a copy of the petition and death certificate by certified mail to the
311 division of medical assistance.

312 (g) The duty shall not extend to require notice to persons who have been adjudicated in a prior
313 formal testacy proceeding to have no interest in the estate. The petitioner's failure to give this
314 notice is a breach of duty to the persons concerned but shall not affect the validity of the probate,
315 appointment, powers or other duties. A petitioner may inform other persons of the petition by
316 delivery or ordinary first class mail.

317 (G) Section 3-403 of chapter said 190B, as so appearing, is hereby amended by striking out
318 subsection (f) and inserting in place thereof the following 2 subsections:-

319 (f) The petitioner shall give notice by certified mail to the division of medical assistance together
320 with a copy of the petition and death certificate.

321 (g) The duty shall not extend to require notice to persons who have been adjudicated in a prior
322 formal testacy proceeding to have no interest in the estate. The petitioner's failure to give this
323 notice is a breach of duty to the persons concerned but shall not affect the validity of the probate,
324 appointment, powers or other duties. A petitioner may inform other persons of the petition by
325 delivery or ordinary first class mail.

326 (H) Section 3-1201 of said chapter 190B, as so appearing, is hereby amended by inserting after
327 the word "person", in line 5, the following words:- or, in the case of a person who at his death,
328 was receiving services from the department of mental health, the department of developmental
329 services, or the division of medical assistance, any person designated to act as a voluntary
330 personal representative of the estate of such person by the department of mental health, the
331 department of developmental services or the division of medical assistance.

332 (I) Said section 3-1201 of said chapter 190B, as so appearing, is hereby further amended by
333 inserting after the word "mail", in line 35, the following words:- at least 7 days before filing.

334 **Section 16 - No Compensation for Local Housing Authority Board Members**

335 SECTION 16. (A) Section 7 of chapter 121B of the General Laws, as appearing in the 2010
336 Official Edition, is hereby amended by striking out the second paragraph and inserting in place
337 thereof the following paragraph:-

338 A housing authority shall not compensate its members from any source of funds available to the
339 housing authority.

340 (B) Said section 7 of said chapter 121B, as so appearing, is hereby further amended by striking
341 the words "Any compensation paid to a tenant member of a housing authority for services as a

342 member”, in lines 47 and 48, and inserting in place thereof the following words:- To the extent
343 that a tenant member of a housing authority was compensated for services as a member before
344 July 1, 2012, that compensation.

345 **Section 17 - Designation of Health Connector as ACA-Compliant Exchange**

346 SECTION 17. Section 3 of chapter 176Q of the General Laws, as so appearing, is hereby
347 amended by inserting after subsection (t), the following subsection:-

348 (u) notwithstanding the foregoing, to perform all the duties and responsibilities required of an
349 American Health Benefit Exchange, as that term is defined by the Patient Protection and
350 Affordable Care Act, Pub. L. 111-148, as may be amended from time to time, including without
351 limitation the certification of qualified health plans for sale in the Exchange, the determination of
352 eligibility of individuals for shopping, receiving federal premium tax credits, and qualifying for
353 reduced cost sharing through the Exchange, as provided by federal law, and the certification of
354 individuals as exempt from the requirements of section 36B of the Internal Revenue Code of
355 1986.

356 **Section 18 - Medicaid Delivery of Care Advisory Committee Report**

357 SECTION 18. Section 178 of said chapter 131 of the acts of 2010 is hereby amended by striking
358 out, in the second paragraph, the date “January 15, 2011” and inserting in place thereof the
359 following date:- October 1, 2012.

360 **Section 19 - CCTF Transfer**

361 SECTION 19. Section 2E of chapter 68 of the acts of 2011 is hereby amended by striking out
362 item 1595-5819 and inserting in place thereof the following item:-

363 1595-5819

364 For an operating transfer to the Commonwealth Care Trust Fund, established under section
365 2000 of chapter 29 of the General Laws; provided, that up to \$30,000,000 shall be transferred
366 from the Commonwealth Care Trust Fund to the Health Safety Net Trust Fund, established under
367 section 36 of chapter 118G of the General Laws; provided further, that the hospital fiscal year
368 2012 payment amount to each hospital shall be funded by the Health Safety Net Trust Fund;
369 provided further, that payments may be made either as safety net care payments under the
370 commonwealth's section 1115 waiver, or as an adjustment to Title XIX service rate payments, or
371 a combination thereof; provided further that for the purpose of this line item, Massachusetts
372 nonprofit disproportionate share hospitals with a Medicare payer mix percentage greater than
373 45% of Total Gross Patient Service Revenue using FY09 403 cost report data shall be defined as
374 a public service hospital; further provided public service hospitals qualifying under this line item
375 shall receive an equal payment of the amount of surplus public service hospital safety net care
376 payment monies from public service hospitals qualifying under 114.1 CMR 36.02; further
377 provided that these funds may only be disbursed if allowed by the Commonwealth's 1115
378 Medicaid waiver; provided further, that the executive office of health and human services and
379 the health safety net office may use other federally permissible funding mechanisms available for
380 public service hospitals, as defined in 114.1 CMR 36.02, to reimburse up to \$70,000,000 of
381 uncompensated care at the hospitals using sources distinct from the funding made available to
382 the Health Safety Net Trust Fund; provided further, that the secretary of administration and
383 finance, in consultation with the secretary of health and human services and the executive

384 director of the commonwealth health insurance connector authority, shall on a quarterly basis
385 evaluate the revenue needs of the health safety net program funded by the Health Safety Net
386 Trust Fund and the Commonwealth Care subsidized health insurance program funded by the
387 Commonwealth Care Trust Fund, and if necessary, transfer monies between these funds for the
388 purpose of ensuring that sufficient revenues are available to support projected program
389 expenditures; provided further, that the secretary of administration and finance shall report any
390 transfers made between the Health Safety Net Trust Fund and the Commonwealth Care Trust
391 Fund to the house and senate committees on ways and means and the joint committee on
392 healthcare financing within 30 days of the proposed transfer; provided further, that
393 notwithstanding any general or special law to the contrary, funds within the Commonwealth Care
394 Trust Fund that are not needed to support the costs of the Commonwealth Care and
395 Commonwealth Care Bridge subsidized health insurance programs in fiscal year 2012 shall be
396 made available to support the costs of these programs until June 30, 2013; and provided further,
397 that up to \$3,500,000 shall be applied for the purpose of providing small business health
398 insurance wellness subsidies pursuant to section 7A of chapter 176Q of the General Laws; and
399 provided further, that notwithstanding said section 7A of said chapter 176Q, for fiscal year 2012,
400 the connector shall provide an annual health insurance wellness subsidy not to exceed 15 per
401 cent of eligible employer health care costs as calculated by the employer for credit by the federal
402 government under the federal Patient Protection and Affordable Care Act.

403 \$728,011,822

404 **Section 20 - Technical Correction of Transfer of Tobacco Settlement Payments**

405 SECTION 20. Section 152 of said chapter 68 of the acts of 2011 is hereby amended by striking
406 out, in the second sentence, the words “until the amount to be deposited reaches 100 per cent of
407 the payments” and inserting in place thereof the following words:- , and the balance of funds in
408 each fiscal year shall be deposited in the General Fund until the amount to be deposited in the
409 State Retiree Benefits Trust Fund reaches 100 per cent of the payments.

410 **Section 21 - Allow DOC to Renegotiate Health Care and Food Service Contracts**

411 SECTION 21. Chapter 68 of the acts of 2011 is hereby further amended by striking out section
412 172 and inserting in place thereof the following section:-

413 Section 172. Notwithstanding any general or special law to the contrary, the department of
414 correction shall study or reprocurer all departmental specific contracts for food services,
415 commissary and medical services provided at all institutions. The department shall request
416 detailed data and definitions of costs from the contractors to inform future health care
417 procurements for best value results. The department shall report the results of all of the
418 reprocurer studies to the house and senate committees on ways and means and the secretary
419 of administration and finance. If the commissioner of correction determines that the most cost-
420 effective method is to reprocurer any of these contracts, the department shall solicit new bids for
421 these services in accordance with applicable state law and may use alternative procurement
422 methods including, but not limited to, specialized vendor prequalification, cooperative
423 procurements, competitive negotiations and brand name solicitations. In executing the
424 reprocurer of these services, the department shall notify all sheriffs, who may elect to
425 participate in the reprocurer services. When entering into new food procurement contracts, the
426 department may give preference to suppliers that support farm-to-table farming techniques that

427 encourage local involvement from source to consumer and other local sourced food supply
428 programs.

429 **Section 22 - Special Commission on Criminal Justice Report**

430 SECTION 22. Section 189 of said chapter 68 of the acts of 2011 is hereby amended by striking
431 out, in the fifth paragraph, the words “March 31, 2012” and inserting in place thereof the
432 following words:- March 31, 2013 .

433 **Section 23 - OPEB Commission**

434 SECTION 23. (A) Section 58 of chapter 176 of the acts of 2011 is hereby amended by striking
435 out, in

436 the second paragraph, the figure “11” and inserting in place thereof the following figure:- 12.

437 (B) Said section 58 of chapter 176 of the acts of 2011 is hereby further amended by striking out,
438 in the second paragraph, the words “1 of whom shall be a private citizen, appointed by the
439 governor, who shall serve as chair of the commission and shall not be a member” and inserting in
440 place thereof the following words:- 2 of whom shall be private citizens, appointed by the
441 governor, who shall serve as co-chairs of the commission and shall not be members.

442 **Section 24 - Validate Amended Collective Bargaining Agreements**

443 SECTION 24. The salary adjustments and other cost items authorized by the following 2011
444 amendments to collective bargaining agreements, for the period from July 1, 2011 to June 30,
445 2014, shall be effective for the purpose of section 7 of chapter 150E of the General Laws:

446 (a) between the Barnstable Sheriff and Barnstable Correction Officers, BCCOU;

- 447 (b) between the Barnstable Sheriff and Barnstable Radio Operators, IBCO Local 217;
- 448 (c) between the Barnstable Sheriff and Barnstable Nurses, NAGE Local 58;
- 449 (d) between the Barnstable Sheriff and Barnstable Clerical, NAGE Local 220;
- 450 (e) between the Dukes Sheriff and Dukes Correction Officers, MCOFU;
- 451 (f) between the Essex Sheriff and Essex County Correction Officers Association;
- 452 (g) between the Essex Sheriff and Essex Administrators, IBCO Local R1-27;
- 453 (h) between the Suffolk Sheriff and Suffolk Captains, AFSCME Locals 3967 and 3643;
- 454 (i) between the Board of Higher Education and the American Federation of State,
455 County and Municipal Employees Local 1067;
- 456 (j) between the commonwealth and the National Association of Government Employees
457 Local R1 292, Unit A;
- 458 (k) between the commonwealth and SEIU Local 888, for the Berkshire registry of deeds;
- 459 (l) between the commonwealth and OPEIU Local 6, for the Middlesex North registry of
460 deeds;
- 461 (m)between the commonwealth and OPEIU Local 6, for the Middlesex South registry of
462 deeds; and
- 463 (n) between the commonwealth and OPEIU Local 6, for the Hampden registry of deeds.

464 **Section 25 - MassHealth Line Item Transferability**

465 SECTION 25. Notwithstanding any general or special law to the contrary, the secretary of
466 health and human services, with the written approval of the secretary of administration and
467 finance, may authorize transfers of surplus among items 4000-0320, 4000-0430, 4000-0500,
468 4000-0600, 4000-0700, 4000-0870, 400-0875, 4000-0880, 4000-0890, 4000-0895, 4000-0950,
469 4000-0990, 4000-1400, 4000-1405 and 4000-1420 of section 2 of chapter 68 of the acts of 2011
470 for the purpose of reducing any deficiency in these items, but any such transfer shall be made not
471 later than August 30, 2012.

472 **Section 26 - Closing Bay State Correctional Center**

473 SECTION 26. The commissioner of correction may close the Bay State Correctional Center.

474 **Section 27 - DOT Construction Manager/General Contractor Pilot Program**

475 SECTION 27. (a) Notwithstanding any general or special law to the contrary, the secretary of
476 transportation may select 5 construction pilot projects for the department of transportation or the
477 Massachusetts Bay Transportation Authority using the Construction Manager/General Contractor
478 (CM/GC) method of project delivery. Projects using this method of project delivery shall
479 emphasize an integrated team approach to the planning, design, and construction of a highway,
480 transit, or commuter rail project, and shall control schedule, budget, and risk allocation, while
481 ensuring a quality end product for the project owner. Projects shall include engagement of
482 construction expertise in the design process to enhance constructability, manage risk, and
483 facilitate execution of design and construction.

484 (b) The criteria used to select the CM/GC pilot projects by the department shall be identified in a
485 CM/GC pilot project procedure manual, which shall include, but not be limited to, (i) projects of
486 appropriate type, location, and complexity, (ii) projects fostering an environment of innovation

487 or use of new technologies, (iii) availability, capability, and experience of qualified general
488 contractors, (iv) projects encouraging increased partnership and communication between all
489 project participants, (v) projects that benefit from an accelerated start of construction planning,
490 and (vi) any other criteria that the secretary shall consider appropriate for evaluation, selection,
491 and award.

492 (c) The CM/GC pilot projects shall encourage participation by qualified firms through a
493 qualifications-based process requiring requests for proposals, technical scores and price
494 components, and criteria for prequalification, which shall include minimum levels of experience,
495 financial capability, bonding capacity, and cooperation with disadvantaged business enterprise
496 and minority and women business participation goals.

497 (d) In developing, modeling, and implementing the CM/GC project delivery method, the
498 department of transportation, including the Massachusetts Bay Transportation Authority, shall
499 take into consideration the principles and provisions of the Massachusetts General Laws
500 generally applicable to public works projects.

501 (e) The department may establish, in consultation with the Federal Transit Administration or the
502 Federal Highway Administration, in the case of federally-aided projects, such additional
503 procurement requirements, procedures, and project standards as are necessary to encourage full
504 competition and best construction practices. The secretary, or the secretary's designee, may
505 consult with legal, financial, technical and other experts within and outside state government in
506 the implementation of this section.

507 (f) Paragraphs (a) through (e) shall not limit the general powers of either the department of
508 transportation provided in chapter 6C or the Massachusetts Bay Transportation Authority

509 provided in chapter 161A. Said paragraphs shall effectuate the purposes of implementing the
510 CM/GC pilot projects.

511 (g) The secretary may delegate any of the powers conferred on him by this section to a designee,
512 but the secretary shall not delegate the power to award the CM/GC pilot project contracts which
513 shall be exclusively vested in the board of directors of the department of transportation.