

Delivery System Transformation Initiatives Trust Fund Repeal

1 SECTION 4. Section 35UU of chapter 10 of the General Laws is hereby repealed.

Tax Expenditure Review Commission 1

1 SECTION 5. Chapter 14 of the General Laws is hereby amended by adding the
2 following section:-

3 Section 14. (a) There shall be within the department of revenue a tax expenditure
4 review commission to examine and evaluate the administration, effectiveness and fiscal
5 impact of tax expenditures as defined in section 1 of chapter 29 and as presented with the
6 governor’s proposed budget under section 5B of said chapter 29. The commission shall
7 consider the public policy objectives behind the grant of a tax expenditure and the metrics
8 of measuring success in meeting those objectives and shall make recommendations as to
9 whether the tax expenditure should be repealed, sunsetted or allowed to sunset, amended
10 to better achieve its policy goals and metrics or permitted to continue in its current form.

11 (b) The commission shall consist of: the commissioner of revenue or a designee,
12 who shall serve as chair; the state auditor or a designee; the inspector general or a
13 designee; the state treasurer or a designee; 2 persons to be appointed by the governor, 1
14 of whom shall be a representative of the Massachusetts Taxpayers Foundation, Inc. and 1
15 of whom shall be a representative of the Massachusetts Budget and Policy Center, Inc.;
16 and 3 persons who shall have experience in economic or tax policy to be appointed by a
17 majority vote of the aforementioned 6 members.

18 The 3 persons appointed by the commission members shall each serve 3-year terms
19 and may be eligible for reappointment upon a majority vote of the members.

20 (c) The commission shall establish a schedule to review tax expenditures so that
21 each tax expenditure shall be reviewed at least once every 5 years; provided, however,
22 that the commission shall not review personal income tax expenditures more than once
23 every 10 years. The review schedule may group tax expenditures by those benefitting
24 from the tax expenditures, the objectives of the tax expenditures or the policy rationale

25 for the tax expenditures. The commission’s review of each tax expenditure shall include
26 the date the tax expenditure was enacted and the statutory citation.

27 (d) Pursuant to the schedule established in subsection (c), the commission shall use
28 best practices and standardized criteria to evaluate:

29 (i) the purposes, intents and goals of each tax expenditure and whether the tax
30 expenditure is an effective means of accomplishing those ends;

31 (ii) the fiscal impact of each tax expenditure on state and local taxing authorities
32 including, but not limited to, past fiscal impacts and expected future fiscal impacts;

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

36 (iv) the extent to which a purpose, intent or goal may have occurred without the tax
37 expenditure;

38 (v) the extent to which the administration of the tax expenditure, including
39 enforcement efforts, is efficient and effective;

40 (vi) the extent to which there are other local, state or federal tax expenditures,
41 direct expenditures or other programs that have similar purposes, intents or goals as the
42 tax expenditure and the extent to which such similar initiatives are coordinated,
43 complementary or duplicative to the tax expenditure;

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

46 (viii) the return on the investment made by the tax expenditure and the extent to
47 which the tax expenditure is a cost effective use of resources.

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

52 (f) The commission shall have access to documents and information, including
53 aggregate tax return information and related documents maintained by the department of
54 revenue, necessary for the performance of the commission’s duties under this section but
55 excluding information provided to the commonwealth by other federal and state tax

56 agencies where such access is prohibited by law; provided, however, that tax returns and
57 related documents shall not include a taxpayer’s personal identifying information and
58 such returns and documents shall be confidential and exempt from disclosure as a public
59 record under section 7 of chapter 4 and under chapter 66. The commission, in
60 collaboration with the department of revenue, shall adopt policies and procedures to
61 ensure taxpayer confidentiality.

62 (g) Annually, not later than November 1, the commission shall report the results
63 of its findings and activities of the preceding year and its recommendations to the clerks
64 of the senate and house of representatives, the senate and house committees on ways and
65 means and the chairs of the joint committee on revenue. The report shall include all
66 information required to be reviewed by this section and any recommendations under
67 subsection (e) for each tax expenditure reviewed. All reports shall be made publicly
68 available electronically and prominently displayed on the official website of the
69 department of revenue.

Underground Storage Tank Fund 1

1 SECTION 6. Section 1 of chapter 21J of the General Laws, as appearing in the
2 2016 Official Edition, is hereby amended by striking out, in line 25, the words “two S of
3 chapter 29” and inserting in place thereof the following words:- section 2BBBBB of
4 chapter 29.

Underground Storage Tank Fund 2

1 SECTION 7. Subsection (C) of section 2 of said chapter 21J, as so appearing, is
2 hereby amended by striking out the second sentence and inserting in place thereof the
3 following 2 sentences:- The department shall deposit the receipts from the delivery fee
4 imposed under the first paragraph of subsection (A) as follows: (i) the first \$30,000,000
5 in receipts in a fiscal year shall be deposited into the Underground Storage Tank
6 Petroleum Product Cleanup Fund established in section 2BBBBB of chapter 29; and (ii)
7 the remainder shall be deposited into the Commonwealth Transportation Fund established

8 in section 2ZZZ of said chapter 29. The department shall deposit the receipts from the
9 annual storage tank fee imposed under the second paragraph of said subsection (A) into
10 the General Fund.

Debt and Long-Term Liability Reduction Trust Fund

1 SECTION 8. Clause (2) of section 59 of chapter 23K of the General Laws, as so
2 appearing, is hereby amended by striking out subclause (i) and inserting in place thereof
3 the following subclause:- (i) 10 per cent shall be credited to the Debt and Long-Term
4 Liability Reduction Trust Fund established in section 2ZZZZ of chapter 29;.

Department of Public Utilities Trust Funds 1

1 SECTION 9. Chapter 25 of the General Laws is hereby amended by inserting after
2 section 12P the following 2 sections:-

3 Section 12Q. There shall be a Department of Public Utilities Energy Facilities
4 Siting Board Trust Fund. The department shall credit to the fund: (i) application fees
5 collected pursuant to section 69J½ of chapter 164; and (ii) income derived from the
6 investment of amounts credited to the fund. All amounts credited to the fund shall be held
7 in trust and shall be available for expenditure, without further appropriation, by the
8 department for operation of the energy facilities siting board established in section 69H
9 of said chapter 164. Any unexpended balance in the fund at the close of a fiscal year shall
10 remain in the fund and shall be available for expenditure in subsequent fiscal years.

11 Annually, not later than December 1, the department shall issue a report to the
12 clerks of the senate and house of representatives and to the chairs of the senate and house
13 committees on ways and means on the fund activities including, but not limited to,
14 amounts credited to the fund, amounts expended from the fund and any unexpended
15 balance.

16 Section 12R. There shall be a Department of Public Utilities Unified Carrier
17 Registration Trust Fund. The department shall credit to the fund: (i) application fees
18 collected pursuant to section 10 of chapter 159B; and (ii) income derived from the

19 investment of amounts credited to the fund. All amounts credited to the fund shall be held
20 in trust and shall be available for expenditure, without further appropriation, by the
21 department for the regulation of motor carriers pursuant to said chapter 159B. Any
22 unexpended balance in the fund at the close of a fiscal year shall remain in the fund and
23 shall be available for expenditure in subsequent fiscal years.

24 Annually, not later than December 1, the department shall issue a report to the
25 clerks of the senate and house of representatives and to the chairs of the senate and house
26 committees on ways and means on the fund activities including, but not limited to,
27 amounts credited to the fund, amounts expended from the fund and any unexpended
28 balance.

Tax Expenditure Review Commission 2

1 SECTION 10. Section 1 of chapter 29 of the General Laws, as appearing in the
2 2016 Official Edition, is hereby amended by striking out, in lines 137 to 141, inclusive,
3 the words “but excluding revenue foregone as a direct result of any general or special law
4 which allows a personal income tax exemption. Sales that do not involve tangible
5 personal property shall not result in tax expenditures under this definition”.

6

Regional Transit Authorities 1

1 SECTION 11. Subsection (d) of section 2ZZZ of said chapter 29, as so appearing,
2 is hereby amended by striking out clause (2) and inserting in place thereof the following
3 clause:-

4 (2) \$88,000,000 to regional transit authorities organized under chapter 161B or
5 predecessor laws in each fiscal year; provided, however, that notwithstanding any general
6 or special law to the contrary, the transfer required by this clause shall be increased by
7 the inflation index, as defined in section 35T of chapter 10, for the preceding 12 months
8 as certified by the comptroller annually on March 1; and provided further, that no transfer
9 required under this clause shall exceed 103 per cent of the transfer amount for the prior
10 fiscal year.

Chapter 29 Trust Funds

1 SECTION 12. Said chapter 29 is hereby further amended by inserting after section
2 2YYYY the following 3 sections:-

3 Section 2ZZZZ. (a) There shall be a Debt and Long-Term Liability Reduction
4 Trust Fund. The fund shall be administered by the secretary of administration and
5 finance, in consultation with the treasurer and receiver-general.

6 (b) There shall be credited to the fund all monies received under subclause (i) of
7 clause (2) of section 59 of chapter 23K. Expenditures from the fund shall be made for the
8 payment and prepayment of commonwealth debt and other long-term liabilities
9 including, but not limited to: (i) debt service payable by the commonwealth and the
10 Massachusetts Department of Transportation; (ii) contract assistance payments; (iii)
11 payments pursuant to contracts established under section 38C; (iv) funding escrow
12 accounts for the payments described in clauses (i) to (iii), inclusive; (v) unfunded pension
13 liabilities; and (vi) other post-employment benefits. The comptroller may certify amounts
14 for payment in anticipation of expected receipts; provided, however, that no expenditure
15 shall be made from the fund that shall cause the fund to be deficient at the close of a
16 fiscal year. Amounts credited to the fund shall not be subject to further appropriation.
17 Money remaining in the fund at the close of a fiscal year shall not revert to the General
18 Fund and shall be available for expenditure in subsequent fiscal years.

19 (c) Annually, not later than December 1, the secretary shall report on the activities
20 of the fund to the clerks of the senate and house of representatives and to the chairs of the
21 senate and house committees on ways and means. The report shall include an accounting
22 of expenditures made from the fund with a description of the authorized purpose of each
23 expenditure, an accounting of amounts credited to the fund and any unexpended balance
24 remaining in the fund.

25 Section 2AAAAA. There shall be a Safety Net Provider Trust Fund. The fund shall
26 be administered by the secretary of health and human services. Payments from the fund
27 shall be: (i) subject to the availability of federal financial participation; (ii) made under
28 federally-approved payment methods; (iii) consistent with federal funding requirements
29 and federal payment limits; and (iv) subject to the terms and conditions of an agreement

30 between the Centers for Medicare and Medicaid Services and the executive office of
31 health and human services.

32 Money from the fund may be expended for payments to providers that qualify
33 under an approved federal waiver. Amounts credited to the fund shall not be subject to
34 further appropriation. Money remaining in the fund at the end of a fiscal year shall not
35 revert to the General Fund and shall be available for expenditure in subsequent fiscal
36 years.

37 Annually, not later than December 1, the secretary of health and human services
38 shall report to the clerks of the senate and house of representatives and chairs of the
39 senate and house committees on ways and means: (i) an accounting of money received by
40 the fund and the sources of that money; (ii) an accounting of payments made to providers
41 broken down by amounts paid per provider and the authorization for the payments; (iii)
42 the amount of any unexpended balance; and (iv) projected revenue and spending amounts
43 for the coming fiscal year.

44 Section 2BBBBB. There shall be an Underground Storage Tank Petroleum Product
45 Cleanup Fund. There shall be credited to the fund: (i) the fees imposed under subsection
46 (A) of section 2 of chapter 21J in the manner set forth pursuant to clause (i) of subsection
47 (C) of said section 2 of said chapter 21J; (ii) any appropriation, grant, gift or other
48 contribution made to the fund; and (iii) any interest earned on money in the fund.

49 Amounts credited to the fund shall be used, subject to appropriation, for the
50 purposes of chapter 21J. Before the calculation of the consolidated net surplus under
51 section 5C, the comptroller shall transfer any remaining balance in the fund to the
52 Commonwealth Transportation Fund established in section 2ZZZ.

Records Conservation Board Membership

1 SECTION 13. Section 42 of chapter 30 of the General Laws, as appearing in the
2 2016 Official Edition, is hereby amended by inserting after the word “records”, in line 3,
3 the following words: - , the secretary of technology services and security.

Earned Income Tax Credit Increase 1

1 SECTION 14. Subsection (h) of section 6 of chapter 62 of the General Laws, as
2 appearing in section 32 of chapter 47 of the acts of 2017, is hereby amended by striking
3 out, in lines 4 and 9, the figure “23” and inserting in place thereof, in each instance, the
4 following figure:- 30.

Tax Expenditure Review Commission 3

1 SECTION 15. Subsection (b) of section 21 of chapter 62C of the General Laws, as
2 appearing in the 2016 Official Edition, is hereby amended by adding the following
3 clause:-

4 (29) the disclosure of information to members of the tax expenditure review
5 commission pursuant to subsection (f) of section 14 of chapter 14.

Low-Income Enrollment Count 1

1 SECTION 16. Chapter 70 of the General Laws is hereby amended by inserting
2 after section 3A the following section:-

3 Section 3B. The department of elementary and secondary education shall make
4 available to school districts a form to certify family income level for the purpose of
5 calculating low-income enrollment. A school district may choose to have its low-income
6 enrollment established through collection of the forms or through a direct certification
7 system established by the executive office of health and human services, which may
8 include the virtual gateway system.

Lease Registration 1

1 SECTION 17. Section 1 of chapter 90 of the General Laws, as appearing in the
2 2016 Official Edition, is hereby amended by inserting after the word “distributor”, in line
3 309, the following words:- . Notwithstanding that a lessee of a motor vehicle or trailer

4 shall not be considered an owner of a vehicle, the registrar may allow the registration and
5 renewal of such registration directly by a lessee under section 2.

Lease Registration 2

1 SECTION 18. The first paragraph of section 2 of said chapter 90 is hereby
2 amended by striking out the first sentence, as so appearing, and inserting in place thereof
3 the following 2 sentences:- Applications for the registration or renewal of registration of
4 motor vehicles and trailers shall be made by the owner thereof; provided, however, that
5 the registrar may accept applications for registration or renewal of registration from, and
6 furnish registration documents directly to, the lessee of a motor vehicle or trailer if the
7 registrar is satisfied of the existence of the lease in the name of the applicant. The
8 registration shall identify the name and address of the lessor as the owner of the motor
9 vehicle or trailer and the name and residential address of the lessee as registrant and such
10 registration shall be mailed directly to the lessee and notice thereof or a copy of the
11 registration shall be mailed to the lessor-owner; provided, however, that providing such
12 registration documents directly to the lessee shall not extinguish a lessor's ownership
13 interest in the motor vehicle or trailer.

Public Health Grant Trust Fund

1 SECTION 19. Chapter 111 of the General Laws is hereby amended by inserting
2 after section 2I the following section:-
3 Section 2J. There shall be a Public Health Grant Trust Fund. The commissioner
4 shall administer the fund to collaborate with nonprofit organizations participating in
5 competitive grant opportunities that further the mission of the department.
6 There shall be credited to the fund money received from public and private sources to
7 support public health competitive grant opportunities. Amounts credited to the fund shall
8 not be subject to further appropriation. Money remaining in the fund at the end of a fiscal
9 year shall not revert to the General Fund and shall be available for expenditure in
10 subsequent fiscal years.

11 Annually, not later than January 1, the commissioner shall report on the activities
12 of the fund to the clerks of the senate and house of representatives and to the chairs of the
13 senate and house committees on ways and means. The report shall include: (i) an
14 accounting of money received by the fund broken down by funding source; (ii) a
15 description of the competitive grant opportunities provided and whether a competitive
16 grant opportunity is in collaboration or partnership with a nonprofit organization; (iii) an
17 accounting of money expended from the fund broken down by recipient; (iv) the amount
18 of any unexpended balance; and (v) a description of anticipated competitive grant
19 opportunities to be offered in the upcoming calendar year and whether the competitive
20 grant opportunity is in collaboration or partnership with a nonprofit organization.

Cremation of Unclaimed Remains

1 SECTION 20. Section 43M of chapter 114 of the General Laws, as appearing in
2 the 2016 Official Edition, is hereby amended by adding the following paragraph:-
3 A board of health may authorize the cremation of unclaimed remains by signing a
4 cremation form for unclaimed remains 30 days after notifying the office of the chief
5 medical examiner designated to the location where the death has occurred that no person
6 has come forward to claim the remains or that no person may legally claim the remains.
7 There shall be no liability for a board of health or any employee or agent thereof that
8 authorizes the disposal of unclaimed remains in accordance with this section.

Transitional Aid Family Cap 1

1 SECTION 21. The first paragraph of section 2 of chapter 118 of the General
2 Laws, as so appearing, is hereby amended by adding the following sentence:-
3 Notwithstanding any general or special law to the contrary, aid shall be provided for each
4 such child without regard to whether the child was conceived or born after the parent
5 began receiving aid under this chapter.

Prescription Drug Supplemental Rebate 1

1 SECTION 22. Chapter 118E of the General Laws is hereby amended by inserting
2 after section 12 the following section:-

3 Section 12A. (a) As used in this section, the following words shall have the
4 following meanings unless the context clearly indicates otherwise:

5 “Board”, the MassHealth drug utilization review board established in accordance
6 with 42 U.S.C. 1396r-8.

7 “Manufacturer”, an entity that manufactures a pharmaceutical drug covered by
8 MassHealth.

9 “Pharmaceutical spending target”, the reduction in the projected increase in the
10 commonwealth’s net share of pharmaceutical spending for the next fiscal year for the
11 MassHealth program as compared to the current fiscal year.

12 “Secretary”, the secretary of health and human services.

13 (b) The secretary, in consultation with the board, shall establish a pharmaceutical
14 spending target pursuant to the supplemental rebate cost containment efforts set forth in
15 this section. The secretary shall set a pharmaceutical spending target of at least 20 per
16 cent.

17 When establishing the pharmaceutical spending target, the board shall annually
18 hold at least 1 public hearing and solicit input from interested stakeholders not later than
19 December 15. The secretary shall provide notice of the pharmaceutical spending target
20 for the next fiscal year not later than January 1 to the clerks of the senate and house of
21 representatives and the chairs of the senate and house committees on ways and means.

22 (c) Notwithstanding any general or special law to the contrary, including 801
23 CMR 21.00 or any successor regulation, and subject to required federal approvals, the
24 secretary may directly negotiate supplemental rebate agreements with manufacturers
25 including, but not limited to, agreements utilizing guaranteed net prices based on either:
26 (i) the public health value of such drugs as determined by an independent third party
27 designated by the secretary; or (ii) any other appropriate measure of value.

28 A manufacturer may request to enter into negotiations for a supplemental rebate
29 agreement for a prescription drug; provided, however, that the secretary may prioritize

30 other negotiations or refuse to enter into such negotiations. Nothing in this paragraph
31 shall preclude the secretary from entering into a supplemental rebate agreement
32 negotiation with a manufacturer at a later date.

33 (d) If a manufacturer and the secretary are unable to establish a supplemental
34 rebate agreement under subsection (c), the secretary may require the manufacturer to
35 disclose within a reasonable time any records that describe or relate to the manufacturer's
36 pricing of any such drugs that are the subject of a supplemental rebate agreement
37 negotiation.

38 Records disclosed by a manufacturer shall not be public records under section 7
39 of chapter 4 and under chapter 66 and shall remain confidential; provided, however, that
40 the secretary may produce reports summarizing any findings related to records received
41 under this section to the extent allowable under applicable state and federal laws.
42 The secretary, in conjunction with the board, may hold a public hearing at which the
43 manufacturer shall be required to appear and testify to provide further information related
44 to any prescription drug that is the subject of a negotiation for a supplemental rebate
45 agreement.

46 (e) If a manufacturer does not comply with subsection (d), the secretary may
47 impose a reasonable penalty on the manufacturer which shall not exceed the difference
48 between the gross cost of the pharmaceutical drug subject to the supplemental rebate
49 negotiation in the previous fiscal year and the fiscal year preceding the previous fiscal
50 year; provided, however, that if there is no information available for the preceding 2
51 fiscal years for the pharmaceutical drug subject to the supplemental rebate, then the
52 maximum penalty shall be the amount of the supplemental rebate first requested by the
53 secretary during a negotiation under subsection (c).

54 (f) If, after review of any records furnished to the executive office under
55 subsection (d), no supplemental rebate agreement is completed and the secretary
56 determines that the manufacturer's pricing of the drug is excessive, the secretary may
57 impose a reasonable penalty against the manufacturer which shall not exceed the
58 difference between the gross cost of the pharmaceutical drug subject to the supplemental
59 rebate negotiation in the previous fiscal year and the fiscal year preceding the previous
60 fiscal year; provided, however, that if there is no information available for the preceding

61 2 fiscal years for the pharmaceutical drug subject to the supplemental rebate negotiation,
62 then the maximum penalty shall be the amount of the supplemental rebate first requested
63 by the secretary during a negotiation under subsection (c).

64 (g) A penalty assessed under subsection (e) or (f) shall be accompanied by a
65 written determination by the secretary that shall include: (i) the reason for the penalty; (ii)
66 the amount of the penalty; and (iii) a notice outlining the appeals process for the penalty.

67 (h) The secretary may, pursuant to an interagency agreement, share information
68 received under this section with the health policy commission, established under chapter
69 6D; provided, however, that any shared information shall be held confidential and shall
70 not be a public record under section 7 of chapter 4 and under chapter 66. The health
71 policy commission may use the information received under this subsection in relevant
72 reporting in a de-identified, aggregate format.

73 The secretary may, pursuant to an interagency agreement, share information
74 received under this section with the state office of pharmacy services in the department of
75 public health; provided, however, that any shared information shall be held confidential
76 and shall not be a public record under section 7 of chapter 4 and under chapter 66.

77 (i) Annually, not later than October 15, the secretary shall report on activities
78 conducted pursuant to this section which shall include, but not limited to, the following
79 information: (i) whether the pharmaceutical spending target was achieved; (ii) the amount
80 of supplemental rebates received under this section; (iii) the number of pharmaceutical
81 drugs receiving a supplemental rebate under this section, broken down by manufacturer;
82 (iv) a breakdown of the duration of the supplemental rebates received; and (v) a
83 breakdown of the percentage of each supplemental rebate's contribution to meeting the
84 pharmaceutical spending target.

85 (j) The executive office shall adopt regulations necessary to implement this
86 section.

Nursing Facility Assessment

1 SECTION 23. Subsection (b) of section 63 of said chapter 118E of the General
2 Laws, as so appearing, is hereby amended by striking out the second sentence and

3 inserting in place thereof the following sentence:- The assessment shall be sufficient in
4 the aggregate to generate in each fiscal year the lesser of \$240,000,000 or an amount
5 equal to 6 per cent of the revenues received by the taxpayer as defined in 42 C.F.R.
6 433.68(f)(3)(i)(A).

Juvenile Court Special Findings 1

1 SECTION 24. Chapter 119 of the General Laws is hereby amended by inserting
2 after section 39L the following section:-

3 Section 39M. (a) For the purposes of this section, the following words shall have
4 the following meanings unless the context clearly requires otherwise:

5 “Child”, an unmarried person under the age of 21.

6 “Dependent on the court”, subject to the jurisdiction of a court competent to make
7 decisions concerning the protection, well-being, care and custody of a child, for findings,
8 orders or referrals to support the health, safety and welfare of a child or to remedy the
9 effects on a child of abuse, neglect, abandonment or similar circumstances; provided,
10 however, that “court” shall include, but not be limited to, the probate and family court
11 and the juvenile court departments of the trial court; and provided further, that when
12 issuing special findings under this section, a court shall be acting under the jurisdiction
13 specified in this definition.

14 “Similar circumstances”, conditions that have an effect on the child comparable to
15 abuse, neglect or abandonment including, but not limited to, the death of a parent.

16 (b) A child alleging that return to the child’s country of origin is not in the child’s
17 best interest may petition the court for special findings. Upon reviewing the petition or
18 complaint seeking special findings, any supporting affidavits and other evidence
19 presented, the court shall issue findings of fact and rulings of law that shall determine
20 whether the child who is the subject of the proceeding: (i) is dependent on the court; (ii)
21 has suffered from abuse, neglect, abandonment or similar circumstances; (iii) may not be
22 viably reunified with either or both parents due to abuse, neglect, abandonment or other
23 similar circumstances; and (iv) may not be returned to the child’s or parent’s country of

24 nationality or country of last habitual residence because it is not in the best interest of the
25 child. A court making a decision under this paragraph shall be acting as a juvenile court.

26 The health and safety of the child shall be of paramount concern. When
27 considering the child's health and safety, the court shall consider whether present or past
28 living conditions will adversely affect the child's physical, mental or emotional health.

29 (c) In addition to petitioning a court for special findings under subsection (b), the
30 petitioner may request orders necessary to protect the child against further abuse or other
31 harm by filing a complaint for an abuse prevention order under chapter 209A, by filing a
32 complaint for support under section 32F of chapter 209 or seeking any other available
33 remedy.

34 (d) A child who is the subject of a petition for special findings under subsection (b)
35 or who is subject to an order under subsection (c) may be referred for psychiatric,
36 psychological, educational, occupational, medical, dental or social services or for
37 protection against trafficking or domestic violence. Participation in any referred services
38 shall be voluntary.

39 (e) A court shall hear, adjudicate and issue findings of fact and rulings of law on
40 any petition or complaint for special findings under this section as soon as it is
41 administratively feasible and prior to the child reaching the age of 21 to serve the best
42 interest of the child.

43 (f) The petitioner shall not be required to name as a respondent a parent with whom
44 reunification may be a viable option.

45 (g) Nothing in this section shall prevent the divisions of the probate and family
46 court or the juvenile court departments of the trial court from issuing similar findings of
47 fact and rulings of law to those in subsection (b) in any other proceeding.

48 (h) This section shall be liberally construed to promote the best interest of the
49 child.

Alternative Housing Voucher Program Transfer

1 SECTION 25. Section 60 of chapter 121B of the General Laws, as appearing in
2 the 2016 Official Edition, is hereby amended by inserting after the figure “7004-9024”, in
3 line 11, the following figure:- , 7004-9030.

Regional Transit Authorities 2

1 SECTION 26. Section 8 of chapter 161B of the General Laws, as so appearing, is
2 hereby amended by adding the following 2 subsections:-

3 (l) For fiscal year 2019, \$4,000,000 of the amount required to be transferred to
4 regional transit authorities under clause (2) of subsection (d) of section 2ZZZ of chapter
5 29 and for each fiscal year thereafter, such amount as increased annually by the inflation
6 index under said clause (2) of said subsection (d) of said section 2ZZZ of said chapter 29
7 shall be conditioned on the execution of a memorandum of understanding by a regional
8 transit authority and the Massachusetts Department of Transportation. The memorandum
9 of understanding shall incorporate appropriate ridership, customer service, asset
10 management and financial performance indicators and best practices to ensure that the
11 authority makes data-driven decisions with respect to its operation including, but not
12 limited to, service and asset management. A memorandum of understanding shall be
13 updated as appropriate to maintain best practices and data-driven decisions. If, after good
14 faith efforts by an authority, the authority is unable to enter or re-enter into a
15 memorandum of understanding with the Massachusetts Department of Transportation, the
16 department shall, upon request by the authority, conduct a public hearing in the
17 authority’s service area to review any proposed memorandum and discuss unresolved
18 issues. The Massachusetts Department of Transportation shall provide a copy of each
19 memorandum of understanding upon execution or update to the chairs of the joint
20 committee on transportation and the senate and house committees on ways and means.

21 (m) The Massachusetts Department of Transportation may require each regional
22 transit authority to provide data on ridership, customer service, asset management and
23 financial performance and shall annually compile collected data into an annual report on

24 the performance of regional transit authorities. The report shall be filed with the clerks of
25 the senate and house of representatives, the senate and house committees on ways and
26 means and the joint committee on transportation not later than December 31.

Massachusetts Bay Transportation Authority Capital Expenses 1

1 SECTION 27. Section 20 of chapter 161A of the General Laws, as so appearing,
2 is hereby amended by inserting after the second paragraph the following paragraph:-
3 The itemized budget shall properly classify operating expenditures. Subject to a written
4 policy approved by the board, the authority may classify an employee on a capital budget
5 if the employee is supporting a capital transportation project; provided, however, that
6 such classification shall be in accordance with federal funding requirements, government
7 accounting standards and applicable state finance and federal laws. The policy shall: (i)
8 define the employee positions eligible for classification on a capital budget, consistent
9 with this section; (ii) specify that no bond funds shall be used to fund an employee's
10 salary; and (iii) require an annual review of the authority's practices related to classifying
11 employees on a capital budget by an independent third-party auditor. The secretary shall
12 include the following information in the itemized budgets available on the authority's
13 website: (i) the amount of capital expenditures used for employees; (ii) the total number
14 of employee salaries included in capital expenditures, including a breakdown by division
15 of the position titles and accompanying salaries; and (iii) the total number of employees
16 assigned to capital projects.

Committee for Public Counsel Services Hourly Rate 1

1 SECTION 28. Section 11 of chapter 211D of the General Laws, as so appearing,
2 is hereby amended by striking out, in line 7, the figure "\$60" and inserting in place
3 thereof the following figure:- \$68.

Committee for Public Counsel Services Hourly Rate 2

1 SECTION 29. Said section 11 of said chapter 211D, as so appearing, is hereby
2 further amended by striking out, in line 12, the figure “\$50” and inserting in place thereof
3 the following figure:- \$53.

Transitional Aid Family Cap 2

1 SECTION 30. Subsection (a) of section 110 of chapter 5 of the acts of 1995 is
2 hereby amended by striking out the definition of “Child of record”, as amended by
3 section 21 of chapter 158 of the acts of 2014.

Transitional Aid Family Cap 3

1 SECTION 31. Said section 110 of said chapter 5 is hereby amended by striking
2 out subsection (c).

Transitional Aid Earnings Disregard 1

1 SECTION 32. Said section 110 of said chapter 5 is hereby amended by striking out
2 subsection (d), as appearing in section 124 of chapter 133 of the acts of 2016, and
3 inserting in place thereof the following subsection:-

4 (d) An earnings disregard of earned income shall be provided to both exempt and
5 nonexempt families, such that a recipient shall be eligible to have 100 per cent of the
6 remaining gross earned income, before dependent care deductions, disregarded for 6
7 consecutive months immediately following the start of initial employment or the date on
8 which the recipient began receiving transitional aid to families with dependent children,
9 whichever is later; provided, however, that total income shall not exceed 200 per cent of
10 the federal poverty level for the household size. Such recipient shall also be eligible to
11 have 50 per cent of the remaining gross income, after work-related expenses but before

12 dependent care deductions, disregarded following the initial 6-month period of earnings
13 disregard.

Transitional Aid Family Cap 4

1 SECTION 33. Clause (3) of subsection (e) of said section 110 of said chapter 5,
2 as amended by section 25 of chapter 158 of the acts of 2014, is hereby further amended
3 by striking out the words “of record under the age of two years or any child other than the
4 child of record who is under the age of three months” and inserting in place thereof the
5 following words:- under the age of 2 years.

Transitional Aid Earnings Disregard 2

1 SECTION 34. Subsection (g) of said section 110 of said chapter 5 is hereby
2 amended by striking out the first paragraph, as appearing in section 125 of chapter 133 of
3 the acts of 2016, and inserting in place thereof the following paragraph:-

4 An applicant who has received transitional aid to families with dependent children
5 within the last 4 calendar months shall be eligible to have 50 per cent of the remaining
6 gross earned income, after work-related expenses but before dependent care deductions,
7 disregarded for the purpose of eligibility determination.

Transitional Aid Family Cap 5

1 SECTION 35. The first paragraph of subsection (j) of said section 110 of said
2 chapter 5 is hereby amended by striking out the second sentence, as amended by section
3 27 of chapter 158 of the acts of 2014, and inserting in place thereof the following
4 sentence:- The program shall require that the head of household in each such family, or
5 both parents in a 2-parent family, shall participate in work-related activities for: (i) 20
6 hours each week if the youngest child in the family is between the age of 2 and the age at
7 which full-time schooling becomes mandatory; or (ii) 30 hours each week if the youngest
8 child in the family has reached the age at which full-time schooling is mandatory .

Transitional Aid Family Cap 6

1 SECTION 36. Said subsection (j) of said section 110 of said chapter 5 is hereby
2 further amended by striking out the last paragraph, added by section 528 of chapter 26 of
3 the acts of 2003.

Transitional Aid Family Cap 7

1 SECTION 37. Section 130 of said chapter 5 is hereby amended by striking out, in
2 lines 5 and 6, the words “; the ineligibility of children born after the child of record for
3 assistance”.

Massachusetts Bay Transportation Authority Capital Expenses 2

1 SECTION 38. Section 203 of chapter 46 of the acts of 2015 is hereby amended by
2 inserting after the word “budget”, in line 8, the second time it appears, the following
3 words:- consistent with section 20 of chapter 161A.

Regional Transit Authorities 3

1 SECTION 39. There shall be a task force on regional transit authority performance
2 and funding. The task force shall evaluate ways for regional transit authorities to: (i) best
3 provide and improve transit services that meet identified community needs; (ii) conduct
4 regular service planning which accounts for the diverse service populations and makeup
5 of different geographic regions to maximize ridership using available resources; and (iii)
6 ensure that fares, local contributions and other own-source revenues cover an appropriate
7 share of service costs; provided, however, that the evaluation of any fare increase policy
8 shall consider the ability of riders in each service area to pay a fare increase.

9 The task force shall consist of: 2 members of the house of representatives or their
10 designees, 1 of whom shall be appointed by the minority leader; 2 members of the senate

11 or their designees, 1 of whom shall be appointed by the minority leader; the rail and
12 transit administrator of the Massachusetts Department of Transportation or a designee
13 who shall serve as chair; 3 persons to be appointed by the regional transit authority
14 administrators, each of whom shall be a former or current administrator of a regional
15 transit authority; and 11 members to be appointed by the governor, 3 of whom shall be a
16 former or current administrator of a regional transit authority, 2 of whom shall be an
17 expert in bus service planning, 2 of whom shall be the chief elected official or city or
18 town manager of a city or town served by a regional transit authority, 1 of whom shall be
19 a representative of an employer or business organization served by a regional transit
20 authority, 1 of whom shall serve on the advisory board of an authority as a representative
21 of the rider community, 1 of whom shall serve on the advisory board of an authority as a
22 representative of the disabled commuter population and 1 of whom shall be a
23 representative of an organization that advocates for regional transit authority riders.

24 The task force shall make recommendations on and propose guidelines for the
25 establishment of service standards, the establishment of a predictable revenue stream for
26 regional transit authority service, appropriate ridership, customer service, asset
27 management and financial performance indicators and best practices for regional transit
28 authorities. The recommendations and guidelines shall be used by a regional transit
29 authority and the Massachusetts Department of Transportation to develop authority-
30 specific memoranda of understanding under section 8 of chapter 161B of the General
31 Laws. The task force shall submit the results of its study and its recommendations,
32 including drafts of legislation necessary to carry those recommendations into effect, by
33 filing the same with the clerks of the senate and house of representatives, the senate and
34 house committees on ways and means, the joint committee on transportation and the
35 secretary of transportation not later than November 1, 2018; provided, however, that the
36 task force may make available a draft report for public comment before November 1,
37 2018.

Electric Commuter Rail Study

1 SECTION 40. The secretary of transportation, in consultation with the control
2 board established in section 200 of chapter 46 of the acts of 2015, shall prepare a plan

3 that examines the full electrification of the Providence and Fairmount lines on the
4 Massachusetts Bay Transportation Authority commuter rail system. The plan shall
5 include: (i) an analysis of procurement, by purchase, lease or other method, of electric
6 locomotives, electric multiple unit equipment or a combination of both; (ii) an analysis of
7 the design and construction of high level platforms at all stations on each line; (iii) a
8 detailed cost estimate, including a comparison of costs associated with maintaining
9 existing equipment and costs associated with maintaining electric locomotives, electric
10 multiple units or both; (iv) an analysis of the benefits of the full electrification of the
11 Providence and Fairmount lines; and (v) a detailed project schedule, including all
12 necessary procurement activities, leading to completion of design, construction and
13 commencement of passenger operations not later than September 30, 2022. The plan shall
14 be delivered to the clerks of the senate and house of representatives and the senate and
15 house chairs of the joint committee on transportation and shall be made publicly available
16 on the Massachusetts Department of Transportation's website not later than March 1,
17 2019.

Brain Injury Commission

1 SECTION 41. There shall be a special commission to: (i) review data concerning
2 the epidemiology of brain injury and the needs of individuals with acquired brain injury
3 and persons with traumatic brain injury and their families; (ii) analyze the current status
4 of rehabilitative residential and integrated community-based support services for persons
5 with acquired brain injury and persons with traumatic brain injury; and (iii) make
6 recommendations regarding the improvement of such services.

7 The commission shall consist of the following members or their designees: 2
8 members of the house of representatives, 1 of whom shall be appointed by the minority
9 leader; 2 members of the senate, 1 of whom shall be appointed by the minority leader; the
10 secretary of health and human services; the assistant secretary of the office of disabilities
11 and community services; the commissioner of public health; the commissioner of the
12 Massachusetts rehabilitation commission; the secretary of elder affairs; the secretary of
13 veterans services; the executive director of the Brain Injury Association of

14 Massachusetts, Inc.; and 8 persons to be appointed by the governor. The co-chairs of the
15 commission shall be designated by the president of the senate and the speaker of the
16 house.

17 The commission shall review the recommendations of the special commission
18 established in section 160 of chapter 131 of the acts of 2010 and provide any updates to
19 the recommendations. The commission shall also review the availability, nature and
20 adequacy of the following services for the target population: (i) acute and long-term
21 medical and cognitive rehabilitation and outpatient services; (ii) therapy services; (iii)
22 residential nursing care; (iv) structured day treatment and day activity programs; (v) club
23 programs; (vi) respite care services; (vii) community-based housing; (viii) home-based
24 services; (ix) family support programs; (x) case management; (xi) companion services;
25 (xii) personal care attendant services; (xiii) specialized medical equipment and supplies;
26 (xiv) environmental modifications; (xv) counseling and training; and (xvi) prevocational
27 services.

28 The commission shall file a report of its findings and recommendations, together
29 with drafts of legislation necessary to carry those recommendations into effect, by filing
30 the same with the clerks of the senate and the house of representatives and the chairs of
31 the senate and house committees on ways and means not later than June 30, 2019. The
32 report shall include, but not be limited to, findings regarding the cost of maintaining or
33 establishing recommended services and the drafts of legislation shall include proposals to
34 implement or allow for the development or expansion of services for the target
35 population.

Regional School District Commission

1 SECTION 42. (a) There shall be a special commission to review the financing,
2 operation and regulation of regional school districts. The commission shall: (i) review the
3 way that regional school districts are funded and recommend a framework for a regional
4 school district foundation budget that better accounts for differences between the towns
5 that make up these districts and how the funding is distributed; (ii) analyze ways to
6 improve regional school transportation funding; and (iii) consider any other issues

7 affecting regional school districts that would improve the administration, funding,
8 educational quality, stability and efficiency of regional school districts or otherwise
9 promote the establishment of additional sustainable and successful regional school
10 districts.

11 (b) When reviewing regional school transportation, the commission shall consider:

12 (i) the current schedule, level and criteria for reimbursement and optimal schedules,
13 levels and criteria for reimbursement that promote best practices and the efficient use of
14 state and local resources; (ii) a funding formula that considers a regional school district's
15 population density and a regional school district's ability to cover transportation costs
16 which shall include, but not be limited to, utilizing the target local share measurement
17 utilized in the chapter 70 formula; (iii) alternate ways to calculate reimbursement
18 including, but not limited to, basing a portion of reimbursement on average per pupil
19 costs for a district; (iv) ways to incentivize regional school districts to optimize
20 transportation spending and develop best practices; (v) the requirements under section
21 16C of chapter 71 of the General Laws and the extent to which the requirements promote
22 best practices; and (vi) other factors deemed appropriate by the commission.

23 (c) When conducting the review of a regional school district foundation budget, the
24 commission shall seek to determine, with respect to regional school districts, the
25 educational programs and services necessary to achieve educational goals established by
26 the department of elementary and secondary education and to prepare students to achieve
27 passing scores on the Massachusetts Comprehensive Assessment System examinations.
28 The review shall include, but not be limited to, those components of the regional school
29 district foundation budget established pursuant to section 3 of chapter 70 of the General
30 Laws.

31 (d) The commission shall seek to determine and recommend measures to promote
32 the adoption of ways in which resources may be most effectively utilized and consider
33 various models of efficient and effective resource allocation. The commissioner of
34 elementary and secondary education shall provide any nonconfidential data and
35 information to the commission deemed relevant to the commission's charge by the
36 commissioner.

37 (e) The commission shall consist of: 1 person to be appointed by the senate
38 president who shall serve as co-chair; 1 person to be appointed by the minority leader of
39 the senate; 1 person to be appointed by the speaker of the house of representatives who
40 shall serve as co-chair; 1 person to be appointed by the minority leader of the house of
41 representatives; the secretary of education or a designee; the commissioner of elementary
42 and secondary education or a designee; the state auditor or a designee; and 8 persons to
43 be appointed by the governor, each of whom shall have experience working with a
44 regional school district and of whom 1 shall be a representative of the Massachusetts
45 Association of Regional Schools, Inc., 1 shall be a representative of the Massachusetts
46 Association of School Committees, 1 shall be a representative of the Massachusetts
47 Association of School Business Officials, Inc., 1 shall be a representative of the
48 Massachusetts Teachers Association, 1 shall be a representative of the Massachusetts
49 Association of School Superintendents, 1 shall be a representative of the Massachusetts
50 Municipal Association, 1 shall be a high school student attending a school in a regional
51 school district and 1 shall be a representative of the Massachusetts Budget and Policy
52 Center, Inc.

53 Members shall be appointed and the commission shall convene its first meeting not
54 later than September 1, 2018. Members shall not receive compensation for their services
55 but may receive reimbursement for the reasonable expenses incurred in carrying out their
56 responsibilities as members of the commission. The commissioner of elementary and
57 secondary education may furnish reasonable staff and other support for the work of the
58 commission.

59 (f) Before issuing its recommendations, the commission shall conduct not less than
60 3 public hearings across regions of the commonwealth. It shall not constitute a violation
61 of chapter 268A for a person employed by a school district to serve on the commission or
62 to participate in commission deliberations that may have a financial impact on the district
63 employing that person or on the rate at which that person may be compensated. The
64 commission may establish procedures to ensure that no such person shall participate in
65 commission deliberations that directly affect the school districts employing those persons
66 or that directly affect the rate at which those persons are compensated.

67 (g) The commission shall submit its report and its recommendations and drafts of
68 legislation necessary to carry those recommendations into effect, if any, by filing the
69 same with the clerks of the senate and house of representatives, the chairs of the joint
70 committee on education and the chairs of the senate and house committees on ways and
71 means not later than March 1, 2019.

Chapter 70 Local Contribution Commission

1 SECTION 43. There shall be a commission to study the adequacy of the local
2 contribution component of the chapter 70 funding formula as defined in section 2 of
3 chapter 70 of the General Laws. The commission shall examine the current formula used
4 to calculate a municipality's local contribution, evaluate the adequacy, predictability,
5 effectiveness and equity of that formula and make recommendations to ensure that the
6 distribution of school funding accurately reflects a municipality's ability to contribute to
7 school funding and ensures a high quality public education to every child. The
8 commission may consider additional factors that increase the accuracy of the formula's
9 calculation of a municipality's ability to contribute to school funding. The commission
10 shall exclude components of the foundation budget established under section 3 of chapter
11 70 and subsequent changes made to the foundation budget by law.

12 The commission shall include the chairs of the joint committee on education, who
13 shall serve as co-chairs; the secretary of education or a designee; the commissioner of
14 elementary and secondary education or a designee; the commissioner of early education
15 and care or a designee; the speaker of the house of representatives or a designee; the
16 president of the senate or a designee; the minority leader of the house of representatives
17 or a designee; the minority leader of the senate or a designee; the governor or a designee;
18 the chairs of the house and senate committees on ways and means or their designees; and
19 1 member to be appointed by each of the following organizations: the Massachusetts
20 Municipal Association, Inc., the Massachusetts Business Alliance for Education, Inc., the
21 Massachusetts Association of School Committees, Inc., the Massachusetts Association of
22 School Superintendents, Inc., the Massachusetts Teachers Association, the American
23 Federation of Teachers Massachusetts, the Massachusetts Association of Vocational

24 Administrators, Inc., the Massachusetts Association of Regional Schools, Inc. and the
25 Massachusetts Association of School Business Officials.

26 Members shall not receive compensation for their services but may receive
27 reimbursement for the reasonable expenses incurred in carrying out their responsibilities
28 as members of the commission. The commissioner of elementary and secondary
29 education may furnish reasonable staff and other support for the work of the commission.
30 Prior to issuing its recommendations, the commission shall conduct not fewer than 4
31 public hearings across regions of the commonwealth. It shall not constitute a violation of
32 chapter 268A for a person employed by a school district to serve on the commission or to
33 participate in commission deliberations that may have a financial impact on the district
34 employing that person or on the rate at which that person may be compensated. The
35 commission may establish procedures to ensure that no such person shall participate in
36 commission deliberations that directly affect the school districts employing those persons
37 or that directly affect the rate at which those persons are compensated.

38 The commission shall seek to determine and recommend measures to promote the
39 efficient use of resources and consider various models of efficient and effective ways to
40 determine accurate calculation of a municipality's share of school funding. In carrying
41 out the review, the commissioner of elementary and secondary education shall provide to
42 the commission any data and information the commissioner considers relevant to the
43 commission's charge.

44 The commission shall file a report of its findings and recommendations, with the
45 clerks of the senate and house of representatives, the chairs of the senate and house
46 committees on ways and means and the chairs of the joint committee on education not
47 later than October 1, 2019.

Gaming Revenues

1 SECTION 44. Notwithstanding any general or special law to the contrary, in
2 fiscal year 2019, the amount of category 1 gaming revenue specified in subclause (j) of
3 clause (2) of section 59 of chapter 23K of the General Laws shall be credited to the
4 Commonwealth Transportation Fund established in section 2ZZZ of chapter 29 of the

5 General Laws and the amount of category 1 gaming revenue specified in subclause (l) of
6 said clause (2) of said section 59 of said chapter 23K shall be transferred to the General
7 Fund.

Race Horse Development Fund Transfer

1 SECTION 45. Notwithstanding any general or special law to the contrary, the
2 comptroller shall transfer \$15,000,000 from the unexpended balance of the Race Horse
3 Development Fund established in section 60 of chapter 23K of the General Laws to the
4 General Fund not later than June 30, 2019. The Massachusetts gaming commission
5 established in section 3 of said chapter 23K shall ensure a sufficient fund balance to make
6 the transfer required by this section. Subject to appropriation, money transferred to the
7 General Fund shall be expended to support programming and operations for the
8 department of agricultural resources and the department of conservation and recreation.

Stabilization Fund Fiscal Management Study

1 SECTION 46. The secretary of administration and finance, in consultation with the
2 treasurer, the comptroller and the executive director of the pension reserves investment
3 management board, shall conduct a comprehensive study to evaluate and make
4 recommendations on the fiscal management of the Commonwealth Stabilization Fund
5 established in section 2H of chapter 29 of the General Laws.

6 The study shall include, but not be limited to, an analysis of: (i) the investment
7 income earned by the fund; (ii) possible investment strategies, considering an appropriate
8 balance of risk, growth, liquidity and the ability of the fund to maintain its year-over-year
9 purchasing power; (iii) the feasibility and advisability of dividing the fund into higher
10 and lower yield investments to prevent the erosion of the purchasing power of the fund
11 due to inflation; and (iv) the feasibility and advisability of using the fund as a source of
12 short-term borrowing funds for the commonwealth.

13 The secretary shall submit a written report of the findings, including legislative
14 recommendations, if any, together with drafts of legislation necessary to carry those
15 recommendations into effect, by filing the same with the clerks of the senate and house of

16 representatives and the chairs of the senate and house committees on ways and means not
17 later than May 1, 2019.

Department of Correction and Sheriff Funding Commission

1 SECTION 47. There shall be a special commission to conduct a comprehensive
2 study to evaluate and make recommendations regarding the appropriate level of funding
3 for the department of correction and each sheriff’s department. The commission shall
4 consist of: 2 persons to be appointed by the president of the senate, 1 of whom shall serve
5 as co-chair of the commission; 2 persons to be appointed by the speaker of the house of
6 representatives, 1 of whom shall serve as co-chair of the commission; 1 person to be
7 appointed by the minority leader of the senate; 1 person to be appointed by the minority
8 leader of the house of representatives; the secretary of public safety and security or a
9 designee; the commissioner of correction or a designee; the secretary of administration
10 and finance or a designee; 2 persons to be appointed by the Massachusetts Sheriffs’
11 Association; and 7 persons to be appointed by the governor, 1 of whom shall be
12 nominated by the Massachusetts Institute for a New Commonwealth, 1 of whom shall be
13 nominated by the Pioneer Institute, 1 of whom shall be nominated by Prisoners’ Legal
14 Services, 1 of whom shall be nominated by the Massachusetts Bar Association, 1 of
15 whom shall be appointed by the Boston Bar Association, and 1 of whom shall be
16 employed by a public or private institution of higher education with an expertise in
17 criminology and criminal justice.

18 The study shall include, but not be limited to: (i) a review of staffing ratios and
19 employee costs in each state prison and house of correction; (ii) an examination of
20 potential ways to increase efficiencies and reduce fixed costs in state prisons and houses
21 of correction; (iii) an analysis of the amount spent by the department of correction and
22 each sheriff’s department on mental health and substance abuse services and the
23 appropriate levels of funding necessary to meet the service needs of incarcerated people;
24 (iv) a review of all discretionary programming offered in state prisons and houses of
25 correction; (v) an analysis of chapter 69 of the acts of 2018, its impacts on state prisons
26 and houses of correction and best practices to implement its requirements; and (vi) a

27 review of the funding sources for the department of correction and each sheriff's
28 department, including appropriations from the commonwealth, commissary charges,
29 prison industries, trust fund accounts, other inmate fees and expenses and other sources
30 of revenue.

31 The study shall include data for each state prison and house of correction relative
32 to inmate population, costs per inmate, as defined by the commission, health care
33 expenses, payroll expenses, including payroll spending on care and custody personnel,
34 and expenses on programming for recidivism reduction, including case management,
35 reentry support, behavioral health counseling, education and vocational or workforce
36 development programs. The report shall include data for the previous 5 fiscal years, the
37 current fiscal year, and projected data for fiscal year 2020 and fiscal year 2021.

38 The commission shall compare existing funding levels and expenses at each state
39 prison and house of correction and include a recommendation for an appropriate level or
40 allocation of funding which shall not increase the existing aggregate total statewide
41 spending on those funding levels and expenses. The commission shall recommend
42 targeted solutions for each state prison and house of correction to reduce spending if
43 actual spending is above the recommended level. The commission may recommend
44 bifurcating the funding line items for prison facilities to better identify the funding for: (i)
45 fixed costs and payroll spending on care and custody personnel; and (ii) funding for
46 programming on recidivism reduction.

47 The commission shall propose a funding formula for the department of correction
48 and each sheriff's department based, in part, on the number of people in their custody and
49 control and the utilization of best practices in recidivism reduction to safely reduce the
50 population of incarcerated people. The proposed funding formula shall, to the extent
51 possible, increase the percentage of spending on evidence-based recidivism reduction
52 programming and reduce or mitigate projected spending increases.

53 The commission shall have access to data, documents and information necessary
54 for the performance of the commission's duties under this section. The commission may
55 request, and the department of correction and each sheriff's department shall provide, any
56 such data, documents or information; provided, however, that nonpublic information
57 shall be provided in an aggregate and de-identified form; and provided further, that the

58 commission, in collaboration with the department of correction and the sheriff
59 departments, shall adopt policies and procedures to ensure the confidentiality of personal
60 information.

61 The commission shall submit a written report of its findings, including legislative
62 and budgetary recommendations, with the clerks of the senate and house of
63 representatives, the senate and house committees on ways and means and the joint
64 committee on public safety and homeland security not later than September 1, 2019.

65

Pension Cost of Living Adjustment

1 SECTION 48. Notwithstanding any general or special law to the contrary, the
2 amounts transferred pursuant to subdivision (1) of section 22C of chapter 32 of the
3 General Laws shall be made available for the Commonwealth's Pension Liability Fund
4 established in section 22 of said chapter 32. The amounts transferred pursuant to said
5 subdivision (1) of said section 22C of said chapter 32 shall meet the commonwealth's
6 obligations pursuant to said section 22C of said chapter 32, including retirement benefits
7 payable by the state employees' retirement system and the state teachers' retirement
8 system, for the costs associated with a 3 per cent cost-of-living adjustment pursuant to
9 section 102 of said chapter 32, for the reimbursement of local retirement systems for
10 previously authorized cost-of-living adjustments pursuant to said section 102 of said
11 chapter 32 and for the costs of increased survivor benefits pursuant to chapter 389 of the
12 acts of 1984. The state board of retirement and each city, town, county and district shall
13 verify these costs, subject to rules that shall be adopted by the state treasurer. The state
14 treasurer may make payments upon a transfer of funds to reimburse certain cities and
15 towns for pensions of retired teachers, including any other obligation that the
16 commonwealth has assumed on behalf of a retirement system other than the state
17 employees' retirement system or state teachers' retirement system, including the
18 commonwealth's share of the amounts to be transferred pursuant to section 22B of said
19 chapter 32. The payments under this section shall be made only pursuant to distribution
20 of money from the Commonwealth's Pension Liability Fund and any distribution, and the
21 payments for which distributions are required, shall be detailed in a written report filed

22 quarterly by the secretary of administration and finance with the chairs of the senate and
23 house committees on ways and means and the senate and house chairs of the joint
24 committee on public service in advance of the distribution. Distributions shall not be
25 made in advance of the date on which a payment is actually to be made. If the amount
26 transferred pursuant to said subdivision (1) of said section 22C of said chapter 32 exceeds
27 the amount necessary to adequately fund the annual pension obligations, the excess
28 amount shall be credited to the Pension Reserves Investment Trust Fund established in
29 subdivision (8) of said section 22 of said chapter 32 to reduce the unfunded pension
30 liability of the commonwealth.

Health Safety Net Administration

1 SECTION 49. Notwithstanding any general or special law to the contrary, a
2 payment from the Health Safety Net Trust Fund established in section 66 of chapter 118E
3 of the General Laws may be made as a safety net care payment under the
4 commonwealth's waiver pursuant to section 1115 of the federal Social Security Act, 42
5 U.S.C. 1315 or as an adjustment to service rate payments under Title XIX and XXI of the
6 Social Security Act or a combination of both. Other federally permissible funding
7 mechanisms available for certain hospitals, as defined by regulations of the executive
8 office of health and human services, may be used to reimburse up to \$70,000,000 of
9 uncompensated care pursuant to sections 66 and 69 of said chapter 118E using sources
10 distinct from the funding made available to the Health Safety Net Trust Fund.

Initial Gross Payments to Qualifying Acute Care Hospitals

1 SECTION 50. Notwithstanding any general or special law to the contrary, the
2 comptroller, without further appropriation and not later than October 1, 2018, shall
3 transfer from the General Fund to the Health Safety Net Trust Fund established in section
4 66 of chapter 118E of the General Laws the greater of \$45,000,000 or 1/12 of the total
5 expenditures to hospitals and community health centers required pursuant to this act to
6 make initial gross payments to qualifying acute care hospitals for the hospital fiscal year

7 beginning October 1, 2018. The payments shall be made to hospitals before, and in
8 anticipation of, the payment by hospitals of their gross liability to the Health Safety Net
9 Trust Fund. Not later than June 30, 2019, the comptroller shall transfer from the Health
10 Safety Net Trust Fund to the General Fund the amount of the transfer authorized by this
11 section and any allocation of that amount as certified by the director of the health safety
12 net office.

Inspector General's Health Care Audits

1 SECTION 51. Notwithstanding any general or special law to the contrary, in
2 hospital fiscal year 2019, the office of inspector general may expend a total of \$1,000,000
3 from the Health Safety Net Trust Fund established in section 66 of chapter 118E of the
4 General Laws for costs associated with maintaining a health safety net audit unit within
5 the office. The unit shall continue to oversee and examine the practices in hospitals
6 including, but not limited to, the care of the uninsured and the resulting free charges. The
7 unit shall also study and review the Medicaid program under said chapter 118E including,
8 but not limited to, a review of the program's eligibility requirements, utilization, claims
9 administration and compliance with federal mandates. The inspector general shall submit
10 a report to the chairs of the senate and house committees on ways and means on the
11 results of the audits and any other completed analyses not later than March 1, 2019.

MassHealth Dental Coverage

1 SECTION 52. Notwithstanding section 53 of chapter 118E of the General Laws,
2 for fiscal year 2019, the executive office of health and human services may determine,
3 subject to required federal approvals, the extent to which to include within its covered
4 services for adults the federally-optional dental services that were included in its state
5 plan or demonstration program in effect on January 1, 2002; provided, however, that
6 dental services for adults enrolled in MassHealth shall be covered at least to the extent
7 they were covered as of January 1, 2018; and provided further, that at least 45 days
8 before restructuring any MassHealth dental benefits, the executive office of health and

9 human services shall file a report with the executive office for administration and finance
10 and the chairs of the senate and house committees on ways and means detailing the
11 proposed changes and the anticipated fiscal impact of the changes.

Nursing and Resident Care Facility Base Year

1 SECTION 53. Notwithstanding any general or special law to the contrary, nursing
2 facility and resident care facility rates effective October 1, 2018 under section 13D of
3 chapter 118E of the General Laws may be developed using the costs of calendar year
4 2007 or any subsequent year that the secretary of health and human services, in its
5 discretion, may select.

Transfers between Health Funds

1 SECTION 54. (a) Notwithstanding any general or special law to the contrary, the
2 executive office for administration and finance shall transfer up to \$15,000,000 from the
3 Commonwealth Care Trust Fund established in section 2000 of chapter 29 of the
4 General Laws to the Health Safety Net Trust Fund established in section 66 of chapter
5 118E of the General Laws.

6 (b) The transfer required from the Commonwealth Care Trust Fund to the Health
7 Safety Net Trust Fund under subsection (b) of section 189 of chapter 149 of the General
8 Laws shall not apply in fiscal year 2019.

Trial Court Transferability

1 SECTION 55. Notwithstanding subclause (a) of clause (xiii) of the third
2 paragraph of section 9A of chapter 211B of the General Laws or any other general or
3 special law to the contrary, the court administrator may, from the effective date of this act
4 to April 30, 2019, inclusive, transfer funds from any item of appropriation within the trial
5 court; provided, however, that the court administrator shall not transfer more than 5 per
6 cent of funds from items 0339-1001 or 0339-1003 to any other item of appropriation

7 within the trial court. The transfers shall be made in accordance with schedules submitted
8 to the house and senate committees on ways and means. The schedules shall include: (i)
9 the amount of money transferred from any item of appropriation to any other item of
10 appropriation; (ii) the reason for the necessity of the transfer; and (iii) the date on which
11 the transfer shall be completed. A transfer under this section shall not occur until 10 days
12 after the revised funding schedules have been submitted in writing to the house and
13 senate committees on ways and means.

Other Post-Employment Benefits Payment

1 SECTION 56. (a) Notwithstanding any general or special law to the contrary, the
2 unexpended balances in items 0699-0015 and 0699-9100 of section 2 shall be deposited
3 into the State Retiree Benefits Trust Fund established in section 24 of chapter 32A of the
4 General Laws before the certification of the fiscal year 2019 consolidated net surplus
5 under section 5C of chapter 29 of the General Laws. The amount deposited shall be an
6 amount equal to 10 per cent of all payments received by the commonwealth in fiscal year
7 2019 under the master settlement agreement in Commonwealth of Massachusetts v.
8 Philip Morris, Inc. et al., Middlesex Superior Court, No. 95-7378; provided, however,
9 that if in fiscal year 2018 the unexpended balances of said items 0699-0015 and 0699-
10 9100 of said section 2 are less than 10 per cent of all payments received by the
11 commonwealth in fiscal year 2019 under the master settlement agreement payments, an
12 amount equal to the difference shall be transferred to the State Retiree Benefits Trust
13 Fund from payments received by the commonwealth under the master settlement
14 agreement.

15 (b) Notwithstanding any general or special law to the contrary, the payment
16 percentage set forth in section 152 of chapter 68 of the acts of 2011 shall not apply in
17 fiscal year 2019.

Earned Income Tax Credit Increase 2

1 SECTION 57. Section 14 shall take effect on January 1, 2019 and shall apply to
2 tax years beginning on or after January 1, 2019.

Prescription Drug Supplemental Rebate 2

1 SECTION 58. Notwithstanding subsection (b) of section 12A of chapter 118E,
2 the pharmaceutical spending target for fiscal year 2019 shall be 6 per cent of net
3 pharmaceutical spending for MassHealth.

Juvenile Court Special Findings 2

1 SECTION 59. Section 39M of chapter 119 of the General Laws shall apply: (i) to
2 all requests for special findings as described in paragraph (1) of subsection (b) of said
3 section 39M of said chapter 119 pending in a juvenile court as of March 4, 2016 or
4 commenced on or after March 4, 2016; and (ii) retroactively to any special findings
5 issued that form the basis of a child’s petition for special immigrant juvenile
6 classification if that petition is subject to denial or revocation based on the child’s
7 dependency status or age when the special findings were issued.

Low-Income Enrollment Count 2

1 SECTION 60. Section 16 shall apply in fiscal year 2020. The department of
2 elementary and secondary education shall provide school districts with the family income
3 certification form described in section 3B of chapter 70 of the General Laws within a
4 reasonable time prior to the low-income enrollment count process for the purposes of
5 calculating chapter 70 aid in fiscal year 2020.
6

Department of Public Utilities Trust Funds 2

1 SECTION 61. The application fees required to be credited to the Department of
2 Public Utilities Energy Facilities Siting Board Trust Fund under section 12Q of chapter
3 25 of the General Laws and the Department of Public Utilities Unified Carrier
4 Registration Trust Fund under section 12R of said chapter 25 shall apply to the
5 application fees collected by the department prior to fiscal year 2019 and application fees
6 collected in fiscal year 2019 and thereafter.

Transitional Aid Family Cap 8

1 SECTION 62. Sections 21, 30, 31, 33, and 35 to 37, inclusive, shall take effect on
2 January 1, 2019.

Effective Date

1 SECTION 63. Except as otherwise specified, this act shall take effect on July 1,
2 2018