

**Massachusetts Commission Against Discrimination Regional Offices 1**

1 SECTION 4. Section 56 of chapter 6 of the General Laws, as appearing in the 2020  
2 Official Edition, is hereby amended by striking out the fifth paragraph and inserting in place  
3 thereof the following paragraph:-

4 There shall be regional offices located in the cities of Fall River, Springfield and  
5 Worcester.

**Massachusetts Commission Against Discrimination Regional Offices 2**

1 SECTION 5. The sixth paragraph of said section 56 of said chapter 6, as so appearing, is  
2 hereby amended by striking out the first sentence and inserting in place thereof the following  
3 sentence:- The commissioners shall each be delegated regional responsibilities as follows: 1  
4 commissioner shall be responsible for the Springfield region, 1 commissioner shall be  
5 responsible for the Fall River region and shall be responsible with the third commissioner for the  
6 Boston region.

**Electronic Filing of Reports**

1 SECTION 6. Said chapter 6 is hereby further amended by adding the following section:-

2 Section 222. (a) For the purposes of this section, “state agency” shall mean the executive  
3 and judicial branches of the government of the commonwealth, any special legislative  
4 commission created by the general court and any agency, department, quasi-state agency or other  
5 entity of the commonwealth.

6 (b) Notwithstanding any general or special law to the contrary, a state agency required by  
7 law to file reports with the general court shall provide an electronic copy of the report to the  
8 clerks of the senate and house of representatives. The clerks of the senate and house of  
9 representatives shall: (i) make all such reports available online to the public in an accessible,

10 searchable format through the general court’s website; and (ii) create and maintain an archive of  
11 all such reports that is available online in searchable format. The clerks of the senate and house  
12 of representatives shall develop procedures and requirements for the preparation of such reports  
13 to facilitate their collection and storage. A state agency submitting a report shall notify in writing  
14 every entity that is required by law to receive the report of the availability of the report on the  
15 general court’s website and of the means of accessing the report. A state agency shall provide a  
16 hard copy of any such report upon request from an entity that is required by law to receive the  
17 report. Compliance with this section shall fulfill any general or special law requirement for the  
18 filing of a report by a state agency with the general court.

**Operational Services Division Price Limitation**

1 SECTION 7. The sixth paragraph of section 22N of chapter 7 of the General Laws, as  
2 appearing in the 2020 Official Edition, is hereby amended by adding the following sentence:-  
3 Notwithstanding any general or special law to the contrary, child care and school age programs  
4 contracting with the department of early education and care or their agents shall be exempt from  
5 the price limitations set forth by the bureau.

**In-State Tuition**

1 SECTION 8. Section 9 of chapter 15A of the General Laws, as amended by section 2 of  
2 chapter 154 of the acts of 2022, is hereby further amended by adding the following paragraph:-  
3 Notwithstanding any general or special law to the contrary, for the purpose of  
4 determining eligibility for in-state tuition rates and fees and for state-funded financial assistance  
5 at public institutions of higher education, except the University of Massachusetts medical school  
6 and the University of Massachusetts School of Law, any individual admitted to such public  
7 institutions of higher education, other than a nonimmigrant alien within the meaning of 8 U.S.C.

8 § 1101(a)(15)(A) to (S), inclusive, who attended high school in the commonwealth for not less  
9 than 3 years and graduated from a high school in the commonwealth or attained the equivalent  
10 thereof in the commonwealth, shall be eligible to pay in-state tuition rates and fees and shall be  
11 eligible on the same terms as other individuals for state-funded financial assistance at such public  
12 institutions of higher education; provided, however, that any individual who is eligible for the  
13 military selective service under the federal Military Selective Service Act, as amended by 50  
14 U.S.C. 14 App. 453 § 3, shall register for such. No individual qualified for in-state tuition rates  
15 and fees under this chapter shall be denied in-state tuition and fees as a result of the granting of  
16 eligibility under this paragraph. To receive in-state tuition under this section, an eligible  
17 individual shall provide the public institution of higher education where the eligible individual is  
18 or plans to become enrolled with: (i) a valid social security number or a document reflecting  
19 issuance of an individual taxpayer identification number in lieu of a social security number; (ii)  
20 if that individual is not a citizen of the United States or a legal permanent resident of the United  
21 States, an affidavit signed under the pains and penalties of perjury stating that the individual has  
22 applied for citizenship or legal permanent residence or will apply for citizenship or legal  
23 permanent residence in accordance with federal statute and federal regulations within 120 days  
24 of eligibility for such status; and (iii) documentation of registration with the selective service, if  
25 applicable.

**Surtax Implementation 1**

1 SECTION 9. Chapter 29 of the General Laws is hereby amended by inserting after  
2 section 2AAAAAA the following 3 sections:-

3 Section 2BBBBBB. (a) For the purposes of this section, “income surtax revenue” shall  
4 mean income tax revenue from the additional 4 per cent income tax levied on annual taxable

5 income in excess of \$1,000,000, as adjusted, pursuant to Article XLIV of the Amendments to the  
6 Constitution of the Commonwealth.

7 (b) There shall be established and set up on the books of the commonwealth a separate  
8 fund known as the Education and Transportation Fund. The fund shall be credited with: (i)  
9 income surtax revenues; (ii) appropriations or other money authorized or transferred by the  
10 general court and specifically designated to be credited to the fund; (iii) funds from public and  
11 private sources, including, but not limited to, gifts, grants and donations; and (iv) any interest  
12 earned on the assets of the fund. Amounts credited to the fund shall be expended, subject to  
13 appropriation, for quality public education and affordable public colleges and universities and for  
14 the repair and maintenance of roads, bridges and public transportation. The fund shall not be  
15 subject to section 5C.

16 (c) Quarterly, the comptroller shall transfer from the fund the amount of tax revenues the  
17 department of revenue estimates to have been collected from income surtax revenues that  
18 exceeds the threshold established pursuant to subsection (f), as follows: (i) 15 per cent of such  
19 amount shall be transferred to the Education and Transportation Reserve Fund established in  
20 section 2CCCCCC; and (ii) 85 per cent of such amount shall be transferred to the Education and  
21 Transportation Innovation and Capital Fund established in section 2DDDDDD; provided,  
22 however, that if in any year the transfer required under clause (i) would cause the balance of the  
23 Education and Transportation Reserve Fund to exceed 33 per cent of the threshold established  
24 pursuant to said subsection (f), such transfer shall be adjusted to meet a total balance of 33 per  
25 cent and all remaining funds shall be transferred to the Education and Transportation Innovation  
26 and Capital Fund.

27           (d) Income surtax revenues collected and deposited into the Education and Transportation  
28 Fund shall not be subject to the allowable state tax revenue limitations established by chapter  
29 62F. Annually, not later than September 1, the commissioner of revenue shall estimate, for the  
30 preceding fiscal year, the amount of revenue to exclude from the chapter 62F calculation and  
31 shall include such estimate in the report submitted to the state auditor pursuant to subsection (a)  
32 of section 5 of said chapter 62F; provided, however, that this estimate shall be final.

33           (e) Income surtax revenues collected and deposited into the Education and Transportation  
34 Fund shall not be considered tax revenues collected from capital gains income for the purposes  
35 of section 5G. The commissioner of revenue shall estimate, in the capital gains tax certification  
36 in the fourth quarter of the fiscal year, the amount of revenue to exclude from the said section 5G  
37 calculation; provided, however, that this estimate shall be final.

38           (f) Annual expenditures from the fund shall not exceed a spending threshold proposed by  
39 the governor and enacted by the general court as part of the consensus revenue process pursuant  
40 to section 5B. The annual spending threshold shall represent an amount of revenue that can  
41 reliably be expected to occur in the ensuing fiscal year based on experience to date and the  
42 testimony provided at the joint hearing on the economy under said section 5B.

43           (g) Any expenditures authorized from the fund shall be subject to sections 9B and 9C,  
44 without respect to whether such purposes would otherwise be subject to allotment; provided,  
45 however, that section 9C shall only apply where the amount of certified revenue in any fiscal  
46 year is less than the annual spending threshold established under subsection (f).

47           (h) Annually, in consultation with the secretary of administration and finance, as part of  
48 the annual statutory basis financial report required pursuant to paragraph (2) of subsection (a) of  
49 section 12 of chapter 7A, the comptroller shall certify the amount of funds expended in the prior

50 fiscal year from the fund and designate each expenditure as transportation or education on the  
51 basis of the department through which the expenditures were authorized.

52 Section 2CCCCCC. (a) For the purposes of this section, “income surtax revenue” shall  
53 mean income tax revenue from the additional 4 per cent income tax levied on annual taxable  
54 income in excess of \$1,000,000, as adjusted, pursuant to Article XLIV of the Amendments to the  
55 Constitution of the Commonwealth.

56 (b) There shall be established and set up on the books of the commonwealth a separate  
57 fund known as the Education and Transportation Reserve Fund. The fund shall be credited with:  
58 (i) funds transferred pursuant to subsection (c) of section 2BBBBBB; (ii) appropriations or other  
59 money authorized or transferred by the general court and specifically designated to be credited to  
60 the fund; (iii) funds from public and private sources, including, but not limited to, gifts, grants  
61 and donations; and (iv) any interest earned on the assets of the fund. The balance of the fund  
62 shall not exceed 33 per cent of the annual spending threshold set pursuant to subsection (f) of  
63 said section 2BBBBBB. Amounts credited to the fund may be expended, subject to  
64 appropriation, to offset the unforeseen and dramatic loss of revenues within a fiscal year, after  
65 implementing all efficiencies and savings possible, to pay current liabilities of the Education and  
66 Transportation Fund established in subsection (b) of said section 2BBBBBB. The account shall  
67 not be subject to section 5C.

68 (c) The comptroller shall certify the balance of the fund at the end of each fiscal year.

69 Section 2DDDDDD. (a) For the purposes of this section, “income surtax revenue” shall  
70 mean income tax revenue from the additional 4 per cent income tax levied on annual taxable  
71 income in excess of \$1,000,000, as adjusted, pursuant to Article XLIV of the Amendments to the  
72 Constitution of the Commonwealth.

73 (b) There shall be established and set up on the books of the commonwealth a separate  
74 fund known as the Education and Transportation Innovation and Capital Fund. The fund shall be  
75 credited with: (i) funds transferred pursuant to subsection (c) of section 2BBBBBB; (ii)  
76 appropriations or other money authorized or transferred by the general court and specifically  
77 designated to be credited to the fund; (iii) funds from public and private sources, including, but  
78 not limited to, gifts, grants and donations; and (iv) any interest earned on the assets of the fund.  
79 Amounts credited to the fund shall be expended, subject to appropriation, on 1-time investments,  
80 including, but not limited to, pay-go capital or other 1-time projects, related to quality public  
81 education and affordable public colleges and universities and for the repair and maintenance of  
82 roads, bridges and public transportation. Amounts credited to the fund shall be made available  
83 for expenditure upon their certification pursuant to section 5I. The fund shall not be subject to  
84 section 5C.

85 (c) The comptroller shall certify the balance of the fund at the end of each fiscal year.

**Surtax Implementation 2**

1 SECTION 10. Section 2BBBBBB of said chapter 29, as inserted by section 9 of this act,  
2 is hereby amended by striking out subsection (f) and inserting in place thereof the following  
3 subsection:-

4 (f) The annual spending threshold shall be equal to the prior year spending threshold, plus  
5 an adjustment factor equal to the 10-year rolling rate of growth of income subject to the  
6 additional 4 per cent tax, as certified by the commissioner of revenue. For years in which the  
7 additional 4 per cent tax was not in effect, the commissioner shall calculate the amount of  
8 income that would have been subject to the taxes, adjusted for increases in the cost of living in

9 the same manner as described in Article XLIV of the Amendments to the Constitution of the  
10 Commonwealth and set forth pursuant to paragraph (d) of section 4 of chapter 62.

**Surtax Implementation 3**

1 SECTION 11. Section 5G of said chapter 29, as appearing in the 2020 Official Edition, is  
2 hereby amended by adding the following paragraph:-

3 For the purposes of this section, income tax revenue collected from the additional 4 per  
4 cent income tax levied pursuant to Article XLIV of the Amendments to the Constitution of the  
5 Commonwealth shall not be considered to be tax revenue collected from capital gains income.

**Surtax Implementation 4**

1 SECTION 12. Said chapter 29 is hereby further amended by inserting after section 5H  
2 the following section:-

3 Section 5I. (a) Not later than February 20, May 20, July 20 and October 20 of each year,  
4 pursuant to paragraph (1) of subsection (b), and annually not later than December 15, pursuant to  
5 paragraph (2) of said subsection (b), the commissioner of revenue shall certify to the comptroller  
6 the amount of tax revenues estimated to have been collected during the preceding period on  
7 account of the additional 4 per cent income tax levied pursuant to Article XLIV of the  
8 Amendments of the Constitution of the Commonwealth with adjustments described in subsection  
9 (c).

10 (b)(1) For the purposes of this section, quarterly periods shall be defined as October 1  
11 through January 31, February 1 through April 30, May 1 through June 30 and July 1 through  
12 September 30.

13 (2) Each quarterly period certification under subsection (a) shall include, as necessary,  
14 adjustments to estimates made with respect to prior quarters of the same fiscal year; provided,



15 however, that annually, not later than December 15, the commissioner shall issue to the  
16 comptroller the preliminary certification of tax revenues collected during the preceding fiscal  
17 year due to the additional 4 per cent income tax levied pursuant to Article XLIV of the  
18 Amendments of the Constitution of the Commonwealth, plus adjustments as necessary for prior  
19 fiscal years.

20 (3) Each quarterly period certification shall include the total balance, in the aggregate, of  
21 the funds established in sections 2BBBBBB, 2CCCCC and 2DDDDDD.

22 (c) Upon the quarterly certification by the commissioner pursuant to subsection (a), the  
23 comptroller shall transfer quarterly all such certified revenue, net of all necessary adjustments,  
24 from the General Fund to the Education and Transportation Fund established in section  
25 2BBBBBB. Transfers shall be credited in the same fiscal year during which the certification is  
26 issued; provided, however, that any transfers resulting from the July 20 certification shall be  
27 credited in the fiscal year ending on the immediately preceding June 30.

**Surtax Implementation 5**

1 SECTION 13. Section 6D of said chapter 29, as appearing in the 2020 Official Edition, is  
2 hereby amended by striking out, in lines 22 to 24, inclusive, the words “and (g) section 2E,  
3 which shall set forth appropriations to support transfers to funds other than budgetary funds” and  
4 inserting in place thereof the following words:- (g) section 2E, which shall set forth  
5 appropriations to support transfers to funds other than budgetary funds; and (h) section 2F, which  
6 shall set forth appropriations funded from the Education and Transportation Fund and Education  
7 and Transportation Innovation and Capital Fund.

**Pension Transfer Schedule**

1 SECTION 14. Subdivision (1) of section 22C of chapter 32 of the General Laws, as  
2 amended by section 27 of chapter 126 of the acts of 2022, is hereby further amended by striking  
3 out the third paragraph and inserting in place thereof the following paragraph:-

4 Notwithstanding any general or special law to the contrary, appropriations or transfers  
5 made to the Commonwealth's Pension Liability Fund in fiscal years 2024 to 2026, inclusive,  
6 shall be made in accordance with the following funding schedule: (i) \$4,104,583,378 in fiscal  
7 year 2024; (ii) \$4,499,854,757 in fiscal year 2025; and (iii) \$4,933,190,770 in fiscal year 2026.  
8 Notwithstanding any provision of this subdivision to the contrary, any adjustments to these  
9 amounts shall be limited to increases in the schedule amounts for each of the specified years.

**Preventative Services 1**

1 SECTION 15. Chapter 32A of the General Laws is hereby amended by adding the  
2 following section:-

3 Section 33. (a) For the purposes of this section, "federally-defined preventive services"  
4 shall mean: (i) evidence-based items or services that currently have a rating of "A" or "B" in the  
5 recommendations of the United States Preventive Services Task Force; (ii) immunizations with  
6 routine use in children, adolescents and adults that currently have a recommendation from the  
7 Advisory Committee on Immunization Practices of the federal Centers for Disease Control and  
8 Prevention with respect to the individual involved; (iii) with respect to infants, children and  
9 adolescents, evidence-informed preventive care and screenings provided for in the  
10 comprehensive guidelines supported by the federal Health Resources and Services  
11 Administration; and (iv) with respect to women, such additional preventive care and screenings  
12 not described in clause (i) as provided for in comprehensive guidelines supported by the federal  
13 Health Resources and Services Administration; provided, however, that "federally-defined

14 preventive services” shall include all other preventive services not subject to cost-sharing, as  
15 required by established federal regulatory and sub-regulatory guidance issued on or before July  
16 1, 2023.

17 (b) The commission shall provide to an active or retired employee of the commonwealth  
18 who is insured under the group insurance commission coverage for federally-defined preventive  
19 services.

20 (c)(1) Coverage provided pursuant to this section shall not be subject to any cost-sharing,  
21 including, but not limited to, co-payments, co-insurance or any deductible, as required by  
22 established federal regulatory and sub-regulatory guidance issued on or before July 1, 2023.

23 (2) Benefits for an enrollee pursuant to this section shall be the same for the enrollee’s  
24 covered spouse and covered dependents.

25 (d) Nothing in this section shall prohibit: (i) coverage for items and services in addition to  
26 those recommended by the United States Preventive Services Task Force, the Advisory  
27 Committee on Immunization Practices of the federal Centers for Disease Control and Prevention  
28 or the federal Health Resources and Services Administration; or (ii) denying coverage for items  
29 or services not recommended by the United States Preventive Services Task Force, the Advisory  
30 Committee on Immunization Practices of the federal Centers for Disease Control and Prevention  
31 or the federal Health Resources and Services Administration.

32 (e) If a recommendation pursuant to subsection (a) is changed during a plan year, a  
33 carrier shall not be required to make changes to the health plan during the plan year.

### **Surtax Implementation 6**

1 SECTION 16. Section 4 of chapter 62 of the General Laws, as appearing in the 2020  
2 Official Edition, is hereby amended by adding the following paragraph:-

3 (d) Where the sum of Part A taxable income, Part B taxable income and Part C taxable  
4 income exceeds \$1,000,000 in a taxable year, the portion of such taxable income exceeding  
5 \$1,000,000 shall be taxed at the rates specified in paragraphs (a) to (c), inclusive, plus an  
6 additional 4 per cent. In determining such sum, any negative amount or loss in any Part of  
7 taxable income may not be applied to reduce income in any other Part or otherwise be applied to  
8 reduce such sum. Annually, the \$1,000,000 taxable income threshold referenced in this  
9 paragraph shall be subject to the cost-of-living adjustment as provided by subsection (f) of  
10 section 1 of the Code. The commissioner may promulgate regulations or issue other guidance as  
11 necessary or appropriate to implement this paragraph.

**Surtax Implementation 7**

1 SECTION 17. Subsection (a) of section 5A of said chapter 62, as so appearing, is hereby  
2 amended by striking out the first sentence and inserting in place thereof the following 3  
3 sentences:- The amount of Part A taxable income, Part B taxable income and Part C taxable  
4 income of any non-resident of the commonwealth derived from the Massachusetts gross income  
5 of such person shall be taxed in accordance with section 4. Where the sum of Part A taxable  
6 income, Part B taxable income and Part C taxable income exceeds \$1,000,000 in a taxable year,  
7 the portion of such taxable income exceeding \$1,000,000 shall be taxed in accordance with  
8 paragraph (d) of said section 4. In determining such sum, any negative amount or loss in any Part  
9 of taxable income may not be applied to reduce income in any other Part or otherwise be applied  
10 to reduce such sum. The commissioner may promulgate regulations or issue other guidance as  
11 necessary or appropriate to implement this subsection.

**Massachusetts School Building Authority Spending Cap**

1 SECTION 18. Chapter 70B of the General Laws is hereby amended by striking out  
2 section 7, as so appearing, and inserting in place thereof the following section:-

3 Section 7. There shall be a limit on the estimated amount of grants approved by the  
4 authority during a fiscal year. For fiscal year 2024, the limit shall be \$1,200,000,000. For each  
5 fiscal year thereafter, the limit shall be the limit for the previous fiscal year plus the lower of: (i)  
6 the rate of growth in the dedicated sales tax revenue amount as defined in subsection (a) of  
7 section 35BB of chapter 10; or (ii) 6.5 per cent.

**Auto Body Labor Rates**

1 SECTION 19. Chapter 100A of the General Laws is hereby amended by adding the  
2 following 2 sections:-

3 Section 15. There shall be within the division of insurance an auto body labor rate  
4 advisory board to address any issues related to auto body labor rates. The advisory board shall  
5 consist of: 1 member appointed by the commissioner of insurance; 1 member appointed by the  
6 attorney general; 1 member appointed by the director of standards; 3 members from the auto  
7 insurance industry appointed by the Automobile Insurers Bureau of Massachusetts, 1 of whom  
8 shall be chosen by such 3 members to serve as co-chair; 3 members from the auto repair industry  
9 from different geographic regions of the commonwealth appointed by the Alliance of  
10 Automotive Service Providers of Massachusetts, Inc., 1 of whom shall be chosen by such 3  
11 members to serve as co-chair; 1 member appointed by the Massachusetts State Automobile  
12 Dealers Association, Inc; and 4 members appointed by the co-chairs, 1 of whom shall represent a  
13 vocational-technical school, 2 of whom shall be from consumer advocacy groups and 1 of whom  
14 shall be an economist with expertise in the insurance industry.

15           The advisory board shall meet not less than twice annually. The advisory board shall be  
16 responsible for creating, implementing and overseeing an annual survey given to relevant auto  
17 body shops as determined by the advisory board. The survey shall compile data pertaining to  
18 contracted hourly labor rates, posted hourly labor rates and prevailing hourly labor rates and any  
19 additional information as the advisory board deems relevant. The advisory board shall collect  
20 industry data including, but not limited to: (i) labor rates in neighboring states; (ii) auto body  
21 shop operating costs; (iii) total labor costs; (iv) inflation data; (v) work force data; (vi) vocational  
22 school trends; (vii) insurance premiums; and (viii) any additional information as requested by the  
23 advisory board. The results of the survey and the data collected shall be reviewed and analyzed  
24 by the advisory board annually and the board shall make a recommendation for a fair and  
25 equitable labor rate in its annual report.

26           Annually, not later than December 31, the advisory board shall file a report of its  
27 findings, conclusions and recommendations with the clerks of the senate and house of  
28 representatives, the joint committee on financial services, the senate and house committees on  
29 ways and means and the division of insurance.

30           Section 16. Not more than 30 days after receiving the annual report from the auto body  
31 labor rate advisory board under section 15, the commissioner of insurance shall set a minimum  
32 hourly labor rate that insurers shall pay on insured claims for repairs made by registered motor  
33 vehicle repair shops; provided, however, that the minimum hourly labor rate shall not be less  
34 than \$55. The minimum hourly labor rate shall go into effect 30 days after it is set by the  
35 commissioner.

**Direct Negotiations for Rebates on Certain Drugs and Non-Drug Products**

1 SECTION 20. Chapter 118E of the General Laws is hereby amended by inserting after  
2 section 12A the following section:-

3 Section 12B. (a) Notwithstanding any general or special law to the contrary, the secretary  
4 of health and human services may directly negotiate rebate agreements with manufacturers of  
5 non-drug products and drugs that are not covered outpatient drugs under 42 U.S.C. 1396r-8 if  
6 such agreements maximize value to the commonwealth; provided, however, that for the purposes  
7 of this section, the secretary shall not be subject to any otherwise applicable requirements set  
8 forth in 801 CMR 21.00 or any successor regulation. Such agreements may be based on the  
9 value, efficacy or outcomes of the non-drug product or drug.

10 (b) Annually, not later than October 15, the secretary shall report on activities pursuant to  
11 this section including, but not limited to: (i) the amount of rebate agreements received under this  
12 section; (ii) the number of pharmaceutical drugs receiving a rebate under this section, broken  
13 down by manufacturer; (iii) the number of non-drug products receiving a rebate under this  
14 section, broken down by manufacturer; and (iv) a breakdown of the duration of the rebates  
15 received under this section. The report shall be filed with the clerks of the senate and the house  
16 of representatives, the joint committee on health care financing and the senate and house  
17 committees on ways and means.

**Medicare Savings Program Asset Test Elimination 1**

1 SECTION 21. Subsection (a) of section 25A of said chapter 118E, as appearing in section  
2 55 of chapter 126 of the acts of 2022, is hereby further amended by striking out, in lines 1 to 4,  
3 inclusive, the words “or assets in an amount equivalent to the federal resource limit for the  
4 Medicare Saving programs, each”.

**Medicare Savings Program Asset Test Elimination 2**

1 SECTION 22. Said subsection (a) of said section 25A of said chapter 118E, as so  
2 amended, is hereby further amended by adding the following paragraph:-

3 In determining eligibility for Medicare Saving or Medicare Buy-In programs described in  
4 the preceding paragraph for individuals 65 years of age or older, the division shall disregard all  
5 assets or resources; provided, however, that implementation of this paragraph shall be contingent  
6 upon receiving all required federal approvals pursuant to subsection (b).

**Expansion of Voluntary Services Post Department of Youth Services Discharge 1**

1 SECTION 23. Section 16 of chapter 120 of the General Laws, as appearing in the 2020  
2 Official Edition, is hereby amended by striking out the fifth sentence and inserting in place  
3 thereof the following sentence:- The department may continue to provide, for any person covered  
4 in this chapter under 22 years of age, specific education, rehabilitative or transitional services  
5 and supports, under conditions agreed upon by both the department and such persons and  
6 terminable by either.

**Expansion of Voluntary Services Post Department of Youth Services Discharge 2**

1 SECTION 24. Said section 16 of said chapter 120, as so appearing, is hereby further  
2 amended by striking out, in line 19, the words “, for up to 90 days”.

**No Cost Calls 1**

1 SECTION 25. Chapter 127 of the General Laws is hereby amended by inserting after  
2 section 87 the following section:-

3 Section 87A. (a) For the purposes of this section, the terms “county correctional facility”,  
4 “state correctional facility” and “state prison” shall have the same meanings as in section 1 of  
5 chapter 125.



6 (b) The department of correction and county sheriffs shall provide persons committed to  
7 state correctional facilities, state prisons and county correctional facilities, including jails and  
8 houses of correction, with voice communication services, including phone calls, free of charge to  
9 the person initiating and the person receiving the communication; provided, however, that voice  
10 communication services shall be maximized to the extent possible and nothing in this section  
11 shall further limit or restrict access to voice communication services as the services were offered  
12 and available at such facilities on July 1, 2023; and provided further, that nothing in this section  
13 shall prohibit in-person contact visits.

14 (c) The department of correction and county sheriffs may supplement voice  
15 communication services with other communication services, including, but not limited to, video  
16 and electronic communication services; provided, however, that other communication services  
17 shall not replace voice communication services; and provided further, that other communication  
18 services shall be provided free of charge to the person initiating and the person receiving the  
19 communication.

### Commissary Fees

1 SECTION 26. Said chapter 127 is hereby further amended by adding the following  
2 section:-

3 Section 171. (a) For the purposes of this section, the terms “county correctional facility”,  
4 “state correctional facility” and “state prison” shall have the same meanings as in section 1 of  
5 chapter 125.

6 (b) State correctional facilities, state prisons, county correctional facilities and entities  
7 contracting with such facilities shall not charge more than 3 per cent over the purchase cost for  
8 commissary items. The department of correction and county sheriffs shall maximize discounts

9 procured from bulk purchasing of commissary items or other contracting opportunities that  
10 reduce the cost of such items and shall not receive commissions, revenue or other financial  
11 incentives in any contract with a seller, supplier or vendor of commissary items. Commissary  
12 items offered shall include gender affirming items, consistent with section 32A, and culturally  
13 appropriate items for all communities in custody.

**Massachusetts Bay Transportation Authority Capital Budget Dates 1**

1 SECTION 27. Section 5 of chapter 161A of the General Laws is hereby amended by  
2 striking out, in lines 125 and 126, as appearing in the 2020 Official Edition, the words “60 days  
3 prior to the start of the fiscal year” and inserting in place thereof the following words:- June 15  
4 of each year.

**Massachusetts Bay Transportation Authority Capital Budget Dates 2**

1 SECTION 28. Said section 5 of said chapter 161A is hereby further amended by striking  
2 out, in line 157, as so appearing, the word “January” and inserting in place thereof the following  
3 word:- May.

**Preventative Services 2**

1 SECTION 29. Chapter 175 of the General Laws is hereby amended by inserting after  
2 section 47TT the following section:-

3 Section 47UU. (a) For the purposes of this section, “federally-defined preventive  
4 services” shall mean: (i) evidence-based items or services that currently have a rating of “A” or  
5 “B” in the recommendations of the United States Preventive Services Task Force; (ii)  
6 immunizations with routine use in children, adolescents and adults that currently have a  
7 recommendation from the Advisory Committee on Immunization Practices of the federal Centers  
8 for Disease Control and Prevention with respect to the individual involved; (iii) with respect to

9 infants, children and adolescents, evidence-informed preventive care and screenings provided for  
10 in the comprehensive guidelines supported by the federal Health Resources and Services  
11 Administration; and (iv) with respect to women, such additional preventive care and screenings  
12 not described in clause (i) as provided for in comprehensive guidelines supported by the federal  
13 Health Resources and Services Administration; provided, however, that “federally-defined  
14 preventive services” shall include all other preventive services not subject to cost-sharing, as  
15 required by established federal regulatory and sub-regulatory guidance issued on or before July  
16 1, 2023.

17 (b) A policy, contract, agreement, plan or certificate of insurance issued, delivered or  
18 renewed within the commonwealth, which is considered creditable coverage pursuant to section  
19 1 of chapter 111M, shall provide coverage for federally-defined preventive services.

20 (c) Coverage provided pursuant to this section shall not be subject to any cost-sharing,  
21 including, but not limited to, co-payments, co-insurance or any deductible, as required by  
22 established federal regulatory and sub-regulatory guidance issued on or before July 1, 2023.

23 (d) Nothing in this section shall prohibit: (i) coverage for items and services in addition to  
24 those recommended by the United States Preventive Services Task Force, the Advisory  
25 Committee on Immunization Practices of the federal Centers for Disease Control and Prevention  
26 or the federal Health Resources and Services Administration; or (ii) denying coverage for items  
27 or services not recommended by the United States Preventive Services Task Force, the Advisory  
28 Committee on Immunization Practices of the federal Centers for Disease Control and Prevention  
29 or the federal Health Resources and Services Administration.

30 (e) If a recommendation pursuant to subsection (a) is changed during a plan year, a  
31 carrier shall not be required to make changes to the health plan during the plan year.

**Preventative Services 3**

1 SECTION 30. Chapter 176A of the General Laws is hereby amended by inserting after  
2 section 8UU the following section:-

3 Section 8VV. (a) For the purposes of this section, “federally-defined preventive services”  
4 shall mean: (i) evidence-based items or services that currently have a rating of “A” or “B” in the  
5 recommendations of the United States Preventive Services Task Force; (ii) immunizations with  
6 routine uses in children, adolescents and adults that currently have a recommendation from the  
7 Advisory Committee on Immunization Practices of the federal Centers for Disease Control and  
8 Prevention with respect to the individual involved; (iii) with respect to infants, children and  
9 adolescents, evidence-informed preventive care and screenings provided for in comprehensive  
10 guidelines supported by the federal Health Resources and Services Administration; and (iv) with  
11 respect to women, such additional preventive care and screenings not described in clause (i) as  
12 provided for in comprehensive guidelines supported by the federal Health Resources and  
13 Services Administration; provided, however, that “federally-defined preventive services” shall  
14 also include all other preventive services not subject to cost-sharing, as required by established  
15 federal regulatory and sub-regulatory guidance issued on or before July 1, 2023.

16 (b) Any contract between a subscriber and a corporation subject to this chapter, pursuant  
17 to an individual or group hospital service plan that is delivered, issued or renewed within the  
18 commonwealth, which is considered creditable coverage pursuant to section 1 of chapter 111M,  
19 shall provide coverage for federally-defined preventive services.

20 (c) Coverage provided pursuant to this section shall not be subject to any cost-sharing,  
21 including, but not limited to, co-payments, co-insurance or any deductible, as required by  
22 established federal regulatory and sub-regulatory guidance issued on or before July 1, 2023.

23 (d) Nothing in this section shall prohibit: (i) coverage for items and services in addition to  
24 those recommended by the United States Preventive Services Task Force, the Advisory  
25 Committee on Immunization Practices of the federal Centers for Disease Control and Prevention  
26 or the federal Health Resources and Services Administration; or (ii) denying coverage for items  
27 and services that are not recommended by the United States Preventive Services Task Force, the  
28 Advisory Committee on Immunization Practices of the federal Centers for Disease Control and  
29 Prevention or the federal Health Resources and Services Administration.

30 (e) If a recommendation pursuant to subsection (a) is changed during a plan year, a  
31 carrier shall not be required to make changes to the health plan during the plan year.

**Preventative Services 4**

1 SECTION 31. Chapter 176B of the General Laws is hereby amended by inserting after  
2 section 4UU the following section:-

3 Section 4VV. (a) For the purposes of this section, “federally-defined preventive services”  
4 shall mean: (i) evidence-based items or services that currently have a rating of “A” or “B” in the  
5 recommendations of the United States Preventive Services Task Force; (ii) immunizations with  
6 routine use in children, adolescents and adults that currently have a recommendation from the  
7 Advisory Committee on Immunization Practices of the federal Centers for Disease Control and  
8 Prevention with respect to the individual involved; (iii) with respect to infants, children and  
9 adolescents, evidence-informed preventive care and screenings provided for in the  
10 comprehensive guidelines supported by the federal Health Resources and Services  
11 Administration; and (iv) with respect to women, such additional preventive care and screenings  
12 not described in clause (i) as provided for in comprehensive guidelines supported by the federal  
13 Health Resources and Services Administration; provided, however, that “federally-defined

14 preventive services” shall also include all other preventive services not subject to cost-sharing, as  
15 required by established federal regulatory and sub-regulatory guidance issued on or before July  
16 1, 2023.

17 (b) Any subscription certificate under an individual or group medical service agreement  
18 that is delivered, issued or renewed within the commonwealth, which is considered creditable  
19 coverage pursuant to section 1 of chapter 111M, shall provide coverage for federally-defined  
20 preventive services.

21 (c) Coverage provided pursuant to this section shall not be subject to any cost-sharing,  
22 including, but not limited to, co-payments, co-insurance or any deductible, as required by  
23 established federal regulatory and sub-regulatory guidance issued on or before July 1, 2023.

24 (d) Nothing in this section shall prohibit: (i) coverage for items and services in addition to  
25 those recommended by the United States Preventive Services Task Force, the Advisory  
26 Committee on Immunization Practices of the federal Centers for Disease Control and Prevention  
27 or the federal Health Resources and Services Administration; or (ii) denying coverage for items  
28 and services that are not recommended by the United States Preventive Services Task Force, the  
29 Advisory Committee on Immunization Practices of the federal Centers for Disease Control and  
30 Prevention or the federal Health Resources and Services Administration.

31 (e) If a recommendation described in subsection (a) is changed during a plan year, a  
32 carrier shall not be required to make changes to the health plan during the plan year.

### **Preventative Services 5**

1 SECTION 32. Chapter 176G of the General Laws is hereby amended by inserting after  
2 section 4MM the following section:-

3           Section 4NN. (a) For the purposes of this section, “federally-defined preventive services”  
4 shall mean: (i) evidence-based items or services that currently have a rating of “A” or “B” in the  
5 recommendations of the United States Preventive Services Task Force; (ii) immunizations with  
6 routine use in children, adolescents and adults that currently have a recommendation from the  
7 Advisory Committee on Immunization Practices of the federal Centers for Disease Control and  
8 Prevention with respect to the individual involved; (iii) with respect to infants, children and  
9 adolescents, evidence-informed preventive care and screenings provided for in the  
10 comprehensive guidelines supported by the federal Health Resources and Services  
11 Administration; and (iv) with respect to women, such additional preventive care and screenings  
12 not described in clause (i) as provided for in comprehensive guidelines supported by the federal  
13 Health Resources and Services Administration; provided, however, that “federally-defined  
14 preventive services” shall also include all other preventive services not subject to cost-sharing, as  
15 required by established federal regulatory and sub-regulatory guidance issued on or before July  
16 1, 2023.

17           (b) An individual or group health maintenance contract that is issued, delivered or  
18 renewed within the commonwealth, which is considered creditable coverage pursuant to section  
19 1 of chapter 111M, shall provide coverage for federally-defined preventive services.

20           (c) Coverage provided pursuant to this section shall not be subject to any cost-sharing,  
21 including, but not limited to, co-payments, co-insurance or any deductible, as required by  
22 established federal regulatory and sub-regulatory guidance issued on or before July 1, 2023.

23           (d) Nothing in this section shall prohibit: (i) coverage for items and services in addition to  
24 those recommended by the United States Preventive Services Task Force, the Advisory  
25 Committee on Immunization Practices of the federal Centers for Disease Control and Prevention

26 or the Health Resources and Services Administration; or (ii) denying coverage for items and  
27 services that are not recommended by the United States Preventive Services Task Force, the  
28 Advisory Committee on Immunization Practices of the federal Centers for Disease Control and  
29 Prevention or the federal Health Resources and Services Administration.

30 (e) If a recommendation described in subsection (a) is changed during a plan year, a  
31 carrier shall not be required to make changes to the health plan during the plan year.

**Children and Family Legal Representation Trust Fund**

1 SECTION 33. Chapter 211D of the General Laws is hereby amended by adding the  
2 following section:-

3 Section 17. (a) There shall be a Children and Family Legal Representation Trust Fund to  
4 be administered by the chief counsel of the committee for public counsel services. There shall be  
5 credited to the fund: (i) revenue from appropriations or other money authorized by the general  
6 court and specifically designated to be credited to the fund; (ii) reimbursement funds from  
7 federal sources for the legal representations of children and families by the committee for public  
8 counsel services including, but not limited to, reimbursements under Title IV-E of the Social  
9 Security Act; and (iii) interest earned on such revenues and reimbursements in the fund.

10 Amounts credited to the fund that are unexpended at the close of a fiscal year shall not revert to  
11 the General Fund.

12 (b) Money in the fund may be expended by the chief counsel, without further  
13 appropriation, for: (i) providing pre-petition representation and diversion advocacy; (ii)  
14 increasing the availability and quality of representation statewide, especially in underrepresented  
15 communities; (iii) ensuring the availability of education advocacy throughout the  
16 commonwealth; (iv) improving the quality of advocacy through increased training capacity and



17 performance evaluations; (v) increasing multidisciplinary representation and the use of experts,  
18 parent partner programs and specialized advocacy and support units; and (vi) improving and  
19 modernizing agency data collection, data reporting and billing systems. The chief counsel may  
20 designate an administrator of the fund to implement approved activities consistent with this  
21 section.

22 (c) Annually, not later than November 1, the chief counsel shall file a report on the fund’s  
23 activities with the clerks of the senate and house of representatives, the senate and house  
24 committees on ways and means and the joint committee on the judiciary. The report shall  
25 include, but not be limited to: (i) the source and amount of funds received; (ii) the amounts  
26 distributed and the purpose of expenditures from the fund, including any grants provided to early  
27 education and care programs, philanthropic organizations or other stakeholder organizations; and  
28 (iii) anticipated revenue and expenditure projections for the next calendar year.

**Probate and Family Judges**

1 SECTION 34. Section 3C of chapter 217 of the General Laws, as appearing in the 2020  
2 Official Edition, is hereby amended by striking out, in line 1, the figure “11” and inserting in  
3 place thereof the following figure:- 19.

**Eviction Protections**

1 SECTION 35. Chapter 239 of the General Laws is hereby amended by adding the  
2 following section:-

3 Section 15. (a) For the purposes of this section, “emergency rental assistance” shall,  
4 unless the context clearly requires otherwise, mean financial assistance provided to a residential  
5 tenant to prevent an eviction or homelessness: (i) under the residential assistance for families in  
6 transition program or any other program administered by the executive office of housing and

7 livable communities; (ii) by a municipality or a non-profit entity administering such program  
8 using public funds on behalf of the department; or (iii) by a municipality or a federal agency to  
9 cure rent arrearage or provide financial assistance for moving cost assistance, including the  
10 payment of a security deposit.

11 (b) In an action for summary process for nonpayment of rent, a court having jurisdiction  
12 over said action for summary process shall:

13 (i) grant a continuance for a period as the court may deem just and reasonable if, either at  
14 the time the answer is timely filed or on the date the trial is scheduled to commence: (A) the  
15 tenancy is being terminated solely for non-payment of rent for a residential dwelling unit; (B) the  
16 non-payment of rent was due to a financial hardship; and (C) the defendant demonstrates, to the  
17 satisfaction of the court, a pending application for emergency rental assistance; provided,  
18 however, the court may consider any meritorious counterclaim brought in said action for  
19 summary process;

20 (ii) issue a stay of execution on a judgment for possession if the requirements in  
21 subclauses (A) to (C), inclusive, of clause (i) are met; and

22 (iii) not enter a judgment or issue an execution before the application for emergency  
23 rental assistance has been approved or denied.

24 (c) Not later than the fifteenth day of each month, the executive office of the trial court  
25 shall submit a report for the previous month to the clerks of the house of representatives and the  
26 senate, the house and senate committees on ways and means, the joint committee on housing and  
27 the joint committee on the judiciary that shall include, but not be limited to: (i) the number of  
28 actions for summary process entered and filed with each court having jurisdiction over an action  
29 for summary process; (ii) the number of default judgments entered, delineated by the reason for

30 the summary process filing; (iii) the number of execution for possession orders granted,  
31 delineated by the reason for the summary process filing; (iv) the number of continuances  
32 requested and granted due to pending applications for emergency rental assistance pursuant to  
33 subsection (b); (v) the number of stays issued due to pending applications for emergency rental  
34 assistance pursuant to said subsection (b); (vi) the average length of a continuance or stay  
35 granted pursuant to said subsection (b); (vii) the number of stays requested pursuant to sections 9  
36 and 10, including whether they were granted or denied; (viii) the number of landlords and tenants  
37 participating in pre-trial mediation and, to the extent practicable, the outcome of each mediation;  
38 (ix) the number of landlords and tenants receiving legal representation and legal services through  
39 on-site court diversion and support resources; and (x) any other relevant information as the trial  
40 court may decide.

### **Preventative Services 6**

1 SECTION 36. The division of insurance shall issue guidance necessary for the  
2 implementation and enforcement of, and to ensure compliance with, sections 15, 29, 30, 31 and  
3 32 not later than 90 days after the effective date of this act; provided, however, that said  
4 guidance shall be consistent with all relevant federal requirements and any preventive services  
5 that shall not be subject to cost-sharing that are added to relevant federal regulatory and sub-  
6 regulatory guidance issued not later than July 1, 2023. As necessary, the division of insurance  
7 shall issue guidance to update the scope of preventive services based on the recommendations  
8 and guidelines referenced in the definition of “federally-defined preventive services” in section  
9 47UU of chapter 175 that become effective after July 1, 2023.

### **Higher Education COVID-19 Limited Liability**

1 SECTION 37. (a) For the purposes of this section, the following words shall have the  
2 following meaning unless the context clearly requires otherwise:

3 “Claim”, any claim or cause of action seeking any legal or equitable remedy or relief.

4 “COVID-19 emergency”, the state of emergency concerning the COVID-19 outbreak  
5 declared by the governor on March 10, 2020 and terminated on June 15, 2021.

6 “Damages”, injury or loss of property or personal injury or death, including economic or  
7 non-economic losses.

8 “Institution of higher education”, any postsecondary institution, whether public or  
9 nonpublic, including the owners, directors, trustees, officers, employees, contractors and agents  
10 of such institution.

11 (b) Notwithstanding any general or special law to the contrary, except as provided in  
12 subsection (c), an institution of higher education shall be immune from civil liability for any  
13 damages or equitable monetary relief alleged to have been sustained due to an act or omission of  
14 an institution of higher education if: (i) the claim arises out of or in connection with tuition or  
15 fees paid to the institution of higher education for the spring academic term of 2020; (ii) the  
16 claim alleges losses or damages arising from an act or omission by the institution of higher  
17 education during or in response to the COVID-19 emergency; (iii) the alleged act or omission of  
18 the institution of higher education was reasonably related to protecting public health and safety  
19 interests in response to the COVID-19 emergency, in compliance with federal, state or local  
20 guidance, including, but not limited to: (A) transition to online or otherwise remote instruction;  
21 (B) pause or modification to instruction and ancillary student activities and services available  
22 through the institution of higher education; or (C) closure of, or modification to, operations of  
23 on-campus facilities of the institution of higher education; and (iv) the institution of higher

24 education offered online and otherwise remote learning options that allowed students to complete  
25 the coursework in the spring academic term of 2020.

26 (c) The civil immunity provided in subsection (b) shall not apply if the damage alleged was  
27 caused by an act or omission of an institution of higher education that was malicious or in bad  
28 faith.

29 (d) This section shall apply only to claims based on acts or omissions that occurred during  
30 the 2020 spring academic term.

### Continuing Service

1 SECTION 38. (a) Notwithstanding section 141 of chapter 47 of the acts of 2017, a  
2 member who made an election under section 90G<sup>3</sup>/<sub>4</sub> of chapter 32 of the General Laws prior to  
3 the enactment of section 28 of said chapter 47, may, within 60 days of the effective date of this  
4 act, repeal such election and be credited with any years of service subsequent to such election;  
5 provided, however, that such member: (i) has maintained continuous service since making such  
6 election; and (ii) is a member continuing in service as of the effective date of this act; provided  
7 further, that such service shall not be credited until such member has paid into the annuity  
8 savings fund of such system, in 1 sum or in installments, upon such terms and conditions as the  
9 board may prescribe, makeup payments, for each year of creditable service sought, of an amount  
10 equal to the per cent of the regular annual compensation of the member when said member  
11 entered the retirement system.

12 (b) Not later than 90 days after the effective date of this act, the state retirement board  
13 shall: (i) assess whether it is necessary to request a letter of determination or ruling from the  
14 Internal Revenue Service on whether subsection (a) may be implemented without impairing the  
15 compliance of the optional retirement plan or the state employees' retirement system with the

16 federal Internal Revenue Code of 2022; and (ii) request, if necessary, a letter of determination or  
17 ruling from the Internal Revenue Service; provided, however, that if the state retirement board  
18 determines that a letter of determination or ruling is necessary, subsection (a) shall not take effect  
19 until the Internal Revenue Service issues a favorable ruling or determination that determines that  
20 the transfers described in this section will not result in non-compliance of the optional retirement  
21 program or the state employees' retirement system with the federal Internal Revenue Code.

**Other Post-Employment Benefits Liability**

1 SECTION 39. (a) Notwithstanding any general or special law to the contrary, the  
2 unexpended balances in items 0699-0015 and 0699-9100 of section 2 shall be deposited into the  
3 State Retiree Benefits Trust Fund established in section 24 of chapter 32A of the General Laws  
4 before the certification of the fiscal year 2024 consolidated net surplus under section 5C of  
5 chapter 29 of the General Laws. The amount deposited shall be an amount equal to 10 per cent of  
6 all payments received by the commonwealth in fiscal year 2024 under the master settlement  
7 agreement in Commonwealth of Massachusetts v. Philip Morris, Inc. et al., Middlesex Superior  
8 Court, No. 95-7378; provided, however, that if in fiscal year 2024 the unexpended balances of  
9 said items 0699-0015 and 0699-9100 of said section 2 are less than 10 per cent of all payments  
10 received by the commonwealth in fiscal year 2024 under the master settlement agreement  
11 payments, an amount equal to the difference shall be transferred to the State Retiree Benefits  
12 Trust Fund from payments received by the commonwealth under the master settlement  
13 agreement.

14 (b) Notwithstanding any general or special law to the contrary, the payment percentage  
15 set forth in section 152 of chapter 68 of the acts of 2011 shall not apply in fiscal year 2024.

**Pension Cost of Living Adjustment**

1 SECTION 40. Notwithstanding any general or special law to the contrary, the amounts  
2 transferred pursuant to subdivision (1) of section 22C of chapter 32 of the General Laws shall be  
3 made available for the Commonwealth's Pension Liability Fund established in section 22 of said  
4 chapter 32. The amounts transferred pursuant to said subdivision (1) of said section 22C of said  
5 chapter 32 shall meet the commonwealth's obligations pursuant to said section 22C of said  
6 chapter 32, including retirement benefits payable by the state employees' retirement system and  
7 the state teachers' retirement system, for the costs associated with a 3 per cent cost-of-living  
8 adjustment pursuant to section 102 of said chapter 32, for the reimbursement of local retirement  
9 systems for previously authorized cost-of-living adjustments pursuant to said section 102 of said  
10 chapter 32 and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of  
11 1984. The state retirement board and each city, town, county and district shall verify these costs,  
12 subject to rules that shall be adopted by the state treasurer. The state treasurer may make  
13 payments upon a transfer of funds to reimburse certain cities and towns for pensions of retired  
14 teachers, including any other obligation that the commonwealth has assumed on behalf of a  
15 retirement system other than the state employees' retirement system or state teachers' retirement  
16 system, including the commonwealth's share of the amounts to be transferred pursuant to section  
17 22B of said chapter 32. The payments under this section shall be made only pursuant to  
18 distribution of money from the Commonwealth's Pension Liability Fund and the secretary of  
19 administration and finance shall submit a report quarterly detailing any distribution, and the  
20 payments for which distributions are required, to the senate and house committees on ways and  
21 means and the joint committee on public service in advance of the distribution. Distributions  
22 shall not be made in advance of the date on which a payment is to be made. If the amount  
23 transferred pursuant to said subdivision (1) of said section 22C of said chapter 32 exceeds the

24 amount necessary to adequately fund the annual pension obligations, the excess amount shall be  
25 credited to the Pension Reserves Investment Trust Fund established in subdivision (8) of said  
26 section 22 of said chapter 32 to reduce the unfunded pension liability of the commonwealth.

**Medicare Savings Program Transfer**

1 SECTION 41. Notwithstanding any general or special law to the contrary, the secretary  
2 of administration and finance, in consultation with the secretary of health and human services,  
3 may transfer not more than a total of \$25,000,000 from the prescription advantage program in  
4 item 9110-1455 of section 2 and the Health Safety Net Trust Fund established in section 66 of  
5 chapter 118E of the General Laws in fiscal year 2024, to support the Medicare Saving or  
6 Medicare Buy-In programs in section 25A of said chapter 118E; provided, however, that the  
7 secretary of health and human services shall certify to the senate and house committees on ways  
8 and means, not less than 15 days in advance of the transfer, in writing, the amount to be  
9 transferred and an explanation of the amount of expected savings to those programs resulting  
10 from the transfer.

**Health Safety Net Administration**

1 SECTION 42. Notwithstanding any general or special law to the contrary, payments from  
2 the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws  
3 may be made as: (i) safety net care payments under the commonwealth’s waiver pursuant to  
4 section 1115 of title XI of the federal Social Security Act, 42 U.S.C. 1315; (ii) an adjustment to  
5 service rate payments under Title XIX and XXI of said Social Security Act; or (iii) a  
6 combination of clauses (i) and (ii). Other federally permissible funding mechanisms available for  
7 certain hospitals, as defined by regulations of the executive office of health and human services,  
8 may be used to reimburse up to \$70,000,000 of uncompensated care pursuant to said section 66



9 and section 69 of said chapter 118E using sources distinct from the funding made available to the  
10 Health Safety Net Trust Fund.

**Initial Gross Payments to Qualifying Acute Care Hospitals**

1 SECTION 43. Notwithstanding any general or special law to the contrary, not later than  
2 October 1, 2023, the comptroller shall transfer, without further appropriation, from the General  
3 Fund to the Health Safety Net Trust Fund established in section 66 of chapter 118E of the  
4 General Laws the greater of \$45,000,000 or 1/12 of the total expenditures to hospitals and  
5 community health centers required pursuant to this act for the purpose of making initial gross  
6 payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1,  
7 2023. These payments shall be made to hospitals before, and in anticipation of, the payment by  
8 hospitals of their gross liability to the Health Safety Net Trust Fund. The comptroller shall  
9 transfer from the Health Safety Net Trust Fund to the General Fund, not later than June 30, 2024,  
10 the amount of the transfer authorized by this section and any allocation of that amount as  
11 certified by the director of the health safety net office.

**Inspector General’s Health Care Audits**

1 SECTION 44. Notwithstanding any general or special law to the contrary, in hospital  
2 fiscal year 2024, the office of inspector general may expend not more than \$1,000,000 from the  
3 Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws for  
4 costs associated with maintaining a health safety net audit unit within the office. The unit shall  
5 continue to oversee and examine the practices in hospitals including, but not limited to, the care  
6 provided to the uninsured and the resulting free charges. The unit shall also study and review the  
7 Medicaid program under said chapter 118E including, but not limited to, a review of the  
8 program’s eligibility requirements, utilization, claims administration and compliance with

9 federal mandates. The inspector general shall submit a report to the chairs of the senate and  
10 house committees on ways and means detailing the results of the audits and any other completed  
11 analyses not later than March 1, 2024.

**Nursing Facility Base Year**

1 SECTION 45. Notwithstanding any general or special law to the contrary, nursing facility  
2 rates effective on October 1, 2023 under section 13D of chapter 118E of the General Laws may  
3 be developed using the costs of calendar year 2019.

**Transfers Between Health Funds**

1 SECTION 46. (a) Notwithstanding any general or special law to the contrary, the  
2 comptroller, at the direction of the secretary of administration and finance, may transfer up to  
3 \$15,000,000 from the Commonwealth Care Trust Fund established in section 2000 of chapter  
4 29 of the General Laws to the Health Safety Net Trust Fund established in section 66 of chapter  
5 118E of the General Laws.

6 (b) The transfer required from the Commonwealth Care Trust Fund to the Health Safety  
7 Net Trust Fund under subsection (b) of section 189 of chapter 149 of the General Laws shall not  
8 apply in fiscal year 2023.

**Regional Transit Authority Funding Distribution**

1 SECTION 47. Notwithstanding any general or special law to the contrary, for fiscal year  
2 2024, \$150,000,000 shall be considered operating assistance and distributed to regional transit  
3 authorities from item 1595-6370 of section 2E and item 1596-2406 of section 2F. For fiscal year  
4 2024, \$90,500,000 of the amount transferred in item 1595-6370 shall be distributed based on  
5 fiscal year 2023 distributions in accordance with the updated fiscal year 2023 bilateral  
6 memorandum of understanding between each regional transit authority and the Massachusetts

7 Department of Transportation; provided, however, that each regional transit authority shall  
8 receive operating assistance from said item 1595-6370 of said section 2E of not less than the  
9 amount received in fiscal year 2023; and provided further, that \$3,500,000 shall be distributed to  
10 each regional transit authority based on the following formula: 60 per cent based on total transit  
11 ridership as reported on the most recent certified national transit data base report, 30 per cent  
12 based on the population of its member communities from the most recent census and 10 per cent  
13 based on service coverage area determined by the total square miles of its member communities.  
14 The department may require each regional transit authority to provide data on ridership,  
15 customer service and satisfaction, asset management and financial performance, including  
16 farebox recovery, and shall compile any such collected data into a report on the performance of  
17 regional transit authorities and detail each authority's progress towards meeting the performance  
18 metrics established in each memorandum of understanding.

**No Cost Calls 2**

1 SECTION 48. (a) Notwithstanding any general or special law to the contrary, no voice  
2 communication services contract in force on the effective date of this act shall be affected by  
3 section 87A of chapter 127 of the General Laws, as inserted by section 25; provided, however,  
4 that voice communication services shall be free of charge to the person initiating and the person  
5 receiving the communication beginning on July 1, 2023; provided further, that the department of  
6 correction and sheriffs shall ensure adequate infrastructure for voice communication services;  
7 and provided further, that other communication services offered pursuant to said section 87A of  
8 said chapter 127, including, but not limited to, video and electronic communication services,  
9 shall be offered free of charge to the person initiating and the person receiving the  
10 communication beginning on July 1, 2024.

11 (b) Notwithstanding any general or special law to the contrary, upon the expiration of any  
12 contract for voice communication services, the department of correction and the county sheriffs  
13 shall seek to maximize purchasing power and consolidate contracts to the extent feasible;  
14 provided, however, that not later than January 1, 2024, the department of correction and the  
15 county sheriffs shall report to the house and senate committees on ways and means and the joint  
16 committee on the judiciary on the status of any communication services contracts and plans to  
17 consolidate contracts to maximize purchasing power for voice communication services.

18 (c) Notwithstanding any general or special law to the contrary, any financial incentive  
19 received in connection with a voice communication services or other communication services  
20 contract, including, but not limited to, a commission, shall revert to the General Fund.

### **Capital Gains Revenue Transfer**

1 SECTION 49. Notwithstanding section 5G of chapter 29 of the General Laws or any  
2 other general or special law to the contrary, in fiscal year 2024, the comptroller shall transfer the  
3 amount of tax revenues the department of revenue estimates to have been collected from capital  
4 gains income that exceeds the threshold established pursuant to said section 5G of said chapter  
5 29, as follows: (i) 60 per cent of such amount shall be transferred to the Commonwealth  
6 Stabilization Fund established in section 2H of said chapter 29; (ii) 20 per cent of such amount  
7 shall be transferred to the State Retiree Benefits Trust Fund established in section 24 of chapter  
8 32A of the General Laws; and (iii) 20 per cent of such amount shall be transferred to the  
9 Commonwealth's Pension Liability Fund established in subsection (e) of subdivision 8 of section  
10 22 of chapter 32.

### **Group Insurance Commission Coverage**

1 SECTION 50. Notwithstanding any general or special law to the contrary, the group  
2 insurance commission, in consultation with the comptroller and the executive office for  
3 administration and finance, shall offer health insurance coverage to any new employee who is  
4 eligible for health insurance benefits. If any such employee opts to receive health insurance  
5 benefits provided by the group insurance commission, such health insurance coverage shall be  
6 effective as of the employee’s start date if the employment start date falls on the first day of the  
7 month or as of the first day of the month following the employee’s start date if the employment  
8 start date falls on any day other than the first day of the month.

**Massachusetts School Building Authority Commission**

1 SECTION 51. (a) For the purposes of this section, “authority” shall mean the  
2 Massachusetts School Building Authority established in section 1A of chapter 70B of the  
3 General Laws.

4 (b) There shall be a special commission to study and make recommendations regarding  
5 the: (i) capacity of the authority to meet the needs of current and future school facility projects;  
6 and (ii) racial, ethnic, socioeconomic and geographic equity of the authority’s grant funding  
7 formula to ensure that all communities may participate in the program.

8 (c) The commission shall consist of: the chairs of the joint committee on education who  
9 shall serve as co-chairs; 1 member appointed by the senate president; 1 member appointed by the  
10 speaker of the house of representatives; 1 member appointed by the minority leader of the senate;  
11 1 member appointed by the minority leader of the house of representatives; the secretary of  
12 education or a designee; the commissioner of elementary and secondary education or a designee;  
13 the executive director of the authority or a designee; 2 members appointed by the governor, 1 of  
14 whom shall be a representative of a gateway city with knowledge of municipal finance and 1 of

15 whom shall be an individual with demonstrated expertise in the design and construction of cost-  
16 effective school buildings; 2 members appointed by the state treasurer, 1 of whom shall be an  
17 individual with demonstrated expertise in the design and construction of green buildings and 1 of  
18 whom shall be an individual with demonstrated expertise in public health and indoor  
19 environmental quality in school buildings; 1 member appointed by the Massachusetts  
20 Association of School Superintendents, Inc.; 1 member appointed by the Massachusetts  
21 Association of School Committees, Inc.; 1 member appointed by the Massachusetts Association  
22 of Vocational Administrators, Inc.; 1 member appointed by the Massachusetts Chapters of the  
23 American Institute for Architects; 1 member appointed by the Massachusetts Facilities  
24 Administrators Association, Inc.; 1 member appointed by the Massachusetts Teachers  
25 Association; 1 member appointed by the American Federation of Teachers, Massachusetts; 1  
26 member appointed by the Massachusetts Taxpayers Foundation, Inc.; and 1 member appointed  
27 by the Massachusetts Building Trades Council.

28 (d) The commission shall investigate and make recommendations on: (i) the current and  
29 future need to renovate and rebuild school facilities, the availability of adequate state and local  
30 resources and the extent to which current state funding for the authority may need to be adjusted  
31 to meet this need; (ii) the authority's existing grant formula and potential modifications to the  
32 formula to ensure fairness and equity for all communities; (iii) the alignment of the authority's  
33 construction cost reimbursement rate relative to the actual cost of construction and other  
34 authority policies that impact eligible project costs for reimbursement; (iv) incentive percentage  
35 points including, but not limited to, how such incentive percentage points are calculated for  
36 municipalities that qualify for 80 per cent reimbursement; (v) reimbursement policies for  
37 regional technical and vocational schools and how to ensure affordability for all member

38 communities; (vi) reimbursement policies to help the commonwealth achieve its environmental  
39 and greenhouse gas emissions reductions goals; (vii) reimbursement policies that support healthy  
40 school facilities for students and staff; (viii) whether the authority should be authorized to spend  
41 money on equipment or the authority should be limited to funding for education structures; (ix)  
42 whether the authority should add incentives for educational spaces approved under chapter 74 of  
43 the General Laws in programs that align to labor market demand; and (x) any other issues  
44 affecting the ability for all students to attend school in high quality, accessible, safe, healthy and  
45 green school buildings.

46 (e) The authority and other state agencies shall make available to the commission in a  
47 timely manner any documents, data or other materials that are reasonably requested by the  
48 commission.

49 (f) The commission shall submit a report of its findings and recommendations to the  
50 clerks of the house of representatives and senate, the joint committee on education and the house  
51 and senate committees on ways and means not later than June 1, 2025.

**Unrestricted General Government Aid Distribution Review Commission**

1 SECTION 52. (a) There shall be a special commission to study the current distribution  
2 method used to allocate unrestricted general government aid to municipalities, including  
3 unrestricted general government aid, lottery aid as provided in section 18C of chapter 58 of the  
4 General Laws and additional assistance aid to municipalities. The study shall not include  
5 foundation aid as defined in section 2 of chapter 70 of the General Laws.

6 The commission shall examine the distribution method used to allocate unrestricted  
7 general government aid to municipalities, evaluate the effectiveness and equity of said method  
8 and make recommendations to maximize the equity of the distribution of unrestricted general

9 government aid to municipalities. The commission shall review all aspects of general local aid  
10 including, but not limited to: (i) the current allocation of local aid to municipalities; (ii) the  
11 extent to which the municipalities' needs are reflected in the proportional distribution of the  
12 unrestricted general government aid; (iii) any equity discrepancies that exist between  
13 municipalities across the commonwealth related to local aid distribution; (iv) the ability to  
14 account for a municipality's change in population or tax base in a general local aid funding  
15 distribution method; (v) the potential to calculate municipal costs based on a municipality's need  
16 for municipal services and a municipality's ability to raise local revenue; and (vi) any alternative  
17 distribution methods that maximize the equity of the distribution of general local aid.

18 (b) The commission shall consist of the following 9 members: the chairs of the joint  
19 committee on ways and means or their designees; the secretary of administration and finance or a  
20 designee, who shall serve as chair; the executive director of the Massachusetts Municipal  
21 Association, Inc. or a designee; the president of the Massachusetts Taxpayers Foundation, Inc. or  
22 a designee; the executive director of the Massachusetts Budget and Policy Center, Inc. or a  
23 designee; and 3 members appointed by the governor who shall: (i) have experience in public  
24 sector finance; and (ii) reflect a diverse geographic distribution and stakeholder representation.

25 (c) The commission shall file a report on its findings and recommendations with the  
26 clerks of the senate and house of representatives and the chairs of the senate and house  
27 committees on ways and means not later than July 1, 2024.

### **Nursing Program Faculty**

1 SECTION 53. Notwithstanding any general or special law to the contrary, for the 2023  
2 and 2024 academic terms, the board of registration in nursing, as established in chapter 15 of the  
3 General Laws, shall develop an alternative approval process to allow faculty whose highest



4 earned degree is a baccalaureate degree in nursing to teach the clinical or skills lab component of  
5 a course in a registered nursing program; provided, however, that the board may require such  
6 faculty to meet minimum experience requirements as determined by the board.

**Surtax Implementation Effective Date 1**

1 SECTION 54. Sections 9, 11, 12 and 13 shall take effect on January 1, 2023.

**Surtax Implementation Effective Date 2**

1 SECTION 55. Section 10 shall take effect on July 31, 2025.

**Surtax Implementation Effective Date 3**

1 SECTION 56. Sections 16 and 17 shall take effect for taxable years beginning on or after  
2 January 1, 2023.

**Massachusetts School Building Authority Spending Cap Effective Date**

1 SECTION 57. Section 18 shall take effect on July 1, 2022.

**No Cost Calls Effective Date**

1 SECTION 58. Section 87A of chapter 127 of the General Laws, inserted by section 25,  
2 shall take effect 60 days after the effective date of this act.

**Group Insurance Commission Coverage Effective Date**

1 SECTION 59. Section 50 shall take effect on January 1, 2024.

**Effective Date**

1 SECTION 60. Except as otherwise specified, this act shall take effect on July 1, 2023.