

HOUSE No. 4664

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, September 29, 2016.

The committee on Ways and Means to whom was referred the message from His Excellency the Governor submitting requests for making appropriations for the fiscal year 2016 to provide for supplementing certain existing appropriations and for certain existing appropriations and for certain other activities and projects, reports, in part, recommending that the accompanying bill (House, No. 4664) ought to pass [Total Appropriation: \$26,623,226.00].

For the committee,

BRIAN S. DEMPSEY.

HOUSE No. 4664

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act making appropriations for the fiscal year 2016 to provide for supplementing certain existing appropriations and for certain other activities and projects.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith make supplemental appropriations for fiscal year 2016 and to make certain changes in law, 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 2016, 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, 2016. 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, 2017.

9 SECTION 2.

10 JUDICIARY

11 Committee for Public Counsel Services

12 0321-1510 \$1,400,000

13 0321-1520 \$3,500,000

14 DISTRICT ATTORNEYS

15 *Bristol District Attorney*

16 0340-0998 \$7,789

17 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

18 *Reserves*

19 1599-0017 \$1,000,000

20 1599-4447 \$2,704,221

21 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

22 *Office of the Secretary*

23 1595-4510 \$4,000,000

24 4000-0700 \$164,000,000

25 *Department of Public Health*

26 4590-0918 \$700,000

27 *Department of Children and Families*

49 of and subject to the conditions stated for the corresponding item in section 2 or 2A of this act or
50 in prior appropriation acts. Amounts in this section are re-appropriated from the fund or funds
51 designated for the corresponding item in said section 2 of said chapter 46; provided, however,
52 that for items which do not appear in said section 2 of said chapter 46, the amounts in this section
53 are reappropriated from the fund or funds designated for the corresponding item in section 2 or
54 2A of this act or in prior appropriation acts. The unexpended balance of each appropriation in
55 the Massachusetts management accounting and reporting system with a secretariat code of 01 or
56 17 is hereby reappropriated for the purposes of and subject to the conditions stated for the
57 corresponding item in said section 2 of said chapter 46. The sums re-appropriated in this section
58 shall be in addition to any amounts available for said purposes.

59 JUDICIARY

60 Committee for Public Counsel Services

61 0321-1504 \$377,501

62 DISTRICT ATTORNEYS

63 *Plymouth District Attorney*

64 0340-0802 \$2,119,072

65 *Massachusetts District Attorneys' Association*

66 0340-2100 \$35,000

67 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

68 *Reserves*

| | | | |
|----|-----------|-------|-------------|
| 69 | 1599-0044 | | \$479,689 |
| 70 | 1599-0054 | | \$617,386 |
| 71 | 1599-0999 | | \$480,281 |
| 72 | 1599-4444 | | \$104,042 |
| 73 | 1599-4445 | | \$3,208,797 |
| 74 | 1599-4447 | | \$318,041 |

75 *Department of Veteran Services*

| | | | |
|----|-----------|-------|----------|
| 76 | 1410-1616 | | \$50,000 |
|----|-----------|-------|----------|

77 *Human Resources Division*

| | | | |
|----|-----------|-------|-----------|
| 78 | 1750-0601 | | \$200,000 |
|----|-----------|-------|-----------|

79 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

80 *Department of Conservation and Recreation*

| | | | |
|----|-----------|-------|-----------|
| 81 | 2810-0100 | | \$138,000 |
|----|-----------|-------|-----------|

82 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

83 *Office of the Secretary*

| | | | |
|----|-----------|-------|-------------|
| 84 | 4000-0007 | | \$1,000,000 |
|----|-----------|-------|-------------|

85 *Department of Children and Families*

123 There shall be a general scholarship program administered by the council for the purpose
124 of providing financial assistance to students domiciled in the commonwealth and enrolled in and
125 pursuing a program of higher education in any approved public or independent college,
126 university or school of nursing, or any other approved institution furnishing a program of higher
127 education.

128 SECTION 5. The ninth paragraph of said section 16 of said chapter 15A, as appearing in
129 the 2014 Official Edition, is hereby amended by striking out the first sentence and inserting in
130 place thereof the following sentence:-

131 There shall be a Public Service Scholarship Program to provide scholarships to the: (i)
132 children and widowed spouses of Massachusetts police officers, firefighters and correction
133 officers who were killed or died from injuries received while in the performance of their duties,
134 including authorized training duty; (ii) children of prisoners of war or of military or service
135 persons missing in action; and (iii) children of veterans whose service was credited to the
136 commonwealth and who were killed in action or otherwise died as a result of such service.

137 SECTION 6. Section 10 of chapter 25A, as so appearing, is hereby amended by striking
138 out, in line 51, the figure, "\$10," and inserting in place thereof the following figure:- \$20.

139 SECTION 7. Section 1 of chapter 51 of the General Laws is hereby amended by striking
140 out the last sentence and inserting in place thereof the following sentence:- A person otherwise
141 qualified to vote for national or state officers shall not, by reason of a change of residence within
142 the commonwealth, be disqualified from voting for national officers and statewide ballot
143 questions in the city or town from which the person has removed the person's residence until the

144 expiration of 18 months from such removal upon written affirmation that the person meets the
145 qualifications.

146 SECTION 8. Said section 1 of said chapter 51, as so appearing, is hereby amended by
147 striking out the last sentence, as inserted by section 7, and inserting in place thereof the following
148 sentence:- A person otherwise qualified to vote for national or state officers shall not, by reason
149 of a change of residence within the commonwealth, be disqualified from voting for such national
150 or state officers in the city or town from which the person has removed the person's residence
151 until the expiration of 6 months from such removal.

152 SECTION 9. Section 3F of chapter 60 of the General Laws, as inserted by section 12 of
153 chapter 141 of the acts of 2016, is hereby amended by inserting after the first paragraph the
154 following paragraph:-

155 Any amounts donated to the fund shall be deposited into a special account in the general
156 treasury and shall be in the custody of the treasurer. The treasurer shall invest the funds at the
157 direction of the officer, board, commission, committee or other agency of the city or town who
158 or which is otherwise authorized and required to invest trust funds of the city or town and subject
159 to the same limitations applicable to trust fund investments, except as otherwise specified herein.
160 The fund, together with the interest earned thereon shall be used for the purpose specified in this
161 section without further appropriation.

162 SECTION 10. The definition of "Administer" in section 1 of chapter 94C of the General
163 Laws, as so appearing, is hereby amended by striking out clause (c) and inserting in place thereof
164 the following 2 clauses:-

165 (c) a registered pharmacist acting in accordance with regulations promulgated by the
166 department, in consultation with the board of registration in pharmacy and the department of
167 mental health, governing pharmacist administration of medications for treatment of mental health
168 and substance use disorder and at the direction of a prescribing practitioner in the course of the
169 practitioner's professional practice; or

170 (d) an ultimate user or research subject at the at the direction of a practitioner in the
171 course of the practitioner's professional practice.

172 SECTION 11. Subsection (c) of section 11 of chapter 111C of the General Laws, as so
173 appearing, is hereby amended by striking out clause (3) and inserting in place thereof the
174 following clause:-

175 (3) require the reporting and analysis of patient diagnosis, treatment, facility and other
176 reasonably detailed trauma care information by each hospital in the commonwealth; provided,
177 however, that the department may not require a hospital to report to the department any data
178 under this section that the hospital otherwise reports to the commonwealth or any of its agencies;
179 provided further, that the department shall be authorized to access and directly obtain data in a
180 timely manner that is collected by the center for health information and analysis that the
181 department determines is necessary for analyzing trauma-related services across the
182 commonwealth; and, provided further, that the department shall maintain a de-identified
183 database of all trauma patients treated at hospitals in the commonwealth, including all data from
184 the trauma registry, that shall be made available, upon request, to any acute care hospital licensed
185 in the commonwealth that submits trauma data to the department or to the center for health
186 information analysis.

187 SECTION 12. The first paragraph of section 3 of chapter 115 of the General Laws, as so
188 appearing, is hereby amended by striking out the first sentence, as appearing in section 15 of
189 chapter 141 of the acts of 2016, and inserting in place thereof the following sentence:-

190 The mayor of each city except Boston shall, and the board of selectmen of each town
191 may appoint a veterans' agent who shall serve for a term of up to 3 years and shall be eligible for
192 reappointment.

193 SECTION 13. The third paragraph of section 32 of chapter 121B of the General Laws, as
194 amended by section 17 of said chapter 141, is hereby further amended by striking out the last
195 sentence and inserting in place thereof the following sentence:-

196 Notwithstanding any general or special law to the contrary, in communities where no
197 low-income family housing was developed pursuant to chapter 200 of the acts of 1948, a
198 preference in admission shall be given to eligible and qualified veterans for all scattered site
199 housing units acquired by a local housing authority pursuant to chapter 705 of the acts of 1966.

200 SECTION 14. The fifth paragraph of section 32 of said chapter 121B, as amended by
201 section 18 of said chapter 141, is hereby further amended by striking out the second sentence and
202 inserting in place thereof the following sentence:-

203 In determining the net income for the purpose of computing the rent of a totally
204 unemployable disabled veteran, a housing authority shall exclude amounts of disability
205 compensation paid by the United States government for disability occurring in connection with
206 military service in excess of \$1800 in any month; provided, however, that such exclusion shall
207 apply only to state-aided projects as provided in sections 35 and 36.

208 SECTION 15. The second paragraph of section 19G of chapter 138 of the General Laws,
209 as inserted by section 95 of chapter 133 of the acts of 2016, is hereby amended by striking out,
210 the words “19C or section 19D or licensed in any other state” and inserting in place thereof the
211 following words:- 19 or section 19C or a license holder outside the commonwealth that is
212 authorized.

213 SECTION 16. Subsection (d) of section 11 of chapter 211D, as inserted by section 119 of
214 said chapter 133, is hereby amended by striking out the words “(c) and (d)” and inserting in place
215 thereof the following words:- (b) and (c).

216 SECTION 17. Item 2810-0100 of section 2 of chapter 46 of the acts of 2015 is hereby
217 amended by striking out the words “to complete the environmental remediation of a portion of
218 the Lynch Family skate park in the city of Cambridge” and inserting in place thereof the
219 following words:- , which shall not revert and shall be available for expenditure through June 30,
220 2017.

221 SECTION 18. Item 4590-0918 of said section 2 of said chapter 46, as amended by
222 section 10 of chapter 70 of the acts of 2016, is hereby further amended by striking out the
223 figure,“\$18,000,000” and inserting in place thereof the following figure:- \$18,700,000.

224 SECTION 19. Item 4800-0038 of said section 2 of said chapter 46 is hereby amended by
225 inserting after the word “Methuen”, the following words:- ; provided further, that the amount
226 allocated to the feasibility study shall not revert and shall be made available for expenditure
227 through June 30, 2017.

228 SECTION 20. Item 7035-0002 of said section 2 of said chapter 46 is hereby amended by
229 inserting after the words “language classes for low-income adults”, the following words:- ;

230 provided further, that the amount allocated for Casa Dominicana Inc. shall not revert and shall be
231 made available for expenditure through June 30, 2017.

232 SECTION 21. Item 7066-0000 of said section 2 of said chapter 46 is hereby amended by
233 inserting after the words “stipends for participants in the program”, the following words:- ;
234 provided further, that the amount allocated to the TRAIN grant program shall not revert and shall
235 be made available until June 30, 2017.

236 SECTION 22. Item 9110-9002 of said section 2 of said chapter 46 is hereby amended by
237 inserting after the word “Braintree”, the following words:- provided further, that the amount
238 allocated to the department of elder affairs in the city for this item in fiscal year 2016 shall not
239 revert and shall be made available until June 30, 2017 .

240 SECTION 23. Item 0330-0612 of section 2A of chapter 119 of the acts of 2015 is hereby
241 amended by striking out the words “July 1, 2017” and inserting in place thereof the following
242 words:- December 1, 2016.

243 SECTION 24. Said item 0330-0612 of said section 2A of said chapter 119 is hereby
244 further amended by striking out, in line 17, the figure “2016” and inserting in place thereof the
245 following figure:- 2017.

246 SECTION 25. Section 75 of chapter 119 of the Acts of 2015 are hereby amended by
247 adding the following sentence:-

248 Notwithstanding any general or special law to the contrary, the secretary of the
249 commonwealth may, as the secretary considers necessary for the orderly administration of the
250 November 8, 2016 State Election, prepare or contract to prepare separate ballots to include

251 candidates for any office, other than a federal office, for which a recount or other court action
252 has been filed that would delay availability of ballots, in violation of federal law.

253 SECTION 26. Item 4510-0810 of section 2 of chapter 133 of the acts of 2016 is hereby
254 amended by striking out the figure “\$180,000” and inserting in place thereof the following
255 figure:- \$750,000

256 SECTION 27. Item 7004-0108 of said section 2 of said chapter 133 is hereby amended
257 by adding the following words:- ; provided further, that no family with a head of household who
258 is over 60 years of age or who is disabled, who is in compliance with the requirements of a
259 housing stabilization plan that reasonably accommodates disabilities, and who otherwise meets
260 all program eligibility requirements shall be denied short-term housing assistance; provided
261 further, that any such family with a head of household who is over 60 years of age or who is
262 disabled shall not have engaged in, or be engaged in, any activity that threatens the health, safety
263 or security of the family, other program participants or program staff.

264 SECTION 28. Item 9110-1630 of said section 2 is hereby amended by striking out the
265 words “\$102,570,589

266 General Fund.....98.5%

267 Community First Trust Fund 1.5%”

268 and inserting in place thereof the following words:-

269 \$106,357,313

270 General Fund.....95%

271 Community First Trust Fund 5%.

272 SECTION 29. Section 2 of said chapter 133 is hereby amended by inserting after item
273 “2100-0016” the following new item:-

274 “2100-0017 DIVISION OF TRANSPORTATION NETWORK SERVICES

275 For the operation of the division of transportation network services; provided, the amount
276 assessed under section 23 of chapter 25 of the General Laws shall be equal to the amount
277 expended from this item and the associated fringe benefits costs for personnel paid from this
278 item\$1,249,744”.

279 SECTION 30. Item 1599-2040 of section 2B of said chapter 133 is hereby amended by
280 striking out the figure, “\$10,000,000” and inserting in place thereof the following figure:-
281 \$20,000,000.

282 SECTION 31. Item 1595-1068 of section 2E of said chapter 133 is hereby amended by
283 striking out the figure “\$462,000,000” and inserting in place thereof the following figure:- \$
284 736,154,225.

285 SECTION 32. Item 1595-1068 of section 2E of said chapter 133 is hereby amended by
286 adding the following words:- ; provided further, that the secretary of health and human services
287 shall make a supplemental payment of up to \$30,500,000 from the Medical Assistance Trust
288 Fund to the Cambridge public health commission for dates of service in federal fiscal year 2016
289 only after the Cambridge public health commission transfers up to \$15,250,000 of its funds to
290 the Medical Assistance Trust Fund using a federally-permissible source of funds which shall
291 fully satisfy the non-federal share of such payment; and provided further, that the secretary of

292 health and human services shall make a payment of up to \$89,608,450 from the Medical
293 Assistance Trust Fund to the Cambridge public health commission for qualifying state fiscal year
294 2016 public hospital transformation and incentive initiative payments only after the Cambridge
295 public health commission transfers up to \$44,804,225 of its funds to the Medical Assistance
296 Trust Fund using a federally-permissible source of funds which shall fully satisfy the non-federal
297 share of such payment.

298 SECTION 33. Notwithstanding subsection (c) of section 10 of chapter 152 of the acts of
299 1997, as amended, not later than June 30, 2016, a portion of the balance in the Convention
300 Center Fund up to but not to exceed \$60,000,000, which the state treasurer and the secretary of
301 administration and finance have determined to exceed the amount necessary to satisfy the
302 requirement of sufficiency under said subsection (c) of said section 10 of said chapter 152, as so
303 amended, shall be, upon request of said secretary of administration and finance, transferred to the
304 General Fund.

305 SECTION 34. Notwithstanding any general or special law to the contrary, the
306 Massachusetts Housing Finance Agency shall transfer \$1,500,000 from funds previously
307 appropriated, or loans repaid, that the agency administers on behalf of the commonwealth as a
308 result of the program established pursuant to item 1231-1020 of section 2 of chapter 151 of the
309 acts of 1996, as inserted by section 72 of chapter 204 of the acts of 1996, to the comptroller to be
310 credited to the General Fund in fiscal year 2016.

311 SECTION 35. Notwithstanding any general or special law to the contrary, the department
312 of housing and community development shall direct \$7,500,000 from loans repaid under the
313 program established pursuant to section 27 of chapter 23B of the General Laws, to the

314 comptroller to be credited to the General Fund in fiscal year 2016; and provided further that the
315 provisions of sections 33 to 35, inclusive, of chapter 260 of the General Laws shall not apply to
316 impair the enforceability of any mortgage granted under the program established pursuant to
317 section 27 of chapter 23B of the General Laws or any other mortgage in favor of the department
318 of housing and community development, the Massachusetts Housing Finance Agency or any
319 other public instrumentality that encumbers a multifamily residential property that is also the
320 subject of a recorded affordable housing restriction enforceable by or on behalf of the mortgagee.

321 SECTION 36. Notwithstanding any general or special law to the contrary, prior to the
322 close of fiscal year 2016 and upon the recommendation of both the secretary of administration
323 and finance and the secretary of health and human services, or their designees, the comptroller
324 shall adjust any fiscal year 2016 appropriation fund split against or transfer out of the
325 Community First Trust Fund, established in section 35AAA of chapter 10 of the General Laws,
326 to match final department fiscal year 2016 Community First Trust Fund expenditures.

327 SECTION 37. Notwithstanding any general or special legislation to the contrary, after
328 accounting for any re-appropriations in section 2C.I of this act, unexpended balances from item
329 7004-9024 in section 2 of chapter 46 of the acts of 2015, and unexpended balances from items
330 1599-0026, 7002-0021 and 7008-0900 which appear in section 2A of chapter 287 of the acts of
331 2014 shall revert to the General Fund at the end of fiscal year 2016.

332 SECTION 38. (a) For purposes of this section, the following terms shall have the
333 following meanings unless the context clearly requires otherwise:

334 “Agency”, the Massachusetts Development Finance Agency, which term shall include
335 any entity wholly owned by said development finance agency.

336 “Commissioner”, the commissioner of the division of capital asset management and
337 maintenance.

338 “Property”, one or more parcels of land located at the former Grafton state hospital,
339 shown on a plan on file with the division of capital asset management and maintenance.

340 (b) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or
341 any other general or special law to the contrary, the commissioner may convey the property, or
342 one or more portions thereof, to the agency for nominal consideration, subject to subsection (c).
343 The exact location and boundaries of the property to be conveyed shall be determined by the
344 commissioner, based upon a survey. The property shall be conveyed by deed without warranties
345 or representations by the commonwealth.

346 (c) If the agency sells or leases any portion of the property conveyed to it pursuant to this
347 section, the net proceeds from such sale or lease as determined by the agency and agreed to by
348 the commissioner shall be paid to the commonwealth. In the event that the net proceeds, as so
349 determined, is a negative amount, the commonwealth shall not be required to make any
350 payments to the agency.

351 (d) Notwithstanding any general or special law to the contrary, the agency shall be
352 reimbursed for reasonable costs and expenses of the transactions authorized in this section,
353 including the costs of any environmental review, hazardous waste remediation, surveys,
354 feasibility plans, legal and consultant fees, recording fees and deed preparation related to the
355 conveyances and for all costs, liabilities and expenses of any nature and kind related to the
356 agency’s ownership of the property and paid by the agency to one or more third parties not
357 affiliated with the agency; provided, however, that such reimbursement shall be paid from the

358 proceeds of any sale or lease of the property or any portion thereof and the commonwealth shall
359 not be required to make any payments to the agency.

360 (e) (i) If the agency does not complete its purchase of the property on or before
361 December 31, 2017, then notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
362 General Laws or any other general or special law to the contrary, the commissioner may sell,
363 lease for terms of up to 99 years, including all renewals and extensions, or otherwise grant,
364 convey or transfer to purchasers or lessees an interest in the property or portions thereof, subject
365 to this section and on such terms and conditions that the commissioner considers appropriate.
366 For the purposes of this paragraph, the purchase by the agency shall be considered complete
367 upon the transfer of title to the property to the agency. Any disposition of the property, or portion
368 thereof, by the commissioner shall be accomplished using appropriate competitive bidding
369 processes and procedures. At least 30 days before the date on which bids, proposals or other
370 offers to purchase or lease the property, or any portion thereof, are due, the commissioner shall
371 place a notice in the central register published by the state secretary pursuant to section 20A of
372 chapter 9 of the General Laws stating the availability of the property, the nature of the
373 competitive bidding process and other information that the commissioner considers relevant,
374 including the time, place and manner for the submission of bids and proposals and the opening of
375 the bids or proposals.

376 (ii) Except for the transfer of the property, or a portion thereof, to the agency pursuant to
377 subsection (b), the grantee or lessee of all or any portion of the property pursuant to this
378 subsection shall be responsible for costs and expenses including, but not limited to, costs
379 associated with deed preparation and recording fees related to the conveyances and transfers
380 authorized in this section as such costs may be determined by the commissioner.

381 (iii) No agreement for the sale, lease, transfer or other disposition of the property or any
382 portion thereof pursuant to this subsection, and no deed executed by or on behalf of the
383 commonwealth, shall be valid unless the agreement or deed contains the following certification,
384 signed by the commissioner:

385 “I, the undersigned commissioner of capital asset management and maintenance, hereby
386 certify under penalties of perjury that I have fully complied with the relevant provisions of
387 general and special laws in connection with the property described in this document.”

388 (f). In any disposition pursuant to subsection (b) or subsection (e), the commissioner may
389 retain, accept or acquire by purchase, transfer, lease, eminent domain pursuant to chapter 79 of
390 the General Laws or otherwise and may grant by deed, transfer, lease or otherwise any rights-of-
391 way or easements in, over or beneath the property or any portion thereof as the commissioner
392 deems necessary and appropriate with respect to other real property of the commonwealth.

393 SECTION 39. Notwithstanding any general or special law to the contrary, any
394 unexpended balances, not exceeding a total of \$20,000,000, in items 4000-0600, 4000-0700 and
395 4000-1425 of section 2 of chapter 46 of the acts of 2015, as amended, shall not revert to the
396 General Fund until October 31, 2016 and may be expended by the executive office of health and
397 human services to pay for services enumerated in said items 4000-0600, 4000-0700 and 4000-
398 1425 provided during fiscal year 2016.

399 SECTION 40. (a) Notwithstanding any general or special law to the contrary, the
400 executive office of health and human services shall submit an application to the federal Centers
401 for Medicare and Medicaid Services for a waiver of 42 U.S.C. section 1396b(w)(3)(B) and 42

402 U.S.C. section 1396b(w)(3)(C) relative to the nursing home assessment established in section 63
403 of chapter 118E of the General Laws.

404 (b) The waiver application shall seek approval to amend the groups of nursing facilities
405 subject to the assessment and the amount of assessment liability imposed on certain nursing
406 facilities. A nursing facility shall be classified as 1 of the following 4 groups: (i) group I,
407 nursing facilities that do not meet the criteria for group II, III or IV; (ii) group II, non-profit
408 continuing care retirement communities and non-profit residential care facilities; (iii) group III,
409 non-profit facilities with total Medicaid days in excess of a threshold level of days established in
410 regulations promulgated by the executive office of health and human services; and (iv) group IV,
411 non-pediatric facilities that do not meet the criteria for group II or III, have a number of licensed
412 beds lower than a threshold level of licensed beds established in regulations promulgated by the
413 executive office of health and human services, are located in a county specified in regulations
414 promulgated by the executive office of health and human services, and have a Medicaid
415 utilization rate in excess of or lower than a threshold Medicaid utilization rate established in
416 regulations promulgated by the executive office of health and human services. All facilities in
417 group I shall pay an assessment at the rate established in regulations promulgated by the
418 secretary of health and human services in conformity with the total annual assessment revenue
419 amount established by an appropriation act and section 63 of chapter 118E of the General Laws.
420 Nursing facilities in group II or group III shall pay an assessment at a rate equal to 10 per cent of
421 the assessment rate imposed on nursing facilities in group I. Nursing facilities in group IV shall
422 be exempt from liability for the assessment established in said section 63 of said chapter 118E
423 and as modified pursuant to this section. The waiver application shall be structured in a manner
424 that shall qualify it for automatic approval by the federal Centers for Medicare and Medicaid

425 Services pursuant to 42 C.F.R. 433.68, provided that if the federal Centers for Medicare and
426 Medicaid services nevertheless declines to approve such application, the executive office of
427 health and human services shall modify the application in such a way that results in approval by
428 the federal Centers for Medicare and Medicaid services.

429 SECTION 41. Bridge No. B-16-053 on Brookline avenue, between Lansdowne street
430 and Newbury street, spanning the Massachusetts Turnpike (Interstate 90), and Massachusetts
431 Bay Transportation Authority and CSX railroad tracks in the Kenmore section of the city of
432 Boston, shall be designated and known as the David Ortiz “Big Papi” Bridge, in honor of David
433 Ortiz, in recognition of his athletic accomplishments during 14 seasons as a member of the
434 Boston Red Sox, and his personal contributions to the commonwealth, notably, his charitable
435 commitment to children in New England and the Dominican Republic who do not have access to
436 the critical pediatric services they need, and in helping the city of Boston heal in the face of the
437 Boston Marathon bombing tragedy.

438 The Massachusetts Department of Transportation shall erect and maintain a suitable
439 marker on the bridge bearing the designation in compliance with the standards of the department.

440 SECTION 42. The salary adjustments and other economic benefits authorized by the
441 following collective bargaining agreements shall be effective for the purposes of section 7 of
442 chapter 150E of the General Laws:

443 (1) between the board of higher education and the Massachusetts Community College
444 Council; and

445 (2) between the commonwealth and the New England Police Benevolent Association,
446 Unit 4A.

SECTION 43. Section 8 shall take effect November 9, 2016.