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## Section 3 Local Aid Distribution

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Additional local aid information based on the Governor's FY2025 Budget for individual cities and towns is available at <https://www.mass.gov/lists/cherry-sheet-estimates>

### SECTION 3.

Notwithstanding any general or special law to the contrary, for the fiscal year ending June 30, 2025 the distribution of Unrestricted General Government Aid to cities and towns of the balance of the State Lottery and Gaming Fund, as paid from the General Fund in accordance with clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws, and additional funds from the General Fund and the Gaming Local Aid Fund, shall be \$1,308,713,668 and shall be apportioned to cities and towns in accordance with this section.

For fiscal year 2025 the total amounts to be distributed to each city, town, and regional school district, as calculated pursuant to chapter 70 of the General Laws and paid from item 7061-0008 of section 2, shall be as set forth in the following lists; provided, that for purposes of calculating preliminary local contributions, municipal revenue growth factors shall be calculated in a manner consistent with calculations made in fiscal year 2024; provided further, that the effort reduction percentage shall be 100 per cent; provided further, that the minimum aid per pupil dollar amount shall be \$30; and provided further, that the total statewide target local contribution shall be 59 per cent. If there is a conflict between the language of said chapter 70 and the distribution listed below, the distribution below shall control. The specified amounts listed below shall be deemed in full satisfaction of the amounts due under said chapter 70.

The department of elementary and secondary education shall not consider health care costs for retired teachers to be part of net school spending for any district in which such costs were not considered part of net school spending in fiscal year 1994 and for any district that has not accepted the provisions of section 260 of chapter 165 of the acts of 2014; provided, that any district for whom such costs are not so considered shall have included as part of net school spending an amount equal to the increase in the foundation budget for the district associated with health care costs of retired teachers.

No payments to cities, towns or counties maintaining an agricultural school under this section shall be made after November 30 of the fiscal year until the commissioner of revenue certifies acceptance of the prior fiscal year's annual financial reports submitted under section 43 of chapter 44 of the General Laws. Advance payments shall be made for some or all of periodic local reimbursement or assistance programs to any city, town, regional school district, or agricultural school that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary of administration and finance, under guidelines established by the secretary.

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MUNICIPALITY	Chapter 70	Unrestricted General Government Aid
Abington	14,464,948	2,422,223
Acton	0	1,722,409
Acushnet	7,205,520	1,866,952
Adams	0	2,882,694
Agawam	26,060,635	4,536,201
Alford	0	17,281

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MUNICIPALITY	Chapter 70	Unrestricted General Government Aid
Amesbury	9,529,227	2,395,443
Amherst	6,310,293	10,366,349
Andover	14,114,750	2,200,200
Aquinnah	0	2,878
Arlington	18,884,039	9,341,579
Ashburnham	0	979,012
Ashby	0	539,155
Ashfield	93,683	228,596
Ashland	11,359,210	1,665,126
Athol	0	3,259,884
Attleboro	55,938,155	7,024,558
Auburn	15,205,331	2,108,747
Avon	4,163,227	853,424
Ayer	0	932,142
Barnstable	24,911,233	2,590,019
Barre	0	1,107,412
Becket	76,923	111,821
Bedford	6,097,863	1,413,464
Belchertown	14,273,186	2,095,079
Bellingham	10,039,682	2,089,340
Belmont	11,920,165	2,780,224
Berkley	4,172,380	749,194
Berlin	0	248,249
Bernardston	0	358,127
Beverly	14,678,461	7,190,630
Billerica	20,217,684	7,170,082
Blackstone	234,189	1,685,374
Blandford	77,411	156,348
Bolton	0	243,110
Boston	232,421,855	233,284,129
Bourne	5,523,523	1,805,020
Boxborough	32,909	310,600
Boxford	1,884,346	598,572
Boylston	113,472	421,767
Braintree	20,808,006	7,045,993
Brewster	1,390,081	486,179
Bridgewater	139,342	4,484,718
Brimfield	1,748,957	480,068
Brockton	256,217,656	25,781,650
Brookfield	1,918,486	607,959

MUNICIPALITY	Chapter 70	Unrestricted General Government Aid
Brookline	16,242,217	7,817,560
Buckland	13,134	377,027
Burlington	9,965,011	3,224,636
Cambridge	20,804,015	26,452,452
Canton	8,763,916	2,640,502
Carlisle	1,405,120	270,113
Carver	10,508,319	1,798,774
Charlemont	102,815	215,233
Charlton	0	1,783,908
Chatham	0	185,311
Chelmsford	14,410,834	6,249,641
Chelsea	122,882,284	10,112,804
Cheshire	16,351	756,413
Chester	72,014	221,683
Chesterfield	133,594	170,001
Chicopee	93,892,597	14,178,996
Chilmark	0	4,619
Clarksburg	2,082,907	447,931
Clinton	20,377,370	2,898,564
Cohasset	3,121,835	633,498
Colrain	0	355,370
Concord	4,218,722	1,428,463
Conway	639,484	220,060
Cummington	59,811	102,719
Dalton	212,169	1,400,933
Danvers	9,399,829	3,506,991
Dartmouth	10,547,851	3,103,975
Dedham	9,739,000	4,026,590
Deerfield	1,165,423	591,405
Dennis	0	670,586
Devens	308,558	0
Dighton	8,251	952,104
Douglas	8,959,685	898,577
Dover	1,047,477	236,860
Dracut	27,285,133	4,314,193
Dudley	0	2,200,007
Dunstable	0	302,852
Duxbury	6,751,248	1,091,453
East Bridgewater	12,932,207	1,843,097
East Brookfield	186,676	357,105

MUNICIPALITY	Chapter 70	Unrestricted General Government Aid
East Longmeadow	15,113,108	1,782,313
Eastham	512,777	183,447
Easthampton	8,711,872	3,460,974
Easton	10,757,541	2,696,435
Edgartown	1,178,671	82,020
Egremont	0	77,690
Erving	562,120	82,759
Essex	0	301,474
Everett	117,869,590	8,506,767
Fairhaven	9,679,553	2,776,605
Fall River	202,121,291	29,342,937
Falmouth	9,409,009	1,707,078
Fitchburg	77,891,114	10,507,955
Florida	561,367	61,287
Foxborough	9,505,230	1,834,061
Framingham	85,939,763	12,250,410
Franklin	29,343,701	3,042,531
Freetown	16,860	1,169,221
Gardner	29,670,040	5,217,779
Georgetown	5,749,378	882,077
Gill	0	299,503
Gloucester	11,649,055	4,917,750
Goshen	96,381	98,506
Gosnold	0	2,582
Grafton	12,881,580	1,925,260
Granby	4,785,080	1,087,201
Granville	0	197,416
Great Barrington	0	934,473
Greenfield	16,480,808	3,909,199
Groton	0	953,815
Groveland	65,470	896,304
Hadley	1,363,570	558,840
Halifax	3,528,507	1,117,742
Hamilton	0	827,276
Hampden	0	847,150
Hancock	450,256	69,520
Hanover	7,533,353	2,608,382
Hanson	40,519	1,576,798
Hardwick	0	573,235
Harvard	2,280,993	1,823,506



MUNICIPALITY	Chapter 70	Unrestricted General Government Aid
Harwich	0	530,386
Hatfield	904,456	384,204
Haverhill	87,836,388	12,101,856
Hawley	13,300	53,286
Heath	0	103,023
Hingham	8,643,373	1,943,280
Hinsdale	104,923	274,161
Holbrook	11,256,291	1,816,822
Holden	14,517	2,354,185
Holland	1,018,066	248,529
Holliston	8,992,342	1,906,809
Holyoke	101,012,333	12,505,347
Hopedale	6,247,200	802,916
Hopkinton	9,924,609	967,268
Hubbardston	0	554,659
Hudson	13,070,157	2,455,382
Hull	4,019,006	2,609,481
Huntington	420,912	424,366
Ipswich	4,193,872	1,976,544
Kingston	5,572,068	1,181,872
Lakeville	86,418	1,007,493
Lancaster	11,693	1,177,001
Lanesborough	0	424,745
Lawrence	285,935,310	24,176,627
Lee	2,186,709	766,840
Leicester	11,140,397	2,137,945
Lenox	1,359,705	656,319
Leominster	66,706,020	7,047,158
Leverett	400,118	219,786
Lexington	17,814,661	1,887,088
Leyden	0	101,381
Lincoln	1,315,188	838,262
Littleton	4,898,036	875,266
Longmeadow	7,181,059	1,720,307
Lowell	243,260,953	31,014,530
Ludlow	14,525,649	3,761,531
Lunenburg	8,957,078	1,302,115
Lynn	287,160,866	27,568,674
Lynnfield	6,010,860	1,280,605
Malden	63,814,622	15,448,168

MUNICIPALITY	Chapter 70	Unrestricted General Government Aid
Manchester	0	273,829
Mansfield	19,593,509	2,746,586
Marblehead	6,431,967	1,402,160
Marion	1,166,390	277,832
Marlborough	47,737,171	6,702,846
Marshfield	15,343,273	2,667,448
Mashpee	4,900,746	453,025
Mattapoisett	1,016,711	499,053
Maynard	5,700,958	1,934,459
Medfield	6,724,224	1,784,906
Medford	17,543,020	14,935,807
Medway	10,883,259	1,502,236
Melrose	12,406,332	6,314,804
Mendon	38,052	503,189
Merrimac	56,805	1,036,018
Methuen	68,566,232	6,694,913
Middleborough	22,423,441	3,035,815
Middlefield	13,290	65,458
Middleton	1,790,231	673,723
Milford	48,781,164	3,760,956
Millbury	9,003,143	2,180,421
Millis	5,024,602	1,289,163
Millville	73,662	501,554
Milton	11,804,972	3,956,453
Monroe	140,582	22,640
Monson	7,691,615	1,607,343
Montague	9,046	1,764,674
Monterey	0	56,931
Montgomery	21,162	106,858
Mount Washington	13,818	36,910
Nahant	568,543	465,245
Nantucket	4,463,154	97,561
Natick	13,324,525	4,692,127
Needham	13,479,916	2,149,525
New Ashford	180,257	25,010
New Bedford	236,195,308	28,325,395
New Braintree	16,860	162,548
New Marlborough	0	72,112
New Salem	0	127,757
Newbury	16,934	637,692

MUNICIPALITY	Chapter 70	Unrestricted General Government Aid
Newburyport	5,725,695	3,140,406
Newton	27,926,713	7,236,119
Norfolk	3,643,335	1,180,826
North Adams	16,411,269	5,462,791
North Andover	12,076,499	2,523,446
North Attleborough	21,412,751	3,542,528
North Brookfield	4,922,506	981,155
North Reading	7,560,047	2,186,313
Northampton	8,036,689	5,412,027
Northborough	4,283,000	1,373,482
Northbridge	15,963,421	2,599,152
Northfield	0	444,877
Norton	13,225,730	2,559,197
Norwell	5,075,578	1,319,976
Norwood	17,371,240	5,727,421
Oak Bluffs	1,964,195	89,550
Oakham	0	236,239
Orange	6,962,781	1,989,947
Orleans	458,904	211,505
Otis	0	44,787
Oxford	12,225,213	2,531,931
Palmer	11,756,550	2,469,410
Paxton	0	666,310
Peabody	36,982,478	8,888,400
Pelham	250,153	196,002
Pembroke	14,083,382	2,069,844
Pepperell	0	1,837,779
Peru	91,030	140,624
Petersham	533,416	141,162
Phillipston	0	227,133
Pittsfield	61,496,778	10,631,253
Plainfield	37,431	61,775
Plainville	3,046,031	934,152
Plymouth	28,494,013	4,824,871
Plympton	1,114,682	292,121
Princeton	0	364,573
Provincetown	308,061	170,319
Quincy	45,401,777	23,511,939
Randolph	25,858,029	6,400,276
Raynham	0	1,400,176

MUNICIPALITY	Chapter 70	Unrestricted General Government Aid
Reading	11,504,559	3,991,857
Rehoboth	0	1,283,550
Revere	102,042,563	12,666,415
Richmond	526,115	133,218
Rochester	2,429,282	522,976
Rockland	18,603,116	3,255,129
Rockport	1,607,396	538,795
Rowe	147,515	4,851
Rowley	34,649	664,959
Royalston	0	221,371
Russell	207,425	304,112
Rutland	0	1,139,058
Salem	29,600,131	8,494,100
Salisbury	14,443	778,011
Sandisfield	0	42,669
Sandwich	7,574,878	1,387,851
Saugus	14,001,072	4,517,440
Savoy	523,349	142,672
Scituate	6,623,387	2,477,060
Seekonk	7,817,154	1,515,221
Sharon	10,604,034	1,723,696
Sheffield	14,170	299,980
Shelburne	0	322,011
Sherborn	859,017	266,716
Shirley	0	1,615,525
Shrewsbury	21,151,408	3,430,063
Shutesbury	648,956	208,810
Somerset	10,681,539	1,888,580
Somerville	21,399,428	31,024,812
South Hadley	10,732,741	3,215,900
Southampton	2,637,136	784,590
Southborough	3,199,861	538,561
Southbridge	32,247,489	4,331,911
Southwick	0	1,553,218
Spencer	37,407	2,785,058
Springfield	505,531,986	46,614,520
Sterling	6,178	853,664
Stockbridge	0	122,740
Stoneham	7,333,309	4,576,264
Stoughton	28,559,684	3,943,077

MUNICIPALITY	Chapter 70	Unrestricted General Government Aid
Stow	0	518,357
Sturbridge	5,175,877	953,975
Sudbury	5,632,778	1,723,660
Sunderland	899,748	622,367
Sutton	5,708,745	961,202
Swampscott	5,339,063	1,593,845
Swansea	11,023,552	2,312,692
Taunton	94,895,152	10,356,565
Templeton	11,077	1,717,060
Tewksbury	13,910,255	3,427,114
Tisbury	1,650,979	120,741
Tolland	0	22,759
Topsfield	1,549,565	755,262
Townsend	0	1,618,274
Truro	434,996	37,045
Tyngsborough	7,702,624	1,189,974
Tyringham	57,162	15,634
Upton	39,979	655,574
Uxbridge	9,739,394	1,694,280
Wakefield	8,644,507	4,148,234
Wales	1,180,498	290,839
Walpole	9,993,868	3,138,201
Waltham	23,792,718	11,824,339
Ware	14,086,210	2,125,841
Wareham	16,294,776	2,436,234
Warren	11,646	1,114,045
Warwick	381,710	156,602
Washington	37,153	116,303
Watertown	7,889,354	8,213,318
Wayland	7,347,132	1,113,045
Webster	20,048,427	3,048,735
Wellesley	10,040,304	1,595,117
Wellfleet	305,543	71,972
Wendell	0	214,594
Wenham	0	527,440
West Boylston	3,182,925	981,077
West Bridgewater	6,925,704	805,204
West Brookfield	328,719	599,742
West Newbury	13,150	364,849
West Springfield	44,298,798	4,413,074

MUNICIPALITY	Chapter 70	Unrestricted General Government Aid
West Stockbridge	0	119,724
West Tisbury	0	228,714
Westborough	12,027,150	1,426,899
Westfield	43,995,462	7,751,621
Westford	17,963,625	2,616,820
Westhampton	494,390	178,430
Westminster	0	806,066
Weston	4,616,834	460,595
Westport	5,590,280	1,498,073
Westwood	7,156,166	898,330
Weymouth	29,492,285	10,736,788
Whately	331,893	165,248
Whitman	140,094	2,981,659
Wilbraham	0	1,802,116
Williamsburg	847,517	372,791
Williamstown	0	1,175,614
Wilmington	11,978,300	3,061,838
Winchendon	14,039,746	2,071,546
Winchester	10,407,499	1,821,859
Windsor	26,462	127,871
Winthrop	10,098,570	5,190,981
Woburn	14,671,380	7,371,734
Worcester	377,102,598	51,170,554
Worthington	468,536	154,668
Wrentham	3,952,753	1,148,005
Yarmouth	0	1,554,670
Total Municipal Aid	5,962,961,653	1,308,713,668

	Chapter 70
Regional School District	
Acton Boxborough	16,091,731
Amherst Pelham	9,793,627
Ashburnham Westminster	15,763,053
Assabet Valley	9,832,968
Athol Royalston	23,963,100
Ayer Shirley	8,603,831
Berkshire Hills	3,398,268
Berlin Boylston	2,989,047
Blackstone Millville	11,275,939
Blackstone Valley	9,313,958
Blue Hills	7,466,393
Bridgewater Raynham	31,486,226
Bristol County	5,303,434
Bristol Plymouth	14,233,836
Cape Cod	3,427,282
Central Berkshire	9,833,858
Chesterfield Goshen	772,660
Concord Carlisle	3,331,989
Dennis Yarmouth	12,531,786
Dighton Rehoboth	13,425,956
Dover Sherborn	2,689,450
Dudley Charlton	25,083,913
Essex North Shore	8,044,240
Farmington River	731,290
Franklin County	5,974,823
Freetown Lakeville	11,739,059
Frontier	2,946,855
Gateway	6,215,327
Gill Montague	7,863,011
Greater Fall River	23,035,118
Greater Lawrence	38,245,723
Greater Lowell	37,647,191
Greater New Bedford	35,422,176
Groton Dunstable	11,329,403
Hamilton Wenham	4,068,098
Hampden Wilbraham	12,425,444
Hampshire	3,379,683
Hawlemont	651,226
Hoosac Valley	11,817,286
King Philip	7,944,040
Lincoln Sudbury	3,888,565

	Chapter 70
Regional School District	
Manchester Essex	3,264,698
Marthas Vineyard	3,569,986
Masconomet	5,498,979
Mendon Upton	12,817,396
Minuteman	2,998,383
Mohawk Trail	6,201,914
Monomoy	4,263,555
Montachusett	18,362,984
Mount Greylock	4,972,196
Narragansett	12,380,749
Nashoba	9,869,376
Nashoba Valley	4,841,689
Nauset	3,741,649
New Salem Wendell	915,852
Norfolk County	1,473,653
North Middlesex	20,945,543
Northampton Smith	934,115
Northboro Southboro	3,398,914
Northeast Metropolitan	15,265,631
Northern Berkshire	7,033,395
Old Colony	4,188,193
Old Rochester	3,496,795
Pathfinder	7,676,282
Pentucket	13,591,052
Pioneer	4,031,619
Quabbin	16,996,468
Quaboag	10,369,149
Ralph C Mahar	6,263,550
Shawsheen Valley	6,706,281
Silver Lake	10,348,887
Somerset Berkley	6,999,031
South Middlesex	9,098,453
South Shore	5,849,524
Southeastern	23,143,048
Southern Berkshire	2,103,371
Southern Worcester	14,453,612
Southwick Tolland Granville	10,078,848
Spencer East Brookfield	13,966,754
Tantasqua	11,453,926
Tri County	5,882,108
Triton	9,171,741



	Chapter 70	
Regional School District		
Upisland	979,222	
Upper Cape Cod	4,589,560	
Wachusett	36,055,245	
Whitman Hanson	25,409,280	
Whittier	13,432,714	
	Chapter 70	Unrestricted General Government Aid
TOTALS		
Total Regional Aid	893,066,233	
Total Municipal and Regional Aid	6,856,027,886	1,308,713,668



**Section 4 - Managed Care Organization Services Assessment 1**

SECTION 4. Section 6 of chapter 6D of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 1 to 2, the words "and surcharge payor".

*Summary:*

This section, along with other related sections, creates a unified assessment mechanism for all managed care organization assessments.

**Section 5 - Managed Care Organization Services Assessment 2**

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

*Summary:*

This section, along with other related sections, creates a unified assessment mechanism for all managed care organization assessments.

**Section 6 - Registry of Deeds Technological Fund Extension 1**

SECTION 6. Section 31 of chapter 9 of the General Laws, as so appearing, is hereby amended by striking in lines 9 and 12, each time it appears, the figure "2025" and inserting in place thereof the following figure:- 2030.

*Summary:*

This section, along with a related section, extends the sunset date for the Registry of Deeds Fund from June 30, 2025 to June 30, 2030.

**Section 7 - Online Lottery 1**

SECTION 7. Chapter 10 of the General Laws is hereby amended by striking out section 24 and inserting in place thereof the following section:-

Section 24. (a) The commission is hereby authorized to conduct a state lottery and shall determine: (i) the types of lotteries to be conducted; (ii) the prices of tickets or shares in the lottery; (iii) the number and sizes of the prizes on the winning tickets or shares; (iv) the manner of selecting the winning tickets or shares; (v) the manner of payment of prizes to the holders of winning tickets or shares; (vi) the frequency of the drawings or selections of winning tickets or shares; (vii) the types of locations at which tickets or shares may be sold; (viii) the method to be used in selling tickets or shares; (ix) the licensing of agents to sell tickets or shares; provided, however, that no person under the age of 18 shall be licensed as an agent; (x) the manner and amount of compensation, if any, to be paid licensed sales agents; provided, however, that the amount of compensation, if any, to be paid to licensed sales agents as a commission pursuant to this section shall be calculated on the total face value of each ticket or share sold and not on any discounted price of any such ticket or share sold; provided further, that the commission shall authorize licensed sales agents to facilitate point of sale transactions using a debit card; and provided further, that said commission shall prohibit point of sale transactions using credit

cards as defined in section 1 of chapter 140D and that point of sale transactions under this section shall be subject to the restrictions pursuant to subsection (b) of section 5I of chapter 18; and (xi) such other matters necessary or desirable for the efficient and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares. The commission is authorized to operate the daily numbers game 7 days a week. Each physical state lottery ticket or share shall have imprinted thereon the state seal and a serial number.

(b) The commission may establish, and from time to time revise, such rules and regulations as it deems necessary or desirable and shall file the same with the office of the state secretary; provided, however, that the commission shall establish rules and regulations for lotteries conducted online, over the internet, through the use of a mobile application or through any other means that shall, at a minimum:

(i) require age verification measures to be reasonably designed to block access to and prevent sales of lottery tickets, games or shares online, over the internet, through the use of a mobile application or through any other means to persons under the age of 18; (ii) limit sales of lottery tickets, games or shares online, over the internet, through the use of a mobile application or through any other means to transactions initiated and received, or otherwise made, within the commonwealth; (iii) allow any player to voluntarily prohibit or otherwise exclude themselves from purchasing a lottery ticket, game or share online, over the internet, through the use of a mobile application or through any other means; (iv) establish maximum limits for account deposits and transactions of lottery tickets, games or shares conducted online, over the internet, through the use of a mobile application or through any other means and allow players to reduce their own deposit or transaction limit at any time; (v) clarify that any cash deposited and unspent in a lottery account belongs solely to the owner of the account and may be withdrawn by the owner at any time subject to the satisfaction of controls or policies put in place to maintain security of customer funds and to prevent fraud and unauthorized or unlawful withdrawals; (vi) require the commission to implement promotional activities to encourage the purchase of lottery tickets, games or shares through licensed sales agents;

(c) Notwithstanding any general or special law to the contrary, the name, address, transaction history, account balance or other personal or identifying information of an individual who purchases lottery tickets, games or shares online, over the internet, through the use of a mobile application or through any other means shall not be deemed public records of the commission for the purposes of section 10 of chapter 66; provided, however, that this section shall not prohibit the commission from maintaining, using or sharing such information in the course of an investigation by law enforcement or in compliance with sections 28A or 28B.

(d) The commission shall advise and make recommendations to the director regarding the operation and administration of the lottery. The commission shall report monthly to the governor, the attorney general and the general court, the total lottery revenues, prize disbursements and other expenses for the preceding month and shall make an annual independently audited financial report to the same which shall include a full and complete statement of lottery revenues, prize disbursements and other expenses, including such recommendations as it may deem necessary or advisable, which shall be made available electronically to the general public not later than the earliest date established for reports in section 12 of chapter 7A. The commission shall report immediately to the governor and the general court any matters which require immediate changes in the laws of the commonwealth in order to prevent abuses and evasions of the lottery law or rules and regulations promulgated thereunder or to rectify undesirable conditions in connection with the administration or operation of the state lottery.

(e) The commission is authorized to carry on a continuous study and investigation of the lottery throughout the commonwealth in order to: (i) ascertain any defects in the state lottery law or in the rules and regulations issued thereunder whereby any abuse in the administration and operation of the lottery or any evasion of said law or said rules and regulations may arise or be practiced; (ii) formulate recommendations for changes in said law and the rules and regulations promulgated thereunder to prevent such abuses and evasions; and (iii) guard against the use of said law and rules and regulations issued thereunder as a cloak for the carrying on of organized gambling and crime.

(f) The commission shall make a continuous study and investigation of: (i) the operation and administration of similar laws in other states or countries; (ii) any literature on the subject which from time to time may be published or available; (iii) any federal laws which may affect the operation of the lottery; and (iv) the reaction of citizens of the commonwealth to existing and potential features of the

lottery with a view to recommending or effecting changes that will tend to better serve and implement the purposes of the state lottery law.

(g) The concurrence of the chairman and not less than 2 other members of the commission shall be required for all official actions of the commission. A copy of the minutes of each meeting of the commission, including any rules and regulations adopted by the commission or any amendments thereof, shall be forthwith transmitted, by and under the certification of the secretary thereof, to the governor.

(h) The commission shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records and other evidence before it in any matter over which it has jurisdiction, control or supervision. The commission shall have the power to administer oaths and affirmations to persons whose testimony is required.

*Summary:*

This section permits the sale of lottery products by remote methods such as debit cards, and along with other related sections, authorizes online lottery games. The prohibition on the use of credit cards to buy lottery products would remain in effect.

## **Section 8 - Online Lottery 2**

SECTION 8. Section 24A of said chapter 10, as appearing in the 2022 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) For the purposes of this section, "group agreement" shall mean any lottery activity in which the commission participates pursuant to a written agreement between the commission, on behalf of the commonwealth, and any state, territory, country or other sovereignty. The commission is hereby authorized to enter into agreements with 1 or more states or other jurisdictions, hereinafter referred to as a group, for the purpose of creating and maintaining multi-jurisdictional lottery games, including multi-jurisdictional lottery games to be conducted online, over the internet, through the use of a mobile application or through any other means; provided, that any such lottery game to be conducted online, over the internet, through the use of a mobile application or through any other means has been properly authorized by each state or other jurisdiction that is part of the group; provided further, that a group agreement shall not include the state lottery games created pursuant to section 24; provided further, that nothing in this section and nothing in a group agreement shall authorize the commission to make expenditures that are not consistent with restrictions on expenditures by the commission provided for in any other general or special law. The group shall determine the types of lotteries to be conducted, the prices of tickets or shares, the manner of selecting the winning tickets or shares, the manner of payment of prizes to the holders of winning tickets or shares and the frequency of the drawings or selection of winning tickets or shares. The commission may establish, and from time to time revise, such rules and regulations as it deems necessary or desirable to carry out the group agreement and shall file the same with the office of the state secretary.

*Summary:*

This section, along with other related sections, authorizes online lottery games.

### **Section 9 - Online Lottery 3**

SECTION 9. Said chapter 10 is hereby amended by striking out section 25 and inserting in place thereof the following section:-

Section 25. (a) The apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources at the point of sale at a licensed agent shall be as follows: (i) the payment of prizes to the holders of winning tickets or shares which in any case shall be no less than 45 per cent of the total revenues accruing from the sale of lottery tickets; (ii) the payment of costs incurred in the operation and administration of the lottery, including the expenses of the commission and the costs resulting from any contract or contracts entered into for promotional, advertising or operational services or for the purchase or lease of lottery equipment and materials, that in no case shall exceed 15 per cent of the total revenues accruing from the sale of lottery tickets or shares, subject to appropriation; and (iii) the balance shall be used to fund budgeted aid to cities and towns as provided in section 18C of chapter 58, subject to appropriation.

(b) The apportionment of the total revenues accruing from the sale of lotteries conducted online, over the internet, through the use of a mobile application or through any other means as authorized by section 24 except for those enumerated in clause (a) of this section shall be as follows: (i) the payment of prizes to the holders of winning tickets or shares; (ii) the payment of costs incurred in the operation and administration of such lotteries, including the expenses of the commission and the costs resulting from any contract or contracts entered into for promotional, advertising or operational services or for the purchase or lease of lottery equipment and materials, that in no case shall exceed 5 per cent of the total revenues accruing from the sale of lottery tickets or shares; and (iii) the balance shall be paid into the General Fund.

*Summary:*

This section, along with other related sections, authorizes online lottery games.

### **Section 10 - Modernizing Lottery Operations 1**

SECTION 10. Section 26 of said chapter 10 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking the first sentence and inserting in place thereof the following sentence:- The state treasurer shall, subject to the approval of the governor, appoint a director of the state lottery, hereinafter called the director, who shall serve at the pleasure of the state treasurer, shall devote his entire time and attention to the duties of his office and to such official duties specified by the state treasurer subject to the approval of the governor, and shall receive such salary as the commission may determine.

*Summary:*

This section, along with other related sections, makes updates to increase compliance and maximize efficiency in lottery operations.

## **Section 11 - Modernizing Lottery Operations 2**

SECTION 11. Said section 26 of said chapter 10, as so appearing, is hereby further amended by striking out, in lines 39 to 40, the words ", provided, however that no person shall be assigned more than one license to sell lottery tickets or shares".

*Summary:*

This section, along with other related sections, makes updates to increase compliance and maximize efficiency in lottery operations.

## **Section 12 - Modernizing Lottery Operations 3**

SECTION 12. Section 27 of said chapter 10, as so appearing, is hereby amended by striking out the first sentence of the second paragraph and inserting in place thereof the following three sentences:- No covered state employee or member of their immediate family shall be issued a license to sell lottery tickets. For purposes of this section, "covered state employee" shall mean (i) a "state employee" or "special state employee" of the commission, the office of the governor, the department of the state treasurer, the executive office of public safety and security, or the office of the comptroller under section 1 of chapter two hundred sixty-eight A; or (ii) the secretary of an executive office of the commonwealth. "Immediate family" shall have the same meaning as in section 1 of chapter two hundred sixty-eight A.

*Summary:*

This section, along with other related sections, makes updates to increase compliance and maximize efficiency in lottery operations.

## **Section 13 - Modernizing Lottery Operations 4**

SECTION 13. Section 27A of said chapter 10, as so appearing, is hereby amended by striking out, in lines 31 to 33, inclusive, the words "in a newspaper of general circulation in the area including the municipality where said Keno licensee will operate" and inserting in place thereof the following words:- on the commission's website.

*Summary:*

This section, along with other related sections, makes updates to increase compliance and maximize efficiency in lottery operations.

## **Section 14 - Modernizing Lottery Operations 5**

SECTION 14. Section 31 of said chapter 10, as so appearing, is hereby amended by inserting after the words "any member or employee of the commission", in line 3, the following words:- except as authorized by the director for investigative purposes,.

*Summary:*

This section, along with other related sections, makes updates to increase compliance and maximize efficiency in lottery operations.

## **Section 15 - Audit Frequency**

SECTION 15. Section 12 of chapter 11 of the General Laws, as so appearing, is hereby amended by striking out, in line 18, the figure "3" and inserting in place thereof the following figure:- 4.

*Summary:*

This section requires that the State Auditor conduct audits of all entities required to be audited every 4 years to conform with recommended funding contained in the budget.

## **Section 16 - Managed Care Organization Services Assessment 3**

SECTION 16. Section 7 of chapter 12C of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 to 2, the words "and surcharge payor".

*Summary:*

This section, along with other related sections, creates a unified assessment mechanism for all managed care organization assessments.

## **Section 17 - Managed Care Organization Services Assessment 4**

SECTION 17. Said section 7 of said chapter 12C, as so appearing, is hereby amended by striking out the last paragraph.

*Summary:*

This section, along with other related sections, creates a unified assessment mechanism for all managed care organization assessments.

## **Section 18 - Tuition Equity Technical Corrections**

SECTION 18. Section 9 of chapter 15A of the General Laws, as most recently amended by section 11 of chapter 28 of the acts of 2023, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Notwithstanding any general or special law to the contrary, for the purpose of determining eligibility for in-state tuition rates and fees at public institutions of higher education and for state-funded financial assistance, any individual admitted to such institutions of higher education, other than a nonimmigrant alien within the meaning of 8 U.S.C. § 1101(a)(15)(A) to (S), inclusive, who attended high school in the commonwealth for not less than 3 years and graduated from a high school in the commonwealth or attained the equivalent thereof in the commonwealth, shall be eligible to pay in-state tuition rates and fees at public institutions of higher education and shall be eligible on the same terms as other individuals for state-funded financial assistance at state-funded public and state-approved private, independent nonprofit institutions of higher education. No individual qualified for in-state tuition rates and fees under this chapter shall be denied in-state tuition and fees as a result of the granting of eligibility under this paragraph. To receive in-state tuition at a public institution of higher education or state-funded financial assistance at an institution of higher education under this section, an eligible individual shall provide the institution of higher education where the eligible individual is or plans to become enrolled with a high school transcript or certificate demonstrating completion of the equivalent thereof in the commonwealth and: (i) a valid social security number; (ii) a document reflecting issuance



of an individual taxpayer identification number; (iii) if that individual is not a citizen of the United States or a legal permanent resident of the United States, an affidavit signed under the pains and penalties of perjury stating that the individual has applied for citizenship or legal permanent residence or will apply for citizenship or legal permanent residence in accordance with federal statute and federal regulations within 120 days of eligibility for such status; or (iv) documentation of registration with the selective service, if applicable. The board of higher education shall issue regulations for the implementation of this paragraph. Student or family information obtained in the implementation of this paragraph shall be protected from disclosure consistent with subclause (c) of clause (26) of section 7 of chapter 4, chapter 66A, chapter 93H, and other applicable privacy laws.

*Summary:*

This section makes technical edits to the tuition equity law passed in the FY24 budget to clarify procedures for qualifying undocumented students to follow to receive financial aid at private institutions, removes the Selective Service registration requirement, requires the Board of Higher Education to issue implementing regulations, and ensures the confidentiality of student and family information obtained under the law.

## **Section 19 - Promotion of Uniformed Members of the State Police 1**

SECTION 19. Section 25 of chapter 22C of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words ", which shall be written examinations,".

*Summary:*

This section, along with other related sections, modernizes the promotional examination process for uniformed members of the State Police by eliminating the requirement that the colonel proceed only by written examinations and permitting use of validated assessment processes designed to evaluate members' relevant knowledge, skills, and abilities.

## **Section 20 - Promotion of Uniformed Members of the State Police 2**

SECTION 20. Said section 25 of said chapter 22C, as so appearing, is hereby further amended by inserting, in line 13, after the word "question", the following words:- or assessment.

*Summary:*

This section, along with other related sections, modernizes the promotional examination process for uniformed members of the State Police by eliminating the requirement that the colonel proceed only by written examinations and permitting use of validated assessment processes designed to evaluate members' relevant knowledge, skills, and abilities.

## **Section 21 - Promotion of Uniformed Members of the State Police 3**

SECTION 21. Said chapter 22C, as so appearing, is hereby further amended by striking out section 26 and inserting in place thereof the following 2 sections:-

Section 26. (a) The colonel may promote uniformed members of the state police who are deemed eligible for promotion by the colonel to the title of noncommissioned officer or lieutenant. Promotional examinations to the title of noncommissioned officer or lieutenant shall include a written test and may include an assessment process designed to evaluate a member's knowledge, skills, and abilities related to the position. The assessment process, if utilized, and the written test shall be developed in

consultation with, and validated by, a certified organizational psychologist. A total promotional score shall be based on the uniformed member's promotional examination score and a longevity score. The colonel shall promulgate regulations relative to the validation of promotional examinations, the specific components of promotional examinations, the weighting of such components, and the calculation and weighting of longevity scores.

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

(c) The colonel may promulgate regulations providing for minimum scores on the promotional examination, or portions thereof, to be met by uniformed members to be eligible for promotion. Such minimum scores must be set in consultation with a certified organizational psychologist before or after administration of the relevant examination.

(d) To be eligible to participate in a promotional examination for the title of noncommissioned officer, a uniformed member must, at a minimum, have completed not less than 5 years of service as a uniformed member immediately before the final date for the filing of applications for such examination and have completed, in the immediately preceding year, 1 full year of service in the next lower rank or title. To be eligible to participate in a promotional examination for the title of lieutenant, a uniformed member must at a minimum have completed at least 1 year of service in the next lower rank or title immediately before the final date for the filing of applications for such examination and have completed not less than 8 years of service as a uniformed member prior to the final date for filing applications for such examination.

(e) Prior to making any promotions under this section, the colonel shall publish and distribute in the orders of the department for each title in the department a list of the members who are eligible for promotion to each such title. Each eligible list for promotion shall be used by the colonel to fill vacancies for a period of not less than 2 years and in no circumstances more than 5 years from the initial date of publication; provided, however, that the colonel may shorten the period to less than 2 years if the colonel reasonably determines that termination of the eligible list is required to avoid a violation of law.

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

Section 26A. (a) Promotions to the title of captain shall be authorized by the colonel. To be eligible for promotion to the title of captain, a uniformed member must: (i) successfully pass a promotional examination which may include a written test, an assessment process designed to evaluate a member's knowledge, skills, and abilities related to the position, or some combination of the two; (ii) have at least 2 cumulative years of service in the title of lieutenant or detective lieutenant before the final date for the filing of applications for the promotional examination; and (iii) have at least 15 years of service as a uniformed member before the final date for the filing of applications for the promotional examination. The assessment process, if utilized, and the written test, if utilized, shall be developed in consultation with, and validated by, a certified organizational psychologist.

(b) The colonel may promulgate regulations providing additional promotional criteria for the title of captain, which may include demonstration of leadership attributes, employment history inside and outside of the department, disciplinary history, professional development, or other criteria the colonel reasonably concludes are related to the performance of the job of captain.

*Summary:*

This section, along with other related sections, modernizes the promotional examination process for uniformed members of the State Police by eliminating the requirement that the colonel proceed only by written examinations and permitting use of validated assessment processes designed to evaluate members' relevant knowledge, skills, and abilities.

## Section 22 - MassCEC Board Composition

SECTION 22. Subsection (b) of section 2 of chapter 23J of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 49 to 52, inclusive, the words "; 1 of whom shall be the executive director of the Massachusetts Workforce Alliance, Inc.; 1 of whom shall be the commissioner of energy resources or their designee; and 8 of whom shall be appointed by the governor," and inserting in place thereof the following words:- 1 of whom shall be the commissioner of energy resources or their designee; and 9 of whom shall be appointed by the governor, 1 of whom shall have the knowledge and experience in workforce development policy and programming for the clean energy industry,.

### *Summary:*

This section updates the board composition of the Massachusetts Clean Energy Center.

## Section 23 - Hospital Assessment 1

SECTION 23. Section 2TTTTT of chapter 29 of the General Laws, as inserted by section 22 of chapter 126 of the acts of 2022, is hereby amended by striking out subsections (c) and (d) and inserting in place thereof the following subsections:-

(c)(1) The secretary shall expend money in the fund, including all amounts credited to the fund, for payments to qualifying acute hospital providers under contract with the executive office of health and human services or under subcontracts with care organizations that contract with the executive office in connection with the MassHealth program as provided further, in paragraphs (2) to (4), inclusive.

(2) The secretary shall annually expend amounts from the fund averaging, for the 3 year period from October 1, 2024, through September 30, 2027, not less than \$1,787,589,184 per year; provided, however, that all such payments shall fall into 1 of the following categories: (i) health equity incentive payments; (ii) clinical quality incentive payments; (iii) other incentive payments; (iv) rate payments for services provided to MassHealth members; (v) targeted payments to: (A) freestanding pediatric acute hospitals; or (B) nonprofit teaching acute hospitals that provide medical, surgical, emergency and obstetrical services and are affiliated with a state-owned medical school. The secretary may determine funding allocations among and within each such category within a given year; provided, however, that such allocations shall be consistent with all approved federal waivers and state plan provisions; and provided further, that the secretary shall allocate an average of not less than \$560,000,000 per year, for the 3 year period from October 1, 2024, through September 30, 2027, for the rate payments described in clause (iv).

(3) Of the targeted payments described in clause (iv) of paragraph (2), the secretary shall expend annually from the fund: (i) \$25,000,000 to freestanding pediatric acute hospitals, of which at least 90 per cent shall be paid to the freestanding pediatric hospital with the largest volume of inpatient discharges in fiscal year 2019; and (ii) \$25,000,000 to nonprofit teaching acute hospitals that provide medical, surgical, emergency and obstetrical services and are affiliated with a state-owned medical school.

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

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

*Summary:*

This section, along with other related sections, allows MassHealth to modify the current hospital assessment to increase collections.

**Section 24 - Surtax Revenue Trust Fund Clarification 1**

SECTION 24. Section 20 of chapter 29 of the General Laws, as so appearing, is hereby amended by adding the following words:- , and the income surtax as defined in paragraph (a) of section 2BBBBBB of chapter 29 shall not be reduced below the dedicated transportation income surtax revenue amount as defined in said paragraph (a) of said section 2BBBBBB.

*Summary:*

This section, along with other related sections, make amendments to the Education and Transportation Fund to permit funds to be dedicated to the Commonwealth Transportation Fund as well as other technical amendments to support the goals of the fund.

**Section 25 - Surtax Revenue Trust Fund Clarification 2**

SECTION 25. Section 2BBBBBB of said chapter 29, as most recently amended by section 17 of chapter 28 of the acts of 2023, is hereby further amended by striking out subsection (a) inserting in place thereof the following 2 subsections:-

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

"Dedicated education income surtax revenue amount", the amount of \$125,000,000 for each fiscal year.

"Dedicated transportation income surtax revenue amount" shall mean the amount of \$250,000,000 for each fiscal year.

"Education income surtax revenue", income tax revenue from the tax specified in subsection (d) of section 4 of chapter 62 and used for education purposes.

"Income surtax" shall mean the tax specified in subsection (d) of section 4 of chapter 62.

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

"Remaining income surtax revenue", in each fiscal year, the income surtax revenue less the dedicated education income surtax revenue amount and less the dedicated transportation income surtax revenue amount; and in each calendar quarter, the portion of the income surtax revenue collected in such calendar quarter, less the portion attributable to the dedicated education income surtax revenue amount and the dedicated transportation income surtax revenue amount.

"Transportation income surtax revenue", income tax revenue from the tax specified in subsection (d) of section 4 of chapter 62 of the General Laws and used for transportation purposes.

(a½) The dedicated transportation income surtax revenue amount shall be credited to the Commonwealth Transportation Fund established under section 2ZZZ. The sums to be credited to the Commonwealth Transportation Fund under this subsection are hereby impressed with a trust for the benefit of the holders from time to time of any special obligation bonds or notes payable from payable solely from monies credited to the Commonwealth Transportation Fund as provided in section 20 of this chapter.

*Summary:*

This section, along with other related sections, make amendments to the Education and Transportation Fund to permit funds to be dedicated to the Commonwealth Transportation Fund as well as other technical amendments to support the goals of the fund.

### **Section 26 - Surtax Revenue Trust Fund Clarification 3**

SECTION 26. Subsection (b) of said section 2BBBBBB of said chapter 29, as so appearing, is hereby amended by striking out clause (i) and inserting in place thereof the following clause:-  
(i) income surtax revenue, not including the dedicated transportation income surtax revenue amount;

*Summary:*

This section, along with other related sections, make amendments to the Education and Transportation Fund to permit funds to be dedicated to the Commonwealth Transportation Fund as well as other technical amendments to support the goals of the fund.

### **Section 27 - Surtax Revenue Trust Fund Clarification 4**

SECTION 27. Subsection (d) of said section 2BBBBBB of said chapter 29, as so appearing, is hereby amended by striking out the words "collected and deposited into the Education and Transportation Trust Fund".

*Summary:*

This section, along with other related sections, make amendments to the Education and Transportation Fund to permit funds to be dedicated to the Commonwealth Transportation Fund as well as other technical amendments to support the goals of the fund.

### **Section 28 - Surtax Revenue Trust Fund Clarification 5**

SECTION 28. Subsection (e) of said section 2BBBBBB of said chapter 29, as so appearing, is hereby amended by striking out, after the word "revenue" the first time it appears, the words "collected and deposited into the Education and Transportation Trust Fund".

*Summary:*

This section, along with other related sections, make amendments to the Education and Transportation Fund to permit funds to be dedicated to the Commonwealth Transportation Fund as well as other technical amendments to support the goals of the fund.

### **Section 29 - Surtax Revenue Trust Fund Clarification 6**

SECTION 29. Said section 2BBBBBB of said chapter 29, as so appearing, is hereby further amended by striking out subsection (f) and inserting in place thereof the following subsection:-  
(f) The annual spending threshold shall be equal to the prior year spending threshold, less the dedicated transportation income surtax revenue amount and the dedicated education income surtax revenue amount, plus an adjustment factor equal to the 10-year rolling rate of growth of income subject to the tax specified in subsection (d) of section 4 of chapter 62 of the General Laws, as certified by the commissioner of revenue. For years in which the tax specified in subsection (d) of section 4 of chapter 62 of the General Laws was not in effect, the commissioner shall calculate the amount of income that would have been subject to the taxes, adjusted for increases in the cost of living in the same manner as described in Article XLIV of the Amendments to the Constitution of the Commonwealth and set forth pursuant to paragraph (d) of section 4 of chapter 62.

*Summary:*

This section, along with other related sections, make amendments to the Education and Transportation Fund to permit funds to be dedicated to the Commonwealth Transportation Fund as well as other technical amendments to support the goals of the fund.

**Section 30 - Surtax Revenue Trust Fund Clarification 7**

SECTION 30. Said section 2BBBBBB of said chapter 29, as so appearing, is hereby further amended by striking out subsection (g) and inserting in place thereof the following subsection:-

(g) Any expenditures authorized from the Education and Transportation Fund shall be subject to sections 9B and 9C, without respect to whether such purposes would otherwise be subject to allotment;

*Summary:*

This section, along with other related sections, make amendments to the Education and Transportation Fund to permit funds to be dedicated to the Commonwealth Transportation Fund as well as other technical amendments to support the goals of the fund.

**Section 31 - Chapter 29 Funds**

SECTION 31. Chapter 29 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after section 2DDDDDD the following 4 sections:-

Section 2EEEEEE. (a) There shall be a Health Agency Dedicated Trust Fund. The secretary of health and human services shall be the trustee of the fund and shall expend all money in the fund in accordance with this section. There shall be credited to the fund: (i) any transfers from the Health Safety Net Trust Fund established in section 66 of chapter 118E; (ii) an amount equal to any federal financial participation revenues claimed and received by the commonwealth for eligible expenditures made from the fund; (iii) any revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund; and (iv) interest earned on any money in the fund. Amounts credited to the fund shall be expended without further appropriation.

(b) The secretary shall annually make available amounts from the fund solely for the following purposes:

(1) For the expenses of the center for health information and analysis established under chapter 12C, and for the other purposes described in said chapter 12C, in an amount equal to the amount collected by said center for health information and analysis from acute hospitals and ambulatory surgical centers under section 7 of chapter 12C; provided, that the secretary shall transfer to the center for health information and analysis the sums under this section no later than 30 days after sufficient funds have been collected into the fund.

(2) For the expenses of the Massachusetts Child Psychiatry Access Project operated by the department of mental health, in an amount equal to the amount described in clause (ii) of the definition of "health agency dedicated revenue amount", under section 64 of chapter 118E.

(c) To accommodate timing discrepancies between the receipt of revenue and related expenditures, the comptroller may certify for payment amounts not to exceed the most recent revenue estimates as certified by the secretary to be transferred, credited or deposited under this section. Further, the secretary shall, to the maximum extent possible, administer the fund to obtain federal financial participation for the expenditures of non-federal money from the fund.

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

Section 2FFFFFFF. (a) There shall be a Managed Care Organization Services Reinvestment Trust Fund. The secretary of health and human services shall be the trustee of the fund and shall expend all money in the fund to make payments to Medicaid managed care organizations, as such term is defined in section 64 of chapter 118E. There shall be credited to the fund: (i) any transfers from the Health Safety Net Trust Fund established in section 66 of chapter 118E; (ii) an amount equal to any federal financial participation revenues claimed and received by the commonwealth for eligible expenditures made from the fund; (iii) any revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund; and (iv) interest earned on any money in the fund. Amounts credited to the fund shall be expended without further appropriation.

(b) Money in the fund shall be expended for Medicaid payments under an approved state plan or federal waiver; provided, however, that all payments from the fund shall be: (i) subject to the availability of federal financial participation; (ii) made only under federally-approved payment methods; (iii) consistent with federal funding requirements and all applicable federal payment limits as determined by the secretary; and (iv) subject to the terms and conditions of applicable agreements between Medicaid managed care organizations and the executive office of health and human services. To accommodate timing discrepancies between the receipt of revenue and related expenditures, the comptroller may certify for payment amounts not to exceed the most recent revenue estimates as certified by the secretary to be transferred, credited or deposited under this section. The secretary shall, to the maximum extent possible, administer the fund to obtain federal financial participation for the expenditures of non-federal money from the fund. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund and shall be available for expenditure in subsequent fiscal years.

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

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

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

(d) If the amount in the fund exceeds the amount sufficient to make the payments described in subsection (c), at any point in time, as determined by the secretary, the secretary may transfer the state's share of such amount to the General Fund, the Health Safety Net Trust Fund established in said section 66 of said chapter 118E, or the Health Agency Dedicated Trust Fund established in section 2EEEEEE of chapter 29; provided, however, no such transfer shall cause a deficit in this fund.

Section 2GGGGGG. (a) There is hereby established and set up on the books of the commonwealth a separate, non-budgeted special revenue fund to be known as the Disaster Relief and Resiliency Fund. There shall be credited to the fund: (i) money appropriated or transferred to the fund, including money transferred pursuant to section 5G of chapter 29; (ii) funds from public or private sources specifically designated for the purposes of this section, including, but not limited to, gifts, grants, donations, rebates and settlements received by the commonwealth; (iii) repayment or reimbursement of monies advanced from the fund; as determined by the secretary of administration and finance; and (iv) all income derived from investment of amounts credited to the fund. Amounts credited to the fund shall be expended without further appropriation. The unexpended balance in the fund at the end of a fiscal year shall remain available for expenditure in subsequent fiscal years. No expenditure made from the fund shall cause the fund to be in deficit at any point.

(b) The fund shall be administered by the secretary of administration and finance, who may expend money from the fund to provide emergency disaster relief and alleviate the damage, loss, hardship, or suffering caused by a natural or other catastrophic event, including, but not limited to, a hurricane, tornado, storm, extreme rain, flood, tidal wave, earthquake, volcanic eruption, landslide, mudslide, snowstorm, extreme wind, extreme heat or cold temperature, explosion, catastrophic agricultural loss, fire or drought, which may include a circumstance in which a federal disaster declaration has not been made, or to supplement or advance funding related to a federal or state disaster declaration. The executive office for administration and finance, in consultation with the Massachusetts emergency

management agency and the climate chief, shall develop program administration regulations and guidance which shall include, but not be limited to, an application procedure, which may include but not be limited to grant applications, and eligibility criteria for the distribution of monies from the fund. Program regulations and guidance shall take into account existing federal and commonwealth disaster relief and recovery programs and requirements and shall prioritize and incentivize utilization of available federal disaster relief and recovery programs, insurance, loss prevention and mitigation, and valid legal claims for compensation. When developing the program, the secretary shall take into account ways to ensure that funds are allocated will be spent in a manner that enhances the resilience of infrastructure, including but not limited to nature-based solutions, and strengthens protections from the impacts of future disasters.

(c) Municipalities and other units and instrumentalities of state, local and regional government, non-profit organizations, businesses, and individual residents of the commonwealth may be eligible to receive funds only as set forth through regulation and guidance. Payments may be distributed as reimbursements, loans, grants, matching funds, formula funds, cost share payments, debt forgiveness, or as otherwise as set forth through regulation and guidance.

(d) Annually, not later than December 31, the secretary shall file a report submitted to the clerks of the house of representatives and the senate and to the house and senate committees on ways and means which shall include all expenditures made, their amounts, recipients and the reason for the expenditure, as well as income received by the fund during that calendar year.

Section 2HHHHHH. (a) For the purposes of this section, the term "disadvantaged community" shall mean a community in the commonwealth bearing disproportionate economic, health, or environmental burdens, including, but not limited to, poverty, high unemployment, air and water pollution, disproportionate heat exposure, lack of access to green space, and presence of hazardous and solid waste and material, as well as high incidence of cardiovascular and respiratory disease and high rates of mortality.

(b) There shall be established and set up on the books of the commonwealth a separate, non-budgeted special revenue fund to be known as the Environmental Justice Fund, which shall be administered by the division of environmental protection within the office of the attorney general, established under section 11D of chapter 12.

(c) Expenditures may be made from the fund, without further appropriation: (i) to fund the restoration of any natural resource or the investigation, remediation or mitigation of any environmental pollution or harm on or at any real property located in a disadvantaged community; (ii) for any project to benefit the community health or well-being, whether to address economic, environmental, or other health needs of a disadvantaged community; or (iii) to contribute to an academic or government-funded research project related to environmental protection or conservation of natural resources in a disadvantaged community.

(d) The fund shall be credited with: (i) appropriations or other money authorized or transferred by the general court and specifically designated to be credited to the fund; (ii) funds from public or private sources, including, but not limited to gifts, grants, and donations; (iii) payments from settlements, judgments, fines or penalties not designated by law for other specific statutory purposes in any action brought by the attorney general under section 11D of chapter 12 or under any provision of any environmental statute that the attorney general may enforce providing for a civil penalty for a violation of such provision; and (iv) any interest earned on such funds. Funds that remain unexpended at the end of a fiscal year shall not revert to the general fund and shall be available for expenditure in subsequent fiscal years. No expenditure made from the fund shall cause the fund to be in deficit at any point.

*Summary:*

This section establishes the Health Agency Dedicated Trust Fund and Managed Care Organization Services Reinvestment Trust Fund, to assist in implementing the Managed Care Organization Services Assessment, in addition to the Disaster Relief and Resiliency Fund, and the Environmental Justice Fund.



## **Section 32 - Funding Source for the Disaster Relief and Resiliency Fund**

SECTION 32. Section 5G of said chapter 29, as appearing in the 2022 Official Edition, is hereby amended by striking out in lines 8 through 14, inclusive, the words "90 per cent shall be transferred to the Commonwealth Stabilization Fund established in section 2H; (ii) 5 per cent shall be transferred to the State Retiree Benefits Trust Fund established in section 24 of chapter 32A; (iii) 5 per cent shall be transferred to the Commonwealth's Pension Liability Fund established in subsection (e) of subdivision 8 of section 22 of chapter 32" and inserting in place thereof the following words:- 70 per cent shall be transferred to the Commonwealth Stabilization Fund established in section 2H; (ii) 10 per cent shall be transferred to the State Retiree Benefits Trust Fund established in section 24 of chapter 32A; (iii) 10 per cent shall be transferred to the Commonwealth's Pension Liability Fund established in subsection (e) of subdivision 8 of section 22 of chapter 32; and (iv) 10 per cent shall be transferred to the Disaster Relief and Resiliency Trust Fund established in section 2GGGGGG of chapter 29.

### *Summary:*

This section, along with other related sections, establishes the Disaster Relief and Resiliency Fund.

## **Section 33 - DCAMM Maintenance Services Contracts 1**

SECTION 33. Section 39M of chapter 30, as so appearing, is hereby amended by striking out, in line 63, the word "and".

### *Summary:*

This section, along with other related sections, makes multi-year maintenance service contracts subject to the requirements of Chapter 30, which governs the purchasing of goods, supplies, and services, rather than Chapter 149, which governs vertical construction projects.

## **Section 34 - DCAMM Maintenance Services Contracts 2**

SECTION 34. Said section 39M of said chapter 30, as so appearing, is hereby further amended by inserting after the figure "\$150,000", in line 67, the following words:- , and, at the option of the commissioner of capital asset management and maintenance, a maintenance service contract, as defined in paragraph (D ½) of section 44A of chapter 149, by the division of capital asset management and maintenance.

### *Summary:*

This section, along with other related sections, makes multi-year maintenance service contracts subject to the requirements of Chapter 30, which governs the purchasing of goods, supplies, and services, rather than Chapter 149, which governs vertical construction projects.

## **Section 35 - DCAMM Maintenance Services Contracts 3**

SECTION 35. The fourth paragraph of subsection (a) of said section 39M of said chapter 30, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- The division of capital asset management and maintenance shall evaluate the performance of the contractor of a maintenance service contract, as defined in said paragraph (D ½) of said section 44A of said chapter

149, procured pursuant to this section at the end of each maintenance service contract and keep said maintenance service contract performance.

*Summary:*

This section, along with other related sections, makes multi-year maintenance service contracts subject to the requirements of Chapter 30, which governs the purchasing of goods, supplies, and services, rather than Chapter 149, which governs vertical construction projects.

### **Section 36 - Paid Family and Medical Leave Overpayment Correction**

SECTION 36. Section 58 of said chapter 30, as so appearing, is hereby amended by inserting after the third paragraph the following paragraph:-

If an employee of the commonwealth has received payments pursuant to chapter 175M and subsequently receives workers' compensation payments pursuant to chapter 152 for the same period, the state employer agency shall, on behalf of the state employee, return to the department of family and medical leave such portions of the workers' compensation payment that represent an overpayment of benefits under the terms of section 3 of chapter 175M.

*Summary:*

This section allows an employer agency to return to the Department of Family and Medical Leave a payment made from the Paid Family and Medical Leave Trust Fund from the employee's first workers compensation payment, if the employee receives workers compensation.

### **Section 37 - MPTC Executive Director Retiree Employment**

SECTION 37. Section 91 of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting after the word "office", in line 21, the following words:- , for services as executive director of the municipal police training committee pursuant to section 116 of chapter 6.

*Summary:*

This section exempts the Executive Director of the Municipal Police Training Committee from the current statutory post-retirement employment limits.

### **Section 38 - Registry of Deeds Technological Fund Extension 2**

SECTION 38. Section 41 of chapter 36 of the General Laws, as so appearing, is hereby amended by striking out, in lines 9 and 12, each time it appears, the figure "2025" and inserting in place thereof the following figure:- 2030.

*Summary:*

This section, along with a related section, extends the sunset date for the Registry of Deeds Fund from June 30, 2025 to June 30, 2030.

### **Section 39 - Updates to Assisted Reproductive Technology**

SECTION 39. Chapter 46 of the General Laws is hereby amended by striking out section 4B and inserting in place thereof the following section:-

Section 4B. Any child born to an individual as a result of assisted reproductive technology with the consent of their spouse, shall be considered the legal child of such individual and their spouse.

*Summary:*

This section updates the assisted reproductive technology statute to conform with current case law and use gender-inclusive language.

### **Section 40 - Gender Identity on a Marriage License**

SECTION 40. Section 13 of said chapter 46, as so appearing, is hereby amended by adding the following subsection:-

(l) Upon application of both parties to a marriage, the record of marriage shall be amended to remove the sex of one or both parties to the marriage and change one or both party's name following receipt of the following by the state registrar or town clerk:

(1) an affidavit executed by the parties to the marriage on a form provided by the registrar attesting to their concurrence that the record be amended to reflect or remove the gender identity or sex of the parties; and

(2) in cases where a party requests a change of name, evidence of the party's legal change of name.

*Summary:*

This section removes the requirement that an individual receive a court order in order to amend their gender identity on a marriage certificate.

### **Section 41 - Gender Identity on a Birth Record 1**

SECTION 41. Said section 13 of said chapter 46, as so appearing, is hereby further amended by striking out subsection (e) and inserting in place thereof the following subsection:-

(e)(1) A person who is over the age of 18 or who is an emancipated minor, or the parent or guardian of a person who is a minor, may request a change in the sex designation on the person's birth record to a sex designation including, but not limited to, "female", "male" or "X". An "X" designation may indicate that the person is another gender or an undesignated gender. A request for a change in the sex designation on a birth record shall be accompanied by an affidavit executed under the penalty of perjury by the person to whom the record relates, or by the parent or guardian of the person if the person is a minor, attesting that the request is to conform to the person's gender identity and is not made for any fraudulent purpose; provided, however, that no medical or healthcare related documentation, court order or proof of change of name shall be required by a town clerk or other official in connection with a request under this paragraph.

(2) A person who is over the age of 18 or who is an emancipated minor, or the parent or guardian of a person who is a minor, who requests a change in, the sex designation on the person's birth record pursuant to paragraph (1) may request a change of name on the person's birth record. A request for a change of name on a birth record shall be accompanied by a certified copy of the legal change of name; provided, however, that no medical or healthcare related documentation shall be required by a town clerk or other official in connection with a request under this paragraph.

(3) A person who is over the age of 18 or who is an emancipated minor, or the parent or guardian of a person who is a minor, who has changed the sex designation on the person's birth record pursuant to

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

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

*Summary:*

This section, along with a related section, allows residents to change the sex listed on their birth record, including to "X", to conform to gender identity, without any requirement to submit medical documentation, and provides that records so changed will appear as originals and not be marked as "corrected" or "amended."

## **Section 42 - Gender Identity on a Birth Record 2**

SECTION 42. Said section 13 of said chapter 46, as so appearing, is hereby further amended by striking out, in line 200, the words "name of the father," and inserting in place thereof the following words:- a named parent, or whose record has been amended pursuant to subsection (e) of this section.

*Summary:*

This section, along with a related section, allows residents to change the sex listed on their birth record, including to "X", to conform to gender identity, without any requirement to submit medical documentation, and provides that records so changed will appear as originals and not be marked as "corrected" or "amended."

## **Section 43 - Conformity with the Internal Revenue Code**

SECTION 43. Section 1 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the figure "2022" and inserting in place thereof the following figure:- 2024.

*Summary:*

This section updates the state personal income tax laws to conform with the federal Internal Revenue Code in effect as of January 1, 2024.

## **Section 44 - Repeal Deduction of Interest From Savings in Massachusetts Banks 1**

SECTION 44. Paragraph (a) of Part B of section 3 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out subparagraph (6).

*Summary:*

This section repeals the deduction of interest from savings in Massachusetts banks.

## Section 45 - Title V Septic Tax Credit Clarification

SECTION 45. Section 6 of said chapter 62, as most recently amended by sections 12 to 16, inclusive, of chapter 50 of the acts of 2023, is hereby amended by striking out subsection (i) and inserting in place thereof the following subsection:-

(i) Any owner of residential property located in the commonwealth who is not a dependent of another taxpayer and who occupies said property as his principal residence, shall be allowed a credit equal to 60 per cent of the expenditures for design and construction expenses for the repair, replacement, or upgrade of a cesspool or septic system or connection to a sanitary sewer collection system, if such repair, replacement, upgrade or sewer connection is required pursuant to the provisions of Title 5 of the State Environmental Code, the provisions of a watershed permit issued by the department of environmental protection, or other requirements or conditions for implementation of the watershed permit imposed by the permittee or the department of environmental protection. Said expenditures shall be the actual cost to the taxpayer or \$30,000, whichever is less; provided, however, that said credit shall be available to eligible taxpayers beginning in the tax year in which the repair, replacement, upgrade or sewer connection was completed; and provided, further, that said credit shall not exceed \$4,000 in any tax year and any excess credit may be applied over the following five subsequent tax years up to an aggregate maximum of \$18,000. The department shall promulgate such rules and regulations as are necessary to administer the credit afforded by this subsection, including, but not limited to, a notification system by the commonwealth to recipients of said interest subsidy or grant of the amount of the total subsidy provided by the commonwealth.

### *Summary:*

This section clarifies that upgrades to septic systems or connections to sewer required by DEP's Title 5/Watershed Permitting regulations, 310 CMR 15.00, are eligible for the Title V septic tax credit.

## Section 46 - Consistent Filing Requirement

SECTION 46. Paragraph (2) of subsection (a) of section 6 of chapter 62C of the General Laws, as inserted by section 24 of chapter 50 of the acts of 2023, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A married couple shall file a joint return for any year in which they file a joint federal income tax return; provided, however, that this requirement shall not apply if at least one of the spouses would not otherwise be required to make a return under paragraph (1) because their Massachusetts gross income did not exceed \$8,000.

### *Summary:*

This section exempts the lowest-income taxpayers who would not otherwise have to file a personal income tax return from the recently enacted "consistent filing requirement," which requires married couples to file a joint return for state purposes in any year in which they file jointly at the federal level.

## Section 47 - Fire Prevention and Public Safety Trust Fund

SECTION 47. Section 2F of chapter 64C of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 3 to 4, the second sentence and inserting in place thereof the following sentence:-

The fund shall consist of: (i) monies recovered as penalties for violations of sections 2B to 2E, inclusive, (ii) funds from public or private sources specifically designated for the purposes of this section, including, but not limited to, gifts, grants, donations, and settlements received by the commonwealth.

*Summary:*

Clarifies that the Safe Cigarette Trust Fund shall consist of assessed penalties or fines, settlements or donations made to the Fund.

**Section 48 - Exemption for Publications of Tax-Exempt Organizations**

SECTION 48. Section 6 of chapter 64H of the General Laws, as so appearing, is hereby amended by striking out, in lines 218 to 219, the words ", publications of any corporation, foundation, organization or institution described in paragraph (e) of this section."

*Summary:*

These sections repeal the sales tax exemption for publications of tax-exempt organizations. The delayed effective date is necessary to provide tax-exempt organizations with sufficient time to reprogram their systems to collect sales tax on publications.

**Section 49 - Safe and Supportive Schools Commission**

SECTION 49. Subsection (g) of section 1P of chapter 69 of the General Laws, as so appearing, is hereby amended by striking out, in lines 128 to 133, inclusive, the words "1 of whom shall be a former member of the behavioral health and public schools task force who participated in the development and statewide evaluation of the self-assessment tool; 1 of whom shall be a former member of the behavioral health and public schools task force with experience implementing the framework" and inserting in place thereof the following words:- 1 of whom shall have experience in implementing the self-assessment tool; 1 of whom shall have experience implementing the framework.

*Summary:*

This section updates the composition of the Safe and Supportive Schools Commission.

**Section 50 - Definitions of Electric Bicycles 1**

SECTION 50. Section 1 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after the definition of "Class 2 electric bicycle" the following definition:- "Class 3 electric bicycle", an electric bicycle or tricycle equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the speed of the bicycle reaches or exceeds 28 miles per hour.

*Summary:*

This section, along with the relevant section, updates the definition of electric bicycles to align with the federal Class 3 definition.

## **Section 51 - Definitions of Electric Bicycles 2**

SECTION 51. Said section 1 of said chapter 90, as so appearing, is hereby further amended by striking out the definition of "electric bicycle" and inserting in place thereof the following definition:- "Electric bicycle", a bicycle or tricycle equipped with fully operable pedals and an electric motor of 750 watts or less that meets the requirements of a class 1 electric bicycle, a class 2 electric bicycle, or a class 3 electric bicycle.

*Summary:*

This section, along with the relevant section, updates the definition of electric bicycles to align with the federal Class 3 definition.

## **Section 52 - Definition of Motorized Bicycle**

SECTION 52. Said section 1 of said chapter 90, as so appearing, is hereby further amended by striking out the definition of "motorized bicycle" and inserting in place thereof the following definition:- "Motorized bicycle", a pedal bicycle which has a helper motor, or a non-pedal bicycle which has a motor, with either a cylinder capacity not exceeding fifty cubic centimeters or the hybrid or electric powered equivalent, an automatic transmission, and which is capable of a maximum speed of no more than 30 miles per hour; provided, that "motorized bicycle" shall not include an electric bicycle.

*Summary:*

This section updates the definition of motorized bicycles, also known as mopeds, to ensure that electric or hybrid powered mopeds can be registered with the RMV.

## **Section 53 - Pharmacist Authority to Administer Therapies**

SECTION 53. Section 1 of chapter 94C of the General Laws, as so appearing, is hereby amended in the definition of "Administer" by striking out paragraph (c) in its entirety and inserting the following in place thereof the following paragraph:-

(c) a registered pharmacist acting in accordance with either: (i) regulations promulgated by the department, in consultation with the board of registration in pharmacy and the department of mental health, governing pharmacist administration of medications for treatment of mental health and substance use disorder and at the direction of a prescribing practitioner in the course of the practitioner's professional practice; or (ii) a prescription for testosterone for gender-affirming care in the course of the practitioner's professional practice; or (iii) a prescription for treatment of sexually transmitted infections including those as defined in regulation by the department pursuant to section 121B of chapter 111; or.

*Summary:*

This section permits pharmacists to administer prescriptions that require injection for testosterone for gender-affirming care and prescriptions for the treatment of sexually transmitted diseases.

## **Section 54 - Supply Limits for Schedule II and III Medications**

SECTION 54. Section 23 of said chapter 94C, as so appearing, is hereby amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) Unless otherwise prohibited by statute , prescriptions for (i) controlled substances in Schedule II or III for the treatment of opioid use disorder, including but limited to buprenorphine; (ii) non-opioid controlled substances, including but not limited to methylphenidate and testosterone; and (iii) implantable infusion pumps consisting of a controlled substance in Schedule II or Schedule III, may be filled for a maximum of a 90-day supply of such substance upon any single filling. All other prescriptions for controlled substances in Schedule II or III may be filled for a maximum of a 30-day supply of such substance upon any single filling. This provision notwithstanding, the department shall have the power to provide by regulation that a prescription for a substance in Schedule II or III may be filled for a maximum of less than a 90-day supply upon a single filling if the secretary or the board determines that such an additional restriction is needed to address increased abuse of the substance.

### *Summary:*

Increases the maximum fill for certain classes of medication to increase access, including testosterone for gender-affirming care, stimulants for ADD/ADHD, and medications for opioid use disorder which do not have a potential for abuse.

## **Section 55 - Managed Care Organization Services Assessment 5**

SECTION 55. Chapter 111 of the General Laws is hereby amended by striking out section 24N and inserting in place thereof the following section:-

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

"Children", individuals less than 19 years of age.

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

"Routine childhood immunizations", immunizations for children until their nineteenth birthday including:

(i) the immunizations recommended by the federal Vaccines for Children Program, and (ii) any immunizations recommended by the Advisory Committee on Immunization Practices of the federal Centers for Disease Control and Prevention.

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

(b) There shall be established in the commonwealth a separate trust fund to be known as the Vaccine Purchase Trust Fund to support a universal purchase system for routine childhood immunizations in the commonwealth. The fund shall be expended to cover the costs to purchase, store and distribute vaccines for routine childhood immunizations and to administer the fund and the immunization registry, established pursuant to section 24M. The fund shall consist of all monies transferred from the executive office of health and human services pursuant to section 66 of chapter 118E, all money received as voluntary contributions to the fund, including but not limited to contributions from third party payers or third party administrators, as defined in section 1 of chapter 12C and any interest earnings on such monies. The fund shall be maintained by the commissioner of public health or a designee. The monies shall be expended under the direction of the department of public health, without prior appropriation, solely to cover total non-federal program costs; provided, however, that the amount to be expended for storing and distributing vaccines for routine childhood immunizations, if such costs are not covered by federal contribution, and for the costs of administering the immunization registry, shall not exceed 10 per cent of the total amount of the fund expended for the purchase of vaccines needed for routine childhood immunizations for all children in the commonwealth. The department may incur expenses and the comptroller may certify for payment amounts in anticipation of the most recent estimate of



expected receipts, as certified by the secretary of administration and finance; provided, however, that no expenditure shall be made from the fund which shall cause the fund to be in deficit at the close of a fiscal year. Any balance in the fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not be transferred to any other fund or revert to the General Fund. The commissioner of public health or a designee shall annually report the amount of funds collected and any expenditures made from the fund to the clerks of the house of representatives and senate to be forwarded on to the house and senate committees on ways and means, the house and senate chairs of the joint committee on public health and the house and senate chairs of the joint committee on health care financing.

(c) There shall be a vaccine program advisory council consisting of the commissioner of public health or a designee, who shall serve as chair; the medical director of the universal immunization program of the department of public health established under section 24I; the executive director for the center for health information and analysis or a designee; the executive director of the commonwealth health insurance connector authority or a designee; 1 person to be appointed by the director of Medicaid, who shall be a representative of managed care organizations contracting with MassHealth; 3 persons to be appointed by the commissioner of insurance, each of whom shall be a representative of 1 of the 3 health insurance companies having the most insured lives in the commonwealth; and 7 persons to be appointed by the commissioner of public health, 1 of whom shall be a representative of an employer that self-insures for health coverage who shall be appointed from lists of nominees submitted by statewide associations of employers, 1 of whom shall be a member of the Massachusetts Medical Society, 1 of whom shall be a member of the Massachusetts chapter of the American Academy of Pediatrics, 1 of whom shall be a member of the Massachusetts Academy of Family Physicians, and 3 of whom shall be physicians licensed to practice in the commonwealth and who shall have expertise in the area of childhood vaccines. The council shall recommend the types of vaccines to be purchased based on a list of routine childhood immunizations and shall take into account provider preference, cost, availability and other factors as determined by the council. The council shall recommend the amount of funding needed each fiscal year by calculating the total non-federal program cost. The council shall make recommendations to the commissioner on whether the commissioner may authorize provider choice of more than 1 comparable brand or type for a routine childhood immunization vaccine. In its recommendations, the council shall examine the feasibility, costs and benefits of authorizing provider choice, provide a schedule of the cost of each comparable brand or type of a vaccine recommended for provider choice and demonstrate that the estimated vaccine cost of authorizing provider choice would not be substantially greater than the estimated vaccine cost of purchasing a single brand or type of a vaccine. The commissioner of public health shall determine the final vaccines to be purchased.

(d) [reserved]

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

(f) Every individual or entity that pays for or arranges for the purchase of health care services provided by acute hospitals and ambulatory surgical center services provided by ambulatory surgical centers, including managed care organizations, as such term is defined in section 64 of chapter 118E, but excluding Title XVIII and Title XIX programs and their beneficiaries or recipients, other governmental programs of public assistance and their beneficiaries or recipients and the workers' compensation program established under chapter 152, to the extent not preempted by federal law, shall provide benefits for: (i) routine childhood immunizations for residents of the commonwealth; and (ii) immunizations for residents of the commonwealth who are 19 years of age and older according to the most recent schedules recommended by the Advisory Committee on Immunization Practices of the federal Centers for Disease Control and Prevention. These benefits shall be exempt from any copayment, coinsurance, deductible or dollar limit provisions in the health insurance policy or contract.

#### *Summary:*

This section, along with other related sections, creates a unified assessment mechanism for all managed care organization assessments.

## **Section 56 - MMMRC Legislative Authority**

SECTION 56. Section 24O of said chapter 111 of the General Laws, as inserted by section 43 of chapter 28 of the acts of 2023, is hereby amended by adding the following subsection:-

(f) Notwithstanding any general or special law to the contrary, upon the determination of the committee's chair that the review of any information or record is necessary to carry out the purpose of this section, the committee shall request and the relevant offices and agencies shall provide requested records or information from any agency, department, or office of the commonwealth, including but not limited to the executive office of health and human services and its constituent agencies, the executive office of public safety and security, the center for health information and analysis, the office of patient protection, the chief justice of the trial court, any health care facility, state comprehensive health planning agency, or acute-care hospital as defined in section 25B, and any health care provider or professional licensed pursuant to chapter 112. The committee may receive and solicit voluntary information, including oral or written statements relating to any case that may come before the committee from any public or private entity and any person including but not limited to a patient in a case of maternal morbidity.

### *Summary:*

Permits the Massachusetts Maternal Mortality and Morbidity Review Committee to collect the information necessary to conduct the statutorily required reviews by the Committee.

## **Section 57 - Expedited Partner Therapy for Sexually Transmitted Infections 1**

SECTION 57. Section 121B of said chapter 111, as so appearing, is hereby amended by inserting, in line 7, after the words "Chlamydia trachomatis" the following words:- and other sexually transmitted infections suitable for expedited partner treatment based on national standards including, but not limited to, those standards outlined in the Center for Disease Control's STI Treatment Guidelines and as further as defined in such regulation by the department.

### *Summary:*

This section, along with a related section, allows for expedited partner therapy beyond the current authorization for chlamydia to include other sexually transmitted infections, to deliver prescriptions to exposed partners without clinical assessment.

## **Section 58 - Expedited Partner Therapy for Sexually Transmitted Infections 2**

SECTION 58. Said section 121B of said chapter 111, as so appearing, is hereby further amended by striking out, in line 9, the word "Chlamydia".

### *Summary:*

This section, along with a related section, allows for expedited partner therapy beyond the current authorization for chlamydia to include other sexually transmitted infections, to deliver prescriptions to exposed partners without clinical assessment.

## **Section 59 - Eliminating Copays for Children's Medical Security Plan**

SECTION 59. Section 10F of Chapter 118E of the General Laws, as so appearing, is hereby amended by striking out subsections (d) and (e).

*Summary:*

This section removes the statutory requirement to charge copays to Children's Medical Security Program members.

## **Section 60 - Direct Negotiations for Rebates on Certain Drugs and Non-Drug Products**

SECTION 60. Said chapter 118E of the General Laws is hereby amended by inserting after section 12A the following section:-

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

*Summary:*

This section allows MassHealth to directly negotiate rebate agreements for drugs not subject to the Medicaid Drug Rebate Program and for certain non-drug products such as durable medical equipment.

## **Section 61 - Eliminate Children's Health Insurance Program Cost Sharing**

SECTION 61. Section 16C of said chapter 118E of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out paragraph (4).

*Summary:*

This section removes the statutory requirement that children who participate in the Children's Health Insurance Program be charged cost-sharing.

## **Section 62 - Hospital Assessment 2**

SECTION 62. Section 64 of said chapter 118E, as so appearing, is hereby amended by striking out the figure "880,000,000" and inserting in place thereof the following figure:- 1,226,715,133.

*Summary:*

This section, along with other related sections, allows MassHealth to modify the current hospital assessment to increase the collections.

## **Section 63 - Managed Care Organization Services Assessment 6**

SECTION 63. Said section 64 of said chapter 118E, as amended by section 57 of chapter 126 of the acts of 2022, is hereby further amended by inserting after the definition "Gross patient service revenue" the following 2 definitions:-

"Health agency dedicated revenue amount", an amount equal to the sum of (i) the amount collected by the center for health information and analysis from hospitals and ambulatory surgical centers pursuant to section 7 of chapter 12; and (ii) the amounts expended for the Massachusetts Child Psychiatry Access Project that are related to services provided on behalf of commercially insured clients.

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

### *Summary:*

This section, along with other related sections, creates a unified assessment mechanism for all managed care organization assessments.

## **Section 64 - Managed Care Organization Services Assessment 7**

SECTION 64. Said section 64 of said chapter 118E, as so amended, is hereby further amended by striking out the definitions "Managed care organization" and "Payments subject to surcharge" and inserting in place thereof the following 6 definitions:-

"HSN MCO revenues amount", an amount equal to \$160,000,000 plus 50 per cent of the estimated cost, as determined by the secretary of administration and finance, of administering the health safety net and related assessments in accordance with sections 65 to 69, inclusive.

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

"MCO services subject to assessment", each individual member enrolled per month in an MCO for which a premium or membership payment is made by or on behalf of the member; provided however that MCO services subject to assessment shall not include (i) members enrolled per month in Medicare MCOs, (ii) members dually enrolled per month in both Medicaid and Medicare, (iii) members in a Medicaid MCO who are aged 65 or older, (iv) members enrolled per month in limited benefit plans (for example dental only or vision only member months), whose services are paid for as part of a subcontract under another MCO, or (v) services which are preempted from taxation by section 8909(f) of title 5 of the United States Code.

"Managed care organization" or "MCO", any of the following entities, as further defined by the secretary via regulation promulgated by the secretary: (A) an entity that is accredited under chapter 176O and that is (1) licensed or otherwise authorized to transact accident or health insurance under chapter 175, (2) a nonprofit hospital service corporation organized under chapter 176A, (3) a nonprofit medical service corporation organized under chapter 176B, (4) a health maintenance organization organized under chapter 176G, or (5) an organization entering into a preferred provider arrangement under chapter 176I; (B) a Medicaid managed care organization; (C) a health care organization, as such term is defined under section 2 of chapter 32A; (D) a self-insured group for which a carrier provides administrative services under section 21 of chapter 176O; and (E) a health insurance plan that contracts with the commonwealth health insurance connector authority.

"MCO reinvestment revenues amount", a fixed amount equal to \$246,000,000.

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

*Summary:*

This section, along with other related sections, creates a unified assessment mechanism for all managed care organization assessments.

### **Section 65 - Managed Care Organization Services Assessment 8**

SECTION 65. Said section 64 of said chapter 118E, as so amended, is hereby further amended by striking out the definition of "Surcharge payor".

*Summary:*

This section, along with other related sections, creates a unified assessment mechanism for all managed care organization assessments.

### **Section 66 - Managed Care Organization Services Assessment 9**

SECTION 66. Said section 64 of said chapter 118E, as so amended, is hereby further amended by striking out the definition of "Total surcharge amount" and inserting in place thereof the following definition:-

"Total MCO services assessment amount", an amount equal, for each year, to the sum of the following in the same year: (i) the MCO reinvestment revenue amount; (ii) the HSN MCO revenue amount; (iii) the health agency dedicated revenue amount; (iv) the immunization revenue amount; (v) the health policy commission revenue amount; (vi) the amounts transferred, pursuant to section 66, to the Behavioral Health Access and Crisis Intervention Trust Fund established in section 2WWWWW of chapter 29; and (vii) the amounts necessary to incorporate prospectively all adjustments or reconciliations to account for under-assessments in the prior year.

*Summary:*

This section, along with other related sections, creates a unified assessment mechanism for all managed care organization assessments.

### **Section 67 - Hospital Assessment 3**

SECTION 67. Subsection (b) of section 66 of said chapter 118E, as amended by section 60 of chapter 126 of the acts of 2022, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- Annually, the office shall transfer from the non-federal money in the fund: (A) \$149,300,000 to the Safety Net Provider Trust Fund established in said section 2AAAAA of said chapter 29; (B) \$791,915,133 to the Hospital Investment and Performance Trust Fund established in said section 2TTTTT of said chapter 29; (C) \$115,500,000 to the Population Health Investment Trust Fund established in section 2UUUUU of said chapter 29; and (D) \$10,000,000 to the Non-Acute Care Hospital Reimbursement Trust Fund established in section 2WWWWW of said chapter 29.

*Summary:*

This section, along with other related sections, allows MassHealth to modify the current hospital assessment to increase the collections.

## Section 68 - Managed Care Organization Services Assessment 10

SECTION 68. Said section 66 of said chapter 118E, as amended by section 57 of chapter 126 of the acts of 2022, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) The fund shall consist of: (i) all amounts paid by hospitals and MCOs under sections 67 and 68; (ii) all appropriations for the purpose of payments to acute hospitals or community health centers for health services provided to uninsured and underinsured residents; (iii) any transfers from the Commonwealth Care Trust Fund established in section 2000 of chapter 29; (iv) any transfers from the Safety Net Provider Trust Fund established in section 2AAAAA of said chapter 29; (v) any transfers from the Hospital Investment and Performance Trust Fund established in section 2TTTTT of said chapter 29; (vi) any transfers from the Managed Care Organization Services Reinvestment Trust Fund established in section 2FFFFFFF; and (vii) all property and securities acquired by and through the use of money belonging to the fund and all interest thereon. There shall also be credited to the fund an amount equal to any federal financial participation claimed and received by the commonwealth for eligible expenditures made from the fund and financed by money transferred from the Hospital Investment and Performance Trust Fund established in said section 2TTTTT of said chapter 29, the Managed Care Organization Services Reinvestment Trust Fund established in section 2FFFFFFF, or from the Safety Net Provider Trust Fund established in said section 2AAAAA of said chapter 29. To accommodate timing discrepancies between the receipt of such revenue and related expenditures, the comptroller may certify for payment amounts not to exceed the most recent revenue estimates as certified by the secretary of health and human services to be transferred, credited or deposited under this subsection. Annually, the office shall transfer from the non-federal money in the fund: (A) \$62,500,000 to the Safety Net Provider Trust Fund established in said section 2AAAAA of said chapter 29; (B) \$532,000,000 to the Hospital Investment and Performance Trust Fund established in said section 2TTTTT of said chapter 29; (C) \$115,500,000 to the Population Health Investment Trust Fund established in section 2UUUUU of said chapter 29; (D) \$10,000,000 to the Non-Acute Care Hospital Reimbursement Trust Fund established in section 2WWWW of said chapter 29; (E) an amount equal to the MCO reinvestment revenue amount to the Managed Care Organization Services Reinvestment Trust Fund established in section 2FFFFFFF of said chapter 29; (F) an amount equal to the health agency dedicated revenue amount to the Health Agency Dedicated Trust Fund established in section 2EEEEEE of said chapter 29; (G) an amount equal to the immunization revenue amount to the Vaccine Purchase Trust Fund established in section 24N of chapter 111; and (H) \$33,700,000 to the Behavioral Health Access and Crisis Intervention Trust Fund established in section 2WWWWW of said chapter 29. The office shall expend amounts in the fund, except for amounts transferred to the Safety Net Provider Trust Fund, the Hospital Investment and Performance Trust Fund, the Population Health Investment Trust Fund, the Non-Acute Care Hospital Reimbursement Trust Fund, the Managed Care Organization Services Reinvestment Trust Fund, the Health Agency Dedicated Trust Fund, the Vaccine Purchase Trust Fund, and the Behavioral Health Access and Crisis Intervention Trust Fund, for payments to hospitals and community health centers for reimbursable health services provided to uninsured and underinsured residents, consistent with the requirements of this section, section 69 and the regulations adopted by the office. The amount collected pursuant to clause vii of the definition of total MCO services assessment amount in section 64 of chapter 118E shall be dedicated to reducing the shortfall, as described in subsection (b) of section 69 of chapter 118E, for year prior to the assessment year. The office shall also annually expend money from the fund for the expenses of the executive office, including the health safety net office under subsection (a), for the administration of the health safety net and related assessments. The office shall also expend not more than \$6,000,000 annually from the fund for demonstration projects that use case management and other methods to reduce the liability of the fund to acute hospitals. All interest earned on the amounts in the fund shall be deposited or retained in the fund. The director shall from time-to-time requisition from the fund amounts that the director considers necessary to meet the current obligations of the office for the purposes of the fund and estimated obligations for a reasonable future period.

*Summary:*

This section, along with other related sections, creates a unified assessment mechanism for all managed care organization assessments.

## **Section 69 - Managed Care Organization Services Assessment 11**

SECTION 69. Said section 66 of chapter said 118E, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) The fund shall consist of: (i) all amounts paid by hospitals and MCOs under sections 67 and 68; (ii) all appropriations for the purpose of payments to acute hospitals or community health centers for health services provided to uninsured and underinsured residents; (iii) any transfers from the Commonwealth Care Trust Fund established in section 2000 of chapter 29; (iv) any transfers from the Safety Net Provider Trust Fund established in section 2AAAAA of said chapter 29; (v) any transfers from the Hospital Investment and Performance Trust Fund established in section 2TTTTT of said chapter 29; (vi) any transfers from the Managed Care Organization Services Reinvestment Trust Fund established in section 2FFFFFFF; and (v) all property and securities acquired by and through the use of money belonging to the fund and all interest thereon. There shall also be credited to the fund an amount equal to any federal financial participation claimed and received by the commonwealth for eligible expenditures made from the fund and financed by money transferred from the Hospital Investment and Performance Trust Fund established in said section 2TTTTT of said chapter 29, the Managed Care Organization Services Reinvestment Trust Fund established in section 2FFFFFFF, or from the Safety Net Provider Trust Fund established in said section 2AAAAA of said chapter 29. To accommodate timing discrepancies between the receipt of such revenue and related expenditures, the comptroller may certify for payment amounts not to exceed the most recent revenue estimates as certified by the secretary of health and human services to be transferred, credited or deposited under this subsection. Annually, the office shall transfer an amount equal to all amounts paid by privately-owned, nonfederal hospitals under subsection (b) of section 67 to the Non-Acute Care Hospital Reimbursement Trust Fund established in section 2WWWW of said chapter 29. The office shall annually transfer from the non-federal money in the fund: (A) an amount equal to the MCO reinvestment revenue amount to the Managed Care Organization Services Reinvestment Trust Fund established in section 2FFFFFFF of said chapter 29; (B) an amount equal to the health agency dedicated revenue amount to the Health Agency Dedicated Trust Fund established in section 2EEEEEE of said chapter 29; (C) an amount equal to the health policy commission revenue amount to the Payment Reform Trust Fund established in section 7 of said chapter 6D; (D) an amount equal to the immunization revenue amount to the Vaccine Purchase Trust Fund established in section 24N of chapter 111; and (E) \$33,700,000 to the Behavioral Health Access and Crisis Intervention Trust Fund established in section 2WWWWW of said chapter 29. The office shall expend amounts in the fund, except for amounts transferred to the Non-Acute Care Hospital Reimbursement Trust Fund, the Managed Care Organization Services Reinvestment Trust Fund, the Health Agency Dedicated Trust Fund, the Vaccine Purchase Trust Fund, and the Behavioral Health Access and Crisis Intervention Trust Fund, for payments to hospitals and community health centers for reimbursable health services provided to uninsured and underinsured residents, consistent with the requirements of this section, section 69 and the regulations adopted by the office. The amount collected pursuant to clause vii of the definition of total MCO services assessment amount in section 64 of chapter 118E shall be dedicated to reducing the shortfall, as described in subsection (b) of section 69 of chapter 118E, for year prior to the assessment year. The office shall also annually expend money from the fund for the expenses of the executive office, including the health safety net office under subsection (a), for the administration of the health safety net and related assessments. The office shall also expend not more than \$6,000,000 annually from the fund for demonstration projects that use case management and other methods to reduce the liability of the fund to acute hospitals. Any annual balance remaining in the fund after these payments have been made shall be retained in the fund and shall not revert to the General Fund. All interest earned on the amounts in the fund shall be deposited or retained in the fund. The director shall from time-to-time requisition from the fund amounts that the

director considers necessary to meet the current obligations of the office for the purposes of the fund and estimated obligations for a reasonable future period.

*Summary:*

This section, along with other related sections, creates a unified assessment mechanism for all managed care organization assessments.

## **Section 70 - Hospital Assessment 4**

SECTION 70. Said chapter 118E is hereby amended by striking out section 67, as amended by section 62 of chapter 126 of the acts of 2022, and inserting in place thereof the following section:-

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

(b) [reserved].

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

(d) For the purposes of the assessment described in this section, all hospitals in the commonwealth shall be divided into the following 6 groups:

(i) group 1 safety net hospitals, defined for the purposes of this section as any hospital identified as a Group 1 Safety Net Hospital in the MassHealth demonstration waiver approved under subsection (a) of section 1115 of Title XI of the federal Social Security Act;

(ii) group 2 safety net hospitals, defined for the purposes of this section as any hospital identified as a Group 2 Safety Net Hospital in the MassHealth demonstration waiver approved under subsection (a) of section 1115 of Title XI of the federal Social Security Act;

(iii) academic, teaching and specialty hospitals, defined for the purposes of this section as any academic medical center, teaching hospital or specialty hospital, as determined by the center for health information and analysis as of September 30, 2019, but excluding any safety net hospital;

(iv) private acute hospitals, defined for the purposes of this section as any private hospital licensed under section 51 of chapter 111 and that contains a majority of medical-surgical, pediatric, obstetric and maternity beds, as defined by the department of public health, and operating as of September 30, 2019, but excluding any safety net hospital or academic, teaching and specialty hospital;

(v) non-state public hospitals, defined for the purposes of this section as any non-state-owned public hospital in the commonwealth, as determined by the secretary; and

(vi) non-acute hospitals, defined for the purposes of this section as any nonpublic hospital licensed by the department of public health under said section 51 of said chapter 111 but not defined as an acute care hospital under section 25B of said chapter 111 or any nonpublic hospital licensed as an inpatient facility by the department of mental health under section 19 of chapter 19 and regulations promulgated thereunder but not categorized as a class VII licensee under the regulations.

(e) Each of the 6 groups described in subsection (d) shall be subject to the following assessment rates:

(i) group 1 safety net hospitals shall be subject to a rate of 16.05430 per cent for inpatient services and 4.90000 per cent for outpatient services; (ii) group 2 safety net hospitals shall be subject to a rate of 16.05430 per cent for inpatient services and 9.30000 per cent for outpatient services; (iii) academic, teaching and specialty hospitals shall be subject to a rate of 4.66730 per cent for inpatient services and 0.74400 per cent for outpatient services; (iv) private acute hospitals shall be subject to a rate of 8.58690 per cent for inpatient services and 0.89340 per cent for outpatient services; (v) non-state public hospitals shall be subject to a rate of 1.61490 per cent for inpatient services and 0.55320 per cent for outpatient services; and (vi) non-acute hospitals shall be subject to a rate of 3.30000 per cent for inpatient services and 3.30000 per cent for outpatient services; provided, however, that the office shall increase each such rate by the amount necessary to generate 50 per cent of the estimated cost, as determined by the secretary of administration and finance, of administering the health safety net and related assessments in accordance with sections 65 to 69, inclusive.



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

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

*Summary:*

This section, along with other related sections, allows MassHealth to modify the current hospital assessment to increase the collections.

## **Section 71 - Managed Care Organization Services Assessment 12**

SECTION 71. Chapter 118E of the General Laws is hereby amended by striking out section 68 and inserting in place thereof the following section:-

Section 68. (a) Subject to all required federal approvals, including any required waivers under 42 CFR 433.68, a MCO's annual liability to the fund shall be calculated in accordance with this section. The annual aggregate liability of all MCOs to the fund shall equal the total MCO services assessment amount.

(b) The assessment shall be paid to the fund by MCOs rendering MCO services subject to assessment on a monthly basis, and shall be assessed on all MCO services subject to assessment on a per member per month basis.

(c) All MCO services subject to assessment shall be divided into one of the following assessment groups; provided, however, that the secretary may, via regulation, establish further sub-groups within each of these assessment groups:

- (1) MCO services subject to assessment provided by a MCO that is not a Medicaid MCO;
- (2) MCO services subject to assessment provided by a Medicaid MCO that has an average total Medicaid member per month enrollment below a threshold established by the secretary via regulation; and
- (3) MCO services subject to assessment provided by a Medicaid MCO that has an average total Medicaid member per month enrollment at or above a threshold established by the secretary via regulation.

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

(e) Subject to receipt of all required federal approvals, the secretary shall implement the assessment structure described in this section and shall promulgate regulations necessary to support implementation of said assessment structure. In promulgating such regulations, the secretary shall, at a minimum: (i) establish assessment groups, in accordance with subsection (c), into which all MCO services subject to assessment are divided; (ii) set assessment rates for each such assessment group, sufficient in the aggregate to generate in each fiscal year the total MCO services assessment amount; (iii) establish any necessary reporting requirements for MCOs; (iv) establish an appropriate mechanism for enforcing each MCO's liability to the fund if a MCO rendering MCO services subject to assessment does not make a scheduled payment to the fund; (v) specify an appropriate mechanism for

determination and payment of a MCO's liability to the fund; (vi) identify the MCO services subject to assessment under each group established according to subsection (c); (vii) specify an appropriate mechanism for the determination of a MCO's liability in cases of merger or transfer of ownership; and (viii) specify an appropriate mechanism by which any amounts paid by a MCO in excess of its total annual assessment liability may be refunded or otherwise credited to the MCO.

*Summary:*

This section, along with other related sections, creates a unified assessment mechanism for all managed care organization assessments.

## **Section 72 - Managed Care Organization Services Assessment 13**

SECTION 72. Section 69A of said chapter 118E of the General Laws is hereby repealed.

*Summary:*

This section, along with other related sections, creates a unified assessment mechanism for all managed care organization assessments.

## **Section 73 - Standing Order for Prenatal Vitamins and Oral Contraceptives**

SECTION 73. Said chapter 118E of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by adding the following 2 sections:-

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

"HSN", the payment program established and administered in accordance with sections 8A and 64 through 69, inclusive.

"HSN patient", an individual served by an HSN provider whose services are paid for through the HSN.

"OTC oral contraceptive", a nonprescription oral contraceptive approved or otherwise authorized by the federal Food and Drug Administration.

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

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

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

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

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

Section 84. (a) As used in this section, the following terms shall have the following meaning unless the context clearly requires otherwise:

"Prenatal vitamin", an oral multivitamin for supporting health during pregnancy.

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

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

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

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

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

*Summary:*

This section establishes standing orders for prenatal vitamins and oral contraceptives so that Federal Financial Participation is available for these products when pharmacists dispense them to MassHealth members and to individuals whose claims are paid by the Health Safety Net.

## **Section 74 - MCI Concord Closure 1**

SECTION 74. Section 1 of chapter 125 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 32 and 40 to 41, the words "Massachusetts Correctional Institution, Concord;" each time they appear.

*Summary:*

This section, along with a related section, effectuate the closure of MCI Concord and authorizes the transfer to the Division of Capital Asset Management and Maintenance to effectuate further disposition.

## **Section 75 - DCAMM Maintenance Services Contracts 4**

SECTION 75. Subsection 1 of section 44A of chapter 149 of the General Laws, as so appearing, is hereby amended by inserting after the definition of "Eligible" the following definition:-

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

*Summary:*

This section, along with other related sections, makes multi-year maintenance service contracts subject to the requirements of Chapter 30, which governs the purchasing of goods, supplies, and services, rather than Chapter 149, which governs vertical construction projects.

## **Section 76 - DCAMM Maintenance Services Contracts 5**

SECTION 76. Subsection 2 of said section 44A of said chapter 149, as so appearing, is hereby amended by inserting after paragraph (D) the following paragraph:-

(D ½) Every maintenance service contract for any building by the division of capital asset management and maintenance estimated to cost more than \$150,000 shall be awarded to the lowest responsible and eligible general bidder on the basis of competitive bids in accordance with the procedure set forth in section 44A to 44H, inclusive; provided, however, that this paragraph shall not apply if a maintenance service contract is bid, at the option of the commissioner, pursuant to section 39M of chapter 30.

*Summary:*

This section, along with other related sections, makes multi-year maintenance service contracts subject to the requirements of Chapter 30, which governs the purchasing of goods, supplies, and services, rather than Chapter 149, which governs vertical construction projects.

## **Section 77 - Consumer Directed Care Workforce Council**

SECTION 77. Section 1 of chapter 175M of the General Laws, as most recently amended by section 35 of chapter 77 of the acts of 2023, is hereby further amended by inserting after the words "chapter 19A" the following words:- whose wages from working as a consumer directed care worker meet the financial eligibility requirements of said subsection (a) of said section 24 of said chapter 151A.

*Summary:*

This section aligns the eligibility of consumer directed care workers for paid family and medical leave in order to ensure consistency in eligibility across similarly situated individuals.

## **Section 78 - DFML Administrative Cost Calculation Adjustment**

SECTION 78. Subsection (b) of section 7 of said chapter 175M, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The costs of administering the department under this chapter shall be paid from the trust fund and in each fiscal year shall not exceed 5 per cent of the amount remaining in the fund at the end of the previous fiscal year; provided that, regardless of the trust fund balance at the end of a fiscal year, in no fiscal year shall the amount available to the director for administering the department decrease by more than 5 per cent from the previous year.

*Summary:*

This section adjusts the amount the Department of Family and Medical Leave can retain for administrative costs by changing the cap on DFML's administrative funding to 5% of the balance in the trust fund.

## **Section 79 - Victim Compensation Reimbursement 1**

SECTION 79. Subsection (b) of section 3 of chapter 258C of the General Laws, as so appearing, is hereby amended by striking out, in line 15, the figure "8,000" and inserting in place thereof the following figure:- 13,000.

*Summary:*

This section, along with other related sections, increases the reimbursement maximum for funeral and burial costs as well as certain security measures under the victim compensation statute.

### **Section 80 - Victim Compensation Reimbursement 2**

SECTION 80. Said subsection (b) of said section 3 of said chapter 258C, as so appearing, is hereby further amended by striking out, in line 22, the figure "800" and inserting in place thereof the following figure:- 4,000.

*Summary:*

This section, along with other related sections, increases the reimbursement maximum for funeral and burial costs as well as certain security measures under the victim compensation statute.

### **Section 81 - Victim Compensation Reimbursement 3**

SECTION 81. Said subsection (b) of said section 3 of said chapter 258C, as so appearing, is hereby further amended by striking out, in line 105, the figure "500" inserting in place thereof the following figure:- 3,000.

*Summary:*

This section, along with other related sections, increases the reimbursement maximum for funeral and burial costs as well as certain security measures under the victim compensation statute.

### **Section 82 - After-Hours Bail Fees**

SECTION 82. Chapter 262 of the General Laws is hereby amended by striking out section 24 and inserting in place thereof the following section:-

Section 24. (a) The maximum fee to be charged by a person authorized to take bail or release on personal recognizance in the case of a person arrested for any misdemeanor or felony shall be \$40. The trial court shall be responsible for paying fees charged to take bail outside of regular working hours and any fee charged under this section for a bail taken outside of regular working hours shall be charged only to the trial court. Fee splitting arrangements are prohibited.

(b) A person authorized to take bail may administer through wire or electronic means any oath or affirmation required in the court of taking bail or releasing on personal recognizance. No person authorized to take bail shall delegate the setting or taking of bail or the setting or taking of release on personal recognizance to any other person. The person authorized to take bail shall receive the fee under subsection (a) after determining of the terms of release and the prisoner ultimately recognizes out-of-court.

*Summary:*

This section transfers responsibility for compensating bail magistrates and commissioners for after-hours bail hearings to the Trial Court and permits bail to be set after court hours by remote or electronic means.

### **Section 83 - Managed Care Organization Services Assessment 14**

SECTION 83. Sections 25, 66, and 187 of chapter 126 of the acts of 2022 are hereby repealed.

*Summary:*

This section, along with other related sections, creates a unified assessment mechanism for all managed care organization assessments.

### **Section 84 - Hospital Assessment 5**

SECTION 84. Sections 157, 158, and 159 of chapter 126 of the acts of 2022 are hereby repealed.

*Summary:*

This section, along with other related sections, allows MassHealth to modify the current hospital assessment to increase the collections and establish a managed care organization services assessment.

### **Section 85 - Other Post-Employment Benefits Liability**

SECTION 85. (a) Notwithstanding any general or special law to the contrary, 10 per cent of all payments received by the commonwealth in fiscal year 2025 under the master settlement agreement in Commonwealth of Massachusetts v. Philip Morris, Inc. et al., Middlesex Superior Court, No. 95-7378 shall be transferred from the General Fund to the State Retiree Benefits Trust Fund from payments received by the commonwealth under the master settlement agreement.

(b) Notwithstanding any general or special law to the contrary, the payment percentage set forth in section 152 of chapter 68 of the acts of 2011 shall not apply in fiscal year 2025.

*Summary:*

This section establishes that 10% of tobacco settlement proceeds are to be transferred from the General Fund to the State Retiree Benefits Trust Fund in FY25.

### **Section 86 - Application of Excess Capital Gains**

SECTION 86. Notwithstanding any general or special law to the contrary, the comptroller shall reduce any transfers attributable to capital gains tax collections required pursuant to section 5G of chapter 29 of the General Laws during fiscal year 2025 by an amount not to exceed \$375,000,000 if the secretary of administration and finance determines in writing that the funds are necessary to achieve balance for fiscal year 2025.

*Summary:*

This section established the manner in which excess capital gains are applied in FY25.

## Section 87 - Disaster Relief and Resiliency Fund Report

SECTION 87. Not more than 180 days after the effective date of this act, the secretary of administration and finance shall submit to the joint chairs of the committee on emergency preparedness and management, the joint chairs of the joint committee on the environment and natural resources, the joint chairs of the committee on agriculture, the joint chairs of the committee on and the chair of the senate committee on global warming and climate change a comprehensive report outlining the implementation of the Disaster Relief and Resiliency Fund established in section 2GGGGGG of chapter 29 of the General Laws, including: (i) an overview of the process for programs developed or supported by the fund, including, but not limited to, (A) the thresholds and eligibility criteria for qualifying events and applicants for relief; and (B) the application submission and approval process; (ii) statutory or regulatory changes necessary to allow timely expenditures of funds in cases of emergency, and (iii) the executive office's needs to effectively implement the program or programs.

### *Summary:*

This section, along with other related sections, establishes the Disaster Relief and Resiliency Trust Fund.

## Section 88 - Gaming Funds Distribution

SECTION 88. (a) Notwithstanding any general or special law to the contrary, 100 per cent of the revenue received from a category 1 licensee pursuant to chapter 194 of the acts of 2011 in fiscal year 2025 shall be transferred as follows:

- (i) 32 per cent to the Gaming Local Aid Fund, established in section 63 of said chapter 194;
- (ii) 20.8 per cent to the Transportation Infrastructure and Development Fund established in section 62 of said chapter 194;
- (iii) 19.4 per cent to the Education Fund established in section 64 of said chapter 194;
- (iv) 13.2 per cent to the Gaming Economic Development Fund established in section 2DDDD of chapter 29 of the General Laws;
- (v) 6.1 per cent to the Local Capital Projects Fund, established in section 2EEEE of said chapter 29;
- (vi) 3 per cent to the Community Mitigation Fund established in section 61 of said chapter 194;
- (vii) 2.5 per cent to the Public Health Trust Fund established in section 58 of said chapter 194;
- (viii) 2 per cent of revenues to the Massachusetts cultural council of which one-quarter of the revenues received shall be dedicated to the organization support program of the Massachusetts cultural council and three-quarters of revenues shall be dedicated to support not-for-profit and municipally-owned performing arts centers impacted as a result of the operation of gaming facilities; provided, however, that funds dedicated to such performing arts centers shall be to subsidize fees paid to touring shows or artists; and provided further, that funding shall be appropriated through a competitive grant process to be developed and administered by the Massachusetts cultural council; and
- (ix) 1 per cent to the Massachusetts Tourism Fund to fund tourist promotion agencies under clause (c) of section 35J of chapter 10 of the General Laws.

(b) Notwithstanding any general or special law to the contrary, 100 per cent of the daily assessment pursuant to subsection (c) section 55 of chapter 194 of the Acts of 2011 to the Gaming Local Aid Fund, established in section 63 of said chapter 194.

(c) Not later than November 15, 2024, the secretary of administration and finance shall submit recommendations to the house and senate committees on ways and means on permanent adjustments to category 1 and 2 licensee gaming revenue fund distribution.

### *Summary:*

This section provides for the distribution of gaming revenue for FY25.

## **Section 89 - Pension Cost of Living Adjustment**

SECTION 89. Notwithstanding any general or special law to the contrary, the amounts transferred pursuant to subdivision (1) of section 22C of chapter 32 of the General Laws shall be made available for the Commonwealth's Pension Liability Fund established in section 22 of said chapter 32. The amounts transferred pursuant to said subdivision (1) of said section 22C of said chapter 32 shall meet the commonwealth's obligations pursuant to said section 22C of said chapter 32, including retirement benefits payable by the state employees' retirement system and the state teachers' retirement system, for the costs associated with a 3 per cent cost-of-living adjustment pursuant to section 102 of said chapter 32, for the reimbursement of local retirement systems for previously authorized cost-of-living adjustments pursuant to said section 102 of said chapter 32 and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of 1984. The state board of retirement and each city, town, county and district shall verify these costs, subject to rules that shall be adopted by the state treasurer. The state treasurer may make payments upon a transfer of funds to reimburse certain cities and towns for pensions of retired teachers, including any other obligation that the commonwealth has assumed on behalf of a retirement system other than the state employees' retirement system or state teachers' retirement system, including the commonwealth's share of the amounts to be transferred pursuant to section 22B of said chapter 32. The payments under this section shall be made only pursuant to distribution of money from the Commonwealth's Pension Liability Fund and any distribution, and the payments for which distributions are required, shall be detailed in a written report prepared quarterly by the secretary of administration and finance and submitted to the senate and house committees on ways and means and the joint committee on public service in advance of the distribution. Distributions shall not be made in advance of the date on which a payment is actually to be made. If the amount transferred pursuant to subdivision (1) of section 22C of said chapter 32 exceeds the amount necessary to adequately fund the annual pension obligations, the excess amount shall be credited to the Pension Reserves Investment Trust Fund established in subdivision (8) of said section 22 of said chapter 32 to reduce the unfunded pension liability of the commonwealth.

### *Summary:*

This section explains how the Commonwealth is fulfilling its various obligations to the state retirement system, including the obligation to fund a 3% cost-of-living adjustment on the first \$13,000 of a retiree's annual retirement allowance.

## **Section 90 - Special Commission for State and Teacher COLA**

SECTION 90. There shall be a special commission analysis and study of cost-of-living adjustments for the members of the state employees' retirement system and state teachers' retirement system. The study shall include, but not be limited to, the development of a policy that provides for increases in the maximum base amount, on which timely periodic cost-of living adjustments are calculated, and determination of its fiscal impact. The study shall explore methods of funding timely periodic cost-of-living adjustments for members of said systems and enhanced benefits for long term retired members of said systems. The commission may request, and shall receive, any and all actuarial reports and studies from the public employee retirement administration commission relevant to support the work of the commission.

The commission shall consist of the following members or their designee: the chairs of the house and senate committees on ways and means, the chairs of the joint committee on public service, the secretary of administration and finance, the executive director of the public employee retirement administration commission, and the following 3 members to be appointed by the Governor: 1 of whom shall be a representative appointed by the Retired State, County and Municipal Employees Association of Massachusetts, 1 of whom shall be a representative appointed by the state board of retirement, and 1 of whom shall be a representative appointed by the state teachers' retirement board. The board shall select a chair.



Not later than February 1, 2025, the commission shall file a report with the clerks of the house of representatives and the senate providing the results of its study and its recommendations, if any, together with proposed drafts of legislation necessary to carry its recommendations into effect.

*Summary:*

This section establishes a special commission to review the cost-of-living adjustments for the members of the state employees' retirement system and state teachers' retirement system.

## **Section 91 - Tax Amnesty Program**

SECTION 91. (a) Notwithstanding any general or special law to the contrary, the commissioner of revenue may establish a tax amnesty program during which all penalties that may be assessed by the commissioner shall be waived without the need for any showing by the taxpayer of reasonable cause or the absence of willful neglect for the failure of the taxpayer to: (i) timely file any proper return for any tax type and for any tax period; (ii) timely pay any tax liability; or (iii) pay the proper amount of any required estimated payment toward a tax liability. The waiver of a taxpayer's liability under this section shall apply if the taxpayer, prior to the expiration of the amnesty period, voluntarily files proper returns and pays the full amount of tax shown on the taxpayer's returns or upon the commissioner's assessments with all interest due thereon. The waiver shall not apply to any penalties that may be due under sections 35A, 32D, or 35F of chapter 62C of the General Laws with regard to returns filed pursuant to the tax amnesty program. The waiver of penalties shall not apply to any period for which the taxpayer does not file proper returns. The tax amnesty program shall apply to tax returns due on or before December 31, 2024. In the case of taxpayers otherwise coming into compliance with tax obligations pursuant to the amnesty, unless the commissioner determines that the taxpayer has acted with fraudulent intent, the commissioner may apply limited look-back periods for unfiled returns, not to exceed 4 years. The scope of the tax amnesty program, including the particular tax types, periods covered, and the applicability of the look-back periods, shall be determined by the commissioner.

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

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

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

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

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

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

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

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

*Summary:*

This section offers a two-month individual and corporate tax amnesty program during FY25.

### **Section 92 - FY25 RTA Funding Formula**

SECTION 92. Notwithstanding any general or special law to the contrary, for fiscal year 2025, \$150,000,000 shall be considered operating assistance and distributed to regional transit authorities from item 1595-6370 of section 2E and item 1596-2406 of section 2F. For fiscal year 2025, \$94,000,000 of the amount transferred in item 1595-6370 shall be distributed based on fiscal year 2024 distributions in accordance with the updated fiscal year 2024 bilateral memorandum of understanding between each regional transit authority and the Massachusetts Department of Transportation; provided, however, that each regional transit authority shall receive operating assistance from said item 1595-6370 of said section 2E of not less than the amount received in fiscal year 2024.

The department may require each regional transit authority to provide data on ridership, customer service and satisfaction, asset management and financial performance, including farebox recovery, and shall compile any such collected data into a report on the performance of regional transit authorities and detail each authority's progress towards meeting the performance metrics established in each memorandum of understanding.

*Summary:*

This section sets forth the FY25 Regional Transit Authorities funding distribution.

### **Section 93 - Expanded Medicare Savings Program Transfer**

SECTION 93. This section authorizes the transfer of funds from the Prescription Advantage programs and the Health Safety Net Trust Fund in order to fund the non-federal share of the Medicare Savings Program.

*Summary:*

This section authorizes the transfer of funds from the Prescription Advantage programs and the Health Safety Net Trust Fund in order to fund the non-federal share of the Medicare Savings Program.

## **Section 94 - Health Safety Net Administration**

SECTION 94. Notwithstanding any general or special law to the contrary, payments from the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws may be made either as safety net care payments under the commonwealth's waiver pursuant to section 1115 of the federal Social Security Act, 42 U.S.C. 1315, or as an adjustment to service rate payments under Title XIX and XXI of the Social Security Act or a combination of both. Other federally permissible funding mechanisms available for certain hospitals, as defined by regulations of the executive office of health and human services, may be used to reimburse up to \$70,000,000 of uncompensated care pursuant to sections 66 and 69 of said chapter 118E using sources distinct from the funding made available to the Health Safety Net Trust Fund.

*Summary:*

This section allows Health Safety Net payments to be made as 1115 waiver or state plan payments, and authorizes up to \$70 million of uncompensated care to be paid from sources other than the Health Safety Net Trust Fund.

## **Section 95 - Hospital Assessment 6**

SECTION 95. Notwithstanding section 186 of chapter 126 of the acts of 2022, sections 23, 24, 57, 61 and 63 of chapter 126 of the acts of 2022 shall take effect on October 1, 2027; provided, however, that any transfer or payment obligation existing under the second paragraph of section 2AAAAA of chapter 29 of the General Laws, subsection (c) of section 2TTTTT of said chapter 29 or subsection (c) of section 2UUUUU of said chapter 29, as of September 30, 2027, shall survive the effectiveness of this section until such transfer or payment obligation is satisfied.

*Summary:*

This section, along with other related sections, allows MassHealth to modify the current hospital assessment to increase the collections.

## **Section 96 - Hospital Assessment 7**

SECTION 96. Notwithstanding any general or special law to the contrary, the secretary of health and human services shall seek any and all required federal approvals the secretary deems necessary to implement sections 23, 62, 67, 70, 84 and 95 including any required waivers under 42 CFR § 433.68 necessary to implement the updates to the hospital assessment described in section 67 of chapter 118E of the General Laws, as amended by section 70. If, after having received any required federal approval necessary to implement sections 23, 62, 67, 70, 84 and 95, such approval is withdrawn or is otherwise not in effect, or the secretary determines that a change in federal law, regulations or the federal government's administration of federal law or regulation, requires a modification to the hospital assessment described in said section 67 of said chapter 118E, as amended by section 70, or to the implementation of the Health Safety Net Trust Fund established under section 66 of said chapter 118E, as amended by section 67, the Non-Acute Care Hospital Reimbursement Trust Fund established under section 2WWWW of chapter 29 of the General Laws, the Safety Net Provider Trust Fund established under section 2AAAAA of said chapter 29, the Hospital Investment and Performance Trust Fund established under section 2TTTTT of said chapter 29, or the Population Health Investment Trust Fund established under section 2UUUUU of said chapter 29, the secretary will notify the joint committee on health care financing and the house and senate committees on ways and means, and will consult with the Massachusetts Health & Hospital Association to develop alternatives. Not later than February 15,

2026, and annually thereafter, the secretary shall report to the joint committee on health care financing and the house and senate committees on ways and means (i) the amount of the assessment made and collected from each hospital pursuant to section 67 of chapter 118E of the General Laws; and (ii) the amounts transferred to, deposited in, expended from and transferred from the Hospital Investment and Performance Trust Fund established under section 2TTTTT of chapter 29 of the General Laws, and the Population Health Investment Trust Fund established under section 2UUUUU of said chapter 29.

*Summary:*

This section, along with other related sections, allows MassHealth to modify the current hospital assessment to increase the collections.

### **Section 97 - Hospital Assessment 8**

SECTION 97. Notwithstanding any general or special law to the contrary, in the event that the commonwealth does not receive all federal approvals pursuant to section 96 that the secretary of health and human services determines necessary to implement sections 23, 62, 67, 70, 84 and 95, including any required waivers under 42 CFR § 433.68, the hospital assessment described in sections 64 through 69 of chapter 118E of the General Laws shall remain in effect as if sections 23, 62, 67, 70, 84 and 95 had not been enacted until the first full calendar month following the calendar month in which the secretary determines all such federal approvals have been received. The secretary, in consultation with representatives of the Massachusetts Health & Hospital Association, shall continue to seek all federal approvals necessary to implement sections 23, 62, 67, 70, 84 and 95, until such federal approvals are received or the United States Department of Health and Human Services or the federal Centers for Medicare and Medicaid Services render a final determination that an assessment established pursuant to sections 65 through 69 of said chapter 118E cannot be implemented.

*Summary:*

This section, along with other related sections, allows MassHealth to modify the current hospital assessment to increase the collections.

### **Section 98 - Hospital Assessment 9**

SECTION 98. Section 96 is hereby repealed.

*Summary:*

This section, along with other related sections, allows MassHealth to modify the current hospital assessment to increase the collections.

### **Section 99 - Initial Gross Payments to Qualifying Acute Care Hospitals**

SECTION 99. Notwithstanding any general or special law to the contrary, not later than October 1, 2024 and without further appropriation, the comptroller shall transfer from the General Fund to the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws the greater of \$45,000,000 or 1/12 of the total expenditures to hospitals and community health centers required pursuant to this act, for the purposes of making initial gross payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1, 2024. These payments shall be made to hospitals before, and in anticipation of, the payment by hospitals of their gross liability to the Health Safety Net Trust Fund. The comptroller shall transfer from the Health Safety Net Trust Fund to the

General Fund, not later than June 30, 2025, the amount of the transfer authorized by this section and any allocation of that amount as certified by the director of the health safety net office.

*Summary:*

This annual section requires the Comptroller to transfer sufficient money from the General Fund to the Health Safety Net Trust Fund to make the required initial gross payment to qualifying hospitals. It requires the Health Safety Net Trust Fund to repay the General Fund before the end of FY25.

### **Section 100 - Inspector General's Health Care Audits**

SECTION 100. Notwithstanding any general or special law to the contrary, in hospital fiscal year 2025, the office of inspector general may expend a total of \$1,000,000 from the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws for costs associated with maintaining a health safety net audit unit within the office. The unit shall continue to oversee and examine the practices in hospitals including, but not limited to, the care of the uninsured and the resulting free charges. The unit shall also study and review the Medicaid program under said chapter 118E including, but not limited to, a review of the program's eligibility requirements, utilization, claims administration and compliance with federal mandates. The inspector general shall submit a report to the chairs of the senate and house committees on ways and means on the results of the audits and any other completed analyses not later than March 1, 2025.

*Summary:*

This section authorizes the Inspector General's Office to conduct audits of the Health Safety Net and the MassHealth program, at a cost of \$1 million for fiscal year 2024. As in past years, this cost will be borne by the Health Safety Net Trust Fund.

### **Section 101 - Managed Care Organization Services Assessment 15**

SECTION 101. Notwithstanding section 6 of chapter 6D of the General Laws, section 7 of chapter 12C of the General Laws, section 24N of chapter 111, or section 69A of chapter 118E, or any other general or special law to the contrary, the surcharges to be collected under said section 6, said section 7, said section 24N, and said chapter 69A shall be collected for the period beginning with the start of the applicable assessment year for each such surcharge through December 31, 2024, and shall not be collected for the period beginning January 1, 2025 through the end date of the applicable assessment year; provided, however, that any payment obligation of any surcharge payor under said section 6, said section 7, said section 24N, or said section 69A existing as of December 31, 2024, shall survive until such transfer or payment obligation is satisfied. The secretary of health and human services may promulgate regulations to implement this section.

*Summary:*

This section, along with other related sections, creates a unified assessment mechanism for all managed care organization assessments.

### **Section 102 - Managed Care Organization Services Assessment 16**

SECTION 102. Notwithstanding any general or special law to the contrary, the secretary of health and human services shall seek any and all required federal approvals the secretary deems necessary to implement sections 4, 5, 16, 17, 55, 63, 64, 65, 66, 68, 69, 71, 72, 83, and 101 and sections 2EEEEEE

and 2FFFFFF of chapter 29 of the General Laws, as inserted by 31, including any required waivers under 42 CFR § 433.68 necessary to implement the MCO services assessment described in section 68 of chapter 118E of the general laws, as amended by section 66. If, after having received any required federal approval necessary to implement sections 4, 5, 16, 17, 55, 63, 64, 65, 66, 68, 69, 71, 72, and 83, and sections 2EEEEEE and 2FFFFFF of chapter 29 of the General Laws, as inserted by 31, such approval is withdrawn or is otherwise not in effect, or the secretary determines that a change in federal law, regulations, or the federal government's administration of federal law or regulation, requires a modification to the MCO services assessment described in section 68 of chapter 118E of the general laws, as amended by section 69, or to the implementation of the Health Safety Net Trust Fund established under section 66 of chapter 118E, as amended by sections 64 and 65, the Health Agency Dedicated Trust Fund established in section 2EEEEEE of said chapter 29, under section 55, or the Managed Care Organization Services Reinvestment Trust Fund established in section 2FFFFFF, under section 55, the secretary will notify the joint committee on health care financing, and the house and senate committees on ways and means to develop alternatives. Not later than February 15, 2026, and annually thereafter, the secretary shall report to the joint committee on health care financing and the house and senate committees on ways and means (i) the amount of the assessment made and collected from each MCO services assessment payor pursuant to section 68 of chapter 118E of the General Laws; and (ii) the amounts transferred to, deposited in, expended from, and transferred from the Health Agency Dedicated Trust Fund established in section 2EEEEEE of said chapter 29, and the Managed Care Organization Services Reinvestment Trust Fund established in section 2FFFFFF.

*Summary:*

This section, along with other related sections, creates a unified assessment mechanism for all managed care organization assessments.

### **Section 103 - Managed Care Organization Services Assessment 17**

SECTION 103. Notwithstanding any general or special law to the contrary, in the event that the commonwealth does not receive all federal approvals pursuant to section 103, the secretary of health and human services determines necessary to implement sections 4, 5, 16, 17, 55, 63, 64, 65, 66, 68, 69, 71, 72, 83, and 101, and sections 2EEEEEE and 2FFFFFF of chapter 29 of the General Laws, as inserted by 31, including any required waivers under 42 CFR § 433.68, the surcharge described in section 68 of chapter 118E of the General Laws shall remain in effect as if sections 4, 5, 16, 17, 55, 63, 64, 65, 66, 68, 69, 71, 72, 83, and 101, and sections 2EEEEEE and 2FFFFFF of chapter 29 of the General Laws, as inserted by 31, had not been enacted until the first full calendar month following the calendar month in which the secretary determines all such federal approvals have been received. The secretary shall continue to seek all federal approvals necessary to implement sections 4, 5, 16, 17, 55, 63, 64, 65, 66, 68, 69, 71, 72, 83, and 101, and sections 2EEEEEE and 2FFFFFF of chapter 29 of the General Laws, as inserted by 31, until such federal approvals are received or the United States Department of Health and Human Services or the federal Centers for Medicare and Medicaid Services render a final determination that an assessment established pursuant to section 68 of chapter 118E cannot be implemented.

*Summary:*

This section, along with other related sections, creates a unified assessment mechanism for all managed care organization assessments.

## **Section 104 - Managed Care Organization Services Assessment 18**

SECTION 104. Section 102 is hereby repealed.

*Summary:*

This section, along with other related sections, creates a unified assessment mechanism for all managed care organization assessments.

## **Section 105 - Nursing Facility Base Year**

SECTION 105. Notwithstanding any general or special law to the contrary, nursing facility rates to be effective on October 1, 2024 under section 13D of chapter 118E of the General Laws may be developed using the costs of calendar year 2019.

*Summary:*

This section allows the Executive Office of Health and Human Services to continue using 2019 costs to develop nursing facility rates.

## **Section 106 - Transfers Between Health Funds**

SECTION 106. Notwithstanding any general or special law to the contrary, the comptroller, at the direction of the secretary of administration and finance may transfer up to \$15,000,000 from the Commonwealth Care Trust Fund established in section 2000 of chapter 29 of the General Laws to the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws.

*Summary:*

This section authorizes the Secretary of Administration and Finance to transfer up to \$15 million from the Commonwealth Care Trust Fund to the Health Safety Net Trust Fund.

## **Section 107 - MCI Concord Closure 2**

SECTION 107. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws, or any other general or special law to the contrary, the commissioner of capital asset management and maintenance may sell, lease for a term not to exceed 99 years, transfer or otherwise dispose of real property, used for correctional purposes, known as the Massachusetts Correctional Institution, Concord in the town of Concord. The final boundaries of the parcels to be conveyed may be determined by the commissioner of capital asset management and maintenance after the completion of a survey.

(b) The commissioner of capital asset management and maintenance shall dispose of real property: (1) utilizing appropriate competitive processes and procedures; or (2) through a sales-partnership agreement in accordance with subsection (c) with the municipality wherein said real property is located. Such competitive processes may include, without limitation, absolute auction, sealed bids and requests for price and development proposals. The real property shall be conveyed without warranties or representations by the commonwealth and shall be on such terms and conditions as the commissioner determines.

(c) A sales-partnership agreement may: (i) require the municipality to conduct a competitive process and select a developer prior to disposition of the real property by the commonwealth; provided, that the commissioner of capital asset management and maintenance may transfer the real property directly to

the developer selected by the municipality; or (ii) authorize the municipality to sell or lease the real property directly to a developer pursuant to chapter 30B of the General Laws. The consideration for the disposition of real property to a municipality pursuant to a sales-partnership agreement shall be \$1. If the municipality sells or leases any portion of the real property or the commonwealth disposes of real property directly to the developer selected by the municipality pursuant to a sales-partnership agreement, the net proceeds from such sale or lease as agreed to by the commissioner of capital asset management and maintenance and the municipality shall be allocated between the municipality and the commonwealth in equal shares; provided, however, that the commissioner may agree to reduce the share of the commonwealth's proceeds to not less than 40 per cent of the net proceeds in order to provide certain incentives to expedite the sale, lease or permitting of redevelopment by the municipality.

(d) Notwithstanding subsection (b) and subject to subsection (f) through (j) below, the commissioner of capital asset management and maintenance may transfer the water treatment facility located at Massachusetts Correctional Institution, Concord and any other real property necessary thereto to the town of Concord for a direct public use, as defined in section 33 of chapter 7C of the General Laws; provided, that the town of Concord shall have no less than 90 days to accept the commissioner's offer to acquire the property. Upon a refusal of the town of Concord of the commissioner's offer, including the expiration of said offer, the commissioner may dispose of the water treatment facility and any other real property necessary thereto pursuant to said subsection (b).

(e) At least 30 days before the date of an auction or the date on which bids or proposals or other offers to purchase or lease the real property are due, the commissioner of capital asset management and maintenance shall place a notice in the central register published by the state secretary pursuant to section 20A of chapter 9 of the General Laws stating the availability of such property, the nature of the competitive process and other information deemed relevant, including the time and location of the auction, the submission of bids or proposals and the opening thereof; provided, however, that the commissioner shall not be required to place said notice if the property is conveyed to a municipality or developer selected by a municipality in accordance with a sales-partnership agreement. At least 30 days before the date of an auction or the date on which bids or proposals or other offers to purchase or lease the real property are due, the commissioner of capital asset management and maintenance shall notify in writing regarding the availability of such property, for each town in which the real property is located, the chair of the board of selectmen and the members of the general court.

(f) The commissioner of capital asset management and maintenance shall establish the value of the real property through procedures customarily accepted by the appraising profession as valid for determining property value. The value shall be calculated both for: (i) the highest and best use of the property as may be encumbered, and (ii) subject to uses, restrictions and encumbrances defined by the commissioner. The commissioner shall submit the appraisal required by this subsection to the inspector general for review and comment. The inspector general shall review and approve the appraisal, and the review shall include an examination of the methodology utilized for the appraisal. The inspector general shall prepare a report of the review and file the report with the commissioner of capital asset management and maintenance for submission by the commissioner to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight. The commissioner shall submit copies of the appraisal and the inspector general's review and approval and comments, if any, to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight not less than 15 days prior to the execution of documents effecting the transfers authorized by this section.

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

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



(i) No agreement for the sale, lease, transfer or other disposition of real property pursuant to this section and no deed, executed by or on behalf of the commonwealth, shall be valid unless such agreement or deed contains the following certification, signed by the commissioner of capital asset management and maintenance:

"The undersigned certifies under penalties of perjury that I have fully complied with section X of chapter\_\_\_ of the acts of 2024 in connection with the property described herein."

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

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

*Summary:*

This section, along with a related section, effectuate the closure of MCI Concord and transferring the property to the Division of Capital Asset Management and Maintenance for further disposition.

## **Section 108 - Repeal Deduction of Interest From Savings in Massachusetts Banks 2**

SECTION 108. Section 44 shall take effect for taxable years beginning on or after January 1, 2024.

*Summary:*

This section establishes the effective date for the deduction of interest from savings in Massachusetts banks.

## **Section 109 - Exemption for Publications of Tax-Exempt Organizations Effective Date**

SECTION 109. Section 48 shall take effect 60 days after the effective date of this act.

*Summary:*

This section establishes the effective date for repealing the sales tax exemption for publications of tax-exempt organizations.

## **Section 110 - Hospital Assessment Effective Date 1**

SECTION 110. Sections 23, 62, 67, 70, 84, and 95 shall take effect on October 1, 2024.

*Summary:*

This section, along with the related section, sets an effective date for to implement changes to the MassHealth hospital assessment.

### **Section 111 - Managed Care Organization Services Assessment Effective Date 1**

SECTION 111. Sections 2EEEEEE and 2FFFFFF of chapter 29 of the General Laws, as inserted by section 31, and sections 4, 5, 16, 17, 55, 63, 64, 65, 66, 68, 71, 72, and 83 shall take effect on January 1, 2025.

*Summary:*

This section, along with other related sections, establishes an effective date for unified assessment mechanism for all managed care organization assessments.

### **Section 112 - Eliminating Copays for CMSP and CHIPS Effective Date**

SECTION 112. Sections 59 and 61 shall take effect upon the earlier of: (i) the receipt of all necessary federal approvals, including state plan and 1115 demonstration amendments or (ii) January 1, 2025.

*Summary:*

This section sets an effective date for removing the statutory requirement to charge copays to Children's Medical Security Program members and cost-sharing to children who participate in the Children's Health Insurance Program.

### **Section 113 - MCO Services Assessment/Hospital Assessment Effective Date 2**

SECTION 113. Sections 69 and 98 shall take effect on October 1, 2027.

*Summary:*

This section, along with other related sections, establishes an effective date for unified assessment mechanism for all managed care organization assessments.

### **Section 114 - Managed Care Organization Services Assessment Effective Date 3**

SECTION 114. Section 104 shall take effect on January 1, 2030.

*Summary:*

This section, along with other related sections, establishes an effective date for unified assessment mechanism for all managed care organization assessments.

### **Section 115 - Effective Date**

SECTION 115. Except as otherwise specified, this act shall take effect on July 1, 2024.

*Summary:*

This section provides that this act shall take effect on July 1, 2024.



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