

HOUSE No.

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE · BOSTON, MA 02133

KARYN POLITO
LIEUTENANT GOVERNOR

July 14, 2016

To the Honorable Senate and House of Representatives,

I am filing for your consideration a bill entitled “An Act Making Appropriations for the Fiscal Year 2016 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.”

This bill consists of \$170.9 million in FY16 budget supplemental appropriations, at a net state cost of \$6.2 million, for identified deficiencies, including:

- \$164 million for MassHealth, with no net cost to the state’s General Fund as this spending is entirely offset by federal reimbursements for MassHealth due to higher than budgeted federal revenue;
- \$2.7 million for labor costs in connection with recently negotiated collective bargaining agreements;
- \$2.4 million for caseload accounts at the Department of Children and Families;
- \$1 million for the End Family Homelessness reserve; and
- A \$700,000 increase to a retained revenue ceiling to allow the Department of Public Health to pay for prescription drugs it buys on behalf of the Department of Corrections.

The proposed legislation raises the chargeback ceilings to accommodate certain debt service payments. It extends into FY17 certain spending authorizations that would otherwise expire at the end of FY16, including funds for the Plymouth district attorney's moving costs, quarter-point costs of certain labor agreements, services for unaccompanied homeless youth, and already-awarded grants through Urban Agenda and Community Compact.

My recommendation still stands that you authorize an additional \$10.2 million for a reserve for sheriffs deficiencies and an additional \$14.3 million for representation of indigent defendants, as does my recommendation with respect to transferability between MassHealth line items, per my letter of February 12, 2016 and accompanying bill.

This bill also contains routine fiscal year-end outside sections that are necessary to enable us to close fiscal year 2016 successfully in balance. These include sections authorizing transfers from the Convention Center fund and the Massachusetts Housing Finance Agency, for which we are grateful to both agencies.

The bill also proposes certain technical amendments to the HOME Act, which I am proud to have signed today, and contains a series of sections that would authorize the sale or conveyance of certain property rights in what is currently State House property to a neighboring property owner. Proceeds received from these conveyances would be placed in a newly-formed State House Capital Fund.

Sufficient revenues are estimated to be available to finance these appropriations. Because these appropriations address urgent matters, I urge you to enact this legislation promptly.

Respectfully submitted,

Charles D. Baker,
Governor

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 purposes, which are to forthwith make supplemental appropriations for fiscal year 2016 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 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 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

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Reserves

1599-0017	\$1,000,000
1599-4447	\$2,704,221

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Office of the Secretary

4000-0700	\$164,000,000
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Department of Public Health

4590-0918	\$700,000
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Department of Children and Families

4800-0038	\$ 1,252,860
4800-0041	\$ 1,280,754

SECTION 2B. To provide for supplementing certain intragovernmental chargeback authorizations in the general appropriation act and other appropriation acts for fiscal year 2016, to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for an alteration of purpose for current intragovernmental chargeback authorizations, and to meet certain requirements of law, the sums set forth in this section are hereby authorized from the Intragovernmental Service Fund for the several purposes specified in this section or in the appropriation acts, and subject to the provisions of law regulating the disbursement of public

51 0340-0802 \$2,119,072

52 *Massachusetts District Attorneys' Association*

53 0340-2100 \$35,000

54 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

55 *Reserves*

56 1599-0044 \$479,689

57 1599-0054 \$617,386

58 1599-0999 \$480,281

59 1599-4444 \$104,042

60 1599-4445 \$3,208,797

61 1599-4447 \$318,041

62 *Human Resources Division*

63 1750-0601 \$200,000

64 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

65 *Office of the Secretary*

66 4000-0007 \$1,000,000

67 *Department of Veteran Services*

68 1410-1616 \$50,000

69 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

70 *Office of the Secretary*

71 7002-0036 \$1,500,000

72 7002-0039 \$68,125

73 *Department of Housing and Community Development*

74 7004-9008 \$1,000,000

75 7004-9024 \$3,600,000

76 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

77 *Department of Career Services*

78 7002-1075 \$1,700,000

79 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

80 *Department of Public Safety*

81 8315-1020 \$300,000

82 SECTION 3. Subsection (a) of section 45 of chapter 7C of the General Laws, as amended
83 in section 5 of chapter 119 of the acts of 2015, is hereby further amended by striking out the
84 second sentence and inserting in place thereof the following sentence:

85 Eight members shall be appointed by the governor, 3 of whom shall be registered
86 architects, or currently unregistered but with no fewer than 10 years previous experience as an
87 architect registered by a National Council of Architectural Registration Boards (NCARB)
88 member board, or who may be architects emeritus, none of whom shall have a record of
89 disciplinary action; 3 of whom shall be registered engineers, or currently unregistered but with
90 no fewer than 10 years previous experience as a registered engineer, none of whom shall have a
91 record of disciplinary action; and 2 of whom shall be representatives of the public who are not
92 architects, engineers or construction contractors.

93 SECTION 4. Chapter 10 of the General Laws is hereby amended by inserting after
94 section 35CCC the following section:-

95 Section 35DDD. There shall be established upon the books of the commonwealth a
96 separate fund to be known as the State House Capital Fund. The fund shall be credited with all
97 the proceeds of any license, lease or conveyance of real property related to the state house or the
98 grounds of the state house. All monies, grants, gifts, bequests or other contributions received by
99 the superintendent under this section shall be made payable to and deposited in the fund;
100 provided, however, that the superintendent may retain funds to be expended, after consultation
101 with the committee on rules of the 2 branches, acting concurrently, for capital improvements to
102 the state house or the grounds of the state house. Any revenues, deposits, receipts, or funds
103 received by the fund shall be deposited in the fund, and shall be available to superintendent for
104 the purposes described in this section, without further appropriation. All available moneys in the
105 fund that are unexpended at the end of each fiscal year shall not revert to the General Fund and
106 shall be available for expenditure in any subsequent fiscal year.

107 SECTION 5. Section 16 of chapter 15A of the General Laws, as amended by section 4 of
108 chapter 141 of the acts of 2016, is hereby further amended by striking out the first sentence and
109 inserting in place thereof the following sentence:- There shall be a general scholarship program
110 administered by the council for the purpose of providing financial assistance to students
111 domiciled in the commonwealth and enrolled in and pursuing a program of higher education in
112 any approved public or independent college, university or school of nursing, or any other
113 approved institution furnishing a program of higher education.

114 SECTION 6. Said section 16, as so amended, is hereby further amended by striking out
115 the ninth paragraph and inserting in place thereof the following paragraph:-

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

122 SECTION 7. Section 10 of chapter 25A, as appearing in the 2014 Official Edition, is
123 hereby amended by striking out, in line 51, the figure, "\$10," and inserting in place thereof the
124 following figure:- \$20.

125 SECTION 8. Section 3F of Chapter 60 of the General Laws, as inserted by section 12 of
126 chapter 141 of the acts of 2016, is hereby amended by striking out the first paragraph and
127 inserting in place thereof the following paragraphs:-

128 A city, town or district that accepts this section may designate a place on its municipal
129 property tax bills or motor vehicle excise bills or mail with such bills a separate form whereby
130 taxpayers of the city, town or district may voluntarily check off, donate and pledge an amount of
131 money which shall increase the amount already due to establish and fund a municipal veterans
132 assistance fund which shall be under the supervision of the local veterans' agent.

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

140 SECTION 9. The first paragraph of section 3 of chapter 115 of the General Laws, as
141 amended by section 15 of chapter 141 of the acts of 2016, is hereby further amended by striking
142 out the first two sentences and inserting in place thereof the following two sentences:- The
143 mayor of each city except Boston shall, and the board of selectmen of each town may appoint a
144 veterans' agent who shall serve for a term of up to 3 years and shall be eligible for
145 reappointment. The veterans' agent may act for the mayor or the board of selectmen in the
146 disbursement of veterans' benefits by the city or town; provided, however, that in each town that
147 has a part-time veterans' agent, the town clerk shall receive applications and assist applicants for
148 veterans' benefits and shall submit the applications to the veterans' agent.

149 SECTION 10. Section 12 of Chapter 115A, as inserted by section 16 of chapter 141 of
150 the acts of 2016, is hereby amended by striking out subsection (a) and inserting in place thereof
151 the following subsection:-

152 (a) There shall be within the department of veterans' services an office of veterans'
153 homes and housing. The secretary of veterans' services shall appoint an executive director of
154 veterans' homes and housing who shall have: (i) at least 5 years of management, healthcare
155 experience and (ii) military or other experience working with veterans. The duties of the
156 executive director shall include, but not be limited to: (i) oversight of the office; and (ii) service
157 as an advisor to the secretary of veterans' services on matters relative to veterans' housing. The
158 position of executive director shall be classified pursuant to section 45 of chapter 30. The
159 executive director may, with the approval of the secretary of veterans' services, appoint and
160 remove any employees necessary to carry out the duties of the office. The office shall: (i)
161 coordinate and oversee implementation and enforcement of laws, regulations and policies
162 relative to the veterans' homes and other housing for veterans under the oversight of the
163 department of veterans' services; and (ii) investigate and make recommendations on best
164 practices for providing housing for veterans. The executive director shall meet with the board of
165 trustees of the Soldiers' Home in Massachusetts and the Soldiers' Home in Holyoke jointly at
166 least twice per calendar year. The executive director shall have access to all property of the
167 commonwealth under the oversight of the department of veterans services to carry out the duties
168 of the office; provided, however, that the boards of trustees of the Soldiers' Home in
169 Massachusetts and the Soldiers' Home in Holyoke shall not be subject to the control of the
170 executive director; and provided further, that the executive director shall not have control over

171 the day-to-day operations of the Soldiers' Home in Massachusetts or the Soldiers' Home in
172 Holyoke.

173 SECTION 11. The third paragraph of section 32 of chapter 121B of the General Laws, as
174 amended by section 17 of chapter 141 of the acts of 2016, is hereby further amended by striking
175 out the last sentence and inserting in place thereof the following sentence:- Notwithstanding any
176 general or special law to the contrary, in communities where no low-income family housing was
177 developed pursuant to chapter 200 of the acts of 1948, a preference in admission shall be given
178 to eligible and qualified veterans for all scattered site housing units acquired by a local housing
179 authority pursuant to chapter 705 of the acts of 1966.

180 SECTION 12. The fifth paragraph of section 32 of said chapter 121B, as amended by
181 section 18 of chapter 141 of the acts of 2016, is hereby further amended by striking out the
182 second sentence and inserting in place thereof the following sentence:- In determining the net
183 income for the purpose of computing the rent of a totally unemployable disabled veteran, a
184 housing authority shall exclude amounts of disability compensation paid by the United States
185 government for disability occurring in connection with military service in excess of \$1800 in any
186 month, subject to adjustment for inflation after July 1, 2017; provided, however, that such
187 exclusion shall apply only to state-aided projects as provided in sections 35 and 36.

188 SECTION 13. Subsection (d) of section 11 of Chapter 211D, as added by section 119 of
189 Chapter 133 of the Acts of 2016, is hereby amended by striking out the words "(c) and (d)" and
190 inserting in place thereof the following words:- (b) and (c).

191 SECTION 14. Item 4590-0918 of section 2 of chapter 46 of the acts of 2015, as amended
192 by Section 10 of chapter 70 of the acts of 2016, is hereby further amended by striking out the
193 figure, “ \$18,000,000” and inserting in place thereof the following figure:- \$18,700,000.

194 SECTION 15. Item 1595-1068 of section 2E of said chapter 46 is hereby amended by
195 adding the following words:- provided further, that the secretary of health and human services
196 shall make a supplemental payment of up to \$30,500,000 from the Medical Assistance Trust
197 Fund to the Cambridge public health commission for dates of service in federal fiscal year 2016
198 only after the Cambridge public health commission transfers up to \$15,250,000 of its funds to
199 the Medical Assistance Trust Fund using a federally-permissible source of funds which shall
200 fully satisfy the non-federal share of such payment; and provided further, that the secretary of
201 health and human services shall make a payment of up to \$89,608,450 from the Medical
202 Assistance Trust Fund to the Cambridge public health commission for qualifying state fiscal year
203 2016 public hospital transformation and incentive initiative payments only after the Cambridge
204 public health commission transfers up to \$44,804,225 of its funds to the Medical Assistance
205 Trust Fund using a federally-permissible source of funds which shall fully satisfy the non-federal
206 share of such payment.

207 SECTION 16. Said item 1595-1068 of said section 2E of said chapter 46 is hereby further
208 amended by striking out the figure “\$462,000,000” and inserting in place thereof the following
209 figure:- \$ 736,154,225.

210 SECTION 17. Notwithstanding any general or special legislation to the contrary, after
211 accounting for any re-appropriations in section 2C.I of this act, unexpended balances from item
212 7004-9024 in section 2 of chapter 46 of the acts of 2015, and unexpended balances from items

213 1599-0026, 7002-0021 and 7008-0900 which appear in section 2A of chapter 287 of the acts of
214 2014 shall revert to the General Fund at the end of fiscal year 2016.

215 SECTION 18. Item 7004-0108 in section 2 of chapter 133 of the acts of 2016 is hereby
216 amended by adding the following words:- ; provided further, that no family with a head of
217 household who is over 60 years of age or who is disabled, who is in compliance with the
218 requirements of a housing stabilization plan that reasonably accommodates disabilities, and who
219 otherwise meets all program eligibility requirements shall be denied short-term housing
220 assistance; provided further, that any such family with a head of household who is over 60 years
221 of age or who is disabled shall not have engaged in, or be engaged in, any activity that threatens
222 the health, safety or security of the family, other program participants or program staff.

223 SECTION 19. Item 1599-2040 in section 2B of chapter 133 of the acts of 2016 is hereby
224 amended by striking out the figure, “\$10,000,000” and inserting in place thereof the following
225 figure:- \$20,000,000.

226 SECTION 20. Notwithstanding subsection (c) of section 10 of chapter 152 of the acts of
227 1997, as amended, not later than June 30, 2016, a portion of the balance in the Convention
228 Center Fund up to but not to exceed \$60,000,000, which the state treasurer and the secretary of
229 administration and finance have determined to exceed the amount necessary to satisfy the
230 requirement of sufficiency under said subsection (c) of said section 10 of said chapter 152, as so
231 amended, shall be, upon request of said secretary of administration and finance, transferred to the
232 General Fund.

233 SECTION 21. Notwithstanding any general or special law to the contrary, the
234 Massachusetts Housing Finance Agency shall transfer \$1,500,000 from funds previously

235 appropriated, or loans repaid, that the Agency administers on behalf of the commonwealth as a
236 result of the program established pursuant to item 1231-1020 of section 2 of chapter 151 of the
237 acts of 1996, as inserted by section 72 of chapter 204 of the acts of 1996, to the comptroller to be
238 credited to the General Fund in fiscal year 2016.

239 SECTION 22. Notwithstanding any general or special law to the contrary, the department
240 of housing and community development shall direct \$7,500,000 from loans repaid under the
241 program established pursuant to section 27 of chapter 23B of the General Laws, to the
242 comptroller to be credited to the General Fund in fiscal year 2016; and provided further that the
243 provisions of sections 33-35 of chapter 260 of the General Laws shall not apply to impair the
244 enforceability of any mortgage granted under the program established pursuant to section 27 of
245 chapter 23B of the General Laws or any other mortgage in favor of the department of housing
246 and community development, the Massachusetts Housing Finance Agency or any other public
247 instrumentality that encumbers a multifamily residential property that is also the subject of a
248 recorded affordable housing restriction enforceable by or on behalf of the mortgagee.

249 SECTION 23. Notwithstanding any general or special law to the contrary, the
250 comptroller shall count as revenue in fiscal year 2016 any payments received by the
251 commonwealth in fiscal year 2017 that result from a settlement agreement that was executed by
252 the commonwealth on or before June 30, 2016, upon receiving certification from the attorney
253 general that the payment results from such an agreement.

254 SECTION 24. (a) For purposes of this section, the following terms shall have the
255 following meanings unless the context clearly requires otherwise:

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

258 “Commissioner”, the commissioner of the division of capital asset management and
259 maintenance.

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

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

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

273 (d) Notwithstanding any general or special law to the contrary, the agency shall be
274 reimbursed for reasonable costs and expenses of the transactions authorized in this section,
275 including the costs of any environmental review, hazardous waste remediation, surveys,
276 feasibility plans, legal and consultant fees, recording fees and deed preparation related to the
277 conveyances and for all costs, liabilities and expenses of any nature and kind related to the

278 agency's ownership of the property and paid by the agency to one or more third parties not
279 affiliated with the agency; provided, however, that such reimbursement shall be paid from the
280 proceeds of any sale or lease of the property or any portion thereof and the commonwealth shall
281 not be required to make any payments to the agency.

282 (e) (i) In the event that the agency does not complete its purchase of the property on or
283 before December 31, 2017, then notwithstanding sections 32 to 37, inclusive, of chapter 7C of
284 the General Laws or any other general or special law to the contrary, the commissioner may sell,
285 lease for terms of up to 99 years, including all renewals and extensions, or otherwise grant,
286 convey or transfer to purchasers or lessees an interest in the property or portions thereof, subject
287 to this section and on such terms and conditions that the commissioner considers appropriate.
288 For the purposes of this subsection e(i), the purchase by the agency shall be considered complete
289 upon the transfer of title to the property to the agency. Any disposition of the property, or portion
290 thereof, by the commissioner shall be accomplished using appropriate competitive bidding
291 processes and procedures. At least 30 days before the date on which bids, proposals or other
292 offers to purchase or lease the property, or any portion thereof, are due, the commissioner shall
293 place a notice in the central register published by the state secretary pursuant to section 20A of
294 chapter 9 of the General Laws stating the availability of the property, the nature of the
295 competitive bidding process and other information that the commissioner considers relevant,
296 including the time, place and manner for the submission of bids and proposals and the opening of
297 the bids or proposals.

298 (ii) Except for transfer of the property, or a portion thereof, to the agency pursuant to
299 subsection (b), the grantee or lessee of all or any portion of the property subject to this subsection
300 (e) shall be responsible for costs and expenses including, but not limited to, costs associated with

301 deed preparation and recording fees related to the conveyances and transfers authorized in this
302 section as such costs may be determined by the commissioner.

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

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

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

315 SECTION 25. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
316 General Laws or any other general or special law to the contrary, the governor may, in
317 consultation with the commissioner of the division of capital asset management and
318 maintenance, the commissioner of the department of conservation and recreation and the
319 department of the state police:

320 1. grant temporary licenses to the owners of estates abutting on the land acquired by
321 the commonwealth pursuant to chapter 256 of the acts of 1915 and chapter 250 of the acts of
322 1916 permitting entrance upon the grounds of the State House including portions that may be

323 located on Joy Place, and the erection of temporary construction equipment, including
324 scaffolding and related appurtenances, to the extent necessary for exterior maintenance and
325 repairs of party walls and walls of buildings abutting lot lines of the state house property, and
326 appurtenances thereto, and to perform construction work thereon as authorized by law;

327 2. take any other action deemed necessary to effect the purposes authorized pursuant
328 to this section.

329 (b) A license executed by the governor as provided by this section shall be upon such
330 terms, conditions and considerations as the governor, in consultation with the commissioner of
331 the division of capital asset management and maintenance, the commissioner of the department
332 of conservation and recreation and the superintendent of the state police, may determine.

333 (c) The consideration for said license shall be such reasonable amount as may be
334 determined by the governor. All revenue received from the issuance of said license shall be
335 deposited in the State House Capital Fund established pursuant to section 35DDD of chapter 10
336 of the General Laws.

337 SECTION 26. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
338 Laws or any other general or special law to the contrary, the governor may, in consultation with
339 the commissioner of the division of capital asset management and maintenance, the
340 commissioner of the department of conservation and recreation and the superintendent of the
341 state police, convey to the owners of estates abutting on the land acquired by the commonwealth
342 pursuant to chapter 256 of the Acts of 1915 and chapter 250 of the acts of 1916 a portion of the
343 land acquired by the commonwealth pursuant to chapter 256 of the Acts of 1915 and chapter 250
344 of the acts of 1916 permanent easements or such lesser interests as the governor may determine

345 for the purposes of using, maintaining and repairing existing walls, existing cornices, and
346 existing decorative balconies and minor existing encroachments onto state house property that
347 are appurtenant to existing buildings. Such easements may be granted for nominal consideration
348 and shall be subject to such terms and conditions as the governor may determine; provided,
349 however, that said easements shall not include the street area, accessibility ramp, or the window
350 wells described in sections 27 through 29.

351 SECTION 27. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
352 Laws or any other general or special law to the contrary, the governor may, in consultation with
353 commissioner of the division of capital asset management and maintenance, the commissioner of
354 the department of conservation and recreation, and the department of the state police, convey to
355 SDC-DLJ Beacon Hill, LLC or its designee a fee or lesser interest in a certain parcel of land
356 containing approximately 320 square feet and located within the southerly side of Joy Place
357 outside the existing state house fence, upon such terms as may be determined by the governor to
358 be in the best interest of the commonwealth. The conveyance shall be for the purpose of
359 permitting the grantee to use the parcel for accessory parking and vehicular turning room serving
360 the residential properties at 25 Beacon Street and 6 and 7 Mt. Vernon Place and shall contain
361 such terms and conditions as the governor deems to be in the interest of the commonwealth. Said
362 parcel is shown as Area 2 on the plan of land entitled “Worksheet Showing Spot Grades and
363 Compiled Property Lines 6&7 Mt Vernon Place, 25 Beacon Street,” dated December 19, 2013
364 and prepared by Feldman Professional Land Surveyors and annotated by CBT Architects on May
365 20, 2014. The boundaries of the parcel may be adjusted by the governor if necessary pursuant to
366 a survey. The consideration for said conveyance shall be the full and fair market value of the
367 conveyance as described in section 30.

368 SECTION 28. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
369 Laws or any other general or special law to the contrary, the governor may, in consultation with
370 the commissioner of the division of capital asset management and maintenance, the
371 commissioner of the department of conservation and recreation and the department of the state
372 police, convey to SDC-DLJ Beacon Hill, LLC or its designee a permanent easement in land of
373 the Commonwealth constituting part of the state house grounds for the purposes of constructing,
374 using, maintaining, repairing and replacing certain window wells at 25 Beacon Street; provided,
375 however, that said easement shall not include any restrictions on any property of the state house
376 outside the easement area. Said easement area is indicated as Area 3 on the plan referenced in
377 section 27. The boundaries of the parcel may be adjusted by the governor if necessary pursuant
378 to a survey. The grant of such easement shall be made upon terms determined by the governor to
379 be in the interest of the commonwealth and the consideration for such easement shall be the full
380 and fair market value thereof as described in section 30.

381 SECTION 29. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
382 Laws or any other general or special law to the contrary, the governor may, in consultation with
383 commissioner of capital asset management and maintenance, the commissioner of the
384 department of conservation and recreation and the department of the state police, enter into a
385 lease to SDC-DLJ Beacon Hill, LLC or its designee of air rights sufficient for the maintenance of
386 the existing wrought iron accessibility ramp appurtenant to the building located at 6 Mt. Vernon
387 Place. Such lease shall be for residential uses only and shall not be used as a legally required
388 means of access or egress. Successive leases may be entered into provided that no such lease
389 shall be for a term of longer than 25 years including options to extend or renew. The

390 consideration for such lease shall be the full and fair market value rental of the leasehold as
391 determined in section 30.

392 SECTION 30. Notwithstanding any general or special law to the contrary, the
393 consideration for the conveyances and lease described in sections 25 through 29, inclusive, shall
394 be the full and fair market value of the respective parcels as determined by the governor in
395 consultation with the commissioner of capital asset management and maintenance based upon 1
396 or more independent professional appraisals.

397 SECTION 31. (a) Notwithstanding any general or special law to the contrary, the
398 inspector general shall review and approve the appraisals required pursuant to section 30. The
399 inspector general shall prepare a report of his review of the methodology utilized for any such
400 appraisal and shall file the report with the governor, the commissioner of capital asset
401 management and maintenance, the senate and house committees on ways and means, the house
402 and senate committees on rules. . The inspector general shall complete said review and comment
403 within 15 days after receipt of the appraisals.

404 (b) The governor shall, after receipt of the inspector general's review and comments on
405 the appraisal required by subsection (a) and 30 days prior to the execution of any deed or
406 agreement authorized by sections 27 through 29, inclusive, submit the proposed deed or
407 agreement and a report thereon to the inspector general for review and comment. The inspector
408 general shall complete said review and comment within 15 days after receipt of the proposed
409 deed or agreement. The governor shall submit the proposed agreement, and the reports and the
410 comments of the inspector general, if any, to the senate and house committees on ways and

411 means, the house and senate committees on rules, and the joint committee on state administration
412 and regulatory oversight at least 15 days before the execution of the agreement.

413 SECTION 32. Notwithstanding any general or special law to the contrary, the lessor or
414 grantee shall be responsible for all costs and expenses, including but not limited to, costs
415 associated with any engineering, surveys, appraisals, and deed preparation related to the leases
416 and any amendment thereto or conveyances authorized pursuant to this act as such costs may be
417 determined by the governor for the development, maintenance, use and operation of any license,
418 easement or lease granted pursuant to sections 25 through 29, inclusive.

419 SECTION 33. Notwithstanding any general or special law to the contrary, any
420 unexpended balances, not exceeding a total of \$20,000,000, in items 4000-0600, 4000-0700 and
421 4000-1425 of section 2 of chapter 46 of the acts of 2015, as amended, shall not revert to the
422 General Fund until September 1, 2016 and may be expended by the executive office of health
423 and human services to pay for services enumerated in said items 4000-0600, 4000-0700 and
424 4000-1425 provided during fiscal year 2016.

425 SECTION 34. (a) Notwithstanding any general or special law to the contrary, the
426 executive office of health and human services shall submit an application to the federal Centers
427 for Medicare and Medicaid Services for a waiver of 42 U.S.C. section 1396b(w)(3)(B) and 42
428 U.S.C. section 1396b(w)(3)(C) relative to the nursing home assessment established in section 63
429 of chapter 118E of the General Laws.

430 (b) The waiver application shall seek approval to amend the groups of nursing facilities
431 subject to the assessment and the amount of assessment liability imposed on certain nursing
432 facilities. A nursing facility shall be classified as 1 of the following 4 groups: (i) group I,

433 nursing facilities that do not meet the criteria for group II, III or IV; (ii) group II, non-profit
434 continuing care retirement communities and non-profit residential care facilities; (iii) group III,
435 non-profit facilities with total Medicaid days in excess of a threshold level of days established in
436 regulations promulgated by the executive office of health and human services; and (iv) group IV,
437 non-pediatric facilities that do not meet the criteria for group II or III, have a number of licensed
438 beds lower than a threshold level of licensed beds established in regulations promulgated by the
439 executive office of health and human services, are located in a county specified in regulations
440 promulgated by the executive office of health and human services, and have a Medicaid
441 utilization rate in excess of or lower than a threshold Medicaid utilization rate established in
442 regulations promulgated by the executive office of health and human services. All facilities in
443 group I shall pay an assessment at the rate established in regulations promulgated by the
444 secretary of health and human services in conformity with the total annual assessment revenue
445 amount established by an appropriation act and section 63 of chapter 118E of the General Laws.
446 Nursing facilities in group II or group III shall pay an assessment at a rate equal to 10 per cent of
447 the assessment rate imposed on nursing facilities in group I. Nursing facilities in group IV shall
448 be exempt from liability for the assessment established in said section 63 of said chapter 118E
449 and as modified pursuant to this section. The waiver application shall be structured in a manner
450 that shall qualify it for automatic approval by the federal Centers for Medicare and Medicaid
451 Services pursuant to 42 C.F.R. 433.68, provided that if the federal Centers for Medicare and
452 Medicaid services nevertheless declines to approve such application, the executive office of
453 health and human services shall modify the application in such a way that results in approval by
454 the federal Centers for Medicare and Medicaid services.

455 SECTION 35. Notwithstanding any general or special law to the contrary, in fiscal year
456 2017 the department of veterans' services may maintain existing contracts and expend funds in
457 items 1410-0012 and 1410-0250 consistent with the preceding fiscal year until October 31, 2016,
458 to meet requirements set forth in state finance and procurement laws, to avoid the interruption or
459 delay in the delivery of services and funds in items 1410-0012 and 1410-0250.

460 SECTION 36. The salary adjustments and other economic benefits authorized by the
461 following collective bargaining agreements shall be effective for the purposes of section 7 of
462 chapter 150E of the General Laws:

463 (1) Between the Board of Higher Education and the Massachusetts Community College
464 Council; and

465 (2) Between the Commonwealth of Massachusetts and the New England Police
466 Benevolent Association, Unit 4A.