

HOUSE No. 4034

Text of further amendments, offered by Mr. Michlewitz of Boston, to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2432) of the House Bill extending live horse racing and simulcasting in the Commonwealth (House, No. 4033). July 31, 2023.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. To provide for certain unanticipated obligations of the commonwealth, to
2 provide for an alteration of purpose for current appropriations and to meet certain requirements
3 of law, the sums set forth in section 2A are hereby appropriated from the General Fund, the
4 Transitional Escrow Fund established in section 16 of chapter 76 of the acts of 2021, as amended
5 by section 4 of chapter 98 of the acts of 2022, or the federal COVID-19 response fund
6 established in section 2JJJJ of chapter 29 of the General Laws unless specifically designated
7 otherwise in this act, for the several purposes and subject to the conditions specified in this act
8 and subject to the laws regulating the disbursement of public funds for the fiscal year ending
9 June 30, 2023. This sum shall be made available until June 30, 2024.

10 SECTION 2A.

11 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

12 *Reserves*

13 1599-2302 For a reserve to support mitigation costs associated with natural disasters
14 that occurred in 2023; provided, that these funds may be used for mitigation costs related to
15 farms impacted by such natural disasters; provided further, that funds in this item shall be
16 administered by the executive office for administration and finance and the department of
17 agricultural resources; provided further, that efforts shall be made to maximize available federal
18 reimbursement for the purposes of this item; and provided further, that efforts shall be made to
19 maximize opportunities for private contributions for the purposes of this item.....\$20,000,000

20 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

21 *Office of the Secretary*

22 4000-1111 For the distribution of funds for fiscally strained hospitals; provided, that
23 up to \$91,474,590 shall be distributed to hospitals eligible for the supplemental payment
24 described in section 5.D.22 of the rate year 2023 acute hospital request for applications, available
25 on COMMBUYS, the state procurement system, as bid number BD-23-1039-EHS01-EHS01-
26 79493, as amended by amendment number 3 issued on April 13, 2023 by the office of Medicaid,
27 and as may be further amended from time to time; provided further, that the executive office of
28 health and human services shall disburse funds according to said section 5.D.22 and the terms of
29 any payment agreement between the recipient hospital and the executive office; provided further,
30 that not less than \$58,525,410 shall be distributed to non-profit or municipal acute care hospitals
31 licensed under section 51 of chapter 111 of the General Laws that are designated by the center
32 for health information and analysis as non-specialty hospitals, and that had a Medicaid payer mix
33 of not less than 24 per cent in fiscal year 2021 as calculated using data published by the center in
34 May 2023 in its HFY2021 Massachusetts Hospital Profiles databook; provided further, that the

35 executive office shall prioritize funds for hospitals demonstrating significant financial need
36 based on: (i) the current liquidity position of the hospital or its associated hospital health system;
37 (ii) the hospital’s total margin as reported in the center’s quarterly hospital financial performance
38 report published April 2023; and (iii) any other data the executive office deems relevant,
39 including the amount of previous state financial support provided to the hospital in response to
40 the 2019 novel coronavirus pandemic; provided further, that not less than \$30,000,000 shall be
41 distributed by the executive office to acute care hospitals licensed under said section 51 of said
42 chapter 111 that demonstrate significant financial need based on criteria established by the
43 executive office; provided further, that, in creating its criteria, the executive office shall: (a)
44 consider relative price index; and (b) prioritize hospitals designated by the center as community-
45 high public payer hospitals that had a public payer mix of not less than 74 per cent in fiscal year
46 2021 calculated using data published by the center in May 2023 in its HFY2021 Massachusetts
47 Hospital Profiles databook; provided further, that funds unexpended under the previous
48 provisions of this item shall not revert to the General Fund but shall be redistributed by the
49 executive office to acute care hospitals licensed under said section 51 of said chapter 111 that
50 demonstrate significant financial need based on the criteria established by the executive office
51 pursuant to the previous provision; and provided further, that a hospital shall only be eligible to
52 receive funds through 1 of the 3 preceding sets of payment distribution criteria under this
53 item.....\$180,000,000

54 SECTION 3. Section 2 of chapter 128C of the General Laws, as appearing in the 2022
55 Official Edition, is hereby amended by inserting after the word “simulcast”, in line 14, the
56 following words:- at any location in Suffolk county approved by the commission.

57 SECTION 4. Said section 2 of said chapter 128C, as so appearing, is hereby further
58 amended by inserting after the word “simulcast”, in line 42, the following words:- at any location
59 in Bristol county approved by the commission:.

60 SECTION 5. Said section 2 of said chapter 128C, as so appearing, is hereby further
61 amended by inserting after the word “simulcast”, in line 78, the following words:- at any location
62 in Norfolk county approved by the commission:.

63 SECTION 6. Said section 2 of said chapter 128C, as so appearing, is hereby further
64 amended by inserting after the word “simulcast”, in line 111, the following words:- at any
65 location in Suffolk county approved by the commission.

66 SECTION 7. The first paragraph of section 12A of chapter 494 of the acts of 1978 is
67 hereby amended by striking out the words “and until July 31, 2023”, inserted by section 1 of
68 chapter 128 of the acts of 2022, and inserting in place thereof the following words:- and until
69 December 15, 2025.

70 SECTION 8. The last paragraph of said section 12A of said chapter 494 is hereby
71 amended by striking out the words “July 31, 2023”, inserted by section 2 of said chapter 128, and
72 inserting in place thereof the following words:- December 15, 2025.

73 SECTION 9. The introductory paragraph of section 13 of said chapter 494 is hereby
74 amended by striking out the words “and until July 31, 2023”, inserted by section 3 of said
75 chapter 128, and inserting in place thereof the following words:- and until December 15, 2025.

76 SECTION 10. Section 15 of said chapter 494 is hereby amended by striking out the
77 words “and until July 31, 2023”, inserted by section 4 of said chapter 128, and inserting in place
78 thereof the following words:- and until December 15, 2025.

79 SECTION 11. The first paragraph of section 9 of chapter 277 of the acts of 1986 is
80 hereby amended by striking out the words “and until July 31, 2023”, inserted by section 5 of said
81 chapter 128, and inserting in place thereof the following words:- and until December 15, 2025.

82 SECTION 12. The first sentence of the first paragraph of section 3 of chapter 114 of the
83 acts of 1991 is hereby amended by striking out the words “and until July 31, 2023”, inserted by
84 section 6 of said chapter 128, and inserting in place thereof the following words:- and until
85 December 15, 2025.

86 SECTION 13. The last paragraph of said section 3 of said chapter 114 is hereby amended
87 by striking out the words “July 31, 2023”, inserted by section 7 of said chapter 128, and inserting
88 in place thereof the following words:- December 15, 2025.

89 SECTION 14. The first paragraph of section 4 of said chapter 114 is hereby amended by
90 striking out the words “and until July 31, 2023”, inserted by section 8 of said chapter 128, and
91 inserting in place thereof the following words:- and until December 15, 2025.

92 SECTION 15. The last paragraph of said section 4 of said chapter 114 is hereby amended
93 by striking out the words “July 31, 2023”, inserted by section 9 of said chapter 128, and inserting
94 in place thereof the following words:- December 15, 2025.

95 SECTION 16. The first paragraph of section 5 of said chapter 114 is hereby amended by
96 striking out the words “and until July 31, 2023”, inserted by section 10 of said chapter 128, and
97 inserting in place thereof the following words:- and until December 15, 2025.

98 SECTION 17. Section 45 of chapter 139 of the acts of 2001 is hereby amended by
99 striking out the words “July 31, 2023”, inserted by section 11 of said chapter 128, and inserting
100 in place thereof the following words:- December 15, 2025.

101 SECTION 18. Section 20 of chapter 449 of the acts of 2006 is hereby amended by
102 striking out the words “July 31, 2023”, inserted by section 12 of said chapter 128, and inserting
103 in place thereof the following words:- December 15, 2025.

104 SECTION 19. Section 92 of chapter 194 of the acts of 2011 is hereby amended by
105 striking out the words “July 31, 2023”, inserted by section 13 of said chapter 128, and inserting
106 in place thereof the following words:- December 15, 2025.

107 SECTION 20. Section 112 of said chapter 194 is hereby amended by striking out the
108 words “July 31, 2023”, inserted by section 14 of said chapter 128, and inserting in place thereof
109 the following words:- December 15, 2025.

110 SECTION 21. Section 74 of chapter 10 of the acts of 2015 is hereby amended by striking
111 out the words “July 31, 2023”, inserted by section 15 of said chapter 128, and inserting in place
112 thereof the following words:- December 15, 2025.

113 SECTION 22. Sections A1, 17 and 18 of chapter 128 of the acts of 2022 are hereby
114 repealed.

115 SECTION 23. Notwithstanding section 2 of chapter 128A of the General Laws, sections
116 1, 2, 2A and 4 of chapter 128C of the General Laws and section 9 of said chapter 128C, as
117 inserted by section 6 of chapter 173 of the acts of 2022, or any other general or special law to the
118 contrary, the running race horse meeting licensee located in Suffolk county licensed to conduct
119 live racing pursuant to said chapter 128A and simulcast wagering pursuant to said chapter 128C
120 in calendar year 2023 shall remain licensed as a running horse racing meeting licensee and shall
121 remain authorized to conduct simulcast wagering pursuant to said chapter 128C until December
122 15, 2025; provided, however, that the days between January 1, 2023 and December 31, 2025
123 shall be dark days pursuant to said chapter 128C and the licensee shall be precluded from
124 conducting live racing during that period unless it applies for and is granted a supplemental live
125 racing license pursuant to said chapter 128A; provided further, that the licensee shall not
126 simulcast or accept a wager on greyhound dog racing on or after August 10, 2023 pursuant to
127 section 9 of chapter 128C of the General Laws; provided further, that all simulcasts shall comply
128 with the Interstate Horse Racing Act of 1978, 15 U.S.C. 3001 et seq. or other applicable federal
129 law; provided further, that all simulcasts from states which have racing associations that do not
130 require approval in compliance with the Interstate Horse Racing Act of 1978, 15 U.S.C.
131 3004(a)(1)(A) shall require the approval of the New England Horsemen's Benevolent &
132 Protective Association prior to being simulcast to a racing meeting licensee within the
133 commonwealth; and provided further, that if the association agrees to approve the simulcast for 1
134 racing meeting licensee, it shall approve the simulcast for all otherwise eligible racing meeting
135 licensees.;

136 By striking out the title and inserting in place thereof the following title: “An Act making
137 appropriations for the fiscal year 2023 to provide for supplementing certain existing
138 appropriations and for certain other activities and projects.”; and

139 By striking out the emergency preamble and inserting in place thereof the following
140 preamble:

141 “*Whereas*, The deferred operation of this act would tend to defeat its purposes, which are
142 forthwith to make supplemental appropriations for fiscal year 2023 and to make certain changes
143 in law, each of which is immediately necessary to carry out those appropriations or to
144 accomplish other important public purposes, therefore it is hereby declared to be an emergency
145 law, necessary for the immediate preservation of the public convenience.”.