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Section 3 Local Aid Distribution

Additional local aid information based on the Governor's FY2017 Budget for individual cities and towns is available at <http://www.mass.gov/dor/local-officials/municipal-databank-and-local-aid-unit/>

SECTION 3.

Notwithstanding any general or special law to the contrary, for the fiscal year ending June 30, 2017 the distribution to cities and towns of the balance of the State Lottery and Gaming Fund, as paid from the General Fund in accordance with clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws, and additional funds from the General Fund and the Gaming Local Aid Fund shall be \$1,021,928,272 and shall be apportioned to the cities and towns in accordance with this section.

Notwithstanding section 2 of chapter 70 of the General Laws or any other general or special law to the contrary, except for section 12B of chapter 76 and section 89 of chapter 71 of the General Laws, for fiscal year 2017 the total amounts to be distributed and paid to each city and town from item 7061-0008 of section 2 shall be as set forth in the following lists. The specified amounts to be distributed from said item 7061-0008 of said section 2 shall be in full satisfaction of the amounts due pursuant to chapter 70 of the General Laws.

For fiscal year 2017, the foundation budget category of "low income enrollment" for the purpose of calculating foundation enrollment shall be the number of students identified as economically disadvantaged by qualifying as an "identified student" under the U.S. department of agriculture's "direct certification program" in any of the last 4 enrollment collections dating back to the prior year. Each district shall be assigned a low income decile based on its low income percentage which shall be calculated as its number of economically disadvantaged students over its total foundation enrollment. Each decile shall be assigned a low income rate, where the rate for the lowest percentage decile shall be \$3,775 and each subsequent decile shall increase by \$40 up to the highest percentage decile rate of \$4,135. All other foundation budget categories for each district shall be calculated in the same manner as in fiscal year 2016. The target local share shall be calculated using the same methodology used in fiscal year 2016. Preliminary local contribution shall be the municipality's fiscal year 2016 minimum required local contribution, increased or decreased by the municipal revenue growth factor; provided, that if a municipality's preliminary local contribution as a percentage of its foundation budget is more than 2.5 percentage points lower than the target local share, the preliminary contribution shall be recalculated using the municipality's revenue growth factor plus 1 percentage point; and if a municipality's preliminary contribution as a percentage of its foundation budget is more than 7.5 percentage points lower than the target local share, the preliminary contribution shall be recalculated using the municipality's revenue growth factor plus 2 percentage points. Minimum required local contribution for fiscal year 2017 shall be, for any municipality with a fiscal year 2017 preliminary contribution greater than its fiscal year 2017 target contribution, the preliminary local contribution reduced by 70 percent of the gap between the preliminary local contribution and the target local contribution. No minimum required local contribution shall be greater than 90 percent of the district's foundation budget amount. Required local contribution shall be allocated among the districts to which a municipality belongs in direct proportion to the foundation budgets for the municipality's pupils at each of those districts. For fiscal year 2017, the "foundation aid increment" shall be the difference between: (a) the positive difference between a district's foundation budget and its required district contribution; and (b) prior year aid. The "minimum aid increment" shall be equal to \$20 multiplied by the district's foundation enrollment minus the foundation aid increment.

Chapter 70 aid for fiscal year 2017 shall be the sum of prior year aid plus the foundation aid increment, if any, plus the minimum aid increment, if any. No non-operating district shall receive chapter 70 aid in an amount greater than the district's foundation budget.

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If there is a conflict between the language of this section and the distribution listed below, the distribution below shall control.

The department of elementary and secondary education shall not consider health care costs for retired teachers to be part of net school spending for any district in which such costs were not considered part of net school spending in fiscal year 1994, and in which such district has not accepted the provisions of section 260 of chapter 165 of the acts of 2014.

No payments pursuant to this section to cities, towns or counties maintaining an agricultural school shall be made after November 30 of the fiscal year until the commissioner of revenue certifies acceptance of the prior fiscal year's annual financial reports submitted pursuant to section 43 of chapter 44 of the General Laws. Advance payments shall be made for some or all of periodic local reimbursement or assistance programs to any city, town, regional school district or independent agricultural and technical school that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary of administration and finance, under guidelines established by the secretary.

MUNICIPALITY	Chapter 70	Unrestricted General Government Aid
ABINGTON	7,511,389	1,891,429
ACTON	0	1,344,968
ACUSHNET	6,206,332	1,457,837
ADAMS	0	2,250,995
AGAWAM	19,004,512	3,542,159
ALFORD	0	13,493
AMESBURY	8,913,737	1,870,518
AMHERST	5,978,978	8,094,716
ANDOVER	9,311,214	1,718,058
AQUINNAH	0	2,247
ARLINGTON	10,823,599	7,294,509
ASHBURNHAM	0	764,476
ASHBY	0	421,006
ASHFIELD	93,413	178,502
ASHLAND	5,834,055	1,300,239
ATHOL	22,469	2,545,528
ATTLEBORO	35,411,448	5,485,230
AUBURN	8,792,968	1,646,647
AVON	1,335,023	666,409
AYER	0	727,877
BARNSTABLE	9,666,582	2,022,453
BARRE	0	864,738
BECKET	76,563	87,318
BEDFORD	4,261,554	1,103,725
BELCHERTOWN	13,589,551	1,635,974
BELLINGHAM	8,352,435	1,631,492
BELMONT	7,096,024	2,170,979

MUNICIPALITY	Chapter 70	Unrestricted General Government Aid
BERKLEY	3,908,128	585,020
BERLIN	444,080	193,850
BERNARDSTON	0	279,649
BEVERLY	7,595,127	5,614,909
BILLERICA	18,723,824	5,598,864
BLACKSTONE	122,447	1,316,049
BLANDFORD	43,655	122,086
BOLTON	4,366	189,835
BOSTON	213,880,735	182,163,335
BOURNE	4,966,363	1,409,475
BOXBOROUGH	0	242,536
BOXFORD	1,658,333	467,404
BOYLSTON	455,813	329,343
BRAINTREE	16,246,978	5,501,967
BREWSTER	951,739	379,639
BRIDGEWATER	74,372	3,501,957
BRIMFIELD	1,214,392	374,868
BROCKTON	170,394,408	20,131,981
BROOKFIELD	1,410,825	474,733
BROOKLINE	12,612,632	6,104,455
BUCKLAND	0	294,407
BURLINGTON	5,840,456	2,518,004
CAMBRIDGE	12,266,845	20,655,784
CANTON	5,191,049	2,061,875
CARLISLE	886,655	210,922
CARVER	9,805,734	1,404,600
CHARLEMONT	61,250	168,067
CHARLTON	21,633	1,392,991
CHATHAM	0	144,704
CHELMSFORD	10,572,418	4,880,124
CHELSEA	70,494,941	7,896,731
CHESHIRE	0	590,656
CHESTER	126,262	173,105
CHESTERFIELD	133,114	132,749
CHICOPEE	59,666,405	11,071,877
CHILMARK	0	3,606
CLARKSBURG	1,777,100	349,773
CLINTON	11,839,239	2,263,387
COHASSET	2,440,736	494,676
COLRAIN	5,321	277,497
CONCORD	2,865,879	1,115,436

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MUNICIPALITY	Chapter 70	Unrestricted General Government Aid
CONWAY	612,684	171,837
CUMMINGTON	73,684	80,210
DALTON	236,011	1,093,940
DANVERS	6,499,937	2,738,485
DARTMOUTH	9,493,206	2,423,784
DEDHAM	4,432,313	3,144,221
DEERFIELD	1,074,388	461,807
DENNIS	0	523,637
DEVENS	308,558	0
DIGHTON	0	743,465
DOUGLAS	8,595,240	701,668
DOVER	711,947	184,957
DRACUT	18,935,032	3,368,801
DUDLEY	18,150	1,717,908
DUNSTABLE	2,961	236,487
DUXBURY	4,922,699	852,276
EAST BRIDGEWATER	10,404,032	1,439,210
EAST BROOKFIELD	186,016	278,851
EAST LONGMEADOW	10,021,654	1,391,745
EASTHAM	342,996	143,247
EASTHAMPTON	7,811,317	2,702,553
EASTON	9,696,596	2,105,551
EDGARTOWN	666,877	64,046
EGREMONT	0	60,665
ERVING	442,970	64,624
ESSEX	0	235,409
EVERETT	64,152,883	6,642,634
FAIRHAVEN	7,464,140	2,168,152
FALL RIVER	107,141,308	22,912,863
FALMOUTH	5,586,238	1,332,997
FITCHBURG	47,362,885	8,205,292
FLORIDA	540,972	47,857
FOXBOROUGH	8,717,600	1,432,154
FRAMINGHAM	40,393,871	9,565,912
FRANKLIN	27,695,206	2,375,806
FREETOWN	444,210	913,004
GARDNER	19,182,605	4,074,379
GEORGETOWN	5,359,788	688,782
GILL	0	233,871
GLOUCESTER	6,302,472	3,840,097
GOSHEN	96,111	76,920

MUNICIPALITY	Chapter 70	Unrestricted General Government Aid
GOSNOLD	16,414	2,016
GRAFTON	10,714,830	1,503,368
GRANBY	4,573,355	848,957
GRANVILLE	0	154,155
GREAT BARRINGTON	0	729,697
GREENFIELD	12,073,192	3,052,555
GROTON	0	744,800
GROVELAND	42,110	699,891
HADLEY	965,269	436,378
HALIFAX	2,726,197	872,805
HAMILTON	0	645,991
HAMPDEN	0	661,509
HANCOCK	202,470	54,286
HANOVER	6,706,054	2,036,793
HANSON	58,345	1,231,266
HARDWICK	8,345	447,619
HARVARD	1,862,101	1,423,910
HARWICH	0	414,160
HATFIELD	802,746	300,011
HAVERHILL	49,317,827	9,449,911
HAWLEY	35,202	41,610
HEATH	0	80,447
HINGHAM	6,842,695	1,517,438
HINSDALE	104,683	214,083
HOLBROOK	5,509,030	1,418,691
HOLDEN	5,275	1,838,299
HOLLAND	914,023	194,067
HOLLISTON	7,271,630	1,488,960
HOLYOKE	70,671,014	9,764,983
HOPEDALE	5,962,665	626,968
HOPKINTON	6,030,823	755,305
HUBBARDSTON	0	433,114
HUDSON	11,396,461	1,917,322
HULL	3,754,286	2,037,652
HUNTINGTON	257,686	331,372
IPSWICH	3,115,640	1,543,414
KINGSTON	4,238,245	922,882
LAKEVILLE	73,946	786,715
LANCASTER	8,257	919,079
LANESBOROUGH	756,083	331,669
LAWRENCE	177,930,156	18,878,674

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MUNICIPALITY	Chapter 70	Unrestricted General Government Aid
LEE	2,007,939	598,798
LEICESTER	9,605,812	1,669,447
LENOX	1,208,590	512,497
LEOMINSTER	43,672,027	5,502,877
LEVERETT	281,836	171,624
LEXINGTON	11,166,721	1,473,560
LEYDEN	0	79,165
LINCOLN	967,767	654,570
LITTLETON	3,840,833	683,464
LONGMEADOW	4,490,006	1,343,327
LOWELL	138,588,381	24,218,151
LUDLOW	13,471,748	2,937,246
LUNENBURG	6,248,530	1,016,777
LYNN	147,691,942	21,527,404
LYNNFIELD	4,131,921	999,980
MALDEN	48,586,999	12,062,930
MANCHESTER	0	213,824
MANSFIELD	18,468,919	2,144,712
MARBLEHEAD	5,529,724	1,094,898
MARION	679,158	216,950
MARLBOROUGH	23,016,561	5,234,015
MARSHFIELD	14,151,513	2,082,916
MASHPEE	4,435,321	353,752
MATTAPOISETT	782,315	389,693
MAYNARD	4,628,123	1,510,550
MEDFIELD	5,975,759	1,393,771
MEDFORD	11,550,781	11,662,844
MEDWAY	10,221,319	1,173,042
MELROSE	8,035,316	4,931,008
MENDON	17,749	392,923
MERRIMAC	39,015	808,989
METHUEN	41,682,773	5,227,821
MIDDLEBOROUGH	17,601,629	2,370,560
MIDDLEFIELD	13,200	51,114
MIDDLETON	1,582,471	526,087
MILFORD	21,938,740	2,936,797
MILLBURY	6,958,043	1,702,613
MILLIS	4,682,217	1,006,662
MILLVILLE	70,437	391,647
MILTON	6,303,007	3,089,454
MONROE	49,377	17,679

MUNICIPALITY	Chapter 70	Unrestricted General Government Aid
MONSON	7,419,985	1,255,118
MONTAGUE	0	1,377,972
MONTEREY	0	44,455
MONTGOMERY	21,042	83,443
MOUNT WASHINGTON	32,776	28,822
NAHANT	490,383	363,294
NANTUCKET	3,041,413	76,182
NATICK	8,926,185	3,663,916
NEEDHAM	8,482,010	1,678,488
NEW ASHFORD	179,597	19,530
NEW BEDFORD	132,385,625	22,118,299
NEW BRAINTREE	0	126,928
NEW MARLBOROUGH	2,269	56,309
NEW SALEM	0	99,760
NEWBURY	16,844	497,951
NEWBURYPORT	3,767,817	2,452,232
NEWTON	20,480,657	5,650,430
NORFOLK	3,349,780	922,065
NORTH ADAMS	13,624,958	4,265,701
NORTH ANDOVER	8,016,217	1,970,470
NORTH ATTLEBOROUGH	20,143,586	2,766,235
NORTH BROOKFIELD	4,215,208	766,149
NORTH READING	6,851,627	1,707,214
NORTHAMPTON	7,217,569	4,226,061
NORTHBOROUGH	3,790,375	1,072,503
NORTHBRIDGE	15,321,921	2,029,585
NORTHFIELD	9,265	347,389
NORTON	12,512,735	1,998,387
NORWELL	3,460,673	1,030,723
NORWOOD	5,820,426	4,472,340
OAK BLUFFS	894,707	69,927
OAKHAM	5,880	184,471
ORANGE	5,201,299	1,553,879
ORLEANS	341,625	165,157
OTIS	0	34,972
OXFORD	10,343,479	1,977,095
PALMER	10,731,860	1,928,274
PAXTON	0	520,297
PEABODY	18,864,757	6,940,639
PELHAM	225,561	153,051
PEMBROKE	13,236,327	1,616,268

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MUNICIPALITY	Chapter 70	Unrestricted General Government Aid
PEPPERELL	0	1,435,056
PERU	89,104	109,808
PETERSHAM	427,018	110,229
PHILLIPSTON	0	177,359
PITTSFIELD	39,941,194	8,301,569
PLAINFIELD	39,513	48,238
PLAINVILLE	2,839,261	729,447
PLYMOUTH	24,033,437	3,767,571
PLYMPTON	712,910	228,107
PRINCETON	0	284,682
PROVINCETOWN	275,606	132,996
QUINCY	26,441,381	18,359,642
RANDOLPH	15,405,088	4,997,749
RAYNHAM	0	1,093,347
READING	10,317,379	3,117,100
REHOBOTH	0	1,002,278
REVERE	54,362,244	9,890,756
RICHMOND	349,624	104,025
ROCHESTER	1,771,922	408,373
ROCKLAND	13,244,361	2,541,816
ROCKPORT	1,412,566	420,726
ROWE	132,485	3,788
ROWLEY	25,266	519,243
ROYALSTON	0	172,860
RUSSELL	168,465	237,470
RUTLAND	0	889,450
SALEM	21,440,122	6,632,742
SALISBURY	33,688	607,522
SANDISFIELD	0	33,319
SANDWICH	6,799,218	1,083,723
SAUGUS	5,392,842	3,527,509
SAVOY	508,199	111,407
SCITUATE	5,244,261	1,934,249
SEEKONK	5,018,315	1,183,182
SHARON	7,018,887	1,345,974
SHEFFIELD	15,212	234,244
SHELBURNE	0	251,447
SHERBORN	562,333	208,269
SHIRLEY	0	1,261,506
SHREWSBURY	19,315,358	2,678,416
SHUTESBURY	615,726	163,053

MUNICIPALITY	Chapter 70	Unrestricted General Government Aid
SOMERSET	6,241,856	1,474,727
SOMERVILLE	19,823,828	24,226,179
SOUTH HADLEY	7,810,599	2,511,183
SOUTHAMPTON	2,490,766	612,659
SOUTHBOROUGH	2,834,291	420,544
SOUTHBRIDGE	20,326,113	3,382,636
SOUTHFIELD	0	0
SOUTHWICK	0	1,212,854
SPENCER	49,601	2,174,754
SPRINGFIELD	319,871,030	36,399,631
STERLING	0	666,595
STOCKBRIDGE	0	95,843
STONEHAM	3,887,159	3,573,444
STOUGHTON	15,113,667	3,079,009
STOW	2,191	404,767
STURBRIDGE	3,707,004	744,926
SUDBURY	4,590,455	1,345,946
SUNDERLAND	849,283	485,985
SUTTON	5,305,300	750,569
SWAMPSCOTT	3,236,195	1,244,577
SWANSEA	7,084,668	1,805,899
TAUNTON	55,445,220	8,087,075
TEMPLETON	8,256	1,340,791
TEWKSBURY	12,888,750	2,676,112
TISBURY	611,015	94,282
TOLLAND	0	17,772
TOPSFIELD	1,119,528	589,756
TOWNSEND	0	1,263,653
TRURO	297,044	28,927
TYNGSBOROUGH	7,203,214	929,209
TYRINGHAM	38,498	12,208
UPTON	19,248	511,914
UXBRIDGE	9,209,194	1,323,004
WAKEFIELD	5,698,785	3,239,210
WALES	933,261	227,105
WALPOLE	7,715,191	2,450,510
WALTHAM	9,876,886	9,233,209
WARE	9,311,180	1,659,994
WAREHAM	12,612,947	1,902,369
WARREN	0	869,917
WARWICK	0	122,284

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MUNICIPALITY	Chapter 70	Unrestricted General Government Aid
WASHINGTON	3,051	90,816
WATERTOWN	4,450,931	6,413,489
WAYLAND	3,763,053	869,138
WEBSTER	11,901,247	2,380,650
WELLESLEY	8,018,057	1,245,571
WELLFLEET	181,884	56,200
WENDELL	0	167,569
WENHAM	0	411,859
WEST BOYLSTON	2,926,645	766,089
WEST BRIDGEWATER	3,549,808	628,755
WEST BROOKFIELD	201,348	468,318
WEST NEWBURY	0	284,899
WEST SPRINGFIELD	24,082,496	3,446,013
WEST STOCKBRIDGE	0	93,488
WEST TISBURY	0	178,595
WESTBOROUGH	5,488,468	1,114,216
WESTFIELD	33,464,054	6,052,967
WESTFORD	16,534,785	2,043,382
WESTHAMPTON	460,570	139,329
WESTMINSTER	0	629,429
WESTON	3,088,774	359,663
WESTPORT	4,372,212	1,169,792
WESTWOOD	4,864,673	701,474
WEYMOUTH	27,658,645	8,383,979
WHATELY	253,980	129,036
WHITMAN	78,029	2,328,272
WILBRAHAM	0	1,407,209
WILLIAMSBURG	522,765	291,099
WILLIAMSTOWN	946,781	917,995
WILMINGTON	11,047,250	2,390,882
WINCHENDON	11,316,915	1,617,597
WINCHESTER	7,769,208	1,422,626
WINDSOR	26,342	99,850
WINTHROP	6,384,735	4,053,454
WOBURN	8,417,154	5,756,326
WORCESTER	235,339,093	39,957,279
WORTHINGTON	237,091	120,775
WRENTHAM	3,676,093	896,437
YARMOUTH	0	1,213,987
Total Municipal Aid	3,896,854,014	1,021,928,272

	Chapter 70
Regional School District	
ACTON BOXBOROUGH	14,503,256
ADAMS CHESHIRE	10,184,718
AMHERST PELHAM	9,379,437
ASHBURNHAM WESTMINSTER	10,598,273
ASSABET VALLEY	4,624,650
ATHOL ROYALSTON	17,207,160
AYER SHIRLEY	8,082,521
BERKSHIRE HILLS	2,801,923
BERLIN BOYLSTON	1,073,208
BLACKSTONE MILLVILLE	10,764,934
BLACKSTONE VALLEY	8,110,589
BLUE HILLS	4,573,716
BRIDGEWATER RAYNHAM	20,779,731
BRISTOL COUNTY	3,001,152
BRISTOL PLYMOUTH	10,800,899
CAPE COD	2,108,847
CENTRAL BERKSHIRE	8,572,799
CHESTERFIELD GOSHEN	736,760
CONCORD CARLISLE	2,175,589
DENNIS YARMOUTH	6,872,539
DIGHTON REHOBOTH	12,594,686
DOVER SHERBORN	1,768,626
DUDLEY CHARLTON	24,016,013
ESSEX NORTH SHORE	3,355,355
FARMINGTON RIVER	418,380
FRANKLIN COUNTY	3,458,821
FREETOWN LAKEVILLE	10,749,588
FRONTIER	2,784,275
GATEWAY	5,549,234
GILL MONTAGUE	6,114,489
GREATER FALL RIVER	15,844,943
GREATER LAWRENCE	22,489,321
GREATER LOWELL	23,784,242
GREATER NEW BEDFORD	24,771,185
GROTON DUNSTABLE	10,623,273
HAMILTON WENHAM	3,493,126
HAMPDEN WILBRAHAM	11,544,934
HAMPSHIRE	3,184,813
HAWLEMONT	616,307
KING PHILIP	7,322,570
LINCOLN SUDBURY	2,895,361
MANCHESTER ESSEX	2,878,048

Regional School District	Chapter 70
MARTHAS VINEYARD	2,789,325
MASCONOMET	4,965,264
MENDON UPTON	12,175,801
MINUTEMAN	2,184,747
MOHAWK TRAIL	5,940,254
MONOMOY	3,148,625
MONTACHUSETT	13,867,825
MOUNT GREYLOCK	1,715,863
NARRAGANSETT	9,789,764
NASHOBA	6,640,350
NASHOBA VALLEY	3,634,174
NAUSET	3,378,054
NEW SALEM WENDELL	671,492
NORFOLK COUNTY	1,185,854
NORTH MIDDLESEX	19,991,993
NORTHAMPTON SMITH	899,970
NORTHBORO SOUTHBORO	2,981,794
NORTHEAST METROPOLITAN	8,707,885
NORTHERN BERKSHIRE	4,650,236
OLD COLONY	3,224,859
OLD ROCHESTER	2,752,960
PATHFINDER	5,402,550
PENTUCKET	12,883,372
PIONEER	4,081,961
QUABBIN	16,386,038
QUABOAG	8,569,951
RALPH C MAHAR	5,352,850
SHAWSHEEN VALLEY	6,303,056
SILVER LAKE	7,848,542
SOMERSET BERKLEY	4,073,597
SOUTH MIDDLESEX	4,282,382
SOUTH SHORE	4,247,560
SOUTHEASTERN	14,894,785
SOUTHERN BERKSHIRE	1,902,546
SOUTHERN WORCESTER	10,107,282
SOUTHWICK TOLLAND GRANVILLE	9,660,418
SPENCER EAST BROOKFIELD	13,492,619
TANTASQUA	8,429,344
TRI COUNTY	5,596,883
TRITON	8,477,901
UPISLAND	829,442
UPPER CAPE COD	2,942,330

FY 2017 Governor's Budget Recommendation

	Chapter 70	Unrestricted General Government Aid
Regional School District		
WACHUSETT	25,742,586	
WHITMAN HANSON	24,298,365	
WHITTIER	8,841,207	
TOTALS	Chapter 70	
Total Regional Aid	687,154,947	
Total Municipal and Regional Aid	4,584,008,961	1,021,928,272

Section 4 - MassDOT Advertising

SECTION 4.

Section 3 of chapter 6C of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out paragraphs (47) and (48) and inserting in place thereof the following 3 paragraphs:-

(47) ensure regional equity related to transportation planning, construction, repair, maintenance, capital improvement, development and funding;

(48) designate a representative to act in its interest in labor relations matters with its employees; and

(49) sell, lease, or otherwise contract for advertising, including in or on the facilities of the department.

Summary:

This section reduces ambiguity by explicitly authorizing the Department of Transportation to sell, lease or otherwise contract for advertising, including on or in its own facilities.

Section 5 - Dual Enrollment Expansion

SECTION 5.

Section 39 of chapter 15A of the General Laws, as so appearing, is hereby amended by inserting after the word "education", in line 3, the following words:- or a non-profit, independent, degree-granting career technical institution.

Summary:

This section expands enrollment options for secondary school students participating in the state's "dual enrollment" program by permitting such students to enroll in nonprofit, degree-granting career technical institutions, in addition to public colleges.

Section 6 - Work-Related Expense Deduction

SECTION 6.

Section 37 of chapter 18 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the figure "150" and inserting in place thereof the following figure:- 200.

Summary:

This section changes the formula by which the amount of benefits under the Transitional Aid to Families with Dependent Children program is calculated by increasing the amount of work-related expenses that may be retained by the recipient from \$150 to \$200 per month.

Section 7 - MassHealth Delivery System Reform and SANE Trust Funds

SECTION 7.

Chapter 29 of the General Laws is hereby amended by inserting after section 2RRRR, inserted by section 48 of chapter 46 of the acts of 2015, the following 2 sections:

Section 2SSSS. There shall be established and set up on the books of the commonwealth a separate fund to be known as the MassHealth Delivery System Reform Trust Fund, referred to herein as the fund. The secretary of health and human services shall be the trustee of the fund and shall expend money in the fund for the purposes described herein. There shall be credited to the fund (a) any transfers from the Health Safety Net Trust Fund established by section 66 of chapter 118E, (b) an amount equal to any federal financial participation revenues claimed and received by the Commonwealth for eligible expenditures made from the fund, and (c) any revenue from appropriations or other monies authorized by the general court and specifically designated to be credited to the fund. Amounts credited to the fund shall be expended without further appropriation.

The fund's resources may be expended for Medicaid payments, including enhanced service payments, and incentive payments to qualifying providers or care organizations under an approved state plan or federal waiver; provided that, all payments from the MassHealth Delivery System Reform 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; and provided further that, effective October 1 of each provider or care organization rate year, the secretary of health and human services shall expend from the funds credited to this trust, for MassHealth services provided by qualifying acute care hospital providers under contract with the executive office of health and human services or under subcontracts with managed care organizations that contract with said executive office in connection with the MassHealth program, no less than the amount necessary to satisfy the non-federal share of \$250,000,000 in payments to said hospitals directly or to said managed care organizations for their payments to hospitals participating in their respective provider networks; provided further, that the sum of all projected payments to said hospitals or managed care organizations shall not exceed \$250,000,000 annually and such \$250,000,000 in payments shall be in addition to the sum of (a) the amount of reimbursement otherwise provided for and payable in each contract year to said hospitals under contracts executed pursuant to the request for applications issued periodically by the executive office of health and human services for the procurement of acute care hospital services under the MassHealth program; and (b) the portion, as determined by the secretary, of payments made under the contracts executed between managed care organizations and the executive office of health and human services which are projected to be needed by said managed care organizations for payments to hospitals contracted to participate in the provider networks of said managed care organizations. The funds credited and deposited into the fund, which are not expended for the \$250,000,000 in additional payments directed by the preceding sentence, may be expended for incentive payments to care organizations or providers under contract with the executive office of health and human services to provide MassHealth services, provided that all such incentive payments shall be consistent with the relevant provisions of the commonwealth's Medicaid state plan under Title XIX of the federal social security act, or any waiver of said Title XIX provisions granted by the federal centers for Medicare and Medicaid services.

To accommodate timing discrepancies between the receipt of revenue and related expenditures, the comptroller may certify for payment amounts not to exceed the most recent estimate of revenues as certified by the secretary of health and human services to be transferred, credited or deposited under this section. Monies remaining in the fund at the end of a fiscal year shall not revert to the General Fund; provided, however, that the comptroller shall report the amount remaining in the fund at the end of each fiscal year to the house and senate committees on ways and means.

Section 2TTTT. There shall be a Massachusetts Sexual Assault Nurse Examiner (SANE) Trust Fund to be administered by the commissioner of public health or a designee for the purpose of supporting the SANE program. There shall be credited to the trust fund all monies received from public or private sources for the SANE program, including, but not limited to, gifts, grants, donations,

bequests, contributions of cash or securities, contributions of services or property in kind from persons or other governmental, non-governmental, quasi-governmental or local governmental entities. Expenditures from the trust fund shall be made to support the SANE program, including, but not limited to: (i) costs of the SANE program, including coordination and oversight of SANE services; (ii) wrap-around services for sexual assault patients of all ages that may include medical follow-up, behavioral health intervention, or crisis intervention; (iii) training that supports certification and recertification of sexual assault nurse examiners, including expenditures for training consultants, materials and venues, continuing education, and professional development opportunities; (iv) educational, outreach, and technical assistance efforts for professional and public audiences that may include training and outreach material development and production; (v) costs associated with SANE and sexual assault programs, grants and initiatives of the director; and (vi) other services needed by the SANE program to support program operations and development. The department of public health may incur expenses, and the comptroller may certify amounts for payment, in anticipation of expected receipts; provided, however, that no expenditure shall be made from the fund which shall cause the fund to be in deficit at the close of the fiscal year. Amounts credited to the fund shall not be subject to further appropriation and monies remaining in the fund at the end of a fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year.

Summary:

This section establishes two new health-related trust funds.

New section 2SSSS establishes the MassHealth Delivery System Reform Trust Fund to support MassHealth delivery system reform payments under an approved 1115 Demonstration Waiver and increased Medicaid reimbursements to acute care hospitals. Funding sources for the fund include a portion of the acute hospital assessment and federal financial participation revenues for expenditures made from the fund.

New section 2TTTT establishes a statutory trust fund for the purpose of receiving funds from public or private sources, including philanthropic gifts and contributions, to support the Sexual Assault Nurse Examiner (SANE) Program.

Section 8 - GIC Contribution Ratios

SECTION 8.

Section 8 of chapter 32A of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following 2 sentences:- For policies of group life insurance and accidental death and dismemberment insurance, and group health insurance purchased by the commission in accordance with the provisions of sections 4, 5 and 10C, the commonwealth, on behalf of active employees and their dependents, shall contribute 75 per cent of the total monthly premium or rate applicable to said coverages and the active employees on behalf of themselves or themselves and their dependents shall contribute the remaining 25 per cent of the total monthly premium or rate. For such policies, the commonwealth, on behalf of retired employees and their dependents, shall contribute no less than 75 per cent of the total monthly premium or rate applicable to said coverages and the retired employees on behalf of themselves or themselves and their dependents shall contribute the remaining 25 per cent of the total monthly premium or rate, except, that upon approval by way of an annual, or more frequent appropriation act, the commonwealth may contribute more than 75 per cent but less than the entire total monthly premium or rate.

Summary:

Under current law, state employees hired before July 1, 2003, must contribute twenty percent of their monthly health insurance premium, while those hired thereafter contribute twenty-five percent. This

section equalizes that contribution at twenty-five percent.

Section 9 - Outsourcing Facilities Technical Amendment

SECTION 9.

Section 7 of chapter 94C of the General Laws, as amended by sections 82 and 83 of chapter 46 of the acts of 2015, is hereby further amended by inserting after the word "druggist", each time it appears in the fifth and sixth sentences, the following words:- "or outsourcing facility".

Summary:

This section permits the Board of Registration in Pharmacy to extend an existing fee for a controlled substance registration, applicable to pharmacies and other similar entities, to outsourcing facilities.

Section 10 - Laboratory Analysis of Cocaine

SECTION 10.

Section 31 of said chapter 94C, as appearing in the 2014 Official Edition, is hereby amended by striking out clause (4) of paragraph (a) of Class B and inserting in place thereof the following clause:-

(4) Coca leaves, and the salts, optical and geometric isomers and salts of isomers, excluding coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; of cocaine, ecgonine, pseudococaine, allococaine and pseudoallococaine, their derivatives, their salts, isomers and salts of their isomers; or any compound, mixture, or preparation which contains any quantity of any of the substances referred to in this paragraph.

Summary:

Under current law cocaine is defined as coming from a plant, requiring the State Police lab to conduct a separate test to confirm that each sample of cocaine it analyzes is not synthetically produced. This section brings the Massachusetts definition of cocaine in line with that of the majority of states, eliminating the need for that separate test and realizing associated cost, time and resource savings at the lab.

Section 11 - MassHealth Estate Recovery

SECTION 11.

Chapter 118E of the General Laws is hereby amended by striking out sections 31 and 32 , as so appearing, and inserting in place thereof the following 2 sections:-

Section 31. (a) This subsection shall apply to estates of individuals dying prior to April 1, 1995. There shall be no adjustment or recovery of medical assistance correctly paid except as follows:

(1) Recovery from the Permanently Institutionalized: From the estate of an individual, regardless of age, who was an inpatient in a nursing facility or other medical institution when he or she received such assistance. Recovery of such assistance shall be limited to assistance provided on or after

March 22, 1991.

(2) Recovery from Persons Age 65 and Over: From the estate of an individual who was 65 years of age or older when such individual received such assistance. Any recovery may be made only after the death of the surviving spouse, if any, and only at a time when such individual has no surviving child who is under age 21 or is blind or permanently and totally disabled. The division shall waive recovery where it would result in undue hardship, as defined by the division in its regulations.

(b) This subsection shall apply to estates of individuals dying on or after April 1, 1995. There shall be no adjustments or recovery of medical assistance correctly paid except as follows:

(1) Recovery from the Permanently Institutionalized: From the estate of an individual, regardless of age, who was an inpatient in a nursing facility or other medical institution when he or she received such assistance. Recovery of such assistance shall be limited to assistance provided on or after March 22, 1991.

(2) Recovery from Persons Age 65 and Over: From the estate of an individual who was 65 years of age or older when he or she received such assistance.

(3) Recovery from Persons Age 55 and Over for Post-October 1, 1993 Medicaid: From the estate of an individual who was 55 years of age or older when he or she received such assistance, where such assistance was for services provided on or after October 1, 1993.

Any recovery may be made only after the death of the surviving spouse, if any, and only at a time when he or she has no surviving child who is under age 21 or is blind or permanently and totally disabled. The division shall waive recovery if such recovery would work an undue hardship, as defined by the division in its regulations.

(b 1/2) This subsection shall apply to estates of individuals dying on or after July 1, 2016. An estate of an individual who was a "full benefit dual eligible", as defined under 42 U.S.C. section 1396u-5, shall be responsible for repaying the state Medicaid program contributions the state made on or after July 1, 2016, to the secretary of the federal Department of Health and Human Services for the federal assumption of prescription costs for such dual eligible under 42 U.S.C. section 1396u-5(c).

Any recovery under this subsection or subsections (a), (b) or (d) may be made only after the death of the surviving spouse of the individual who received assistance, if any, and only at a time when the individual who received assistance has no surviving child who is under age 21 or is blind or permanently and totally disabled. The division shall waive recovery if such recovery would work an undue hardship, as defined by the division in its regulations. In the event insufficient estate assets are available to repay the full amount due, any amounts recovered shall first be applied to the amount due under this subsection.

(c) For purposes of this section, if an individual became eligible for medical assistance prior to July 1, 2016, the term "estate" shall mean all real and personal property and other assets includable in the decedent's probate estate under the General Laws.

If an individual became eligible for medical assistance on or after July 1, 2016, the term "estate" shall mean any interest in real and personal property and other assets in which the individual immediately prior to death had any legal title or interest, to the extent of such interest. This shall include interests in real and personal property and other assets that would pass to a survivor, heir or assignee of the decedent through joint tenancy, tenancy by the entirety, life estate, living trust, right of survivorship, beneficiary designation or other arrangement. This shall not include annuities and life insurance held on the life of a decedent, with the exception of payments otherwise includable in the decedent's probate estate.

Notwithstanding any general or special law to the contrary, nothing in this section shall limit the division's right to receive payment where it is named or should have been named as a beneficiary under an annuity in accordance with 42 U.S.C. section 1396p(b)(1)(B).

(d) This subsection shall apply to the estates of individuals who became eligible for medical assistance on or after July 1, 2016. The division may also recover medical assistance correctly paid from the estate of that individual's surviving spouse. Recovery shall be limited to any legal title or interest in assets held by the predeceased individual's estate immediately prior to death that is includable in the estate of the surviving spouse.

(e) The division is also authorized during an individual's lifetime to recover all assistance correctly provided on or after April 1, 1995, if property against which the division has a lien or encumbrance under section 34 is sold. No lien or encumbrance shall be valid against any bona fide purchaser for value or take priority against any subsequent mortgagee for value unless and until it is recorded in the registry of deeds where the property lies. If the individual at any time or after July 1, 2016, was a "full benefit dual eligible", as defined under 42 U.S.C. section 1396u-5, the amount due shall also include contributions the state Medicaid program made on or after July 1, 2016, to the secretary of the federal Department of Health and Human Services for the federal assumption of prescription costs for such dual eligible under 42 U.S.C. section 1396u-5(c). In the event insufficient assets exist from the proceeds from the sale to repay both the amount of assistance provided and payments for the federal assumption of prescription costs, any amounts recovered shall first be applied to payments for the federal assumption of prescription costs.

Repayment shall not be required under this subsection while any of the following relatives lawfully resides in the property: (1) a sibling who had been residing in the property for at least 1 year immediately prior to the individual being admitted to a nursing facility or other medical institution; or (2) a child who (i) had been residing in the property for at least 2 years immediately prior to the parent being admitted to a nursing facility or other medical institution; and (ii) establishes to the satisfaction of the division that he provided care which permitted the parent to reside at home during that 2 year period rather than in an institution; and (iii) has lawfully resided in the property on a continuous basis while the parent has been in the medical institution.

If repayment is not yet required because a relative specified above is still lawfully residing in the property and the individual wishes to sell the property, the purchaser shall take possession subject to the lien or the division shall release the lien if the individual agrees to (1) either set aside sufficient assets to satisfy the lien or give bond to the division with sufficient sureties and (2) repay the division as soon as the specified relative is no longer lawfully residing in the property. Notwithstanding the foregoing or any general or special law to the contrary, the division and the parties to the sale may by agreement enter into an alternative resolution of the division's lien.

This subsection shall not limit the division's ability to recover from the individual's estate under subsection (a), (b) or (b 1/2), or the individual's surviving spouse's estate under subsection (d), or as otherwise provided under any general or special law.

Section 32. (a) Notwithstanding any general or special law to the contrary, a petition for admission to probate of a decedent's will or for administration of a decedent's estate shall include a sworn statement that copies of said petition and death certificate have been sent to the division by certified mail in accordance with sections 3-306(f) and 3-403(f) of chapter 190B. Within 30 days of a request by the division, a personal representative shall complete and send to the division by certified mail on a form prescribed by the division information about all real and personal property and other assets in which the decedent immediately prior to death held any legal title or interest, including the identity and addresses of all persons and entities to whom legal title or interest passed, and shall provide such further information as the division may require.

In the event a petitioner fails to send copies of the petition and death certificate to the division, or the personal representative or the family, guardian, conservator, or heirs of a decedent fail to complete and send the form prescribed by the division, and division is authorized to recover under section 31, any person receiving a distribution of assets from the decedent's estate or any person or entity to whom the decedent's legal title or interest passed, shall be liable to the division to the extent of such distribution. Further, in the case of real and personal property and other assets not includable in the decedent's probate estate under the General Laws, if the form received by the division fails to disclose the existence of any assets or property in which the decedent immediately prior to death held any legal interest or title, and the identity and address of the person or entity to whom legal title or interest passed, said form shall not be considered a completed form and the time period for the division to present its claim against said assets and property shall not begin to run under clause (2) of subsection (b) until such information is received by the division.

(b) The division may present claims after the death of an individual who received medical assistance as follows:

(1) With respect to claims against all real and personal property and other assets includable in the decedent's probate estate under the General Laws, the division may:

(i) within 4 months after approval of the official bond of the personal representative, file a written statement of the amount claimed with the registry of probate where the petition was filed and deliver or mail a copy thereof to the personal representative. The claim shall be deemed presented upon the filing of the claim in the registry of probate; or

(ii) within 1 year after date of death of the decedent, commence an action under the provisions of section 3-803 of chapter 190B.

(2) Claims against the estate of a surviving spouse shall also be presented within the time frames under subsection (b)(1)(i) and (ii).

(3) With respect to claims filed against any real and personal property and other assets not includable in the decedent's probate estate under the General Laws, but in which the decedent immediately prior to death had any legal title or interest, the division may within 1 year of date of death, or within 4 months of receipt of the completed form prescribed under (a), whichever is later, deliver or mail a written statement of the amount claimed to the last known address of the person or entity to whom the decedent's legal title or interest passed, and in the case of real property, file written notice of the claim with the registry of deeds where the property lies. The claim shall be deemed presented upon the delivery or mailing of the written statement to the last known address of the person or entity to whom the decedent's legal title or interest passed, or in the case of real property, the date notice is filed with the registry of deeds. Notice filed with the registry of deeds shall include the name of the decedent, the amount of the claim, the name of the then current record owner or owners, and the book and page number or certificate number of the instrument of title. No claim or lien under this section shall be valid against any bona fide purchaser for value taking title prior to the date said notice referring to the affected real property has been recorded in the registry of deed in the county or registry district where the real property is located, or against any successor to such purchaser, nor shall it affect the interest of any person for whom a mortgage or other lien has been recorded prior thereto, or of any successor to said person; and there shall be no right of recovery against such purchaser or the holder of such interest, or their successors. If the individual or entity to whom the decedent's legal title or interest passed transfers or sells said property or asset prior to the division presenting its claim, that individual or entity shall be held personally liable to the division to the extent of the value of the decedent's legal title or interest, and in the case of real property, no written notice of the claim need be filed with the registry of deeds.

(c) When presenting its claim by written statement under subsection (b) against the estate of an individual who received medical assistance, the division shall also notify the personal representative, or the person or entity to whom legal title or interest passed, if the property or asset is not includable in the probate estate, of (1) the circumstances and conditions which must exist for the division to be required to defer recovery under section 31 and (2) the circumstances and conditions which must exist for the division to waive recovery under its regulations for undue hardship.

(d) The personal representative of the estate of an individual who received medical assistance, or if the property or asset is not includable in the probate estate, the person or entity to whom the notice was sent, shall have 60 days from the date of presentation to mail notice to the division by certified

mail of one or more of the following findings: (1) the claim is disallowed in whole or in part, or (2) circumstances and conditions where the division is required to defer recovery under section 31 exist, or (3) circumstances and conditions where the division will waive recovery for undue hardship under its regulations exist. A notice under clause (2) or (3) shall state the specific circumstances and conditions which exist and provide supporting documentation satisfactory to the division. Failure to mail notice under clause (1) shall be deemed an allowance of the claim. Failure to mail notice under clause (2) shall be deemed an admission that the circumstances or conditions where the division is required to defer recovery under section 31 do not exist. Failure to mail notice under clause (3) shall be deemed an admission that the circumstances and conditions for the division to waive recovery for undue hardship under its regulations do not exist. Where the claim is against the estate of the surviving spouse, the personal representative shall have 60 days from the date of presentment to mail notice to the division by certified mail that the claim is disallowed in whole or in part and failure to mail notice shall be deemed an allowance of the claim.

(e) If the division at any time within the period for presenting claims under subsection (b) amends the amount due, the personal representative, or if the property or asset is not includable in the probate estate, the person or entity to whom notice was sent, shall have an additional 60 days to mail notice to the division that the claim is disallowed in whole or in part.

(f) If the division receives a disallowance of the claim in whole or in part under subsection (d), the division may commence an action to enforce its claim in a court of competent jurisdiction within 60 days after receipt of said notice of disallowance. If the division receives a notice under clause (2) or (3) of said subsection (d), with which it disagrees, the division may commence an action in a court of competent jurisdiction within 60 days after receipt of said notice. If the division fails to commence an action after receiving a notice under clause (2) of said subsection (d), the division shall defer recovery while the circumstances or conditions specified in said notice continue to exist. If the division fails to commence an action after receiving a notice under clause (3) of said subsection (d), the division shall waive recovery while the circumstances and conditions for undue hardship continue to exist or as provided for under its regulations.

(g) Unless otherwise provided in any judgment entered, claims allowed pursuant to this section shall bear interest at the rate provided under section 6B of chapter 231 commencing as follows:

(1) In the case of a claim against the probate estate, 4 months plus 60 days after approval of the official bond of the personal representative.

(2) In the case of a claim against property or assets not includable in the probate estate, 60 days after (i) the written statement was mailed to the person or entity to whom the decedent's legal title or interest passed, or (ii) in the case of real property, the date notice is filed with the registry of deeds, whichever is later.

Notwithstanding the foregoing, if the division fails to commence an action after receipt of a notice under clause (2) or (3) of subsection (d), interest at the rate provided under section 6B of chapter 231 shall not commence until the circumstances or conditions specified in the notice received by the division cease to exist. The personal representative, or if the property or asset is not includable in the probate estate, the person or entity to whom legal title or interest passed, shall notify the division within 30 calendar days of any change in the circumstances or conditions asserted in said clause (2) or (3) notice, and upon request by the division, shall provide updated documentation verifying that the circumstances or conditions continue to exist.

If the division's claim has been allowed as provided herein, and, in the case of the claim against the estate of an individual who received medical assistance, no circumstances and conditions requiring that the division defer recovery under section 31 exist, it may petition the probate court for an order directing the personal representative to pay the claim to the extent that funds are available or for such further relief as may be required. Where the claim is against property or assets not includable in the probate estate, the division may commence such action against the person or entity to whom legal title or interest passed.

(h) Notice of a petition by a personal representative for a license to sell real estate shall be given to the division in any estate where:

(1) the division has filed a written statement of claim with the registry of probate as provided in subsection (b); or

(2) the division has filed with the registry of probate a notice, as prescribed under subsection (a) of

section 3-803 of chapter 190B, that an action has been commenced.

(i) In all cases where:

(1) the division determines it may have a claim against the estate of an individual who received medical assistance or the estate of a surviving spouse;

(2) a petition for administration of the decedent's estate or for admission to probate of the decedent's will has not been filed; and

(3) more than 1 year has passed from the decedent's date of death, the division may designate a public administrator to be appointed and to serve pursuant to chapter 194. Said designation by the division shall include a statement of the amount claimed. This provision shall apply to all estates in which no petition for administration of the decedent's estate or for admission to probate of the decedent's will has been filed, regardless of the decedent's date of death.

(j) If the personal representative, or the person or entity to whom legal title or interest passed, wishes to sell or transfer any real property against which the division has filed a lien or claim not yet enforceable because circumstances or conditions specified in section 31 continue to exist, the division shall release the lien or claim if the personal representative, or the person or entity to whom legal title or interest passed, agrees to (1) either set aside sufficient assets to satisfy the lien or claim, or to give bond to the division with sufficient surety or sureties and (2) repay the division as soon as the circumstances or conditions which resulted in the lien or claim not yet being enforceable no longer exist. Notwithstanding the foregoing provision or any general or special law to the contrary, the division and the parties to the sale may by agreement enter into an alternative resolution of the division's lien or claim.

(k) If there are probate assets includable in the decedent's probate estate, as well as other real and personal property and assets, not includable in the decedent's probate estate, the division's claim to the extent possible shall be satisfied from the probate estate. Notwithstanding the foregoing, the division's right to recover against the decedent's interest in property or assets not includable in the probate estate shall not be delayed. To the extent recovery is later received from the probate estate, any excess amount recovered shall be distributed on a pro rata basis to any individuals or entities to whom the decedent's legal title or interest title passed outside the probate estate and from whom the division has already recovered.

Summary:

This section would expand MassHealth's ability to recover benefits paid on behalf of a deceased MassHealth beneficiary, by allowing for the recovery of non-probate assets and the costs of Medicare Part D pharmacy payments made to the federal government, consistent with federal law.

Section 12 - MassHealth Delivery System Reform I

SECTION 12.

Section 64 of said chapter 118E, as so appearing, is hereby amended by striking out the definition of the term, "Total acute hospital assessment amount" and inserting in place thereof the following definition:-

"Total acute hospital assessment amount," an amount equal to \$410,000,000 plus 50 percent of the estimated cost, as determined by the secretary of administration and finance, of administering the health safety net and related assessments in accordance with sections 65 to 69, inclusive, including those assessments transferred to the MassHealth Delivery System Reform Trust Fund.

Summary:

This section increases the acute hospital assessment to support delivery system reform and increased Medicaid reimbursements to acute hospitals.

Section 13 - MassHealth Delivery System Reform II

SECTION 13.

Section 66 of said chapter 118E, as so appearing, is hereby amended by striking out the second sentence of clause (b) and inserting in place thereof the following 2 sentences:-

\$250,000,000 of the amounts paid by acute hospitals under section 67 and deposited to the fund shall be transferred and credited to the MassHealth Delivery System Reform Trust Fund, established under section 2SSSS of chapter 29. The office shall expend amounts in the fund, except for amounts transferred to the Commonwealth Care Trust Fund or the MassHealth Delivery System Reform Trust Fund, for payments to hospitals and community health centers for reimbursable health services provided to uninsured and underinsured residents of the commonwealth, consistent with the requirements of this section and section 69 and the regulations adopted by the office.

Summary:

This section transfers a portion of the acute care hospital assessment to the MassHealth Delivery System Reform Trust Fund, to support delivery system reform and increased Medicaid reimbursements to acute care hospitals.

Section 14 - MBTA Budget Date Change

SECTION 14.

Section 20 of chapter 161A of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words, "not later than April 15".

Summary:

This section eliminates the April 15 statutory date by which the MBTA must submit its final budget to the MBTA Advisory Board, to align better with the state's budget process.

Section 15 - Statewide Housing Court I

SECTION 15.

Section 1 of chapter 185C of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The housing court department, established in section 1 of chapter 211B, shall be composed of:

- (i) a western division consisting of the municipalities in Berkshire, Franklin, Hampden and Hampshire counties;
- (ii) a central division consisting of the municipalities in Worcester county and the municipalities of Ashland, Framingham, Hudson, Holliston, Hopkinton, Marlborough, Natick, Sudbury, Wayland and Sherborn;
- (iii) a northeastern division consisting of the municipalities in Essex county and the municipalities of Acton, Ashby, Ayer, Bedford, Billerica, Boxborough, Burlington, Carlisle, Chelmsford, Concord, Dracut, Dunstable, Everett, Groton, Lexington, Lincoln, Littleton, Lowell, Malden, Maynard, Melrose, North Reading, Pepperell, Reading, Shirley, Stoneham, Stow, Tewksbury, Townsend, Tyngsborough, Wakefield, Waltham, Watertown, Westford, Weston, Wilmington, Winchester and Woburn and the jurisdiction known as Devens established in chapter 498 of the acts of 1993;

(iv) a southeastern division consisting of the municipalities in Barnstable, Bristol, County of Dukes and Nantucket counties and the municipalities of Carver, Duxbury, Halifax, Hanson, Hanover, Hingham, Hull, Kingston, Lakeville, Marion, Marshfield, Mattapoisett, Middleborough, Norwell, Pembroke, Plymouth, Plympton, Rochester, Rockland, Scituate and Wareham;

(v) a metro south division consisting of the municipalities in Norfolk county, except Brookline, and the municipalities of Abington, Bridgewater, Brockton, East Bridgewater, West Bridgewater and Whitman; and (vi) an eastern division consisting of the municipalities in Suffolk county and the municipalities of Arlington, Belmont, Brookline, Cambridge, Medford, Newton and Somerville.

Summary:

This section and the two succeeding sections expand the housing court's jurisdiction, so that the court would sit in all parts of the state. This section re-organizes the housing court's existing five divisions into six divisions,

Section 16 - Statewide Housing Court II

SECTION 16.

Section 4 of said chapter 185C, as so appearing, is hereby amended by striking out the second, third, fourth and fifth paragraphs and inserting in place thereof the following 5 paragraphs:-

The eastern division of the housing court department shall hold at least 1 sitting each week in Suffolk county and at least 1 sitting each week in Middlesex county. The court, with the consent of the chief justice of the trial court, shall also sit in any other courthouse facilities as the chief justice of the housing court department may consider expedient or convenient.

The central division of the housing court department shall hold at least 1 sitting each week in the city of Worcester, at least 1 sitting each week in Middlesex county, at least 1 sitting each week in northern Worcester county and at least 1 sitting each week in southern Worcester county. The court, with the consent of the chief justice of the trial court, shall also sit in any other courthouse facilities as the chief justice of the housing court department may consider expedient or convenient.

The northeastern division of the housing court department shall hold at least 2 sittings each week in Essex county and at least 2 sittings each week in Middlesex county. The court, with the consent of the chief justice of the trial court, shall also sit in any other courthouse facilities as the chief justice of the housing court department may consider expedient or convenient.

The southeastern division of the housing court department shall hold at least 3 sittings each week in Bristol county, at least 1 sitting each week in Plymouth county and at least 1 sitting each week in Barnstable county. The court, with the consent of the chief justice of the trial court, shall also sit in such other courthouse facilities as the chief justice of the housing court department may consider expedient or convenient.

The metro south division of the housing court department shall hold at least 1 sitting each week in Norfolk county and at least 1 sitting each week in Plymouth county. The court, with the consent of the chief justice of the trial court, shall also sit in any other courthouse facilities as the chief justice of the housing court department may consider expedient or convenient.

Summary:

This section and the two sections surrounding it expand the housing court's jurisdiction, so that the court would sit in all parts of the state. This section establishes minimum days per week when a judge is required to sit in each division.

Section 17 - Statewide Housing Court III

SECTION 17.

Section 8 of said chapter 185C, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- There shall be 2 justices appointed for the western division, 2 justices appointed for the central division, 2 justices appointed for the northeastern division, 2 justices appointed for the metro south division, 2 justices appointed for the southeastern division, 2 justices appointed for the eastern division and 3 circuit justices who shall sit in any of the divisions as determined by the chief justice of the housing court department.

Summary:

This section and the two preceding sections expand the housing court's jurisdiction, so that the court would sit in all parts of the state. This section provides for the appointment of the additional judges necessary to preside over the six divisions of the housing court.

Section 18 - Earned Income Disregard I

SECTION 18.

Section 110 of chapter 5 of the acts of 1995 is hereby amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) The department shall establish levels of assistance that vary according to whether families qualify for the exempt categories of assistance established in subsection (e). Families of comparable size and financial circumstances that are determined to qualify for said exempt categories of assistance shall be awarded a higher standard of payment than the assistance awarded to families not so qualifying. The lower payment standard shall be 2 and 3/4 per cent below the higher standard. An earnings disregard of 50 per cent of earned income shall be provided to both exempt and nonexempt families subject to the terms of subsection (g). Neither said lower payment standard nor said 50 per cent disregard shall be effective unless the other provision is also effective.

Summary:

This section, together with the subsequent section, changes the formula by which the amount of benefits under the Transitional Aid to Families with Dependent Children program is calculated by increasing the amount of earned income that may be retained by the recipient to a flat 50%, regardless of whether the recipient is exempt from work requirements.

Section 19 - Earned Income Disregard II

SECTION 19.

Subsection (g) of said section 110 of said chapter 5 is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

(g) A recipient, or an applicant who has received transitional aid to families with dependent children within the last 4 calendar months, shall be eligible to have 50 percent of the remaining gross earned income, after work-related expenses but before dependent care deductions, disregarded for the entire period that any such recipient is eligible for assistance.

Summary:

This section, together with the preceding section, changes the formula by which the amount of benefits under the Transitional Aid to Families with Dependent Children program is calculated by increasing the amount of earned income that may be retained by the recipient to a flat 50%, regardless of whether the recipient is exempt from work requirements.

Section 20 - Tourism Trust Fund

SECTION 20.

Chapter 287 of the acts of 2014 is hereby amended by striking out sections 4, 27, 34, 91 and 120.

Summary:

This section keeps \$44 million of room occupancy taxes available for on-budget expenditures, rather than transferring those taxes to the off-budget Tourism Trust Fund. Chapter 287 of the acts of 2014 created the Tourism Trust Fund, and transferred a share of room occupancy taxes to it, but with a delayed effective date. As a result, the proposed structure has never been in effect.

Section 21 - Study of Public Counsel Services

SECTION 21.

The secretary of administration and finance or a designee, in consultation with the chairs of the house and senate committees on ways and means or their designees, the chief justice of the trial court or a designee, and a designee of the Committee for Public Counsel Services shall develop a set of recommended reforms to reduce aggregate expenditures on items 0321-1500, 0321-1504, 0321-1510, and 0321-1520 during fiscal year 2017. The secretary shall retain an independent consultant with demonstrated experience in evaluating measures of the workload of, services offered by, standards applicable to and the management and administration of, attorneys providing public counsel services. The Committee for Public Counsel Services shall promptly provide all information, data, and technical or other assistance requested by the secretary or the independent consultant. The study shall be funded by item 1599-2016.

The secretary shall submit a report detailing, without limitation: the set of recommended reforms, clearly defined goals and metrics for the number and types of cases to be staffed by public defenders, alternatives to hourly compensation for private counsel at a statutory rate, recommendations on strategies to maximize the efficiency and effectiveness of taxpayer dollars and any other recommendations to promote efficiency and effectiveness within the Committee for Public Counsel Services. The report shall be filed with the chairs of the house and senate committees on ways and means not later than November 1, 2016.

Summary:

This section requires the Secretary of Administration and Finance to consult with designees of the Legislature and courts and then, by November 1, 2016, report on a set of recommended reforms to reduce spending on public counsel services and promote efficiency and effectiveness within the Committee for Public Counsel Services.

Section 22 - Trial Court Transferability

SECTION 22.

Notwithstanding clause (xxiii) of the third paragraph of section 9A of chapter 211B of the General Laws or any other general or special law to the contrary, the court administrator may, from the effective date of this act through April 30, 2017, transfer funds from any item of appropriation within the trial court; provided, however, that the court administrator may not transfer more than 5 per cent of funds from items 0339-1001 and 0339-1003 to any other item of appropriation within the trial court. These transfers shall be made in accordance with schedules submitted to the house and senate committees on ways and means. The schedule shall include: (i) the amount of money transferred from any item of appropriation to any other item of appropriation; (ii) the reason for the necessity of the transfer; and (iii) the date on which the transfer shall be completed. A transfer under this section shall not occur until 10 days after the revised funding schedules have been submitted in written form to the house and senate committees on ways and means.

Summary:

This section, which has consistently appeared in prior budgets, would authorize the trial court to transfer appropriations within its divisions, as long as such transfers are executed by April 30, 2017. It would also limit transfers from the appropriations for probation and community corrections to 5% of those appropriations. The section requires 10 days advance notice to the Ways and Means committees before a transfer under this section can be executed.

Section 23 - Tobacco Settlement/OPEB Transfer

SECTION 23.

(a) Notwithstanding any general or special law to the contrary, the unexpended balances in items 0699-0014, 0699-0015, 0699-2005 and 0699-9100 shall be deposited into the State Retiree Benefits Trust Fund, established in section 24 of chapter 32A of the General Laws, not later than June 30, 2017. The amount deposited shall be an amount equal to 30 per cent of all payments received by the commonwealth in fiscal year 2017 under the master settlement agreement in Commonwealth of Massachusetts v. Philip Morris, Inc. et al., Middlesex Superior Court, No. 95-7378.

(b) Notwithstanding any general or special law to the contrary, the percentage increase set forth in section 152 of chapter 68 of the acts of 2011 shall not apply in fiscal year 2017.

Summary:

This section, which has appeared in prior budgets, authorizes the use of debt service reversions to pay for OPEB funding.

Section 24 - Inspector General's Health Care Audits

SECTION 24.

Notwithstanding any general or special law to the contrary, in hospital fiscal year 2017, the office of inspector general may expend a total of \$1,000,000 from the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws for costs associated with maintaining a health safety net audit unit within the office. The unit shall continue to oversee and examine the practices in all hospitals including, but not limited to, the care of the uninsured and the resulting charges. The unit shall also study and review the Medicaid program under said chapter 118E

including, but not limited to, reviewing the program's eligibility requirements, utilization, claims administration and compliance with federal mandates. The inspector general shall submit a report to the executive office of administration and finance and the house and senate committees on ways and means on the results of the audits and any other completed analyses on or before March 1, 2017.

Summary:

This section authorizes the Inspector General's Office to conduct audits of the Health Safety Net and the MassHealth program, at a cost of \$1M for fiscal year 2017. As in past years, this cost will be borne by the Health Safety Net Trust Fund.

Section 25 - Licensing Fees for Region C Facility

SECTION 25.

Notwithstanding any general or special law to the contrary, \$8,500,000 of any licensing fee paid to the Massachusetts Gaming Commission under subsection (d) of section 10 of chapter 23K during fiscal year 2017 shall be deposited in the Community Mitigation Fund established in section 61 of said chapter 23K, and the remainder of such licensing fees shall be deposited in the Commonwealth Stabilization Fund.

Summary:

This section dedicates any licensing fees that are collected in fiscal year 2017 as a result of licensing a Class 1 casino in Region C, under the gaming law, to the Stabilization Fund, after \$8.5 million of those fees is transferred to the Community Mitigation Fund.

Section 26 - Commonwealth Care Trust Fund Transfer

SECTION 26.

Notwithstanding any general or special law to the contrary, the comptroller shall transfer up to \$110,000,000, if the secretary of administration and finance requests in writing, to the General Fund from the Commonwealth Care Trust Fund established in section 2000 of chapter 29 of the General Laws.

Summary:

This section would require the Comptroller to transfer up to \$110,000,000 from the Commonwealth Care Trust Fund to the General Fund.

Section 27 - FY2016 Consolidated Net Surplus

SECTION 27.

Notwithstanding any general or special law to the contrary, prior to transferring the consolidated net surplus in the budgetary funds to the Commonwealth Stabilization Fund under section 5C of chapter 29 of the General Laws, the comptroller shall dispose of the consolidated net surplus in the budgetary funds for fiscal year 2016 as follows: (i) transfer 1/2 of the surplus, not to exceed \$10,000,000, to the Massachusetts Community Preservation Trust Fund established in section 9 of

chapter 44B of the General Laws; and (ii) transfer 1/2 of the surplus, not to exceed \$10,000,000, to the Massachusetts Life Sciences Investment Fund established in section 6 of chapter 23I of the General Laws.

Summary:

This section requires a transfer of up to \$10 million from any consolidated net surplus in fiscal year 2016 to the Community Preservation Trust Fund, and up to \$10 million to the Massachusetts Life Sciences Center, before the remaining funds are deposited into the Stabilization Fund.

Section 28 - Pension Cost of Living Adjustment

SECTION 28.

Notwithstanding any general or special law to the contrary, the amounts transferred pursuant to subdivision (1) of section 22C of chapter 32 of the General Laws shall be made available for the Commonwealth's Pension Liability Fund established in section 22 of said chapter 32. The amounts transferred pursuant to said subdivision (1) of said section 22C of said chapter 32 shall meet the commonwealth's obligations pursuant to said section 22C of said chapter 32, including retirement benefits payable by the state employees' retirement system and the state teachers' retirement system, for the costs associated with a 3 per cent cost-of-living adjustment pursuant to section 102 of said chapter 32, for the reimbursement of local retirement systems for previously authorized cost-of-living adjustments pursuant to said section 102 of said chapter 32 and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of 1984. The state board of retirement and each city, town, county and district shall verify these costs subject to rules, which shall be adopted by the state treasurer. The state treasurer may make payments upon a transfer of funds to reimburse certain cities and towns for pensions to retired teachers, including any other obligations which the commonwealth has assumed on behalf of any retirement system other than the state employees' retirement system or state teachers' retirement system, including the commonwealth's share of the amounts to be transferred pursuant to section 22B of said chapter 32. All payments for the purposes described in this section shall be made only pursuant to distribution of monies from the fund and any distribution and the payments for which distributions are required shall be detailed in a written report filed quarterly by the secretary of administration and finance with the house and senate committees on ways and means and the joint committee on public service in advance of the distribution. Distributions shall not be made in advance of the date on which a payment is actually to be made. The state board of retirement may expend an amount for the purposes of the board of higher education's optional retirement program pursuant to section 40 of chapter 15A of the General Laws. If the amount transferred pursuant to said subdivision (1) of said section 22C of said chapter 32 exceeds the amount necessary to adequately fund the annual pension obligations, the excess amount shall be credited to the Pension Reserves Investment Trust Fund established in subdivision (8) of section 22 of said chapter 32 for the purpose of reducing the unfunded pension liability of the commonwealth.

Summary:

This annual section explains how the Commonwealth is fulfilling its various obligations to the state retirement system, including the obligation to fund a 3% cost-of-living adjustment on the first \$13,000 of a retiree's annual retirement allowance.

Section 29 - Suspension of Tourism Formula

SECTION 29.

Notwithstanding any general or special law to the contrary, the formula for application of funds provided in section 35J of chapter 10 of the General Laws shall not apply in fiscal year 2017.

Summary:

This section suspends for fiscal year 2017 the so-called "tourism formula," which statutorily governs the distribution of monies deposited into the Tourism Fund.

Section 30 - Treatment of Capital Gains in FY17

SECTION 30.

Notwithstanding any general or special law to the contrary, the threshold above which the comptroller shall make any transfers attributable to capital gains tax collections under section 5G of chapter 29 of the General Laws shall be \$1,278,000,000 during fiscal year 2017.

Summary:

This section requires the Comptroller to transfer all capital gains tax collections that are above \$1.278 billion to the Stabilization Fund in fiscal year 2017. The Department of Revenue has previously certified the threshold for such transfers as \$1.128 billion, so this section makes \$150 million of capital gains tax revenue available for the budget. It is expected to result in the transfer of \$206 million to the Stabilization Fund consistent with the FY 2017 Consensus Tax Revenue estimate.

Section 31 - Special Education Inflation Rate Freeze

SECTION 31.

Notwithstanding any general or special law to the contrary, the operational services division which, under section 22N of chapter 7 of the General Laws, is responsible for determining prices for programs under chapter 71B of the General Laws, shall set those prices in fiscal year 2017 at the same level calculated for fiscal year 2016, except the prices for those programs for extraordinary relief, as defined in the division's regulations. Programs for which prices in fiscal year 2016 were lower than the full amount permitted by the operational services division may charge in fiscal year 2017 the full price calculated for fiscal year 2016.

Summary:

This section specifies that the state will pay private special education providers the same price that the state paid last fiscal year, except for those programs that qualify for "extraordinary relief" under Operational Service Division regulations.

Section 32 - Initial Gross Payments to Qualifying Acute Care Hospitals

SECTION 32.

Notwithstanding any general or special law to the contrary, on or before October 1, 2016 and without further appropriation, the comptroller shall transfer from the General Fund to the Health Safety Net Trust Fund established pursuant to section 66 of chapter 118E of the General Laws, in this section called the fund, the greater of \$45,000,000 or one-twelfth of the total expenditures to hospitals and community health centers required pursuant to this act, for the purposes of making initial gross payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1, 2016. These payments shall be made to hospitals before, and in anticipation of, the payment by hospitals of their gross liability to the fund. The comptroller shall transfer from the fund to the General Fund, not later than June 30, 2017, the amount of the transfer authorized by this section and any allocation of that amount as certified by the director of the health safety net office.

Summary:

This annual section requires the Comptroller to transfer sufficient money from the General Fund to the Health Safety Net Trust Fund to make the required initial gross payment to qualifying hospitals. It requires the Health Safety Net Trust Fund to repay the General Fund before the end of fiscal year 2017.

Section 33 - MassHealth Dental Coverage

SECTION 33.

Notwithstanding section 53 of chapter 118E of the General Laws, for fiscal year 2017, the executive office of health and human services may determine the extent to which to include within its covered services for adults the federally-optional dental services that were included in its state plan or demonstration program in effect on January 1, 2002; provided that dental services shall be covered for adults at least to the extent covered as of June 30, 2016.

Summary:

This section authorizes MassHealth to provide the same level of dental benefits that it is offering in fiscal year 2016.

Section 34 - Nursing Facility Assessment

SECTION 34.

Notwithstanding any general or special law to the contrary, the nursing home assessment established by subsection (b) of section 63 of chapter 118E of the General Laws shall be sufficient in the aggregate to generate in fiscal year 2017 the lesser of \$240,000,000, or an amount equal to 6 percent of the revenues received by the taxpayer, as the term "revenues received by the taxpayer" is defined in 42 C.F.R. § 433.68(F)(3)(i)(A).

Summary:

This section authorizes MassHealth to increase the current nursing facilities assessment up to the maximum amount allowed under federal law, but not more than \$240 million, in order to support higher nursing home payments.

Section 35 - Nursing and Resident Care Facility Base Year

SECTION 35.

Notwithstanding any general or special law to the contrary, nursing facility and resident care facility rates effective October 1, 2016 under section 13D of chapter 118E of the General Laws may be developed using the costs of calendar year 2007, or any subsequent year that the secretary of health and human services may select in the secretary's discretion.

Summary:

This section establishes 2007, or any subsequent year the Secretary of Health and Human Services may choose, as the base year for nursing facility and resident care facility rates in fiscal year 2017.

Section 36 - Massachusetts Hospital School Revenue Recovery

SECTION 36.

Notwithstanding any general or special law to the contrary, the city or town, charter school or regional school district that is responsible or assumes responsibility for a child who is admitted to the Massachusetts hospital school shall reimburse the commonwealth for the cost of the services provided by the Massachusetts hospital school that are described in the child's Individualized Education Plan. To the extent such services are eligible for federal financial participation under Title XIX or XXI of the social security act, such costs shall not exceed the non-federal share of such services.

Summary:

This section requires each city or town, charter school or regional school district that assumes responsibility for a child admitted to the Massachusetts Hospital School to reimburse the Commonwealth for services provided by the school as described in the child's special education plan.

Section 37 - Department of Mental Health Trust Funds

SECTION 37.

Notwithstanding any general or special law to the contrary, the comptroller shall transfer the following amounts to the General Fund not later than June 30, 2017: \$4,000,000 from the unexpended balance of the Mental Health Information System Trust Fund; \$2,000,000 from the H.C. Solomon Mental Health Center Trust Fund; \$658,436 from the Cape Cod and Islands Mental Health and Retardation Center Trust Fund; and \$1,000,000 from the Quincy Mental Health Center Trust Fund.

Summary:

This section authorizes a one-time transfer from three community health center trusts and the mental health information system trust to the General Fund.

Section 38 - DDS Commissioner's Trust Sweep

SECTION 38.

Notwithstanding any general or special law to the contrary, the comptroller shall transfer \$5,000,000 from the unexpended balance of the Department of Developmental Services Trust Fund, established in section 2RRR of chapter 29 of the General Laws, to the General Fund no later than June 30, 2017.

Summary:

This section authorizes a one-time transfer of unexpended funds from the Department of Developmental Services Trust Fund to the General Fund.

Section 39 - Authority to Restructure MassHealth Benefits

SECTION 39.

Notwithstanding section 53 of chapter 118E of the General Laws or any other general or special law to the contrary, the executive office of health and human services may manage the MassHealth program within the appropriated levels in items 4000-0430, 4000-0500, 4000-0600, 4000-0700, 4000-0875, 4000-0880, 4000-0885, 4000-0940, 4000-0950, 4000-0990, 4000-1400, and 4000-1420 by restructuring benefits to the extent permitted by federal law. At least 30 days before restructuring any MassHealth benefits under this section, the secretary shall file a report with the executive office for administration and finance and the house and senate committees on ways and means detailing the proposed changes and the anticipated fiscal impact of those changes.

Summary:

This section authorizes the Secretary of Health and Human Services to restructure MassHealth benefits to the extent permitted by federal law.

Section 40 - MassHealth Delivery System Reform Trust Fund Transfer

SECTION 40.

Notwithstanding any other provision of general or special law to the contrary, the secretary of health and human services shall make available \$73,500,000 from the MassHealth Delivery System Reform Trust Fund established by section 2SSSS of chapter 29 to the comptroller for deposit in the General Fund not later than June 30, 2017.

Summary:

This section authorizes a one-time transfer from the MassHealth Delivery System Reform Trust Fund to the General Fund to support the Medicaid program.

Section 41 - Transfers Between Health Funds

SECTION 41.

Notwithstanding any general or special law to the contrary, the executive office of health and human services and the health safety net office shall fund the hospital fiscal year 2017 payment amount to

each acute care hospital and community health center from the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws. Payments 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 section 66 and section 69 of said chapter 118E using sources distinct from the funding made available to the Health Safety Net Trust Fund. The secretary of administration and finance, in consultation with the secretary of health and human services and the executive director of the commonwealth health insurance connector authority, shall on a quarterly basis evaluate the revenue needs of the health safety net program funded by the Health Safety Net Trust Fund and any subsidized health insurance programs funded by the Commonwealth Care Trust Fund and may transfer monies between these funds as they determine appropriate. The secretary of administration and finance shall report any transfers made between the Health Safety Net Trust Fund and the Commonwealth Care Trust Fund to the house and senate committees on ways and means and the joint committee on health care financing within 30 days of the proposed transfer.

Summary:

This section authorizes payments to be made to acute care hospitals and community health centers from the Health Safety Net Trust Fund in hospital year 2017. This section also authorizes the use of other federally permissible sources of payment to fund up to \$70 million of additional payments for uncompensated care.

Section 42 - Charter School Funding Formula

SECTION 42.

Notwithstanding subsections (ff) and (gg) of section 89 of chapter 71 of the General Laws, or any other general or special law to the contrary, the per-pupil capital needs component of the commonwealth charter school tuition rate for fiscal year 2017 shall be \$893. Further, any district whose total charter school tuition amount in fiscal year 2017 is greater than its total charter school tuition amount for fiscal year 2016 shall be reimbursed by the commonwealth for an amount equal to 100 per cent of the increase in fiscal year 2017; provided that, notwithstanding subsection (gg) of said section 89 of said chapter 71, or any other general or special law to the contrary, any district whose total charter school tuition payments exceed 9 percent of net school spending in fiscal year 2017 as permitted in subsection (i)(3) of said section 89 of said chapter 71, shall also be reimbursed in fiscal year 2017 for 50 percent of the increase in its charter school tuition amount in fiscal year 2016, as compared to its charter school tuition amount in fiscal year 2015; provided further that such districts are also eligible for a reimbursement in fiscal year 2017 of up to 25 percent of the increase in its charter school tuition amount in fiscal year 2015, as compared to its charter school tuition amount in fiscal year 2014. If the amount appropriated in item 7061-9010 is insufficient to fully fund all reimbursements and payments specified herein and in such item, the department of elementary and secondary education shall fund the reimbursements and payments in the following order: (1) reimbursement of the per-pupil capital needs component; (2) the tuition payments for which the commonwealth is responsible under subsection (i)(2) and the fifth paragraph of subsection (ff) of said section 89 of said chapter 71; (3) the 100 per cent year-one reimbursement; (4) the 50 per cent year-two reimbursement to districts with charter payments exceeding 9 percent of net school spending as described above; (5) the 25 percent year-three reimbursement to districts with charter payments exceeding 9 percent of net school spending as described above; and (6) all other reimbursements authorized under subsections (ff) and (gg) of said section 89 of said chapter 71. Any district qualifying for the 50 per cent year-two reimbursement as described above shall submit to the commissioner of elementary and secondary education, by October 1, 2016, a plan for using its

reimbursements to ensure that the district maintains and improves the level and quality of educational services it provides to its students, notwithstanding reductions in enrollment and increases in charter school tuition, and shall also submit a year-end report to the commissioner by September 1, 2017 on the implementation of said plan.

Summary:

This section changes the formula for providing reimbursements in fiscal year 2017 to school districts experiencing increases in charter school tuition amounts as follows: (i) 100% of the increase in tuition amounts from fiscal year 2016 to fiscal year 2017; (ii) for any district with charter school payments exceeding 9% of net school spending in fiscal year 2017, an additional 50% of any increase in tuition amounts from fiscal year 2015 to fiscal year 2016; and (iii) for any such district, an additional 25% of any increase in tuition amounts from fiscal year 2014 to fiscal year 2015.

Section 43 - Western Turnpike Toll Use Clarification

SECTION 43.

Notwithstanding any general or special law to the contrary, if all notes and bonds issued by the department relating to the turnpike, as defined in section 1 of chapter 6C of the General Laws, and payable from turnpike revenues have been paid and all obligations pursuant to all trust agreements pertaining to such notes and bonds have been discharged, all revenue received from tolls, rates, fees, rentals and other charges for transit over or through all turnpike tolled roads, bridges or tunnels shall be applied, first, to the cost of owning, maintaining, repairing, reconstructing, improving, rehabilitating, policing, using, administering, controlling and operating such turnpike, and otherwise, to the cost of owning, maintaining, repairing, reconstructing, improving, rehabilitating, policing, using, administering, controlling and operating those portions of the state highway system outside the perimeter bounded by Route 128 that provide necessary access to such turnpike.

Summary:

This section provides transitional rules for spending Western Turnpike revenues in the event that the existing notes and bonds relating to the Western Turnpike are paid off. These rules ensure that Western Turnpike revenues will continue to be spent on the Western Turnpike and on related facilities.

Section 44 - MassDOT Advertising Effective Date

SECTION 44.

Clause (49) of section 3 of chapter 6C of the General Laws shall take effect as of November 1, 2009.

Summary:

This section makes the section clarifying MassDOT's authority over outdoor advertising effective as of November 1, 2009.

Section 45 - MassHealth Delivery System Reform Effective Dates

SECTION 45.

Sections 7, 12 and 13 of this Act shall take effect on October 1, 2016.

Summary:

This section provides that the sections pertaining to MassHealth's delivery system reform shall take effect on October 1, 2016.

Section 46 - Effective Date

SECTION 46.

Except as otherwise specified, this act shall take effect as of July 1, 2016.

Summary:

This annual section provides that the budget shall take effect on July 1, 2016.

