

SENATE No. 2582**The Commonwealth of Massachusetts**

PRESENTED BY:

Michael F. Rush

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the governance, structure and care of veterans at the Commonwealth's veterans' homes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>9/23/2021</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>9/24/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>9/24/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>9/24/2021</i>
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>	<i>9/24/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>9/24/2021</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>9/24/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>9/24/2021</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>9/24/2021</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>9/24/2021</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>9/24/2021</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>9/24/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>9/25/2021</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>9/25/2021</i>

<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>9/27/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>9/27/2021</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>9/27/2021</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>9/27/2021</i>
<i>John J. Cronin</i>	<i>Worcester and Middlesex</i>	<i>9/29/2021</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>9/29/2021</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>9/29/2021</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>9/29/2021</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>9/30/2021</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>10/13/2021</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>10/14/2021</i>

SENATE No. 2582

By Mr. Rush, a petition (accompanied by bill, Senate, No. 2582) (subject to Joint Rule 12) of Michael F. Rush, Anne M. Gobi, Joseph W. McGonagle, Jr., Joanne M. Comerford and other members of the General Court for legislation relative to the governance, structure and care of veterans at the Commonwealth's veterans' homes. Veterans and Federal Affairs.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act relative to the governance, structure and care of veterans at the Commonwealth's veterans' homes.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 17 of chapter 6 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by striking out, in lines 4 through 7, the following:- “and the
3 superintendent, the board of trustees of the Soldiers' Home in Holyoke, who shall have the title
4 of superintendent and is appointed by the board of trustees of the Soldiers' Home in Holyoke,”.

5 SECTION 2. Section 17A of chapter 6 of the General Laws is hereby amended by adding
6 after the word “transportation” the following:- “,the secretary of veterans affairs”.

7 SECTION 3. Section 39B of chapter 6 of the General Laws, as appearing in the 2018
8 Official Edition, is hereby amended by adding at the end thereof the following new section:-

9 SECTION 40A. Advisory Council of Massachusetts Veterans' Homes

(a) There shall be established a statewide Massachusetts Veterans' Homes Advisory Council, to be known as "The Massachusetts Veterans' Homes Advisory Council." The council shall consist of 12 members, of which 11 shall be voting members. All members of the advisory council shall be appointed by the governor. The council shall include the Adjutant General of the Massachusetts National Guard, or a designee; (1) member with professional knowledge in long-term health care or geriatric health care; (1) member with experience in labor relations; (1) member with experience in nursing; (1) member who shall be, by education or experience, qualified in business and fiscal management who shall have a demonstrated interest in the concerns of veterans; (1) member shall be qualified in clinical services who preferably has demonstrated experience treating post-traumatic stress disorder in veterans, who shall be appointed by the governor; (5) members shall be Massachusetts residents who are veterans who shall be appointed by the governor, (1) of whom shall be a female veteran, (1) of whom shall be a minority veteran, (1) of whom shall be a member of the LGBTQ veteran community, (1) of whom shall be a veteran who served prior to 1990, and (1) of whom shall be a veteran who served after 1990; and the executive director of veterans' homes and housing, under the executive office of veterans affairs, who shall serve as a non-voting member of the council.

The council shall elect a chairperson, a chairperson pro tempore, a secretary, and a clerk whose duties and responsibilities shall be set forth by the chairperson and approved by a vote of the council. The appointed members shall serve for a term of 3 years or until a successor is appointed. An appointed member may be removed for cause at any time during the member's term by the governor. A vacancy must be filled for the balance of the unexpired term in the same manner as the original appointment. Members of the council shall serve without compensation but may receive reasonable reimbursement for travel and expenses incurred in the discharge of

33 their duties. A majority of the appointed and serving members of the council shall constitute a
34 quorum of the council for the transaction of business. Actions of the council must be approved
35 by a majority vote of the members present at a meeting where a quorum is present.

36 The council shall meet as often as the chairperson deems necessary or appropriate but not
37 less than 4 times per calendar year. The council shall meet not less than biannually with
38 representatives of all unions employed at all state-operated veterans' homes and each
39 ombudsperson of the homes.

40 The council shall be included in the management and control of all state-operated
41 veterans' homes and all property, real and personal, belonging to the commonwealth and
42 occupied or used by said homes, and shall hold and administer in trust the property included in
43 the "legacy fund" and the "effects accounts," if and when the transfer thereof to the
44 commonwealth is effected pursuant to a decree of a court of competent jurisdiction, and in
45 accordance with the terms and conditions imposed by such decree. In the management and
46 control of said home as aforesaid, said advisory council shall have the same powers and perform
47 the same duties as are vested and imposed in the trustees of state hospitals under the provisions
48 of chapter 19, so far as applicable.

49 The council shall: (i) have the authority to visit and review the operation of Soldiers'
50 Homes; (ii) have the authority to review and comment on rules promulgated by the executive
51 office of veterans affairs concerning the homes before the rules are submitted for public
52 comment; (iii) have direct communications and establish effective working relationships and
53 lines of communication with appropriate state offices and staff; (iv) review and provide written
54 comments to the executive director of veterans' homes and housing and the secretary of veterans

affairs regarding the system of governance and oversight for the homes, which shall include all rules, regulations and laws necessary for effective management and preserving the health and welfare of the veterans admitted to state-operated veteran health care and long-term care facilities; (v) adopt standardized rules and regulations governing outpatient treatment, admission to and hospitalization in the homes; (vi) develop and amend bylaws that are consistent at all current or future state-operated veterans' homes, which shall include, but are not limited to, admissions eligibility and procedures, procurement, per diem rates, and staffing levels; (vii) monitor the progress of capital construction projects at the current or any future homes; (viii) develop a system of reviewing charges, complaints, and comments from, but not limited to, residents, family members of residents, and the ombudspersons for the homes; and (ix) consider nationally recognized models and guidelines for the delivery of health care in state-operated veterans' homes in the development of any by-laws, rules, procedures and protocols.

(b) The council shall provide recommendations to the executive director of veterans' homes and housing and the secretary of veterans affairs regarding the appointment of the superintendent and deputy superintendent for each state-operated veterans' home.

(c) The council shall establish a local stewardship body where each state-operated veterans' home is located. These local entities may act as representation for the local community, residents and family members of each home, and at least one member of each stewardship body shall be a family member of a resident of the home. The council shall adopt the necessary rules, regulations, by-laws, roles and responsibilities for local stewardship bodies. The council shall meet with each established stewardship body not less than biannually. Each stewardship body shall file a report annually with the council including, but not limited to, any issues at the home

and requests for improvements. Said report shall be forwarded to the executive director of veterans' homes and housing and the secretary of veterans affairs.

(d) All members of the council and stewardship bodies shall complete annual training regarding their roles and responsibilities. Training for council members shall include but not be limited to training on their fiduciary responsibilities pursuant to all applicable statutes and rules and processes mandated by the office of the comptroller and the executive office for administration and finance as well as procurement rules for public agencies.

(e) The council shall annually file a written report on its activities of the immediately preceding year. This report shall be submitted no later than 90 days following the end of the fiscal year and shall include, but not be limited to: (i) the census and demographics of each veterans' home; (ii) an accounting of all revenues received and expended; (iii) recommendations for improvements to the homes; (iv) staffing levels and the extent that staffing levels do or do not meet industry standards; (v) a list of complaints, charges or recommendations from patients, family members, and guardians and actions taken; (vi) all other matters the council considers pertinent. Said report shall be filed with the clerks of the house of representatives and the senate, and copies shall be forwarded to the chairs of the joint committee on veterans and federal affairs, the joint committee on public health and the house and senate committees on ways and means.

SECTION 4. Section 16 of chapter 6A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 34 through 37, the following:- "(5) the department of veterans' services under the direction of the secretary of veterans' services, who shall be appointed by the governor, which shall include the Soldiers' Home in Massachusetts and the Soldiers' Home in Holyoke;".

SECTION 5. 111 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after section 73B the following section:-

Section 73C. The department of public health shall conduct inspections of all state-operated veterans' homes not less than twice per year pursuant to chapter 115A, or more frequently as the department deems necessary. After such inspection, the department shall give the superintendent of the home, the Massachusetts Veterans' Homes Advisory Council, the executive director of veterans' homes and housing, the secretary of veterans affairs and the chairs of the joint committee on veterans and federal affairs notice in writing of every violation of applicable rules and regulations, and the department shall specify a reasonable period of time not exceeding 30 days after receipt thereof to provide a plan to correct such violations within a reasonable time. Inspection reports and corrections of violations shall be made available to the public.

SECTION 6. Section 6 of chapter 115A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 5 and 6, the words "commandant or".

SECTION 7. Section 10 of chapter 115A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 1, the word "commandant", and inserting in place thereof the following word:- superintendent.

SECTION 8. Section 10A of chapter 115A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 1, 10, 22, 26, 28, 32, 33, 35, 38 and 50, each time it appears, the word "commandant", and inserting in place thereof the following word:- superintendent.

SECTION 9. Section 12 of Chapter 115A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 2, 8 and 11, each time it appears, the word “commissioner”, and inserting in place thereof the word “secretary”; and further, by striking out, in lines 19 to 21, the words “The executive director shall meet with the board of trustees of the Soldiers’ Home in Massachusetts and the Soldiers’ Home in Holyoke jointly at least twice per calendar year”, and inserting in place thereof the words “The executive director shall meet with the Massachusetts Veterans’ Homes Advisory Council not less than quarterly in accordance with section 14(d) of chapter 115A”; and further, by striking out, in lines 24 to 26, the following:- “; provided, however, that the boards of trustees of the Soldiers’ Home in Massachusetts and the Soldiers’ Home in Holyoke shall not be subject to the control of the executive director”.

SECTION 10. Chapter 115A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following 4 sections:-

Section 13. (a) Each state-operated veterans’ home shall have a superintendent as its administrative head, who shall report to the executive director of veterans’ homes and housing, in addition to a deputy superintendent, who shall report to the superintendent. The superintendent for each state-operated veterans’ home shall be licensed as a nursing home administrator pursuant to section 109 of chapter 112 of the General Laws and shall be a veteran or have experience with management of veterans in a nursing home or long-term care facility and shall have knowledge of and experience with fiscal management practices and labor relations.

Nominations for the position of superintendent and deputy superintendent shall be submitted to the secretary of veterans affairs, who shall review the nominations in consultation

with the secretary of health and human services and the executive director of veterans' homes and housing and provide recommendations to the governor. Recommendations for the removal of a superintendent or deputy superintendent shall be submitted to the secretary of veterans affairs, who shall review them in consultation with the secretary of health and human services and the executive director of veterans' homes and housing and provide a recommendation to the governor. The governor shall appoint and may remove a superintendent and deputy superintendent.

In consultation with the executive director of veterans' homes and housing and deputy superintendent, the superintendent shall appoint and may remove a medical director, a director of nursing and a chief financial officer. The medical director, director of nursing and chief financial officer shall be full-time positions and shall devote their full time and attention to the duties of their office. Section 49 of chapter 31 shall apply to the appointment of the chief financial officer. The medical director shall have responsibility for the medical, surgical and outpatient facilities and shall make recommendations to the superintendent regarding the appointments of the director of nursing and all physicians, nurses and other medical staff. The superintendent shall also appoint and remove such other persons as the superintendent deems necessary for the proper and efficient operation of the facilities of the home.

If any employee of a state-operated veterans' home is removed from their position, they shall be provided with written documentation outlining cause for their removal.

(b) Each state-operated veterans' home shall employ a full-time specialist to oversee infection control and emergency preparedness who shall be tasked with ensuring the home

maintains standards and protocols for infection control and emergency preparedness consistent with applicable state and federal rules and regulations.

(c) Any vacant position at any state-operated veterans' home shall have a public job posting within 30 days of the vacancy unless the position is being permanently eliminated. If the vacancy is for a leadership position at the home as determined by the executive director of veterans' homes and housing, initial interviews with potential candidates must begin within 60 days of the vacancy. If the vacancy is for a leadership position at the home and is deemed critical for emergency response operations by the executive director, initial interviews with potential candidates must begin within 30 days of the vacancy, and the executive director shall ensure there is a clear understanding of who is temporarily tasked with the appropriate emergency duties while the position is vacant. The secretary of veterans affairs in coordination with the executive director shall ensure every effort is made to fill vacancies at all state-operated veterans' homes in a timely manner.

(d) Annual performance reviews shall be conducted by the executive director of veterans' homes and housing for individuals employed in leadership positions, including but not limited to the superintendent and deputy superintendent, at all state-operated veterans' homes. Said reviews shall utilize the Achievement and Competency Enhancement System and shall be documented and provided to the secretary of veterans affairs.

Section 14. (a) Not less than annually, the executive director of veterans' homes and housing in consultation with the superintendent of each state-operated veterans' home shall review and update 2 organizational plans for each state-operated veterans' home outlining the chain of command and communications protocols for the home, 1 of which shall apply to normal

operations and 1 of which shall apply to emergency response operations. Both organizational plans shall be distributed to all staff at the home annually, who shall indicate in writing that they have received and reviewed both plans and are aware of their roles and responsibilities. The plans shall be standardized across all state-operated veterans' homes to the extent possible.

The organizational plan for emergency response operations for each state-operated veterans' home shall be exercised not less than biannually. Not later than 30 days after the conclusion of an exercise, the executive director of veterans' homes and housing in coordination with the superintendent of the appropriate state-operated veterans' home shall submit a report to the governor, the secretary of veterans affairs, the secretary of health and human services, the Massachusetts Veterans' Homes Advisory Council, the local stewardship bodies and the chairs of the joint committee on veterans and federal affairs summarizing the exercise, any deficiencies identified in the organizational plan and a plan to take corrective action. The secretary of veterans affairs in coordination with the executive director shall ensure any deficiencies are addressed in a timely manner.

(b) During normal operations and emergency response operations, the superintendent of each state-operated veterans' home shall report to the executive director of veterans' homes and housing who shall report to the secretary of veterans affairs who shall report to the governor.

During emergency response operations, which shall be initiated as needed by the secretary of veterans affairs in consultation with the governor, the executive director of veterans' homes and housing in consultation with the superintendent of each affected state-operated veterans' home shall provide a situation report to the governor, the secretary of veterans affairs, the secretary of health and human services and the Massachusetts Veterans' Homes Advisory

208 Council not less than every 24 hours until the secretary of veterans affairs in consultation with
209 the governor determines the emergency to be ceased.

210 (c) In the event that emergency response operations are initiated at a state-operated
211 veterans' home pursuant to subsection (b), the superintendent of the affected home in
212 coordination with the executive director of veterans' homes and housing shall ensure that
213 appropriate mental health resources are made available to employees.

214 (d) Not less than quarterly, the executive director of veterans' homes and housing shall
215 meet with the leadership of each state-operated veterans' home, including the superintendent and
216 deputy superintendent, and the Massachusetts Veterans' Homes Advisory Council.

217 Section 15. (a) Each state-operated veterans' home shall employ an ombudsperson as a
218 full-time, paid position for the purpose of advocating on behalf of residents and staff of the home
219 and of receiving, investigating and resolving through administrative action, in a timely manner,
220 complaints filed by residents and staff of the home, individuals acting on their behalf or any
221 individual organization or government agency that has reason to believe that the home, an
222 organization or a government agency has engaged in activities, practices or omissions that
223 constitute violations of applicable statutes or regulations or that may have an adverse effect upon
224 the health, safety, welfare or rights of residents or staff of the home. Said ombudsperson may
225 work with leadership at the home or the executive director of veterans' homes and housing as
226 needed to resolve any complaint and shall inform the party that initiated the complaint once a
227 resolution has been reached. The ombudsperson shall report to the secretary of veterans affairs.
228 Said ombudsperson may also facilitate family meetings, provide outreach, create training

229 programs and lead orientation meetings for new residents of the homes and their families. Said
230 ombudsperson shall not be subject to the provisions of section 9A of chapter 30 or chapter 31.

231 (b) The secretary of veterans affairs shall establish an emergency communications hotline
232 that allows residents and staff at any state-operated veterans' home, individuals acting on their
233 behalf or any individual organization to communicate time-sensitive concerns to the office of the
234 secretary of veterans affairs and the department of public health, including, but not limited to,
235 time-sensitive and critical complaints about management, personnel, staffing, operational issues
236 or misuse of public funds. Any complaint submitted through said hotline may be submitted
237 anonymously. Hotline staff shall report to the secretary of veterans affairs, and the secretary shall
238 ensure that complaints raised through the hotline are investigated and resolved in a timely
239 manner.

240 (c) The ombudsperson for each state-operated veterans' home and hotline staff may refer
241 a matter to the other when appropriate. In such cases, said ombudsperson and hotline staff shall
242 share information only to the extent necessary to complete the referral. When appropriate, said
243 ombudsperson or hotline staff may refer a complaint to another state agency or entity charged
244 with investigating the specific type of complaint.

245 (d) No person shall discharge or cause to be discharged or otherwise discipline or in any
246 manner discriminate against or thereafter take any retaliatory action against any resident or staff
247 of a state-operated veterans' home, individual acting on their behalf or individual organization
248 for filing a complaint with the ombudsperson for a state-operated veterans' home or the
249 emergency hotline or disclosing information in an investigation resulting from any such
250 complaint, provided that the complaint was not made or the information was not disclosed with

the knowledge that it was false or with willful disregard for its truth or falsity. The ombudsperson for each home and hotline staff shall make every effort to ensure the confidentiality of those who submit complaints to them.

(e) The ombudsperson for each state-operated veterans' home and the hotline staff shall receive standardized training regarding their roles and responsibilities. The secretary of veterans affairs in consultation with the executive director of veterans' homes and housing shall design and update as needed an appropriate training program.

(f) Said ombudsperson and hotline staff shall submit an annual report to the secretary of veterans affairs and the joint committee on veterans and federal affairs including, but not limited to, summaries of their caseloads and efforts to create transparency and accountability at the homes.

Section 16. (a) All state-operated veterans' homes in the commonwealth shall apply for and maintain certification by the Centers for Medicare and Medicaid Services to participate in the Medicare and Medicaid programs, pursuant to subpart B of part 483 of title 42 of the U.S. code of federal regulations. The superintendent of each state-operated veterans' home in coordination with the executive director of veterans' homes and housing shall ensure that compliance with the requirements of said subpart of the U.S. code of federal regulations is maintained and that compliance failures are addressed in a timely manner. Should any compliance failures be identified during the annual survey conducted by the division of health care facility licensure and certification, the superintendent in coordination with the executive director shall submit a report to the governor, the secretary of veterans affairs, the secretary of health and human services, the Massachusetts Veterans' Homes Advisory Council and the

appropriate local stewardship body no later than 30 days after the compliance failures are identified outlining the compliance failures and a plan for taking corrective action.

(b) The superintendent of each state-operated veterans' home, in coordination with the executive director of veterans' homes and housing, shall make every effort to achieve a five-star rating for staffing from the Centers for Medicare and Medicaid Services. In any quarter that a five-star rating for staffing is not achieved, the superintendent in coordination with the executive director shall submit a report to the governor, the secretary of veterans affairs, the secretary of health and human services, the Massachusetts Veterans' Homes Advisory Council and the appropriate local stewardship body no later than 30 days after the publication of the rating indicating: (i) areas of staffing that require improvement; (ii) a plan for improving staffing with the goal of achieving a five-star rating; and (iii) if this is not the first such report to be submitted in consecutive quarters, a summary of the steps already taken to improve staffing.

(c) The superintendent of each state-operated veterans' home, in coordination with the executive director of veterans' homes and housing, shall ensure that the home adheres to guidelines for trauma-informed care as outlined by the U.S. Centers for Disease Control and Prevention.

SECTION 11. There shall hereby be established an advisory commission to designate the Soldiers' Home of Massachusetts and the Soldiers' Home in Holyoke. The new designation for the homes shall be named after Massachusetts veterans who paid the ultimate sacrifice in service to the nation. The commission shall consider recommendations from the general public ranging from local veteran heroes to recipients of the Medal of Honor, the nation's highest military honor.

295 The advisory commission shall consist of 9 members: the Department Adjutant of the
296 Disabled American Veterans of Massachusetts, or a designee; the State Commander of Veterans
297 of Foreign Wars of Massachusetts, or a designee; the Department Commander of the American
298 Legion Department of Massachusetts, Inc, or a designee; the District Commander of American
299 Veterans of Massachusetts, or a designee; the executive director of Massachusetts Fallen Heroes,
300 or a designee; the executive director of Military Friends Foundation, or a designee; the executive
301 director of the Massachusetts Military Heroes Fund, or a designee; the executive director of
302 Home Base, or a designee; and the military archivist of the Massachusetts Archives Division
303 under the Secretary of the Commonwealth.

304 The advisory commission shall have at least one public hearing in Holyoke and at least
305 one public hearing in Chelsea to seek recommendations for the designation of the homes. The
306 commission shall recommend to the governor and the secretary of veterans affairs potential
307 designations for the two Soldiers' Homes, or any future state-operated veterans' homes. Upon
308 approval from the governor, any new designation shall require approval from the general court.

309 SECTION 12. Section 40 and 41 of chapter 6 of the General Laws is hereby repealed.

310 SECTION 13. Section 70 and 71 of chapter 6 of the General Laws is hereby repealed.

311 SECTION 14. Subsection (c) of section 14 of chapter 115A of the General Laws, as
312 established by section 10 of this act, shall apply retroactively to all employees of the Soldiers'
313 Home in Holyoke who were employed between March 1, 2020 and June 1, 2020.

314 SECTION 15. This act shall take effect upon its passage.