

HOUSE No. 3951

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, October 11, 2017.

The committee on Ways and Means to whom was referred the message from His Excellency the Governor recommending legislation relative to making appropriations for the fiscal year 2017 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3869), reports, in part, that the accompanying bill (House, No. 3951) ought to pass. [Total Appropriations: \$123,223,598.00].

For the committee,

JEFFREY SÁNCHEZ.

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The Commonwealth of Massachusetts

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

An Act making appropriations for the fiscal year 2017 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 are forthwith to make supplemental appropriations for fiscal year 2017 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 2017, 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, 2017. 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, 2018.

9 SECTION 2.

10	DISTRICT ATTORNEYS	
11	Hampden District Attorney	
12	0340-0500.....	\$150,215
13	Northwestern District Attorney	
14	0340-0600.....	\$142,798
15	Bristol District Attorney	
16	0340-0998.....	\$19,393
17	Cape and Islands District Attorney	
18	0340-1000.....	\$257,578
19	SECRETARY OF THE COMMONWEALTH	
20	0521-0000.....	\$341,393
21	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE	
22	Office of the Secretary for Administration and Finance	
23	1599-8910.....	\$20,408,910
24	Human Resources Division	
25	1750-0100.....	\$250,000
26	EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS	

27 Department of Fish and Game

28 2330-0300.....\$1,000,000

29 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

30 Office of the Secretary

31 4000-0005.....\$4,750,000

32 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

33 Department of Transportation

34 1595-6368.....\$49,828,056

35 Commonwealth Transportation Fund.....100%

36 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

37 Office of the Secretary

38 7002-1506.....\$500,000

39 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

40 Military Division

41 8700-1150.....\$4,000,000

42 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
43 provide for an alteration of purpose for current appropriations, and to meet certain requirements
44 of law, the sums set forth in this section are hereby appropriated from the General Fund unless

45 specifically designated otherwise in this section, for the several purposes and subject to the
46 conditions specified in this section, and subject to the laws regulating the disbursement of public
47 funds for the fiscal year ending June 30, 2017. These sums shall be in addition to any amounts
48 previously appropriated and made available for the purposes of those items. These sums shall be
49 made available until June 30, 2018.

50 1599-3224 For a reserve for costs associated with taxes owed to the City of Boston
51 for the property at 100 Cambridge Street\$1,429,179

52 SECTION 2B. To provide for supplementing certain intragovernmental chargeback
53 authorizations in the general appropriation act and other appropriation acts for fiscal year 2017,
54 to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for
55 an alteration of purpose for current intragovernmental chargeback authorizations, and to meet
56 certain requirements of law, the sums set forth in this section are hereby authorized from the
57 Intragovernmental Service Fund for the several purposes specified in this section or in the
58 appropriation acts, and subject to the provisions of law regulating the disbursement of public
59 funds for the fiscal year ending June 30, 2017. These sums shall be in addition to any amounts
60 previously authorized and made available for the purposes of those items. These sums shall be
61 made available until June 30, 2018.

62 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

63 Office of the Secretary

64 4000-0102.....\$353,021

SECTION 2C.I. For the purpose of making available in fiscal year 2018 balances of appropriations which otherwise would revert on June 30, 2017, the unexpended balances of the appropriations listed below, not to exceed the amount specified below for each item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 of chapter 133 of the acts of 2016. However, for items which do not appear in section 2 of the general appropriation act, the amounts in this section are re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts. Amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in section 2 of said chapter 133; provided, however, that for items which do not appear in section 2 of said chapter 133, the amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in section 2 through 2E of this act or in prior appropriation acts. The unexpended balance of each appropriation in the Massachusetts management accounting and reporting system with a secretariat code of 01 or 17 is hereby re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in said section 2 of said chapter 133. The sums re-appropriated in this section shall be in addition to any amounts available for said purposes.

TREASURER AND RECEIVER GENERAL

Office of the Treasurer and Receiver General

0610-0010.....\$350,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Reserves

86	1599-0044.....	\$80,000
87	1599-0054.....	\$1,162,177
88	1599-0840.....	\$300,000
89	1599-4445.....	\$300,000
90	Health Policy Commission	
91	1599-1450.....	\$233,997
92	1599-2004.....	\$83,326
93	MASSACHUSETTS OFFICE OF INFORMATION TECHNOLOGY	
94	1790-0300.....	\$2,653,323
95	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES	
96	Department of Children and Families	
97	4800-0091.....	\$160,000
98	Department of Veteran Services	
99	1410-0018.....	\$139,396
100	Chelsea Soldiers Home	
101	4180-1100.....	\$128,995
102	Holyoke Soldiers Home	

103 4190-0300.....\$30,000

104 4190-1100.....\$587,579

105 SECTION 3. Section 172 of chapter 6 of the General Laws, as appearing in the 2016
106 Official Edition, is hereby amended by adding the following subsection:-

107 (o) Notwithstanding any other provision of this section or any other general or special
108 law to the contrary, all gaming service employees shall be required to register with the
109 investigations and enforcement bureau established pursuant to section 6 of chapter 23K;
110 provided, however, the Massachusetts gaming commission established pursuant to section 3 of
111 said chapter 23K, may exempt certain gaming service employees by job position from the
112 registration requirement at its discretion. The commission and the bureau may require any
113 gaming service employee to produce any information deemed necessary.

114 SECTION 4. Section 18W of chapter 6A of the General Laws, as inserted by section 6 of
115 chapter 6 of the acts of 2017, is hereby repealed.

116 SECTION 5. Section 2QQQ of chapter 29 of the General Laws, as amended by section 3
117 of chapter 20 of the acts of 2017, is hereby further amended by striking out the second sentence
118 and inserting in place thereof the following sentence:- Funds from the trust fund may be
119 expended for Medicaid payments to qualifying providers or care organizations under an
120 approved state plan or federal waiver.

121 SECTION 6. Subsection (b) of section 2RRRR of said chapter 29, as appearing in the
122 2016 Official Edition, is hereby amended by inserting after the third sentence the following
123 sentence:- For the purpose of accommodating timing discrepancies between the receipt of

retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system.

SECTION 7. Section 5H of said chapter 29, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The state treasurer shall certify by October 31, the amount of actual receipts and distributions to claimants of abandoned property for the previous fiscal year, and beginning in fiscal year 2013, the comptroller shall transfer 75 per cent of the growth in abandoned property net revenue, defined as the difference between abandoned property receipts and distributions to claimants, that exceeds the amount of net revenue collected during the previous fiscal year, to the Commonwealth Stabilization Fund established by section 2H; provided, however, that said transfer shall be made prior to the certification of the consolidated net surplus for the previous fiscal year as provided in section 5C.

SECTION 8. Section 184C of chapter 94 of the General Laws, as so appearing, is hereby amended by striking out, in line 133, the words “size and brand” and inserting in place thereof the following words:- brand, and may only vary in random weight.

SECTION 9. Chapter 118E of the General Laws is hereby amended by adding the following section:-

Section 78. (a) The division shall create an employer medical assistance contribution compliance form. Every employer with 6 or more employees, doing business in the commonwealth, shall annually complete and submit the form under oath. The form shall indicate whether the employer has offered to pay or arrange for the purchase of health care insurance and

information about such health care insurance such as the premium cost, benefits offered, cost sharing details, eligibility criteria and other information necessary to implement section 189A of chapter 149; provided, that the information collected through the form shall not be used to deny or terminate MassHealth eligibility for non-disabled persons who would otherwise qualify for a program of medical benefits pursuant to this chapter who have access to employer sponsored health insurance. The division may make arrangements with other agencies of the commonwealth, including the department of unemployment assistance and the department of revenue, to assist with the administration of this section. Employers shall provide supplemental information that is necessary to implement said section 189A of said chapter 149 to the division or its designee, upon request. An employer receiving information that identifies, or could be used to identify, a MassHealth member or recipient of subsidized health insurance shall not use or disclose such information except as authorized by the division.

(b) Notwithstanding any general or special law to the contrary, information reported under subsection (a) that identifies individual employees by name or health insurance status or is protected health information shall not be a public record under clause Twenty-sixth of section 7 of chapter 4 or chapter 66, but the information may be exchanged among the executive office of health and human services, the commonwealth health insurance connector authority, the department of unemployment assistance, the center for health information and analysis and the department of revenue as necessary to implement section 189A of chapter 149. An employer who knowingly falsifies or fails to file any information required by this section, or its implementing regulation, shall be subject to a penalty of not less than \$1,000 or more than \$5,000 for each violation.

SECTION 10. Section 78 of chapter 118E is hereby repealed.

SECTION 11. Section 23 of chapter 119 of the General Laws, as so appearing, is hereby amended by striking out, in line 93, the word “or,” and inserting in place thereof the following words:- , including the parents of siblings who have custody of the siblings, or.

SECTION 12. Subsection (a) of section 29B of said chapter 119, as so appearing, is hereby amended by striking out the last 2 sentences, and inserting in place thereof the following 4 sentences:- No child under the age of 16 shall have a permanency plan for another permanent planned living arrangement. The department shall file a permanency plan prior to a permanency hearing that shall address the placement alternatives. The court shall consult with the child in an age-appropriate manner about the permanency plan developed for the child, including, for children and young adults whose permanency plan is another permanent planned living arrangement, asking the child or young adult their desired permanency plan. At each hearing where the court determines that the permanency plan for the child is another permanent planned living arrangement, the court shall specify why this plan is in the child’s best interest and the compelling reasons why it is not in the child’s best interest to: (i) return home; (ii) be placed for adoption; (iii) be placed with a legal guardian; or (iv) be placed in permanent care with relatives.

SECTION 13. Subsection (c) of said section 29B of said chapter 119, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following 2 sentences:- In the case of a child who has attained age 14 or any young adult, the permanency plan shall also address the services needed to assist the child or young adult in making the transition from foster care to a successful adulthood; provided, however, that the court shall consult with the child or young adult in an age-appropriate manner about the permanency plan. If the permanency plan for the child is another permanent planned living arrangement, the

191 permanency plan shall address the efforts the department has made to place the child or young
192 adult with a parent, relative or in a guardianship or adoption placement.

193 SECTION 14. Section 10 of chapter 183A, as appearing in the 2016 Official Edition, is
194 hereby amended, in line 73, by inserting, after the word “kept”, the following:- which shall be
195 made available to unit owners through electronic mail upon request.

196 SECTION 15. Item 1233-2350 of section 2 of chapter 133 of the acts of 2016 is hereby
197 amended by striking out the words “State Lottery and Gaming Fund in accordance with clause
198 (c) of the second paragraph of section 35 of chapter 10 of the General Laws” and inserting in
199 place thereof the following words:- Gaming Local Aid Fund.

200 SECTION 16. Item 9110-1630 of said section 2 of said chapter 133, as amended by
201 section 29 of chapter 283 of the acts of 2016, is hereby further amended by inserting after the
202 words, “case management services and the administration of the home care program” the
203 following words:- ; provided further, that the secretary of elder affairs may transfer funds
204 appropriated in this item to item 9110-1500 for the provision of enhanced home care services.

205 SECTION 17. Said item 9110-1630 of said section 2 of said chapter 133, as so amended,
206 is hereby further amended by striking out the words

207 "General Fund.....95%

208 Community First Trust Fund.....5%"

209 and inserting in place thereof the following words:-

210 General Fund.....86.32%

211 Community First Trust Fund.....13.68%.

212 SECTION 18. Item 0940-0101 of section 2 of chapter 47 of the acts of 2017 is hereby
213 amended by striking out the figure “\$2,468,211”, each time it appears, and inserting in place
214 thereof, in each instance, the following figure:- \$3,100,000.

215 SECTION 19. Item 1410-0012 of said section 2 of said chapter 47 is hereby amended by
216 adding after the words “Grace Veterans Program”, the following words:- ; provided further, that
217 not less than \$25,000 shall be expended for the Disabled American Veterans, in the city of
218 Lawrence for the purpose of creating a shuttle service for disabled veterans..

219 SECTION 20. Said section 2 of said chapter 47 is hereby further amended by inserting
220 after item 1410-0018 the following item:-

221 1410-0022 For the operation of the Serving Every Veteran In Civilian Employment
222 (SERVICE) tax credit under section 2C of chapter 115 of the General Laws
223 \$100,000.

224 SECTION 21. Said section 2 of said chapter 47 is hereby further amended by striking
225 out, in item 1599-1690, in line 1, the figures “1599-1690” and inserting in place thereof the
226 following figures:- 1599-1691.

227 SECTION 22. Said item 1599-1690 of said section 2 of said chapter 47, as amended by
228 section 21, is hereby further amended by inserting after the words “said transfer”, the following
229 words:- provided further, that not more than \$13,511,090 from this item shall be expended for
230 payroll costs incurred in fiscal year 2017; and.

SECTION 23. Said section 2 of said chapter 47 is hereby further amended by inserting after item 1599-1977 the following item:-

1599-2003 For the purpose of funding the Uniform Law Commission; provided, that prior fiscal year payments may be payable from this item.....\$50,000

SECTION 24. Said section 2 of said chapter 47 is hereby further amended by inserting after item 1599-1977 the following item:-

1599-3222 For a reserve to fund the administrative costs associated with the implementation of an employer contribution, including, but not limited to, costs of commonwealth personnel, contracts, and the purchase of new information technologies as necessary; provided further, that the secretary may transfer from the sum appropriated herein to other items of appropriation and allocations as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan, which shall be filed in advance with the house and senate committees on ways and means; provided further, that the executive office of administration and finance shall report to the house and senate committees on ways and means on or before January 1, 2018, and quarterly thereafter, on the implementation of the contribution established in section 189A of chapter 149 of the General Laws, including but not limited to: (i) a detailed summary of expenditures associated with the implementation of the contribution; (ii) the number of employers subject to the contribution; (iii) the number of employees who receives health insurance coverage through the division of medical assistance; (iv) the number of appeals filed with the division of unemployment assistance, including the status of said appeals; and (v) an estimate of total collections from the contribution for fiscal year 2018; and provided further, that the secretary

253 may only transfer such amounts to other items of appropriation and allocations within the
254 executive office for administration and finance, the executive office of health and human
255 services, the executive office of labor and workforce development, the department of revenue,
256 and the department of unemployment assistance \$2,925,694.

257 SECTION 25. Item 2330-0100 of said section 2 of said chapter 47, is hereby amended by
258 adding the following words:-

259 ; and provided further, that not less than \$450,000 shall be expended for a program of
260 collaborative research by the division of marine fisheries through the Massachusetts Marine
261 Fisheries Institute, in collaboration with the School for Marine Science and Technology, at the
262 University of Massachusetts at Dartmouth, that applies innovative technology to assess the
263 biomass of fish, in the region managed by the New England Fishery Management Council.

264 SECTION 26. Said section 2 of said chapter 47 is hereby further amended by inserting
265 after item 4000-0051 the following item:-

266 4000-0250 For the executive office of health and human services, which may expend for
267 the costs of the operations and maintenance of the health insurance exchange not more than
268 \$15,000,000 from monies received from the Commonwealth Connector Authority; provided, that
269 for the purpose of accommodating timing discrepancies between the receipt of retained revenues
270 and related expenditures, the office may incur expenses and the comptroller may certify for
271 payment amounts not to exceed the lower of this authorization or the most recent revenue
272 estimate as reported in the state accounting system; and provided further, that any unspent
273 balance at the close of fiscal year 2018 shall remain in the account and may be expended for this
274 item in fiscal year 2019....\$15,000,000.

SECTION 27. Item 4513-1000 of said section 2 of said chapter 47, is hereby amended by adding after the words “services provided in this line item,” the following words:- ; provided further, that not less than \$100,000 shall be expended for the program’s critical congenital heart defects screening activities.

SECTION 28. Said section 2 of said chapter 47 is hereby further amended by striking out item 7002-1075.

SECTION 29. Said section 2 of said chapter 47 is hereby further amended by inserting, after item 7002-1502, the following item:-

7002-1506 For competitive technical assistance grants to be administered by the executive office of housing and economic development, in coordination with the Federal Reserve Bank of Boston, to provide multi-year support to initiatives that advance cross-sector collaboration among the public, private and nonprofit sectors; provided, that in order to qualify for funding, a project proposal shall catalyze and accelerate initiatives that create new or stronger working relationships between key institutions, agencies, organizations and businesses within municipalities with: (a) populations of more than 35,000 and less than 250,000 residents; (b) median family incomes that are below the median of similarly-sized municipalities; and (c) median poverty rates that are above the median for similarly-sized municipalities; provided further, that the Federal Reserve Bank of Boston shall identify additional program eligibility requirements; and provided further, that the private sector and other institutions shall contribute to this program an amount that is at least equal to the total state appropriation for this program\$500,000

SECTION 30. Item 8324-0000 of said section 2 of said chapter 47 is hereby amended by inserting after the words "shall use the split days option" , the following words: - ; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the administration of the department of fire services, the state fire marshal's office, the Massachusetts firefighting academy, Critical Incident Stress Management programs, the On-Site Academy, other fire training academies, the regional dispatch centers, the radio and dispatch center improvements, and the associated fringe benefits costs of personnel paid from this item for these purposes shall be assessed upon insurance companies writing fire, homeowners multiple peril, or commercial multiple peril policies on property situated in the commonwealth, and paid within 30 days after receiving notice of this assessment from the commissioner of insurance.

SECTION 31. Item 2000-1701 of section 2B of said chapter 47 is hereby amended by striking out the figure "\$1,535,671", and inserting in place thereof the following figure:- \$3,150,000.

SECTION 32. Item 4000-0102 of said section 2B of said chapter 47 is hereby amended by striking out the figure "8,878,161", and inserting in place thereof the following figure:- \$11,914,066.

SECTION 33. Item 1595-1068 of Section 2E of said chapter 47 is hereby amended by striking out item 1595-1068 and inserting in place thereof the following item:-

1595-1068 For an operating transfer to the MassHealth provider payment account in the Medical Assistance Trust Fund established in section 2QQQ of chapter 29 of the General Laws; provided, that these funds shall be expended for services provided during state or federal fiscal

year 2016, 2017 or 2018 or for public hospital transformation and incentive initiative payments for state fiscal year 2017 or 2018 or for Medicaid care organization payments under 42 CFR 438.6(c) for rate year 2018; provided further, that all payments from the Medical Assistance Trust Fund shall be: (i) subject to the availability of federal financial participation; (ii) made only under federally-approved payment methods; (iii) consistent with federal funding requirements and all federal payment limits as determined by the secretary of health and human services; and (iv) subject to the terms and conditions of an agreement with the executive office of health and human services; provided further, that the secretary of health and human services shall notify, in writing, the house and senate committees on ways and means and the joint committee on health care financing of increases or decreases in any payments made within the term of the current 1115 waiver or other state plan amendments within 15 days; and provided further, that the secretary of health and human services will utilize funds from the Medical Assistance Trust Fund to make payments of up to \$492,955,903 to the Cambridge public health commission or to Medicaid care organizations for payment to the Cambridge public health commission if the Cambridge public health commission, in anticipation of receiving such payments, first voluntarily transfers an amount equal to the non-federal share of such payments to the Medical Assistance Trust Fund using a federally-permissible source of funds..... \$747,100,000.

SECTION 34. Section 2E of said chapter 47 is hereby amended by inserting after item 1595-1069 the following item:-

EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

Department of Career Services

1595-1075 For an operating transfer to the Workforce Competitiveness Trust Fund established in Section 2WWW of chapter 29 of the General Laws.....\$1,000,000.

SECTION 35. Chapter 63 of the acts of 2017 is hereby amended by striking out section 15 and inserting in place thereof the following section:-

SECTION 15. Sections 1, 3, 5, 7 and 9 shall take effect on January 1, 2018.

SECTION 36. Notwithstanding any general or special law to the contrary, any unexpended balances, not exceeding a total of \$20,000,000, in items 4000-0600, 4000-0700, and 4000-1425 of section 2 of chapter 133 of the acts of 2016, as amended, shall not revert to the General Fund until October 31, 2017 and may be expended by the executive office of health and human services to pay for services enumerated in said items 4000-0600, 4000-0700, and 4000-1425 provided during fiscal year 2017.

SECTION 37. Notwithstanding any general or special law to the contrary, the secretary of health and human services, with the written approval of the secretary of administration and finance, may authorize transfers of surplus among items 4000-0320, 4000-0430, 4000-0500, 4000-0600, 4000-0640, 4000-0700, 4000-0875, 4000-0880, 4000-0885, 4000-0940, 4000-0950, 4000-0990, 4000-1400, 4000-1420, and 4000-1425 for the purpose of reducing any deficiency in these items, but any such transfer shall be made not later than October 31, 2017.

SECTION 38. Notwithstanding any general or special law to the contrary, payments from the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws may be made either as safety net care payments under the commonwealth's waiver pursuant to section 1115 of the federal Social Security Act or as an adjustment to Title XIX service rate payments or a combination of both. Other federally permissible funding mechanisms available

for public service hospitals, as defined by regulations of the executive office of health and human services, may be used to reimburse up to \$70,000,000 of uncompensated care pursuant to said sections 66 and 69 of said chapter 118E using sources distinct from the funding made available to the Health Safety Net Trust Fund.

SECTION 39. Notwithstanding any general or special law to the contrary, the executive office for administration and finance may transfer up to \$15,000,000 from the Commonwealth Care Trust Fund established in section 2000 of chapter 29 of the General Laws to the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws.

SECTION 40. Notwithstanding any general or special law to the contrary, unexpended balances from item 7004-9024 of section 2 of chapter 133 of the acts of 2016 shall revert to the General Fund at the end of fiscal year 2017.

SECTION 41. Notwithstanding any general or special law to the contrary, before the close of fiscal year 2017 and upon the recommendation of the secretary of administration and finance and the secretary of health and human services, or their designees, the comptroller shall adjust any fiscal year 2017 appropriation fund split against or transferred out of the Community First Trust Fund established in section 35AAA of chapter 10 of the General Laws to match final department fiscal year 2017 Community First Trust Fund expenditures.

SECTION 42. Notwithstanding section 10 of chapter 70B of the General Laws or any other general or special law to the contrary, in determining the grant percentage for the fiscal year 2018 approved school projects, the Massachusetts school building authority shall calculate the community poverty factor by examining the proportion of economically disadvantaged

382 students, commencing with calendar year 2015 to present and assigning whichever year's factor
383 is the highest, as determined by the department of elementary and secondary education.

384 SECTION 43. Section 42 is hereby repealed.

385 SECTION 44. Section 43 shall take effect on June 30, 2018.

386 SECTION 45. Section 10 shall take effect on December 31, 2019.