

Massachusetts Department of Transportation Advertising 1

1 SECTION 4. Section 3 of chapter 6C of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by striking out clauses (47) and (48) and inserting in place
3 thereof the following 4 clauses:-

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

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

8 (49) sell, lease or otherwise contract for advertising, including in or on the facilities of the
9 department; and

10 (50) promulgate rules and regulations for the control of billboards, signs and other
11 advertising devices on public ways or on private property within public view of a highway,
12 public park or reservation consistent with chapters 93 and 93D.

Massachusetts Department of Transportation Competitive Bidding

13 SECTION 5. Section 20 of said chapter 6C, as so appearing, is hereby amended by
14 striking out, in line 22, the words "\$5,000 or less" and inserting in place thereof the following
15 words:- \$50,000 or less; provided, however, that the department shall declare the property
16 available for disposition and shall specify the restrictions, if any, placed on the subsequent use of
17 the property.

Health Policy Commission Academic Detailing

18 SECTION 6. Chapter 6D of the General Laws is hereby amended by inserting after
19 section 15 the following section:-

20 Section 15A. (a) The commission may develop, implement and promote an evidence-based
21 outreach and education program for the therapeutic and cost-effective utilization of prescription
22 drugs for physicians, pharmacists and other health care professionals authorized to prescribe and

23 dispense prescription drugs. In developing the program, the commission shall consult with
24 physicians, pharmacists, nurses, private insurers, hospitals, pharmacy benefit managers, the
25 MassHealth drug utilization review board and the University of Massachusetts medical school.

26 (b) The program shall arrange for physicians, pharmacists and nurses to conduct face-to-
27 face visits with prescribers, utilizing evidence-based materials and borrowing methods from
28 behavioral science, educational theory and, where appropriate, pharmaceutical industry data and
29 outreach techniques; provided, however, that to the extent possible, the program shall inform
30 prescribers about drug marketing that is intended to circumvent competition from generic or
31 other therapeutically-equivalent pharmaceutical alternatives or other evidence-based treatment
32 options.

33 The program shall be designed to provide outreach to: physicians and other health care
34 practitioners who participate in MassHealth, the subsidized catastrophic prescription drug
35 insurance program established in section 39 of chapter 19A, other publicly-funded, contracted or
36 subsidized health care programs, academic medical centers and other prescribers.

37 The commission shall, to the extent possible, utilize or incorporate into its program other
38 independent educational resources or models proven effective in promoting high quality,
39 evidenced-based, cost-effective information regarding the effectiveness and safety of
40 prescription drugs including, but not limited to: (i) the Pennsylvania PACE Independent Drug
41 Information Service affiliated with Harvard University; (ii) the Academic Detailing Program
42 through the University of Vermont Larner College of Medicine's Office of Primary Care and
43 Area Health Education Centers Program; (iii) the Drug Effectiveness Review Project coordinated
44 by the Center for Evidence-based Policy at Oregon Health and Science University; and (iv) the
45 North Carolina evidence-based peer-to-peer education program outreach program.

46 (c) The commission may establish and collect fees for subscriptions and contracts with
47 private payers. The commission may seek funding from nongovernmental health access
48 foundations and undesignated drug litigation settlement funds associated with pharmaceutical
49 marketing and pricing practices.

Municipal Aid 1

50 SECTION 7. Section 11 of chapter 7A of the General Laws, as appearing in the 2014
51 Official Edition, is hereby amended by adding the following paragraph:-

52 The office of the comptroller shall provide necessary information to the department of
53 revenue on aid and expenses provided to municipalities for the purpose of assisting the
54 department in compiling local aid financial statements pursuant to the second paragraph of
55 section 25A of chapter 58.

Tax Expenditure Review Commission 1

56 SECTION 8. Chapter 11 of the General Laws is hereby amended by adding the following
57 section:-

58 Section 18. (a) There shall be within the office of the state auditor, but not subject to its
59 supervision or control, a tax expenditure review commission that shall examine and evaluate the
60 administration, effectiveness and fiscal impact of tax expenditures as defined in section 1 of
61 chapter 29 and as presented with the governor’s proposed budget under section 5B of said
62 chapter 29. The commission shall consider the public policy objectives behind the grant of any
63 tax expenditure and the metrics of measuring success in meeting those objectives and shall make
64 recommendations as to whether the tax expenditure should be repealed, sunset, amended to
65 better achieve its policy goals and metrics or permitted to continue in its current form.

66 (b) The commission shall consist of 7 members, the state auditor or a designee, who shall
67 serve as chair; the secretary of administration and finance or a designee; the inspector general or
68 a designee; the state treasurer or a designee; and 3 members who shall be appointed by a
69 majority vote of the ex officio members and have experience in economics or tax policy.

70 The 3 appointed commission members shall each serve 3-year terms and may be eligible
71 for reappointment upon a majority vote of the 4 ex officio members. The commission shall be
72 staffed by the office of the state auditor.

73 (c) The commission shall establish a schedule to review tax expenditures so that each
74 expenditure shall be reviewed at least once every 5 years; provided, however, that the

75 commission shall not review personal income tax expenditures more than once every 10 years.
76 The review schedule may group tax expenditures by the individuals or industries benefitting
77 from the expenditures, the objectives of the expenditures or the policy rationale of the
78 expenditures. The commission’s review of each tax expenditure shall include the date the tax
79 expenditure was enacted and the statutory citation.

80 (d) Pursuant to the schedule established in subsection (c), the commission shall evaluate,
81 using best practices and standardized criteria:

82 (i) the purposes, intent and goals of each tax expenditure and whether the
83 expenditure is an effective means of accomplishing those ends;

84 (ii) the fiscal impact of each tax expenditure on state and local taxing authorities,
85 including past fiscal impacts and expected future fiscal impacts;

86 (iii) the economic impact of each tax expenditure including, but not limited to,
87 revenue loss compared to economic gain and jobs created, retained or lost as a result of the tax
88 expenditure;

89 (iv) the extent to which the purpose, intent or goal may have occurred without the
90 tax expenditure;

91 (v) the extent to which the commonwealth’s administration of the tax expenditure,
92 including enforcement efforts, is efficient and effective;

93 (vi) the extent to which there are other local, state or federal tax expenditures,
94 direct expenditures or other programs that have similar purposes, intent or goals as the tax
95 expenditure and the extent to which such similar initiatives are coordinated, complementary or
96 duplicative;

97 (vii) similar tax expenditures, if any, offered by other states and the impact of the
98 tax expenditure on regional and national economic competitiveness; and

99 (viii) the extent to which the tax expenditure is a cost-effective use of resources.

100 (e) For each tax expenditure reviewed, the commission shall provide a recommendation
101 as to whether the tax expenditure should be repealed, allowed to sunset, amended to better
102 achieve its policy goals and metrics or allowed to continue in its current form.

103 (f) The commission shall have access to documents and information, including tax
104 returns and related documents maintained by the department of revenue necessary for the
105 performance of the commission’s duties under this section but excluding information provided to
106 the commonwealth by other federal and state tax agencies where such access is prohibited by
107 law; provided, however, that tax returns and related documents shall not include a taxpayer’s
108 personal identifying information and such returns and documents shall be confidential and
109 exempt from disclosure as a public record. The commission, in collaboration with the department
110 of revenue, shall adopt policies and procedures to ensure taxpayer confidentiality.

111 (g) Annually, not later than November 1, the commission shall report the results of its
112 findings and activities of the preceding year and its recommendations to the clerks of the senate
113 and house of representatives who shall forward the same to the chairs of the senate and house
114 committees on ways and means and the chairs of the joint committee on revenue. The report
115 shall include all information required to be reviewed by this section and recommendations, as
116 required under subsection (e), for each tax expenditure reviewed. All reports shall be made
117 available electronically and prominently displayed on the official website of the state auditor.

Center for Health Information and Analysis Data

118 SECTION 9. Section 10 of chapter 12C of the General Laws, as appearing in the 2014
119 Official Edition, is hereby amended by striking out subsection (e) and inserting in place thereof
120 the following 2 subsections:-

121 (e) The center, in consultation with the executive office of health and human services, shall
122 develop an approach to report health care prices and related information by provider for use by
123 consumers, employers and other stakeholders. The center shall develop a list of the most
124 common procedures and services based on data collected pursuant to this section and sections 8
125 and 9. The center shall require private and public health care payers to submit the payment rates
126 for procedures and services and other information necessary for the center to determine the
127 weighted average rate per provider across the market, for every provider with which the payer

128 has contracted or has a compensation arrangement. The center shall aggregate data collected
 129 pursuant to this subsection and develop a weighted average payer rate for procedures and
 130 services, broken down by individual provider, and shall make the information publicly available
 131 on the consumer health information website required by section 20. The center shall keep
 132 confidential all nonpublic data obtained pursuant to this subsection and shall not disclose such
 133 data to any person without the consent of the provider or payer that produced the data; provided,
 134 however, that the center may disclose such data in an aggregated format. The center shall
 135 promulgate regulations necessary to implement this subsection.

136 (f) Except as specifically provided otherwise by the center or pursuant to this chapter,
 137 insurer data collected by the center pursuant to this section shall not be a public record under
 138 clause Twenty-sixth of section 7 of chapter 4 or under chapter 66.

Massachusetts Tourism Trust Fund 1

139 SECTION 10. The second sentence of subsection (a) of section 13T of chapter 23A of the
 140 General Laws, as appearing in section 39 of chapter 133 of the acts of 2016, is hereby amended
 141 by inserting after the word “credited” the following word:- annually.

Massachusetts Tourism Trust Fund 2

142 SECTION 11. Subsection (c) of said section 13T of said chapter 23A, as so appearing, is
 143 hereby amended by adding the following sentence:- The fund shall not be subject to transfer
 144 pursuant to section 13A of chapter 29 and a transfer from the fund to the General Fund shall not
 145 occur unless by appropriation of the general court.

MassDevelopment Bond Capacity 1

146 SECTION 12. Section 29 of chapter 23G of the General Laws, as appearing in the 2014
 147 Official Edition, is hereby amended by striking out, in lines 8 and 9, the words “, \$200,000,000
 148 of which shall be for the exclusive use of the Devens project, so-called”.

MassDevelopment Bond Capacity 2

149 SECTION 13. Said section 29 of said chapter 23G, as so appearing, is hereby further
 150 amended by adding the following paragraph:-

151 Annually, not later than July 1, the Agency shall report on the allocation of Agency debt
152 obligations for its corporate purposes for each fiscal year. A copy of the allocation report shall
153 be filed with the clerks of the senate and house of representatives.

Trial Court Energy Conservation 1

154 SECTION 14. Section 14 of chapter 25A of the General Laws, as so appearing, is hereby
155 amended by striking out, in lines 1 and 2, and in line 14, the words “or local governmental body”
156 and inserting in place thereof, in each instance, the following words:- , local governmental body
157 or the judiciary.

Trial Court Energy Conservation 2

158 SECTION 15. Said section 14 of said chapter 25A, as so appearing, is hereby further
159 amended by striking out, in line 9, the words “or body” and inserting in place thereof the
160 following words:- , body or the judiciary.

Tax Expenditure Review Commission 2

161 SECTION 16. Section 1 of chapter 29 of the General Laws, as so appearing, is hereby
162 amended by striking out, in lines 137 to 141, inclusive, the words “but excluding revenue
163 foregone as a direct result of any general or special law which allows a personal income tax
164 exemption. Sales that do not involve tangible personal property shall not result in tax
165 expenditures under this definition”.

Child Care Quality Fund

166 SECTION 17. Section 2JJ of said chapter 29, as so appearing, is hereby amended by
167 striking out, in line 8, the word “for” the second time it appears, and inserting in place thereof the
168 following words:- and family child care homes or large family child care homes, as defined in
169 section 1A of chapter 15D, for.

Non-Acute Care Hospital Reimbursement Assessment 1

170 SECTION 18. Said chapter 29 is hereby further amended by inserting after section
171 2VVVV the following section:-

172 Section 2WWW. (a) There shall be a Non-Acute Care Hospital Reimbursement Trust
173 Fund to be administered by the secretary of health and human services. There shall be credited to
174 the fund: (i) all revenues generated from the funds collected under subsection (b) of section 67 of
175 chapter 118E; (ii) an amount equal to any federal financial participation revenues claimed and
176 received by the commonwealth for eligible expenditures made from the fund; (iii) any revenue
177 from appropriations or other money authorized by the general court and specifically designated
178 to be credited to the fund; and (iv) interest earned on any money in the fund. Amounts credited to
179 the fund shall be expended without further appropriation.

180 (b) Money in the fund shall be expended for Medicaid payments to: (i) nonpublic hospitals
181 licensed by the department of public health under section 51 of chapter 111 but not defined as
182 acute-care hospitals under section 25B of said chapter 111; and (ii) nonpublic hospitals licensed
183 as inpatient facilities by the department of mental health under section 19 of chapter 19 and
184 regulations promulgated thereunder but not categorized as Class VII licensees under the
185 regulations.

186 (c) Revenues generated from clauses (i) and (ii) of subsection (a) shall be expended
187 exclusively for the entities identified in subsection (b) and shall not be used to replace payment
188 commitments in effect as of March 1, 2017. The expenditures shall be established by the
189 executive office of health and human services in a manner consistent with the requirements and
190 conditions of federal financial participation under 42 U.S.C. §1396b(w) and 42 C.F.R. §433.68,
191 including the prohibitions against hold harmless provisions as defined under 42 U.S.C.
192 §1396b(w)(4) and 42 C.F.R. §433.68(f) and shall be made only under federally-approved
193 payment methods and consistent with federal funding requirements and all federal payment
194 limits as determined by the secretary of health and human services.

195 (d) The schedule of payment amounts to be established and distributed by the executive
196 office of health and human services under this section shall be developed in a manner that: (i)
197 promotes the provider capacity, access and utilization management needs of the MassHealth
198 program as those needs are determined by the secretary of health and human services; and (ii) is
199 proportional, to the extent possible, to the respective assessed amounts paid by each class of
200 hospitals relative to this section. The executive office shall consult with trade organizations
201 representing rehabilitation hospital providers, chronic care hospital providers and psychiatric

202 hospital providers in the development and implementation of the payments. In order to
203 accommodate timing discrepancies between the receipt of revenue and related expenditures, the
204 comptroller may certify for payment amounts not to exceed the most recent revenue estimates as
205 certified by the secretary of health and human services to be transferred, credited or deposited
206 under this section. Money remaining in the fund at the end of a fiscal year shall not revert to the
207 General Fund and shall be available for expenditure in subsequent fiscal years.

208 (e) Annually, not later than September 30, the executive office of health and human
209 services shall file a report with the senate and house committees on ways and means which shall
210 include: (i) a detailed accounting of all money transferred, credited or deposited into and from
211 the fund; (ii) the reasons for any unspent amount in the fund; and (iii) an analysis of the
212 respective assessed amounts paid by each class of hospitals and the respective payments received
213 by each class of hospitals relative to this section.

Foundation Budget Review Commission Implementation Schedule

214 SECTION 19. Said chapter 29 is hereby further amended by inserting after section 5B the
215 following section:-

216 Section 5B½. (a) Annually, not later than January 15, the secretary of administration and
217 finance shall meet with the senate and house committees on ways and means to jointly determine
218 an implementation schedule to fulfill the recommendations filed on November 2, 2015 by the
219 foundation budget review commission established in section 4 of chapter 70. The
220 implementation schedule shall establish a foundation budget as defined in section 2 of said
221 chapter 70 incorporating the categories of tuitioned-out special education rate, assumed in-school
222 special education enrollment, low-income increment, low-income enrollment, foundation
223 benefits, retired employee health insurance and English language learner increment; provided,
224 however, that in the first year of the term of office of a governor who has not served in the
225 preceding year, the parties shall determine an implementation schedule not later than January 31
226 of that year.

227 In determining the implementation schedule, the secretary of administration and finance
228 and the senate and house committees on ways and means shall hold a public hearing and receive
229 testimony from the commissioner of elementary and secondary education and other interested

230 parties. The schedule may be amended by agreement of the senate and house committees on
231 ways and means in any fiscal year to reflect changes in enrollment, inflation, student populations
232 or other factors that may affect the remaining costs in the schedule. The implementation schedule
233 may be included in a joint resolution and placed before the members of the general court for their
234 consideration along with proposed legislation to execute and implement the schedule. The
235 implementation schedule shall be subject to appropriation.

MBTA Retirement Fund Authorization

236 SECTION 20. Section 1 of chapter 32 of the General Laws is hereby amended by
237 inserting after the word “system”, in line 574, as appearing in the 2014 Official Edition, the
238 following words:- and the Massachusetts Bay Transportation Authority Retirement Fund shall be
239 deemed to be a system.

Service Credit Reimbursements 1

240 SECTION 21. Section 3 of said chapter 32 is hereby amended by inserting after the word
241 “unit”, in line 915, the first time it appears, as so appearing, the following words:- ; provided,
242 however, that if the commonwealth is the first governmental unit, any payments received shall be
243 credited to the General Fund.

Service Credit Reimbursements 2

244 SECTION 22. Section 7 of said chapter 32, as so appearing, is hereby amended by
245 inserting after the word “unit”, in line 224, the following words:- ; provided, however, that if the
246 commonwealth is the first governmental unit, any payments received shall be credited to the
247 General Fund.

Service Credit Reimbursements 3

248 SECTION 23. Section 22 of said chapter 32 is hereby amended by inserting after the
249 word “fund”, in line 371, as so appearing, the following words:- or to the General Fund as
250 otherwise provided in those sections.

251

Pension Transfer Schedule

252 SECTION 24. Subdivision (1) of section 22C of said chapter 32 is hereby amended by
253 striking out the third paragraph, as amended by section 1 of chapter 61 of the acts of 2015, and
254 inserting in place thereof the following paragraph:-

255 Notwithstanding any general or special law to the contrary, appropriations or transfers
256 made to the Commonwealth's Pension Liability Fund in fiscal years 2018 to 2020, inclusive,
257 shall be made in accordance with the following funding schedule: \$2,349,497,926 in fiscal year
258 2018, \$2,608,452,563 in fiscal year 2019 and \$2,841,524,605 in fiscal year 2020.

259 Notwithstanding any provision of this subdivision to the contrary, any adjustments to these
260 amounts shall be limited to increases in the schedule amounts for each of the specified years.

Municipal Aid 2

261 SECTION 25. Section 25A of chapter 58 of the General Laws, as appearing in the 2014
262 Official Edition, is hereby amended by adding the following paragraph:-

263 Annually, not later than March 1, the commissioner, in consultation with the office of the
264 comptroller, shall determine the total amount of aid that the commonwealth provided to
265 municipalities which was not provided for on local aid estimate budgets pursuant to the first
266 paragraph. The determination shall include aid of all kind including, but not limited to, teacher
267 retiree pensions, public school military mitigation, kindergarten expansion grants, charter school
268 reimbursements, grants to municipalities for the construction and reconstruction of municipal
269 ways as described in clause (b) of the second paragraph of section 4 of chapter 6C, municipal
270 public safety grants, municipal Medicaid payments, school building grants and any other items
271 appropriated by the general court or awarded to a city or town from a state agency. The
272 commissioner shall determine and make available the amount of assistance received by each
273 municipality under this paragraph and shall notify each city and town of the amounts.

Earned Income Tax Credit Formula for Part-Time Residents

274 SECTION 26. Section 6 of chapter 62 of the General Laws, is hereby amended by
275 striking out subsection (h), as so appearing, and inserting in place thereof the following
276 subsection:-

277 (h)(1) A taxpayer shall be allowed a credit against the taxes imposed by this chapter if
278 that person qualified for and claimed the earned income credit allowed under section 32 of the
279 Code, as amended and in effect for the taxable year. With respect to a person who is a
280 nonresident for part of the taxable year, the credit shall be limited to 23 per cent of the federal
281 credit multiplied by a fraction, the numerator of which shall be the number of days in the taxable
282 year the person resided in the commonwealth and the denominator of which shall be the number
283 of days in the taxable year. A person who is a nonresident for the entire taxable year shall not be
284 allowed the credit. The credit allowed by this subsection shall equal 23 per cent of the federal
285 credit received by the taxpayer for the taxable year. If other credits allowed under this section
286 are utilized by the taxpayer for the taxable year, the credit afforded by this subsection shall be
287 applied last. If the amount of the credit allowed under this subsection exceeds the taxpayer's
288 liability, the commissioner shall treat the excess as an overpayment and shall pay the taxpayer
289 the amount of the excess without interest.

290 (2) For the purposes of this subsection, a married taxpayer shall satisfy the joint filing
291 requirement under section 32 of the Code if the taxpayer files an income tax return using a filing
292 status of married filing separately and the taxpayer: (i) is living apart from the taxpayer's spouse
293 at the time the taxpayer files the tax return; (ii) is unable to file a joint return because the
294 taxpayer is a victim of domestic abuse; and (iii) indicates on the taxpayer's income tax return
295 that the taxpayer meets the criteria of clauses (i) and (ii).

Brownfields Tax Credit 1

296 SECTION 27. Said section 6 of said chapter 62 is hereby further amended by striking
297 out, in lines 341 and 342, as so appearing, the words "at the time such permanent solution or
298 remedy operation status is achieved" and inserting in place thereof the following words:- in the
299 taxable year in which the documentation of a permanent solution or remedy operation status is
300 filed with the department of environmental protection.

Brownfields Tax Credit 2

301 SECTION 28. Paragraph (1) of subsection (j) of said section 6 of said chapter 62, as so
302 appearing, is hereby amended by adding the following paragraph:-

303 A nonprofit organization shall only receive a credit under this section based upon a
304 nonprofit organization’s documentation of a permanent solution or remedy operation status
305 submittal to the department of environmental protection in a taxable year that commenced on or
306 after June 24, 2006.

Veterans’ Tax Credit 1

307 SECTION 29. Said section 6 of said chapter 62, as most recently amended by section 72
308 of chapter 219 of the acts of 2016, is hereby further amended by adding the following
309 subsection:-

310 (u)(1) A partnership, limited liability corporation or other legal entity engaged in business
311 in the commonwealth that: (i) is not a business corporation subject to the excise under chapter
312 63; (ii) employs not more than 100 employees; (iii) is certified by the commissioner of veterans’
313 services pursuant to section 2B of chapter 115; and (iv) qualifies for and claims the Work
314 Opportunity Credit allowed under section 51 of the Code, as amended and in effect for the
315 taxable year, for the hiring of qualified veterans in the commonwealth, shall be allowed a credit
316 equal to \$2,000 for each qualified veteran hired by the partnership, limited liability corporation
317 or other legal entity. For the purposes of this subsection, “qualified veteran” shall have the same
318 meaning as under section 51(d)(3) of the Code.

319 (2) To be eligible for a credit under this subsection: (i) the primary place of employment
320 and the primary residence of the qualified veteran shall be in the commonwealth and (ii) not later
321 than the day an individual begins work, a business shall have obtained the applicable
322 certification from the department of career services or any successor agency that the individual is
323 a qualified veteran.

324 (3) The credit under this subsection shall be attributed on a pro rata basis to the owners,
325 partners or members of the legal entity entitled to the credit under this subsection and shall be

326 allowed as a credit against the tax due under this chapter from such owners, partners or members
327 in a manner determined by the commissioner.

328 (4) A business that is eligible for and claims the credit allowed under this subsection in a
329 taxable year with respect to a qualified veteran shall be eligible for a second credit of \$2,000 in
330 the subsequent taxable year with respect to such qualified veteran, subject to certification of
331 continued employment during the subsequent taxable year in the manner required by the
332 commissioner. A credit allowed under this subsection shall not be transferable or refundable.
333 Any amount of the credit allowed under this subsection that exceeds the tax due for a taxable
334 year may be carried forward to any of the 3 subsequent taxable years.

335 (5) The total cumulative value of the credits authorized pursuant to this subsection and
336 section 38GG of chapter 63 shall not exceed \$1,000,000 annually.

1099-K Notifications 1

337 SECTION 30. Section 8 of chapter 62C of the General Laws, as appearing in the 2014
338 Official Edition, is hereby amended by striking out, in lines 9 and 10, the words “and state in
339 such report the amount of such income so paid by it” and inserting in place thereof the following
340 words:- ; provided, however, that the commissioner may require additional reporting
341 requirements that differ from those required by the federal government under the Code. The
342 report shall state the amount of income paid by the payor.

Room Occupancy Tax Modernization 1

343 SECTION 31. Section 16 of said chapter 62C, as so appearing, is hereby amended by
344 inserting after subsection (g) the following subsection:-

345 (g^{1/2}) Notwithstanding subsection (g), the department of revenue shall promulgate
346 regulations to minimize the administrative burden relative to filing returns under said subsection
347 (g) on operators who offer their accommodations to the public for at least 1 day in 5 separate
348 months or less in the taxable year. The regulations may authorize an operator to file a return only
349 for a month that the operator’s accommodation is offered to the public.

Veterans' Tax Credit 2

350 SECTION 32. Chapter 63 of the General Laws is hereby amended by inserting after
351 section 38FF the following section:-

352 Section 38GG. (a) A business corporation with not more than 100 employees, that is
353 certified by the commissioner of veterans' services pursuant to section 2B of chapter 115 and
354 qualifies for and claims the Work Opportunity Credit allowed under section 51 of the Internal
355 Revenue Code, as amended and in effect for the taxable year, for the hiring of qualified veterans
356 in the commonwealth shall be allowed a credit against its excise due under this chapter in an
357 amount equal to \$2,000 for each qualified veteran hired by the business corporation. For the
358 purposes of this section, "qualified veteran" shall have the same meaning as under section
359 51(d)(3) of the Code.

360 (b) To be eligible for a credit under this section: (i) the primary place of employment and
361 the primary residence of the qualified veteran shall be in the commonwealth; and (ii) not later
362 than the day an individual begins work, a business corporation shall have obtained the applicable
363 certification from the department of career services or any successor agency that the individual is
364 a qualified veteran.

365 (c) In the case of a business corporation that is subject to a minimum excise under any
366 provision of this chapter, the amount of the credit allowed by this section shall not reduce the
367 excise to an amount less than such minimum excise.

368 (d) A business corporation that is eligible for and claims the credit allowed under this
369 section in a taxable year with respect to a qualified veteran shall be eligible for a second credit of
370 \$2,000 in the subsequent taxable year with respect to such qualified veteran, subject to
371 certification of continued employment during the subsequent taxable year in the manner required
372 by the commissioner. A credit allowed under this section shall not be transferable or refundable.
373 Any amount of the credit allowed under this section that exceeds the tax due for a taxable year
374 may be carried forward to any of the 3 subsequent taxable years.

375 (e) The total cumulative value of the credits authorized pursuant to this section and
376 subsection (u) of section 6 of chapter 62 shall not exceed \$1,000,000 annually.

Brownfields Tax Credit 3

377 SECTION 33. Section 38Q of said chapter 63, as appearing in the 2014 Official Edition,
378 is hereby amended by striking out, in lines 6 and 7, the words “at the time the permanent solution
379 or remedy operation status is achieved” and inserting in place thereof the following words:- in
380 the taxable year in which the documentation of a permanent solution or remedy operation status
381 is filed with the department of environmental protection.

Brownfields Tax Credit 4

382 SECTION 34. Subsection (a) of said section 38Q of said chapter 63, as so appearing, is
383 hereby amended by adding the following paragraph:-

384 A nonprofit organization shall only receive a credit under this section based upon a
385 nonprofit organization’s documentation of a permanent solution or remedy operation status
386 submittal to the department of environmental protection in a taxable year that commenced on or
387 after June 24, 2006.

Room Occupancy Tax Modernization 2

388 SECTION 35. Chapter 64G of the General Laws is hereby amended by striking out
389 sections 1 to 12, inclusive, as so appearing, and inserting in place thereof the following 14
390 sections:-

391 Section 1. As used in this chapter the following words shall have the following meanings
392 unless the context clearly requires otherwise:

393 “Bed and breakfast establishment”, a private owner-occupied house where not less than 1
394 room or unit is rented and a breakfast is included in the rent and all accommodations are reserved
395 in advance.

396 “Commissioner”, the commissioner of revenue.

397 “Hosting platform”, a service through a digital platform, third-party website, software,
398 online-enabled application, mobile phone application or some other similar electronic process
399 that allows: (i) an operator to advertise, list or offer the use of an accommodation subject to the

400 excise under this chapter in exchange for rent; (ii) an operator to collect the payment of rent on
401 an accommodation; and (iii) a person to arrange, book, reserve or rent an accommodation.

402 “Hotel”, a building used for the feeding and lodging of guests licensed or required to be
403 licensed under section 6 of chapter 140.

404 “Intermediary”, a person or entity, other than an operator, that facilitates the sale, use or
405 possession of an occupancy and charges a room charge to the general public; provided, however,
406 that the term "facilitates" shall include a person or entity that brokers, coordinates or in any other
407 way arranges for the purchase, sale, use or possession of occupancies by the general public; and
408 provided further, that the term "intermediary" shall include a hosting platform and operator's
409 agent.

410 “Lodging house”, a house licensed or required to be licensed under section 23 of chapter
411 140 and where lodgings are rented to not less than 4 people who shall not be within the second
412 degree of kindred to the owner or operator of such lodging house.

413 “Motel”, a building or portion of a building in which a person is lodged for hire with or
414 without meals and which is licensed or required to be licensed under section 32B of chapter 140;
415 provided, however, that a “motel” shall not include a hotel or lodging house.

416 “Occupancy”, the use or possession or the right to the use or possession of a room in a
417 bed and breakfast establishment, hotel, lodging house, transient accommodation or motel
418 designed and normally used for sleeping and living purposes for a period of 90 consecutive
419 calendar days or less, regardless of whether such use and possession is as a lessee, tenant, guest
420 or licensee; provided, however, that “occupancy” shall include the right to the use or possession
421 of the furnishings or the services and accommodations, including breakfast in a bed and
422 breakfast establishment, accompanying the use and possession of such a room.

423 “Occupant”, a person who uses, possesses or has a right to use or possess a room in a bed
424 and breakfast establishment, hotel, lodging house, transient accommodation or motel for rent
425 under a lease, concession, permit, right of access, license or agreement.

426 “Operator”, a person operating a bed and breakfast establishment, hotel, lodging house,
427 transient accommodation or motel in the commonwealth including, but not limited to, the owner

428 or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any
429 other person otherwise operating such bed and breakfast establishment, hotel, lodging house,
430 transient accommodation or motel.

431 “Operator's agent”, a person who on behalf of an operator of a bed and breakfast
432 establishment, hotel, motel, transient accommodation or lodging house: (i) manages the
433 operation or upkeep of a property offered for rent; or (ii) books reservations at a property offered
434 for rent; provided, however, that an “operator’s agent” shall include, but not be limited to, a
435 property manager, property management company or real estate agent.

436 “Person”, an individual, partnership, trust or association, with or without transferable
437 shares, joint-stock company, corporation, society, club, organization, institution, estate, receiver,
438 trustee, assignee or referee and any other person acting in a fiduciary or representative capacity,
439 whether appointed by a court or otherwise, or any combination of individuals acting as a unit.

440 “Rent”, the total consideration paid by or on behalf of an occupant, including any service,
441 cleaning or other charge, to an operator, an intermediary collecting and remitting the excise on
442 behalf of an operator under section 10 or a room reseller for occupancy, valued in money,
443 whether received in money or otherwise, including all receipts, cash, credits and property or
444 services of any kind or nature.

445 “Room reseller”, a person having any right, permission, license or other authority from or
446 through an operator to reserve, convey or arrange transfer of occupancy of an accommodation
447 for rent, directly or indirectly.

448 “Transient accommodation”, an owner-occupied, tenant-occupied or non-owner occupied
449 property including, but not limited to, an apartment, house, cottage, condominium, time-share
450 unit or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast
451 establishment, where: (i) not less than 1 room or unit is rented to an occupant or sub-occupant;
452 and (ii) all accommodations are reserved in advance; provided, however, that a private owner-
453 occupied property shall be considered a single unit if leased or rented as such.

454 Section 2. This chapter shall not be construed to include: (i) lodging accommodations at
455 federal, state or municipal institutions; (ii) lodging accommodations, including dormitories, at

456 religious, charitable, educational and philanthropic institutions, ; provided, however, that the
457 exemption allowed shall not apply to accommodations provided by any such institution at a hotel
458 or motel generally open to the public and operated by the institution; (iii) privately-owned and
459 operated convalescent homes or homes for the aged, infirm, indigent or chronically ill; (iv)
460 religious or charitable homes for the aged, infirm, indigent or chronically ill; (v) summer camps
461 for children up to 18 years of age or developmentally disabled individuals; provided, however,
462 that a summer camp which offers its facilities off season to individuals 60 years of age or older
463 for a period of not more than 30 days in a calendar year shall not lose its exemption under this
464 section; (vi) lodging accommodations provided to seasonal employees by employers; and (vii)
465 tenancies at will or month-to-month leases.

466 For the purposes of this section, “developmentally disabled individual” shall mean an
467 individual who has a severe chronic disability which: (i) is attributable to a mental or physical
468 impairment or combination of mental and physical impairments; (ii) is likely to continue
469 indefinitely; (iii) results in substantial functional limitations in at least 3 of the following areas of
470 major life activity: (1) self-care; (2) receptive and expressive language; (3) learning; (4)
471 mobility; (5) self-direction; (6) capacity for independent living; and (7) economic self-
472 sufficiency; and (iv) reflects the individual's need for a combination and sequence of special,
473 interdisciplinary or generic care, treatment or other services which are of lifelong or extended
474 duration and are individually planned and coordinated.

475 Section 3. An excise shall be imposed upon the transfer of occupancy of a room in a bed
476 and breakfast establishment, hotel, lodging house, transient accommodation or motel by an
477 operator or room reseller at the rate of 5 per cent of the total amount of rent for each such
478 occupancy. No excise shall be imposed if the total amount of rent is less than \$15 per day or its
479 equivalent.

480 The operator or room reseller shall pay the excise to the commissioner at the time
481 provided for filing the return required by section 16 of chapter 62C.

482 Section 3A. A city or town which accepts this section may impose a local excise upon the
483 transfer of occupancy of a room in a bed and breakfast establishment, hotel, lodging house,
484 transient accommodation or motel located within that city or town by an operator or room

485 reseller at a rate not more than 6 per cent of the total amount of rent for each such occupancy;
486 provided, however, that the city of Boston may impose such local excise upon the transfer of
487 occupancy of a room in a bed and breakfast establishment, hotel, lodging house, transient
488 accommodation or motel located within the city by an operator or room reseller at the rate of not
489 more than 6.5 per cent of the total amount of rent of each such occupancy. No excise shall be
490 imposed if the total amount of rent is less than \$15 per day or its equivalent or if the
491 accommodation is exempt under section 2. An operator or room reseller shall pay the local
492 excise imposed under this section to the commissioner at the same time and in the same manner
493 as the excise due to the commonwealth. All sums received by the commissioner under this
494 section as excise, penalties or forfeitures, interest, costs of suit and fines shall at least quarterly
495 be distributed, credited and paid by the state treasurer upon certification of the commissioner to
496 each city or town that has adopted this section in proportion to the amount of such sums received
497 from the transfer of occupancy in each such city or town. Acceptance of this section shall be: (i)
498 by a majority vote of the city council with the approval of the mayor in the case of a city with a
499 Plan A, Plan B or Plan F charter; (ii) by a majority vote of the city council in the case of a city
500 with a Plan C, Plan D or Plan E charter; (iii) by a majority vote of the annual town meeting or a
501 special meeting called for that purpose in the case of a municipality with a town meeting form of
502 government; or (iv) by a majority vote of the town council in the case of a municipality with a
503 town council form of government. This section shall take effect on the first day of the calendar
504 quarter following 30 days after its acceptance or on the first day of a later calendar quarter as the
505 city or town may designate. The city or town, in accepting this section, shall not revoke or
506 otherwise amend the applicable local tax rate more often than once in a 12-month period.

507 The commissioner shall make available to a city or town requesting such information the
508 total amount of room occupancy tax collected in the preceding fiscal year in the city or town
509 requesting the information.

510 Section 3B. Notwithstanding sections 9 and 10 of chapter 152 of the acts of 1997, the
511 convention center financing fee imposed upon the transfer of a transient accommodation in the
512 cities of Boston, Cambridge, Springfield, Worcester, West Springfield and Chicopee shall revert
513 half to the General Fund and half to the city in which the transient accommodation was
514 transferred.

515 Section 4. Except as provided in section 10, reimbursement for the excise imposed under
516 this chapter shall be paid by the occupant of any such room to the operator and each operator
517 shall add to the rent and collect from the occupant the full amount of the excise imposed by this
518 chapter or an amount equal as nearly as possible or practical to the average equivalent thereof
519 and such excise shall be a debt from the occupant to the operator when so added to the rent and
520 shall be recoverable at law in the same manner as other debts.

521 Section 4A. Notwithstanding this chapter, where occupancy is transferred through the use
522 of a room reseller, the room reseller shall collect and pay to the commissioner the excise upon
523 the amount of rent paid by the occupant to the room reseller, less the amount of rent that the
524 reseller has paid to the operator. The operator shall collect and pay to the commissioner the
525 excise upon the amount of rent paid to the operator by the reseller or the occupant.

526 No assessment shall be made against an operator for an incorrect remittance of the excise
527 under this chapter by an unaffiliated room reseller and no assessment shall be made against a
528 room reseller for an incorrect remittance of the excise under this chapter by an unaffiliated
529 operator.

530 Section 5. The amount of the excise collected by the operator or the room reseller from
531 the occupant pursuant to this chapter shall be stated and charged separately from the rent and
532 shown separately on any record of the excise at the time the transfer of occupancy is made or on
533 any evidence of such transfer issued or used by the operator. A room reseller shall not be
534 required to disclose to the occupant the amount of tax charged by the operator. The room
535 reseller shall represent to the occupant that the separately stated taxes charged by the room
536 reseller include taxes charged by the operator.

537 Section 6. No person shall operate a bed and breakfast establishment, hotel, lodging
538 house, transient accommodation or motel or operate as a room reseller unless a certificate of
539 registration has been issued to the person in accordance with section 67 of chapter 62C.

540 Section 7. An operator or room reseller who has paid to the commissioner an excise
541 pursuant to section 3 upon an account later determined to be worthless shall be entitled to an
542 abatement of the excise paid on the worthless account. A claim for abatement shall be filed not

543 later than April 15 annually and shall cover the amount of the excise on accounts determined to
544 be worthless in the prior calendar year.

545 An operator or room reseller who recovers an excise on an account determined to be
546 worthless and for which an application for abatement has been filed shall report and include the
547 same in a monthly return at the time of recovery.

548 Section 8. An operator or room reseller who fails to pay to the commissioner money
549 required to be paid by this chapter shall be personally and individually liable therefor to the
550 commonwealth. The term “operator” or “room reseller”, as used in this section, shall include an
551 officer or employee of a corporation or a member or employee of a partnership or a limited
552 liability company who, as such officer, employee or member, is under a duty to pay the taxes
553 imposed by this chapter.

554 An operator who misrepresents to an intermediary that the transfer of occupancy of the
555 operator's property is exempt from the excise imposed by sections 3 and 3A shall be liable for
556 any unpaid excise under said sections 3 and 3A and shall be deemed to have committed an unfair
557 trade practice under chapter 93A in making such a misrepresentation to the intermediary.

558 Section 9. No excise shall be imposed under this chapter upon the transfer of occupancy
559 of a room in a hotel, lodging house, transient accommodation or motel if the occupant is an
560 employee of the United States military traveling on official United States military orders which
561 encompasses the date of such occupancy. Each operator or room reseller shall maintain such
562 records as the commissioner shall require to substantiate exemptions claimed under this section.

563 Section 10. (a) An operator may elect to allow an intermediary to collect rent or facilitate
564 the collection or payment of rent on its behalf through a written agreement on an accommodation
565 subject to the excise under this chapter. An intermediary that enters into a written agreement with
566 the operator to collect rent or facilitate the collection or payment of rent on behalf of the operator
567 on an accommodation subject to the excise under this chapter shall: (i) apply for and obtain a
568 certificate of registration from the commissioner in accordance with section 67 of chapter 62C on
569 behalf of the operator; and (ii) assess, collect, report and remit the excise to the commissioner as
570 described for operators in sections 3, 3A, 5, 7, 8 and 9. The certificate of registration obtained

571 from the commissioner pursuant to this subsection shall identify and be in the name of the
572 individual operator, not the intermediary.

573 (b) An intermediary collecting and remitting the excise on behalf of an operator shall
574 provide notification within a reasonable time to the operator that the excise has been collected
575 and remitted to the commissioner pursuant to section 3. The notification may be delivered in
576 hand or by mail or conveyed by electronic message, mobile or smart phone application or
577 another similar electronic process, digital media or communication portal. An operator shall not
578 be responsible for collecting and remitting the excise on a transaction for which the operator has
579 received notification from an intermediary that the excise has been collected and remitted to the
580 commissioner on their behalf.

581 (c) The commissioner may enter into a voluntary collection agreement with an
582 intermediary required to remit the excise pursuant to subsection (a) who is willing to assume
583 liability for the collection and remittance of the excise imposed under this chapter on behalf of
584 the operators that the intermediary represents. The intermediary shall not be liable for faults in
585 collecting or remitting the excise proximately caused by the hosting platform's or operator's
586 agent's reasonable reliance on representations made to it by the operator about the nature of the
587 property being rented, the duration of the occupancy or other similar misrepresentations made by
588 the operator to the hosting platform or operator's agent. The operator shall be liable for any
589 unpaid excise resulting from any such misrepresentations. An intermediary shall not be liable for
590 any over collection of the excise if the excise collected was remitted to the commissioner and the
591 over collection resulted from the intermediary's reasonable reliance on the operator's
592 representations about the nature of the property being rented or the nature of the occupancy or
593 whether such property was exempt from the excise. The operator shall be liable for monetary
594 damages to the occupant resulting from any such misrepresentations.

595 The commissioner may promulgate rules and regulations for assessing, reporting,
596 collecting, remitting and enforcing the room occupancy excise pursuant to this section.

597 Section 11. A city or town, by ordinance or by-law not inconsistent with this chapter,
598 may regulate operators and impose penalties for violations of those ordinances or by-laws. An

599 ordinance or by-law may require registration, licensing and inspection and may regulate the
600 existence or location of operators.

Driver School License 1

601 SECTION 36. Section 32G of chapter 90 of the General Laws is hereby amended by
602 inserting after the word “person,” in line 1, as so appearing, the following words:- no authority
603 established under chapter 161B.

Driver School License 2

604 SECTION 37. Said section 32G of said chapter 90 is hereby further amended by inserting
605 after the word “No”, in line 171, as so appearing, the following words:- authority established
606 under chapter 161B and no.

Driver School License 3

607 SECTION 38. Said section 32G of said chapter 90, as amended by section 18 of chapter
608 52 of the acts of 2016, is hereby further amending by adding the following paragraph:-
609 An authority established under chapter 161B and licensed pursuant to this section shall be
610 limited to giving instruction for hire in the operation of commercial motor vehicles.

Optometrist Prescribing 1

611 SECTION 39. Section 1 of chapter 94C of the General Laws is hereby amended by
612 striking out, in line 286, as appearing in the 2014 Official Edition, the words “sections 66 and
613 66B” and inserting in place thereof the following words:- section 66 and section 66B or 66C.

Optometrist Prescribing 2

614 SECTION 40. Section 7 of said chapter 94C is hereby amended by striking out, in line
615 212, the words “sections 66 and 66B”, as so appearing, and inserting in place thereof the
616 following words:- section 66 and section 66B or 66C.

Optometrist Prescribing 3

617 SECTION 41. Section 9 of said chapter 94C is hereby amended by striking out, in line 2,
618 as so appearing, the words “sections 66 and 66B” and inserting in place thereof the following
619 words:- section 66 and section 66B or 66C.

Optometrist Prescribing 4

620 SECTION 42. Said section 9 of said chapter 94C is hereby further amended by inserting
621 after the word “podiatrist”, in line 69 and 77, each time it appears, as so appearing the following
622 word:- , optometrist.

Laboratory Analysis of Cocaine

623 SECTION 43. Paragraph (a) of Class B of section 31 of said chapter 94C is hereby
624 amended by striking out clause (4), as so appearing, and inserting in place thereof the following
625 clause:-

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

Home Health Agency Licensure 1

632 SECTION 44. Chapter 111 of the General Laws is hereby amended by inserting after
633 section 51J the following section:-

634 Section 51K. (a) For the purposes of this section, the following words shall have the
635 following meanings unless the context clearly requires otherwise:

636 “Home health agency”, an entity or organization that provides home health services;
637 provided, however that "home health agency" shall not include an entity operated by either the
638 federal government or the commonwealth providing home health services.

639 “Home health services”, skilled nursing services or other therapeutic services provided in
640 a patient's home with supervision by a physician or registered nurse.

641 (b) Unless otherwise expressly authorized by the department, no person or entity shall
642 provide home health services, use the words "home health" to describe its services, or establish,
643 maintain, operate or hold itself out as a home health agency without a home health agency
644 license issued by the department.

645 (c) The department shall issue for a term of 2 years, and renew for a like term, a license
646 to maintain a home health agency to an entity or organization that demonstrates to the
647 department that it is responsible and suitable to maintain such an agency. A home health agency
648 license shall be subject to suspension, revocation or refusal to renew for cause. Initial application
649 and renewal fees for the license shall be established pursuant to section 3B of chapter 7.

650 The department may impose a fine of up to \$10,000 on a person or entity that advertises,
651 announces, establishes, maintains or is concerned in establishing or maintaining a home health
652 agency without a license granted by the department. The department may impose a fine of up to
653 \$10,000 on a licensed home health agency that violates this section or any rule or regulation
654 promulgated hereunder. Each day during which a violation continues shall constitute a separate
655 offense. The department may conduct surveys and investigations to enforce compliance with this
656 section.

657 (d) A home health agency certified for participation in either Medicare or Medicaid shall
658 be deemed to meet the requirements of the initial licensure application and the department may
659 approve such an application upon a finding of responsibility and suitability and that the agency
660 meets all other licensure requirements as determined by the department. Nothing in this
661 subsection shall be construed to limit the authority of the department to require a fee, impose a
662 fine, conduct surveys and investigations or to suspend, revoke or refuse to renew a license
663 pursuant to subsection (c).

664 (e) The department shall promulgate rules and regulations to implement this section.

Public Health Data 1

665 SECTION 45. Said chapter 111 is hereby further amended by adding the following
666 section:-

667 Section 236. The department may conduct examinations to analyze population health
668 trends over time and to determine priorities for the reduction of morbidity and mortality in the
669 commonwealth. Any resulting reports shall provide data in an aggregate and de-identified
670 format.

671 The department may assemble and maintain necessary data and systems in order to
672 conduct the examinations. The department shall develop policies and procedures for the
673 governance of such data and systems, including provisions to ensure confidentiality and security.

674 Notwithstanding any general or special law the contrary, upon the request of the
675 department, the center for health information and analysis or an office or agency within the
676 executive office of health and human services shall provide information necessary to conduct the
677 examinations. Notwithstanding any general or special law to the contrary, the department may
678 request from any office or agency within the executive branch or judicial branch, and an office or
679 agency may provide, information necessary to conduct the examinations.

680 Any information or data provided or accessed pursuant to this section shall be confidential,
681 shall not be used to identify an individual and shall be used solely to conduct examinations
682 pursuant to this section. Such information or data shall be exempt from disclosure of public
683 records under section 10 of chapter 66 and shall not be subject to subpoena or discovery or
684 admissible as evidence in an action in court or before a tribunal, board, agency or person.

685 At a minimum, the department shall provide a biennial report, not later than July 1 of each
686 even-numbered year, providing a summary of key findings of examinations conducted pursuant
687 to this section. Any report produced pursuant to this section shall be filed with the clerks of the
688 senate and house of representatives and made publicly available on the department's website.

689 The commissioner may promulgate regulations to implement this section.

Optometrist Prescribing 5

690 SECTION 46. Section 66 of chapter 112 of the General Laws, as appearing in the 2014
691 Official Edition, is hereby amended by striking out, in lines 12 and 13, the words "and 66B" and
692 inserting in place thereof the following words:- , 66B and 66C.

Optometrist Prescribing 6

694 SECTION 47. Section 66B of said chapter 112, as so appearing, is hereby amended by
695 striking out, in line 31, the following words:- , except glaucoma.

696

Optometrist Prescribing 7

697 SECTION 48. Said chapter 112 is hereby further amended by inserting after section 66B
698 the following section:-

699 Section 66C. (a) A registered optometrist, qualified by an examination for practice under
700 section 68 after January 1, 2013, certified under section 68C and registered to issue written
701 prescriptions pursuant to subsection (h) of section 7 of chapter 94C, may utilize and prescribe
702 topical and oral therapeutic pharmaceutical agents, as defined in section 66 and described in 21
703 U.S.C. 812 or in said chapter 94C, that are used in the practice of optometry, including those
704 placed in schedules III, IV, V and VI by the commissioner pursuant to section 2 of said chapter
705 94C for the purpose of diagnosing, preventing, correcting, managing or treating glaucoma and
706 other ocular abnormalities of the human eye and adjacent tissue and may prescribe all necessary
707 eye-related medications, including oral anti-infective medications; provided, however, that a
708 registered optometrist shall be prohibited from the utilization or prescription of: (i) therapeutic
709 pharmaceutical agents for the treatment of systemic diseases; (ii) invasive surgical procedures;
710 (iii) pharmaceutical agents administered by subdermal injection, intramuscular injection,
711 intravenous injection, subcutaneous injection or retrobulbar injection, or (iv) an opioid substance
712 or drug product.

713 (b) If an optometrist, during the course of examining or treating a patient with the aid of a
714 diagnostic or therapeutic pharmaceutical agent and exercising professional judgment and the

715 degree of expertise, care and knowledge ordinarily possessed and exercised by optometrists
716 under like circumstances, determines the existence of the signs of previously unevaluated disease
717 which requires treatment not included in the scope of optometric practice as provided in section
718 66, the optometrist shall refer the patient to a licensed physician or other qualified health care
719 practitioner.

720 (c) If a patient examination results in a diagnosis of congenital glaucoma or if, during the
721 course of examining, managing or treating a patient with glaucoma, surgical treatment is
722 indicated, an optometrist shall refer that patient to a qualified health care provider for treatment.

723 (d) Optometrists licensed under this chapter shall participate in relevant state and federal
724 reports or data collection efforts relative to patient safety and medical error reduction
725 coordinated by the Betsy Lehman center for patient safety and medical error reduction
726 established in section 15 of chapter 12C.

727 (e) An insurer or risk management organization that provides insurance to an optometrist
728 licensed under this chapter shall make an annual report to the Betsy Lehman center for patient
729 safety and medical error reduction. The report shall provide the 10 most common categories of
730 losses, claims or actions for damages for personal injuries alleged to have been caused by error,
731 omission or negligence in optometrists' performance of services the company incurred during the
732 previous calendar year. Reports shall include completed cases and settlements only and shall not
733 include information identifying providers or patients. Reports shall be provided to the Betsy
734 Lehman center for patient safety and medical error reduction at the center's request under annual
735 timelines and reporting requirements established by the center with the input of the patient safety
736 and medical errors reduction board established in subsection (c) of said section 15 of said chapter
737 12C. The center shall use this information in the development of evidence-based best practices
738 to reduce errors and enhance patient safety as required by subsection (e) of said section 15 of
739 said chapter 12C to increase awareness of error prevention strategies through public and
740 professional education.

Optometrist Prescribing 8

741 SECTION 49. Said chapter 112 is hereby further amended by inserting after section 68B
742 the following section:-

743 Section 68C. (a) The board of registration in optometry shall administer an examination
744 to permit the utilization and prescription of therapeutic pharmaceutical agents as authorized in
745 section 66C. The examination shall: (i) be held in conjunction with examinations provided in
746 sections 68, 68A and 68B; and (ii) include any portion of the examination administered by the
747 National Board of Examiners in Optometry or other appropriate examinations covering the
748 subject matter of therapeutic pharmaceutical agents as authorized in said section 66C. The board
749 may administer a single examination to measure the qualifications necessary under said sections
750 68, 68A and 68B and this section. The board shall qualify optometrists to use and prescribe
751 therapeutic pharmaceutical agents in accordance with said sections 68, 68A and 68B and this
752 section. An applicant that presents satisfactory evidence of graduation from a school or college
753 of optometry approved by the board subsequent to January 1, 2013, shall have satisfied all the
754 requirements of said sections 68, 68A and 68B and this section.

755 (b) Examination for the utilization and prescription of therapeutic pharmaceutical agents
756 placed in schedules III, IV, V and VI by the commissioner pursuant to section 2 of chapter 94C
757 and defined in section 66C shall, upon application, be open to an optometrist registered under
758 section 68, 68A or 68B and to any person who meets the qualifications for examination under
759 said sections 68, 68A and 68B. An applicant registered as an optometrist under said section 68,
760 68A or 68B shall: (i) possess a current Massachusetts controlled substances registration for the
761 use of pharmaceutical agents for the purpose of diagnosing or treating glaucoma and other ocular
762 abnormalities of the human eye and adjacent tissue; and (ii) furnish to the board of registration in
763 optometry evidence of the satisfactory completion of 40 hours of didactic education and 20 hours
764 of supervised clinical education relating to the utilization and prescription of therapeutic
765 pharmaceutical agents pursuant to said section 66C. The education shall: (i) be administered by
766 the Massachusetts Society of Optometrists, Inc.; (ii) be accredited by a college of optometry or
767 medicine; and (iii) meet the guidelines and requirements of the board of registration in
768 optometry. The board of registration in optometry shall provide to each successful applicant a
769 certificate of qualification in the utilization and prescription of all therapeutic pharmaceutical
770 agents as authorized under said section 66C and shall forward to the department of public health
771 notice of such certification for each successful applicant.

772 (c) An optometrist licensed in another jurisdiction shall be deemed an applicant under
773 this section by the board of registration in optometry. An optometrist licensed in another
774 jurisdiction may submit evidence to the board of registration in optometry of practice equivalent
775 to that required in section 68, 68A or 68B and the board, at its discretion, may accept the
776 evidence in order to satisfy any of the requirements of this section. An optometrist licensed in
777 another jurisdiction to utilize and prescribe therapeutic pharmaceutical agents for treating
778 glaucoma and other ocular abnormalities of the human eye and adjacent tissue may submit
779 evidence to the board of registration in optometry of equivalent didactic and supervised clinical
780 education in order to satisfy all the requirements of this section.

781 (d) A licensed optometrist who has completed a postgraduate residency program
782 approved by the Accreditation Council on Optometric Education after July 31, 1997 may submit
783 an affidavit to the board of registration in optometry from the licensed optometrist's residency
784 supervisor or the director of residencies at the affiliated college of optometry attesting that
785 optometrist has completed an equivalent level of instruction and supervision that would satisfy
786 all the requirements of this section.

787 (e) As a condition of license renewal, an optometrist licensed under this section shall
788 submit to the board of registration in optometry evidence attesting to the completion of 3 hours
789 of continuing education specific to glaucoma.

Veterans' Tax Credit 3

790 SECTION 50. Chapter 115 of the General Laws is hereby amended by inserting after
791 section 2B the following section:-

792 Section 2C. The commissioner shall develop a comprehensive program to enhance
793 employment opportunities and outcomes among veterans by assisting businesses to attract, hire,
794 train and retain veterans. The program shall promote strategies for connecting employers to
795 qualified veterans and shall include: (i) a workforce assessment and training program for
796 participating employers; and (ii) a certification and assessment process for participating
797 employers to set measurable goals for hiring, training and retaining veterans. The commissioner
798 shall engage with interested stakeholders and organizations that provide services to veterans in
799 the development of the program.

Nursing Facility Assessment

800 SECTION 51. Subsection (b) of section 63 of chapter 118E of the General Laws, as
801 appearing in the 2014 Official Edition, is hereby amended by striking out the second sentence
802 and inserting in place thereof the following sentence:- The assessment shall be sufficient in the
803 aggregate to generate in each fiscal year the lesser of \$240,000,000 or an amount equal to 6 per
804 cent of the revenues received by the taxpayer; provided, however, that the term “revenues
805 received by the taxpayer” shall have the same meaning as defined in 42 C.F.R.
806 433.68(f)(3)(i)(A).

Non-Acute Care Hospital Reimbursement Assessment 2

807 SECTION 52. Section 64 of chapter 118E of the General Laws is hereby further amended
808 by inserting after the definition of “Ambulatory surgical center services”, as appearing in the
809 2014 Official Edition, the following definition:-

810 “Assessed charges”, gross patient service revenue attributable to all patients less gross
811 patient service revenue attributable to Title XVIII, XIX and XXI programs.

Non-Acute Care Hospital Reimbursement Assessment 3

812 SECTION 53. Subsection (b) of section 66 of said chapter 118E is hereby further
813 amended by striking out the first 3 sentences, as most recently amended by section 139 of
814 chapter 133 of the acts of 2016, and inserting in place thereof the following 3 sentences:- The
815 fund shall consist of: (i) all amounts paid by acute hospitals and surcharge payors under sections
816 67 and 68; (ii) all appropriations for the purpose of payments to acute hospitals or community
817 health centers for health services provided to uninsured and underinsured residents; (iii) any
818 transfers from the Commonwealth Care Trust Fund established in section 2000 of chapter 29;
819 (iv) all amounts paid by privately-owned, nonfederal hospitals under subsection (b) of section
820 67; and (v) all property and securities acquired by and through the use of money belonging to the
821 fund and all interest thereon. The office shall transfer \$257,500,000 to the MassHealth Delivery
822 System Reform Trust Fund established in section 2SSSS of said chapter 29 and shall transfer an
823 amount equal to all amounts paid by privately-owned, nonfederal hospitals under subsection (b)
824 of section 67 to the Non-Acute Care Hospital Reimbursement Trust Fund established in section

825 2WWW of said chapter 29. The office shall expend amounts in the fund, except for amounts
826 transferred to the Commonwealth Care Trust Fund, the MassHealth Delivery System Reform
827 Trust Fund and the Non-Acute Care Hospital Reimbursement Trust Fund, for payments to
828 hospitals and community health centers for reimbursable health services provided to uninsured
829 and underinsured residents, consistent with the requirements of this section, section 69 and the
830 regulations adopted by the office.

Non-Acute Care Hospital Reimbursement Assessment 4

831 SECTION 54. Said subsection (b) of said section 66 of said chapter 118E is hereby
832 further amended by striking out the second sentence, as appearing in section 53 and inserting in
833 place thereof the following sentence:- The office shall transfer an amount equal to all amounts
834 paid by privately-owned, nonfederal hospitals under subsection (b) of section 67 to the Non-
835 Acute Care Hospital Reimbursement Trust Fund established in section 2WWW of said chapter
836 29.

Non-Acute Care Hospital Reimbursement Assessment 5

837 SECTION 55. Said chapter 118E is hereby further amended by striking out section 67, as
838 appearing in the 2014 Official Edition, and inserting in place thereof the following section:-

839 Section 67. (a) An acute hospital's liability to the fund shall equal the product of: (i) the
840 ratio of its assessed charges to all acute hospitals' assessed charges; and (ii) the total acute
841 hospital assessment amount. Annually, before October 1, the office shall establish each acute
842 hospital's liability to the fund using the best data available as determined by the health safety net
843 office and shall update each acute hospital's liability to the fund as updated information becomes
844 available. The office shall specify by regulation an appropriate mechanism for interim
845 determination and payment of an acute hospital's liability to the fund. An acute hospital's liability
846 to the fund shall, in the case of a transfer of ownership, be assumed by the successor in interest to
847 the acute hospital.

848 (b) There shall be imposed in each fiscal year a uniform assessment upon the assessed
849 charges of all: (i) nonpublic hospitals licensed by the department of public health under section
850 51 of chapter 111 but not categorized as acute care hospitals under section 25B of said chapter

851 111; and (ii) nonpublic hospitals licensed as inpatient facilities by the department of mental
852 health under section 19 of chapter 19 and regulations promulgated thereunder but not categorized
853 as Class VII licensees under the regulations; provided, however, that such uniform assessment
854 shall be set as a percentage of the assessed charges of each such hospital and, for each fiscal
855 year, the percentage shall be equal to the ratio of: (1) the total acute hospital assessment amount
856 as defined in section 64 of chapter 118E for the same fiscal year; to (2) the total assessed charges
857 as defined in said section 64 of said chapter 118E of acute care hospitals in the same fiscal year
858 and as the amount of those charges is determined by the health safety net office under section 67
859 of said chapter 118E. A non-acute hospital's liability to the fund shall, in the case of a transfer of
860 ownership, be assumed by the successor in interest to the non-acute hospital.

861 (c) The office shall establish by regulation an appropriate mechanism for enforcing each
862 hospital's liability to the fund in the event that a hospital does not make a scheduled payment to
863 the fund.

Massachusetts Alcohol and Substance Abuse Center 1

864 SECTION 56. Clause (ii) of the first sentence of the fifth paragraph of section 35 of
865 chapter 123 of the General Laws, as appearing in section 4 of chapter 8 of the acts of 2016, is
866 hereby amended by inserting after the word "Bridgewater" the following words:- or other such
867 facility as designated by the commissioner of correction.

Massachusetts Alcohol and Substance Abuse Center 2

868 SECTION 57. Said section 35 of said chapter 123 is hereby further amended by striking
869 out the sixth paragraph, as so appearing, and inserting in place thereof the following 2
870 paragraphs:-

871 Annually, not later than February 1, the commissioner shall report on whether a facility
872 other than the Massachusetts correctional institution at Bridgewater is being used for treatment
873 of males under the previous paragraph and the number of persons so committed to any such
874 facility in the previous year. The report shall be provided to the clerks of the senate and house of
875 representatives, the chairs of the joint committee on public safety and homeland security and the
876 chairs of the joint committee on the judiciary.

877 Nothing in this section shall preclude a facility, including the Massachusetts correctional
878 institution at Bridgewater or such other facility as may be designated by the commissioner of
879 correction, from treating persons on a voluntary basis.

MBTA Competitive Bidding 1

880 SECTION 58. Section 5 of chapter 161A of the General Laws, as appearing in the 2014
881 Official Edition, is hereby amended by inserting after the word “estate”, in line 15, the following
882 words:- which is determined by the authority to have a fair market value of equal to or greater
883 than \$50,000.

MBTA Competitive Bidding 2

884 SECTION 59. Subsection (b) of said section 5 of said chapter 161A, as so appearing, is
885 hereby amended by adding the following sentence:- If the authority determines that it shall sell
886 or otherwise dispose of real property with a fair market value of less than \$50,000, the authority
887 shall declare the property available for disposition and shall specify the restrictions, if any,
888 placed on the subsequent use of the property.

Driver School License 4

889 SECTION 60. Section 6 of chapter 161B of the General Laws, as so appearing, is hereby
890 amended by adding the following clause:-
891

892 (r) to apply for and receive a license to engage in the business of giving instruction for hire
893 in the operation of commercial motor vehicles under section 32G of chapter 90 designed to
894 promote participation from low income, underemployed and unemployed persons.

Housing Court Expansion 1

895 SECTION 61. Section 1 of chapter 185C of the General Laws, as so appearing, is hereby
896 amended by striking out the first sentence and inserting in place thereof the following sentence:-
897 The housing court department established in section 1 of chapter 211B shall include: (i) a
898 western division consisting of the municipalities in Berkshire, Franklin, Hampden and
899 Hampshire counties; (ii) a central division consisting of the municipalities in Worcester county
900 and the municipalities of Ashland, Framingham, Holliston, Hopkinton, Hudson, Marlborough,

901 Natick, Sherborn, Sudbury and Wayland; (iii) a northeastern division consisting of the
 902 municipalities in Essex county and the municipalities of Acton, Ashby, Ayer, Bedford, Billerica,
 903 Boxborough, Burlington, Carlisle, Chelmsford, Concord, Dracut, Dunstable, Everett, Groton,
 904 Lexington, Lincoln, Littleton, Lowell, Malden, Maynard, Melrose, North Reading, Pepperell,
 905 Reading, Shirley, Stoneham, Stow, Tewksbury, Townsend, Tyngsborough, Wakefield, Waltham,
 906 Watertown, Westford, Weston, Wilmington, Winchester and Woburn and the jurisdiction known
 907 as Devens established in chapter 498 of the acts of 1993; (iv) a southeastern division consisting
 908 of the municipalities in Barnstable, Bristol and Nantucket counties and the county of Dukes
 909 County and the municipalities of Carver, Duxbury, Halifax, Hanover, Hanson, Hingham, Hull,
 910 Kingston, Lakeville, Marion, Marshfield, Mattapoisett, Middleborough, Norwell, Pembroke,
 911 Plymouth, Plympton, Rochester, Rockland, Scituate and Wareham; (v) a metro south division
 912 consisting of the municipalities in Norfolk county, except Brookline, and the municipalities of
 913 Abington, Bridgewater, Brockton, East Bridgewater, West Bridgewater and Whitman; and (vi)
 914 an eastern division consisting of the municipalities in Suffolk county and the municipalities of
 915 Arlington, Belmont, Brookline, Cambridge, Medford, Newton and Somerville.

Housing Court Expansion 2

916 SECTION 62. Said chapter 185C is hereby further amended by striking out section 4, as
 917 so appearing, and inserting in the place thereof the following section:-

918 Section 4. The western division of the housing court department shall hold its sittings in
 919 the city of Springfield in Hampden county and at least 1 sitting each week in courthouse facilities
 920 in Berkshire, Franklin and Hampshire counties. The court, with the consent of the chief justice of
 921 the trial court, shall also sit in any other courthouse facilities as the chief justice of the housing
 922 court may consider expedient or convenient.

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

927 The central division of the housing court department shall hold at least 1 sitting each
 928 week in the city of Worcester, at least 1 sitting each week in Middlesex county, at least 1 sitting

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

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

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

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

Housing Court Expansion 3

946 SECTION 63. Section 8 of said chapter 185C, as so appearing, is hereby amended by
947 striking out the first sentence and inserting in place thereof the following sentence:- There shall
948 be 2 justices appointed for the western division, 2 justices appointed for the eastern division, 2
949 justices appointed for the central division, 2 justices appointed for the northeastern division, 2
950 justices appointed for the southeastern division, 2 justices appointed for the metro south division
951 and 3 circuit justices who shall sit in any of the divisions as determined by the chief justice of the
952 housing court department.

Housing Court Expansion 4

953 SECTION 64. Section 1 of chapter 211B of the General Laws, as so appearing, is hereby
954 amended by striking out, in line 7, the figure “378” and inserting in place thereof the following
955 figure:- 383.

Housing Court Expansion 5

956 SECTION 65. Section 2 of said chapter 211B, as so appearing, is hereby amended by
957 striking out, in line 2, the figure “10” and inserting in place thereof the following figure:- 15.

Massachusetts Bay Community College

958
959 SECTION 66. Item 7066-8000 of section 2 of chapter 258 of the acts of 2008, as
960 amended by section 5 of chapter 237 of the acts of 2014, is hereby amended by striking out, in
961 line 68, the word “at” and inserting in place thereof the following words:- in the city of
962 Framingham for.

Trial Court Transferability

963
964 SECTION 67. Notwithstanding subclause (a) of clause (xiii) of the third paragraph of
965 section 9A of chapter 211B of the General Laws or any other general or special law to the
966 contrary, the court administrator may, from the effective date of this act to April 30, 2018,
967 inclusive, transfer funds from any item of appropriation within the trial court ; provided,
968 however, that the court administrator shall not transfer more than 5 per cent of funds from items
969 0339-1001 and 0339-1003 to any other item of appropriation within the trial court. The transfers
970 shall be made in accordance with schedules submitted to the house and senate committees on
971 ways and means. The schedules shall include: (a) the amount of money transferred from any item
972 of appropriation to any other item of appropriation; (b) the reason for the necessity of the
973 transfer; and (c) the date on which the transfer shall be completed. A transfer under this section
974 shall not occur until 10 days after the revised funding schedules are submitted in writing to the
975 house and senate committees on ways and means.

Other Post-Employment Benefits Payment

976 SECTION 68. (a) Notwithstanding any general or special law to the contrary, the
977 unexpended balances in items 0699-0015 and 0699-9100 shall be deposited into the State Retiree
978 Benefits Trust Fund established in section 24 of chapter 32A of the General Laws before the
979 certification of the fiscal year 2018 consolidated net surplus under section 5C of chapter 29 of
980 the General Laws. The amount deposited shall be an amount equal to 10 per cent of all payments
981 received by the commonwealth in fiscal year 2018 under the master settlement agreement in
982 Commonwealth of Massachusetts v. Philip Morris, Inc. et al., Middlesex Superior Court, No. 95-
983 7378; provided, however, that if in fiscal year 2018 the unexpended balances of said items 0699-
984 0015 and 0699-9100 are less than 10 per cent of all payments received by the commonwealth in
985 fiscal year 2018 under the master settlement agreement payments, an amount equal to the
986 difference shall be transferred to the State Retiree Benefits Trust Fund from payments received
987 by the commonwealth under the master settlement agreement.

988 (b) Notwithstanding any general or special law to the contrary, the payment percentage
989 set forth in section 152 of chapter 68 of the acts of 2011 shall not apply in fiscal year 2018.

Inspector General Health Care Audit

990 SECTION 69. Notwithstanding any general or special law to the contrary, in hospital
991 fiscal year 2018, the office of inspector general may expend a total of \$1,000,000 from the
992 Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws for
993 costs associated with maintaining a health safety net audit unit within the office. The unit shall
994 continue to oversee and examine the practices in hospitals including, but not limited to, the care
995 of the uninsured and the resulting free charges. The unit shall also study and review the Medicaid
996 program under said chapter 118E including, but not limited to, a review of the program's
997 eligibility requirements, utilization, claims administration and compliance with federal mandates.
998 The inspector general shall submit a report to the chairs of the senate and house committees on
999 ways and means on the results of the audits and any other completed analyses not later than
1000 March 1, 2018.

1001

Commonwealth Care Trust Fund Transfer

1002 SECTION 70. Notwithstanding any general or special law to the contrary, the
1003 comptroller shall transfer an amount designated by the secretary of administration and finance,
1004 not to exceed \$110,000,000, from the Commonwealth Care Trust Fund established in section
1005 2000 of chapter 29 of the General Laws to the General Fund if the secretary of administration
1006 and finance requests such a transfer in writing.

Pension Cost of Living Adjustment

1007 SECTION 71. Notwithstanding any general or special law to the contrary, the amounts
1008 transferred pursuant to subdivision (1) of section 22C of chapter 32 of the General Laws shall be
1009 made available for the Commonwealth's Pension Liability Fund established in section 22 of said
1010 chapter 32. The amounts transferred pursuant to said subdivision (1) of said section 22C of said
1011 chapter 32 shall meet the commonwealth's obligations pursuant to said section 22C of said
1012 chapter 32, including retirement benefits payable by the state employees' retirement system and
1013 the state teachers' retirement system, for the costs associated with a 3 per cent cost-of-living
1014 adjustment pursuant to section 102 of said chapter 32, for the reimbursement of local retirement
1015 systems for previously authorized cost-of-living adjustments pursuant to said section 102 of said
1016 chapter 32 and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of
1017 1984. The state board of retirement and each city, town, county and district shall verify these
1018 costs, subject to rules that shall be adopted by the state treasurer. The state treasurer may make
1019 payments upon a transfer of funds to reimburse certain cities and towns for pensions of retired
1020 teachers, including any other obligation that the commonwealth has assumed on behalf of a
1021 retirement system other than the state employees' retirement system or state teachers' retirement
1022 system, including the commonwealth's share of the amounts to be transferred pursuant to section
1023 22B of said chapter 32. The payments under this section shall be made only pursuant to
1024 distribution of money from the Commonwealth's Pension Liability Fund and any distribution,
1025 and the payments for which distributions are required, shall be detailed in a written report filed
1026 quarterly by the secretary of administration and finance with the chairs of the senate and house
1027 committees on ways and means and the chairs of the joint committee on public service in
1028 advance of the distribution. Distributions shall not be made in advance of the date on which a
1029 payment is actually to be made. If the amount transferred pursuant to said subdivision (1) of said

1030 section 22C of said chapter 32 exceeds the amount necessary to adequately fund the annual
1031 pension obligations, the excess amount shall be credited to the Pension Reserves Investment
1032 Trust Fund established in subdivision (8) of said section 22 of said chapter 32 to reduce the
1033 unfunded pension liability of the commonwealth.

Community Hospital Reinvestment Expenditures

1034 SECTION 72. Notwithstanding any general or special law to the contrary, not more than
1035 \$17,000,000 shall be expended from the Community Hospital Reinvestment Trust Fund
1036 established in section 2TTTT of chapter 29 of the General Laws to enhance the ability of eligible
1037 hospitals to improve or continue health care services that benefit the uninsured, underinsured and
1038 MassHealth populations. The executive office of health and human services shall maximize
1039 federal reimbursements for state expenditures made to providers under the first sentence and
1040 such expenditures may include not more than \$17,000,000 for fiscal year 2017.

Health Safety Net Administration

1041 SECTION 73. Notwithstanding any general or special law to the contrary, a payment
1042 from the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General
1043 Laws may be made as a safety net care payment under the commonwealth's waiver pursuant to
1044 the federal Social Security Act, 42 U.S.C. 1315, or as an adjustment to Title XIX of the Social
1045 Security Act service rate payments or a combination of both. Other federally permissible funding
1046 mechanisms available for certain public service hospitals, as defined by regulations of the
1047 executive office of health and human services, may be used to reimburse up to \$20,000,000 of
1048 uncompensated care pursuant to said section 66 and section 69 of said chapter 118E using
1049 sources distinct from the funding made available to the Health Safety Net Trust Fund.

School Building Authority

1050 SECTION 74. Notwithstanding section 10 of chapter 70B of the General Laws or any
1051 other general or special law to the contrary, in determining the grant percentage for approved
1052 school projects for calendar year 2017 and calendar year 2018, the Massachusetts School
1053 Building Authority shall calculate the community poverty factor for each school facilities project

1054 using the fiscal year 2014 proportion of low-income students, as determined by the department
1055 of elementary and secondary education.

MassHealth Dental Coverage

1056 SECTION 75. Notwithstanding any general or specific law to the contrary, for fiscal year
1057 2018, the executive office of health and human services may determine, subject to all required
1058 federal approvals, the extent to which to include within its covered services for adults the
1059 federally-optional dental services that were included in its state plan or demonstration program in
1060 effect on January 1, 2002; provided, however, that dental services for adults enrolled in
1061 MassHealth shall be covered at least to the extent they were covered as of January 1, 2017; and
1062 provided further, that notwithstanding any general or special law to the contrary, at least 45 days
1063 before restructuring any MassHealth dental benefits, the executive office of health and human
1064 services shall file a report with the executive office for administration and finance and the house
1065 and senate committees on ways and means detailing the proposed changes and the anticipated
1066 fiscal impact of the changes.

Initial Gross Payments to Qualifying Acute Care Hospitals

1067 SECTION 76. Notwithstanding any general or special law to the contrary, the
1068 comptroller, without further appropriation and not later than October 1, 2017, shall transfer from
1069 the General Fund to the Health Safety Net Trust Fund established in section 66 of chapter 118E
1070 of the General Laws the greater of \$45,000,000 or 1/12 of the total expenditures to hospitals and
1071 community health centers required pursuant to this act to make initial gross payments to
1072 qualifying acute care hospitals for the hospital fiscal year beginning October 1, 2017. The
1073 payments shall be made to hospitals before, and in anticipation of, the payment by hospitals of
1074 their gross liability to the Health Safety Net Trust Fund. The comptroller shall transfer from the
1075 Health Safety Net Trust Fund to the General Fund, not later than June 30, 2018, the amount of
1076 the transfer authorized by this section and any allocation of that amount as certified by the
1077 director of the health safety net office.

Transfers Between Health Funds

1078 SECTION 77. (a) Notwithstanding any general or special law to the contrary, the
1079 executive office for administration and finance shall transfer \$15,000,000 from the
1080 Commonwealth Care Trust Fund established in section 2000 of chapter 29 of the General Laws
1081 to the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General
1082 Laws for reimbursements from the Health Safety Net Trust Fund to hospitals and community
1083 health centers for services provided to uninsured or underinsured residents as provided under
1084 section 69 of said chapter 118E.

1085 (b) The transfer required from the Commonwealth Care Trust Fund to the Health Safety Net
1086 Trust Fund under subsection (b) of section 189 of chapter 149 of the General Laws shall not
1087 apply in fiscal year 2018.

Nursing and Resident Care Facility Base Year

1088 SECTION 78. Notwithstanding any general or special law to the contrary, nursing facility
1089 and resident care facility rates effective on October 1, 2017 pursuant to section 13D of chapter
1090 118E of the General Laws may be developed using the costs of calendar year 2007 or any
1091 subsequent year that the secretary of health and human services may select in the secretary's
1092 discretion.

Race Horse Development Fund Transfer

1093 SECTION 79. Notwithstanding any general or special law to the contrary, the
1094 comptroller shall transfer \$15,000,000 from the unexpended balance of the Race Horse
1095 Development Fund established in section 60 of chapter 23K of the General Laws to the General
1096 Fund not later than June 30, 2018. Subject to appropriation, money transferred to the General
1097 Fund shall be expended to support programming and operations for the department of
1098 agricultural resources and the department of conservation and recreation.

Regional Greenhouse Gas Initiative Reimbursement

1099 SECTION 80. Notwithstanding any general or special law to the contrary, the department
1100 of energy resources shall expend not more than \$3,000,000 from the RGGI Auction Trust Fund

1101 established in section 35II of chapter 10 of the General Laws for reimbursements to
1102 municipalities in which the property tax receipts from an electric generating station, including
1103 payments in lieu of taxes and other compensation specified in an agreement between a
1104 municipality and an affected property owner, are reduced due to a reduction in capacity factor,
1105 occurring after July 1, 2012 at a dual coal and oil-fired facility, of at least 50 per cent from the
1106 average capacity factor of the previous 10 years; provided, however, that such action shall also
1107 reduce the commonwealth's greenhouse gas emissions from the electric generator sector under
1108 the goals established pursuant to chapter 21N of the General Laws; provided further, that the
1109 reimbursement amount shall be determined by calculating the difference between: (i) the amount
1110 of the tax receipts, including payments in lieu of taxes or other compensation, paid by the electric
1111 generating station in the current tax year; and (ii) the amount of the tax receipts, including
1112 payments in lieu of taxes or other compensation, paid by the electric generating station in the tax
1113 year prior to the full or partial decommissioning or other change in operating status of the
1114 facility; provided further, that a reimbursement shall not be made if, in a tax year, the aggregate
1115 amount paid to a municipality by the owner of an electric generating station including, but not
1116 limited to, payments in lieu of taxes and other compensation exceeds the aggregate amount paid
1117 to that municipality by that owner in the year prior to the full or partial decommissioning or other
1118 change in operating status of the electric generating station; provided further, that not later than
1119 December 31, 2017, a municipality in which the property tax receipts from an electric generating
1120 station are reduced due to a reduction in capacity factor shall submit a report to the senate and
1121 house committees on ways and means and the senate and house chairs of the joint committee on
1122 telecommunications, utilities and energy detailing: (1) the need for these reimbursements and the
1123 impact on the municipality of receiving them; and (2) a plan demonstrating how the municipality
1124 may reasonably address the fiscal impact of not receiving reimbursements in the future; and
1125 provided further, that no payment shall be made to a municipality that has failed to comply, by
1126 the date specified, with clauses (1) and (2). Payments from the RGGI Auction Trust Fund shall
1127 be prioritized so that the first payments from the fund shall be made to municipalities under this
1128 section.

MassHealth Audit Maximization

1129 SECTION 81. Notwithstanding any general or special law to the contrary, the assistant
1130 secretary of MassHealth shall take corrective actions in response to audit number 2015-1374-
1131 3M1 and audit number 2015-1374-3M11, as completed by the state auditor, resulting in gross
1132 savings to MassHealth of at least \$12,000,000. The assistant secretary shall issue a report of all
1133 corrective actions taken in response to those audits. The report shall include, but not be limited
1134 to, a summary of any recoupments made, actions taken to implement any audit recommendations
1135 relative to improper and questionable payments, estimates of annual continued cost savings
1136 expected to be achieved as a result of implementation of the audit recommendations and, if any
1137 audit recommendations have not been implemented, the reasons therefor. The report shall be
1138 filed with the clerks of the senate and house of representatives, the chairs of the house and senate
1139 committees on ways and means and the senate and house chairs of the joint committee on health
1140 care financing not later than June 30, 2018.

Public Health Data 2

1141 SECTION 82. The commissioner of public health shall produce its initial report of key
1142 findings of examinations conducted pursuant to section 236 of chapter 111 of the General Laws
1143 not later than July 1, 2018.

Accelerated Sales Tax Remittance or Prepayment

1144 SECTION 83. (a) As used in this section, the following words shall have the following
1145 meanings unless the context clearly requires otherwise:

1146 “Third party payment processor”, any person or entity engaged in the business of
1147 remitting payments to vendors or operators under chapter 64G, 64H, 64I or 64L of the General
1148 Laws, in association with credit card, debit card or similar payment arrangements that
1149 compensate the vendor or operator in transactions subject to the excise under said chapter 64G,
1150 64H, 64I or 64L of the General Laws.

1151 “Vendor or operator”, a business, with at least 50 employees, as determined by the
1152 commissioner, required to file a return under section 16 of chapter 62C of the General Laws.

1153 (b) Not later than June 1, 2018, the commissioner of revenue shall, if cost-effective,
1154 effectuate either: (i) accelerated sales tax remittance for vendors or operators; or (ii) a sales tax
1155 prepayment system for a subset of vendors or operators to be determined by the commissioner,
1156 provided the subset shall not include a vendor or operator annually collecting less than \$750,000
1157 of sales tax.

1158 (c) If the commissioner of revenue determines to effectuate accelerated sales tax
1159 remittance, the commissioner shall promulgate regulations requiring that: (i) any vendor or
1160 operator, when seeking payments from or through a third party payment processor, separately
1161 identifies tax amounts charged in association with the excise under chapter 64G, 64H, 64I or 64L
1162 of the General Laws and nontax amounts for which payment is sought; (ii) any third party
1163 payment processor, upon receiving a request for payment from a vendor or operator, shall
1164 directly pay the identified tax portion of such request to the commissioner, at substantially the
1165 same time that any nontax balance is paid to the vendor or operator, the frequency of which shall
1166 be determined by the commissioner; (iii) third party payment processors report total payments
1167 made to the commissioner on a monthly return, that the return identify each vendor or operator to
1168 which payments were made during the month and the amount of tax paid to the commissioner
1169 during the month in association with transactions with each such vendor or operator; and (iv)
1170 third party payment processors report, on a monthly basis, to each vendor or operator with which
1171 they conduct business, the total tax remitted to the commissioner with respect to the transactions
1172 of the particular vendor or operator during the monthly period. Tax amounts paid to the
1173 commissioner by a third party payment processor in association with the processing of
1174 transactions of a particular vendor or operator during the month shall be available as a credit to
1175 the vendor or operator in the filing of returns showing tax due under said chapter 64G, 64H, 64I
1176 or 64L of the General Laws, as applicable.

1177 (d) Prior to making a determination under subsection (b), the commissioner shall conduct
1178 a cost benefit analysis comparing the implementation and execution of an accelerated sales tax
1179 remittance and a sales tax prepayment system. The analysis shall include, but not be limited to,
1180 consideration of: (i) established industry practices; (ii) technological feasibility; (iii) the financial
1181 impacts on consumers and businesses; (iv) the fiscal impact on the commonwealth; (v) any
1182 relevant federal and state laws and regulations; and (vi) any limitations on applicability to mobile

1183 telecommunications services as defined in section 1 of chapter 64H of the General Laws and
1184 telecommunications services as defined in said section 1 of said chapter 64H of the General
1185 Laws.

1186 Notwithstanding subsection (b), if the commissioner of revenue certifies that neither
1187 method under subsection (b) is cost-effective to have implemented by June 1, 2018, the
1188 commissioner of revenue shall direct the comptroller to count sales tax collected for June 2018
1189 as revenue fiscal year 2018 for an amount that otherwise would have been collected in fiscal year
1190 2018 under subsection (b). If the commissioner so certifies, no action shall be taken to
1191 implement either accelerated sales tax remittance or sales tax prepayment. The commissioner
1192 shall submit its determination under this section to the clerks of the senate and house of
1193 representatives, the senate and house chairs of the joint committee on revenue and the chairs of
1194 the senate and house committees on ways and means not later than November 1, 2017.

1195 (e) Nothing in this section shall authorize the implementation of both accelerated sales
1196 tax remittance and a sales tax prepayment system.

1099-K Notifications 2

1197 SECTION 84. The commissioner of revenue shall issue a report on the use of its
1198 authority to add reporting requirements pursuant to section 8 of chapter 62C of the General
1199 Laws. The report shall detail and provide an explanation for any changes made to the reporting
1200 requirements that differ from those required by the federal government and shall state the
1201 financial impact to the commonwealth of such additional reporting requirements. The report
1202 shall be filed with the clerks of the senate and house of representatives, the chairs of the joint
1203 committee on revenue and the chairs of the senate and house committees on ways and means not
1204 later than March 15, 2018.

MassDevelopment Bond Capacity 3

1205 SECTION 85. The Massachusetts Development Finance Agency established in chapter
1206 23G of the General Laws shall file the allocation of Agency debt obligations for its corporate
1207 purposes required pursuant to section 29 of said chapter 23G of the General Laws for fiscal year
1208 2018 with the clerks of the senate and house of representatives not later than September 15, 2017

1209 and annually thereafter, not later than July 1, pursuant to said section 29 of said chapter 23G of
1210 the General Laws.

Sheriff Funding

1211 SECTION 86. (a) Notwithstanding any general or special law to the contrary, each
1212 sheriff's office shall spend within the appropriation provided in this act and shall make no
1213 payments rendering the office deficient.

1214 (b)(1) Each office shall, in collaboration with the Massachusetts Sheriffs Association and
1215 the office of the comptroller, submit a report to the executive office for administration and
1216 finance and the house and senate committees on ways and means with a detailed fiscal year
1217 spending and operations plan to ensure that all planned spending and operations are within the
1218 appropriation provided for in this act. The report shall identify office core responsibilities,
1219 essential services and best practices and shall compare relative expenditures from similarly-
1220 situated offices on core responsibilities and essential services. The report shall include: (i)
1221 uniform program and service standards to identify inequities and help ensure parity in areas
1222 including, but not limited to, substance abuse treatment, education and vocational services; (ii)
1223 opportunities for consolidating inmate medical and other vendor services across offices; and (iii)
1224 best practices for evidence-based, cost-effective inmate medical services, including federal
1225 revenue opportunities for Medicaid reimbursement.

1226 (2) Each office, in collaboration with the Massachusetts Sheriffs Association and the office
1227 of the comptroller, shall include in the report a detailed corrective action plan that avoids a
1228 deficiency and ensures spending within the appropriation. The corrective action plan shall
1229 include identified efficiencies and cost savings from actions implemented or to be implemented
1230 under paragraph (1). Each office shall include in its report: (i) a total staffing number, by facility;
1231 (ii) the number of personnel defined as care and custody personnel (iii) the number of correction
1232 officers; (iv) the number of care and custody supervising staff; (v) the overall number of
1233 management personnel; (vi) a breakdown of salary and wages spent on supervising staff,
1234 management personnel and correction officers; and (vii) the percent of appropriated funds
1235 expended on care and custody personnel.

1236 (3) The reports shall be due not later than October 16, 2017 and shall be provided in a
1237 template created by the Massachusetts Sheriffs Association in consultation with offices. The
1238 Massachusetts Sheriffs Association shall work with each office to ensure consistency in
1239 accounting for all required reporting items.

1240 (c) (1) The numbers and ratios required under paragraph (2) of subsection (b) shall be used
1241 as baselines for each office to implement personnel restructuring and managerial reductions
1242 needed to prevent a deficiency. Each office shall implement programs that reduce spending on
1243 care and protection staffing by increasing the care and protection staffing ratio by at least 1
1244 correction officer per supervising staff based on the report provided in subsection (b). If the
1245 Massachusetts Sheriffs Association determines, in collaboration with a sheriff's office, that the
1246 parameters of this staffing ratio adjustment are not achievable due to unique circumstances at
1247 the office or an exceptionally high correction officer to supervising staff ratio, the office shall
1248 provide information regarding the inability to make the full adjustment, the extent of adjustments
1249 made and other measures taken to reduce both payroll and other operating costs, with a focus on
1250 higher level management personnel. An office shall not rely on increased inmate fees or fines to
1251 ensure spending within the appropriation provided for in this act and shall not increase any
1252 inmate fee or fine, including but not limited to commissary items, in fiscal year 2018.

1253 (2) Each office shall complete a report on any actions undertaken pursuant to this
1254 subsection to reduce spending by increasing its proportion of correction officers in its care and
1255 protection staffing ratio not later than December 1, 2017. The report shall be prepared and
1256 submitted to the executive office for administration and finance and the house and senate
1257 committees on ways and means and shall include, but not be limited to: (i) managerial reduction
1258 procedures; (ii) the number of estimated personnel involved in the procedures; (iii) expected net
1259 savings in fiscal year 2018 from the procedures; (iv) expected net savings in fiscal year 2019
1260 from the procedures; (v) a full implementation timeline of the procedures; (vi) planned
1261 adjustments for further personnel restructuring; and (vii) any legislative authorization needed to
1262 further reduce spending. Each office shall initiate personnel procedures to reduce spending prior
1263 to the date of the report's submission and the procedures shall be detailed in the report.

1264 (3) Each office shall submit to the executive office for administration and finance and the
1265 senate and house committees on ways and means a report demonstrating the impact of

1266 implemented personnel procedures, any personnel procedures yet to be implemented and the
1267 future estimated cost savings from these procedures not later than March 15, 2018.

Connector Public Awareness Campaign

1268 SECTION 87. Notwithstanding any general or special law to the contrary, the
1269 commonwealth health insurance connector authority shall establish a public awareness campaign
1270 to inform small businesses of small business tools and products provided by the commonwealth
1271 health insurance connector authority.

Connector Premium Sharing Feasibility Study

1272 SECTION 88. Notwithstanding any general or special law to the contrary, the
1273 commonwealth health insurance connector authority, in consultation with the office of Medicaid,
1274 shall provide a report on the feasibility of establishing a small employer premium sharing plan
1275 for the coverage of nondisabled, nonelderly adult individuals with an income of up to 138
1276 percent of the federal poverty level, and their dependents, if any, eligible for participation in the
1277 MassHealth program. The commonwealth health insurance connector authority shall investigate:
1278 (i) a method for establishing a shared premium plan for small employers to assist in the costs of
1279 coverage for employees covered through the MassHealth program; (ii) any required federal
1280 approval and process, if applicable; (iii) employer interest in offering or participating in a
1281 premium sharing plan; (iv) opportunities to expand the plan to individuals eligible for coverage
1282 through the commonwealth health insurance connector authority; and (v) opportunities to expand
1283 the plan to other employers. The commonwealth health insurance connector authority shall file
1284 its report with the clerks of the senate and house of representatives, the senate and house chairs
1285 of the joint committee on health care financing and the chairs of the house and senate committees
1286 on ways and means not later than October 1, 2018.

Group Purchasing Cooperatives Task Force

1287 SECTION 89. There shall be a task force to provide recommendations on increasing the
1288 use of open access purchasing cooperatives, or group purchasing cooperatives, for insured health
1289 coverage. The task force shall consist of: the commissioner of insurance or a designee who shall
1290 serve as chair; the executive director of the commonwealth health insurance connector authority

1291 or a designee; the chair of the health policy commission or a designee; and 12 persons to be
1292 appointed by the commissioner, 1 of whom shall be a health economist, 4 of whom shall
1293 represent entities that have participated in a group purchasing collaborative, 1 of whom shall
1294 have demonstrated expertise in the development of work wellness programs, 2 of whom shall be
1295 representatives of an employer with not more than 50 employees, 1 of whom shall be a
1296 representative of the Massachusetts Association of Health Plans, Inc., 1 of whom shall be a
1297 representative of Blue Cross and Blue Shield of Massachusetts, Inc., 1 of whom shall be a
1298 representative of the Smaller Business Association of New England Inc., and 1 person who shall
1299 be a representative of the National Federation of Independent Business. In making
1300 appointments, the commissioner shall, to the maximum extent feasible, ensure that the
1301 commission represents diverse perspectives and geographic regions.

1302 The task force shall investigate and report on: (i) current barriers hindering the use of
1303 group purchasing cooperatives, including federal limitations and opportunities to receive a
1304 waiver thereof; (ii) recommendations to improve the current structure of group purchasing
1305 cooperatives to increase efficacy; (iii) potential savings for small businesses through group
1306 purchasing cooperatives; and (iv) other opportunities to increase the utilization of group
1307 purchasing cooperatives by small businesses.

1308 The task force shall hold its first meeting not later than September 1, 2017, and shall hold
1309 at least 2 additional meetings prior to publishing its findings and recommendations in a report to
1310 be issued not later than March 1, 2018. The report shall be made publicly available on the
1311 division of insurance website and shall be forwarded to the clerks of the senate and the house of
1312 representatives, the house and senate chairs of the joint committee on healthcare financing and
1313 the chairs of the senate and house committees on ways and means.

Department of Conservation and Recreation Parks Pass

1314 SECTION 90. The registry of motor vehicles, in cooperation with the department of
1315 conservation and recreation, shall offer for purchase an annual MassParks pass and an annual
1316 senior MassParks pass to cover fees for day use admission, and parking for 1 calendar year at
1317 state-owned facilities where parking fees are charged to applicants for the issuance or renewal of
1318 a motor vehicle registration or license to operate a motor vehicle. Fees collected by the registry

1319 pursuant to this section shall be transmitted to the department of conservation and recreation and
1320 shall not be subject to the cap set forth in item 2810-2042 of section 2. All funds maintained by
1321 the department pursuant to this section shall be expended for expenses, upkeep and
1322 improvements to the parks and recreation system. The department shall investigate alternative
1323 methods to expand the sales of annual MassParks and annual senior MassParks passes including,
1324 but not limited to, offering multi-year or automatically-renewing annual passes and shall submit
1325 the results of its investigation to the clerks of the senate and house of representatives and the
1326 senate and house chairs of the joint committee on environment, natural resources and agriculture
1327 and the chairs of the house and senate committees on ways and means not later than December
1328 31, 2017.

Task Force on the Bulk Purchase of Prescription Medications

1329 SECTION 91. There shall be a task force to investigate the impact to state agencies of
1330 joining a non-Medicaid, multistate prescription drug bulk purchase consortium. The task force
1331 shall consider: (i) the estimated costs savings related to joining a non-Medicaid, multistate
1332 consortium; (ii) the opportunity for counties, municipalities and nonprofit organizations to
1333 participate in a non-Medicaid multistate consortium; (iii) the potential administrative savings and
1334 efficiencies for participants as a result of joining a non-Medicaid, multistate consortium; (iv)
1335 other bulk purchase discounts or rebates for prescription drugs, medical supplies or other medical
1336 goods purchased by state agencies, other governmental units and nonprofit organizations; and (v)
1337 means of receiving rebates or discounts for medical supplies or medications not included under
1338 the federal 340B Drug Pricing Program for eligible entities. The task force may consider non-
1339 Medicaid, multistate consortiums that are not available to the group insurance commission.

1340 The task force shall consist of: the commissioner of public health or a designee who shall
1341 serve as chair; the chief of pharmacy of the state office of pharmacy services or a designee; the
1342 commissioner of mental health, or a designee; the commissioner of the department of
1343 developmental services or a designee; the secretary of veterans' services or a designee; the
1344 commissioner of correction or a designee; the president of the Massachusetts Sheriffs
1345 Association or a designee; the executive director of the group insurance commission or a
1346 designee; and 5 members to be appointed by the governor, 1 of whom shall be a health care
1347 economist, 1 of whom shall be a pharmacist registered by the board of registration in pharmacy,

1348 1 of whom shall be a county or municipal representative; 1 of whom shall be a representative of
1349 a nonprofit community health center and 1 of whom shall have experience with multistate bulk
1350 purchasing consortiums for prescription drugs. The task force shall submit its report, including
1351 drafts of any proposed legislation, by filing the same with the clerks of the senate and the house
1352 of representatives, the chairs of the joint committee on health care financing and the house and
1353 senate committees on ways and means not later than March 1, 2018.

MassHealth Bulk Purchasing

1354 SECTION 92. The office of Medicaid shall provide a report on potential cost savings for
1355 prescription medications by joining a multistate Medicaid bulk purchasing consortium. The
1356 report shall include: (i) an analysis of increased efficiency in the receipt of discounts through
1357 participation in a multistate Medicaid bulk purchasing consortium; (ii) the estimated cost savings
1358 related to joining a multistate Medicaid bulk purchasing consortium; (iii) the estimated
1359 administrative savings or other increased efficiencies related to joining a multistate Medicaid
1360 bulk purchasing consortium; (iv) opportunities for managed care organizations to receive rebates
1361 or discounts; and (v) a review of any identified alternative approaches to multistate Medicaid
1362 bulk purchasing consortiums that provide cost savings relative to prescription medications. The
1363 office shall file the report with the clerks of the senate and house of representatives, the chairs of
1364 the joint committee on health care financing and the house and senate committees on ways and
1365 means not later than February 1, 2018.

Municipal Police Training Commission Mental Health Grants

1366 SECTION 93. There shall be a mental health training partnership grant program to
1367 support regional mental health training for municipal police departments. The program shall be
1368 administered through the municipal police training committee through item 8200-0200 of section
1369 2. Municipal police departments shall partner with family resource centers to identify local
1370 mental health providers in the area to provide training and advice for municipal police who
1371 interact with individuals experiencing mental health or behavioral health issues. A municipal
1372 police department may partner with the police departments of other municipalities when
1373 partnering with a family resource center. Upon identifying a local mental health provider to

1374 provide the training, the municipal police department shall coordinate with the municipal police
1375 training committee to conduct the training program.

1376 The municipal police training committee shall file a report on the trainings provided under
1377 this section with the clerks of the senate and house of representatives, the chairs of the joint
1378 committee on mental health and substance abuse, the chairs of the joint committee on public
1379 safety and homeland security and the house and senate committees on ways and means not later
1380 than January 1, 2019.

Housing Stability and Economic Mobility Memorandum of Understanding

1381 SECTION 94. (a) The secretary of housing and economic development, the secretary of
1382 health and human services, the secretary of labor and workforce development and the secretary
1383 of education shall develop and execute a memorandum of understanding among the secretariats
1384 to facilitate coordination in the delivery of services to households with incomes that are below 30
1385 per cent of the area median income to support housing stability and economic mobility.

1386 The memorandum of understanding shall include a mechanism for stakeholder input from
1387 recipients of services, service providers, advocates and other interested parties prior to the
1388 creation of the memorandum of understanding and throughout the implementation of the
1389 memorandum of understanding. The memorandum of understanding shall further include the
1390 creation of cross-agency teams of managerial and front-line staff from each executive office to
1391 address issues including, but no limited to, training, interagency protocols, policy review and
1392 reforms, service and eligibility gaps and duplication of services, cross-agency cost analysis and
1393 the development of coordinated systems of care. The memorandum of understanding shall
1394 require meetings not less than quarterly between the secretaries of each executive office.

1395 (b) Not later than April 1, 2018, and every 6 months thereafter, the cross-agency teams
1396 shall submit a report to the clerks of the senate and house of representatives and the chairs of the
1397 joint committee on housing, the chairs of the joint committee on children, families and persons
1398 with disabilities, the chairs of the joint committee on labor and workforce development and the
1399 chairs of the joint committee on education. The report shall include an analysis of: (i) the total
1400 number of housing units affordable to extremely low-income households needed in the
1401 commonwealth and the net increase of units towards that benchmark; (ii) programs administered

1402 through each state agency that serve households below 30 per cent of the area median income;
1403 (iii) the total dollar amount administered by each agency relative to homelessness prevention,
1404 services and activities; (iv) programs that can be supplemented with federal funding; (v)
1405 differences and gaps in program eligibility between existing programs and strategies to ensure
1406 families receive and maintain services and benefits for which they are eligible; (vi) plans and
1407 timelines for coordination across the secretariats to provide access to programs, services and
1408 benefits for households with incomes below 30 per cent of the area median income; (vii) plans
1409 for and updates on the implementation of a standard application for services or referral protocol
1410 across secretariats and programs so that individuals applying for services are notified of their
1411 eligibility for additional services; and (viii) any recommendations for legislative and regulatory
1412 changes needed to implement the plan and best practices.

Nursing Home Oversight

1413 SECTION 95. Notwithstanding any special or general law to the contrary, the center for
1414 health information and analysis, in consultation with MassHealth, the executive office of elder
1415 affairs and the health policy commission, shall conduct an examination of cost trends and
1416 financial performance among skilled nursing facilities, as defined under 957 CMR 7.02. The
1417 information shall be analyzed on an institution-specific, provider organization and industry-wide
1418 basis and shall include, but not be limited to: (i) gross and net patient service revenues; (ii) other
1419 sources of operating and non-operating revenue; (iii) trends in relative price, payer mix, case
1420 mix, utilization and length of stay dating back to 2010; (iv) affiliations with other health care
1421 providers including, but not limited to, preferred clinical relationships and partnerships; (v)
1422 categories of costs including, but not limited to, general and administrative costs, nursing and
1423 other labor costs and salaries, building costs, capital costs and other operating costs; (vi) total
1424 spending on direct patient care as a percent of total operating expenses; (vii) operating and total
1425 margin; (viii) occupancy rates; and (ix) other relevant measures of financial performance and
1426 service delivery. These measures shall distinguish long-term from short-stay residents to the
1427 extent possible.

1428 The report and any recommendations shall be filed with the clerks of the senate and house
1429 of representatives, the chairs of the house and senate committees on ways and means and the
1430 chairs of the joint committee on elder affairs not later than July 1, 2018.

Employer Contribution 1

1431 SECTION 96. (a) Notwithstanding any general or special law to the contrary, the
1432 secretary of administration and finance, in consultation with the participating agencies, as
1433 defined in this section, shall implement a program to provide for a temporary employer
1434 contribution to health care in recognition of the shared responsibility of employers to contribute
1435 to the health and well-being of the commonwealth. The secretary may:

1436 (i) notwithstanding section 189 of chapter 149 of the General Laws, increase the
1437 employer medical assistance contribution rate percentage, as established in said section 189 of
1438 said chapter 149, up to an additional .41 per cent for a total contribution rate of not more than .75
1439 per cent; or

1440 (ii) require an employer to make an employer contribution to health care as provided for
1441 in subsection (b).

1442 (b)(1) For the purposes of this subsection, the following words shall have the following
1443 meanings unless the context clearly requires otherwise:

1444 “Commissioner”, the commissioner of revenue.

1445 “Employee”, an individual employed, either on a full or part-time basis, by an employer
1446 for at least 3 months; provided, however, that for the purposes of this subsection, the term
1447 “employee” shall not include: a self-employed individual; a seasonal employee as defined in
1448 section 1 of chapter 151A; a temporary employee; or an employee of another employee status as
1449 determined by the secretary in consultation with participating agencies.

1450 “Employer”, an individual or type of organization, as determined by the secretary in
1451 consultation with the participating agencies, that may include, but shall not be limited to a
1452 partnership, firm, association, trust, trustee, estate, joint-stock company, insurance company,
1453 domestic or foreign corporation or legal representative or the assignee, receiver, trustee in
1454 bankruptcy, trustee or successor of such an entity; provided, however, that “employer” shall not
1455 include the commonwealth, an instrumentality of the commonwealth, a political subdivision of
1456 the commonwealth, an instrumentality of a political subdivision of the commonwealth, an
1457 instrumentality of at least 2 of the foregoing and any instrumentality of any of the foregoing and

1458 another state or a political subdivision of another state, an individual or organization with less
1459 than 25 full-time equivalent employees in the commonwealth, or another entity as determined by
1460 the secretary, in consultation with participating agencies.

1461 “Employer contribution rate”, the amount assessed to an employer per full-time equivalent
1462 employee, as determined by the secretary in consultation with participating agencies.

1463 “Minimum qualified offer”, an employer sponsored group health insurance plan, health
1464 reimbursement account or other plan deemed equivalent to an employer sponsored group health
1465 insurance plan by the secretary in consultation with participating agencies.

1466 “Minimum uptake rate”, the uptake rate set by the secretary, in consultation with
1467 participating agencies, as the minimum threshold an employer shall meet in order for the
1468 employer contribution to be zero.

1469 “Participating agencies”, the executive office of health and human services, the
1470 commonwealth health insurance connector authority, the department of revenue, the department
1471 of unemployment assistance, the division of insurance, the executive office of housing and
1472 economic development, the executive office of labor and workforce development and the center
1473 for health information and analysis.

1474 “Secretary”, the secretary of administration and finance.

1475 “Temporary employee”, an employee whose employment does not exceed 12 consecutive
1476 weeks during the 12-month period ending on the last day of the reporting quarter and is for a
1477 finite purpose.

1478 “Total full-time equivalent employees”, the number of hours worked in a quarter by all
1479 employees, not to exceed 500 hours per employee, divided by 500 hours; provided, however, if
1480 an employer does not report hours for its employees, the secretary, in consultation with the
1481 participating agencies, may set the number of hours worked at a number of hours not to exceed
1482 500 hours; provided further, that the secretary, in consultation with the participating agencies,
1483 may set a denominator less than 500 hours if the employer is in an industry characterized by non-
1484 traditional employee hours, as determined by the secretary in consultation with participating
1485 agencies.

1486 “Uptake rate”, the total number of employees who are enrolled in an employer's employer-
1487 sponsored group health insurance plan divided by an employer's total full-time equivalent
1488 employees.

1489 (2) The secretary, in consultation with participating agencies, shall establish, through
1490 regulation, the employer contribution rate, minimum qualified offer and minimum uptake rate.

1491 (3) The commissioner shall calculate an employer's liability based on the employer
1492 contribution rate established for those employers that either: (i) do not provide a minimum
1493 qualified offer to their employees; or (ii) do not meet the minimum uptake rate.

1494 The secretary, in consultation with the participating agencies, shall establish an employer
1495 contribution rate that is: (i) tiered at 2 or 3 levels based on the employer's number of employees;
1496 or (ii) a marginal contribution rate that is greater for employers with a large number of
1497 employees.

1498 The secretary shall, when establishing the employer contribution rate, consider factors
1499 including, but not limited to: an employer's contribution towards the minimum qualified offer;
1500 an employer's number of employees; whether an employee resides in the commonwealth; the
1501 number of part-time employees employed by an employer; and employee access to alternative
1502 qualifying health insurance through a spouse's plan, a parent's plan, a veteran's plan, Medicare,
1503 a retirement plan, a disability plan or a multiemployer plan that an employer contributes to under
1504 a collective bargaining agreement.

1505 No contribution rate shall be set that requires employers with more than 25 full-time
1506 equivalent employees but less than 50 full-time equivalent employees to contribute more than 10
1507 per cent of the total annual amount collected.

1508 (4) When determining the minimum uptake rate, the secretary, in consultation with
1509 participating agencies, shall review factors including, but not limited to: (i) employer premium
1510 sharing costs; (ii) industry differences in average uptake rates; (iii) employers' practice of
1511 outsourcing or contracting for services typically performed by lower wage employees; (iv)
1512 regional economic competitiveness; (v) prevalence of employers encouraging employees to utilize
1513 state or federally-funded health insurance options, including MassHealth benefits as defined in

1514 section 9A of chapter 118E of the General Laws; and (vi) average offer rates and coverage rates
1515 based on employer size.

1516 (5) The secretary, in consultation with participating agencies, may identify certain types
1517 or classes of employers to exempt based on non-profit status, direct care services provided to
1518 Medicaid members or other, similar circumstances that serve the public interest. The secretary
1519 may develop a hardship waiver for an employer experiencing a disparate impact due to its
1520 liability under the employer contribution. The hardship waiver may reduce or fully exempt an
1521 employer from its liability under the employer contribution.

1522 (6) The total employer contribution of each employer shall be calculated as follows for
1523 each quarter:

1524 (i) If an employer does not make a minimum qualified offer, then the employer shall be
1525 assessed $\frac{1}{4}$ of the employer contribution rate multiplied by the employer's total full-time
1526 equivalent employees minus 10 full-time equivalent employees;

1527 (ii) If an employer makes a minimum qualified offer but has an uptake rate less than the
1528 minimum uptake rate, the employer contribution shall be $\frac{1}{4}$ of the employer contribution rate
1529 multiplied by the product of the difference between the minimum uptake rate and the employer's
1530 uptake rate times the total full-time equivalent employees minus 10 full-time equivalent
1531 employees; or

1532 (iii) If an employer makes a minimum qualified offer and has an uptake rate of greater
1533 than, or equal to, the minimum uptake rate, the employer contribution shall be zero.

1534 (7) If the secretary establishes the employer contribution rate under this subsection,
1535 employers shall, unless otherwise specified by the commissioner, file quarterly returns with the
1536 commissioner declaring the amount of their liability under this subsection, or claiming
1537 exemption from liability, and shall pay over the amount to the commissioner of revenue. The
1538 return shall be filed and payment shall be made in the form and manner and at the time
1539 determined by the commissioner. The return shall provide such information as the commissioner
1540 may require.

1541 (8) Notwithstanding any general or special law to the contrary, participating agencies
1542 may disclose and share information, including personal data as defined in section 1 of chapter
1543 66A of the General Laws and tax return information subject to section 21 of chapter 62C of the
1544 General Laws, to the extent necessary for the administration of this chapter and consistent with
1545 applicable federal law; provided, however, that tax return information disclosed or shared under
1546 this subsection shall not be a public record; provided further, that the confidentiality rules in said
1547 section 21 of said chapter 62C of the General Laws shall apply to return information under this
1548 chapter.

1549 (9) If the secretary establishes the employer contribution rate under this subsection, the
1550 secretary, in consultation with participating agencies, shall annually, not later than March 1,
1551 provide a report on the annual amount collected under this subsection and provide the following
1552 information: (i) the number of employers subject to the employer contribution; (ii) the average
1553 employer contribution amount broken down by employer size; (iii) the 25 employers that
1554 provided the highest contribution amount in the commonwealth based on the following employer
1555 sizes: 25 to 50 employees; 51 to 100 employees; 101 to 200 employees; 201 to 500 employees;
1556 and 501 or more employees; (iv) an analysis of the impact across industries; (v) an analysis of
1557 the impact on employer coverage decisions; and (vi) recommendations to modify or improve this
1558 subsection.

1559 (10) The commissioner, in consultation with the participating agencies, shall promulgate
1560 regulations or other guidance necessary to implement this subsection.

1561 (c) Clause (ii) of subsection (a) shall be administered by the commissioner of revenue
1562 pursuant to chapter 62C of the General Laws and the employer contribution established under
1563 said clause (ii) of said subsection (a) shall be deemed a tax as defined pursuant to section 1 of
1564 said chapter 62C and so far as pertinent and consistent, apply to said chapter.

1565 (d) An employer contribution for health care under this section shall be designed to
1566 collect \$180,000,000 in fiscal year 2018.

1567 (e) The secretary shall provide notice of the intention to implement a temporary increased
1568 employer contribution to health care either under clause (i) or clause (ii) of subsection (a) by
1569 providing a written letter to the clerks of the senate and house of representatives and the house

1570 and senate chairs and ranking minority members of the senate and house committees on ways
1571 and means not later than August 1, 2017.

Employer Contribution 2

1572 SECTION 97. Notwithstanding any general or special law to the contrary, if requested by
1573 the secretary of administration and finance in writing, the comptroller shall count as revenue in
1574 fiscal year 2018 any payments of the employer contribution established under (ii) of subsection
1575 (a) of section 96 made to satisfy the employer's obligations incurred for the second quarter of
1576 calendar year 2018 that are received by the commonwealth not later than August 31, 2018.

Employer Contribution 3

1577 SECTION 98. Section 96 is hereby repealed.

Employer Contribution 4

1578 SECTION 99. If the secretary of administration and finance, in consultation with the
1579 participating agencies defined in subsection (b) of section 96, implements a program to provide
1580 for an employer contribution to health care under subsection (b) of said section 96, the secretary
1581 of administration and finance, in consultation with the participating agencies, shall promulgate
1582 regulations to implement the program not later than November 1, 2017. The regulations shall
1583 take effect on January 1, 2018, and shall apply to employers that enroll or re-enroll in a health
1584 care plan on or after January 1, 2018.

Administrative Savings

1585 SECTION 100. (a) If the secretary of administration and finance determines that an
1586 agency of the executive office for administration and finance has developed an initiative or
1587 identified an unexpended balance that has resulted in cost savings for fiscal year 2018, the
1588 secretary may reduce allotments under section 9B of chapter 29 of the General Laws up to
1589 \$50,000,000 to reflect any amount saved; provided, however, that not less than 15 days prior to
1590 reducing allotments, the secretary shall notify the house and senate committees on ways and
1591 means in writing of the amount by which an allotment is reduced.

1592 (b) To encourage savings initiatives and cost savings, the secretary of administration and
1593 finance shall create a salary bonus program for executive branch employees who develop
1594 practical ideas that generate demonstrable cost savings for the commonwealth and enhance
1595 government services. The cost savings shall be through administrative or operational efficiencies
1596 or initiatives and shall not be achieved through personnel reductions. The program shall require
1597 employees to submit their ideas to the executive office for administration and finance not later
1598 than March 1, 2018 and the salary bonus shall be a percentage of demonstrable cost-savings
1599 produced, not to exceed \$10,000 per recipient.

1600 (c) The total amount of allotment reductions under this section shall not exceed
1601 \$50,000,000 in fiscal year 2018.

Capital Gains to Stabilization Fund

1602 SECTION 101. Notwithstanding any general or special law to the contrary, the threshold
1603 above which the comptroller shall make any transfers attributable to capital gains tax collections
1604 under section 5G of chapter 29 of the General Laws shall be \$1,219,790,736 during fiscal year
1605 2018.

Optometrist Prescribing 9

1606 SECTION 102. Not more than 90 days after the effective date of this act, the department
1607 of public health and the board of registration in optometry shall promulgate rules and regulations
1608 pursuant to sections 7 and 9 of chapter 94C of the General Laws and sections 66C and 68C of
1609 chapter 112 of the General Laws.

Home Health Agency Licensure 2

1610 SECTION 103. The department of public health shall promulgate regulations
1611 establishing the home health agency licensure program pursuant to section 51K of chapter 111 of
1612 the General Laws not later than October 1, 2017.

Non-Acute Care Hospital Reimbursement Assessment 6

1613 SECTION 104. Sections 8A and 14 of chapter 115 of the acts of 2016 are hereby
1614 repealed.

Veterans' Tax Credit Effective Date

1615 SECTION 105. The credit authorized in sections 29 and 32 shall be available for veterans
1616 who are hired after July 1, 2017 and shall be available for the tax year beginning on January 1,
1617 2017 and for subsequent tax years.

Room Occupancy Tax Modernization 3

1618 SECTION 106. Section 35 shall take effect for transfers by room resellers and for
1619 occupancies in transient accommodations that commence on or after January 1, 2018, and for
1620 which contracts with occupants were entered into on or after November 1, 2017.

1621

Non-Acute Care Hospital Reimbursement Assessment 7

1622 SECTION 107. The non-acute hospital payments established under section 18 shall be
1623 determined and payable in each fiscal year beginning in fiscal year 2018.

Non-Acute Care Hospital Reimbursement Assessment 8

1624 SECTION 108. Sections 18, 52, 53, 55 and 104 shall take effect on October 1, 2017.

Home Health Agency Licensure 3

1625 SECTION 109. Section 44 shall take effect on January 1, 2018.

Employer Contribution 5

1626 SECTION 110. Section 98 shall take effect on December 31, 2019.

Non-Acute Care Hospital Reimbursement Assessment 9

1627 SECTION 111. Section 54 shall take effect on September 30, 2022.

Accelerated Sales Tax Remittance or Prepayment 2

1628 SECTION 112. The commissioner of revenue shall promulgate any regulations necessary
1629 to implement either: (i) an accelerated sales tax remittance; or (ii) a sales tax prepayment system,
1630 under subsection (b) of section 83 not later than January 1, 2018.

Brownfields Tax Credit 5

1631 SECTION 113. Sections 27, 28, 33, and 34 shall take effect as of June 24, 2006.

Effective Date

1632 SECTION 114. Except as otherwise specified, this act shall take effect as of July 1, 2017.