

Managed Care Organization Services Assessment 1

1 SECTION 4. Section 6 of chapter 6D of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words “, ambulatory
3 surgical center and surcharge payor” and inserting in place thereof the following words:- and
4 ambulatory surgical center.

Managed Care Organization Services Assessment 2

1 SECTION 5. Said section 6 of said chapter 6D, as so appearing, is hereby further
2 amended by striking out the last paragraph.

Registry of Deeds Technological Fund Extension 1

1 SECTION 6. Section 31 of chapter 9 of the General Laws, as so appearing, is hereby
2 amended by striking out, in lines 9 and 12, the figure “2025” and inserting in place thereof, in
3 each instance, the following figure:- 2030.

Cashless Lottery Payments

1 SECTION 7. Section 24 of chapter 10 of the General Laws, as so appearing, is hereby
2 amended by inserting after the word “agents”, in line 17, the following words:- ; provided
3 further, that said restriction shall not govern the transmittal of lottery information and sales for
4 the purpose of facilitating point of sale transactions; provided further, that said restriction shall
5 govern point of sale transactions involving a credit card as defined in section 1 of chapter 140D;
6 provided further, that point of sale transactions under this section shall be subject to the
7 restrictions set forth in subsection (b) of section 5I of chapter 18.

Modernizing Lottery Operations 1

1 SECTION 8. The second paragraph of section 27 of chapter 10 of the General Laws, as
2 so appearing, is hereby amended by striking out the first sentence and inserting in place thereof

3 the following 3 sentences:- No covered state employee and no member of such state employee’s
4 immediate family as defined in section 1 of chapter 268A shall be issued a license to sell lottery
5 tickets. For the purposes of this paragraph, “covered state employee” shall mean: (i) a state
6 employee or special state employee as those terms are defined in said section 1 of said chapter
7 268A who is employed in: (a) the office of the commission; (b) the office of the governor; (c) the
8 department of the state treasurer; (d) the executive office of public safety and security; or (e) the
9 office of the comptroller; or (ii) the secretary of an executive office of the commonwealth.

Modernizing Lottery Operations 2

1 SECTION 9. Section 31 of said chapter 10, as so appearing, is hereby amended by
2 inserting after the word “commission”, in line 3, the following words:- , except as authorized by
3 the director for investigative purposes,.

Managed Care Organization Services Assessment 3

1 SECTION 10. Section 7 of chapter 12C of the General Laws, as so appearing, is hereby
2 amended by striking out, in lines 1 and 2, the words “hospital, ambulatory surgical center and
3 surcharge payor”, and inserting in place thereof the following words:- hospital and ambulatory
4 surgical center.

Managed Care Organization Services Assessment 4

1 SECTION 11. Said section 7 of said chapter 12C, as so appearing, is hereby further
2 amended by striking out the last paragraph.

Managed Care Organization Services Assessment 5

1 SECTION 12. Said chapter 12C is hereby further amended by inserting after section 7 the
2 following section:-

3 Section 7A. There shall be established and set up on the books of the commonwealth a
4 separate, non-budgeted special revenue fund known as the Center for Health Information and
5 Analysis Fund, which shall be administered by the executive director. The fund shall be credited
6 with: (i) any transfers from the Health Safety Net Trust Fund established in section 66 of chapter
7 118E; (ii) appropriations or other money authorized or transferred by the general court and
8 specifically designated to be credited to the fund; (iii) funds from public and private sources,
9 including, but not limited to, gifts, federal financial participation, grants and donations; and (iv)
10 any interest earned on the assets of the fund. Amounts credited to the fund shall be expended,
11 without further appropriation, for the expenses of the center and for the other purposes described
12 in this chapter. For the purpose of accommodating timing discrepancies between the receipt of
13 revenues and related expenditures, the fund may incur expenses and the comptroller may certify
14 for payment amounts not to exceed the lower of amounts credited to the fund during the period
15 of the timing discrepancy or the most recent revenue estimate as reported in the state accounting
16 system. Any balance in the fund at the close of a fiscal year shall be available for expenditure in
17 subsequent fiscal years and shall not be transferred to any other fund or revert to the General
18 Fund.

Tuition Free Community College

1 SECTION 13. Chapter 15A of the General Laws is hereby amended by inserting after
2 section 5A the following section:-

3 Section 5B. (a) There shall be a community college program to provide an approved
4 certificate or associate degree offered by a community college segment under section 5 of
5 chapter 15A. The program shall be available at no cost to residents that: (i) are domiciled in the
6 commonwealth for at least 1 year; (ii) are not nonimmigrant aliens within the meaning of 8

7 U.S.C. § 1101(a)(15)(A) to (S), inclusive; (iii) are enrolled in and pursuing a program of higher
8 education at a public community college; (iv) have not previously earned a college degree; (v)
9 have completed a free application for federal student aid or an equivalent application for state-
10 funded financial assistance; provided, however, that if the individual is not a citizen of the
11 United States or a legal permanent resident of the United States, the application for financial
12 assistance shall be submitted with an affidavit signed under the pains and penalties of perjury
13 stating that the individual has applied for citizenship or legal permanent residence or will apply
14 for citizenship or legal permanent residence in accordance with federal statute and federal
15 regulations within 120 days of eligibility for such status; and (vi) are enrolled in not less than 6
16 credits.

17 (b)(1) A student attending a community college pursuant to paragraph (a) shall not be
18 responsible for the cost of tuition and mandatory fees.

19 (2) A student whose household income is at or below 125 per cent of state median
20 income, or other income level established by the department, shall be granted an allowance for
21 books, supplies and other expenses related to attending a community college program; provided,
22 however, that said allowance shall not preclude Pell-eligible students from receiving assistance
23 through state-funded financial assistance, including but not limited to, MassGrant or MassGrant
24 Plus, subject to any regulations promulgated under this section.

25 The department shall establish guidelines for the purposes of determining eligibility for
26 tuition, fees and such allowance.

27 (c) (1) Subject to appropriation, after calculating a student's financial aid, any remaining
28 tuition, fees and allowances for students eligible under subsections (a) or (b) shall be funded by
29 the commonwealth; provided, however, that a community college shall not increase tuition and

30 fees annually more than the lesser of: (i) the ratio of the value of the implicit price deflator for
31 state and local government purchases in the third quarter of the prior fiscal year to its value in the
32 third quarter of the fiscal year 2 years prior; and (ii) 1.045.

33 (2) The department, in consultation with the community colleges and other relevant
34 stakeholders, shall develop a performance-based or outcomes-based formula for the purpose of
35 distributing a portion of the annual state appropriation to community colleges. The department,
36 in consultation with the community colleges and relevant stakeholders, shall revise the formula
37 not less than every 6 years.

38 (d) Each community college shall provide the department with data the department deems
39 necessary to implement this section, including, but not limited to, quarterly reports on costs
40 incurred, delineated by expenditure type and student enrollment.

41 The department may issue rules or regulations to implement this section.

Tuition Equity Technical Corrections

1 SECTION 14. Section 9 of chapter 15A of the General Laws is hereby amended by
2 striking out the last paragraph, added by section 11 of chapter 28 of the acts of 2023, and
3 inserting in place thereof the following paragraph:-

4 Notwithstanding any general or special law to the contrary, for the purpose of
5 determining eligibility for in-state tuition rates and fees at public institutions of higher education
6 and for state-funded financial assistance, an individual admitted to such institutions of higher
7 education, other than a nonimmigrant alien within the meaning of 8 U.S.C. § 1101(a)(15)(A) to
8 (S), inclusive, who attended high school in the commonwealth for not less than 3 years and
9 graduated from a high school in the commonwealth or attained the equivalent thereof in the
10 commonwealth, shall be eligible to pay in-state tuition rates and fees at public institutions of

11 higher education and shall be eligible on the same terms as other individuals for state-funded
12 financial assistance at state-funded public and state-approved private, independent nonprofit
13 institutions of higher education. No individual qualified for in-state tuition rates and fees under
14 this chapter shall be denied in-state tuition and fees as a result of the granting of eligibility under
15 this paragraph. To receive in-state tuition at a public institution of higher education or state-
16 funded financial assistance at an institution of higher education under this section, an eligible
17 individual shall provide the institution of higher education where the eligible individual is or
18 plans to become enrolled, with a high school transcript or certificate demonstrating completion
19 of the equivalent thereof in the commonwealth and: (i) a valid social security number; (ii) a
20 document reflecting issuance of an individual taxpayer identification number; (iii) if that
21 individual is not a citizen of the United States or a legal permanent resident of the United States,
22 an affidavit signed under the pains and penalties of perjury stating that the individual has applied
23 for citizenship or legal permanent residence or will apply for citizenship or legal permanent
24 residence in accordance with federal statute and federal regulations within 120 days of eligibility
25 for such status; or (iv) documentation of registration with the selective service, if applicable. The
26 board of higher education shall issue regulations for the implementation of this paragraph.
27 Student or family information obtained in the implementation of this paragraph shall be
28 protected from disclosure under subclause (c) of clause Twenty-sixth of section 7 of chapter 4,
29 chapter 66A, chapter 93H and other applicable privacy laws.

Public Higher Education Credit Transfer Program

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

3 Section 48. (a) The department, in consultation with the MassTransfer Steering
4 Committee established under subsection (b), shall establish and administer a program to be
5 known as the MassTransfer program, to allow students of public institutions of higher education,
6 as defined in section 5, to transfer credits: (i) among public institutions of higher education in a
7 comprehensive, accessible and efficient manner; and (ii) where appropriate, for courses at the
8 state university segment and the university of Massachusetts segment, without loss of credit.
9 Public institutions of higher education may establish transfer articulation agreements with each
10 other to accomplish the goals of this section.

11 (b) There shall be a MassTransfer Steering Committee, which shall advise the department
12 on the creation, implementation and improvement of the MassTransfer program under subsection
13 (a). The committee shall consist of the following representatives, designated by the
14 department: (i) faculty members, with at least 1 from each segment of public institutions of
15 higher education; (ii) the presidents of each segment of public institutions of higher
16 education; (iii) transfer advisors or registrars, with at least 1 from each segment of public
17 institutions of higher education; (iv) student representatives; and (v) members of the business
18 community. The committee shall select a chair annually by a majority vote of the members. The
19 department shall maintain a website for the program, which shall provide a comprehensive guide
20 for students on transferring credits through the credit transfer program.

21 Section 49. (a) The board of higher education, in consultation with public institutions of
22 higher education, as defined in section 5, shall develop and approve a common course
23 numbering system for lower-division courses with the goal of creating transparency for credit
24 transferability. The department shall develop rules for the administration of the system.

25 (b) Each public institution of higher education shall include in its course catalog the
26 applicable course prefix and numbers from the common course numbering system approved by
27 the board under this section. The board may, for good cause as determined by the board, grant a
28 public institution of higher education an exemption from the requirements of this section.

Early Education and Care 1

1 SECTION 16. The second paragraph of section 2 of chapter 15D, as appearing in the
2 2022 Official Edition, is hereby amended by striking out clause (e) and inserting in place thereof
3 the following clause:-

4 (e) establish and develop a schedule for revising: (1) a rate structure for voucher and
5 contracted payments to early education and care providers that enroll children receiving child
6 care financial assistance, which shall be informed by the cost of providing high-quality early
7 education and care to such children in conformity with federal and state laws, regulations and
8 quality and safety standards; and (2) a sliding fee scale for families receiving child care financial
9 assistance, which shall be updated within 1 year of the department expanding income eligibility
10 for the child care financial assistance program under subsection (e) of section 13A, or not less
11 than every 5 years, whichever occurs first, to reflect affordability standards for participating
12 families; provided, however, that recipients of child care financial assistance whose income is
13 not more than 100 per cent of the federal poverty level shall not be charged fees for care;
14 provided further, that the sliding fee scale shall be implemented by applying said scale to the
15 amount that a family's income exceeds 100 per cent of the federal poverty level; provided
16 further, that recipients of child care financial assistance shall not be charged fees for care that
17 exceed 7 per cent of the family's total income. Prior to the establishment or revision of the rate
18 structure or sliding fee scale, the department shall hold a public hearing under chapter 30A on

19 such establishment or revisions and the board shall approve such establishment or revision;
20 provided, however, that the department shall submit any proposed rate structure or sliding scale
21 fee to the clerks of the senate and house of representatives not less than 60 days prior to
22 implementation.

Early Education and Care 2

1 SECTION 17. Said chapter 15D is hereby further amended by inserting after section 13
2 the following section:-

3 Section 13A. (a) The department shall maintain, subject to appropriation, a child care
4 financial assistance program that shall provide sufficient financial assistance to enable eligible
5 families to afford and access high-quality early education and care for infants, toddlers,
6 preschool-age children and school-age children.

7 (b) The department shall provide child care financial assistance to support early education
8 and care through means which shall include, but shall not be limited to: (i) providing vouchers
9 for payments to early education and care providers of a family's choosing; and (ii) offering
10 families the option of an open slot with an early education and care provider that is contracted
11 with the department; provided, however, that an eligible family shall receive only 1 type of
12 support for each eligible child. Reimbursement for vouchers and contracted payments to early
13 education and care providers that enroll children receiving child care financial assistance shall be
14 based on enrollment; provided, however, that enrollment shall be measured by the department
15 using quarterly enrollment averages or if deemed appropriate by the department, enrollment
16 averages less frequent than quarterly.

17 (c) Child care financial assistance may be used for early education and care provided by
18 public, private, nonprofit and for-profit entities licensed or approved by the department

19 including, but not limited to, preschools, child care centers, nursery schools, before-school
20 programs, after-school programs, out-of-school time programs, Head Start programs, Early Head
21 Start programs, informal child care providers and independent and system-affiliated family child
22 care homes. As a condition for receiving child care financial assistance from the department
23 under this section, an early education and care provider shall enter into and comply with a
24 contract with the department or its agents. The department shall develop the contract which shall
25 include a requirement that the early education and care provider comply with all applicable
26 requirements of this chapter and any other federal or state requirements necessary to receive
27 funding for child care financial assistance provided to families under this section.

28 (d) The department shall provide child care financial assistance to: (i) families with a
29 child who has an open case at the department of children and families or families with a child
30 who is otherwise referred by the department of children and families; (ii) families currently
31 involved with, or transitioning from, transitional aid to families with dependent children,
32 including: (A) recipients of transitional aid to families with dependent children benefits; (B)
33 former recipients of transitional aid to families with dependent children benefits who are
34 working or are engaged in an approved service need activity for up to 1 year after termination of
35 their benefits; (C) participants who are working or are engaged in an approved service need
36 activity for up to 1 year after the transitional period; (D) parents who are under 18 years of age
37 who are currently enrolled in a job training program and who would qualify for benefits under
38 chapter 118 if not for the consideration of the income of the minor parents' legal guardians or
39 parents; and (E) recipients of the supplemental nutrition assistance program who are participating
40 in education and training services approved by the department of transitional assistance; and (iii)
41 families in need of early education and care services whose family income is not more than 85

42 per cent of the state median income; provided, however, that the department shall promulgate
43 regulations to ensure that priority shall be given to families: (A) whose family income is not
44 more than 50 per cent of the state median income; (B) in which a parent or caregiver is working
45 in the field of early education and care subject to rules or regulations set by the department; (C)
46 with children who have a documented disability and whose family income is not more than 85
47 per cent of the state median income; (D) who are experiencing homelessness; (E) who are
48 headed by a young parent as determined by the department; and (F) experiencing domestic
49 violence.

50 (e) If additional funds are available or the federal government obligates itself to release
51 additional funding to expand access to child care services beyond those reasonably sufficient to
52 fund subsection (d), the department shall, in a manner consistent with any requirements placed
53 on the receipt or expenditure of the relevant federal funds, allocate funding to increase the
54 number of families receiving child care financial assistance based on income eligibility in the
55 following order of priority to provide child care financial assistance to: (i) families eligible under
56 said clause (iii) of said subsection (d); (ii) families in need of child care services whose family
57 income is above 85 per cent, but not more than 100 per cent, of the state median income; (iii)
58 families in need of child care services whose family income is above 100 per cent, but not more
59 than 110 per cent, of the state median income; and (iv) families in need of child care services
60 whose family income is not more than 125 per cent of the state median income.

61 (f) If a school-age child is receiving child care financial assistance, the assistance shall
62 continue until the end of the school year even if the child reaches the maximum age prior to the
63 last day of the school year.

64 (g) For the purposes of child care financial assistance eligibility, “family income” shall
65 include the income of parents living with the child receiving child care financial assistance but
66 shall not include: (i) any form of income of foster parents, caregivers or other adult family
67 members; (ii) income of siblings who are not receiving child care financial assistance; or (iii)
68 earned income of any minor child.

69 To the extent allowable under federal law and regulation, no child care financial
70 assistance provided under this section shall be counted as income or assets for the purpose of
71 disqualifying any person from eligibility for any other government benefit for which the person
72 is otherwise eligible including, but not limited to, transitional aid to families with dependent
73 children benefits.

74 (h) The department or its agents shall not reduce, terminate or deny continued child care
75 financial assistance to a family based solely on family income unless the income exceeds 85 per
76 cent of the state median income or the income threshold for currently eligible families as
77 prioritized in subsection (e), whichever is higher. If a family is determined to be ineligible for
78 financial assistance, the family shall be given an opportunity for an administrative review. If the
79 department or its agents, after such administrative review, reduce, terminate or deny a family’s
80 child care financial assistance, the department shall provide the family with an opportunity for an
81 administrative appeal hearing and shall process the appeal within 60 days from the date the
82 request is made. Subject to department rules and regulations, while an administrative review or,
83 if applicable, an administrative appeal hearing is pending and until a final determination is made,
84 services supported by child care financial assistance shall continue after receipt of a notice of
85 reduction, termination or denial of continued child care financial assistance.

86 (i) The department shall review the child care financial assistance program not less than
87 annually to identify access barriers to families and opportunities to improve families’
88 experiences with the child care financial assistance process, including, but not limited to,
89 department paperwork and verification requirements. The department shall take action to remove
90 any access barriers, including, but not limited to: (i) making technological improvements; (ii)
91 streamlining the application and renewal processes; (iii) improving outreach to potentially
92 eligible families regarding the availability of child care financial assistance and the application
93 process; and (iv) improving access for families with limited English proficiency.

94 (j) Annually, not later than February 15, the department shall file a report to the clerks of
95 the senate and house of representatives, the senate and house committees on ways and means and
96 the joint committee on education on the child care financial assistance program including, but
97 not limited to: (i) the number of applications received; (ii) the numbers of applications denied,
98 delineated by reason for denial; (iii) the number of administrative reviews requested, delineated
99 by reasons for ineligibility as determined by the department; (iv) the number of administrative
100 reviews performed, delineated by reversal, reduction, termination and denial of child care
101 financial assistance and length of time in which a decision was made; and (v) the number of
102 administrative appeal hearings, delineated by the administrative appeal hearing decisions and
103 length of time in which a decision was made. The report shall be made publicly available on the
104 department’s website.

105 (k) The department shall promulgate regulations necessary to implement this section.

Early Education and Care 3

1 SECTION 18. Subsection (a) of section 17 of said chapter 15D, as appearing in the 2022
2 Official Edition, is hereby amended by striking out the definitions of “Family child care

3 provider” and “Family child care services” and inserting in place thereof the following 2
4 definitions:-

5 “Family child care provider”, a person who provides family child care services on behalf
6 of children receiving child care financial assistance and receives payment from the
7 commonwealth for such services under a rate structure for voucher and contracted payments.

8 “Family child care services”, child care services provided for less than 24 hours per day
9 in the residence of the provider on behalf of children receiving child care financial assistance for
10 which payment from the commonwealth is made under a rate structure for voucher and
11 contracted payments.

Early Education and Care 4

1 SECTION 19. Subsection (b) of said section 17 of said chapter 15D, as so appearing, is
2 hereby amended by inserting after the fifth sentence the following sentence:- Deductions may
3 further be made under said sections 17A, 17G and 17J of said chapter 180 from payments
4 received by family child care providers through grants received under section 19; provided,
5 however, that notwithstanding subsection (g), with the exception of dispute resolution
6 procedures regarding grant payment errors, the distribution, disbursement or allocation amounts
7 or formulas of said grants shall not be the subject of negotiation or collective bargaining.

Early Education and Care 5

1 SECTION 20. Said section 17 of said chapter 15D, as so appearing, is hereby further
2 amended by striking out, in line 76, the words “low-income and other at-risk children” and
3 inserting in place thereof the following:- children receiving financial assistance.

Early Education and Care 6

1 SECTION 21. Said chapter 15D is hereby further amended by adding the following 2
2 sections:-

3 Section 19. (a) The department shall, subject to appropriation, establish, distribute and
4 maintain an operational grant program for early education and care providers to provide high-
5 quality and sustainable education and care.

6 (b) Eligible uses for operational grants shall include, but not be limited to: (i)
7 compensating early education and care provider staff through increased salaries, benefits,
8 bonuses, professional development or access to continuing education opportunities; (ii)
9 increasing the affordability of early education and care to families, including by reducing the
10 tuition and fees paid by families or offering scholarships to families; (iii) enabling early
11 education and care providers to provide high-quality early education and care and to comply with
12 applicable health, safety, educational and quality-assurance requirements, any other requirements
13 of this chapter, and requirements imposed by the department consistent with this chapter; (iv)
14 improving facilities and physical spaces used by the providers; (v) enabling early education and
15 care providers to purchase high-quality, evidence-based early literacy materials; (vi) enabling
16 providers to address emergency situations during which the cost of care significantly increases
17 due to additional federal, state or department requirements or the loss of fees due to absence or
18 unenrollment that jeopardizes early education and care providers' ability to retain their facilities
19 and staff; and (vii) enabling early education and care providers to maintain or increase capacity
20 to provide voluntary supplemental services to enrolled children and their families including, but
21 not limited to, social work services, health and disability-related services and support services to
22 parents and caregivers.

23 (c) The department shall maintain a formula for distributing operational grants to early
24 education and care providers, which shall give preference to providers that serve: (i) high
25 numbers of children receiving child care financial assistance; (ii) high numbers of high needs
26 children; and (iii) unique populations or that otherwise advance the interest of the program as
27 determined by the department. The formula shall consider: (i) licensed capacity and enrollment
28 including the ages of the children enrolled and the ages of the children for whom the provider
29 has capacity; provided, however, that enrollment shall be measured by the department using
30 quarterly enrollment averages or if deemed appropriate by the department, enrollment averages
31 less frequent than quarterly (ii) costs associated with employee compensation, including salaries
32 and benefits; (iii) the number of enrolled children receiving child care financial assistance or
33 scholarship assistance from an early education and care provider; (iv) the demographics and
34 income of families served, including the number of children enrolled and identified as high
35 needs; (v) the cost of goods and services necessary for provider operations, including rent,
36 utilities, maintenance and facility improvements; (vi) the cost of quality care methodology
37 developed by the department and, until such time as the methodology is established, any
38 available information regarding the cost of quality early education and care, including available
39 credentialing frameworks and applicable salary guidelines; (vii) increasing the financial stability
40 of providers in need; (viii) and business structure of providers; and (ix) any other factors
41 impacting the cost of providing quality early education and care including, but not limited to,
42 serving infants and toddlers, providing nonstandard hours of care and providing care in socially
43 and economically disadvantaged and historically underrepresented communities with shortages
44 of early education and care slots. A provider that is not an “eligible organization” as defined in
45 section 18 of chapter 15D and that, directly or through an affiliate, operates more than 10 center-

46 based programs in the commonwealth shall not receive more than 1 per cent of annual program
47 funds unless the provider is granted a waiver by the commissioner deeming such allocation of
48 more than 1 per cent to be in the best interest of the commonwealth. The department shall
49 incorporate geographic equity into the development of the distribution formula.

50 Annually, the department shall review and update the operational grant formula to ensure
51 equity and effectiveness in the financial sustainability of early education and care providers.
52 Prior to the establishment or a revision of the operation grant formula, the department shall
53 conduct a public hearing under chapter 30A and submit the proposed updates to the board for its
54 approval.

55 (d) As a condition for receiving operational grants under this section, the department shall
56 require early education and care providers to: (i) enter into and comply with contractual
57 agreements with the department or its agents, which shall be developed by the department; (ii)
58 continue to, or demonstrate a willingness to, enroll children receiving child care financial
59 assistance, if a family receiving child care financial assistance chooses the provider and the
60 provider has an available opening; (iii) comply with the career ladder established in section 20,
61 and if not feasible, provide increased salaries, compensation and benefits to the extent possible;
62 and (iv) provide the department with data that the department requires, as needed to carry out the
63 department's assessment and reporting requirements under this section. The department shall
64 solicit public comments prior to establishing or revising criteria for eligible recipients of the
65 operational grant program.

66 (e) Operational grants shall, subject to appropriation and the distribution formula
67 developed under subsection (c), be renewed for each provider; provided, however, that renewal
68 shall not be required if there is a change in circumstances for the provider making them

69 ineligible, the provider is not in compliance with this section or if the department, in its
70 discretion, determines that renewal would not be appropriate.

71 (f) The department shall establish enforceable compliance standards to ensure the
72 integrity of the program. The standards shall ensure that open slots in early education and care
73 providers that receive operational grants are accessible to children receiving child care financial
74 assistance and that recipients are making meaningful progress towards complying with the career
75 ladder standards established in section 20; provided, however, that a provider that is not an
76 “eligible organization” as defined in section 18 of chapter 15D and that, directly or through an
77 affiliate, operates more than 10 center-based programs in the commonwealth and receives
78 operational grants shall: (i) demonstrate a willingness to accept more children receiving child
79 care financial assistance at each program location operated by the provider or an affiliate of the
80 provider in proportion to the provider’s size, as determined by the department; (ii) dedicate a
81 certain percentage of the provider’s operational grant funds, as determined by the department, to
82 increasing compensation for their early education educators and make meaningful progress
83 towards complying with the department’s career ladder; and (iii) annually provide the department
84 with an audited financial statement detailing how the provider’s operational grant funds are
85 spent. Prior to establishing or revising standards, the department shall solicit public input.

86 (g) The department shall include information on the status of the operational grant
87 program in the department’s annual report required by subsection (g) of section 3. This
88 information shall include, but not be limited to: (i) a description of the distribution formula; (ii)
89 an analysis of the incorporation of equity into the distribution formula; (iii) an analysis of the
90 demographic data of the families served by recipients of operational grants; (iv) an analysis of
91 how recipients are using operational grants; (v) an analysis of the impact of the operational grant

92 program on supporting provider sustainability, increasing the availability of early education and
93 care slots, supporting the early education and care workforce, assisting providers with complying
94 with the career ladder established under section 20 and improving access to, and the affordability
95 of, high-quality early education and care; (vi) an analysis of the impact that the termination of
96 the operational grant program would have on the commonwealth; (vii) if applicable,
97 recommendations on how the program could be modified to most effectively direct grant funding
98 to providers serving families with the greatest needs; and (viii) if applicable, recommendations
99 on how to amend the distribution formula to maximize the goals of educational equity, school
100 readiness and optimal results for families with the greatest needs. The department shall publicly
101 post on its website the amount of operational grants awarded, delineated by the name of each
102 recipient and by the municipality in which the recipient is located.

103 Section 20. (a) The department shall maintain an early education and care career ladder
104 as considered under clause (11) of the second paragraph of section 5.

105 (b) The career ladder shall include, but not be limited to: (i) minimum recommended
106 salaries and compensation for each level of the career ladder that are commensurate with the
107 salaries of public school teachers with equivalent education, credentials and training required for
108 a position; (ii) minimum recommended benefits for early education and care provider staff
109 including, but not limited to, health insurance, retirement benefits, paid vacation and other leave
110 time; and (iii) recommendations for linking professional development and educational
111 credentials to increased compensation and leadership opportunities in early education and care.
112 Prior to establishing or revising the career ladder, the department shall solicit public input.

113 (c) The department shall review the career ladder’s compensation structure and benefits
114 guidelines annually and update them, as needed, based on increased cost of living or any other
115 factors deemed relevant by the department to determine appropriate compensation for the field.

Promotion of Uniformed Members of the State Police 1

1 SECTION 22. Section 25 of chapter 22C of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out, in line 2, the words “, which shall be written
3 examinations,”.

Promotion of Uniformed Members of the State Police 2

1 SECTION 23. Said section 25 of said chapter 22C of the General Laws, as so appearing,
2 is hereby further amended by inserting after the word “question”, in line 13, the following
3 words:- or assessment.

Promotion of Uniformed Members of the State Police 3

1 SECTION 24. Said chapter 22C of the General Laws, as so appearing, is hereby further
2 amended by striking out section 26 and inserting in place thereof the following section:-

3 Section 26. (a) The colonel may promote uniformed members of the state police who are
4 deemed eligible for promotion by way of examination by the colonel to the title of
5 noncommissioned officer or lieutenant. Promotional examinations for the title of
6 noncommissioned officer or lieutenant shall include a written test and may include an assessment
7 process designed to evaluate a uniformed member’s knowledge, skills and abilities related to the
8 position. The assessment process, if utilized, and the written test shall be developed in
9 consultation with and validated by a certified organizational psychologist. A total promotional
10 score shall be based on the uniformed member’s promotional examination score and a longevity
11 score. The colonel shall promulgate regulations relative to the validation of promotional

12 examinations, the specific components of promotional examinations, the weighting of such
13 components, the calculation and weighting of longevity scores and a 2 per cent increase of a
14 promotional score for a uniformed member who is a veteran in accordance with subsection (b).

15 (b) For a uniformed member who is a veteran, the regulations shall provide for the
16 uniformed member's promotional score on the written examination to be increased by 2 per cent,
17 and may provide for veteran status to be recognized in other ways in the promotional
18 examination process.

19 (c) The colonel may promulgate regulations providing for veteran status to be recognized
20 in other ways in the promotional examination process and for minimum scores on the
21 promotional examination, or portions thereof, to be met by uniformed members to be eligible for
22 promotion. Such minimum scores shall be set in consultation with a certified organizational
23 psychologist before or after the administration of the promotional examination.

24 (d) To be eligible to participate in a promotional examination for the title of
25 noncommissioned officer, a uniformed member shall, at a minimum, have completed not less
26 than 5 years of service as a uniformed member and not less than 1 full year of service in the next
27 lower rank or title immediately preceding the final date for the filing of applications for such
28 examination. To be eligible to participate in a promotional examination for the title of lieutenant,
29 a uniformed member shall, at a minimum, have completed not less than 8 years of service as a
30 uniformed member prior to the final date for filing applications for such examination and have
31 completed not less than 1 full year of service in the next lower rank or title immediately
32 preceding the final date for the filing of applications for such examination.

33 (e) Prior to making any promotions under this section, the colonel shall publish and
34 distribute in the orders of the department for each title in the department a list of the uniformed

35 members who are eligible for promotion and the title for which they are eligible. Each list of
36 uniformed members eligible for promotion shall be used by the colonel to fill vacancies for a
37 period of not less than 2 years and not more than 5 years from the initial date of publication;
38 provided, however, that the colonel may shorten the period to less than 2 years if the colonel
39 reasonably determines that termination of the list of eligible uniformed members is required to
40 avoid a violation of law.

41 (f) The colonel shall promulgate regulations detailing how selections for promotion are to
42 be made from the list of eligible uniformed members. The regulations may allow for the
43 grouping of said list into bands based on promotional scores.

Gaming Funds Distribution 1

1 SECTION 25. Section 55 of chapter 23K of the General Laws, as so appearing, is hereby
2 amended by striking out, in lines 6 and 7, the words “9 per cent of its gross gaming revenue” and
3 inserting in place thereof the following words:- 4.5 per cent of its gross gaming revenue to the
4 General Fund and a daily assessment of 4.5 per cent of said gross gaming revenue.

Gaming Funds Distribution 2

1 SECTION 26. Section 59 of said chapter 23K of the General Laws, as so appearing, is
2 hereby amended by striking out paragraph (2) and inserting in place thereof the following
3 paragraph:-

4 (2) 100 per cent of the revenue received from a category 1 license shall be transferred as
5 follows:

6 (a) 32 per cent to the Gaming Local Aid Fund established in section 63;

7 (b) 20.8 per cent to the Commonwealth Transportation Fund established in section
8 2ZZZ of chapter 29;

- 9 (c) 19.4 per cent to the Education Fund established in section 64;
- 10 (d) 13.2 per cent to the Gaming Economic Development Fund established in
- 11 section 2DDDD of chapter 29;
- 12 (e) 6.1 per cent to the Local Capital Projects Fund established in section 2EEEE
- 13 of chapter 29;
- 14 (f) 5.5 per cent to the Public Health Trust Fund established in section 58;
- 15 (g) 2 per cent to the Massachusetts Cultural and Performing Arts Mitigation Trust
- 16 Fund established in section 2HHHHH of chapter 29; and
- 17 (h) 1 per cent to the Massachusetts Tourism Fund established in section 13T of
- 18 chapter 23A.

Surtax Revenue Trust Fund Clarification 1

1 SECTION 27. Section 2O of chapter 29 of the General Laws, as so appearing, is hereby
2 amended by inserting after the word “note”, in line 79, the following words:- and the income
3 surtax as defined in paragraph (a) of section 2BBBBBB of chapter 29 shall not be reduced below
4 the dedicated transportation income surtax revenue amount as defined in said paragraph (a) of
5 said section 2BBBBBB of said chapter 29.

Hospital Assessment 1

1 SECTION 28. Chapter 29 of the General Laws is hereby amended by striking out section
2 2PPP, as so appearing, and inserting in place thereof the following section:-

3 Section 2PPP. There shall be established and set up on the books of the commonwealth a
4 separate, non-budgeted special revenue fund known as the Essential Community Provider Trust
5 Fund. There shall be credited to the fund: (i) any funds that may be appropriated or transferred
6 for deposit into the fund; and (ii) any income derived from investment of any money credited to

7 the fund. In conjunction with the preparation of the statutory basis financial report required by
8 section 12 of chapter 7A, the comptroller shall prepare and issue an annual report detailing the
9 revenues and expenditures of the fund. Amounts credited to the fund shall not be subject to
10 further appropriation. Money remaining in the fund at the end of a fiscal year shall not revert to
11 the General Fund and shall be available for expenditure in subsequent fiscal years. To
12 accommodate timing discrepancies between the receipt of revenue and related expenditures, the
13 comptroller may certify for payment amounts not to exceed the most recent revenue estimates as
14 certified by the secretary of health and human services to be transferred, credited or deposited
15 under this section. The secretary shall administer the fund and disburse money from the fund to
16 pay acute hospitals and community health centers to maintain financial stability for the provision
17 of healthcare services to ensure access to care, provide for public health and promote equity.

Hospital Assessment 2

1 SECTION 29. Section 2TTTTT of chapter 29 of the General Laws, inserted by section 22
2 of chapter 126 of the acts of 2022, is hereby amended by striking out subsections (c) and (d) and
3 inserting in place thereof the following 2 subsections:-

4 (c)(1) The secretary shall expend money in the fund, including all amounts credited to the
5 fund, for payments to qualifying acute hospital providers under contract with the executive office
6 of health and human services or under subcontracts with care organizations that contract with the
7 executive office in connection with the MassHealth program as provided in this subsection.

8 (2) The secretary shall annually expend amounts from the fund averaging, for the 3-year
9 period from October 1, 2024 to September 30, 2027, inclusive, not less than \$2,158,500,000 per
10 year; provided, however, that all such payments shall fall into 1 of the following categories: (i)
11 health equity incentive payments; (ii) clinical quality incentive payments; (iii) other incentive

12 payments; (iv) rate payments for services provided to MassHealth members; (v) targeted
13 payments to: (A) freestanding pediatric acute hospitals; (B) nonprofit teaching acute hospitals
14 that provide medical, surgical, emergency and obstetrical services and are affiliated with a state-
15 owned medical school; (C) freestanding cancer hospitals; (D) the acute hospital that had the
16 lowest statewide commercial relative price in fiscal year 2019 as reported by the center for health
17 information and analysis; or (E) the independent group 1 safety net hospital that had the largest
18 percentile of operating loss in fiscal year 2022 as reported by the center for health information
19 and analysis. The secretary may determine funding allocations within each such category within
20 a given year; provided, however, that such allocations shall be consistent with all approved
21 federal waivers and state plan provisions; and provided further, that the secretary shall allocate
22 an average of not less than \$1,192,000,000 per year, for the 3-year period from October 1, 2024
23 to September 30, 2027, for the rate payments described in clause (iv), with an average of not less
24 than \$92,000,000 allocated for group 1 safety net hospitals for such 3-year period, an average of
25 not less than \$460,000,000 allocated for group 2 safety net hospitals for such 3-year period and
26 an average of not less than \$640,000,000 allocated across all acute hospitals for such 3-year
27 period.

28 (3) Of the targeted payments described in clause (v) of the first sentence of paragraph (2),
29 the secretary shall expend annually from the fund: (i) \$75,000,000 to freestanding pediatric acute
30 hospitals, of which at least 98 per cent shall be paid to the freestanding pediatric hospital that had
31 the largest volume of inpatient discharges in fiscal year 2019; (ii) \$35,000,000 to nonprofit
32 teaching acute hospitals that provide medical, surgical, emergency and obstetrical services and
33 are affiliated with a state-owned medical school; (iii) \$11,000,000 to the acute hospital that had
34 the lowest statewide commercial relative price in fiscal year 2019 as reported by the center for

35 health information and analysis; (iv) \$5,000,000 to freestanding cancer hospitals; and (v)
36 \$10,000,000 to the independent group 1 safety net hospital that had the largest operating
37 percentile loss in fiscal year 2022 as reported by the center for health information and analysis.

38 (4) Of the incentive payments described in clauses (i) and (ii) of paragraph (2), the
39 secretary shall make interim payments to qualifying hospitals based on the secretary’s estimate
40 of each such hospital’s final payment for the measurement period. As soon as practicable after
41 the close of the measurement period, the secretary shall determine the final amount of each
42 qualifying hospital’s incentive payments and shall reconcile each hospital’s interim payment
43 with its final payment.

44 (d) If any portion of the final annual amount allocated by the secretary to health equity
45 incentive payments, clinical quality incentive payments or other incentive payments is unearned
46 during the relevant measurement period for such payment, as determined by the secretary, the
47 secretary shall transfer the state’s share of that unearned amount to the Health Safety Net Trust
48 Fund established in section 66 of chapter 118E.

Surtax Revenue Trust Fund Clarification 2

1 SECTION 30. Section 2BBBBBB of said chapter 29 of the General Laws, as most
2 recently amended by section 17 of chapter 28 of the acts of 2023, is hereby further amended by
3 striking out subsection (a) inserting in place thereof the following 2 subsections:-

4 (a) As used in this section, the following words shall have the following meanings unless
5 the context clearly requires otherwise:-

6 “Dedicated transportation income surtax revenue amount”, the amount of \$250,000,000
7 for each fiscal year.

8 “Income surtax”, the tax specified in subsection (d) of section 4 of chapter 62.

9 “Income surtax revenue”, tax revenue from the tax specified in subsection (d) of section 4
10 of chapter 62, as adjusted, pursuant to Article XLIV of the Amendments to the Constitution of
11 the Commonwealth.

12 “Remaining income surtax revenue”, in each fiscal year, the income surtax revenue less
13 the dedicated transportation income surtax revenue amount; and in each calendar quarter, the
14 portion of the income surtax revenue collected in such calendar quarter less the portion
15 attributable to the dedicated transportation income surtax revenue amount.

16 “Transportation income surtax revenue”, income tax revenue from the tax specified in
17 subsection (d) of section 4 of chapter 62 and used for transportation purposes.

18 (a^{1/2}) The dedicated transportation income surtax revenue amount shall be credited to the
19 Commonwealth Transportation Fund established under section 2ZZZ. The sums to be credited to
20 the Commonwealth Transportation Fund under this subsection are hereby impressed with a trust
21 for the benefit of the holders from time to time of any special obligation bonds or notes payable
22 solely from monies credited to the Commonwealth Transportation Fund as provided in section
23 2O. Any increase in capacity to issue special obligation bonds or notes payable under said
24 section 2O shall be for approved transportation projects in geographically equitable locations;
25 provided, however, that annually, not later than October 31, the secretary for administration and
26 finance shall submit a report to the joint committee on transportation detailing approved
27 transportation projects funded during the prior fiscal year.

Surtax Revenue Trust Fund Clarification 3

1 SECTION 31. Subsection (b) of said section 2BBBBBB of said chapter 29 of the General
2 Laws, as so amended, is hereby further amended by striking out clause (i) and inserting in place

3 thereof the following clause:- (i) income surtax revenue, not including the dedicated
4 transportation income surtax revenue amount;

Surtax Revenue Trust Fund Clarification 4

1 SECTION 32. Subsection (d) of said section 2BBBBBB of said chapter 29 of the General
2 Laws, as so amended, is hereby further amended by striking out the words “collected and
3 deposited into the Education and Transportation Trust Fund”.

Surtax Revenue Trust Fund Clarification 5

1 SECTION 33. Subsection (e) of said section 2BBBBBB of said chapter 29 of the General
2 Laws, as so amended, is hereby further amended by striking out the words “collected and
3 deposited into the Education and Transportation Trust Fund”.

Surtax Revenue Trust Fund Clarification 6

1 SECTION 34. Said section 2BBBBBB of said chapter 29 of the General Laws, as so
2 amended, is hereby further amended by striking out subsections (f), (g) and (h) and inserting in
3 place thereof the following 2 subsections:-

4 (f) Annual expenditures from the fund shall not exceed a spending threshold proposed,
5 less the dedicated transportation income surtax revenue amount, by the governor and enacted by
6 the general court as part of the consensus revenue process pursuant to section 5B. The annual
7 spending threshold shall represent an amount of revenue, less the dedicated transportation
8 income surtax revenue amount, that may reliably be expected to occur in the following fiscal
9 year based on experience to date and the testimony provided at the joint hearing on the economy
10 under said section 5B.

11 (g) Annually, in consultation with the secretary for administration and finance, as part of
12 the annual statutory basis financial report required pursuant to paragraph (2) of subsection (a) of

13 section 12 of chapter 7A, the comptroller shall certify the amount of funds expended in the prior
14 fiscal year from the fund and designate each expenditure as transportation or education on the
15 basis of the department through which the expenditures were authorized.

Chapter 29 Funds

1 SECTION 35. Chapter 29 of the General Laws, as appearing in the 2022 Official Edition,
2 is hereby amended by inserting after section 2DDDDDD the following 2 sections:-

3 Section 2EEEEEE. (a) There shall be established and set up on the books of the
4 commonwealth a separate, non-budgeted special revenue fund known as the Massachusetts Child
5 Psychiatry Access Project Fund which shall be administered by the secretary of health and
6 human services. There shall be credited to the fund: (i) any transfers from the Health Safety Net
7 Trust Fund established in section 66 of chapter 118E; (ii) an amount equal to any federal
8 financial participation revenues claimed and received by the commonwealth for eligible
9 expenditures made from the fund; (iii) any revenue from appropriations or other money
10 authorized by the general court and specifically designated to be credited to the fund; and (iv)
11 interest earned on any money in the fund. Amounts credited to the fund shall be expended
12 without further appropriation.

13 (b) The secretary shall annually make available amounts from the fund solely for the
14 expenses of the Massachusetts Child Psychiatry Access Project operated by the department of
15 mental health, in an amount equal to the amount described in the definition of “Massachusetts
16 Child Psychiatry Access Project revenue amount” under section 64 of chapter 118E.

17 (c) To accommodate timing discrepancies between the receipt of revenue and related
18 expenditures, the comptroller may certify for payment amounts not to exceed the most recent
19 revenue estimates as certified by the secretary to be transferred, credited or deposited under this

20 section. The secretary shall, to the maximum extent possible, administer the fund to obtain
21 federal financial participation for the expenditures of non-federal money from the fund.

22 (d) If the amount in the fund exceeds the amount sufficient to make the payments
23 described in subsection (b), at any point in time, as determined by the secretary, the secretary
24 may transfer the commonwealth's share of such amount to the General Fund, the Health Safety
25 Net Trust Fund established in said section 66 of said chapter 118E or the Managed Care
26 Organization Services Reinvestment Fund established in section 2FFFFFF of chapter 29;
27 provided, however, that no such transfer shall cause a deficit in this fund.

28 Section 2FFFFFF. (a) There shall be established and set up on the books of the
29 commonwealth a separate, non-budgeted special revenue fund known as the Managed Care
30 Organization Services Reinvestment Fund, which shall be administered by the secretary of health
31 and human services. There shall be credited to the fund: (i) any transfers from the Health Safety
32 Net Trust Fund established in section 66 of chapter 118E; (ii) an amount equal to any federal
33 financial participation revenues claimed and received by the commonwealth for eligible
34 expenditures made from the fund; (iii) any revenue from appropriations or other money
35 authorized by the general court and specifically designated to be credited to the fund; and (iv)
36 interest earned on any money in the fund. Amounts credited to the fund shall be expended,
37 without further appropriation, to make payments to Medicaid managed care organizations, as
38 defined in section 64 of chapter 118E.

39 (b) Money in the fund shall be expended for Medicaid payments under an approved state
40 plan or federal waiver or for the administration of the assessment established in section 68 of
41 chapter 118E; provided, however, that all Medicaid payments from the fund shall be: (i) subject
42 to the availability of federal financial participation; (ii) made only under federally-approved

43 payment methods; (iii) consistent with federal funding requirements and all applicable federal
44 payment limits as determined by the secretary; and (iv) subject to the terms and conditions of
45 applicable agreements between Medicaid managed care organizations and the executive office of
46 health and human services. To accommodate timing discrepancies between the receipt of
47 revenue and related expenditures, the comptroller may certify for payment amounts not to exceed
48 the most recent revenue estimates as certified by the secretary to be transferred, credited or
49 deposited under this section. The secretary shall, to the maximum extent possible, administer the
50 fund to obtain federal financial participation for the expenditures of non-federal money from the
51 fund. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund
52 and shall be available for expenditure in subsequent fiscal years.

53 (c)(1) The secretary shall expend money in the fund, including all amounts credited to the
54 fund, as provided in paragraphs (2) and (3).

55 (2) The secretary shall annually expend amounts from the fund for payments to Medicaid
56 managed care organizations, as such term is defined in section 64 of chapter 118E, averaging,
57 over a period of 5 years, not less than \$246,000,000 per year; provided, however, that such
58 expenditures shall be consistent with all approved federal waivers and state plan provisions.

59 (3) Notwithstanding the requirements of this section, the secretary shall transfer from the
60 fund to the General Fund \$57,000,000 in fiscal year 2025 and \$114,000,000 annually thereafter.

61 (d) If the amount in the fund exceeds the amount sufficient to make the payments
62 described in subsection (c), at any point in time, as determined by the secretary, the secretary
63 may transfer the commonwealth's share of such amount to the General Fund, the Health Safety
64 Net Trust Fund established in said section 66 of said chapter 118E or the Massachusetts Child

65 Psychiatry Access Project Fund established in section 2EEEEEE of chapter 29; provided,
66 however, that no such transfer shall cause a deficit in this fund.

DCAMM Maintenance Service Contracts 1

1 SECTION 36. Section 39M of chapter 30 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out, in line 63, the word “and”.

DCAMM Maintenance Service Contracts 2

1 SECTION 37. Said section 39M of said chapter 30, as so appearing, is hereby further
2 amended by inserting after the figure “\$150,000”, in line 67, the following words:- and, at the
3 option of the commissioner of capital asset management and maintenance, every maintenance
4 service contract as defined in paragraph (D ½) of section 44A of chapter 149 by the division of
5 capital asset management and maintenance.

DCAMM Maintenance Service Contracts 3

1 SECTION 38. The fourth paragraph of subsection (a) of said section 39M of said chapter
2 30, as so appearing, is hereby amended by inserting after the first sentence the following
3 sentence:- The division of capital asset management and maintenance shall evaluate the
4 performance of the contractor of a maintenance service contract, as defined in said paragraph (D
5 ½) of said section 44A of said chapter 149, procured pursuant to this section at the end of each
6 maintenance service contract and keep said maintenance service contract performance
7 evaluations on file.

Paid Family and Medical Leave Overpayments

1 SECTION 39. Section 58 of said chapter 30, as so appearing, is hereby amended by
2 inserting after the third paragraph the following paragraph:-

3 If an employee of the commonwealth has received payments pursuant to chapter 175M
4 and subsequently receives workers' compensation payments pursuant to chapter 152 for the same
5 period, the state employer agency shall, on behalf of the state employee, return to the department
6 of family and medical leave the portion of the workers' compensation payment that represents an
7 overpayment of benefits pursuant to section 3 of said chapter 175M.

Registry of Deeds Technological Fund Extension 2

1 SECTION 40. Section 41 of chapter 36 of the General Laws, as so appearing, is hereby
2 amended by striking out, in lines 9 and 12, the figure "2025" and inserting in place thereof, in
3 each instance, the following figure:- 2030.

Early Education and Care 7

1 SECTION 41. Section 3 of chapter 40A of the General Laws, as so appearing, is hereby
2 amended by striking out the fifth paragraph and inserting in place thereof the following
3 paragraph:-

4 Family child care home and large family child care home as defined in section 1A of
5 chapter 15D shall be an allowable use and no city or town shall prohibit or regulate such use in
6 its zoning ordinances or by-laws.

Gender Identity on Records 1

1 SECTION 42. Section 13 of chapter 46 of the General Laws, as so appearing, is hereby
2 amended by striking out subsection (e) and inserting in place thereof the following subsection:-

3 (e)(1) A person who is 18 years of age or older, an emancipated minor or the parent or
4 guardian of a person who is a minor may request a change in the sex designation on the person's
5 birth record to a sex designation including, but not limited to, "female", "male" or "X". An "X"
6 designation may indicate that the person is another gender or an undesignated gender. A request

7 for a change in the sex designation on a birth record shall be accompanied by an affidavit
8 executed under the penalty of perjury by the person to whom the record relates or by the parent
9 or guardian of the person if the person is a minor attesting that the request is to conform the
10 person's birth record to the person's gender identity and is not made for any fraudulent purpose.
11 No medical or healthcare related documentation, court order or proof of change of name shall be
12 required by a town clerk or other official in connection with a request under this paragraph.

13 (2) A person who requests a change in the sex designation on the person's birth record
14 pursuant to paragraph (1) may request a change of name on the person's birth record. A request
15 for a change of name on a birth record shall be accompanied by a certified copy of the legal
16 change of name. No medical or healthcare related documentation shall be required by a town
17 clerk or other official in connection with a request under this paragraph.

18 (3) A person who has changed the sex designation on the person's birth record pursuant
19 to paragraph (1) but did not request a change of name on the person's birth record pursuant to
20 paragraph (2) may request a change of name on the person's birth record within 3 years from the
21 date of the change in the sex designation on the person's birth record pursuant to said paragraph
22 (1); provided, however, that a person whose sex designation on their birth record was changed
23 while the person was a minor shall have 3 years from the date of their eighteenth birthday to
24 request a change of name on the person's birth record; provided further, that the department may
25 waive the 3-year limitation for a person that demonstrates good cause, as determined by the
26 department. A request for a change of name on a birth record shall be accompanied by a certified
27 copy of the legal change of name. No medical or healthcare related documentation shall be
28 required by a town clerk or other official in connection with a request under this paragraph.

29 (4) The department of public health may promulgate regulations to implement this
30 subsection.

Gender Identity on Records 2

1 SECTION 43. Said section 13 of said chapter 46, as so appearing, is hereby further
2 amended by striking out, in line 200, the words “name of the father,” and inserting in place
3 thereof the following words:- a named parent, or whose record has been amended pursuant to
4 subsection (e) of this section.

Gender Identity on Records 3

1 SECTION 44. Said section 13 of said chapter 46, as so appearing, is hereby further
2 amended by adding the following subsection:-

3 (1)(1) The state registrar or town clerk shall amend a certificate of marriage for a person
4 who has a certificate of marriage and submits an application in a form approved by the
5 department that includes:

6 (i) an affidavit executed by the person to whom the record change relates attesting, under
7 penalty of perjury, that: (A) the request is to conform the certificate of marriage to the affiant’s
8 gender identity; (B) the request is not made for any fraudulent purpose; and (C) the marriage is
9 still legally intact; and

10 (ii) a notarized statement from the spouse named on the certificate of marriage to be
11 amended consenting to the amendment of the certificate of marriage.

12 (2) A person may amend a gender designation on a certificate of marriage to a gender
13 designation including, but not limited to, “female”, “male” or “X”. An “X” designation may
14 indicate that the person is another gender or an undesignated gender.

15 (3) A person may request to amend their name on a certificate of marriage. A request for
16 a change of name on a certificate of marriage shall be accompanied by a certified copy of the
17 legal change of name; provided, however, that no medical or healthcare related documentation
18 shall be required by a town clerk or other official in connection with a request under this
19 subsection.

Conformity with the Internal Revenue Code

1 SECTION 45. Section 1 of chapter 62 of the General Laws, as so appearing, is hereby
2 amended by striking out, in line 6, the figure “2022” and inserting in place thereof the following
3 figure:- 2024.

Deduction of Interest From Savings in Massachusetts Banks Repeal

1 SECTION 46. Paragraph (a) of Part B of section 3 of chapter 62 of the General Laws, as
2 so appearing, is hereby amended by striking out subparagraph (6).

Title V Septic Tax Credit Clarification

1 SECTION 47. Section 6 of said chapter 62 is hereby amended by striking out subsection
2 (i), as so appearing, and inserting in place thereof the following subsection:-

3 (i) Any owner of residential property located in the commonwealth who is not a
4 dependent of another taxpayer and who occupies said property as his principal residence, shall be
5 allowed a credit equal to 60 per cent of the expenditures for design and construction expenses for
6 the repair, replacement or upgrade of a cesspool or septic system or connection to a sanitary
7 sewer collection system, if such repair, replacement, upgrade or sewer connection is required
8 pursuant to the provisions of Title 5 of the state environmental code, a watershed permit issued
9 by the department of environmental protection or other requirements or conditions for
10 implementation of the watershed permit imposed by the permittee or the department of

11 environmental protection. Said expenditures shall be the actual cost to the taxpayer or \$30,000,
12 whichever is less; provided, however, that said credit shall be available to eligible taxpayers
13 beginning in the tax year in which the repair, replacement, upgrade or sewer connection was
14 completed; and provided further, that said credit shall not exceed \$4,000 in any tax year and any
15 excess credit may be applied over the following 5 subsequent tax years up to an aggregate
16 maximum of \$18,000. The department shall promulgate such rules and regulations as are
17 necessary to administer the credit afforded by this subsection, including, but not limited to, a
18 notification system by the commonwealth to recipients of said interest subsidy or grant of the
19 amount of the total subsidy provided by the commonwealth.

Consistent Filing Requirement

1 SECTION 48. Paragraph (2) of subsection (a) of section 6 of chapter 62C of the General
2 Laws, as appearing in section 24 of chapter 50 of the acts of 2023, is hereby amended by striking
3 out the first sentence and inserting in place thereof the following sentence:- A married couple
4 shall file a joint return for any year in which they file a joint federal income tax return; provided,
5 however, that this requirement shall not apply if at least 1 of the spouses would not otherwise be
6 required to make a return under paragraph (1) because their Massachusetts gross income did not
7 exceed \$8,000.

Exemption for Publications of Tax-Exempt Organizations Repeal

1 SECTION 49. Section 6 of chapter 64H of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out, in lines 218 and 219, the words “,
3 publications of any corporation, foundation, organization or institution described in paragraph (e)
4 of this section,”.

Gender Identity on Records 4

1 SECTION 50. Chapter 90 of the General Laws is hereby amended by inserting after
2 section 8M the following section:-

3 Section 8N. The registry of motor vehicles shall permit a person submitting an
4 application under sections 8, 8B or 8E of this chapter or section 34B of chapter 138 to designate
5 “X”, “M” or “F” for gender on an application for a driver’s license, learner’s permit,
6 identification card or liquor purchase identification card. No documentation shall be required for
7 such a designation.

8 The registrar of motor vehicles shall report annually to the chairs of the joint committee
9 on transportation on the number of people, indicated by race and ethnicity, who choose an “X”
10 designation on their driver’s license, learner’s permit, identification card or liquor purchase
11 identification card; provided, however, that data included in the report shall be de-identified so
12 that the identification of an individual person cannot be ascertained.

13 The registrar of motor vehicles may promulgate regulations to implement this section.

Managed Care Organization Services Assessment 6

1 SECTION 51. Chapter 111 of the General Laws, as appearing in the 2022 Official
2 Edition, is hereby amended by striking out section 24N and inserting in place thereof the
3 following section:-

4 Section 24N. (a) As used in this section the following words shall, unless the context
5 clearly requires otherwise, have the following meanings:-

6 “Children”, individuals less than 19 years of age.

7 “Estimated vaccine cost”, the estimated cost over the course of a fiscal year for the
8 purchase, storage and distribution of vaccines for all children in the commonwealth.

9 “Routine childhood immunizations”, immunizations for children until their nineteenth
10 birthday including: (i) the immunizations recommended by the federal Vaccines for Children
11 Program and (ii) any immunizations recommended by the Advisory Committee on Immunization
12 Practices of the federal Centers for Disease Control and Prevention.

13 “Total non-federal program cost”, the estimated annual cost of vaccines needed for
14 routine childhood immunizations for children in the commonwealth less the amount of federal
15 revenue available to the commonwealth for purchase, storage, distribution and administration of
16 the vaccines.

17 (b) There shall be established in the commonwealth a separate non-budgeted special
18 revenue fund to be known as the Vaccine Purchase Fund to support a universal purchase system
19 for routine childhood immunizations in the commonwealth, which shall be administered by the
20 commissioner of public health or a designee. The fund shall be credited with: (i) monies
21 transferred from the executive office of health and human services pursuant to section 66 of
22 chapter 118E; (ii) any voluntary contributions to the fund, including, but not limited to,
23 contributions from third-party payers or third-party administrators, as defined in section 1 of
24 chapter 12C; and (iii) any interest earnings on such monies. Amounts credited to the fund shall
25 be expended, without further appropriation, to cover the costs to purchase, store and distribute
26 vaccines for routine childhood immunizations and to administer the fund and the immunization
27 registry, established pursuant to section 24M. Funds shall be expended solely to cover total non-
28 federal program costs; provided, however, that the amount to be expended for storing and
29 distributing vaccines for routine childhood immunizations, if such costs are not covered by
30 federal contributions, and for the costs of administering the immunization registry, shall not
31 exceed 10 per cent of the total amount of the fund expended for the purchase of vaccines needed

32 for routine childhood immunizations for all children in the commonwealth. The department may
33 incur expenses and the comptroller may certify for payment, amounts in anticipation of the most
34 recent estimate of expected receipts, as certified by the secretary of administration and finance;
35 provided, however, that no expenditure shall be made from the fund which shall cause the fund
36 to be in deficit at the close of a fiscal year. Any balance in the fund at the close of a fiscal year
37 shall be available for expenditure in subsequent fiscal years and shall not be transferred to any
38 other fund or revert to the General Fund. The commissioner of public health or a designee shall
39 annually report the amount of funds collected and any expenditures made from the fund to the
40 clerks of the house of representatives and senate and to the house and senate committees on ways
41 and means, the house and senate chairs of the joint committee on public health and the house and
42 senate chairs of the joint committee on health care financing.

43 (c) There shall be a vaccine program advisory council consisting of the commissioner of
44 public health or a designee, who shall serve as chair; the medical director of the universal
45 immunization program of the department of public health established under section 24I; the
46 executive director for the center for health information and analysis or a designee; the executive
47 director of the commonwealth health insurance connector authority or a designee; 1 person to be
48 appointed by the director of Medicaid, who shall be a representative of managed care
49 organizations contracting with MassHealth; 3 persons to be appointed by the commissioner of
50 insurance, each of whom shall be a representative of 1 of the 3 health insurance companies
51 having the most insured lives in the commonwealth; and 7 persons to be appointed by the
52 commissioner of public health, 1 of whom shall be a representative of an employer that self-
53 insures for health coverage who shall be appointed from lists of nominees submitted by statewide
54 associations of employers, 1 of whom shall be a member of the Massachusetts Medical Society,

55 1 of whom shall be a member of the Massachusetts chapter of the American Academy of
56 Pediatrics, 1 of whom shall be a member of the Massachusetts Academy of Family Physicians
57 and 3 of whom shall be physicians licensed to practice in the commonwealth and who shall have
58 expertise in the area of childhood vaccines. The council shall recommend the types of vaccines
59 to be purchased based on a list of routine childhood immunizations and shall take into account
60 provider preference, cost, availability and other factors as determined by the council. The council
61 shall recommend the amount of funding needed each fiscal year by calculating the total non-
62 federal program cost. The council shall make recommendations to the commissioner on whether
63 the commissioner may authorize provider choice of more than 1 comparable brand or type for a
64 routine childhood immunization vaccine. In its recommendations, the council shall examine the
65 feasibility, costs and benefits of authorizing provider choice, provide a schedule of the cost of
66 each comparable brand or type of a vaccine recommended for provider choice and demonstrate
67 that the estimated vaccine cost of authorizing provider choice would not be substantially greater
68 than the estimated vaccine cost of purchasing a single brand or type of a vaccine. The
69 commissioner of public health shall determine the final vaccines to be purchased.

70 (d) [reserved]

71 (e) The department of public health may adopt rules and regulations as necessary to
72 implement the universal purchase and distribution system under this chapter and other applicable
73 state and federal laws. The rules and regulations shall establish the system by which vaccines are
74 distributed for children in the commonwealth.

75 (f) Every individual or entity that pays for or arranges for the purchase of health care
76 services provided by acute hospitals and ambulatory surgical center, including managed care
77 organizations, as such term is defined in section 64 of chapter 118E, but excluding Title XVIII

78 and Title XIX programs and their beneficiaries or recipients, other governmental programs of
79 public assistance and their beneficiaries or recipients and the workers' compensation program
80 established under chapter 152, to the extent not preempted by federal law, shall provide benefits
81 for: (i) routine childhood immunizations for residents of the commonwealth; and (ii)
82 immunizations for residents of the commonwealth who are 19 years of age and older according
83 to the most recent schedules recommended by the Advisory Committee on Immunization
84 Practices of the federal Centers for Disease Control and Prevention. These benefits shall be
85 exempt from any copayment, coinsurance, deductible or dollar limit provisions in the health
86 insurance policy or contract.

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

1 SECTION 52. Chapter 118E of the General Laws is hereby amended by inserting after
2 section 12A the following section:-

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

Managed Care Organization Services Assessment 7

1 SECTION 53. Section 64 of said chapter 118E, as appearing in the 2022 Official Edition,
2 is hereby amended by inserting after the definition of "Bad debt" the following definition:-

3 “Center for health information and analysis revenue amount”, an amount equal to the sum
4 of the amount collected by the center for health information and analysis from acute hospitals
5 and ambulatory surgical centers pursuant to section 7 of chapter 12C.

Hospital Assessment 3 and Managed Care Organization Services Assessment 8

1 SECTION 54. Said section 64 of said chapter 118E is hereby amended by inserting after
2 the definition “Gross patient service revenue”, as so appearing, the following 3 definitions:-

3 “Group 1 safety net hospital”, a hospital identified as a group 1 safety net hospital in the
4 MassHealth demonstration waiver approved under subsection (a) of section 1115 of Title XI of
5 the Social Security Act.

6 “Group 2 safety net hospital”, a hospital identified as a group 2 safety net hospital in the
7 MassHealth demonstration waiver approved under subsection (a) of section 1115 of Title XI of
8 the Social Security Act.

9 “Health policy commission revenue amount”, the amount collected by the health policy
10 commission from hospitals and ambulatory surgical centers pursuant to section 6 of chapter 6D.

Managed Care Organization Services Assessment 9

1 SECTION 55. Said section 64 of said chapter 118E, as so appearing, is hereby further
2 amended by striking out the definitions of “Managed care organization” and “Payments subject
3 to surcharge” and inserting in place thereof the following definitions:-

4 “Health safety net managed care organization revenue amount”, an amount equal to
5 \$160,000,000 plus 50 per cent of the estimated cost, as determined by the secretary for
6 administration and finance, of administering the health safety net and related assessments in
7 accordance with sections 65 to 69, inclusive.

8 “Immunization revenue amount”, the estimated costs to purchase, store and distribute
9 vaccines for routine childhood immunizations and to administer the Vaccine Purchase Fund,
10 established in section 24N of chapter 111, and the computerized immunization registry,
11 established in section 24M of chapter 111, taking into consideration the limitations on
12 expenditures described in subsection (b) of section 24N of chapter 111, as well as any anticipated
13 surplus or deficit in said Vaccine Purchase Fund, but excluding any costs anticipated to be
14 covered by federal contribution.

15 “Managed care organization”, any of the following entities, as defined in regulations
16 promulgated by the secretary of health and human services: (i) an entity that is accredited
17 pursuant to chapter 176O and that is: (A) licensed or otherwise authorized to transact accident or
18 health insurance pursuant to chapter 175; (B) a nonprofit hospital service corporation organized
19 pursuant to chapter 176A; (C) a nonprofit medical service corporation organized pursuant to
20 chapter 176B; (D) a health maintenance organization organized pursuant to chapter 176G; or (E)
21 an organization entering into a preferred provider arrangement pursuant to chapter 176I; (ii) a
22 Medicaid managed care organization; (iii) a health care organization, as defined in section 2 of
23 chapter 32A; (iv) a self-insured group for which a carrier provides administrative services
24 pursuant to section 21 of chapter 176O; and (v) a health insurance plan that contracts with the
25 commonwealth health insurance connector authority.

26 “Managed care organization reinvestment revenue amount”, a fixed amount equal to
27 \$246,000,000.

28 “Managed care organization services subject to assessment”, services rendered by a
29 managed care organization for which a premium or membership payment is made by or on
30 behalf of the member; provided, however, that managed care organization services subject to

31 assessment shall not include services: (i) rendered to members enrolled per month in Medicare
32 managed care organizations; (ii) rendered to members dually enrolled per month in both
33 Medicaid and Medicare; (iii) rendered to members in a Medicaid managed care organization who
34 are age 65 or older; (iv) rendered as part of limited benefit plans, including, but not limited to,
35 dental only or vision only member months, which are paid for as part of a subcontract under
36 another managed care organization; or (v) services which are preempted from taxation by section
37 8909(f) of title 5 of the United States Code; and provided further, that managed care organization
38 services subject to assessment may be based on a tax base of managed care organization member
39 months, premiums, claims, or charges, as determined by the secretary of health and human
40 services and established consistently across the assessment groups that may be established
41 pursuant to section 68.

42 “Massachusetts Child Psychiatry Access Project revenue amount”, an amount equal to
43 the amounts expended for the Massachusetts Child Psychiatry Access Project that are related to
44 services provided on behalf of commercially insured clients.

45 “Medicaid managed care organization”, a managed care organization, as defined in 42
46 CFR 438.2, that contracts with MassHealth pursuant to an approved state plan or federal waiver.

47 “Medicaid managed care organization services subject to assessment”, managed care
48 organization services subject to assessment provided to a Medicaid member.

Managed Care Organization Services Assessment 10

1 SECTION 56. Said section 64 of said chapter 118E, as so appearing, is hereby further
2 amended by striking out the definition of “Surcharge payor”.

Managed Care Organization Services Assessment 11

1 SECTION 57. Said section 64 of said chapter 118E, as so appearing, is hereby further
2 amended by striking out the definition of “Total surcharge amount” and inserting in place thereof
3 the following definition:-

4 “Total managed care organization services assessment amount”, an amount equal, for
5 each year, to the sum of the following in the same year: (i) the managed care organization
6 reinvestment revenue amount; (ii) the health safety net managed care organization revenue
7 amount; (iii) the Massachusetts Child Psychiatry Access Project revenue amount; (iv) the
8 immunization revenue amount; (v) the health policy commission revenue amount; (vi) the center
9 for health information and analysis revenue amount; (vii) the amount transferred, pursuant to
10 section 66, to the Behavioral Health Access and Crisis Intervention Trust Fund established in
11 section 2WWWW of chapter 29; and (viii) the amounts necessary to incorporate prospectively
12 all adjustments or reconciliations to account for under-assessments in the prior year.

Hospital Assessment 4

1 SECTION 58. Said section 64 of said chapter 118E, as so appearing, is hereby amended
2 by striking out, in line 147, as so appearing, the figure “\$880,000,000” and inserting in place
3 thereof the following figure:- \$1,484,050,000.

Managed Care Organization Services Assessment 12

1 SECTION 59. Said section 66 of said chapter 118E, as so appearing, is hereby further
2 amended by striking out subsection (b) and inserting in its place thereof the following
3 subsection:-

4 (b) The fund shall consist of: (i) all amounts paid by hospitals and managed care
5 organizations under sections 67 and 68; (ii) all appropriations for the purpose of payments to
6 acute hospitals or community health centers for health services provided to uninsured and

7 underinsured residents; (iii) any transfers from the Commonwealth Care Trust Fund established
8 in section 2000 of chapter 29; (iv) any transfers from the Safety Net Provider Trust Fund
9 established in section 2AAAAA of chapter 29; (v) any transfers from the Hospital Investment
10 and Performance Trust Fund established in section 2TTTTT of chapter 29; (vi) any transfers
11 from the Managed Care Organization Services Reinvestment Fund established in section
12 2FFFFFF of chapter 29; and (vii) all property and securities acquired by and through the use of
13 money belonging to the fund and all interest thereon. There shall also be credited to the fund an
14 amount equal to any federal financial participation claimed and received by the commonwealth
15 for eligible expenditures made from the fund and financed by money transferred from the
16 Hospital Investment and Performance Trust Fund established in section 2TTTTT of chapter 29,
17 the Managed Care Organization Services Reinvestment Fund established in section 2FFFFFF of
18 chapter 29 or from the Safety Net Provider Trust Fund established in section 2AAAAA of
19 chapter 29. To accommodate timing discrepancies between the receipt of such revenue and
20 related expenditures, the comptroller may certify for payment amounts not to exceed the most
21 recent revenue estimates as certified by the secretary of health and human services to be
22 transferred, credited or deposited under this subsection. Annually, the office shall transfer from
23 the non-federal money in the fund: (A) \$149,300,000 to the Safety Net Provider Trust Fund
24 established in section 2AAAAA of chapter 29; (B) \$994,000,000 to the Hospital Investment and
25 Performance Trust Fund established in section 2TTTTT of chapter 29; (C) \$115,500,000 to the
26 Population Health Investment Trust Fund established in section 2UUUUU of chapter 29; (D)
27 \$30,250,000 to the Non-Acute Care Hospital Reimbursement Trust Fund established in section
28 2WWWW of chapter 29; (E) an amount equal to the managed care organization reinvestment
29 revenue amount to the Managed Care Organization Services Reinvestment Fund established in

30 section 2FFFFFF of chapter 29; (F) an amount equal to the Massachusetts Child Psychiatry
31 Access Project revenue amount to the Massachusetts Child Psychiatry Access Project Fund
32 established in section 2EEEEEE of chapter 29; (G) an amount equal to the health policy
33 commission revenue amount to the Health care Payment Reform Trust Fund established in
34 section 7 of chapter 6D; (H) an amount equal to the immunization revenue amount to the
35 Vaccine Purchase Fund established in section 24N of chapter 111; (I) \$33,700,000 to the
36 Behavioral Health Access and Crisis Intervention Trust Fund established in section 2WWWWW
37 of chapter 29; (J) an amount equal to the center for health information and analysis revenue
38 amount to the Center for Health Information and Analysis Fund established in section 7A of
39 chapter 12C; and (K) \$35,000,000 to the Essential Community Provider Trust Fund established
40 in section 2PPP of chapter 29. The office shall expend amounts in the fund, except for amounts
41 transferred to the Safety Net Provider Trust Fund, the Hospital Investment and Performance
42 Trust Fund, the Population Health Investment Trust Fund, the Non-Acute Care Hospital
43 Reimbursement Trust Fund, the Managed Care Organization Services Reinvestment Fund, the
44 Massachusetts Child Psychiatry Access Project Fund, the Vaccine Purchase Fund, the Center for
45 Health and Information Analysis Fund, the Healthcare Payment Reform Trust Fund and the
46 Behavioral Health Access and Crisis Intervention Trust Fund, for payments to hospitals and
47 community health centers for reimbursable health services provided to uninsured and
48 underinsured residents, consistent with the requirements of this section, section 69 and the
49 regulations adopted by the office. The amount collected pursuant to clause (vii) of the definition
50 of total managed care organization services assessment amount in section 64 shall be dedicated
51 to reducing the shortfall, as described in subsection (b) of section 69, for the year prior to the
52 assessment year. The office shall also annually expend money from the fund for the expenses of

53 the executive office, including the health safety net office under subsection (a), for the
54 administration of the health safety net and related assessments. The office shall also expend not
55 more than \$6,000,000 annually from the fund for demonstration projects that use case
56 management and other methods to reduce the liability of the fund to acute hospitals. All interest
57 earned on the amounts in the fund shall be deposited or retained in the fund. The director shall
58 from time-to-time requisition from the fund amounts that the director considers necessary to
59 meet the current obligations of the office for the purposes of the fund and estimated obligations
60 for a reasonable future period.

Managed Care Organization Services Assessment 13

1 SECTION 60. Said section 66 of said chapter 118E, as so appearing, is hereby further
2 amended by striking out subsection (b) and inserting in place thereof the following subsection:-

3 (b) The fund shall consist of: (i) all amounts paid by hospitals and managed care
4 organizations under sections 67 and 68; (ii) all appropriations for the purpose of payments to
5 acute hospitals or community health centers for health services provided to uninsured and
6 underinsured residents; (iii) any transfers from the Commonwealth Care Trust Fund established
7 in section 2000 of chapter 29; (iv) any transfers from the Safety Net Provider Trust Fund
8 established in section 2AAAAA of chapter 29; (v) any transfers from the Hospital Investment
9 and Performance Trust Fund established in section 2TTTTT of chapter 29; (vi) any transfers
10 from the Managed Care Organization Services Reinvestment Fund established in section
11 2FFFFFF of chapter 29; and (vii) all property and securities acquired by and through the use of
12 money belonging to the fund and all interest thereon. There shall also be credited to the fund an
13 amount equal to any federal financial participation claimed and received by the commonwealth
14 for eligible expenditures made from the fund and financed by money transferred from the

15 Hospital Investment and Performance Trust Fund established in section 2TTTTT of chapter 29,
16 the Managed Care Organization Services Reinvestment Fund established in section 2FFFFFFF of
17 chapter 29 or from the Safety Net Provider Trust Fund established in section 2AAAAA of
18 chapter 29. To accommodate timing discrepancies between the receipt of such revenue and
19 related expenditures, the comptroller may certify for payment amounts not to exceed the most
20 recent revenue estimates as certified by the secretary of health and human services to be
21 transferred, credited or deposited under this subsection. Annually, the office shall transfer an
22 amount equal to all amounts paid by privately-owned, nonfederal hospitals under subsection (b)
23 of section 67 to the Non-Acute Care Hospital Reimbursement Trust Fund established in section
24 2WWWW of chapter 29. The office shall annually transfer from the non-federal money in the
25 fund: (A) an amount equal to the managed care organization reinvestment revenue amount to the
26 Managed Care Organization Services Reinvestment Fund established in section 2FFFFFFF of
27 chapter 29; (B) an amount equal to the Massachusetts Child Psychiatry Access Project revenue
28 amount to the Massachusetts Child Psychiatry Access Project Fund established in section
29 2EEEEEE of chapter 29; (C) an amount equal to the health policy commission revenue amount
30 to the Healthcare Payment Reform Trust Fund established in section 7 of chapter 6D; (D) an
31 amount equal to the immunization revenue amount to the Vaccine Purchase Fund established in
32 section 24N of chapter 111; (E) \$33,700,000 to the Behavioral Health Access and Crisis
33 Intervention Trust Fund established in section 2WWWWW of chapter 29; and (F) an amount
34 equal to the center for health information and analysis revenue amount to the Center for Health
35 Information and Analysis Fund established in section 7A of chapter 12C. The office shall expend
36 amounts in the fund, except for amounts transferred to the Non-Acute Care Hospital
37 Reimbursement Trust Fund, the Managed Care Organization Services Reinvestment Fund, the

38 Massachusetts Child Psychiatry Access Project Fund, the Vaccine Purchase Fund, the Center for
39 Health Information and Analysis Fund, the Healthcare Payment Reform Trust fund and the
40 Behavioral Health Access and Crisis Intervention Trust Fund, for payments to hospitals and
41 community health centers for reimbursable health services provided to uninsured and
42 underinsured residents, consistent with the requirements of this section, section 69 and the
43 regulations adopted by the office. The amount collected pursuant to clause (vii) of the definition
44 of total managed care organization services assessment amount in section 64 shall be dedicated
45 to reducing the shortfall, as described in subsection (b) of section 69, for the year prior to the
46 assessment year. The office shall also annually expend money from the fund for the expenses of
47 the executive office, including the health safety net office under subsection (a), for the
48 administration of the health safety net and related assessments. The office shall also expend not
49 more than \$6,000,000 annually from the fund for demonstration projects that use case
50 management and other methods to reduce the liability of the fund to acute hospitals. Any annual
51 balance remaining in the fund after these payments have been made shall be retained in the fund
52 and shall not revert to the General Fund. All interest earned on the amounts in the fund shall be
53 deposited or retained in the fund. The director shall from time-to-time requisition from the fund
54 amounts that the director considers necessary to meet the current obligations of the office for the
55 purposes of the fund and estimated obligations for a reasonable future period.

Hospital Assessment 5

1 SECTION 61. Subsection (b) of section 66 of said chapter 118E, as appearing in section
2 60 of chapter 126 of the acts of 2022, is hereby amended by striking out the fourth sentence and
3 inserting in place thereof the following sentence:- Annually, the office shall transfer from the
4 nonfederal money in the fund: (A) \$149,300,000 to the Safety Net Provider Trust Fund

5 established in said section 2AAAAA of said chapter 29; (B) \$994,000,000 to the Hospital
6 Investment and Performance Trust Fund established in said section 2TTTTT of said chapter 29;
7 (C) \$115,500,000 to the Population Health Investment Trust Fund established in section
8 2UUUUU of said chapter 29; (D) \$30,250,000 to the Non-Acute Care Hospital Reimbursement
9 Trust Fund established in section 2WWWW of said chapter 29; and (E) \$35,000,000 to the
10 Essential Community Provider Trust Fund established in section 2PPP of said chapter 29.

Hospital Assessment 6

1 SECTION 62. Said chapter 118E is hereby further amended by striking out section 67, as
2 appearing in section 62 of said chapter 126, and inserting in place thereof the following section:-

3 Section 67. (a) Subject to all required federal approvals, including any required waivers
4 under 42 CFR 433.68, a hospital’s annual liability to the fund shall be calculated in accordance
5 with this section. The annual aggregate liability of all hospitals to the fund shall equal the total
6 hospital assessment amount.

7 (b) [reserved].

8 (c) The office shall promulgate regulations establishing an appropriate mechanism for
9 enforcing each hospital’s liability to the fund if a hospital does not make a scheduled payment to
10 the fund.

11 (d) For the purposes of the assessment described in this section, all hospitals in the
12 commonwealth shall be divided into the following groups, as determined by the secretary: (i)
13 large group 1 safety net hospitals which, for the purposes of this section, shall mean, any group 1
14 safety net hospital that had not less than 355 staffed beds in fiscal year 2022, as reported by the
15 center for health information and analysis; (ii) small group 1 safety net hospitals which, for the
16 purposes of this section, shall mean any group 1 safety net hospital that had less than 355 staffed

17 beds in fiscal year 2022 as reported by the center for health information and analysis; (iii) large
18 group 2 safety net hospitals which, for the purposes of this section, shall mean any group 2 safety
19 net hospital that had not less than 355 staffed beds in fiscal year 2022 as reported by the center
20 for health information and analysis; (iv) small group 2 safety net hospitals which, for the
21 purposes of this section, shall mean any group 2 safety net hospital that had less than 355 staffed
22 beds in fiscal year 2022 as reported by the center for health information and analysis; (v)
23 freestanding pediatric acute hospitals; (vi) academic, teaching and specialty hospitals which, for
24 the purposes of this section, shall mean an academic medical center, teaching hospital or
25 specialty hospital as determined by the center for health information and analysis as of
26 September 30, 2019, but excluding any high public payer hospital; (vii) private acute hospitals
27 which, for the purposes of this section, shall mean a private hospital licensed under section 51 of
28 chapter 111 that contains a majority of medical-surgical, pediatric, obstetric and maternity beds
29 as defined by the department of public health and operating as of September 30, 2019, but
30 excluding any safety net hospital or academic, teaching and specialty hospital; (viii) non-state
31 public hospitals which, for the purposes of this section, shall mean any non-state-owned public
32 hospital in the commonwealth as determined by the secretary; and (ix) non-acute hospitals
33 which, for the purposes of this section shall mean any nonpublic hospital licensed by the
34 department of public health under said section 51 of said chapter 111; provided, however, that
35 non-acute hospital shall not include an acute care hospital under section 25B of said chapter 111
36 or a nonpublic hospital licensed as an inpatient facility by the department of mental health under
37 section 19 of chapter 19 and regulations promulgated thereunder but not categorized as a class
38 VII licensee under the regulations.

39 (e) Each of the groups described in subsection (d) shall be subject to the following
40 assessment rates: (i) large group 1 safety net hospitals shall be subject to a rate of 24.000 per cent
41 for inpatient services and 5.950 per cent for outpatient services; (ii) small group 1 safety net
42 hospitals shall be subject to a rate of 14.500 per cent for inpatient services and 5.500 per cent for
43 outpatient services; (iii) large group 2 safety net hospitals shall be subject to a rate of 18.000 per
44 cent for inpatient services and 18.200 per cent for outpatient services; (iv) small group 2 safety
45 net hospitals shall be subject to a rate of 18.000 per cent for inpatient services and 10.200 per
46 cent for outpatient services; (v) freestanding pediatric acute hospitals shall be subject to a rate of
47 4.800 per cent for inpatient services and 4.250 per cent for outpatient services; (vi) academic,
48 teaching and specialty hospitals shall be subject to a rate of 4.701 per cent for inpatient services
49 and 1.065 per cent for outpatient services; (vii) private acute hospitals shall be subject to a rate of
50 8.500 per cent for inpatient services and 1.045 per cent for outpatient services; (viii) non-state
51 public hospitals shall be subject to a rate of 1.615 per cent for inpatient services and 1.500 per
52 cent for outpatient services; and (ix) non-acute hospitals shall be subject to a rate of 3.300 per
53 cent for inpatient services and 3.300 per cent for outpatient services; provided, however, that the
54 office shall increase each such rate by the amount necessary to generate 50 per cent of the
55 estimated cost as determined by the secretary of administration and finance, of administering the
56 health safety net and related assessments in accordance with sections 65 to 69, inclusive. If
57 hospital closures or hospital changes in status to a different type of provider would result in a
58 reduction of total hospital assessment amount, the secretary may, by regulation, adjust the
59 assessment rates to ensure the total hospital assessment amount is not reduced by more than
60 \$10,000,000 on an annual basis; provided, however, that any such adjustments to the rates shall
61 ensure the rates remain in the same proportion to each other as established herein.

62 (f) The assessment rates described in subsection (e) shall be applied to each hospital’s
63 fiscal year 2019 assessed charges for inpatient and outpatient services as determined by the
64 secretary of health and human services; provided, however, that the term “assessed charges”
65 shall have the meaning ascribed to it in section 64. The total of the resulting products shall equal
66 a hospital’s annual assessment liability.

67 (g) Subject to receipt of all required federal approvals, the executive office shall
68 implement the assessment structure described in this section and shall promulgate regulations, in
69 consultation with the Massachusetts Health and Hospital Association, Inc., necessary to support
70 implementation of said assessment structure. In promulgating such regulations, and in
71 consultation with the Massachusetts Health and Hospital Association, Inc., the executive office
72 shall, at a minimum: (i) specify an appropriate mechanism for determination and payment of an
73 acute hospital's liability to the fund; (ii) identify the hospitals that belong to each group identified
74 in subsection (d); (iii) specify an appropriate mechanism for the determination of a hospital’s
75 liability in cases of merger or transfer of ownership; and (iv) specify an appropriate mechanism
76 by which any amounts paid by a hospital in excess of a hospital’s total annual assessment
77 liability may be refunded or otherwise credited to the hospital.

78 (h) The secretary of health and human services may enforce the payment of assessments
79 required under this section: (i) for hospitals licensed by the department of health, by notifying the
80 department of the unpaid assessments and such information shall be considered by the
81 department in determining suitability in accordance with section 51 of chapter 111 for the
82 hospital or its affiliate provider entities; (ii) by offsetting payments from the office of Medicaid
83 against the claims for payment by the delinquent hospital, against other hospitals or MassHealth-
84 contracted entities under common ownership as the delinquent hospital or against any successor

85 in interest to the hospital or such provider entities under common ownership, in the amount of
86 the delinquent fees owed, including any interest, penalties and reasonable attorneys' fees, and by
87 transferring such funds into the fund; or (iii) creating, after demand for payment, a lien in favor
88 of the commonwealth in an amount not to exceed the delinquent fees owed, including any
89 interest, penalties and reasonable attorneys' fees, encumbering the building in which the
90 delinquent hospital is located, encumbering the real property upon which the delinquent hospital
91 is located, including fixtures, equipment or goods used in the operation of the delinquent
92 hospital, or encumbering any real property in which the delinquent hospital holds an interest.

Managed Care Organization Services Assessment 14

1 SECTION 63. Said chapter 118E is hereby further amended by striking out section 68
2 and inserting in place thereof the following section:-

3 Section 68. (a) Subject to all required federal approvals, including any required waivers
4 under 42 CFR 433.68, a managed care organization's annual liability to the fund shall be
5 calculated in accordance with this section. The annual aggregate liability of all managed care
6 organizations to the fund shall equal the total managed care organization services assessment
7 amount.

8 (b) The assessment shall be paid to the Health Safety Net Trust Fund, established in
9 section 66, by managed care organizations rendering managed care organization services subject
10 to assessment on a monthly basis and shall be assessed on all managed care organization services
11 subject to assessment.

12 (c) All managed care organization services subject to assessment shall be divided into 1
13 of the following assessment groups; provided, however, that the secretary of health and human
14 services may, by regulation, establish further sub-groups within each assessment group:

15 (i) managed care organization services subject to assessment that are not Medicaid
16 managed care organization services subject to assessment provided by a managed care
17 organization;

18 (ii) Medicaid managed care organization services subject to assessment provided by a
19 managed care organization rendered below a threshold established by the secretary of health and
20 human services in its regulations; and

21 (iii) Medicaid managed care organization services subject to assessment provided by a
22 managed care rendered at or above a threshold established by the secretary of health and human
23 services in its regulations.

24 (d) The assessment rates for each assessment group shall be multiplied by each managed
25 care organization's managed care organization services subject to assessment, as determined by
26 the secretary of health and human services. The total of the resulting products shall equal a
27 managed care organization's annual assessment liability.

28 (e) Subject to receipt of all required federal approvals, the secretary of health and human
29 services shall implement the assessment structure described in this section and shall promulgate
30 regulations necessary to support implementation of said assessment structure. In promulgating
31 such regulations, the secretary of health and human services shall, at a minimum: (i) establish
32 assessment groups, in accordance with subsection (c), into which all managed care organization
33 services subject to assessment are divided; (ii) set assessment rates for each such assessment
34 group, sufficient in the aggregate to generate in each fiscal year the total managed care
35 organization services assessment amount; (iii) establish any necessary reporting requirements for
36 managed care organizations; (iv) establish an appropriate mechanism for enforcing each
37 managed care organization's liability to the Health Safety Net Trust Fund, established in section

38 66, if a managed care organization rendering managed care organization services subject to
39 assessment does not make a scheduled payment to the Health Safety Net Trust Fund; (v) specify
40 an appropriate mechanism for determination and payment of a managed care organization’s
41 liability to the Health Safety Net Trust Fund; (vi) identify the managed care organization services
42 subject to assessment under each group established pursuant to subsection (c); (vii) specify an
43 appropriate mechanism for the determination of a managed care organization’s liability in cases
44 of merger or transfer of ownership; and (viii) specify an appropriate mechanism by which any
45 amounts paid by a managed care organization in excess of its total annual assessment liability
46 may be refunded or otherwise credited to the managed care organization.

Managed Care Organization Services Assessment 15

1 SECTION 64. Section 69A of chapter 118E of the General Laws is hereby repealed.

Standing Order for Prenatal Vitamins and Oral Contraceptives

1 SECTION 65. Said chapter 118E is hereby further amended by adding the following 2
2 sections:-

3 Section 83. (a) As used in this section and section 84, the following words shall have the
4 following meaning unless the context clearly requires otherwise:

5 “HSN”, the payment program established and administered in accordance with section
6 8A and sections 64 to 69, inclusive.

7 “HSN patient”, an individual served by an HSN provider whose services are paid for
8 through the HSN.

9 “OTC oral contraceptive”, a nonprescription oral contraceptive approved or otherwise
10 authorized by the United States Food and Drug Administration.

11 (b) Notwithstanding any general or special law to the contrary, a practitioner who is
12 registered to prescribe or dispense controlled substances in the course of the practitioner's
13 professional practice under section 7 of chapter 94C and is designated by the assistant secretary
14 for the division may issue a standing order that may be used for a licensed pharmacist to
15 dispense an OTC oral contraceptive to a MassHealth member or HSN patient.

16 (c) Notwithstanding any general or special law to the contrary, a licensed pharmacist may
17 dispense an OTC oral contraceptive in accordance with the standing order issued under
18 subsection (b) to a MassHealth member or HSN patient. Except for gross negligence or willful
19 misconduct, a pharmacist who, in good faith, dispenses an OTC oral contraceptive consistent
20 with the standing order shall not be subject to any criminal or civil liability or professional
21 disciplinary action by the board of registration in pharmacy related to the dispensing of said OTC
22 oral contraceptive.

23 (d) A pharmacist who dispenses an OTC oral contraceptive pursuant to this section to a
24 MassHealth member or HSN patient shall submit a claim to MassHealth or the HSN, as
25 applicable.

26 (e) Except for gross negligence or willful misconduct, the assistant secretary for the
27 division or a physician who issues the standing order under subsection (b) and any practitioner
28 who, acting in good faith, directly or through the standing order, prescribes or dispenses an OTC
29 oral contraceptive to a MassHealth member or HSN patient shall not be subject to any criminal
30 or civil liability or professional disciplinary action.

31 (f) The division may adopt regulations or issue written guidance to implement this
32 section.

33 Section 84. (a) For the purposes of this section, “Prenatal vitamin”, shall mean an oral
34 multivitamin for supporting health during pregnancy.

35 (b) Notwithstanding any general or special law to the contrary, a physician who is
36 registered to prescribe or dispense a controlled substance in the course of the physician’s
37 professional practice under section 7 of chapter 94C and is designated by the assistant secretary
38 for the division may issue a standing order that may be used for a licensed pharmacist to
39 dispense a prenatal vitamin to a MassHealth member or HSN patient.

40 (c) Notwithstanding any general or special law to the contrary, a licensed pharmacist may
41 dispense a prenatal vitamin in accordance with the standing order issued under subsection (b) to
42 a MassHealth member or HSN patient. Except for gross negligence or willful misconduct, a
43 pharmacist who, in good faith, dispenses a prenatal vitamin consistent with the standing order
44 shall not be subject to any criminal or civil liability or professional disciplinary action by the
45 board of registration in pharmacy related to the dispensing of such prenatal vitamin.

46 (d) A pharmacist who dispenses a prenatal vitamin pursuant to this section to a
47 MassHealth member or HSN patient shall submit a claim to MassHealth or the HSN, as
48 applicable.

49 (e) Except for gross negligence or willful misconduct, the assistant secretary for the
50 division or a physician who issues the standing order under subsection (b) and any practitioner
51 who, in good faith, directly or through the standing order, prescribes or dispenses a prenatal
52 vitamin to a MassHealth member or HSN patient shall not be subject to any criminal or civil
53 liability or professional disciplinary action.

54 (f) The division may adopt regulations or issue written guidance to implement this
55 section.

MCI Concord Closure 1

1 SECTION 66. Section 1 of chapter 125 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out, in line 32 and in lines 40 and 41, each time
3 they appear, the words “; Massachusetts Correctional Institution, Concord”.

DCAMM Maintenance Service Contracts 4

1 SECTION 67. Subsection (1) of section 44A of chapter 149 of the General Laws, as so
2 appearing, is hereby amended by inserting after the definition of “Eligible” the following
3 definition:-

4 “Maintenance service contract”, a multi-year contract exclusively for the ongoing,
5 periodic maintenance, including maintaining, servicing, testing and incidental repairs, of 1 or
6 more of the following building systems: (i) electrical system; (ii) elevator system; (iii) fire
7 protection sprinkler system, as defined in section 81 of chapter 146; (iv) fire alarm system; (v)
8 heating, ventilating and air-conditioning and any associated mechanical system; or (vi) plumbing
9 system.

DCAMM Maintenance Service Contracts 5

1 SECTION 68. Said section 44A of said chapter 149, as so appearing, is hereby further
2 amended by striking out, in line 47, the word “(A)” and inserting in place thereof the following
3 words:- (2)(A).

DCAMM Maintenance Service Contracts 6

1 SECTION 69. Subsection (2) of said section 44A of said chapter 149, as so appearing, is
2 hereby amended by inserting after paragraph (D) the following paragraph:-

3 (D ½) Every maintenance service contract for any building by the division of capital asset
4 management and maintenance estimated to cost more than \$150,000 shall be awarded to the

5 lowest responsible and eligible general bidder on the basis of competitive bids in accordance
6 with the procedure set forth in section 44A to 44H, inclusive; provided, however, that this
7 paragraph shall not apply if a maintenance service contract is bid, at the option of the
8 commissioner, pursuant to section 39M of chapter 30.

Consumer Directed Care Workforce Council

1 SECTION 70. Section 1 of chapter 175M of the General Laws is hereby amended by
2 inserting after the figure “19A”, as appearing in section 35 of chapter 77 of the acts of 2023, the
3 following words:- , whose wages from working as a consumer directed care worker meet the
4 financial eligibility requirements of said subsection (a) of said section 24 of said chapter 151A.

Department of Family and Medical Leave Administrative Cost Calculation Adjustment

1 SECTION 71. Subsection (b) of section 7 of said chapter 175M, as appearing in the 2022
2 Official Edition, is hereby amended by striking out the first sentence and inserting in place
3 thereof the following sentence:- The costs of administering the department under this chapter
4 shall be paid from the trust fund and, in each fiscal year, shall not exceed 5 per cent of the
5 amount remaining in the fund at the end of the previous fiscal year; provided, however, that the
6 amount available from the trust fund for administering the department shall not decrease by more
7 than 5 per cent from the previous year.

Victim Compensation Reimbursement 1

1 SECTION 72. Subsection (b) of section 3 of chapter 258C of the General Laws, as so
2 appearing, is hereby amended by striking out, in line 15, the figure “\$8,000” and inserting in
3 place thereof the following figure:- \$13,000.

Victim Compensation Reimbursement 2

1 SECTION 73. Said subsection (b) of said section 3 of said chapter 258C, as so appearing,
2 is hereby further amended by striking out, in line 22, the figure “\$800” and inserting in place
3 thereof the following figure:- \$4,000.

Victim Compensation Reimbursement 3

1 SECTION 74. Said subsection (b) of said section 3 of said chapter 258C, as so appearing,
2 is hereby further amended by striking out, in line 105, the figure “\$500” and inserting in place
3 thereof the following figure:- \$3,000.

Hospital Assessment 7

1 SECTION 75. Sections 157, 158 and 159 of chapter 126 of the acts of 2022 are hereby
2 repealed.

Managed Care Organization Services Assessment 16

1 SECTION 76. Sections 25, 66 and 187 of chapter 126 of the acts of 2022 are hereby
2 repealed.

Surtax Revenue Trust Fund Clarification 7

1 SECTION 77. Chapter 28 of the acts of 2023 is hereby amended by striking out section
2 18 and inserting in place thereof the following section:-

3 SECTION 18. Section 2BBBBBB of said chapter 29, inserted by section 17, is hereby
4 amended by striking out subsection (f) and inserting in place thereof the following subsection:-
5 (f) The annual spending threshold shall be equal to the prior year spending threshold, less the
6 dedicated transportation income surtax revenue amount, plus an adjustment factor equal to the
7 10-year rolling rate of growth of income subject to the tax specified in subsection (d) of section 4
8 of chapter 62, as certified by the commissioner of revenue. For years in which the tax specified
9 in said subsection (d) of said section 4 of said chapter 62 was not in effect, the commissioner

10 shall calculate the amount of income that would have been subject to the taxes, adjusted for
11 increases in the cost of living in the same manner as described in Article XLIV of the
12 Amendments to the Constitution of the Commonwealth and set forth pursuant to said paragraph
13 (d) of said section 4 of said chapter 62.

Gender Identity on Records 5

1 SECTION 78. The secretary of administration and finance shall develop a plan, including
2 estimated costs and a proposed timeline for implementation, to ensure that any state form or
3 document issued by a state agency that requires an individual to indicate the individual's gender
4 shall provide an opportunity for the individual to choose a gender option other than male or
5 female; provided, however, that the secretary shall ensure that such a form or document complies
6 with applicable federal rules and regulations. The secretary shall submit the plan to the clerks of
7 the senate and house of representatives and the senate and house committees on ways and means
8 not later than January 1, 2025.

Gender Identity on Records 6

1 SECTION 79. Not later than January 1, 2025, the registry of motor vehicles, the state
2 secretary and any state agency including, but not limited to, the department of children and
3 families, the department of youth services, the department of mental health and the committee
4 for public counsel services, that interacts with youth or young adults in the care of such state
5 agency or provides youth or young adults with legal assistance shall develop materials for
6 dissemination to inform youth and young adults of the options regarding sex and gender
7 designations on state forms and documents pursuant to this act and develop processes to assist
8 youth and young adults who wish to change their gender designation.

Early Education and Care 8

1 SECTION 80. Not later than October 31, 2024, the department of early education and
2 care shall submit a report to the clerks of the senate and house of representatives, the senate and
3 house committees on ways and means and the joint committee on education on a proposed
4 methodology to calculate and assess the cost of providing high-quality early education and care.
5 The methodology shall take into consideration the full cost of service delivery including, but not
6 limited to, costs that vary based on: (i) geographic region; (ii) early education and care provider
7 type and size; (iii) the age ranges of children served; (iv) group size and ratios; (v) the
8 demographics of the populations served by early education and care providers; and (vi) costs of
9 additional services to children and families with high needs, including staff and staff training
10 necessary to accommodate children with disabilities or other high needs, interpreter services,
11 mental health supports for children and staff and staff time required to provide comprehensive
12 family engagement and services to ensure effective early education and promote
13 multigenerational success.

14 In developing the methodology, the department shall consider the factors that affect the
15 cost of service delivery including, but not limited to: (i) administration; (ii) staff pay and
16 benefits; (iii) professional development and instructional coaching; (iv) operations and
17 maintenance including, but not limited to, rent, equipment, technology, furniture and utility
18 costs; (v) educational supplies and curricula; (vi) food services; and (vii) transportation services.

19 The department shall include in its report: (i) recommendations to annually assess and
20 update the methodology to ensure continued alignment with the cost of providing high-quality
21 early education and care and compliance with federal regulations; and (ii) recommendations
22 regarding the use of the methodology to inform the development of child care financial
23 assistance reimbursement rates under clause (e) of the second paragraph of section 2 of said

24 chapter 15D and the distribution formula for the operational grant program established in section
25 19 of said chapter 15D.

Early Education and Care 9

1 SECTION 81. (a) Not later than June 30, 2025, the executive office of labor and
2 workforce development, in consultation with the department of early education and care and the
3 executive office of economic development, shall conduct a study and make recommendations in
4 a report to be filed with the clerks of the senate and house of representatives, the senate and
5 house committees on ways and means and the joint committee on education. The report shall
6 include, but not be limited to: (i) identifying and promoting employer best practices; (ii)
7 exploring employer incentives to support additional early education and care benefits for their
8 employees; (iii) examining the availability of state partnerships with the business community to
9 support employees who have young children; (iv) exploring ways to improve collaboration
10 across secretariats of state agencies to engage with the business community; (v) considering
11 incentives or requirements for employers of a certain size or specific subgroups of employers to
12 provide employer-supported early education and care benefits to employees; and (vi) considering
13 the feasibility of assessing all or certain employers to fund expanded access to high quality,
14 affordable early education and care. Prior to making its recommendations, the executive office of
15 labor and workforce development shall meet with regionally-diverse stakeholders.

Early Education and Care 10

1 SECTION 82. Not later than October 31, 2024, the department of early education and
2 care shall file a report on the operational grant program established under section 19 of chapter
3 15D of the General Laws with the clerks of senate and the house of representatives, the senate
4 and house committees on ways and means and the joint committee on education. The report shall

5 include the department’s proposed: (i) distribution formula for the operational grant program; (ii)
6 eligibility criteria for the operational grant program; (iii) allowable uses of operational grants;
7 and (iv) enforceable compliance standards for ensuring that program openings in early education
8 and care providers receiving operational grants are accessible to children receiving child care
9 financial assistance.

Early Education and Care 11

1 SECTION 83. The department of early education and care shall establish the first early
2 education and care career ladder pursuant to section 20 of chapter 15D of the General Laws not
3 later than October 31, 2024.

Massachusetts School Building Authority Commission

1 SECTION 84. (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 to be appointed by the senate president; 1 member to be
10 appointed by the speaker of the house of representatives; 1 member to be appointed by the
11 minority leader of the senate; 1 member to be appointed by the minority leader of the house of
12 representatives; the secretary of education or a designee; the commissioner of elementary and
13 secondary education or a designee; the executive director of the authority or a designee; 2

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

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

37 municipalities that qualify for 80 per cent reimbursement; (v) reimbursement policies for
38 regional technical and vocational schools and how to ensure affordability for all member
39 communities; (vi) reimbursement policies to help the commonwealth achieve its environmental
40 and greenhouse gas emissions reductions goals; (vii) reimbursement policies that support healthy
41 school facilities for students and staff; (viii) whether the authority should be authorized to spend
42 money on equipment or be limited to funding for education structures; (ix) whether the authority
43 should add incentives for educational spaces approved under chapter 74 of the General Laws in
44 programs that align with labor market demand; and (x) any other issues affecting the ability of all
45 students to attend school in high quality, accessible, safe, healthy and green school buildings.

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

48 (f) The commission shall submit a report of its findings and recommendations to the
49 clerks of the senate and house of representatives, the joint committee on education and the house
50 and senate committees on ways and means not later than June 1, 2026.

Correction Commission

1 SECTION 85. (a) There shall be a special commission to study and examine opportunities
2 for collaboration and consolidation among the department of correction, the county sheriffs, the
3 parole board and the office of community corrections. For the purposes of this section, “facility”
4 shall include a correctional facility, house of correction and jail.

5 (b) The commission shall develop a list of alternatives to the distribution of responsibilities
6 and oversight of facilities and shall consider any positive and negative impacts of each
7 alternative. In developing alternatives, the commission shall: (i) consider the long-term fiscal
8 sustainability of the facilities and recognize the need to reduce the cost to taxpayers of

9 maintaining and operating facilities below capacity; (ii) recognize the need to provide safe and
10 humane facilities for incarcerated persons; (iii) preserve flexibility to respond in a cost-effective
11 manner to changes in incarceration levels; (iv) recognize the importance of evidence-based
12 rehabilitative programming for incarcerated persons; (v) recognize the value of community-
13 integrated reentry support services; (vi) recognize the advantages of local facilities for pretrial
14 confinement and short incarcerations; (vii) recognize the advantages of local facilities in
15 supporting family and community connections; (viii) recognize the value of existing facilities
16 and other investments; (ix) recognize the need for increasing regional collaboration; (x)
17 recognize the unique roles of sheriffs in varying urban and rural regions; (xi) recognize the
18 unique issues posed by incarcerating female and LGBTQ+ populations; (xii) recognize the
19 importance of addressing the social determinants of health in reentry services; (xiii) recognize
20 the role that community organizations play in reentry services; and (xv) recognize the alternative
21 needs that county Sheriffs' may address.

22 (c)(1) The commission shall consist of the 7 voting members and 11 nonvoting members.

23 (2) The 7 voting members shall include: 2 members appointed by the senate president, 1 of
24 whom shall serve as co-chair; 2 members appointed by the speaker of the house of
25 representatives, 1 of whom shall serve as co-chair; 3 members appointed by the governor who
26 shall have experience in management, public finance, correctional policies and procedures or
27 reentry and rehabilitative programming; provided, however, that no voting member shall be a
28 present employee of a facility. The voting members on the commission shall reflect the
29 geographic diversity of the commonwealth.

30 (3) The 11 non-voting members shall include: the commissioner of probation, or a
31 designee; 3 members appointed by the Massachusetts Sheriffs' Association, Inc.; 3 members

32 appointed by the governor, of whom 1 shall be a retired correction officer, 1 shall be a social
33 worker or other licensed mental health professional and 1 shall be a retired judge of the
34 commonwealth; and 4 members to be appointed by the attorney general, of whom 1 shall be an
35 advocate for prisoners' rights, 1 shall be a formerly incarcerated person whose sentence was
36 served in a state correctional facility, 1 shall be a formerly incarcerated person whose sentence
37 was served in a county correctional facility and 1 shall have expertise or experience in healthcare
38 for incarcerated persons.

39 (4) Five voting members shall constitute a quorum. The first meeting of the commission
40 shall be convened not more than 30 days after the 5 voting members have been appointed.

41 (d) The commission shall submit a written report of its findings with the clerks of the
42 senate and house of representatives, the senate and house committees on ways and means and the
43 joint committee on public safety and homeland security not later than September 30, 2026.

MCI Concord Closure 2

1 SECTION 86. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
2 General Laws or any other general or special law to the contrary, the commissioner of capital
3 asset management and maintenance may sell, lease for a term not to exceed 99 years, transfer or
4 otherwise dispose of the Massachusetts Correctional Institution, Concord facility in the town of
5 Concord which is currently used for correctional purposes. The commissioner of capital asset
6 management and maintenance may determine the final boundaries of the parcels to be conveyed
7 after completion of a survey.

8 (b)(1) The commissioner of capital asset management and maintenance shall study the
9 existing conditions of the site of the real property described in subsection (a) and plan for the
10 reuse of said property. The commissioner shall consult stakeholders including, but not limited to:

11 (i) the secretary of housing and livable communities, or a designee; (ii) the secretary of
12 transportation, or a designee; (iii) the secretary of public safety and security, or a designee; (iv)
13 members of the select board of the town of Concord, or their designees; (v) members of any
14 advisory body established by the select board of the town of Concord regarding the reuse of the
15 Massachusetts Correctional Institution, Concord; (vi) the chair of the board of the Concord
16 Housing Development Corporation, established pursuant to chapter 275 of the acts of 2006, or a
17 designee; (vii) the Concord representative to the metropolitan area planning council; (viii)
18 district council chair of the Urban Land Institute Boston/New England, or a designee; (ix)
19 executive director of the Concord Business Partnership, or a designee; and (x) executive director
20 of OARS, Inc., or a designee.

21 (2) Not less than 60 days prior to finalizing the study, the commissioner shall hold not
22 less than 3 public hearings in the town of Concord, with an option for virtual participation, to
23 receive public comment on the site planning and reuse of the property described in subsection
24 (a); provided, however, that the commissioner shall provide timely notice of the public hearings.
25 The first public hearing shall take place not later than 45 days after the effective date of this act.

26 (3) The commissioner shall prepare a written report summarizing the study findings
27 pursuant to paragraph (1), which shall include, but not be limited to: (i) a summary of existing
28 site conditions identified during the study; (ii) a summary of the provisions of existing and
29 ongoing municipal plans, including the town of Concord’s Envision Concord: Bridge to 2030
30 plan, Concord’s zoning bylaws affecting the property described in subsection (a) and any
31 ongoing or completed studies or reports by the advisory body established by the select board of
32 the town of Concord regarding the reuse of the Massachusetts Correctional Institution, Concord;
33 (iii) a summary of state, regional and local plans and policies that may affect or guide use of the

34 property described in subsection (a), including, but not limited to, plans and policies encouraging
35 the development of a variety of housing options, commercial and retail opportunities, jobs and
36 open space and policies encouraging smart growth; (iv) a summary of input provided at the
37 public hearings held pursuant to paragraph (2) and the input of each of the stakeholders
38 described in paragraph (1); (v) an evaluation of the specific plan, including land use, density and
39 site access recommended by the advisory body established by the select board of the town of
40 Concord regarding the reuse of the Massachusetts Correctional Institution, Concord; and (vi) the
41 potential reuses and use restrictions, if any, the commissioner deems appropriate for the property
42 described in subsection (a).

43 (4) The commissioner shall file the report prepared pursuant to paragraph (3) with the
44 clerks of the senate and house of representatives not less than 60 days prior to the sale, lease,
45 transfer or other disposition of the property described in subsection (a); provided, however, that
46 notwithstanding paragraph (5) the commissioner may, prior to the filing of the report: (i) grant
47 easements and rights of access to the town of Concord; (ii) convey all or part of the property
48 described in subsection (a) to the town of Concord in a manner consistent with paragraph (5);
49 and (iii) convey or grant easements of any portion of the property to the Massachusetts
50 Department of Transportation for the sole purpose of making improvements to state highway
51 route 2.

52 (5) The commissioner shall dispose of the Massachusetts Correctional Institute, Concord
53 real property: (i) by utilizing appropriate competitive processes and procedures; or (ii) through a
54 sales-partnership agreement in accordance with subsection (d) with the town of Concord. Such
55 competitive processes may include, without limitation, absolute auction, sealed bids and requests
56 for price and development proposals. The real property shall be conveyed without warranties or

57 representations by the commonwealth and shall be on such terms and conditions as the
58 commissioner determines.

59 (c) A sales-partnership agreement pursuant to paragraph (5) may: (i) require the town of
60 Concord to conduct a competitive process and select a developer prior to disposition of the real
61 property by the commonwealth; provided, however, that the commissioner of capital asset
62 management and maintenance may transfer the real property directly to the developer selected by
63 the town of Concord; or (ii) authorize the town of Concord to sell or lease the real property
64 directly to a developer pursuant to chapter 30B of the General Laws. The consideration for the
65 disposition of the real property to the town of Concord pursuant to a sales-partnership agreement
66 shall be \$1. If the town of Concord sells or leases any portion of the real property or the
67 commonwealth disposes of real property directly to the developer selected by the town of
68 Concord pursuant to a sales-partnership agreement, the net proceeds from such sale or lease as
69 agreed to by the commissioner of capital asset management and maintenance and the town of
70 Concord shall be allocated between the town of Concord and the commonwealth in equal shares;
71 provided, however, that the commissioner may agree to reduce the share of the commonwealth's
72 proceeds to not less than 40 per cent of the net proceeds in order to provide certain incentives to
73 expedite the sale, lease or permitting of redevelopment by the town of Concord.

74 (d) Notwithstanding subsection (b) but subject to subsections (f) to (j), inclusive, the
75 commissioner of capital asset management and maintenance may, not later than 30 days after the
76 effective date of this act, make an offer to transfer the wastewater treatment facility located at
77 Massachusetts Correctional Institution, Concord, and any other real property necessary thereto,
78 to the town of Concord for a direct public use, as defined in section 33 of chapter 7C of the
79 General Laws; provided, that the town of Concord shall have, as a right of first refusal, not less

80 than 180 days to accept the commissioner's offer to acquire the property. Upon a refusal of the
81 town of Concord of the commissioner's offer, including the expiration of said offer, the
82 commissioner may dispose of the wastewater treatment facility and any other real property
83 necessary thereto pursuant to said subsection (b).

84 (e) Not less than 30 days before the date of an auction or the date on which bids or
85 proposals or other offers to purchase or lease the real property are due, the commissioner of
86 capital asset management and maintenance shall place a notice in the central register published
87 by the state secretary pursuant to section 20A of chapter 9 of the General Laws stating the
88 availability of such property, the nature of the competitive process and other information deemed
89 relevant, including the time and location of the auction, the submission of bids or proposals and
90 the opening thereof. The commissioner shall not be required to place such notice if the property
91 is conveyed to the town of Concord or a developer selected by the town of Concord in
92 accordance with a sales-partnership agreement. Not less than 30 days before the date of an
93 auction or the date on which bids or proposals or other offers to purchase or lease the real
94 property are due, the commissioner of capital asset management and maintenance shall notify,
95 the chair of the select board of the town of Concord and the members of the general court
96 representing the town in writing regarding the availability of such property.

97 (f) The commissioner of capital asset management and maintenance shall establish the
98 value of the real property through procedures customarily accepted by the appraising profession
99 as valid for determining property value. The value shall be calculated both for: (i) the highest and
100 best use of the property as may be encumbered; and (ii) subject to uses, restrictions and
101 encumbrances defined by the commissioner. The commissioner shall submit the appraisal
102 required by this subsection to the inspector general for review and comment. The inspector

103 general shall review and approve the appraisal and the review shall include an examination of the
104 methodology utilized for the appraisal. The inspector general shall prepare a report of the review
105 and file the report with the commissioner of capital asset management and maintenance for
106 submission by the commissioner to the house and senate committees on ways and means and the
107 joint committee on state administration and regulatory oversight. The commissioner shall submit
108 copies of the appraisal and the inspector general’s review and approval and comments, if any, to
109 the house and senate committees on ways and means and the joint committee on state
110 administration and regulatory oversight not less than 15 days prior to the execution of any
111 documents effecting any transfers authorized by this section.

112 (g) The commissioner of capital asset management and maintenance shall place a notice
113 in the central register identifying the municipality, public agency, individual or firm selected as
114 the party to such real property transaction and the amount of the transaction. If the commissioner
115 accepts an amount below the value calculated pursuant to subsection (f), the commissioner shall
116 include the justification therefore, specifying the difference between the calculated value and the
117 price received.

118 (h) Notwithstanding subsection (b), the commissioner of capital asset management and
119 maintenance may retain or grant rights of way or easements for access, egress, utilities and
120 drainage across the property described in subsection (a) and across other property owned by the
121 commonwealth that is contiguous to the property described in subsection (a) and may accept
122 such rights of way or easements for access, egress, utilities and drainage as the commissioner
123 considers necessary and appropriate to carry out this section.

124 (i) No agreement for the sale, lease, transfer or other disposition of real property pursuant
125 to this section and no deed executed by or on behalf of the commonwealth shall be valid unless

126 such agreement or deed contains a certification, signed by the commissioner of capital asset
127 management and maintenance that certifies compliance with this section and which includes the
128 following statement:

129 “The undersigned certifies under penalties of perjury that I have fully complied with the
130 requirements of law related to any real property transfer of the parcel of land known as
131 Massachusetts Correctional Institution, Concord.”

132 (j) No agreement for the sale, lease, transfer or other disposition of real property pursuant
133 to this section shall be valid unless the purchaser or lessee has executed and filed with the
134 commissioner of capital asset management and maintenance the statement required by section 38
135 of chapter 7C of the General Laws.

136 (k) The grantee or lessee of any real property disposed of pursuant to this section shall be
137 responsible for all costs, including, but not limited to, appraisals, surveys, plans, recordings and
138 any other expenses relating to the disposition as deemed necessary by the commissioner of
139 capital asset management and maintenance.

Other Post-Employment Benefits Liability

1 SECTION 87. (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 2025 consolidated net surplus, pursuant to 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 2025 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 the unexpended balances of said items 0699-0015

9 and 0699-9100 of said section 2 in fiscal year 2025 are less than 10 per cent of all payments
10 received by the commonwealth in fiscal year 2025 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 2025.

Pension Cost of Living Adjustment

1 SECTION 88. 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 board of retirement and each city, town, county and district shall verify these
12 costs, 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, and 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 and including the commonwealth's share of the amounts to be transferred pursuant to
17 section 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 any distribution,
19 and the payments for which distributions are required, shall be detailed in a written report
20 prepared quarterly by the secretary of administration and finance and submitted to the senate and
21 house committees on ways and means and the joint committee on public service in advance of
22 the distributions. Distributions shall not be made in advance of the date on which a payment is
23 actually to be made. If the amount transferred pursuant to said subdivision (1) of said section
24 22C of said chapter 32 exceeds the amount necessary to adequately fund the annual pension
25 obligations, the excess amount shall be credited to the Pension Reserves Investment Trust Fund
26 established in subdivision (8) of said section 22 of said chapter 32 to reduce the unfunded
27 pension liability of the commonwealth.

Application of Excess Capital Gains

1 SECTION 89. Notwithstanding any general or special law to the contrary, the
2 comptroller shall reduce any transfers attributable to capital gains tax collections required
3 pursuant to section 5G of chapter 29 of the General Laws during fiscal year 2025 by an amount
4 not to exceed \$375,000,000 if the secretary of administration and finance makes a determination
5 that the funds are needed and submits such determination in writing to the house and senate
6 committees on ways and means that the funds are necessary to achieve balance for fiscal year
7 2025.

Tax Amnesty Program

1 SECTION 90. (a) Notwithstanding any general or special law to the contrary, the
2 commissioner of revenue may establish a tax amnesty program during which all penalties that

3 may be assessed by the commissioner shall be waived without the need for any showing by the
4 taxpayer of reasonable cause or the absence of willful neglect for the failure of the taxpayer to:
5 (i) timely file any proper return for any tax type and for any tax period; (ii) timely pay any tax
6 liability; or (iii) pay the proper amount of any required estimated payment toward a tax liability.
7 The waiver of a taxpayer's liability under this section shall apply if the taxpayer, prior to the
8 expiration of the amnesty period, voluntarily files proper returns and pays the full amount of tax
9 shown on the taxpayer's returns or upon the commissioner's assessments, including all interest
10 due. The waiver shall not apply to any penalties that may be due pursuant to section 35A, 35D or
11 35F of chapter 62C of the General Laws with regard to returns filed pursuant to the tax amnesty
12 program. The waiver of penalties shall not apply to any period for which the taxpayer does not
13 file proper returns. The tax amnesty program shall apply to tax returns due on or before
14 December 31, 2024. If a taxpayer comes into compliance with tax obligations pursuant to the tax
15 amnesty program, the commissioner may apply limited look-back periods for unfiled returns, not
16 to exceed 4 years, unless the commissioner determines that the taxpayer has acted with
17 fraudulent intent. The scope of the tax amnesty program, including the particular tax types,
18 periods covered and the applicability of the look-back periods, shall be determined by the
19 commissioner.

20 (b) The tax amnesty program shall be established within fiscal year 2025 for a period of
21 60 days to be determined by the commissioner and shall expire not later than June 30, 2025. If a
22 taxpayer fails to pay the full liability by June 30, 2025, the commissioner shall retain any
23 payments made and shall apply the payments against the outstanding liability and the tax
24 amnesty shall not apply.

25 (c)(1) The commissioner may offer tax amnesty to taxpayers who have failed to file
26 required returns due for any tax period on or before December 31, 2024; provided, however, that
27 the taxpayer shall file the required return and shall pay the tax shown as due on the return during
28 the amnesty period.

29 (2) The commissioner shall not authorize the waiver of interest or any amount treated as
30 interest.

31 (3) The commissioner’s authority to waive penalties during the amnesty period shall not
32 apply to any taxpayer who is or has been the subject of a tax-related criminal investigation or
33 prosecution or to any taxpayer who delivers or discloses or has delivered or disclosed any false
34 or fraudulent application, document, return or other statement.

35 (4) Any taxpayer who delivers or discloses a false or fraudulent application, document,
36 return or other statement to the department of revenue in connection with a tax amnesty
37 application pursuant to this section shall not be eligible for amnesty and shall be subject to the
38 greater of: (i) the applicable penalties pursuant to chapter 62C of the General Laws; or (ii) a
39 penalty not to exceed \$10,000, which shall be calculated and assessed according to rules
40 determined by the commissioner and may be subject to de minimis or other exceptions that the
41 commissioner may consider appropriate. This penalty shall be subject to said chapter 62C and
42 shall be added to and become part of the tax due.

43 (d) Tax amnesty shall not apply to penalties that the commissioner would not have the
44 sole authority to waive including, but not limited to, fuel taxes administered under the
45 International Fuel Tax Agreement or under the local option portions of taxes or excises collected
46 for the benefit of cities, towns or state governmental authorities.

47 (e) The commissioner shall maintain records of the penalties waived pursuant to the tax
48 amnesty program including, but not limited to: (i) the number of taxpayers provided with tax
49 amnesty; (ii) the types of tax liability for which tax amnesty was provided and, for each type of
50 liability, the amount of tax liability collected and the amount of penalties forgone by virtue of the
51 tax amnesty program; and (iii) the total outstanding tax liability for amnesty-eligible taxpayers at
52 the conclusion of the tax amnesty program after the collection of all funds pursuant to this
53 section. The commissioner shall file a report detailing the tax amnesty program with the clerks of
54 the senate and house of representatives, the house and senate committees on ways and means, the
55 joint committee on revenue and the house and senate minority leaders not later than September 1,
56 2025. The report shall not contain information sufficient to identify an individual taxpayer or the
57 tax amnesty provided to an individual taxpayer pursuant to this section.

58 (f) The commissioner shall establish administrative procedures and methods to prevent a
59 taxpayer who utilizes the tax amnesty program from utilizing any future tax amnesty programs
60 for the next 10 consecutive years, beginning in calendar year 2024.

Expanded Medicare Savings Program Transfer

1 SECTION 91. 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 2025 to support the Medicare Saving or
6 Medicare Buy-In programs established in section 25A of said chapter 118E; provided, however,
7 that, not less than 45 days in advance of the transfer, the secretary of health and human services
8 shall certify in writing to the house and senate committees on ways and means 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 92. 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 either as safety net care payments under the commonwealth's waiver pursuant to
4 section 1115 of the federal Social Security Act, 42 U.S.C. 1315, or as an adjustment to service
5 rate payments under Title XIX and XXI of the Social Security Act or a combination of both.
6 Other federally permissible funding mechanisms available for certain hospitals, as defined by
7 regulations of the executive office of health and human services, may be used to reimburse up to
8 \$70,000,000 of uncompensated care pursuant to sections 66 and 69 of said chapter 118E using
9 sources distinct from the funding made available to the Health Safety Net Trust Fund.

Managed Care Organization Services Assessment 17

1 SECTION 93. Notwithstanding section 6 of chapter 6D of the General Laws, section 7 of
2 chapter 12C of the General Laws, section 24N of chapter 111 of the General Laws, section 69A
3 of chapter 118E of the General Laws or any other general or special law to the contrary, the
4 surcharges to be collected pursuant to said section 6 of said chapter 6D, said section 7 of said
5 chapter 12C, said section 24N of said chapter 111 and said section 69A of said chapter 118E
6 shall be collected for the period beginning with the start of the applicable assessment year for
7 each such surcharge through December 31, 2024 and shall not be collected for the period
8 beginning January 1, 2025 through the end date of the applicable assessment year. Any payment
9 obligation of any surcharge payor pursuant to said section 6 of said chapter 6D, said section 7 of
10 said chapter 12C, said section 24N of said chapter 111 or said section 69A of said chapter 118E

11 existing as of December 31, 2024 shall survive until such transfer or payment obligation is
12 satisfied. The secretary of health and human services may promulgate regulations to implement
13 this section.

Managed Care Organization Services Assessment 18

1 SECTION 94. Notwithstanding any general or special law to the contrary, the secretary
2 of health and human services shall seek all required federal approvals that the secretary deems
3 necessary to implement sections 4, 5, 10, 11, 12, 35, 51, 53, 54, 55, 56, 57, 59, 60, 63, 64 and 93,
4 including any required waivers under 42 CFR § 433.68 necessary to implement the managed
5 care organization services assessment described in section 68 of chapter 118E of the General
6 Laws, as amended by section 63.

7 If, after having received any required federal approval necessary to implement sections 4,
8 5, 10, 11, 12, 35, 51, 53, 54, 55, 56, 57, 59, 60, 63, 64 and 93, such approval is withdrawn or is
9 otherwise not in effect or if the secretary determines that a change in federal law or regulations
10 or the administration of any such federal law or regulation requires a modification to the
11 managed care organization services assessment described in said section 68 of said chapter 118E
12 or to the implementation of the Health Safety Net Trust Fund established in section 66 of said
13 chapter 118E, the Massachusetts Child Psychiatry Access Project Fund established in said
14 section 2EEEEEE of said chapter 29 or the Managed Care Organization Services Reinvestment
15 Fund established in said section 2FFFFFF of said chapter 29, the secretary shall notify the joint
16 committee on health care financing and the house and senate committees on ways and means to
17 develop alternatives.

18 Not later than February 15, 2026, and annually thereafter, the secretary shall report to the
19 house and senate committees on ways and means and the joint committee on health care

20 financing: (i) the amount of the assessment made and collected from each managed care
21 organization’s managed care organization services subject to assessment pursuant to said section
22 68 of said chapter 118E; and (ii) the amounts transferred to, deposited in, expended from and
23 transferred from the Massachusetts Child Psychiatry Access Project Fund established in said
24 section 2EEEEEE of said chapter 29 and the Managed Care Organization Services Reinvestment
25 Fund established in said section 2FFFFFF of said chapter 29.

Managed Care Organization Services Assessment 19

1 SECTION 95. Notwithstanding any general or special law to the contrary, if the
2 commonwealth does not receive all federal approvals pursuant to section 94 that the secretary of
3 health and human services determines necessary to implement sections 4, 5, 10, 11, 12, 35, 51,
4 53, 54, 55, 56, 57, 59, 60, 63, 64 and 93, including any required waivers under 42 CFR § 433.68,
5 the surcharge described in section 68 of chapter 118E of the General Laws shall remain in effect
6 as if said sections 4, 5, 10, 11, 12, 35, 51, 53, 54, 55, 56, 57, 59, 60, 63, 64 and 93 had not been
7 in effect until the first full calendar month following the calendar month in which the secretary
8 determines that all such federal approvals have been received. The secretary shall continue to
9 seek all federal approvals necessary to implement said sections 4, 5, 10, 11, 12, 35, 51, 53, 54,
10 55, 56, 57, 59, 60, 63, 64 and 93 until such federal approvals have been received or the United
11 States Department of Health and Human Services or the Centers for Medicare and Medicaid
12 Services renders a final determination that an assessment established pursuant to said section 68
13 of said chapter 118E cannot be implemented.

Managed Care Organization Services Assessment 20

1 SECTION 96. Section 94 is hereby repealed.

Hospital Assessment 8

1 SECTION 97. Notwithstanding section 186 of chapter 126 of the acts of 2022, sections
2 23, 24, 57, 61 and 63 of chapter 126 of the acts of 2022 shall take effect on October 1, 2027;
3 provided, however, that any transfer or payment obligation existing under the second paragraph
4 of section 2AAAAA of chapter 29 of the General Laws, subsection (c) of section 2TTTTT of
5 said chapter 29 or subsection (c) of section 2UUUUU of said chapter 29 as of September 30,
6 2027, shall survive the effectiveness of this section.

Hospital Assessment 9

1 SECTION 98. Notwithstanding any general or special law to the contrary, the secretary
2 of health and human services shall seek all required federal approvals the secretary deems
3 necessary to implement sections 28, 29, 54, 58, 61, 62, 75 and 97, including any required
4 waivers under 42 CFR § 433.68 necessary to implement the updates to the hospital assessment
5 described in section 67 of chapter 118E of the General Laws. If, after having received any
6 required federal approval necessary to implement sections 28, 29, 54, 58, 61, 62, 75 and 97, such
7 approval is withdrawn or is otherwise not in effect or if the secretary determines that a change in
8 federal law or regulations or the administration of any such federal law or regulation requires a
9 modification to the hospital assessment described in said section 67 of said chapter 118E or to
10 the implementation of the Health Safety Net Trust Fund established in section 66 of said chapter
11 118E, the Non-Acute Care Hospital Reimbursement Trust Fund established in section 2WWWW
12 of chapter 29 of the General Laws, the Safety Net Provider Trust Fund established in section
13 2AAAAA of said chapter 29, the Hospital Investment and Performance Trust Fund established in
14 section 2TTTTT of said chapter 29 or the Population Health Investment Trust Fund established
15 in section 2UUUUU of said chapter 29, the secretary shall provide written notification to the
16 joint committee on health care financing and the house and senate committees on ways and

17 means and shall consult with the Massachusetts Health and Hospital Association, Inc. to develop
18 alternatives.

19 Not later than February 15, 2026, and annually thereafter, the secretary shall report to the
20 joint committee on health care financing and the house and senate committees on ways and
21 means: (i) the amount of the assessment made and collected from each hospital pursuant to said
22 section 67 of said chapter 118E; and (ii) the amounts transferred to, deposited in, expended from
23 and transferred from the Hospital Investment and Performance Trust Fund established in said
24 section 2TTTTT of said chapter 29 and the Population Health Investment Trust Fund established
25 in said section 2UUUUU of said chapter 29.

Hospital Assessment 10

1 SECTION 99. Notwithstanding any general or special law to the contrary, if the
2 commonwealth does not receive all federal approvals pursuant to section H7 that the secretary of
3 health and human services determines necessary to implement sections 28, 29, 54, 58, 61, 62, 75
4 and 97, including any required waivers under 42 CFR § 433.68, the hospital assessment
5 described in sections 64 to 69, inclusive, of chapter 118E of the General Laws shall remain in
6 effect as if said sections 28, 29, 54, 58, 61, 62, 75 and 97 had not been in effect until the first full
7 calendar month following the calendar month in which the secretary determines all such federal
8 approvals have been received. The secretary, in consultation with representatives of the
9 Massachusetts Health and Hospital Association, Inc. shall continue to seek all federal approvals
10 necessary to implement sections 28, 29, 54, 58, 61, 62, 75 and 97 until such federal approvals are
11 received or until the United States Department of Health and Human Services or the Centers for
12 Medicare and Medicaid Services renders a final determination that an assessment established
13 pursuant to sections 65 through 69 of said chapter 118E cannot be implemented.

Hospital Assessment 11

1 SECTION 100. Section 98 is hereby repealed.

Initial Gross Payments to Qualifying Acute Care Hospitals

1 SECTION 101. Notwithstanding any general or special law to the contrary, not later than
2 October 1, 2024 and without further appropriation, the comptroller shall transfer from the
3 General Fund to the Health Safety Net Trust Fund established in section 66 of chapter 118E of
4 the 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 purposes of making initial gross
6 payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1,
7 2024. 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, 2025,
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.

Regional Transit Authority Funding Distribution

1 SECTION 102. Notwithstanding any general or special law to the contrary, for fiscal year
2 2025, \$160,000,000 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 2025, \$90,500,000 of the amount transferred in item 1595-6370 shall be distributed based on
5 fiscal year 2024 distributions in accordance with the updated fiscal year 2024 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 2024; and provided further, that \$3,500,000 shall be distributed to
10 each regional transit authority based on the following formula: (i) 60 per cent based on total
11 transit ridership as reported on the most recent certified national transit data base report; (ii) 30
12 per cent based on the population of its member communities from the most recent census and
13 (iii) 10 per cent based on service coverage area determined by the total square miles of its
14 member communities. The department may require each regional transit authority to provide
15 data on ridership, customer service and satisfaction, asset management and financial
16 performance, including farebox recovery, and shall include any such collected data in a report on
17 the performance of regional transit authorities, detailing each authority's progress towards
18 meeting the performance metrics established in each memorandum of understanding.

Inspector General's Health Care Audits

1 SECTION 103. Notwithstanding any general or special law to the contrary, in hospital
2 fiscal year 2025, 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 of the uninsured and the resulting free charges. The unit shall also study and review the Medicaid
7 program under said chapter 118E including, but not limited to, a review of the program's
8 eligibility requirements, utilization, claims administration and compliance with federal mandates.
9 The inspector general shall submit a report to the chairs of the senate and house committees on
10 ways and means detailing the results of the audits and any other completed analyses not later
11 than March 1, 2025.

Nursing Facility Base Year

1 SECTION 104. Notwithstanding any general or special law to the contrary, nursing
2 facility rates to be effective on October 1, 2024 under section 13D of chapter 118E of the
3 General Laws may be developed using the costs of calendar year 2019.

Transfers Between Health Funds

1 SECTION 105. 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.

Higher Education Quality and Affordability Commission

1 SECTION 106. (a) There shall be a special commission for the purposes of studying and
2 making recommendations on improving quality and affordability of higher education in the
3 commonwealth, including state financial assistance programs for students domiciled in the
4 commonwealth and attending the university of Massachusetts segment or the state university
5 segment as defined under section 5 of chapter 15A of the General Laws.

6 The commission shall review and evaluate: (i) state assistance programs and funding,
7 including but not limited to, aid for tuition, fees, books, supplies and other costs of attendance
8 and make recommendations to ensure the accessibility and affordability of said higher education
9 institutions and how to achieve best outcomes; (ii) student costs and debts during and after
10 attending said universities; (iii) programs that improve student success, including, but not limited
11 to, academic support, career counseling, assistance with applying for state and federal benefits,
12 improvements to facilities and recruitment and retention of qualified faculty and staff; and (iv)
13 financial assistance program design and models to efficiently increase state assistance, improve

14 outcomes and reduce student costs. The commission shall consider financial, logistical, cultural
15 and other barriers affecting students, the financial resources of the state, the financial resources
16 of students attending university and make recommendations to reduce barriers and increase
17 access to high-quality higher education. The department of higher education may provide staff
18 and research support to assist the commission.

19 (b) The commission shall consist of: the chairs of the joint committee on higher
20 education, who shall serve as co-chairs; the secretary of education, or a designee; the
21 commissioner of higher education, or a designee; the president of the University of
22 Massachusetts, or a designee; a representative of the state universities; a representative of the
23 community colleges; 5 persons appointed by the governor, 2 of whom shall represent faculty or
24 staff working at a university and 2 of whom shall represent students currently enrolled at a public
25 institution of higher education; the executive director of the Massachusetts Budget and Policy
26 Center, Inc. or a designee; the executive director of the Massachusetts Taxpayers Foundation,
27 Inc. or a designee; the executive director of the Massachusetts Business Roundtable, or a
28 designee; the executive director from the Massachusetts Teachers Association, or a designee; and
29 the executive director of the Massachusetts Business Alliance for Education, Inc.

Public Higher Education Credit Transfer Program Effective Date

1 SECTION 107. Within 60 days of the effective date of this act, the department of higher
2 education shall designate members of the MassTransfer Steering Committee established under
3 section 48 of chapter 15A. Not later than 1 year after the effective date of this act, the department
4 of higher education shall publish the website pursuant to subsection (b) of said section 48 as
5 inserted by section 15.

Managed Care Organization Services Assessment 22

1 SECTION 108. Section 76 shall take effect June 30, 2024.

Hospital Assessment Effective Date

1 SECTION 109. Sections 28, 29, 58, 54, 61, 62, 75 and 97 shall take effect on October 1,
2 2024.

Tax Code Changes Effective Dates

1 SECTION 110. Section 45, 46 and 48 shall take effect for taxable years beginning on or
2 after January 1, 2024.

Exemption for Publications of Tax-Exempt Organizations Repeal Effective Date

1 SECTION 111. Section 49 shall take effect 60 days after the effective date of this act.

Managed Care Organization Services Assessment 21

1 SECTION 112. Sections 4, 5, 10, 11, 12, 35, 51, 53, 55, 56, 57, 59, 63 and 64 shall take
2 effect on January 1, 2025.

Early Education and Care 12

1 SECTION 113. Sections 17 and 21 shall take effect on January 15, 2025.

Managed Care Organization Services and Hospital Assessment Effective Date

1 SECTION 114. Sections 60 and 100 shall take effect on October 1, 2027.

Managed Care Organization Services Assessment 23

1 SECTION 115. Section 96 shall take effect on January 1, 2030.

Effective Date

1 SECTION 116. Except as otherwise specified, this act shall take effect on July 1, 2024.