

# **HOUSE . . . . . No. 65**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, March 11, 2015.

The committee on Ways and Means to whom were referred the message from His Excellency the Governor submitting recommendations for making appropriations for the fiscal year 2015 to provide for supplementing certain existing appropriations and for certain other activities and projects, reports, in part, recommending that the accompanying bill (House, No. 65) ought to pass [Total appropriation: \$347,687,758.00].

For the committee,

BRIAN S. DEMPSEY.



10 *Committee for Public Counsel Services*

11 0321-1510 .....\$34,708,792

12 SECRETARY OF THE COMMONWEALTH

13 0521-0000 .....\$585,590

14 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

15 *Office of the Secretary for Administration and Finance*

16 1599-4444 .....\$8,267,872

17 *Group Insurance Commission*

18 1108-5200 .....\$190,000,000

19 *Human Resources Division*

20 1750-0300 .....\$836,137

21 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

22 *Office of the Executive Office of Health and Human Services*

23 4000-0005 .....\$2,200,000

24 *Department of Public Health*

25 4590-0915 .....\$1,983,386

26 *Department of Children and Families*

27 4800-0038 .....\$7,622,823

28 4800-0041 .....\$27,384,824

29 *Department of Elder Affairs*

30 9110-1455 .....\$2,100,000

31 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

32 *Department of Housing and Community Development*

33 7004-0101 .....\$44,200,000

34 EXECUTIVE OFFICE OF TRANSPORTATION AND PUBLIC WORKS

35 *Department of Transportation*

36 1595-6368 .....\$50,000,000

37 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

38 *Department of Corrections*

39 8900-0001 .....\$5,691,913

40 OFFICE OF THE STATE COMPTROLLER

41 *Office of the State Comptroller*

42 1599-3384 .....\$6,000,000

43 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to  
44 provide for an alteration of purpose for current appropriations, and to meet certain requirements

45 of law, the sum set forth in this section is hereby appropriated from the General Fund unless  
46 specifically designated otherwise in this section, for the several purposes and subject to the  
47 conditions specified in this section, and subject to the laws regulating the disbursement of public  
48 funds for the fiscal year ending June 30, 2015. This sum shall be in addition to any amounts  
49 previously appropriated and made available for the purposes of those items. This sum shall be  
50 made available until June 30, 2015.

51 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

52 *Office of the Secretary for Administration and Finance*

53 1599-2015 For a reserve to reimburse state agencies for extraordinary expenses  
54 incurred as a result of severe winter storms affecting the Commonwealth in 2015; provided, that  
55 the secretary for administration and finance may transfer from this item to other items of  
56 appropriation and allocations thereof for fiscal year 2015 amounts necessary to meet these costs  
57 where the amounts otherwise available are insufficient for the purpose, in accordance with a  
58 transfer plan which shall be filed 15 days in advance with the house and senate committees on  
59 ways and means \$7,000,000

60 SECTION 3. Section 57 of chapter 59 of the General Laws, as appearing in the 2012  
61 Official Edition, is hereby amended by inserting after the eighth sentence the following  
62 sentence:-

63 Notwithstanding the foregoing provisions, when the last day for making a tax payment  
64 without incurring interest falls on a Saturday, Sunday, legal holiday, or day on which municipal  
65 offices are closed as authorized by charter, by-law, ordinance or otherwise for a weather-related  
66 or public safety emergency, the payment may be made on the next succeeding day.

67 SECTION 4. Section 57C of chapter 59 of the General Laws, as so appearing, is hereby  
68 amended by adding the following paragraph:-

69 Notwithstanding the foregoing provisions, when the last day for making a tax payment  
70 without incurring interest falls on a Saturday, Sunday, legal holiday, or day on which municipal  
71 offices are closed as authorized by charter, by-law, ordinance or otherwise for a weather-related  
72 or public safety emergency, the payment may be made on the next succeeding day.

73 SECTION 5. Paragraph (a) of part B of section 3 of chapter 62 of the General Laws, as  
74 so appearing, is hereby amended by inserting after subparagraph (16), in line 171, the following  
75 subparagraph:-

76 (17) losses from wagering transactions, that were incurred at a gaming establishment  
77 licensed in accordance with chapter 23K or at any racing meeting licensee or simulcasting  
78 licensee, only to the extent of the gains from such transactions.

79 SECTION 6. The seventh paragraph of section 2 of chapter 62B of the General Laws, as  
80 so appearing, is hereby amended by striking out the first sentence and inserting in place thereof  
81 the following sentence:-

82 Every person, including the United States, the commonwealth or any other state, or any  
83 political subdivision or instrumentality of the foregoing, making any payment of lottery winnings  
84 which are subject to tax under chapter 62 and which are subject to withholding under section  
85 3402 of the Internal Revenue Code, without the exception for keno and bingo in subsections  
86 (q)(5) and (r) of said section 3402 of the Internal Revenue Code, shall deduct and withhold from  
87 such payment an amount equal to 5 per cent of such payment, except that such withholding for

88 purposes of this chapter shall apply to payments of winnings of \$600 or greater notwithstanding  
89 any contrary provision of the Internal Revenue Code.

90 SECTION 7. Said section 2 of said chapter 62B, as so appearing, is hereby amended by  
91 inserting after the seventh paragraph the following paragraph:-

92 Every gaming establishment licensed in accordance with chapter 23K making a payment  
93 of winnings of \$1200 or more from slot machine play shall file a form W-2G with respect to  
94 such payment. Every person making a payment of winnings of \$600 or more from pari-mutuel  
95 wagering shall file a form W-2G with respect to such payment if the proceeds are at least 300  
96 times as large as the amount wagered. For purposes of this section, in determining whether such  
97 winnings equal or exceed the \$1200 or \$600 amounts, the amount of winnings shall not be  
98 reduced by the amount wagered. Every person making a payment of winnings from wagering at  
99 a gaming establishment or from pari-mutuel wagering which are subject to tax under chapter 62  
100 and subject to withholding under section 3402 of the Internal Revenue Code shall deduct and  
101 withhold from such payment an amount equal to 5 per cent of such payment. Every person who  
102 is to receive a payment of winnings which are subject to withholding shall furnish the person  
103 making such payment a statement, made under the penalties of perjury, containing the name,  
104 address, and taxpayer identification number of the person receiving the payment and of each  
105 person entitled to any portion of such payment. Notwithstanding any general or special law to the  
106 contrary, any review or transmission of information required to be done by a gaming licensee  
107 relative to the disbursement of cash or prize winnings shall be administered consistent with this  
108 paragraph and based upon real-time information.

109 SECTION 8. Section 1 of chapter 75 of the General Laws, as so appearing, is hereby  
110 amended by striking out, in lines 13 through 14, inclusive, the words “sections thirty-eight A½ to  
111 forty three I, inclusive, of chapter 7,” and inserting in place thereof the following:- sections 44 to  
112 58, inclusive, of chapter 7C,.

113 SECTION 9. Section 9 of chapter 112 of the General Laws, as so appearing, is hereby  
114 amended by inserting after subparagraph 3 the following paragraph:-

115 4. He has applied to participate in the medical assistance program administered by the  
116 secretary of health and human services in accordance with chapter 118E and Title XIX of the  
117 Social Security Act and any federal demonstration or waiver relating to such medical assistance  
118 program for the limited purpose of ordering and referring services covered under such program,  
119 provided that regulations governing such limited participation are promulgated under chapter  
120 118E.

121 SECTION 10. Section 9F of chapter 112 of the General Laws, as so appearing, is hereby  
122 amended by inserting after the first paragraph the following paragraph:-

123 The board shall require as a condition of granting or renewing a physician assistant's  
124 certificate of registration, that the physician assistant apply to participate in the medical  
125 assistance program administered by the secretary of health and human services in accordance  
126 with chapter 118E and Title XIX of the Social Security Act and any federal demonstration or  
127 waiver relating to such medical assistance program for the limited purpose of ordering and  
128 referring services covered under such program, provided that regulations governing such limited  
129 participation are promulgated under chapter 118E.



130 SECTION 11. Section 24B 1/2 of chapter 112 of the General Laws, as so appearing, is  
131 hereby amended by striking out, in lines 42 to 46, the words, “and (5) agree to complete, in each  
132 year of the agreement, at least 5 additional contact hours or 0.5 continuing education units of  
133 board-approved continuing education that addresses areas of practice generally related to  
134 collaborative practice agreements,” and inserting in place thereof the following words:-

135 (5) agree to complete, in each year of the agreement, at least 5 additional contact hours or  
136 0.5 continuing education units of board-approved continuing education that addresses areas of  
137 practice generally related to collaborative practice agreements; and (6) apply to participate in the  
138 medical assistance program administered by the secretary of health and human services in  
139 accordance with chapter 118E and Title XIX of the Social Security Act and any federal  
140 demonstration or waiver relating to such medical assistance program for the limited purpose of  
141 ordering and referring services covered under such program, provided that regulations governing  
142 such limited participation are promulgated under chapter 118E.

143 SECTION 12. Section 119 of chapter 112 of the General Laws, as so appearing, is hereby  
144 amended by adding the following subsection:-

145 (e) has applied to participate in the medical assistance program administered by the  
146 secretary of health and human services in accordance with chapter 118E and Title XIX of the  
147 Social Security Act and any federal demonstration or waiver relating to such medical assistance  
148 program for the limited purpose of ordering and referring services covered under such program,  
149 provided that regulations governing such limited participation are promulgated under chapter  
150 118E. A psychologist who chooses to participate in such medical assistance program as a  
151 provider of services shall be deemed to have fulfilled this requirement.

152 SECTION 13. Section 131 of chapter 112 of the General Laws, as so appearing, is hereby  
153 amended by adding at the end of the sixth paragraph the following sentence:-

154 Said individual shall also apply to participate in the medical assistance program  
155 administered by the secretary of health and human services in accordance with chapter 118E and  
156 Title XIX of the Social Security Act and any federal demonstration or waiver relating to such  
157 medical assistance program for the limited purpose of ordering and referring services covered  
158 under such program, provided that regulations governing such limited participation are  
159 promulgated under chapter 118E.

160 SECTION 14. Section 39A of chapter 127 of the General Laws, as inserted by section 4  
161 of chapter 446 of the acts of 2014, is hereby amended by striking out subsection (b) and inserting  
162 in place thereof the following:-

163 (b) Except in exigent circumstances that would create an unacceptable risk to the  
164 safety of any person, or where no secure treatment unit bed is available, segregated inmates  
165 diagnosed with serious mental illness in accordance with clinical standards adopted by the  
166 department shall not be housed in a segregated unit for more than 30 days, and shall be placed in  
167 a secure treatment unit. Such segregated inmates awaiting transfer to a secure treatment unit shall  
168 be offered additional mental health services in accordance with clinical standards adopted by the  
169 department of correction.

170 SECTION 15. Section 5 of chapter 128A of the General Laws, as so appearing, is  
171 hereby amended by inserting after the words “racing meetings”, in line 55, the following words:-  
172 and, with the approval of the appropriate horsemen’s association representing the horse owners  
173 racing at that meeting, for payment of administrative and horseracing operations.

174 SECTION 16. Section 2 of chapter 128C of the General Laws, as amended by chapter  
175 167 of the acts of 2013, is hereby amended by inserting after the words “as purses”, in line 130,  
176 the following words:- or, with the approval of the appropriate horsemen’s association  
177 representing the horse owners racing at that meeting, used for payment of administrative and  
178 horseracing operations.

179 SECTION 17. Section 4 of said chapter 128C of the General Laws, as appearing in the  
180 2012 Official Edition, is hereby amended by inserting after the words “racing meetings”, in line  
181 45, the following words:- or, with the approval of the appropriate horsemen’s association  
182 representing the horse owners racing at that meeting, for payment of administrative and  
183 horseracing operations.

184 SECTION 18. Said section 4 of said chapter 128C, as so appearing, is hereby further  
185 amended by inserting after the words “for purses”, in line 55, the following words:- or, with the  
186 approval of the appropriate horsemen’s association representing the horse owners racing at that  
187 meeting, for payment of administrative and horseracing operations.

188 SECTION 19. Said section 4 of said chapter 128C is hereby further amended by striking  
189 out, in lines 106 to 110, the words “not less than three and one-half percent shall be paid to the  
190 horse owners of the most recent live racing performance at the guest track, for purses, and the  
191 remaining portion shall be applied to the expenses as the racing meeting licensee is required to  
192 pay pursuant to contracts negotiated with the host track” and inserting in place thereof the  
193 following words:- in any year in which a running horse racing meeting of at least 1 day and not  
194 more than 50 days is conducted at a track owned by such licensee, such licensee and the  
195 appropriate horsemen’s association representing the horse owners racing at that meeting shall

196 contract between themselves for not less than 0.5 per cent nor more than 2.5 per cent to be paid  
197 to said horse owners as purses.

198 SECTION 20. Subsection (f) of section 44D½ of chapter 149, as so appearing, is hereby  
199 amended by striking out, in line 124, the word "COMPASS" and inserting in place thereof the  
200 following word:- COMMBUYS.

201 SECTION 21. Section 22 of chapter 176O of the General Laws, as so appearing, is  
202 hereby amended by striking out, in line 4, the words, "and nurse practicing in an advance  
203 practice nursing role," and inserting in place thereof the following words:- nurse practicing in an  
204 advance practice nursing role, intern and resident, physician assistant, pharmacist with a  
205 collaborative practice agreement, psychologist and licensed independent clinical social worker,

206 SECTION 22. Subsection (b) of section 2 of chapter 176Q of the General Laws, as so  
207 appearing, is hereby amended in line 15 by striking out the words "for administration and  
208 finance" and inserting in place thereof the following words:- of health and human services.

209 SECTION 23. Said subsection (b) of section 2 of said chapter 176Q, as so appearing, is  
210 hereby further amended by striking out, in line 16, the words "director of Medicaid" and  
211 inserting in place thereof the following words:- secretary for administration and finance.

212 SECTION 24. Section 5 of chapter 264 of the acts of 1986, as amended by chapter 165 of  
213 the acts of 2014, is hereby further amended by striking out the words "and use of Turtle Lane, a  
214 private way, and the use of a private driveway shall be restricted to emergency access, except  
215 that a temporary easement through Turtle Lane shall be authorized for rehabilitation of Elm  
216 Bank".

217 SECTION 25. Item 3000-1000 in Section 2 of chapter 165 of the acts of 2014, is hereby  
218 amended by striking out the words, “provided further, that the total transfers from any 1 item  
219 shall not exceed 3 percent of the item’s total funding”.

220 SECTION 26. Notwithstanding section 23 of chapter 59 of the General Laws, section  
221 31D of chapter 44 of the General Laws, or any other general or special law to the contrary, any  
222 city or town may amortize over the 2 fiscal years, 2016 and 2017, in equal installments or more  
223 rapidly, the amount of its fiscal year 2015 snow and ice removal deficit. The local appropriating  
224 authority as defined in section 21C of chapter 59 of the General Laws shall adopt a deficit  
225 amortization schedule in accordance with the preceding sentence, before setting the  
226 municipality’s fiscal year 2016 tax rate. The commissioner of revenue may issue guidelines or  
227 instructions for reporting the amortization of deficits authorized by this section.

228 SECTION 27. Notwithstanding section 2 of chapter 128A of the General Laws and  
229 sections 1, 2, 2A, and 4 of chapter 128C of the General Laws or any other general or special law,  
230 rule or regulation to the contrary, the running horse meeting licensee located in Suffolk county  
231 licensed to conduct live racing pursuant to said chapter 128A and simulcast wagering pursuant to  
232 said chapter 128C in calendar year 2014 shall remain licensed as a running horse racing meeting  
233 licensee until July 31, 2016, and said licensee shall remain authorized to conduct simulcast  
234 wagering pursuant to said chapter 128C for the entirety of any year in which at least 1 day and  
235 not more than 50 days of live running horse racing is conducted at said licensee’s facility;  
236 provided, that the days between January 1 and December 31 of each year shall be dark days  
237 pursuant to said chapter 128C, and said licensee shall be precluded from conducting live racing  
238 during that period, unless it applies for and is granted a supplemental live racing license pursuant  
239 to chapter 128A; provided further, that all simulcasts shall comply with the Interstate Horse

240 Racing Act of 1978, 15 U.S.C. Sec. 3001 et seq. or other applicable federal law; provided  
241 further, that all simulcasts from states which have racing associations that do not require  
242 approval in compliance with the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec.  
243 3004(a)(1)(A), except simulcasts during the month of August, shall require the approval of the  
244 New England Horsemen's Benevolent & Protective Association prior to being simulcast to a  
245 racing meeting licensee within the commonwealth; and provided further, that if the association  
246 agrees to approve the simulcast for 1 racing meeting licensee, it shall approve the simulcast for  
247 all otherwise eligible racing meeting licensees.

248           SECTION 28. (a) Notwithstanding any general or special law to the contrary, the  
249 University of Massachusetts, Lowell, through its chancellor or the chancellor's designee, may,  
250 for the purpose of establishing a satellite campus in the city of Haverhill, enter into a lease  
251 agreement for real property and any structures thereon, or to be constructed thereon, with the  
252 owner of the real property at the following locations: 2-18 Merrimack Street, 20-22 & 24-26  
253 Merrimack Street, 32 Merrimack Street, 42-54 Merrimack Street, 56-66 Merrimack Street, 68-70  
254 Merrimack Street and 72-74 Merrimack Street in the city of Haverhill. Said lease shall be exempt  
255 from sections 44 to 58, inclusive, of chapter 7C, section 39M of chapter 30, sections 44A to  
256 44M, inclusive, of chapter 149 and chapter 149A of the General Laws or any other general or  
257 special law, rule or regulation. The term of the lease shall not exceed 10 years; provided,  
258 however, that the University may opt to renew or extend the lease for two additional 5 year  
259 terms.

260           (b) The lease agreement may provide that the lessor be responsible for the cost, or a  
261 portion of the cost, of any construction, reconstruction, alteration, remodeling, repair and  
262 maintenance of improvements to the property and the cost, or portion of the cost, of any design

263 services relative thereto. Any construction, reconstruction, alteration, remodeling, repair and  
264 maintenance of improvements to the property and the design services relative thereto, or portion  
265 thereof, which are the obligation of the lessor shall be exempt from sections 44 to 58, inclusive,  
266 of chapter 7C, section 39M of chapter 30, sections 44A to 44M, inclusive, of chapter 149 and  
267 chapter 149A of the General Laws or any other general or special law, rule or regulation to the  
268 contrary.

269 (c) The lease agreement may provide that the lessee be responsible for the cost, or a  
270 portion of the cost, of any construction, reconstruction, alteration, remodeling, repair and  
271 maintenance of improvements to the property and the cost, or portion of the cost, of any design  
272 services relative thereto. Any construction, reconstruction, alteration, remodeling, repair and  
273 maintenance of improvements to the property and the design services relative thereto, or portion  
274 thereof, which are the obligation of the lessee shall be subject to all general and special laws  
275 relative to public building projects including, without limitation, sections 44 to 58, inclusive, of  
276 chapter 7C, section 39M of chapter 30, sections 44A to 44M, inclusive, of chapter 149 and  
277 chapter 149A of the General Laws.

278 SECTION 29. Notwithstanding section 11 of chapter 211D of the General Laws, for  
279 fiscal year 2015, the chief counsel of the committee for public counsel services may waive the  
280 billable hours cap for private counsel appointed or assigned to cases undertaken by the children  
281 and family law division within the committee; provided, that the chief counsel finds that: (i)  
282 there is limited availability of qualified counsel in that practice area; (ii) requirements for  
283 expertise rendering assignment to certain service providers would be more cost effective, or (iii)  
284 demonstrated efficiency of the service provider shows that shifting the service to other providers  
285 will reduce the quality and increase the cost of the service; provided further, that counsel

286 appointed or assigned to such cases within the private counsel division shall not be paid for any  
287 time billed in excess of 1800 billable hours. It shall be the responsibility of private counsel to  
288 manage their billable hours.

289 SECTION 30. The salary adjustments and other economic benefits authorized by the  
290 following collective bargaining agreements shall be effective for the purposes of section 7 of  
291 chapter 150E of the General Laws:

292 1) Between the University of Massachusetts and the Massachusetts Society of  
293 Professors MTA/NEA, Amherst & Boston Campuses, Units A50 & B40;

294 2) Between the Commonwealth of Massachusetts and the Massachusetts Nurses  
295 Association, Unit 7;

296 3) Between the University of Massachusetts and the International Brotherhood of  
297 Police Officers, Local 432, Amherst Campus, Unit A06;

298 4) Between the University of Massachusetts and the New England Police Benevolent  
299 Protection Organization, Amherst Campus, Unit A07;

300 5) Between the University of Massachusetts and the University Staff  
301 Association/MTA/NEA, Amherst Campus, Unit A08;

302 6) Between the University of Massachusetts and the Classified Staff  
303 Union/MTA/NEA, Boston Campus, Units B31 & B32;

304 7) Between the University of Massachusetts and the AFT Massachusetts Maintainers  
305 AFL-CIO, Local 6350, Dartmouth Campus, Unit D83;



306 8) Between the University of Massachusetts and the International Brotherhood of  
307 Teamsters, Local 25, Lowell Campus, Unit L94;

308 9) Between the University of Massachusetts and the Classified and Technical Union,  
309 Lowell Campus, Unit L92;

310 10) Between the University of Massachusetts and the Maintenance and Trades  
311 Unit/MTA/NEA, Lowell Campus, Unit L93;

312 11) Between the University of Massachusetts and American Federation of Teachers,  
313 Faculty, Librarians, and Technical Staff, Dartmouth Campus Units D80 & D81;

314 12) Between the University of Massachusetts and the International Brotherhood of  
315 Teamster, Local 25, Boston Campus Unit B33; and

316 13) Between the Sheriff of Duke County and the Massachusetts Corrections Officers  
317 Federated Union, Units A & B.

318 SECTION 31. Notwithstanding any general or special law to the contrary, the dog racing  
319 meeting licensee in Suffolk County and the dog racing meeting licensee in Bristol County shall  
320 not be required to pay the running horse racing meeting licensee in Suffolk county the 3 per cent  
321 premium with respect to interstate running horse simulcasts received otherwise required by  
322 section 2 of chapter 128C of the General Laws.

323 SECTION 32. Section 31 shall take effect upon commencement of gaming operations by  
324 the category 2 licensee whose license was issued pursuant to chapter 23K of the General Laws as  
325 certified by the Massachusetts Gaming Commission.

326 SECTION 33. Sections 31 and 32 shall expire on July 31, 2016.

SECTION 34. Except as otherwise provided, this act shall take effect upon its passage.