

HOUSE No. 4758

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
24 BEACON STREET · BOSTON, MA 02133

KARYN POLITO
LIEUTENANT GOVERNOR

July 13, 2018

To the Honorable Senate and House of Representatives,

I am filing for your consideration a bill entitled “An Act Making Appropriations for Fiscal Year 2018 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.”

While numbers are not yet final, tax revenue collections in fiscal year 2018 are expected to exceed budgeted estimates by \$1 billion. These above-benchmark collections are attributable to an unexpected increase in certain historically-volatile revenue sources, most notably capital gains taxes and other forms of estimated payments. In recognition of that volatility, by law, only capital gains below a certain threshold (\$1.169 billion in fiscal year 2018) are available for spending, while the remainder must be transferred to the Stabilization Fund and other reserves for long-term liabilities. I am pleased we are able to transfer \$450 to 500 million to these long-term reserves.

This bill consists of \$574.6 million in supplemental appropriations, at a net state cost of \$514.2 million. After accounting for certain other provisions, the total fiscal impact of the bill is \$582.8 million.

These recommendations include a \$150 million investment in education, including \$40 million to supplement Chapter 70 funds for student behavioral health needs, \$32 million for a three-year school safety initiative, \$30 million for a three-year targeted intervention program in struggling districts, \$15 million to guarantee sufficient funding in fiscal years 2019 and 2020 to

close the gap between the costs of tuition and fees and federal financial aid awards for community college students, \$12.5 million to fully fund the special education circuit breaker in fiscal year 2018, \$10 million over two years to prevent and address opiate use among students per the CARE Act, \$7 million for regional school transportation costs, \$3 million for Early College, and \$705,000 for additional scholarship needs of college students who were raised in foster care.

The unanticipated surplus in fiscal year 2018 tax revenue provides an opportunity to allocate funds to certain one-time needs, including \$50 million in funding for repairs and improvements to local roads and bridges, a \$30 million transfer to the Clean Water Trust for improvements to municipal and regional water infrastructure, and \$20 million for the Underground Storage Tank program to pay for gas tank removals, reducing a backlog in that key environmental program. These capital investments will improve the Commonwealth's infrastructure and reduce our reliance on borrowed funds, without adding to a structural deficit in the operating budget, making them a fiscally prudent use of one-time revenues.

I also recommend \$94 million in spending for collective bargaining costs. Of this amount, \$5.3 million is for contracts that are ratified and ready to go into effect. The balance establishes a reserve for all anticipated collective bargaining costs related to fiscal years 2018 and 2019.

Other recommendations address deficiencies that have been pending throughout fiscal 2018, as well as some newer requests. MassHealth requires \$139.5 million in spending authorization, at a net cost to the Commonwealth of \$79.0 million after federal and departmental revenue. MassDOT unfunded snow and ice removal costs total \$35.4 million after accounting for other available funding sources. I also recommend the transfer of \$3.2 million to MassDOT from transportation network company fees to reduce the cost of operating accessible vehicles. The Massachusetts Rehabilitation Commission faces the loss of federal funds; I recommend \$10 million to allow the commission to better manage this reduction in funding. Deficiencies from various sheriffs' departments total \$6 million, in addition to the previous deficiency identified in February. Campus tuition and fee waivers for National Guard members require \$5.9 million in supplemental funding. Additionally, I recommend an \$8 million transfer to support multi-year municipal police training needs.

I request \$5 million for the fiscal year 2019 costs of the newly-established Department of Family and Medical Leave and \$5 million for hurricane evacuees' transitional housing needs as FEMA benefits end. I recommend \$3 million to the Cannabis Control Commission to fund costs resulting from the transfer of administrative responsibility from the Department of Public Health. The remaining \$9 million in recommended appropriations relate to a range of smaller needs.

I further recommend increasing one chargeback ceiling and continuing \$37.2 million in existing fiscal year 2018 authorizations into fiscal year 2019, including \$19 million in Early Education caseload funding.

Several spending items filed earlier this year and still pending in the Legislature require action. I renew my request that you authorize spending for the implementation of the Criminal Justice Reform Act and for new state police and corrections officer classes that are essential to address public safety needs due to expected retirements. I also renew my request for \$21 million in sheriffs' deficiencies, \$6.3 million for various filed collective bargaining agreements, and smaller amounts for the Department of Labor Standards, the Department of Conservation and Recreation, and Public Safety IT needs.

This bill includes two sections that would improve oversight of higher education institutions, both private and public. They would require such institutions to notify the Board of Higher Education of known liabilities or risks to the long-term financial viability of the institution.

Certain sections allocate fiscal year 2018 funds: I recommend that 30% of tobacco settlement funds, up from 10% in the enacted budget, go to an OPEB trust for future retiree health care spending. This provision costs \$48 million. I recommend that when the books are closed on fiscal year 2018, \$10 million be allocated to the Life Sciences Investment Fund and \$10 million to the Community Preservation Trust Fund.

I am also recommending repeal of the sales tax acceleration, which was enacted in the fiscal year 2018 budget but has since encountered barriers to implementation and is no longer necessary in its current form.

This bill also includes a number of technical changes to spending bills or the General Laws, including technical changes to two recent laws: the "grand bargain" legislation, and the "red flag" law. Without disturbing the substantive effect of those laws, these changes are necessary to clarify their effect and ensure their proper implementation.

I also take this opportunity to ask that you act on a number of sections that remain pending before the Legislature, including:

- (1) Changes to the 2018 criminal justice reform law regarding:
 - Access to sealed records;
 - Courtroom closure during expungement petition hearings;
 - Excluding crimes against and relating to juveniles from diversion and civil conversion;

- Juvenile Justice corrections for the definition of “delinquent child” and restrictions on placement in secure facilities;
 - Transfer of prisoners between sheriffs and DOC;
 - Restoration of the Melanie’s Law 15-year license suspension;
 - DOC and sheriffs restrictive housing TV/radio privileges discipline;
 - Technical change to harmonize “ineligible offenders” under the Council of State Governments law with revisions to mandatory minimum sentences;
 - Immunity for doctors and state employees who participate in the medical parole process;
 - Forensic Science Oversight Board corrections;
 - The definition of “parent” for the parent/child disqualification; and
 - Clarification of re-entry services for those in restrictive housing.
- (2) Changes to the 2017 marijuana legalization law regarding:
- Medical Marijuana Registered Medical Dispensaries;
 - Sequencing of town meeting and town-wide referenda as well as provisions for municipal-level initiative petitions;
 - Current Municipal Host Agreements and Host Agreement Accounting practices;
 - Fingerprint-based background checks;
 - Protection from prosecution for patients and caregivers who are in compliance with the medical marijuana law;
 - Clarification of the lawful corporate purposes of marijuana businesses;
 - Corrections to the conversion from non-profit to for-profit status for taxation purposes; and
 - An additional technical change that sets forth the correct section reference.
- (3) Changes to the 2016 municipal modernization law regarding:
- Refunding bonds and TELP exception for regional school districts;
 - Sale of real estate proceeds;

- Appointed and Combined Treasurer-Collector position;
 - Veteran exemptions;
 - Personal property assessments;
 - ATB jurisdiction;
 - Jet fuel excise effective date;
 - Low speed vehicle technical changes;
 - Small claims;
 - Bond and note premiums;
 - Shared personnel limited exception; and
 - Additional technical corrections.
- (4) Necessary changes to the tax laws of the Commonwealth related to:
- Deemed repatriation;
 - Global Intangible Low Taxed Income (“GILTI”) and Foreign Derived Intangible Income (“FDII); and
 - Sales tax registration for remote sellers.
- (5) Additional sections related to:
- Compounding facilities information-sharing;
 - Nursing home administrator technical amendment;
 - Genetic counseling technical amendment;
 - Transfer of Hinton Lab from DCAMM to DPH;
 - AGO public charity assessment appropriation authority;
 - DSRIP trust fund payments;
 - Cold storage facilities;
 - Methyl alcohol regulation;
 - Nursing facilities direct care payment report;

- Falls prevention commission technical amendment;
- APCD improvements;
- Smart Growth Housing Trust Fund; and
- Certain contract ratifications.

Finally, I note that sufficient revenues are estimated to be available to finance the appropriations and other measures proposed in this legislation and, accordingly, because fiscal year 2018 has already ended, I urge you to enact this legislation promptly.

Respectfully submitted

Charles D. Baker,
Governor

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act making appropriations for Fiscal Year 2018 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 2018 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
2 and other appropriation acts for fiscal year 2018, 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, 2018. These sums shall be in addition to any amounts
7 previously appropriated and made available for the purposes of those items. These sums shall be
8 made available until June 30, 2019.

9 SECTION 2.

10 DISTRICT ATTORNEYS

11	Bristol District Attorney		
12	0340-0998	Bristol District Attorney State Police OT	\$31,000
13	Berkshire District Attorney		
14	0340-1198	Berkshire District Attorney State Police OT	\$14,000
15	SECRETARY OF THE COMMONWEALTH		
16	0521-0000	Elections Divisions	\$276,514
17	CANNABIS CONTROL COMMISSION		
18	1070-0840	Cannabis Control Commission	\$3,000,000
19	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE		
20	Reserves		
21	1599-0014	Reserve for Hurricane Maria and Irma Evacuees	\$5,000,000
22	1599-0026	Municipal Regionalization Reserve	\$1,500,000
23	1599-0093	Clean Water Trust	\$30,000,000
24	1599-0999	Organization Transformation Reserve	\$480,000
25	1599-3856	MITC Operational Expenses	\$400,000
26	1599-4448	Collective Bargaining Contract Costs	\$5,300,000
27	1599-8910	Sheriffs Reserve	\$6,000,000

28 Department of Revenue

29 1232-0100 Underground Storage Tanks \$20,000,000

30 1232-0200 Underground Storage Tanks Admin Review Board \$275,000

31 Human Resources Division

32 1750-0100 HRD Administration \$605,211

33 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

34 Office of the Secretary

35 4000-0700 MassHealth Fee for Service Payments \$139,500,000

36 Massachusetts Rehabilitation Commission

37 4120-3000 MRC Employment Assistance \$10,100,000

38 Department of Public Health

39 4510-0600 Environmental Health Assessment and Compliance \$150,000

40 Department of Children and Families

41 4800-0041 Congregate Care Services \$2,386,679

42 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

43 Department of Transportation

44 1595-6368 Massachusetts Transportation Trust Fund \$38,557,980

45 Commonwealth Transportation Fund.....100%

46 EXECUTIVE OFFICE OF EDUCATION

47 Department of Elementary and Secondary Education

48 7035-0006 Regional School Transportation \$7,000,000

49 7061-0012 Special Education Circuit Breaker Reimbursement \$12,500,000

50 7061-9408 Targeted Intervention\$30,000,000

51 Department of Higher Education

52 7066-0021 Foster Care and Adopted Fee Waiver \$705,395

53 7070-0065 Massachusetts State Scholarship Program \$15,000,000

54 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

55 Military Division

56 8700-1150 National Guard Tuition and Fee Waivers \$5,920,610

57 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
58 provide for an alteration of purpose for current appropriations, and to meet certain requirements
59 of law, the sums set forth in this section are hereby appropriated from the General Fund unless
60 specifically designated otherwise in this section, for the several purposes and subject to the
61 conditions specified in this section, and subject to the laws regulating the disbursement of public
62 funds for the fiscal year ending June 30, 2018. These sums shall be made available until June
63 30, 2019.

64 SECRETARY OF THE COMMONWEALTH

65 0521-0002 To implement early voting in the commonwealth for the November 6,
66 2018 State Election as required by section 25B of chapter 54 of the General Laws \$2,500,000

67 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

68 Reserves

69 1599-4449 For a reserve for collective bargaining and related labor costs; provided, that
70 funds shall be used for fiscal year 2017, 2018, and 2019 costs of contracts once validated
71 pursuant to section 7 of chapter 150 of the General Laws; provided further, that up to 1 per cent
72 of the total appropriation may be used for non-union pay increases; and provided further, that the
73 secretary of administration and finance shall file a report with the house and senate committees
74 on ways and means within 10 days after any transfer or spending from this reserve

75 \$88,900,000

76 Human Resources Division

77 1750-0928 For the cost to revalidate Civil Service exams, including police and fire
78 medical Standards, and to lease or rent space for the purpose of administering the Civil Service
79 Physical Abilities Tests \$375,000

80 EXECUTIVE OFFICE OF LABOR

81 Department of Family and Medical Leave

82 7003-0300 For the Department of Family and Medical Leave \$5,000,000

83 EXECUTIVE OFFICE OF EDUCATION

84 Office of the Secretary

85 7009-6600 For the development and initial implementation of high-quality early
86 college programs; provided, that such programs shall incorporate the guiding principles of
87 designated early college pathways, as developed jointly by the department of higher education
88 and the department of elementary and secondary education; provided further, that priority shall
89 be given to programs that focus on science, technology, engineering and math pathways; and
90 provided further, that priority shall be given to programs that serve students who are currently
91 under-represented in college \$3,000,000

92 7009-6800 For initiatives to improve the safety and security of public schools and
93 public institutions of higher education, to be administered in coordination with the Executive
94 Office of Public Safety and Security and the Executive Office of Health and Human Services;
95 provided, that funding may be used for multi-year matching grants to school districts and public
96 higher education institutions for school security and communications upgrades; provided further,
97 that funding may be used to provide orientation and training for school resource officers, and
98 training for school officials, educators, health professionals, and first responders; provided
99 further, that funding may be used to design and implement statewide resources and best practice
100 guidance related to improving school safety and mitigating potential risks; and provided further,
101 that funds from this item shall be available for expenditure through June 30, 2021 \$32,150,000

102 Department of Elementary and Secondary Education

103 7061-0010 For multi-year grants to school districts to support the commonwealth
104 share of hiring of school counselors, social workers, and psychologists; provided, that districts
105 shall be eligible for a maximum funding amount determined in a manner consistent with the aid

106 calculations made under the chapter 70 school aid program; provided further, that funds shall be
107 distributed as reimbursements for actual costs of supporting existing or needed staff in excess of
108 ratios and staffing assumptions reflected in the foundation budget calculations and consistent
109 with best practices or national standards as determined by the Commissioner; provided further,
110 that funds distributed from this item shall not be considered prior year chapter 70 aid and shall
111 not be used in the calculation of the minimum required local contribution for fiscal year 2019;
112 and provided, that funds from this item shall be available for expenditure through June 30, 2020
113 \$40,000,000

114 SECTION 2B. To provide for supplementing certain intragovernmental chargeback
115 authorizations in the general appropriation act and other appropriation acts for fiscal year 2018,
116 to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for
117 an alteration of purpose for current intragovernmental chargeback authorizations, and to meet
118 certain requirements of law, the sum set forth in this section is hereby authorized from the
119 Intragovernmental Service Fund for the several purposes specified in this section or in the
120 appropriation acts, and subject to the provisions of law regulating the disbursement of public
121 funds for the fiscal year ending June 30, 2018. This sum shall be in addition to any amounts
122 previously authorized and made available for the purposes of this item.

123 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

124 Human Resources Division

125 1750-0600 Chargeback for Human Resources Modernization \$958,699

126 SECTION 2C.I. For the purpose of making available in fiscal year 2019 balances of
127 appropriations which otherwise would revert on June 30, 2018, the unexpended balances of the

128 appropriations listed below, not to exceed the amount specified below for each item, are hereby
129 re-appropriated for the purposes of and subject to the conditions stated for the corresponding
130 item in section 2 of chapter 47 of the acts of 2017. However, for items which do not appear in
131 section 2 of the general appropriation act, the amounts in this section are re-appropriated for the
132 purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of
133 this act or in prior appropriation acts. Amounts in this section are re-appropriated from the fund
134 or funds designated for the corresponding item in section 2 of said chapter 47; provided,
135 however, that for items which do not appear in section 2 of said chapter 47, the amounts in this
136 section are re-appropriated from the fund or funds designated for the corresponding item in
137 section 2 through 2E of this act or in prior appropriation acts. The unexpended balance of each
138 appropriation in the Massachusetts management accounting and reporting system with a
139 secretariat code of 01 or 17 is hereby re-appropriated for the purposes of and subject to the
140 conditions stated for the corresponding item in said section 2 of said chapter 47. The sums
141 reappropriated in this section shall be in addition to any amounts available for said purposes.

142 DISTRICT ATTORNEYS

143 Northwestern District Attorney

144 0340-0600 Northwestern District Attorney \$77,068

145 SHERIFFS

146 Middlesex Sheriff's Department

147 8910-0107 Middlesex Sheriff's Department \$250,000

148 OFFICE OF THE CHILD ADVOCATE

149	0930-0100	Office of the Child Advocate	\$84,487
150	CANNABIS CONTROL COMMISSION		
151	Cannabis Control Commission		
152	1070-0840	Cannabis Control Commission	\$500,000
153	1070-0841	Public Awareness Campaign	\$2,000,000
154	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE		
155	Reserves		
156	1599-0054	Hinton Lab Response Reserve	\$952,593
157	1599-0999	Organization Transformation Reserve	\$95,655
158	1599-3384	Settlements and Judgments	\$3,679,879
159	EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS		
160	Department of Fish and Game		
161	2300-0100	Department of Fish and Game Administration	\$1,000,000
162	2330-0300	Saltwater Sportfish Licensing	\$1,000,000
163	CENTER FOR HEALTH INFORMATION AND ANALYSIS		
164	4100-0060	Center for Health Information and Analysis	\$1,343,008
165	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES		

166 Department of Youth Services

167 4200-0300 Residential Services for the Committed Population \$1,000,000

168 Department of Mental Health

169 5046-0000 Adult Mental Health and Support Services \$300,000

170 Department of Veterans Services

171 1410-0022 Veterans' Workforce Program \$100,000

172 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

173 Department of Housing and Community Development

174 7004-0099 Housing and Community Development Administration \$1,134,504

175 7004-0100 Operation of Homeless Programs \$84,790

176 7004-0101 Emergency Assistance Family Shelters and Services \$825,527

177 7004-0102 Homeless Individuals Assistance \$249,123

178 7004-3036 Housing Services and Counseling \$180,000

179 Massachusetts Marketing Partnership

180 7008-0900 Massachusetts Office of Travel and Tourism \$800,000

181 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

182 Office of the Secretary

183 7003-0100 Office of the Secretary \$150,000

184 EXECUTIVE OFFICE OF EDUCATION

185 Department of Early Education and Care

186 3000-3060 Supportive and TANF Child Care \$3,662,278

187 3000-4060 Child Care Access \$15,693,872

188 Department of Higher Education

189 7066-0000 Department of Higher Education \$75,000

190 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

191 Office of the Secretary

192 8000-0600 Executive Office of Public Safety \$75,000

193 Department of Correction

194 8900-0010 Prison Industries and Farm Services Program \$281,535

195 Parole Board

196 8950-0001 Parole Board \$79,347

197 SECTION 2C.II. For the purpose of making available in fiscal year 2019 balances of
198 retained revenue and intragovernmental chargeback authorizations which otherwise would revert
199 on June 30, 2018, the unexpended balances of the authorizations listed below, not to exceed the
200 amount specified below for each item, are hereby re-authorized for the purposes of and subject to

201 the conditions stated for the corresponding item in section 2 or 2B of chapter 47 of the acts of
202 2017. However, for items which do not appear in section 2 or 2B of said chapter 47, the amounts
203 in this section are re-authorized for the purposes of and subject to the conditions stated for the
204 corresponding item in section 2, 2A, or 2B of this act or in prior appropriation acts. Amounts in
205 this section are re-authorized from the fund or funds designated for the corresponding item in
206 section 2 or 2B of the general appropriation act; however, for items which do not appear in
207 section 2 or 2B of the general appropriation act, the amounts in this section are re-authorized
208 from the fund or funds designated for the corresponding item in section 2, 2A, or 2B of this act
209 or in prior appropriation acts. The sums re-authorized in this section shall be in addition to any
210 amounts available for those purposes.

211 OFFICE OF THE STATE COMPTROLLER

212 1000-0601 Chargeback for HRCMS Functionality \$178,000

213 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

214 Human Resources Division

215 1750-0102 Civil Service Examination and Training RR \$125,000

216 1750-0600 Chargeback for Human Resources Modernization \$125,000

217 Operational Services Division

218 1775-0800 Chargeback for St. Vehicle Ops Purch Repair \$60,000

219 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

220 Department of Veterans Services

221 1410-0018 Agawam and Winchendon Cemeteries Retained Revenue \$250,000

222 Chelsea Soldiers Home

223 4180-1100 License Plate Sales Retained Revenue \$100,000

224 Holyoke Soldiers Home

225 4190-0300 Holyoke 12 Bed Retained Revenue \$160,000

226 4190-1100 License Plate Sales Retained Revenue \$750,000

227 SECTION 2E. The sums set forth in this section are hereby appropriated for transfer
228 from the General Fund to the trust funds named within each item unless specifically designated
229 otherwise in this section, for the purposes and subject to the conditions specified in this section
230 and subject to the laws regulating the disbursement of public funds for the fiscal year ending
231 June 30, 2018. Notwithstanding section 19A of said chapter 29, any transfer under this section
232 shall be made by the comptroller, effective June 30, 2018.

233 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

234 Reserves

235 1595-9168 For an operating transfer to the Social Innovation Trust Fund established
236 under section 35VV of chapter 10 of the General Laws to hold funds in support of pay for
237 success contracts, under the requirements of said section 35VV of said chapter 10.....

238 \$10,924,651

239 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

240 Department of Transportation

241 1595-6386 For an operating transfer to the Massachusetts Transportation Trust Fund,
242 established pursuant to section 4 of chapter 6C of the General Laws for grants to municipalities
243 for the construction, reconstruction, maintenance, or improvement of municipal ways
244 \$40,000,000

245 Commonwealth Transportation Fund.....100%

246 1595-6387 For an operating transfer to the Massachusetts Transportation Trust Fund,
247 established pursuant to section 4 of chapter 6C of the General Laws, for grants under the
248 municipal small bridge and complete streets programs \$10,000,000

249 Commonwealth Transportation Fund.....100%

250 EXECUTIVE OFFICE OF EDUCATION

251 Office of the Secretary

252 1595-0025 For the support of the Substance Use Prevention, Education, and
253 Screening Trust

254 Fund, established pursuant to section 35HHH of chapter 10 of the General Laws
255 \$10,000,000

256 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

257 Municipal Police Training Committee

258 1595-4638 For an operating transfer to the Municipal Police Training Fund, established
259 pursuant to section 35EEE of chapter 10 of the General Laws \$8,000,000

260 SECTION 3. Chapter 10 of the General Laws, as amended by section 1 of chapter 91 of
261 the acts of 2018, is hereby further amended by inserting after section 35FFF the following
262 section:-

263 Section 35HHH. There shall be established and set up on the books of the commonwealth
264 a Substance Use Prevention, Education, and Screening Trust Fund for the purpose of supporting
265 school-based programs that educate children and young persons on addiction, substance misuse
266 and other risky behaviors, and that identify and support children and young persons at risk of
267 alcohol or substance misuse. The fund shall be administered by the secretary of education, in
268 consultation with the secretary of health and human services, who shall use the fund to provide
269 grants (i) to public elementary, middle and secondary schools and to public colleges and
270 universities to support the expansion of educational and intervention programs meeting the
271 purposes of the fund; and (ii) to the department of public health to support schools in
272 implementing evidence-based substance use prevention programs, early detection protocols and
273 policies, risk assessment tools, or counseling in the school setting. Grants from the fund may be
274 made to schools for the purposes specified in subsection (f) of section 1P of chapter 69 where
275 consistent with the purposes of the fund. The secretary of education may use the fund for
276 necessary and reasonable administrative and personnel costs related to administering the grants.
277 Such expenditures may not exceed, in one fiscal year, 5 per cent of the total amount deposited
278 into the fund during that fiscal year.

279 The fund shall consist of revenue from appropriations or other money authorized by the
280 general court and specifically designated to be credited to the fund, and revenue from private
281 sources including, but not limited to, grants, gifts and donations received by the commonwealth
282 that are specifically designated to be credited to the fund. Amounts credited to the fund shall not
283 be subject to further appropriation and any money remaining in the fund at the end of a fiscal
284 year shall not revert to the General Fund and shall be available for expenditure in subsequent
285 fiscal years.

286 SECTION 4. Clause (2) of section 59 of chapter 23K of the General Laws, as appearing
287 in the 2016 Official Edition, is hereby amended by striking out subclause (a) and inserting in
288 place thereof, the following subclause:-

289 (a) 2 per cent to the Education Fund established in section 64 to be distributed to the
290 Massachusetts cultural council of which one-quarter of the revenues received shall be dedicated
291 to the organization support program of the Massachusetts cultural council and three-quarters of
292 revenues received shall be dedicated to support not-for-profit and municipally-owned performing
293 arts centers impacted as a result of the operation of gaming facilities; provided, however, that
294 funds dedicated to such performing arts centers shall be to subsidize fees paid to touring shows
295 or artists; and provided further, that funding shall be awarded through a competitive grant
296 process to be developed and administered by the Massachusetts cultural council;

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

299 Section 2WWWW. (a) There shall be established upon the books of the commonwealth a
300 separate fund to be known as the Home Care Technology Trust Fund, referred to as the fund in

301 this chapter, to be used by the department of elder affairs, established in section 1 of chapter
302 19A.

303 (b) The secretary of the department of elder affairs, is hereby authorized to expend
304 from said fund for the purpose of providing technological support to create efficiencies in
305 administration and processing within the ASAP network.

306 (c) During the first fiscal year of its existence, the fund shall be established with
307 revenue accrued from home care sliding scale fees collected by Aging Service Access
308 Points, referred to as ASAPs in this chapter, as established pursuant to section 4B of chapter
309 19A.

310 (d) During years subsequent to the first fiscal year, there shall be credited to the fund:

311 (1) any available funds from home care cost sliding scale fees collected by the ASAP
312 network; (2) any funds that may be appropriated or transferred for deposit into the fund; (3) any
313 revenues, ASAP funds, and any other federal reimbursements, grants, premiums, gifts or other
314 contributions from any source, which are designated to be credited to the fund; and (4) any
315 income derived from investment of amounts credited to the fund; and (5) there shall be credited
316 to the fund an amount equal to the revenues received from federal financial participation earned
317 on any qualifying expenditures sourced from the fund.

318 (e) The department may incur expenses, and the comptroller may certify for payment,
319 amounts in anticipation of expected receipts; but no expenditure shall be made from said
320 fund which shall cause said fund to be in deficit at the close of a fiscal year. Any remaining
321 balance in the fund at the end of a fiscal year shall not revert to the General Fund but shall

322 remain in the fund and available for expenditure during the subsequent fiscal years. Expenditures
323 from the fund may be made for services provided in prior fiscal years.

324 SECTION 6. Section 6A of chapter 64H of the General Laws, as inserted by section 4 of
325 Chapter 121 of the Acts of 2018, is hereby amended by striking out, in subsection (a), the word
326 “telecommunications”, and inserting in place thereof the following words:- telecommunications
327 services.

328 SECTION 7. Said section 6A of said chapter 64H, as so inserted, is hereby further
329 amended by striking out, in subsection (a), the words “marijuana products” and inserting in place
330 thereof the following words:- marijuana or marijuana products.

331 SECTION 8. Said section 6A of said chapter 64H, as so inserted, is hereby further
332 amended by inserting, at the end of subsection (c), the following 3 sentences:-

333 Eligible sales at retail of tangible personal property under this section are restricted to
334 those transactions occurring on 1 of the designated days. Transfer of possession of or original
335 payment in full for the property shall occur on 1 of the designated days. The following
336 transactions shall be ineligible for the purposes of this section: (i) transactions where a deposit,
337 prepayment, or binding promise to pay is made before the designated days; (ii) prior sales; and
338 (iii) layaway sales.

339 SECTION 9. Chapter 69 of the General Laws is hereby amended by striking out section
340 31B, as appearing in the 2016 Official Edition, and inserting in place thereof the following
341 section:-

342 Section 31B. Any educational institution with power to grant degrees in the
343 commonwealth that has any known liabilities or risks which may result in the imminent closure
344 of the institution shall, in accordance with regulations established by the board of higher
345 education after consultation with representatives of public and private colleges and universities,
346 (a) notify said board of higher education of such known liabilities or risks, and (b) prepare and
347 submit to said board, for its approval, a contingency closure plan which shall include
348 arrangements for the transfer and long-term maintenance of student records in the event that the
349 institution ceases to exist.

350 SECTION 10. Section 31C of said chapter 69, as so appearing, is hereby amended by
351 inserting after the word “agency”, in line 6, the following words:- and whether said institution
352 has any known liabilities or risks to the short-term financial viability of the institution that
353 jeopardize its ability to fulfill its obligations to current and admitted students, based on
354 regulations established by the board of higher education after consultation with representatives of
355 public and private colleges and universities. Such notifications must be approved in advance
356 annually by each institution’s board of trustees.

357 SECTION 11. Section 13 of chapter 136 of the General Laws, as appearing in the 2016
358 Official Edition, is hereby amended by striking out the first sentence of the second paragraph and
359 inserting in place thereof the following sentence:-

360 Any retail establishment which operates on January first, or November eleventh, the
361 second Monday in October, under the exemption granted by this section, shall compensate those
362 employees working on any of said days at a rate specified under clause (50) of section 6 of this
363 chapter or such larger sum as may be determined by contract; such work shall be voluntary and

364 refusal to work for any retail establishment on such legal holidays shall not be grounds for
365 discrimination, dismissal, discharge, reduction in hours, or any other penalty.

366 SECTION 12. Section 13 of chapter 136 of the General Laws, as amended by section 11,
367 is hereby further amended by striking out the first sentence of the second paragraph and inserting
368 in place thereof the following sentence:-

369 Any retail establishment which operates on January first, or November eleventh, the
370 second Monday in October, under the exemption granted by this section, shall not require any
371 employee to perform such work, and an employee's refusal to work for any retail establishment
372 on such legal holidays shall not be grounds for discrimination, dismissal, discharge, reduction in
373 hours, or any other penalty.

374 SECTION 13. Section 121 of chapter 140 of the General Laws, as amended by chapter
375 123 of the acts of 2018, is hereby further amended by striking out, in the definition of "firearm,"
376 the words "any weapon" and inserting in place thereof the following words:- any weapon,
377 capable of discharging a bullet or shot,.

378 SECTION 14. Said section 121 of said chapter 140, as so amended, is hereby further
379 amended by striking out the definition of "stun gun" and inserting in place thereof the following
380 definition:-

381 "Stun gun", a portable device or weapon from which an electrical current, impulse, wave
382 or beam that is designed to override voluntary motor responses, cause pain, incapacitate
383 temporarily, injure or kill may be directed, including but not limited to a device or weapon that
384 passes an electrical shock by means of a dart or projectile via a wire lead.

385 SECTION 15. Said chapter 140, as so amended, is hereby further amended by striking
386 out section 131J and inserting in place thereof the following section:-

387 Section 131J. Sections 131³/₄, 131K and 131P and sections 11A through 11E, inclusive,
388 of chapter 269 shall not apply to stun guns. The secretary of public safety and security may
389 promulgate regulations establishing safe storage requirements, education and safety training
390 requirements and law enforcement training on the appropriate use of stun guns. Any stun gun
391 purchased or used by a law enforcement or public safety official in the performance of official
392 duties shall include a mechanism for tracking the number of times the stun gun has been fired.

393 SECTION 16. The first paragraph of section 58A of chapter 151A of the General Laws,
394 as appearing in the 2016 Official Edition, is hereby amended by adding the following sentence:-
395 For the purpose of accommodating timing discrepancies between the receipt of revenues and
396 related expenditures, the commissioner may incur expenses, after written approval from the
397 secretary of administration and finance, and the comptroller shall certify for payment, amounts
398 not to exceed the most recent revenue estimate as certified by the commissioner, as reported in
399 the state accounting system.

400 SECTION 17. Section 6 of chapter 175M of the General Laws, as inserted by section 29
401 of chapter 121 of the Acts of 2018, is hereby amended by striking out the second sentence of
402 subsection (a) and inserting in place thereof the following sentence:- The family leave and
403 medical leave contribution rates set forth in this section shall be adjusted annually as specified in
404 subsection (e) of section 7.

405 SECTION 18. Said section 6 of chapter 175M of the General Laws, as so inserted, is
406 hereby further amended by striking out the first sentence of subsection (d) and inserting in place

407 thereof the following sentence:- Notwithstanding subsection (c), an employer employing fewer
408 than 25 employees in the commonwealth shall not be required to pay the employer portion of
409 premiums for family and medical leave; provided, however, that such an employer shall remit for
410 each employee 100 per cent of the family leave contribution and 40 per cent of the medical leave
411 contribution as otherwise required under subsection (a).

412 SECTION 19. Section 7 of chapter 175M of the General Laws, as so inserted, is hereby
413 amended by striking out, in the first sentence, the words “by the treasurer and receiver general”
414 and inserting in place thereof the following words:- by the director.

415 SECTION 20. Said section 7 of said chapter 175M of the General Laws, as so inserted,
416 is hereby further amended by striking out in the first sentence of subsection (e) the words
417 “contribution rate” and inserting in place thereof the following words:- family leave and medical
418 leave contribution rates.

419 SECTION 21. Said section 7 of said chapter 175M of the General Laws, as so inserted,
420 is hereby further amended by striking out, in subsection (f) the word “treasurer” each time it
421 appears and inserting in place of each instance thereof the following word:- director.

422 SECTION 22. Said section 7 of said chapter 175M of the General Laws, as so inserted,
423 is hereby further amended by striking out subsection (g) and inserting in place thereof the
424 following:- (g) Such monies in the trust fund as are in excess of the amount necessary for the
425 payment of benefits for a reasonable future period may be invested in any form of investment
426 listed in paragraphs (a) through (i), inclusive, of section 38 of chapter 29 or in section 38A of
427 said chapter 29. The investments shall at all times be so made that all the assets of the trust fund
428 shall always be readily convertible into cash when needed for the payment of benefits.

429 SECTION 23. Section 8 of chapter 175M of the General Laws, as so appearing, is
430 hereby further amended by striking out in the first sentence of subsection (g) the words
431 “executive office of labor and workforce development” and inserting in place thereof the
432 following word:- department.

433 SECTION 24. Section 363 of Chapter 159 of the Acts of 2000 is hereby amended by
434 inserting after the first sentence the following sentence:- Said superintendent shall report
435 annually to the Department of Elementary and Secondary Education on (i) whether said multi-
436 hazard evacuation plan has been formulated in compliance with the requirements of this section,
437 and (ii) any trainings, exercises, or simulations relating to said plan conducted by the school
438 district in the prior school year.

439 SECTION 25. Section 2 of chapter 47 of the acts of 2017 is hereby amended by striking
440 out item 1599-3557.

441 SECTION 26. Item 5920-3020 of said section 2 of said chapter 47, is hereby amended
442 by inserting at the end thereof, the following words:-

- 443 General Fund.....15%
- 444 Community First Trust Fund.....85%

445 SECTION 27. Item 7061-9408 of said Chapter 47 is hereby amended by inserting at the
446 end thereof, the following words:-

447 ; provided further, that funds from this item shall be available for expenditure through
448 June 30, 2021

449 SECTION 28. Item 7070-0065 of said chapter 47 is hereby amended by inserting at the
450 end thereof, the following words:-

451 ; provided further, that funds for MassGrants from this item shall be available for
452 expenditure through June 30, 2020

453 SECTION 29. Item 8100-0515 of said section 2 of said chapter 47, is hereby further
454 amended by striking out the words

455 “Public Safety Training Fund.....100%”, and inserting in place thereof the following
456 words:-

457 General Fund.....80.00%

458 Public Safety Training Fund.....20.00%.

459 SECTION 30. Sections 94 and 95 of said chapter 47 are hereby repealed.

460 SECTION 31. Section 97 of said chapter 47 is hereby further amended by striking out
461 subsection (a) and inserting in place thereof the following subsection:-

462 (a) Notwithstanding any general or special law to the contrary, the unexpended balances
463 in items 0699-0015 and 0699-9100 shall be deposited into the State Retiree Benefits Trust Fund
464 established pursuant to section 24 of chapter 32A of the General Laws before the certification of
465 the fiscal year 2018 consolidated net surplus pursuant to section 5C of chapter 29 of the General
466 Laws. The amount deposited shall be an amount equal to 30 per cent of all payments received by
467 the commonwealth in fiscal year 2018 under the master settlement agreement in Commonwealth
468 of Massachusetts v. Philip Morris, Inc. et al., Middlesex Superior Court, No. 95-7378; provided,
469 however, that if in fiscal year 2018 the unexpended balances of said items 0699-0015 and 0699-

470 9100 are less than 30 per cent of all payments received by the commonwealth in fiscal year 2018
471 under the master settlement agreement payments, an amount equal to the difference shall be
472 transferred to the State Retiree Benefits Trust Fund from payments received by the
473 commonwealth under the master settlement agreement.

474 SECTION 32. Chapter 91 of the acts of 2018 is hereby amended by striking out the
475 words “35FFF” and inserting in place of 35FFF the following:- 35GGG.

476 SECTION 33. Said chapter 91 of the acts of 2018 is hereby further amended by inserting
477 the following section:-

478 Section 3. This act shall take effect upon enactment.

479 SECTION 34. Chapter 99 of the acts of 2018 is hereby amended by striking out, in
480 section 2, the figure “7004-0054” and inserting in place thereof the following figure:- 7004-
481 0056.

482 SECTION 35. Section 30 of chapter 121 of the Acts of 2018 is hereby amended by
483 striking out the words “an initial rate of 0.63 per cent of the employee’s wages” and inserting in
484 place thereof the following words:- an initial aggregate rate of 0.63 per cent of the employee’s
485 wages, which the department shall divide between a family leave contribution rate and a medical
486 leave contribution rate, based on the department’s estimate of the anticipated costs of
487 administering the program.

488 SECTION 36. Said section 30 of said chapter 121 of the Acts of 2018 is hereby further
489 amended by adding the following 2 sentences:-

490 The department shall ensure that as of December 31, 2020, the balance in the Family and
491 Employment Security Trust Fund established in section 7(a) of chapter 175M of the General
492 Laws is not less than 140 per cent of the sum of the department's anticipated expenditures for the
493 costs of benefits and administration of the family and medical leave program for calendar year
494 2021. Anything herein to the contrary notwithstanding, the department may increase the initial
495 aggregate rate above 0.63 per cent of the employee's wages if necessary to ensure the required
496 trust balance.

497 SECTION 37. Chapter 121 of the acts of 2018 is hereby amended by striking out section
498 31.

499 SECTION 38. Notwithstanding any general or special law to the contrary, the registrar
500 of motor vehicles may request, on applications or other forms, a customer's electronic address.
501 The request shall indicate that if an electronic address is provided, the registrar may send certain
502 communications to the customer via the electronic address, which may include but not be limited
503 to, license and registration renewal reminders and other information which may be of interest to
504 the customer, but shall not include certain notifications from the registry that are required by law
505 to be sent by a form of U.S. mail. For purposes of this section, the term "electronic address" may
506 include an email address, a cell telephone number address at which the customer may receive a
507 text message or such other electronic means as the registrar may determine.

508 SECTION 39. Notwithstanding any general or special law to the contrary, prior to
509 transferring the consolidated net surplus in the budgetary funds to the Commonwealth
510 Stabilization Fund pursuant to section 5C of chapter 29 of the General Laws, the comptroller
511 shall dispose of the consolidated net surplus in the budgetary funds for fiscal year 2018 as

512 follows, and in the following order of precedence: (i) transfer ½ of the surplus, not to exceed
513 \$10,000,000, to the Massachusetts Life Sciences Investment Fund established in section 6 of
514 chapter 23I of the General Laws; and (ii) transfer ½ of the surplus, not to exceed \$10,000,000, to
515 the Massachusetts Community Preservation Trust Fund established in section 9 of chapter 44B
516 of the General Laws.

517 SECTION 40. Notwithstanding any general or special law to the contrary, before the
518 close of fiscal year 2018 and upon the recommendation of the secretary of administration and
519 finance and the secretary of health and human services or their designees, the comptroller shall
520 adjust any fiscal year 2018 appropriation fund split against or transferred out of the Community
521 First Trust Fund established in section 35AAA of chapter 10 of the General Laws to match final
522 department fiscal year 2018 Community First Trust Fund expenditures.

523 SECTION 41. The salary adjustments and other economic benefits authorized by the
524 following collective bargaining agreements shall be effective for the purposes of section 7 of
525 chapter 150E of the General Laws:

526 (1) Between the Commonwealth of Massachusetts and the Massachusetts Organization of
527 State Engineers and Scientists, Unit 9; and

528 (2) Between the trial court and the National Association of Government
529 Employees/Service Employees International Union Local 5000, Units J2C and J2P; and

530 (3) Between the trial court and Office and Professional Employees International Union,
531 Local 6, Units J6C and J6P; and

532 (4) Between the Berkshire Middle, North, and South Registry of Deeds and the Service
533 Employees International Union, Local 888; and

534 (5) Between the Essex North and South Registry of Deeds and the American Federation
535 of State, County, and Municipal Employees, Local 653; and

536 (6) Between the Middlesex South Registry of Deeds and the American Federation of
537 State, County, and Municipal Employees, Local 414; and

538 (7) Between the Suffolk Registry of Deeds and the Service Employees International
539 Union, Local 888; and

540 (8) Between the Worcester North Registry of Deeds and the Service Employees
541 International Union, Local 888; and

542 (9) Between the Middlesex North Registry of Deeds and OPEIU, Local 6; and

543 (10) Between the Hampden Registry of Deeds and OPEIU, Local 6; and

544 (11) Between the Middlesex South Registry of Deeds and OPEIU, Local 6; and

545 (12) Between the Massachusetts State Lottery Commission and the Service Employees
546 830 International Union, Local 888; and

547 (13) Between the Sheriff of Essex County and the International Brotherhood of
548 Corrections Officers, Local R1-71, Unit SE9; and

549 (14) Between the Sheriff of Essex County and the National Correctional Employees
550 Union, Local 123; and

551 (15) Between the Sheriff of Franklin County and the International Brotherhood of
552 Corrections Officers, Local R1-045, Unit SF3; and

553 (16) Between the Sheriff of Hampden County and the Non-Uniform Correctional
554 Association, Unit SH2; and

555 (17) Between the Sheriff of Hampden County and the Superior Correctional Officer
556 Association, Unit SH3; and

557 (18) Between the Sheriff of Hampden County and the National Correctional Employees
558 Union, Unit SH4; and

559 (19) Between the Sheriff of Hampshire County and the Hampshire Sheriff's Office Non-
560 Uniform Correctional Association, Unit SH7; and

561 (20) Between the Sheriff of Hampshire County and the Hampshire Sheriff's Office Jail
562 and House of Correction Supervisory Correctional Officers' Association, Unit SH8; and

563 (21) Between the Sheriff of Hampshire County and the Hampshire Sheriff's Office Jail
564 and Hampshire Sheriff's Office Treatment Association, Unit SH6; and

565 (22) Between the Sheriff of Plymouth County and the Massachusetts Correctional
566 Officers Federated Union Communication Officers Unit, Unit SP5; and

567 (23) Between the Sheriff of Suffolk County and the and the National Association of
568 Government Employees, Local 298, Unit SS2; and

569 (24) Between the Sheriff of Suffolk County and the Jail Officers and Employees
570 Association of Suffolk County, Unit SS4; and

571 (25) Between the Sheriff of Suffolk County and the American Federation of State,
572 County and Municipal Employees/AFL-CIO, Council 93, Local RN, Unit SS3; and

573 (26) Between the Sheriff of Worcester County and the New England Police Benevolent
574 Association, Local 275, Unit SW2; and

575 (27) Between the Sheriff of Worcester County and the Worcester United Auto Workers,
576 Unit SW5.

577 SECTION 42. Section 30 shall take effect July 1, 2017.

578 SECTION 43. Section 11 shall take effect January 1, 2019.

579 SECTION 44. Section 12 shall take effect January 1, 2023.

580 SECTION 45. Sections 7 and 8 of chapter 175M of the General Laws, as inserted by
581 section 29 of chapter 121 of the acts of 2018 and as amended by sections 19 through 23,
582 inclusive, shall take effect July 1, 2018.

583 SECTION 46. Sections 6, 7, 8, 17, 18, 35 and 36 shall take effect on January 1, 2019.

584 SECTION 47. Except as otherwise specified, this act shall take effect upon enactment.