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Section 3 Local Aid Distribution

Additional local aid information based on the Governor's FY2022 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, 2022 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 \$1,168,119,046 and shall be apportioned to cities and towns in accordance with this section.

For fiscal year 2022 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 2021; provided that the effort reduction percentage shall be 100 per cent; provided further that the minimum aid per pupil dollar amount shall be \$30; provided further that the total statewide target local contribution shall be 59 per cent; provided further, that, in satisfying any increase in its local contribution requirements under chapter 70, a municipality may deem to be local contribution an amount up to 75 per cent of the total grant award to its districts under the Elementary and Secondary Education Emergency Relief (ESSER) program enacted by the federal coronavirus response and relief supplemental appropriations act on December 27, 2020, but not more than the increase in required local contribution in fiscal year 2022 relative to fiscal year 2021. In the case of a municipality's increased required contribution as a member of a regional school district, a municipality may deem a proportional share of 75 per cent of the regional district's total grant award, equal to the municipality's share of the district's total required contribution, to satisfy the increase in its required contribution. 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.

In evaluating compliance with net school spending requirements for fiscal year 2022, the department of elementary and secondary education shall include any net school spending eligible expenditures supported with said ESSER funds, up to the dollar limit established by the department pursuant to the 75 per cent limitation established in the previous paragraph.

Notwithstanding the provisions of section 89 of chapter 71 or any other general or special law to the contrary, in calculating charter school tuition payments to be paid to charters by each school district for fiscal year 2022, the department of elementary and secondary education shall not include the per pupil amount of required local contribution that may be supported by said ESSER funds, as determined by the department pursuant to this section.

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

FY 2022 Governor's Budget Recommendation

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.

| MUNICIPALITY | Chapter 70 | Unrestricted General Government Aid |
|--------------|---------------|--|
| ABINGTON | 10,858,340 | 2,162,005 |
| ACTON | 0 | 1,537,371 |
| ACUSHNET | 6,397,702 | 1,666,386 |
| ADAMS | 0 | 2,573,008 |
| AGAWAM | 19,949,538 | 4,048,879 |
| ALFORD | 0 | 15,424 |
| AMESBURY | 9,248,787 | 2,138,102 |
| AMHERST | 6,153,573 | 9,252,696 |
| ANDOVER | 11,837,131 | 1,963,833 |
| AQUINNAH | 0 | 2,569 |
| ARLINGTON | 14,741,108 | 8,338,017 |
| ASHBURNHAM | 0 | 873,837 |
| ASHBY | 0 | 481,233 |
| ASHFIELD | 93,683 | 204,038 |
| ASHLAND | 8,018,443 | 1,486,242 |
| ATHOL | 0 | 2,909,676 |
| ATTLEBORO | 41,355,387 | 6,269,913 |
| AUBURN | 12,284,561 | 1,882,205 |
| AVON | 2,465,569 | 761,741 |
| AYER | 0 | 832,002 |
| BARNSTABLE | 13,165,466 | 2,311,774 |
| BARRE | 0 | 988,443 |
| BECKET | 76,923 | 99,808 |
| BEDFORD | 5,674,637 | 1,261,616 |
| BELCHERTOWN | 13,950,266 | 1,870,006 |
| BELLINGHAM | 8,707,945 | 1,864,883 |
| BELMONT | 9,891,949 | 2,481,546 |
| BERKLEY | 4,025,438 | 668,709 |
| BERLIN | 0 | 221,580 |
| BERNARDSTON | 0 | 319,654 |
| BEVERLY | 10,492,715 | 6,418,143 |
| BILLERICA | 19,489,674 | 6,399,803 |
| BLACKSTONE | 234,189 | 1,504,315 |
| BLANDFORD | 43,955 | 139,551 |
| BOLTON | 4,598 | 216,992 |
| BOSTON | 223,736,165 | 208,222,502 |
| BOURNE | 5,268,883 | 1,611,107 |

| MUNICIPALITY | Chapter 70 | Unrestricted General Government Aid |
|--------------|---------------|--|
| BOXBOROUGH | 25,888 | 277,232 |
| BOXFORD | 1,768,093 | 534,268 |
| BOYLSTON | 112,979 | 376,456 |
| BRAINTREE | 18,459,141 | 6,289,045 |
| BREWSTER | 1,024,909 | 433,949 |
| BRIDGEWATER | 76,248 | 4,002,926 |
| BRIMFIELD | 1,373,076 | 428,494 |
| BROCKTON | 210,584,142 | 23,011,937 |
| BROOKFIELD | 1,707,403 | 542,646 |
| BROOKLINE | 15,212,527 | 6,977,722 |
| BUCKLAND | 13,134 | 336,523 |
| BURLINGTON | 7,104,731 | 2,878,214 |
| CAMBRIDGE | 17,603,148 | 23,610,675 |
| CANTON | 6,613,135 | 2,356,834 |
| CARLISLE | 1,028,823 | 241,095 |
| CARVER | 10,053,629 | 1,605,532 |
| CHARLEMONT | 102,815 | 192,111 |
| CHARLTON | 6,789 | 1,592,264 |
| CHATHAM | 0 | 165,403 |
| CHELMSFORD | 11,348,108 | 5,578,245 |
| CHELSEA | 94,311,529 | 9,026,389 |
| CHESHIRE | 7,702 | 675,152 |
| CHESTER | 72,014 | 197,868 |
| CHESTERFIELD | 133,594 | 151,738 |
| CHICOPEE | 72,225,625 | 12,655,751 |
| CHILMARK | 0 | 4,122 |
| CLARKSBURG | 1,805,335 | 399,810 |
| CLINTON | 14,856,526 | 2,587,173 |
| COHASSET | 2,790,862 | 565,441 |
| COLRAIN | 0 | 317,193 |
| CONCORD | 3,797,771 | 1,275,004 |
| CONWAY | 628,804 | 196,419 |
| CUMMINGTON | 59,772 | 91,684 |
| DALTON | 236,581 | 1,250,432 |
| DANVERS | 7,209,712 | 3,130,236 |
| DARTMOUTH | 10,049,191 | 2,770,516 |
| DEDHAM | 6,143,940 | 3,594,015 |
| DEERFIELD | 1,123,153 | 527,871 |
| DENNIS | 0 | 598,546 |
| DEVENS | 308,558 | 0 |
| DIGHTON | 0 | 849,820 |

FY 2022 Governor's Budget Recommendation

| MUNICIPALITY | Chapter 70 | Unrestricted General Government Aid |
|------------------|---------------|--|
| DOUGLAS | 8,792,765 | 802,044 |
| DOVER | 886,342 | 211,415 |
| DRACUT | 20,947,045 | 3,850,721 |
| DUDLEY | 0 | 1,963,661 |
| DUNSTABLE | 0 | 270,317 |
| DUXBURY | 5,463,948 | 974,198 |
| EAST BRIDGEWATER | 11,057,135 | 1,645,094 |
| EAST BROOKFIELD | 186,676 | 318,741 |
| EAST LONGMEADOW | 12,175,958 | 1,590,840 |
| EASTHAM | 404,958 | 163,739 |
| EASTHAMPTON | 8,078,592 | 3,089,163 |
| EASTON | 10,249,641 | 2,406,758 |
| EDGARTOWN | 917,160 | 73,209 |
| EGREMONT | 0 | 69,343 |
| ERVING | 477,715 | 73,868 |
| ESSEX | 0 | 269,086 |
| EVERETT | 83,698,746 | 7,592,888 |
| FAIRHAVEN | 8,343,040 | 2,478,315 |
| FALL RIVER | 144,205,160 | 26,190,637 |
| FALMOUTH | 6,871,209 | 1,523,687 |
| FITCHBURG | 60,828,597 | 9,379,089 |
| FLORIDA | 552,457 | 54,703 |
| FOXBOROUGH | 9,123,240 | 1,637,028 |
| FRAMINGHAM | 57,034,315 | 10,934,353 |
| FRANKLIN | 28,574,921 | 2,715,673 |
| FREETOWN | 461,524 | 1,043,612 |
| GARDNER | 21,072,010 | 4,657,235 |
| GEORGETOWN | 5,564,938 | 787,316 |
| GILL | 0 | 267,327 |
| GLOUCESTER | 6,867,330 | 4,389,438 |
| GOSHEN | 96,381 | 87,923 |
| GOSNOLD | 8,404 | 2,305 |
| GRAFTON | 11,350,399 | 1,718,430 |
| GRANBY | 4,685,330 | 970,403 |
| GRANVILLE | 0 | 176,208 |
| GREAT BARRINGTON | 0 | 834,083 |
| GREENFIELD | 13,958,091 | 3,489,235 |
| GROTON | 0 | 851,347 |
| GROVELAND | 65,470 | 800,014 |
| HADLEY | 1,294,360 | 498,804 |
| HALIFAX | 3,081,842 | 997,663 |

| MUNICIPALITY | Chapter 70 | Unrestricted General Government Aid |
|--------------|---------------|--|
| HAMILTON | 0 | 738,402 |
| HAMPDEN | 0 | 756,141 |
| HANCOCK | 245,717 | 62,051 |
| HANOVER | 7,100,319 | 2,328,164 |
| HANSON | 14,688 | 1,407,403 |
| HARDWICK | 28,065 | 511,653 |
| HARVARD | 2,008,951 | 1,627,607 |
| HARWICH | 0 | 473,407 |
| HATFIELD | 856,276 | 342,929 |
| HAVERHILL | 64,582,843 | 10,801,758 |
| HAWLEY | 13,147 | 47,562 |
| HEATH | 0 | 91,955 |
| HINGHAM | 8,074,033 | 1,734,514 |
| HINSDALE | 104,923 | 244,708 |
| HOLBROOK | 8,724,001 | 1,621,641 |
| HOLDEN | 6,363 | 2,101,276 |
| HOLLAND | 938,238 | 221,829 |
| HOLLISTON | 8,014,336 | 1,701,961 |
| HOLYOKE | 82,313,369 | 11,161,902 |
| HOPEDALE | 6,114,810 | 716,659 |
| HOPKINTON | 8,050,421 | 863,355 |
| HUBBARDSTON | 0 | 495,072 |
| HUDSON | 12,095,806 | 2,191,602 |
| HULL | 3,899,576 | 2,329,145 |
| HUNTINGTON | 258,496 | 378,776 |
| IPSWICH | 3,379,890 | 1,764,205 |
| KINGSTON | 4,404,865 | 1,054,904 |
| LAKEVILLE | 86,418 | 899,258 |
| LANCASTER | 4,676 | 1,050,556 |
| LANESBOROUGH | 11,341 | 379,115 |
| LAWRENCE | 220,797,210 | 21,579,341 |
| LEE | 2,102,439 | 684,458 |
| LEICESTER | 9,846,237 | 1,908,267 |
| LENOX | 1,287,405 | 585,811 |
| LEOMINSTER | 49,143,577 | 6,290,084 |
| LEVERETT | 298,661 | 196,175 |
| LEXINGTON | 14,647,494 | 1,684,359 |
| LEYDEN | 0 | 90,490 |
| LINCOLN | 1,191,509 | 748,208 |
| LITTLETON | 4,085,358 | 781,236 |
| LONGMEADOW | 5,750,432 | 1,535,495 |

FY 2022 Governor's Budget Recommendation

| MUNICIPALITY | Chapter 70 | Unrestricted General Government Aid |
|------------------|---------------|--|
| LOWELL | 177,325,054 | 27,682,651 |
| LUDLOW | 13,867,413 | 3,357,431 |
| LUNENBURG | 7,823,618 | 1,162,230 |
| LYNN | 211,448,775 | 24,606,982 |
| LYNNFIELD | 4,469,881 | 1,143,030 |
| MALDEN | 51,413,853 | 13,788,577 |
| MANCHESTER | 0 | 244,412 |
| MANSFIELD | 19,070,309 | 2,451,521 |
| MARBLEHEAD | 6,035,307 | 1,251,527 |
| MARION | 872,434 | 247,985 |
| MARLBOROUGH | 31,188,884 | 5,982,762 |
| MARSHFIELD | 14,778,583 | 2,380,885 |
| MASHPEE | 4,685,466 | 404,357 |
| MATTAPOISETT | 851,365 | 445,440 |
| MAYNARD | 5,480,621 | 1,726,640 |
| MEDFIELD | 6,361,734 | 1,593,155 |
| MEDFORD | 12,275,726 | 13,331,259 |
| MEDWAY | 10,564,089 | 1,340,851 |
| MELROSE | 8,631,916 | 5,636,407 |
| MENDON | 36,016 | 449,132 |
| MERRIMAC | 47,774 | 924,719 |
| METHUEN | 48,647,173 | 5,975,681 |
| MIDDLEBOROUGH | 18,069,239 | 2,709,678 |
| MIDDLEFIELD | 13,290 | 58,426 |
| MIDDLETON | 1,685,891 | 601,345 |
| MILFORD | 32,266,771 | 3,356,917 |
| MILLBURY | 7,927,312 | 1,946,179 |
| MILLIS | 4,862,842 | 1,150,669 |
| MILLVILLE | 71,807 | 447,673 |
| MILTON | 9,697,475 | 3,531,413 |
| MONROE | 75,296 | 20,208 |
| MONSON | 7,567,565 | 1,434,667 |
| MONTAGUE | 0 | 1,575,096 |
| MONTEREY | 0 | 50,815 |
| MONTGOMERY | 21,162 | 95,379 |
| MOUNT WASHINGTON | 7,921 | 32,945 |
| NAHANT | 531,403 | 415,264 |
| NANTUCKET | 3,650,139 | 87,080 |
| NATICK | 10,362,782 | 4,188,053 |
| NEEDHAM | 11,192,613 | 1,918,602 |
| NEW ASHFORD | 180,257 | 22,324 |

| MUNICIPALITY | Chapter 70 | Unrestricted General Government Aid |
|--------------------|---------------|--|
| NEW BEDFORD | 172,596,512 | 25,282,408 |
| NEW BRAINTREE | 17,386 | 145,085 |
| NEW MARLBOROUGH | 0 | 64,365 |
| NEW SALEM | 0 | 114,032 |
| NEWBURY | 16,934 | 569,185 |
| NEWBURYPORT | 4,302,202 | 2,803,033 |
| NEWTON | 25,492,106 | 6,458,746 |
| NORFOLK | 3,490,425 | 1,053,971 |
| NORTH ADAMS | 13,848,943 | 4,875,925 |
| NORTH ANDOVER | 9,298,097 | 2,252,353 |
| NORTH ATTLEBOROUGH | 20,804,831 | 3,161,955 |
| NORTH BROOKFIELD | 4,308,028 | 875,750 |
| NORTH READING | 7,221,227 | 1,951,438 |
| NORTHAMPTON | 7,638,049 | 4,830,615 |
| NORTHBOROUGH | 4,040,510 | 1,225,930 |
| NORTHBRIDGE | 15,664,621 | 2,319,926 |
| NORTHFIELD | 4,016 | 397,084 |
| NORTON | 12,896,420 | 2,284,264 |
| NORWELL | 4,092,385 | 1,178,172 |
| NORWOOD | 9,271,812 | 5,112,126 |
| OAK BLUFFS | 1,178,593 | 79,930 |
| OAKHAM | 20,299 | 210,860 |
| ORANGE | 5,448,006 | 1,776,168 |
| ORLEANS | 435,474 | 188,783 |
| OTIS | 0 | 39,975 |
| OXFORD | 10,613,784 | 2,259,927 |
| PALMER | 10,955,180 | 2,204,122 |
| PAXTON | 0 | 594,729 |
| PEABODY | 22,942,643 | 7,933,523 |
| PELHAM | 240,583 | 174,946 |
| PEMBROKE | 13,690,952 | 1,847,481 |
| PEPPERELL | 0 | 1,640,347 |
| PERU | 90,112 | 125,517 |
| PETERSHAM | 437,533 | 125,997 |
| PHILLIPSTON | 0 | 202,732 |
| PITTSFIELD | 49,333,617 | 9,489,141 |
| PLAINFIELD | 27,794 | 55,139 |
| PLAINVILLE | 2,947,541 | 833,796 |
| PLYMOUTH | 26,600,787 | 4,306,537 |
| PLYMPTON | 746,890 | 260,738 |
| PRINCETON | 2,631 | 325,407 |

FY 2022 Governor's Budget Recommendation

| MUNICIPALITY | Chapter 70 | Unrestricted General Government Aid |
|--------------|---------------|--|
| PROVINCETOWN | 293,751 | 152,022 |
| QUINCY | 31,418,445 | 20,986,060 |
| RANDOLPH | 20,507,527 | 5,712,696 |
| RAYNHAM | 0 | 1,249,755 |
| READING | 10,949,859 | 3,563,013 |
| REHOBOTH | 0 | 1,145,658 |
| REVERE | 80,140,742 | 11,305,667 |
| RICHMOND | 368,009 | 118,906 |
| ROCHESTER | 2,072,039 | 466,793 |
| ROCKLAND | 14,796,127 | 2,905,432 |
| ROCKPORT | 1,519,946 | 480,913 |
| ROWE | 141,065 | 4,330 |
| ROWLEY | 25,476 | 593,523 |
| ROYALSTON | 0 | 197,589 |
| RUSSELL | 207,425 | 271,441 |
| RUTLAND | 0 | 1,016,690 |
| SALEM | 25,936,602 | 7,581,582 |
| SALISBURY | 14,443 | 694,430 |
| SANDISFIELD | 0 | 38,085 |
| SANDWICH | 7,226,188 | 1,238,754 |
| SAUGUS | 6,349,172 | 4,032,133 |
| SAVOY | 517,199 | 127,344 |
| SCITUATE | 6,114,553 | 2,210,951 |
| SEEKONK | 6,766,703 | 1,352,441 |
| SHARON | 8,528,536 | 1,538,520 |
| SHEFFIELD | 0 | 267,753 |
| SHELBURNE | 0 | 287,417 |
| SHERBORN | 726,817 | 238,063 |
| SHIRLEY | 0 | 1,441,970 |
| SHREWSBURY | 20,252,968 | 3,061,573 |
| SHUTESBURY | 633,326 | 186,378 |
| SOMERSET | 9,146,162 | 1,685,691 |
| SOMERVILLE | 20,638,388 | 27,691,828 |
| SOUTH HADLEY | 8,585,949 | 2,870,417 |
| SOUTHAMPTON | 2,564,926 | 700,302 |
| SOUTHBOROUGH | 3,020,731 | 480,704 |
| SOUTHBRIDGE | 23,510,434 | 3,866,535 |
| SOUTHWICK | 0 | 1,386,357 |
| SPENCER | 30,909 | 2,485,861 |
| SPRINGFIELD | 400,264,264 | 41,606,739 |
| STERLING | 5,362 | 761,955 |

| MUNICIPALITY | Chapter 70 | Unrestricted General Government Aid |
|------------------|---------------|--|
| STOCKBRIDGE | 0 | 109,554 |
| STONEHAM | 5,337,631 | 4,084,638 |
| STOUGHTON | 17,235,177 | 3,519,473 |
| STOW | 2,736 | 462,670 |
| STURBRIDGE | 3,870,754 | 851,490 |
| SUDBURY | 5,066,238 | 1,538,488 |
| SUNDERLAND | 877,068 | 555,507 |
| SUTTON | 5,517,525 | 857,940 |
| SWAMPSCOTT | 4,509,966 | 1,422,619 |
| SWANSEA | 9,190,547 | 2,064,240 |
| TAUNTON | 68,497,273 | 9,243,963 |
| TEMPLETON | 0 | 1,532,597 |
| TEWKSBURY | 13,423,895 | 3,058,940 |
| TISBURY | 869,801 | 107,769 |
| TOLLAND | 0 | 20,314 |
| TOPSFIELD | 1,255,283 | 674,124 |
| TOWNSEND | 0 | 1,444,423 |
| TRURO | 408,416 | 33,065 |
| TYNGSBOROUGH | 7,457,854 | 1,062,136 |
| TYRINGHAM | 57,162 | 13,954 |
| UPTON | 39,979 | 585,146 |
| UXBRIDGE | 9,489,404 | 1,512,264 |
| WAKEFIELD | 6,846,919 | 3,702,591 |
| WALES | 1,004,630 | 259,594 |
| WALPOLE | 8,290,061 | 2,801,065 |
| WALTHAM | 15,706,969 | 10,554,055 |
| WARE | 11,167,137 | 1,897,463 |
| WAREHAM | 13,449,800 | 2,174,510 |
| WARREN | 0 | 994,363 |
| WARWICK | 0 | 139,778 |
| WASHINGTON | 0 | 103,808 |
| WATERTOWN | 5,936,805 | 7,330,964 |
| WAYLAND | 5,379,174 | 993,471 |
| WEBSTER | 14,666,956 | 2,721,211 |
| WELLESLEY | 9,407,484 | 1,423,754 |
| WELLFLEET | 223,660 | 64,240 |
| WENDELL | 0 | 191,540 |
| WENHAM | 0 | 470,777 |
| WEST BOYLSTON | 3,058,965 | 875,680 |
| WEST BRIDGEWATER | 4,569,989 | 718,701 |
| WEST BROOKFIELD | 328,719 | 535,312 |

FY 2022 Governor's Budget Recommendation

| MUNICIPALITY | Chapter 70 | Unrestricted General Government Aid |
|----------------------------|----------------------|--|
| WEST NEWBURY | 5,263 | 325,654 |
| WEST SPRINGFIELD | 32,923,898 | 3,938,979 |
| WEST STOCKBRIDGE | 0 | 106,862 |
| WEST TISBURY | 0 | 204,143 |
| WESTBOROUGH | 11,190,003 | 1,273,608 |
| WESTFIELD | 37,455,773 | 6,918,867 |
| WESTFORD | 17,281,815 | 2,335,696 |
| WESTHAMPTON | 480,230 | 159,261 |
| WESTMINSTER | 0 | 719,471 |
| WESTON | 4,007,060 | 411,114 |
| WESTPORT | 4,603,592 | 1,337,136 |
| WESTWOOD | 5,723,453 | 801,823 |
| WEYMOUTH | 28,611,095 | 9,583,339 |
| WHATELY | 267,200 | 147,495 |
| WHITMAN | 110,764 | 2,661,341 |
| WILBRAHAM | 0 | 1,608,515 |
| WILLIAMSBURG | 785,367 | 332,742 |
| WILLIAMSTOWN | 0 | 1,049,318 |
| WILMINGTON | 11,553,710 | 2,732,906 |
| WINCHENDON | 11,529,590 | 1,849,001 |
| WINCHESTER | 9,753,079 | 1,626,138 |
| WINDSOR | 26,462 | 114,134 |
| WINTHROP | 7,398,113 | 4,633,316 |
| WOBURN | 9,687,377 | 6,579,791 |
| WORCESTER | 289,004,989 | 45,673,321 |
| WORTHINGTON | 359,315 | 138,052 |
| WRENTHAM | 3,817,813 | 1,024,676 |
| YARMOUTH | 0 | 1,387,653 |
| Total Municipal Aid | 4,713,774,261 | 1,168,119,046 |

| | Chapter 70 |
|--------------------------|---------------|
| Regional School District | |
| ACTON BOXBOROUGH | 15,338,911 |
| AMHERST PELHAM | 9,601,357 |
| ASHBURNHAM WESTMINSTER | 12,426,690 |
| ASSABET VALLEY | 6,387,900 |
| ATHOL ROYALSTON | 18,162,738 |
| AYER SHIRLEY | 8,350,691 |
| BERKSHIRE HILLS | 2,961,498 |
| BERLIN BOYLSTON | 2,169,034 |
| BLACKSTONE MILLVILLE | 11,035,489 |
| BLACKSTONE VALLEY | 8,302,034 |
| BLUE HILLS | 5,687,123 |
| BRIDGEWATER RAYNHAM | 23,266,232 |
| BRISTOL COUNTY | 3,291,775 |
| BRISTOL PLYMOUTH | 12,314,244 |
| CAPE COD | 2,203,137 |
| CENTRAL BERKSHIRE | 8,818,729 |
| CHESTERFIELD GOSHEN | 754,930 |
| CONCORD CARLISLE | 2,885,882 |
| DENNIS YARMOUTH | 7,906,900 |
| DIGHTON REHOBOTH | 13,036,886 |
| DOVER SHERBORN | 2,413,514 |
| DUDLEY CHARLTON | 24,588,403 |
| ESSEX NORTH SHORE | 5,429,918 |
| FARMINGTON RIVER | 501,250 |
| FRANKLIN COUNTY | 4,330,435 |
| FREETOWN LAKEVILLE | 11,183,623 |
| FRONTIER | 2,872,335 |
| GATEWAY | 5,682,099 |
| GILL MONTAGUE | 7,129,856 |
| GREATER FALL RIVER | 19,677,071 |
| GREATER LAWRENCE | 29,859,940 |
| GREATER LOWELL | 31,756,332 |
| GREATER NEW BEDFORD | 28,837,177 |
| GROTON DUNSTABLE | 10,987,643 |
| HAMILTON WENHAM | 3,791,389 |
| HAMPDEN WILBRAHAM | 12,004,544 |
| HAMPSHIRE | 3,290,733 |
| HAWLEMONT | 638,716 |
| HOOSAC VALLEY | 10,390,093 |
| KING PHILIP | 7,653,700 |
| LINCOLN SUDBURY | 3,264,670 |
| MANCHESTER ESSEX | 3,086,258 |

| | Chapter 70 |
|-----------------------------|---------------|
| Regional School District | |
| MARTHAS VINEYARD | 2,897,790 |
| MASCONOMET | 5,253,339 |
| MENDON UPTON | 12,511,846 |
| MINUTEMAN | 2,025,071 |
| MOHAWK TRAIL | 6,081,374 |
| MONOMOY | 3,850,274 |
| MONTACHUSETT | 15,489,639 |
| MOUNT GREYLOCK | 3,584,477 |
| NARRAGANSETT | 9,988,464 |
| NASHOBA | 7,832,332 |
| NASHOBA VALLEY | 3,737,294 |
| NAUSET | 3,562,549 |
| NEW SALEM WENDELL | 718,733 |
| NORFOLK COUNTY | 1,300,079 |
| NORTH MIDDLESEX | 20,482,913 |
| NORTHAMPTON SMITH | 916,505 |
| NORTHBORO SOUTHBORO | 3,209,584 |
| NORTHEAST METROPOLITAN | 11,195,113 |
| NORTHERN BERKSHIRE | 5,315,188 |
| OLD COLONY | 3,297,294 |
| OLD ROCHESTER | 3,074,894 |
| PATHFINDER | 6,068,008 |
| PENTUCKET | 13,250,162 |
| PIONEER | 4,189,121 |
| QUABBIN | 16,703,518 |
| QUABOAG | 9,192,100 |
| RALPH C MAHAR | 5,450,340 |
| SHAWSHEEN VALLEY | 6,509,961 |
| SILVER LAKE | 8,266,093 |
| SOMERSET BERKLEY | 6,054,825 |
| SOUTH MIDDLESEX | 6,509,850 |
| SOUTH SHORE | 4,459,678 |
| SOUTHEASTERN | 19,306,582 |
| SOUTHERN BERKSHIRE | 2,006,891 |
| SOUTHERN WORCESTER | 11,570,228 |
| SOUTHWICK TOLLAND GRANVILLE | 9,886,188 |
| SPENCER EAST BROOKFIELD | 13,740,734 |
| TANTASQUA | 9,331,150 |
| TRI COUNTY | 5,743,988 |
| TRITON | 8,841,441 |
| UPISLAND | 891,082 |
| UPPER CAPE COD | 3,285,088 |

| Regional School District | Chapter 70 | Unrestricted General Government Aid |
|----------------------------------|-----------------------|--|
| WACHUSETT | 29,762,018 | |
| WHITMAN HANSON | 24,882,540 | |
| WHITTIER | 11,032,165 | |
| TOTALS | Chapter 70 | |
| Total Regional Aid | 767,530,382 | |
| Total Municipal and Regional Aid | 5,481,304,643 | 1,168,119,046 |



Section 4 - Expansion of Level I Sex Offender Registry Information

SECTION 4. Subdivision (2) of section 178K of chapter 6 of the General Laws, as amended by section 6 of chapter 227 of the acts of 2020, is hereby further amended by striking out the words "the department of mental health" and inserting in place thereof the following words:- the department of mental health, the department of housing and community development, the department of public utilities, the department of professional licensure.

Summary:

This section would add DHCD, DPU, and DPL to the list of agencies permitted access to information on Level 1 sex offenders from SORB.

Section 5 - Transit Oriented Development 1

SECTION 5. Section 20 of chapter 6C of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:-

Any agreement related to any sale or lease of property may require that a developer construct, design, build, finance, operate, or maintain, or any combination thereof, transportation facilities in the state highway system, including land and air rights or any related facility or component thereof controlled by the department, so long as the department shall state in its bid documentation that such transportation facilities or related facility will be accepted or required as a part of any such development agreement. No further procurement or advertising requirements shall be required, except as required in this section.

Summary:

This section, along with one other, provides the MBTA and MassDOT with the authority to enter into competitively procured real estate deals or other projects with private parties that include mitigation and the private construction of facilities that will be owned by the agency.

Section 6 - Cashless Lottery Payments

SECTION 6. Section 24 of chapter 10 of the General Laws, as so appearing, is hereby amended by striking out, in line 17, the word "agents" and inserting in place thereof the following words:- agents; provided, that said restriction shall not govern the transmittal of lottery information and sales for the purpose of facilitating point of sale transactions; provided, further that said restriction shall govern point of sale transactions involving 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 set forth in subsection (b) of section 5I of chapter 18.

Summary:

The section permits the sale of lottery products by remote methods such as debit cards. The prohibition on the use of credit cards to buy lottery products would remain in effect

Section 7 - EEC Advisory Committee 1

SECTION 7. Chapter 15D of the General Laws is hereby amended by striking out section 3A and inserting in place thereof the following section:-

Section 3A. There shall be a state advisory committee on early education and care, the members of which shall represent a reasonable geographic balance and shall reflect the diversity of the commonwealth in race, ethnicity, gender and sexual orientation. The advisory committee shall consist of at least 3 persons to be appointed by the speaker of the house of representatives; 1 person to be appointed by the minority leader of the house of representatives; 3 persons to be appointed by the president of the senate; 1 person to be appointed by the minority leader of the senate; the commissioner of higher education or a designee; the secretary of labor and workforce development or a designee; and 1 person from each of the following organizations: Nurtury; the Massachusetts Association of School Committees; the Massachusetts Association of School Superintendents; the Massachusetts Elementary School Principals Association; the Massachusetts Association of Regional Schools; the Massachusetts Teachers Association; the American Federation of Teachers Massachusetts; the Massachusetts Business Alliance for Education; the Massachusetts Association of Community Partnerships for Children, Inc.; Strategies for Children/Early Education for All; the Child Care Resource and Referral Network; the Massachusetts Association of Day Care Agencies; the Massachusetts community colleges executive office; the president of a community college or a designee; the Massachusetts Head Start Association, Inc.; the Massachusetts Association for the Education of Young Children, Inc.; the Massachusetts Association of Early Childhood Teacher Educators; the Massachusetts Business Alliance for Education, Inc.; Strategies for Children, Inc.; the Alliance of Massachusetts YMCAs, Inc.; the United Way of Massachusetts Bay, Inc.; the Massachusetts Business Roundtable; the Alliance for Business Leadership, Inc.; the Massachusetts Chapter of the American Academy of Pediatrics; the Massachusetts Independent Child Care Organization; a representative of SEIU Local 509; and a representative of a family child care provider chosen by the commissioner of early education and care.

Additional advisory committee members may also be recommended by the commissioner and appointed by the board. All appointees shall have a special expertise or interest in high quality early childhood education and care and shall represent a mix of representatives of the early childhood community, the civic, labor, and business communities, academics, parents, teachers, social service providers and health care providers.

Members shall not, by virtue of their membership, be considered state employees under chapter 268A. The members of the advisory committee shall serve without compensation but may be reimbursed, subject to appropriation, for expenses necessarily and reasonably incurred in the performance of their responsibilities. Members shall be appointed for a term of 3 years. No member shall serve for more than 2 consecutive terms. The advisory committee shall meet not fewer than 4 times annually.

The commissioner shall consult with the advisory committee on support for the early education and care workforce and alignment with strategic plan for early education and care.

The advisory committee may review and offer comments on any rules or regulations before promulgation by the board, and may, from time to time, make recommendations to the board that it considers appropriate for (i) changes and improvements in early education and care programs and services or (ii) changes and improvements in early education and care professional development, training and career support.

The commissioner may consult with the advisory committee on additional topics as needed.

Summary:

This section, along with one other, merges the Advisory Committee on Early Education and Care and the Early Education and Care Workforce Council into one advisory committee.

Section 8 - Public Health Council Meetings

SECTION 8. Subsection (f) of section 3 of chapter 17 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the words "once a month" and inserting in place thereof the following words:- once every 90 days.

Summary:

This section requires the Public Health Council to meet at least once every ninety days.

Section 9 - Broadband and Wireless Availability 1

SECTION 9. Section 3 of chapter 23A of the General Laws, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) MOBD shall contain such divisions, offices and programs as the director shall determine are necessary to achieve the mission and administer the programs of MOBD, including at least the following 3 divisions: business services, entrepreneurial and small business development and manufacturing development. Each division shall be under the charge of a director subject to the direction, control and supervision of the director of economic development. Each director shall be a person of skill and experience in the field of his appointment and shall be appointed and may be removed by the executive director, with the approval of the secretary, and shall serve until so removed. The position of director shall not be subject to section 9A of chapter 30 or chapter 31. Each director shall devote their full time during business hours to the duties of the office. The MOBD executive director may authorize any director to exercise in the executive director's name any power, or to discharge any duty, assigned to the executive director by law, and may at any time revoke the authority.

Summary:

This section, along with three others, eliminates the Wireless and Broadband Development Division within the Massachusetts Office of Business Development, and moves some of the Division's duties to the Department of Telecommunications and Cable.

Section 10 - Broadband and Wireless Availability 2

SECTION 10. Said section 3 of said chapter 23A, as so appearing, is hereby further amended by striking out subsection (b).

Summary:

This section, along with three others, eliminates the Wireless and Broadband Development Division within the Massachusetts Office of Business Development, and moves some of the Division's duties to the Department of Telecommunications and Cable.

Section 11 - Securing ACP Debt to Commonwealth

SECTION 11. Chapter 25A of the General Laws is hereby amended by adding the following section:-

Section 18. (a) Upon department issuance of a notice of non-compliance, any alternative compliance payment owed by a retail electric supplier pursuant to this chapter, including any interest, additional

amount, addition to debt, assessable penalty under section 7 of this chapter, together with any costs that may accrue in addition thereto, shall constitute a debt to the department. Such debt shall also be a lien in favor of the department upon all property and rights to property, whether real or personal, belonging to the indebted retail electric supplier, including property acquired after the lien arises. The lien shall arise at the time the department issues the first notice of non-compliance and shall continue until: (1) the debt is satisfied; (2) a judgment against the retail electric supplier arising out of such debt is satisfied; or (3) any such debt or judgment becomes unenforceable by reason of the lapse of time. The lien created in favor of the department for any owed alternative compliance payment shall remain in full force and effect for a period of 10 years after the date of issuance of the first notice of non-compliance. For bankruptcy cases under relevant chapters of the United States Code, the running of the period of limitations in this section shall be suspended for the period during which the department is prohibited by reason of such case from collecting the lien, and for the period during which a plan for payment of the lien is in effect, and for six months thereafter. The running of the period of limitations in this section shall be suspended for the period during which the payment or collection is stayed pursuant to the retail electric supplier contesting the lien. If the lien would extend beyond its initial or any subsequent 10-year period, the department shall be authorized to refile its notice of lien. If any such refiled lien is filed within the "required refiling period", as that term is defined in section 6323(g)(3) of the Code, the lien in favor of the department shall relate back to the date of the first such lien filing. Otherwise, any such refiled lien shall be effective from the date of its filing. The department shall promulgate such regulations as may be necessary for the implementation of this subsection.

(b) The lien imposed by this section shall not be perfected as against any mortgagee, pledgee, purchaser, creditor, or judgment creditor until notice thereof has been filed by the department:

(1) With respect to real property or fixtures, in the registry of deeds of the county where such property is situated, and

(2) With respect to personal property other than fixtures, in the filing office in which the filing of a financing statement would perfect, under Article 9 of chapter 106, an attached nonpossessory security interest in tangible personal property belonging to the retail electric supplier liable to pay the alternative compliance payment as if the retail electric supplier were located in the commonwealth under section 9-307 of said chapter 106. The filing of any such lien or of a waiver or release of any such lien shall be received and registered or recorded without payment of any fee in the commonwealth.

(c) In any case where an alternative compliance payment becomes due upon issuance of a notice of non-compliance, the department, in addition to other modes of relief, may direct a civil action to be filed in a superior court of the commonwealth to collect the debt or enforce the lien of the department under this section with respect to such liability, or to subject any property of whatever nature, of the indebted retail electric supplier, or in which they have any right, title, or interest, to the payment of such liability.

(d) The department may issue a waiver or release of any lien imposed by this section. Such waiver or release shall be conclusive evidence that the lien upon the property covered by the waiver or release is extinguished. The department shall issue a waiver or release of any lien imposed by this section in any case where the debt for which such lien attached has been paid or legally abated.

(e) Notwithstanding any general or special law to the contrary, the department may establish financial compliance assurance requirements for any retail electricity supplier subject to requirements or standards established in this chapter. The department may require a bond or other security in amount and form as determined to be necessary and appropriate to ensure compliance with all such requirements or standards.

Summary:

This section would enhance DOER's ability to collect Alternative Compliance Payments when suppliers fail to meet their clean energy requirements.

Section 12 - Broadband and Wireless Availability 3

SECTION 12. Section 1 of chapter 25C of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding after the words "chapter 166A" the following words:- and for the development of statewide policy regarding advanced telecommunications capability within the commonwealth.

For purposes of this chapter, advanced telecommunications capability is defined, without regard to any transmission media or technology, as high-speed, switched, broadband telecommunications capability that enables users to originate and receive high-quality voice, data, graphics and video telecommunications using any technology.

Summary:

This section, along with three others, eliminates the Wireless and Broadband Development Division within the Massachusetts Office of Business Development, and moves some of the Division's duties to the Department of Telecommunications and Cable.

Section 13 - Broadband and Wireless Availability 4

SECTION 13. Said chapter 25C is hereby further amended by adding the following section:-

Section 9. Notwithstanding sections 6A and 8 of this chapter, or any other general or special law to the contrary, the department shall have the duties and powers as may be necessary or desired to accomplish the purposes of this section. The department shall facilitate access to advanced telecommunications capability in the commonwealth, with a special interest in increasing the presence of advanced telecommunications capability across the commonwealth to promote economic development, meet the commonwealth's homeland security and emergency preparedness needs, improve government efficiency, and improve the quality of life for the commonwealth's residents. The duties and powers of the department shall include, but not be limited to, the following: (1) identifying areas that lack adequate advanced telecommunications capability, including where, due to geographic remoteness, sparsity of population or other considerations, private-sector capital investment in advanced telecommunications facilities deployment is not sufficient to meet the present and future needs of the area; (2) identifying the locations of advanced telecommunications capability facilities in the commonwealth; and (3) taking other actions to fulfill the purposes of this section. The department may work in consultation with Massachusetts Broadband Institute, established by section 6B of chapter 40J.

Summary:

This section, along with three others, eliminates the Wireless and Broadband Development Division within the Massachusetts Office of Business Development, and moves some of the Division's duties to the Department of Telecommunications and Cable.

Section 14 - Community Hospital and Health Center Investment Trust Fund 1

SECTION 14. Chapter 29 of the General Laws is hereby amending by striking out section 2TTTT and inserting in place thereof the following section:-

Section 2TTTT. (a) There shall be a Community Hospital and Health Center Investment Trust Fund to be expended, without further appropriation, by the secretary of health and human services. The fund shall consist of money from public and private sources, including gifts, grants and donations, interest

earned on such money, any other money authorized by the general court and specifically designated to be credited to the fund and any funds provided from other sources. Money in the fund shall be used to provide annual financial support in an amount not to exceed \$47,500,000 per fiscal year, consistent with the terms of this section, to eligible acute care hospitals and community health centers, provided that such financial support to eligible acute care hospitals shall include all payments pursuant to section 63 of chapter 260 of the acts of 2020. The secretary, as trustee, shall administer the fund and shall make expenditures from the fund consistent with this section.

(b) The secretary may incur expenses and the comptroller may certify amounts for payment in sufficient amount to satisfy all obligations under section 63 of chapter 260 of the acts of 2020 and otherwise in anticipation of expected receipts; provided, however, that, subject to subsection (e), no expenditure shall be made from the fund which shall cause the fund to be deficient at the close of a fiscal year. Subject to subsection (i), revenues deposited in the fund that are unexpended at the end of a fiscal year shall not revert to the General Fund and shall be available for expenditure in the following fiscal year.

(c) The secretary shall periodically direct payments from the fund to eligible acute care hospitals and community health centers. To be eligible to receive payment from the fund, an acute care hospital shall be an "eligible hospital" for purposes of subsection (d) of section 63 of chapter 260 of the acts of 2020. To be eligible to receive payment from the fund, a community health center must be certified as a community health center by the MassHealth program under 130 CMR 405.000 or any successor regulation.

(d) In directing payments in a given fiscal year, the secretary shall allocate payments to eligible acute care hospitals and community health centers in the following order and manner. First, the secretary shall direct payments from the fund to eligible acute care hospitals, in the form of enhanced Medicaid payments, supplemental payments, or by other appropriate mechanism, to satisfy all obligations under section 63 of chapter 260 of the acts of 2020. Second, the secretary shall direct the balance of the fund for payments to community health centers in the following manner and allocation: 25 per cent of the total community health center allocation shall be directed to community health centers in the form of grants, and 75 per cent of the total community health center allocation shall be directed to community health centers in the form of enhanced Medicaid payments. The secretary shall establish by regulation or other appropriate written issuance any further eligibility criteria for allocation of payments pursuant to this subsection.

(e) The secretary may require as a condition of receiving payment from the fund any such reasonable condition of payment that the secretary determines necessary to ensure the availability, to the extent possible, of federal financial participation for the payments, and the secretary may incur expenses and the comptroller may certify amounts for payment in anticipation of expected receipt of federal financial participation for the payments. Subject to appropriation, an amount equal to the total annual anticipated federal financial participation generated by the payments shall be transferred to the Community Hospital and Health Center Investment Trust Fund not later than June 30.

(f) The secretary may promulgate regulations as necessary to carry out this section.

(g) Not later than October 15 of each fiscal year, the secretary shall file a report with the joint committee on health care finance and the house and senate committees on ways and means detailing the allocation and recipient of each payment during the prior fiscal year, including any payments made under subsection (i).

(h) An amount equal to the total receipts from the penalty established under chapter 63E shall be transferred from the General Fund to the Community Hospital and Health Center Investment Trust Fund before the end of each fiscal year.

(i) In the event that the total amount in the fund in a given fiscal year is sufficient to provide the maximum amount of annual financial support specified in subsection (a) to eligible acute care hospitals

and community health centers, any remaining revenues deposited in the fund under subsection (h) shall revert to the General Fund to support increased investments in primary care and behavioral health in a manner that maximizes federal financial participation.

Summary:

This section, along with three others, restructures and recapitalizes the existing Community Hospital Reinvestment Trust Fund to target independent community hospitals and community health centers and maximizes federal financial participation on payments from the fund.

Section 15 - Community Hospital and Health Center Investment Trust Fund 2

SECTION 15. Said chapter 29 is hereby further amended by striking out section 2TTTT and inserting in place thereof the following section:-

2TTTT. (a) There shall be a Community Hospital and Health Center Investment Trust Fund to be expended, without further appropriation, by the secretary of health and human services. The fund shall consist of money from public and private sources, including gifts, grants and donations, interest earned on such money, any other money authorized by the general court and specifically designated to be credited to the fund and any funds provided from other sources. Money in the fund shall be used to provide annual financial support in an amount not to exceed \$25,000,000 per fiscal year, consistent with the terms of this section, to eligible acute care hospitals and community health centers. The secretary, as trustee, shall administer the fund and shall make expenditures from the fund consistent with this section.

(b) The secretary may incur expenses and the comptroller may certify amounts for payment in sufficient amount satisfy in anticipation of expected receipts; provided, however, that, subject to subsection (e), no expenditure shall be made from the fund which shall cause the fund to be deficient at the close of a fiscal year. Subject to subsection (i), revenues deposited in the fund that are unexpended at the end of a fiscal year shall not revert to the General Fund and shall be available for expenditure in the following fiscal year.

(c) The secretary shall periodically direct payments from the fund to eligible acute care hospitals and community health centers. To be eligible to receive payment from the fund, an acute care hospital shall (1) be an acute care hospital licensed under section 51 of chapter 111; (2) have a statewide relative price less than 0.90, as calculated by the center for health information and analysis pursuant to section 10 of chapter 12C according to data from the most recent available year; (3) have a public payer mix equal to or greater than 60 per cent, as calculated by the center for health information and analysis according to data from the most recent available year; and (4) not be owned, financially consolidated or corporately affiliated with a provider organization, as defined by section 1 of chapter 6D, that: (A) owns or controls 2 or more acute care hospitals; and (B) the total net assets of all affiliated acute care hospitals within the provider organization is greater than \$600,000,000, as calculated by the center for health information and analysis according to data from the most recent available year. For purposes of the previous sentence, a hospital's mere clinical affiliation with a provider organization, absent ownership, financial consolidation or corporate affiliation, shall not disqualify an eligible hospital from payments authorized under this section. To be eligible to receive payment from the fund, a community health center must be certified as a community health center by the MassHealth program under 130 CMR 405.000 or any successor regulation.

(d) In directing payments in a given fiscal year, the secretary shall allocate payments to eligible acute care hospitals and community health centers in the following manner: (1) 50 per cent of payments shall be directed to eligible acute care hospitals in the form of Medicaid supplemental payments or other appropriate mechanism; and (2) 50 per cent of payments shall be directed to community health centers in the following manner and allocation: 25 per cent of the total community health center allocation shall

be directed to community health centers in the form of grants, and 75 per cent of the total community health center allocation shall be directed to community health centers in the form of enhanced Medicaid payments. The secretary shall establish by regulation or other appropriate written issuance any further eligibility criteria for allocation of payments pursuant to this subsection.

(e) The secretary may require as a condition of receiving payment from the fund any such reasonable condition of payment that the secretary determines necessary to ensure the availability, to the extent possible, of federal financial participation for the payments, and the secretary may incur expenses and the comptroller may certify amounts for payment in anticipation of expected receipt of federal financial participation for the payments. Subject to appropriation, an amount equal to the total annual anticipated federal financial participation generated by the payments shall be transferred to the Community Hospital and Health Center Investment Trust Fund not later than June 30.

(f) The secretary may promulgate regulations as necessary to carry out this section.

(g) Not later than October 15 of each fiscal year, the secretary shall file a report with the joint committee on health care finance and the house and senate committees on ways and means detailing the allocation and recipient of each payment during the prior fiscal year, including any payments made under subsection (i).

(h) An amount equal to the total receipts from the penalty established under chapter 63E shall be transferred from the General Fund to the Community Hospital and Health Center Investment Trust Fund before the end of each fiscal year.

(i) In the event that the total amount in the fund in a given fiscal year is sufficient to provide the maximum amount of annual financial support specified in subsection (a) to eligible acute care hospitals and community health centers, any remaining revenues deposited in the fund under subsection (h) shall revert to the General Fund to support increased investments in primary care and behavioral health in a manner that maximizes federal financial participation.

Summary:

This section, along with three others, restructures and recapitalizes the existing Community Hospital Reinvestment Trust Fund to target independent community hospitals and community health centers and maximizes federal financial participation on payments from the fund.

Section 16 - Substance Use Disorder Trust Fund

SECTION 16. Section 2YYYY of said chapter 29 of the General Laws, as amended by section 5 of chapter 31 of the acts of 2020, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The secretary may expend, without further appropriation: (i) not more than \$27,000,000 per year in fiscal year 2020 and not more than \$53,000,000 in fiscal year 2021 and not more than \$60,000,000 in fiscal year 2022 from the fund to expand and support the residential treatment system to treat individuals with a substance use disorder or co-occurring mental health and substance use disorder; (ii) not more than \$11,000,000 per year in fiscal year 2020 and not more than \$32,000,000 in fiscal year 2021 and not more than \$40,000,000 in fiscal year 2022 from the fund to expand and support access to medication assisted treatment; (iii) not more than \$8,000,000 per year in fiscal year 2020 and not more than \$15,000,000 per year in fiscal years 2021 and 2022 from the fund to expand and support access to recovery treatment support services; and (iv) not more than \$4,000,000 per year in fiscal year 2020 and not more than \$10,000,000 in fiscal year 2021 and not more than \$15,000,000 in fiscal year 2022 from the fund to implement and support American Society of Addiction Medicine assessment and care planning across substance use treatment providers. For the purpose of accommodating timing

discrepancies between the receipt of revenues and related expenditures, the fund may incur expenses, and the comptroller shall certify for payment, amounts not to exceed the most recent revenue estimate as certified by the MassHealth director, as reported in the state accounting system. Amounts credited to the fund shall not be subject to further appropriation and monies 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 the subsequent fiscal year.

Summary:

This section amends the Substance Use Disorder Trust Fund to adjust anticipated expenditures for FY22.

Section 17 - Academic Health Department Partnerships Trust Fund

SECTION 17. Said chapter 29 of the General Laws is hereby further amended by inserting after section 2KKKKK, inserted by section 1 of chapter 254 of the acts of 2020, the following section:-

Section 2LLLLL. There shall be an Academic Health Department Partnerships Trust Fund. The fund shall be administered by the commissioner of public health to support the administration of the academic health department and the academic volunteer corps. There shall be credited to the fund all money received from public or private sources including but not limited to, gifts, grants, donations, bequests, contributions of cash or securities, contributions of property in kind from persons or other governmental, nongovernmental, quasi-governmental or local government entities. Expenditures from the fund shall be made to support the academic health department and academic volunteer corps, including but not limited to: (i) staff administrative support, (ii) paid internships, (iii) training and workforce development activities, and (vi) other services needed to support the program. The department of public health may incur expenses and the comptroller may certify amounts for payment in anticipation of expected receipts; provided, however, that no expenditure shall be made from the fund which shall cause the fund to be deficient at the close of a fiscal year. Amounts credited to the fund shall not be subject to further appropriation and money remaining in the fund at the close of a fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year.

Summary:

This section establishes the Academic Health Department Partnerships Trust Fund to support the Academic Health Department and the Academic Volunteer Corps programs administered by DPH.

Section 18 - Hospital Assessment 1

SECTION 18. Said chapter 29 is hereby further amended by inserting after said section 2KKKKK, as so inserted, the following section:-

Section 2MMMMM. (a) There shall be a MassHealth Hospital and Delivery System Reform Trust Fund. The secretary of health and human services shall be the trustee of the fund and shall expend money in the fund to make payments to acute hospitals and other providers or care organizations under contract to provide MassHealth services pursuant to an approved state plan or federal waiver. There shall be credited to the fund: (1) any transfers from the Health Safety Net Trust Fund established in section 66 of chapter 118E; (2) an amount equal to any federal financial participation revenues claimed and received by the commonwealth for eligible expenditures made from the fund; (3) any revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund; and (4) interest earned on any money in the fund. Amounts credited to the fund shall be expended without further appropriation.

(b) Money in the fund may 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 federal payment limits as determined by the secretary of health and human services; and (iv) subject to the terms and conditions of an agreement between acute hospitals, other providers or 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 of health and human services to be transferred, credited or deposited under this section. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

(c)(1) Effective October 1 of each year, the secretary of health and human services shall expend money in the fund for MassHealth services provided by 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 office in connection with the MassHealth program.

(2) The secretary of health and human services shall expend not less than \$300,000,000 in payments to qualifying acute hospital providers and other providers or care organizations under contract to provide MassHealth services pursuant to an approved state plan or federal waiver, subject to the terms and conditions of a payment agreement with the executive office of health and human services; provided, however, that the payments shall be in addition to the sum of: (i) the amount of reimbursement otherwise provided for and payable in each contract year to those hospitals under contracts executed pursuant to the request for applications issued periodically by the executive office of health and human services for the procurement of acute hospital services under the MassHealth program; and (ii) the portion, as determined by the secretary, of payments made under the contracts executed between care organizations and the executive office of health and human services which are projected to be needed by the care organizations for payments to hospitals contracted to participate in the provider networks of the care organizations.

Summary:

This section, along with fifteen others, increases the existing hospital assessment by \$100 million in Health Safety Net fiscal year 2022 and maintains an increased and restructured hospital assessment after Health Safety Net fiscal year 2022.

Section 19 - MEMA Emergency Relief and Immediate Commonwealth Assistance Fund

SECTION 19. Said chapter 29 of the General Laws is hereby further amended by inserting after said section 2KKKKK, as so inserted, the following section:-

Section 2NNNNN. (a) There shall be an Emergency Relief and Immediate Commonwealth Assistance Trust, which shall be administered by the Massachusetts emergency management agency. Monies in the trust shall be deposited with the state treasurer in a manner that will secure the highest interest rate available consistent with the safety of the trust and with the requirement that all amounts on deposit be available for immediate use.

(b) There shall be credited to the trust: any unexpended funds from item 8800-0001, which shall not revert to the General Fund or any other fund but instead shall be transferred to the trust; funds appropriated or transferred to the trust by the general court; gifts or grants of money or property, whether real or personal, from any source, whether public or private, including but not limited to the United States of America or its agencies, subject to the approval of the secretary of administration and finance, for the purpose of assisting the department in the discharge of its duties; and all interest earned on monies in the trust.

(c) There shall be credited to the trust: not more than 5 per cent of public assistance reimbursement funds received from the Federal Emergency Management Agency.

(d) Expenditures from the trust shall not be subject to appropriation and balances remaining in the trust at the end of a fiscal year shall not revert to the General Fund; provided, that expenditures from the trust shall be made for response or relief to natural disasters or emergency incidents determined at the discretion of the director of the agency; and provided further, that expenditures shall not be used to supplant recurring operational costs of the agency funded through the general appropriations act.

(e) Subject to the approval of the secretary of public safety and security in consultation with the secretary of administration and finance, the agency may incur liabilities and make expenditures in excess of funds available and the state comptroller may certify for payment invoices in excess of funds available to the agency; provided, that the agency must cite a state of emergency declaration upon its request to incur liabilities and make expenditures in excess of funds available; and provided further, that the negative balance of funds available shall not exceed \$5,000,000 at any time during the fiscal year; provided further that no expenditure shall be made from the trust which shall cause the trust to be in deficit at the close of a fiscal year.

(f) Not later than June 1 of each fiscal year, the agency shall submit a report to the secretary of administration and finance and the house and senate committees on ways and means, which shall include the trust's balance at the start of the current fiscal year, any transfers of funds to and from the trust during the fiscal year, any revenue deposited into the trust, an itemized description of expenditures by disaster or incident during the fiscal year, a projected balance in the trust for the end of the fiscal year, and any request for supplemental appropriations to eliminate any negative balance projected for the trust at the end of the fiscal year.

Summary:

This section creates deficiency spending authorization for MEMA through the establishment of a trust account.

Section 20 - Sick Leave Buy Back 1

SECTION 20. Section 31A of said chapter 29 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following 2 subsections:-

(e) No employee of the commonwealth shall accrue more than 1,000 hours of unused sick leave credits.

(f) No employee of a public institution of higher education listed in section 5 of chapter 15A shall accrue more than 1,000 hours of unused sick leave credits.

Summary:

This section, along with three others, limits the accrual of unused sick time to 1,000 hours for executive branch and public higher education employees. It also freezes the accrual of sick time for any employee who has already accrued more than 1,000 hours.

Section 21 - Sheriffs Salaries

SECTION 21. Section 17 of chapter 37 of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The sheriffs of the counties of Barnstable, Bristol, Norfolk, Plymouth and Suffolk and of the former counties of Berkshire, Essex, Franklin, Hampden, Hampshire, Middlesex and Worcester shall each receive a salary equal to 90 per cent of the amount of the annual salary of district attorneys set forth in section 15 of chapter 12. The sheriff of the county of Dukes shall receive a salary equal to 71 per cent of the amount of the annual salary of district attorneys set forth in said section 15 of said chapter 12. The sheriff of the county of Nantucket shall receive a salary equal to 57 per cent of the amount of the annual salary of district attorneys set forth in said section 15 of said chapter 12.

Summary:

This section increases the salaries of the Commonwealth's Sheriffs to correspond with funding proposed for fiscal year 2022.

Section 22 - CPA Funds for Rail Trails

SECTION 22. Subsection (b) of section 5 of chapter 44B of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

(4) With respect to land for recreational use, the community preservation committee may recommend and the legislative body of a city or town may approve appropriations from the fund to acquire land, or real property interests therein, held for railroad purposes to be used by the city or town for recreational purposes as a rail trail as defined in section 35A of chapter 82. Notwithstanding subsection (a) of section 12, land or real property interests therein, acquired pursuant to this paragraph shall remain subject to any property interest, including restrictions or reversionary interests, required to be held by the grantor or the United States pursuant to the federal National Trails System Act of 1968, as amended. Notwithstanding the definition of "real property interest" in section 2, land, or real property interests therein, acquired pursuant to this paragraph shall be considered a real property interest for purposes of this chapter, and a conservation restriction that meets the requirements of sections 31 to 33, inclusive, of chapter 184 shall be required.

Summary:

This section allows Community Preservation Act funds to be used to acquire land for rail trails.

Section 23 - Charitable Deduction Delay

SECTION 23. Subparagraph (13) of paragraph (a) of Part B of section 3 of said chapter 62, as so appearing, is hereby amended by inserting, in line 144, after the words "per cent" the following words: - ; provided further, however, that in taxable years beginning on or after January 1, 2020, this deduction shall be allowed only if it was allowed in the prior taxable year, or if, as determined by the commissioner in consultation with the comptroller, in the fiscal year ending the prior June 30, no transfer was made from the Commonwealth Stabilization Fund, established by section 2H of chapter 29 of the General Laws, to the General Fund.

Summary:

This section delays the charitable tax deduction currently scheduled to be in effect for the tax year beginning on January 1, 2022, until the tax year following a fiscal year in which no transfer is made from the Stabilization Fund to the General Fund.

Section 24 - Disability Employment Tax Credit 1

SECTION 24. Section 6 of said chapter 62 of the General Laws, as most recently amended by section 57 of chapter 358 of the acts of 2020, is hereby amended by adding the following subsection:-

(x)(1) An employer that is not a business corporation subject to the excise under chapter 63, shall be allowed a credit equal to \$2,000 or 30 per cent of the wages paid to each qualified employee with a disability in a taxable year, whichever is less, against the tax liability imposed by this chapter. If a credit allowed by this subsection exceeds the tax otherwise due under this chapter, 100 per cent of the balance of such credit may, at the option of the taxpayer, be refundable to the taxpayer. In order to qualify, the employee with a disability must be certified by the Massachusetts rehabilitation commission as meeting the definition of disability in the Americans with Disabilities Act, 42 U.S.C. sections 12101 et seq.; capable of working independently; physically or mentally impaired in a manner that constitutes or results in a substantial impediment to employment for the individual; and hired by the employer after July 1, 2021.

(2) To be eligible for a credit under this subsection: (a) the primary place of employment and the primary place of residence of the employee must be in the commonwealth, (b) the business shall receive the applicable certification from the Massachusetts rehabilitation commission that the employee qualifies not later than the day the employee begins work; provided, reasonable exceptions to this timeframe may be established through regulation, and (c) the employee must have been employed by the business for a period of at least 18 consecutive months prior to and in the taxable year in which the credit is claimed.

(3) An employer that is eligible for and claims the credit allowed under this subsection in a taxable year with respect to a qualified employee with a disability shall be eligible for a credit of up to \$2,000 in the subsequent taxable year with respect to such qualified employee. Any credit allowed under this subsection shall not be transferable.

(4) The secretary of health and human services, in consultation with the commissioner, shall promulgate regulations establishing an application process for the credit.

(5) The credit under this subsection shall be attributed on a pro rata basis to the owners, partners or members of the legal entity entitled to the credit under this subsection, and shall be allowed as a credit against the tax due under this chapter of such owners, partners or members, in a manner determined by the commissioner.

Summary:

This section, along with two others, establishes a tax credit for businesses that employ an individual with a disability for a minimum of eighteen consecutive months.

Section 25 - Sales Tax Modernization

SECTION 25. Chapter 62C of the General Laws is hereby amended by inserting after section 16B, as inserted by section 30 of chapter 227 of the acts of 2020, the following section:-

Section 16C. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:-

"Third party payment processor", any person engaged in the business of remitting payments to vendors or operators under chapters 64G, 64H, 64I, 64L or 64N, in association with credit card, debit card, or similar payment arrangements that compensate the vendor or operator in transactions subject to the excise under said chapters.

"Vendor or operator", a business that is obliged to file a return under section 16; provided that businesses with gross sales below a certain threshold, to be set by the commissioner in regulation, shall not be a "vendor or operator" if the business notifies a third party payment processor in writing that it is exempt from the provisions of this section.

(b) Any vendor or operator shall, in connection with seeking payments from or through a third party payment processor, separately identify tax amounts charged in association with the excise under chapters 64G, 64H, 64I, 64L or 64N and non-tax amounts for which payment is sought. Such separate identification shall be conducted in a manner approved by the commissioner, taking into account established industry practices to the extent practicable.

(c) A third party payment processor receiving a request for payment from a vendor or operator shall directly pay the identified tax portion of such request to the commissioner on a daily basis, at substantially the same time that any non-tax balance is paid to the vendor or operator.

(d) A third party payment processor shall report total payments made to the commissioner on a monthly return, in a manner provided by the commissioner, which return shall identify each vendor or operator to whom payments were made during the month and the amount of tax paid to the commissioner during the month in association with transactions with each such vendor or operator during that period.

(e) A third party payment processor shall report to each vendor or operator on a monthly basis, in a manner provided by the commissioner, the total tax remitted to the commissioner with respect to transactions of the particular vendor or operator during the monthly period.

(f) Tax amounts paid to the commissioner by a third party payment processor in association with the processing of transactions of a particular vendor or operator during the month shall be available as a credit to the vendor or operator in the filing of returns showing tax due under chapters 64G, 64H, 64I, 64L or 64N, as applicable.

Summary:

This section requires third party processors (predominantly credit card companies) to remit to the Commonwealth, on a daily basis, the portion of a sale that is attributable to sales tax, with an effective date of July 1, 2024. There would be no change to the current schedule for reporting and remitting the sales tax for cash sales.

Section 26 - Deemed Repatriation Statute of Limitations

SECTION 26. Said chapter 62C of the General Laws is hereby further amended by inserting after section 30B, as inserted by section 31 of said chapter 227, the following section:-

Section 30C. (a) If the commissioner determines, from the verification of a return or otherwise, that the full amount of tax on deemed repatriated income has not been assessed or is not considered to be assessed under chapter 62 or chapter 63, the commissioner shall, notwithstanding the 3 year limitation in section 26, assess an additional tax upon such income, if any, with interest as provided in section 32, within 6 years of the later of (1) the date the return was filed or (2) the date the return that was required to include such income was required to be filed. For purposes of this section, the term "deemed repatriated income" shall mean any amount included in federal gross income under section 951(a) of the Code by reason of section 965 of the Code, without regard to the deduction available under section 965(c) of the Code, to the extent such amount is required to be included in Massachusetts gross income under chapter 62 or 63. An assessment under this section shall be made in the manner provided in section 26; provided, however, that the 6-year period for making an assessment shall be suspended during the period of time that the taxpayer has a bankruptcy case pending under the appropriate chapters of Title 11 of the United States Code. An offset to the additional proposed tax on deemed repatriated income may be considered only if such offset is directly attributable to the deemed repatriated income. An offset, if approved, may reduce or eliminate the additional tax due, but in no case shall the offset result in a refund of tax that would otherwise be barred as untimely.

(b) Any person aggrieved by the assessment of a tax on deemed repatriated income under chapter 62 or chapter 63, may apply in writing on a form approved by the commissioner, for an abatement thereof (1) within 6 years from the date the return that included such income was filed, taking into account paragraph (a) of section 79; (2) within 2 years from the date the tax was assessed or deemed to be assessed; or (3) within 1 year from the date that the tax was paid, whichever is later. An abatement under this section shall be made in the manner provided in section 37; provided that the claims in such abatement must be directly attributable to tax on deemed repatriated income; and provided further that section 36 shall not limit refunds or credits otherwise permissible under this section. The commissioner may offset against the proposed abatement any additional tax on deemed repatriated income. An offset may reduce or eliminate the abatement, but shall not result in an assessment that would otherwise be barred as untimely.

(c) For purposes of this section, the phrase "directly attributable to deemed repatriated income" shall mean any changes, adjustments or corrections to a person's tax on deemed repatriated income, as that term is defined above.

For purposes of this section, the term "person" shall include any individual, partnership, trust or any other fiduciary subject to taxation under chapter 62, or any corporation subject to tax under chapter 63.

For purposes of this section, the term "Code" shall mean the Internal Revenue Code, as amended and in effect for the taxable year.

(d) The commissioner may promulgate rules or regulations to implement this section.

Summary:

This section extends the statute of limitations for abatement filings and assessment adjustments related to deemed repatriation income.

Section 27 - Disability Employment Tax Credit 2

SECTION 27. Chapter 63 of the General Laws is hereby amended by inserting after section 38II, inserted by section 62 of chapter 358 of the acts of 2020, the following section:-

Section 38JJ. (a) A business corporation engaged in business in the commonwealth shall be allowed a credit against its excise due under this chapter in an amount equal to \$2,000 or 30 per cent of the wages paid to each qualified employee with a disability in a taxable year, whichever is less. If a credit allowed by this section exceeds the tax otherwise due under this chapter, 100 per cent of the balance of such credit may, at the option of the taxpayer, be refundable to the taxpayer. In order to qualify, the employee with a disability must be certified by the Massachusetts rehabilitation commission as meeting the definition of disability in the Americans with Disabilities Act, 42 U.S.C. sections 12101 et seq.; capable of working independently; physically or mentally impaired in a manner that constitutes or results in a substantial impediment to employment for the individual; and hired by the employer after July 1, 2021.

(b) To be eligible for a credit under this section: (i) the primary place of employment and the primary place of residence of the employee must be in the commonwealth, (ii) the business shall receive the applicable certification from the Massachusetts rehabilitation commission that the employee qualifies not later than the day the employee begins work; provided, reasonable exceptions to this timeframe may be established through regulation, and (iii) the employee must have been employed by the business for a period of at least 18 consecutive months prior to and in the taxable year in which the credit is claimed.

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

(d) A business corporation that is eligible for and claims the credit allowed under this section in a taxable year with respect to a qualified employee with a disability shall be eligible for a credit of up to \$2,000 in the subsequent taxable year with respect to such qualified employee. Any credit allowed under this section shall not be transferable.

(e) The secretary of health and human services, in consultation with the commissioner, shall promulgate regulations establishing an application process for the credit.

Summary:

This section, along with two others, establishes a tax credit for businesses that employ an individual with a disability for a minimum of eighteen consecutive months.

Section 28 - Opioids Excise, Excessive Price Increase Penalty & Pass-Through Excise

SECTION 28. The General Laws are hereby amended by inserting after chapter 63B the following 3 chapters:-

Chapter 63D. Excise on manufacture and sale of certain opioids for distribution in the commonwealth.

Section 1. "Commissioner", the commissioner of revenue.

"Gross receipts", receipts from sales made by a person to a purchaser that is not a related party. In the case of sales to a related party or parties for subsequent resale to an unrelated buyer, the gross receipts are the amount paid for the product by the first unrelated buyer.

"Opioid", any product included in the pharmacological class category of full opioid agonist, opioid agonist or partial opioid agonist in the National Drug Code (NDC) Directory NDC Product File, except for products approved by the U.S. Food and Drug Administration for the treatment of opioid use disorder.

"Person", any natural person or legal entity.

"Related parties", an entity that belongs to the same affiliated group as the person under section 1504 of the Internal Revenue Code, as amended and in effect for the taxable year, or if the entity and the person are otherwise commonly owned and controlled.

Section 2. (a) Any person who manufactures opioids and sells such products, directly or through another person, for distribution in the commonwealth shall pay an excise of 15 per cent of its gross receipts from such sales; provided, however, that gross receipts subject to the excise under this section shall be limited to the sales of opioids that are ultimately dispensed in the commonwealth pursuant to a valid prescription issued under section 18 of chapter 94C.

(b) A person who manufactures opioids and sells such products, directly or through another person, for distribution in the commonwealth as described in subsection (a) shall file a return as provided in subsection (a) of section 4 declaring total sales subject to excise in the immediately preceding calendar quarter. In the event that a person filing such a return pays an excise of 15 per cent of its gross receipts from sales of opioids that are not ultimately dispensed in the commonwealth pursuant to a valid prescription issued under section 18 of chapter 94C, the person may claim a credit for such excise amounts on the return for the tax period during which such sales are ultimately dispensed.

Section 3. The excise under section 2 shall apply only to persons who maintain a place of business in the commonwealth or whose total sales of all products, directly or through another person, for distribution in the commonwealth are more than \$25,000 in the calendar quarter to which the excise under section 2 otherwise would apply, or in the case of the 6 months ending June 30, 2022, more than \$50,000 for such 6 month period.

Section 4. (a) Any person subject to the excise under section 2 shall file a return with the commissioner and shall pay such excise by the fifteenth day of the third month following the end of each calendar quarter. Such return shall set out the person's total sales subject to excise in the immediately preceding calendar quarter and shall provide such other information as the commissioner may require.

(b) Each person subject to the excise under section 2 shall provide to the commissioner annually, on or before June 1st, a report detailing all opioids sold, directly or through another person, for distribution in the commonwealth in the prior calendar year. Such report shall include:

(i) the person's name, address, phone number, federal Drug Enforcement Administration (DEA) registration number and controlled substance registration number issued by the department;

(ii) the name and NDC of the opioid;

(iii) the unit of measure and quantity of the opioid;

(iv) the name, address and DEA registration number of the first unrelated buyer of the opioid;

(v) the date of the sale of the opioid;

(vi) whether the opioid was ultimately dispensed in the commonwealth pursuant to a valid prescription issued under section 18 of chapter 94C;

(vii) the gross receipt total, in dollars, of all opioids sold;

(viii) the gross receipt total, in dollars, and quantity by NDC of all opioids ultimately dispensed in the commonwealth pursuant to a valid prescription issued under section 18 of chapter 94C; and

(ix) any other elements required by the commissioner.

Section 5. The excise imposed under this chapter shall be in addition to, and not a substitute for or credit against any other tax or excise imposed under the General Laws.

Section 6. The commissioner may disclose information contained in returns and reports filed under this chapter to the department of public health for purposes of verifying that the appropriate amount of a filer's sales subject to excise are properly declared and that all reporting is otherwise correct. Return and report information so disclosed shall remain confidential and shall not be public record.

Section 7. To the extent that a person subject to excise under section 2 fails to pay amounts due under this chapter, a related party of such person that directly or indirectly distributes the opioid of such person in the commonwealth shall be jointly and severally liable for the excise due.

Section 8. The commissioner may promulgate regulations or issue other guidance for the implementation of this chapter.

Chapter 63E. Penalty on drug manufacturers for excessive price increases

Section 1. "Commissioner", the commissioner of revenue.

"Consumer price index", the consumer price index for all urban consumers for Boston, as most recently reported by the federal Bureau of Labor Statistics.

"Drug", any medication, as identified by a National Drug Code, approved for sale by the U.S. Food and Drug Administration.

"Excessive price," the price of a drug if it exceeds the sum of (a) the reference price of that drug, as adjusted for any increase or decrease in the consumer price index since the reference price was determined, and (b) an additional 2 per cent of the reference price for each 12 month period that has elapsed since the date on which the reference price was determined. The 2 per cent increment provided in (b) of the preceding sentence shall compound annually on the first day of the first calendar quarter commencing after the end of each 12 month period described therein.

"Excessive price increase", the amount by which the price of a drug exceeds the sum of (a) the reference price of that drug, as adjusted for any increase or decrease in the consumer price index since the reference price was determined, and (b) an additional 2 per cent of the reference price for each 12 month period that has elapsed since the date on which the reference price was determined. The 2 per cent increment provided in (b) shall compound annually on the first day of the first calendar quarter commencing after the end of each 12 month period described therein.

"Person", any natural person or legal entity.

"Price", the wholesale acquisition cost of a drug, per unit, as reported to the First Data Bank or other applicable price compendium designated by the commissioner.

"Reference price", the price of a drug as of January 1, 2021 or in the case of any drug first commercially marketed in the United States after January 1, 2021, the price of the drug on the date when first marketed.

"Related party", an entity is a related party with respect to a person if that entity belongs to the same affiliated group as that person under section 1504 of the Internal Revenue Code, as amended and in

effect for the taxable year, or if the entity and the person are otherwise under common ownership and control.

"Unit", the lowest dispensable amount of a drug.

Section 2. (a) Any person who manufactures and sells drugs, directly or through another person, for distribution in the commonwealth and who establishes an excessive price for any such drug directly or in cooperation with a related party, shall pay a per unit penalty on all units of the drug ultimately dispensed or administered in the commonwealth. The penalty for each unit shall be 80 per cent of the excessive price increase for each unit, determined at the beginning of the calendar quarter.

(b) A person who establishes an excessive price for a drug as described in subsection (a) shall file a return as provided in section 4 declaring all units of excessively priced drug sold for distribution in the commonwealth during the quarter. In the event that a person filing such a return pays a penalty with regard to one or more units of drug that are ultimately dispensed or administered outside of the commonwealth, the person may claim a credit for such penalty amounts on the return for the tax period during which such units are ultimately dispensed or administered.

Section 3. The penalty under section 2 shall apply for any calendar quarter only to a person who maintains a place of business in the commonwealth or whose total sales of all products, directly or through another person, for distribution in the commonwealth were more than \$100,000 in the prior twelve month period. The penalty shall not apply more than once to any unit of drug sold.

Section 4. Any person subject to the penalty under section 2 shall file a return with the commissioner and shall pay the penalty by the fifteenth day of the third month following the end of each calendar quarter, subject to such reasonable extensions of time for filing as the commissioner may allow. The return shall set out the person's total sales subject to penalty in the immediately preceding calendar quarter and shall provide such other information as the commissioner may require.

Section 5. The penalty imposed under this chapter shall be in addition to, and not a substitute for or credit against, any other penalty, tax or excise imposed under the General Laws.

Section 6. The commissioner may disclose information contained in returns filed under this chapter to the department of public health for purposes of verifying that a filer's sales subject to penalty are properly declared and that all reporting is otherwise correct. Return information so disclosed shall remain confidential and shall not be public record.

Section 7. To the extent that a person subject to penalty under section 2 fails to pay amounts due under this chapter, a related party of such person that directly or indirectly distributes in the commonwealth any drug whose sales are subject to this chapter shall be jointly and severally liable for the penalty due.

Section 8. The commissioner may promulgate regulations or issue other guidance for the implementation of this chapter.

Chapter 63F. Taxation of Pass-Through Entities

Section 1. For taxable years beginning on or after January 1, 2021, an eligible pass-through entity may elect to pay an excise on its qualified income taxable in Massachusetts at a rate of five per cent. A qualified member of an electing pass-through entity shall be allowed a credit against the tax imposed under chapter 62 for the qualified member's share of such excise paid by the pass-through entity. The credit shall be available to qualified members in an amount proportionate to each member's share of the pass-through entity's qualified income taxable in Massachusetts. The credit shall be available for the member's taxable year in which the pass-through entity's taxable year ends.

Section 2. This chapter shall not apply to taxable years for which the federal limitation on the state and local tax deduction imposed by Code section 164(b)(6) has expired or is otherwise not in effect.

Section 3. The following words as used in this chapter shall, unless the context otherwise requires, have the following meanings:

"Code", the Internal Revenue Code as defined in section 1 of chapter 62 and applicable to the taxable year.

"Commissioner", the commissioner of revenue.

"Eligible pass-through entity", an S corporation under Code section 1361, a partnership under Code section 701 or a limited liability company that is treated as an S corporation or partnership under those Code sections.

"Qualified income taxable in Massachusetts", income of an eligible pass-through entity determined under chapter 62 allocable to a qualified member and included in such member's Massachusetts taxable income under chapter 62.

"Qualified member of a pass-through entity", a shareholder of an S corporation or a partner in a partnership that is a natural person. A qualified member may be a resident, non-resident or a part year resident.

Section 4. The excise under this chapter shall be in addition to, and not in lieu of, any other Massachusetts tax required to be paid, including tax under chapter 62 or chapter 63. The excise under this chapter shall be due and payable on the pass-through entity's original, timely-filed return. A return that reports the excise shall be due at the same time as a partnership information return or corporate excise return would be due for the entity under chapter 62C. This chapter shall not change any filing requirements for a qualified member under chapter 62C.

Section 5. The collection and administration of the excise under this chapter shall be governed by the provisions of chapter 62C unless expressly stated otherwise in this chapter or in regulations promulgated by the commissioner under this chapter.

Section 6. The election under this chapter shall be made by the eligible pass-through entity on an annual basis in a manner determined by the commissioner. All members of the electing pass-through entity shall be bound by the election. Once made, the election cannot be revoked.

Section 7. The commissioner shall prescribe regulations or other guidance to carry out the purposes of this chapter. Such regulations or other guidance may (i) make the credit available to qualified members with income from eligible pass-through entities that in turn have income from other pass-through entities, (ii) address the application of this chapter to trusts, and (iii) require estimated payments of the excise by electing pass-through entities and their qualified members in a manner consistent with chapter 62B. Such regulations and other guidance shall, to the extent feasible, ensure that an electing pass-through entity and its qualified members pay an aggregate amount of tax under this chapter and chapter 62 that is generally equivalent to the amount of tax that would have been due from those members under chapter 62 in the absence of an election to pay an excise under this chapter.

Summary:

This section imposes an excise tax on opioids distributed in the Commonwealth, penalizes drug manufacturers for excessive price increases, and directs DOR to issue regulations permitting pass-through entities to elect to be taxed at the entity level.

Section 29 - Smokeless Tobacco Stamping

SECTION 29. Section 1 of chapter 64C of the General Laws is hereby amended by striking out the last sentence.

Summary:

This section requires DOR to issue regulations for the stamping of smokeless tobacco.

Section 30 - Safe Cigarette Penalty Fund Language

SECTION 30. Section 2F of chapter 64C of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The fund shall consist of all monies recovered as penalties for violations under section 2E or as settlement of a claim that a person violated said section 2E or otherwise any donation to said fund.

Summary:

This section allows the Fire Prevention and Public Safety Fund, in addition to receiving penalties assessed for violations of the testing and performance standard requirements for cigarettes, to receive the proceeds of settlements of such claims.

Section 31 - Remote Software Tax Clarification 1

SECTION 31. Section 1 of chapter 64H of the General Laws, as so appearing, is hereby amended by striking out the definition of "sale and selling" and inserting in place thereof the following definition:-

"Sale" and "selling", include (i) any transfer of title or possession, or both, exchange, barter, lease, license, rental, conditional or otherwise, of tangible personal property or the performance of services for a consideration, in any manner or by any means whatsoever; (ii) the producing, fabricating, processing, printing or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing or imprinting; (iii) the furnishing and distributing of tangible personal property or services for a consideration by social clubs and fraternal organizations to their members or others; (iv) a transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price; (v) a transfer for a consideration of the title or possession of tangible personal property which has been produced, fabricated or printed to the special order of the customer, or of any publication; (vi) the furnishing of information by printed, mimeographed or multigraphed matter, or by duplicating written or printed matter in any other manner, including the services of collecting, compiling or analyzing information of any kind or nature and furnishing reports thereof to other persons, but excluding the furnishing of information, which is personal or individual in nature and which is not or may not be substantially incorporated in reports furnished to other persons, and excluding the services of advertising or other agents, or other persons acting in a representative capacity, and information services used by newspapers, radio broadcasters and television broadcasters in the collection and dissemination of news and excluding the furnishing of information by photocopy or other similar means by not for profit libraries which are recognized as exempt from taxation under section 501(c)(3) of the Federal Internal Revenue Code; (vii) the performance or receipt of services, for a consideration, excluding (a) services performed by an employee for his employer whether compensated by salary, commission, or otherwise, (b) services performed by a general partner for his partnership and compensated by the receipt of distributive shares of income or loss from the partnership; and (c) the performance of services for which the provider is compensated by means of an honorarium, or fee paid

to any person or entity registered under 15 USC 80b-3 or 15 USC 78q-1 for services the performance of which require such registration, for services related thereto or for trust, custody, and related cash management and securities services of a trust company as defined in chapter 172; and (viii) a sale within the meaning of subsections (i) to (vii) facilitated by a marketplace facilitator.

Summary:

This section, along with one other, clarifies that the purchase of a license to access remotely hosted computer software is a taxable transfer of tangible personal property.

Section 32 - Remote Software Tax Clarification 2

SECTION 32. Said section 1 of said chapter 64H, as so appearing, is hereby further amended by striking out the definition of "tangible personal property" and inserting in place thereof the following definition:-

"Tangible personal property", personal property of any nature consisting of any produce, goods, wares, merchandise and commodities whatsoever, brought into, produced, manufactured or being within the commonwealth, but shall not include rights and credits, insurance policies, bills of exchange, stocks and bonds and similar evidences of indebtedness or ownership. For purposes of this chapter, "tangible personal property" shall include gas, electricity and steam. A transfer or license of standardized computer software, by virtual, electronic, telephonic or other means and including the transfer or license of the right to use standardized computer software that is remotely hosted, shall also be considered a transfer of tangible personal property. The commissioner may, by regulation, provide rules for apportioning tax in those instances in which software is transferred for use in more than one state.

Summary:

This section, along with one other, clarifies that the purchase of a license to access remotely hosted computer software is a taxable transfer of tangible personal property.

Section 33 - Nuclear Power Plant Assessment 1

SECTION 33. Section 5K of chapter 111 of the General Laws, as so appearing, is hereby amended by striking out, in line 65, the words "existing and proposed".

Summary:

This section, along with three others, authorizes DPH to assess the operators of nuclear reactors that are in the process of being decommissioned for associated radiation monitoring and emergency planning costs.

Section 34 - Nuclear Power Plant Assessment 2

SECTION 34. Said section 5K of said chapter 111, as so appearing, is hereby further amended by inserting, in line 66, after the word "commonwealth" the following words:- , including a nuclear power plant that is no longer operating, until the U.S. Nuclear Regulatory Commission has approved all areas of the site for unrestricted use, excluding the Independent Spent Fuel Storage Installation licensed by the U.S. Nuclear Regulatory Commission, and the unrestricted use areas meet the radiological release criteria established in regulations promulgated pursuant to section 5N. Such assessments shall be.

Summary:

This section, along with three others, authorizes DPH to assess the operators of nuclear reactors that are in the process of being decommissioned for associated radiation monitoring and emergency planning costs.

Section 35 - Nuclear Power Plant Assessment 3

SECTION 35. Subsection (E) of said section 5K of said chapter 111, as so appearing, is hereby further amended by striking out the second and third sentences.

Summary:

This section, along with three others, authorizes DPH to assess the operators of nuclear reactors that are in the process of being decommissioned for associated radiation monitoring and emergency planning costs.

Section 36 - Nuclear Power Plant Assessment 4

SECTION 36. Said section 5K of said chapter 111, as so appearing, is hereby further amended by striking out, in lines 91 and 92, the words "General Fund and credited to the department" and inserting in place thereof the following words:- Radiation Control Trust account.

Summary:

This section, along with three others, authorizes DPH to assess the operators of nuclear reactors that are in the process of being decommissioned for associated radiation monitoring and emergency planning costs.

Section 37 - Clinical Laboratories Statute 1

SECTION 37. Section 1. Chapter 111D of the General Laws is hereby amended by striking out section 1 and inserting in place thereof the following section:-

As used in this chapter, the following words shall, unless the context requires otherwise, have the following meaning:-

(1) "CLIA-waived test", a test that the federal Centers for Medicare and Medicaid Services has determined qualifies for a Certificate of Waiver under the federal Clinical Laboratory Improvement Amendments of 1988 (CLIA).

(2) "Clinical Laboratory", a facility or place, however named, the purpose of which is to make biological, serological, chemical, immuno-hematological, cytological, pathological, or other examinations of materials derived from a human body.

(3) "Commissioner", the commissioner of public health.

(4) "Company", a corporation, partnership, limited liability company, limited liability partnership, an association, a trust or an organized group of persons, whether incorporated or not.

(5) "Department", the department of public health in the executive office of human services.

(6) "Exempt test", a test designated by the department as a simple laboratory examination or a procedure that has an insignificant risk of error, including but not limited to, CLIA-waived tests. Exempt test also may include tests designated by the department that the federal Centers for Medicare and Medicaid Services has determined qualify for a Certificate of Provider Performed Microscopy under the federal Clinical Laboratory Improvement Amendments of 1988 (CLIA).

(7) "Ownership interest", interests including, but not limited to, any membership, proprietary interest, shares of stock in a corporation, units or other interest in a partnership, bonds, debentures, notes or other equity interest or debt instrument or co-ownership in any form.

(8) "Person", corporations, societies, associations, partnerships, limited liability companies, limited liability partnerships, trusts, organized group of persons, whether incorporated or not, an individual or the individual's estate upon death, any other entity including, but not limited to, medical practice, medical office, clinic, counseling center, substance use disorder treatment program or sober house or a political subdivision of the commonwealth.

Summary:

This section, along with four others, aligns the DPH clinical laboratories statute with federal Clinical Laboratory Improvement Amendments (CLIA) testing classifications.

Section 38 - Clinical Laboratories Statute 2

SECTION 38. Section 2 of said chapter 111D of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out clause (9) and inserting in place thereof the following 2 clauses:-

(9) to classify, with the advice of the advisory committee on clinical laboratories, laboratory tests as exempt for purposes of licensing physician clinical laboratories; and

(10) to establish minimum qualifications of laboratory personnel.

Summary:

This section, along with four others, aligns the DPH clinical laboratories statute with federal Clinical Laboratory Improvement Amendments (CLIA) testing classifications.

Section 39 - Clinical Laboratories Statute 3

SECTION 39. Section 7 of said chapter 111D is hereby repealed.

Summary:

This section, along with four others, aligns the DPH clinical laboratories statute with federal Clinical Laboratory Improvement Amendments (CLIA) testing classifications.

Section 40 - Clinical Laboratories Statute 4

SECTION 40. Section 8 of said chapter 111D of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out clause (7) and inserting in place thereof the following clause:-

(7) examine any specimen derived from a human body except upon the written request of a licensed physician or other licensed health care practitioner authorized under chapter 112 to make such a written request or, for the sole purpose of requesting urine drug screening, department-licensed substance abuse programs, state agencies or those vendors that contract with state agencies and are designated by the contracting agency to request such screenings, or other person authorized to use the report of such examination by provision of chapter 112, unless such examination is for the sole purpose of testing the accuracy or sufficiency of the procedures or equipment of a clinical laboratory and is by instruction of the director of such laboratory, or unless such examination is for the purpose of providing a health promotion screening program and is not used for diagnosis or treatment of patients;

Summary:

This section, along with four others, aligns the DPH clinical laboratories statute with federal Clinical Laboratory Improvement Amendments (CLIA) testing classifications.

Section 41 - Clinical Laboratories Statute 5

SECTION 41. Said section 8 of said chapter 111D, as so appearing, is hereby further amended by striking out clause (11) and inserting in place thereof the following clause:-

(11) employ a person as a director of a clinical laboratory, or to serve as a director of a clinical laboratory, except as authorized by department regulation, rule or order pursuant to section 2 of this chapter;

Summary:

This section, along with four others, aligns the DPH clinical laboratories statute with federal Clinical Laboratory Improvement Amendments (CLIA) testing classifications.

Section 42 - Direct Negotiations for Rebates on Certain Drugs and Non-Drug Products

SECTION 42. Chapter 118E of the General Laws is hereby amended by inserting after section 12A, inserted by section 46 of chapter 41 of the acts of 2019, 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 43 - Nursing Facility Assessment 1

SECTION 43. Subsection (a) of section 63 of said chapter 118E of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the definition of "assessment" the following definition:-

"Licensee", any person holding a license to operate a nursing home. In the case of a licensee which is not a natural person, licensee shall also mean any shareholder owning 5 per cent or more, any officer and any director of any corporate licensee; any limited partner owning 5 per cent or more and any general partner of a partnership licensee; any trustee of any trust licensee; any sole proprietor of any licensee which is a sole proprietorship; any mortgagee in possession and any executor or administrator of any licensee which is an estate.

Summary:

This section adds the definition of Licensee, as defined by DPH in regulation, to the nursing facility assessment statute.

Section 44 - Nursing Facility Assessment 2

SECTION 44. Subsection (f) of said section 63 of said chapter 118E, as so appearing, is hereby amended by adding the following words: - , or impose a limitation on new admissions for any nursing home that fails to remit delinquent fees, as directed by the executive office. The secretary of the executive office may also enforce this section: (i) by offsetting payments from the office of Medicaid against the claims for payment by the delinquent nursing home, or against other nursing homes with a common licensee as the delinquent nursing home, or against any successor in interest to those nursing homes, in the amount of the delinquent fees owed, including any interest, penalties or reasonable attorneys' fees, and transferring such funds into the General Fund; (ii) by creating, after demand for payment, a lien in favor of the commonwealth in an amount not to exceed the delinquent fees owed, including any interest, penalties or attorneys' fees, encumbering the building in which the facility is located, the real property upon which the facility is located, any fixtures, equipment or goods used in the operation of the facility, or any real property in which the licensee holds an interest; provided, that such lien shall be prior to any mortgage or lien held by any person with an ownership interest in the facility, or who directly or indirectly controls or has the ability to control to any significant degree the management or policies of the licensee or the facility, or who is related to the licensee or to the facility by any significant degree of common ownership or common control; or (iii) by such other appropriate mechanism as the executive office may establish by regulation under subsection (g).

Summary:

This section allows DPH to enforce compliance with the nursing facility assessment by imposing a freeze on new admissions to a facility rather than revocation of licensure. This section also allows HHS to enforce compliance with the assessment by means similar to those available to enforce compliance with other provider assessments.

Section 45 - Hospital Assessment 2

SECTION 45. Section 64 of said chapter 118E of the General Laws, as so appearing, is hereby amended by striking out the definition of "Total acute hospital assessment amount" and inserting in place thereof the following definition:-

"Total acute hospital assessment amount", an amount equal to \$517,500,000, the sum of \$160,000,000 and the amount transferred to the MassHealth Delivery System Reform Trust Fund and the General Fund under section 66, 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, including those assessments transferred to the MassHealth Delivery System Reform Trust Fund established in section 2SSSS of chapter 29.

Summary:

This section, along with fifteen others, increases the existing hospital assessment by \$100 million in Health Safety Net fiscal year 2022 and maintains an increased and restructured hospital assessment after Health Safety Net fiscal year 2022.

Section 46 - Hospital Assessment 3

SECTION 46. Said section 64 of said chapter 118E, as so appearing, is hereby amended by striking out the definition of "Total acute hospital assessment amount" and inserting in place thereof the following definition:-

"Total acute hospital assessment amount", an amount equal to \$460,000,000, the sum of \$160,000,000 and the amount transferred to the MassHealth Hospital and Delivery System Reform Trust Fund under section 66, 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, including those assessments transferred to the MassHealth Hospital and Delivery System Reform Trust Fund established in section 2MMMMM of chapter 29.

Summary:

This section, along with fifteen others, increases the existing hospital assessment by \$100 million in Health Safety Net fiscal year 2022 and maintains an increased and restructured hospital assessment after Health Safety Net fiscal year 2022.

Section 47 - Hospital Assessment 4

SECTION 47. Subsection (b) of section 65 of said chapter 118E, as so appearing, is hereby amended by striking out, in subsection (i), the word "acute".

Summary:

This section, along with fifteen others, increases the existing hospital assessment by \$100 million in Health Safety Net fiscal year 2022 and maintains an increased and restructured hospital assessment after Health Safety Net fiscal year 2022.

Section 48 - Hospital Assessment 5

SECTION 48. Subsection (b) of section 66 of said chapter 118E, as so appearing, is hereby amended by striking out the second and third sentences and inserting in place thereof the following 2 sentences:-

The office shall transfer \$100,000,000 to the General Fund for the purpose of supporting the Medicaid program and payments to MassHealth hospital providers, \$257,500,000 to the MassHealth Delivery System Reform Trust Fund established in section 2SSSS of said chapter 29 and shall transfer an amount equal to all amounts paid by privately-owned, nonfederal hospitals under said subsection (b) of said section 67 to the Non-Acute Care Hospital Reimbursement Trust Fund established in section 2WWWW of said chapter 29. The office shall expend amounts in the fund, except for amounts transferred to the Commonwealth Care Trust Fund, the General Fund, the MassHealth Delivery System Reform Trust Fund and the Non-Acute Care Hospital Reimbursement 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.

Summary:

This section, along with fifteen others, increases the existing hospital assessment by \$100 million in Health Safety Net fiscal year 2022 and maintains an increased and restructured hospital assessment after Health Safety Net fiscal year 2022.

Section 49 - Hospital Assessment 6

SECTION 49. Said subsection (b) of said section 66 of said chapter 118E, as so appearing, is hereby further amended by striking out the second and third sentences and inserting in place thereof the following 2 sentences:-

The office shall transfer \$300,000,000 to the MassHealth Hospital and Delivery System Reform Trust Fund established in section 2MMMM of said chapter 29 and shall transfer an amount equal to all amounts paid by privately-owned, nonfederal hospitals under said subsection (b) of said section 67 to the Non-Acute Care Hospital Reimbursement Trust Fund established in section 2WWWW of said chapter 29. The office shall expend amounts in the fund, except for amounts transferred to the Commonwealth Care Trust Fund, the MassHealth Hospital and Delivery System Reform Trust Fund and the Non-Acute Care Hospital Reimbursement 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.

Summary:

This section, along with fifteen others, increases the existing hospital assessment by \$100 million in Health Safety Net fiscal year 2022 and maintains an increased and restructured hospital assessment after Health Safety Net fiscal year 2022.

Section 50 - Hospital Assessment 7

SECTION 50. Subsection (a) of section 67 of said chapter 118E, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-

Subject to all required federal approvals, including any required waivers under 42 CFR § 433.68, an acute hospital's liability to the fund shall equal the product of: (i) the ratio of its assessed charges to all acute hospitals' assessed charges; and (ii) the total acute hospital assessment amount, provided that for an acute hospital where such hospital either independently or as part of a hospital system has assessed charges exceeding a threshold specified by the office in regulation, or such other reasonable factor deemed appropriate by the secretary of health and human services, such ratio may be based on a lesser percentage of its assessed charges specified by the office in regulation.

Summary:

This section, along with fifteen others, increases the existing hospital assessment by \$100 million in Health Safety Net fiscal year 2022 and maintains an increased and restructured hospital assessment after Health Safety Net fiscal year 2022.

Section 51 - Hospital Assessment 8

SECTION 51. Said section 67 of said chapter 118E, as so appearing, is hereby further amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) Subject to all required federal approvals, including any required waivers under 42 CFR § 433.68, there shall be imposed in each fiscal year an assessment upon the assessed charges of all: (i) nonpublic hospitals licensed by the department of public health under section 51 of chapter 111 but not defined as acute care hospitals under section 25B of said chapter 111; and (ii) nonpublic hospitals licensed as inpatient facilities by the department of mental health under section 19 of chapter 19 and regulations promulgated thereunder but not categorized as class VII licensees under the regulations; provided, however, that such assessment shall be set as a percentage of the assessed charges of each such hospital provided, however, that such assessment shall be set as a percentage of the assessed charges of each such hospital and, for each fiscal year, the percentage shall be consistent with the ratios established for acute hospitals in subsection (a), as specified by the office in regulation. A non-acute hospital's liability to the fund shall, in the case of a transfer of ownership, be assumed by the successor in interest to the non-acute hospital.

Summary:

This section, along with fifteen others, increases the existing hospital assessment by \$100 million in Health Safety Net fiscal year 2022 and maintains an increased and restructured hospital assessment after Health Safety Net fiscal year 2022.

Section 52 - DCF Assessment Tool

SECTION 52. Chapter 119 of the General Laws is hereby amended by inserting after section 25 the following section:-

Section 25A. The department, prior to returning a child to the parent, legal guardian or other custodian who had custody of the child prior to the filing of a court action, shall complete an assessment of safety and risk using a research or analytical based or actuarial tool. This tool is to be utilized prior to the child's return and as a support in the department's decision-making on returning the child to the parent, legal guardian or other custodian who had custody of the child prior to the filing of an action under sections 23, 24, 25 or 39E of this chapter. The tool is to assist in safeguarding that such placement is in the child's best interest and promotes the child's safety, permanency and wellbeing.

Summary:

This section requires DCF to utilize a standardized assessment tool to evaluate the safety of returning a child to their parent, legal guardian, or other custodian.

Section 53 - Apiary Fines

SECTION 53. Chapter 128 of the General Laws is hereby amended by striking out section 38 and inserting in place thereof the following section:-

Section 38. Whoever violates any provision of sections 33 through 35 shall, for a first violation be subject to a civil administrative penalty of not more than \$30, for a second violation be subject to a civil administrative penalty of not more than \$75, and for a subsequent violation be subject to a civil administrative penalty of not more than \$150.

Whoever violates any provisions of sections 36B and 36C shall, for a first violation be subject to a civil administrative penalty of not more than \$2,000, for a second violation be subject to a civil administrative penalty of not more than \$5,000 and for a subsequent violation be subject to a civil administrative penalty of not more than \$10,000.

Summary:

This section allows MDAR to assess civil administrative penalties for violations of state beekeeping laws.

Section 54 - MA State Exposition Building Fund

SECTION 54. Section 38B of said chapter 128 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the word "upkeep", each time it appears, the following words:- , programming, promotion.

Summary:

This section allows the Massachusetts State Exposition Maintenance Fund to be used for programming and promotional expenditures.

Section 55 - TNC Data Collection 1

SECTION 55. Section 1 of chapter 159A $\frac{1}{2}$ of the General Laws, as so appearing, is hereby amended by inserting after the definition of "division" the following definition:-

"Non-shared ride", a prearranged ride that is not a shared ride.

Summary:

This section, along with three others, empowers DPU to obtain more specific categories of ride data from Transportation Network Companies (TNCs) in order to assist planning agencies and other state and local entities with transportation planning, congestion management, and vehicle emissions tracking.

Section 56 - TNC Data Collection 2

SECTION 56. Said section 1 of said chapter 159A $\frac{1}{2}$, as so appearing, is hereby further amended by inserting after the definition of "prearranged ride" the following definition:-

"Shared ride", a prearranged ride for which each rider requests or accepts a request to share the prearranged ride with one or more riders, and for which each rider is charged a fare that is calculated, in part, based on the rider's request or acceptance of a request to share all or part of the prearranged ride, regardless of whether the rider actually shares all or part of the ride with one or more riders.

Summary:

This section, along with three others, empowers DPU to obtain more specific categories of ride data from Transportation Network Companies (TNCs) in order to assist planning agencies and other state and local entities with transportation planning, congestion management, and vehicle emissions tracking.

Section 57 - TNC Data Collection 3

SECTION 57. Subsection (e) of section 8 of said chapter 159A $\frac{1}{2}$, as so appearing, is hereby amended by inserting, in line 48, after the words "chapter 66", the following words:- ; provided, however, that the division may post or share anonymized and aggregated data in the manner provided in section 12.

Summary:

This section, along with three others, empowers DPU to obtain more specific categories of ride data from Transportation Network Companies (TNCs) in order to assist planning agencies and other state and local entities with transportation planning, congestion management, and vehicle emissions tracking.

Section 58 - TNC Data Collection 4

SECTION 58. Said chapter 159A¹/₂ of the General Laws is hereby further amended by adding the following section:-

Section 12. (a) By the 1st of each month, each transportation network company shall submit to the division, in a format approved by the division, data related to each prearranged ride provided in the previous month and include the following categories of information:

(1) for each non-shared ride: (i) the latitude and longitude for the points of the origination and termination, calculated to three decimal degrees; (ii) the date and time, calculated to the nearest minute, of the origination and termination; (iii) the total cost paid by the rider for the ride; (iv) the universally unique identifier associated with the transportation network driver; (v) the transportation network driver's city or town of residence; and (vi) the transportation network driver's state of driver licensure; (vii) whether the rider requested a shared ride but was not successfully matched with another rider; (viii) whether the prearranged ride accommodated a rider with special needs and, if so, whether the ride was provided by a wheelchair accessible vehicle; (ix) the total time that the transportation network driver spent en route to pick up the rider; (x) the total time that the transportation network driver spent providing the prearranged ride; (xi) the total mileage driven by the transportation network driver while en route to pick up the rider; (xii) the total mileage driven by the transportation network driver while providing the prearranged ride; (xiii) the total number of riders in the vehicle; and (xiv) the transportation network vehicle license plate;

(2) for each shared ride: (i) the latitude and longitude for the points of the origination and termination of the entire shared ride, calculated to three decimal degrees; (ii) the total number of riders in the vehicle; (iii) for each prearranged ride that was part of a shared ride: (A) the latitude and longitude for the points of each respective prearranged ride's origination and termination, calculated to three decimal degrees; (B) the date and time, calculated to the nearest minute, of each respective prearranged ride's origination and termination; (C) the total time that the transportation network driver spent en route to pick up each rider; (D) the total time that the transportation network driver spent providing each prearranged ride; (E) the total mileage driven by the transportation network driver while en route to pick up each rider; (F) the total mileage driven by the transportation network while providing each prearranged ride; (G) the total cost paid by each rider for each prearranged ride within a shared ride; (H) the universally unique identifier associated with the transportation network driver; (I) the transportation network driver's city or town of residence; (J) the transportation network driver's state of driver licensure; and (K) the transportation network vehicle license plate;

(3) for each transportation network vehicle that provided at least one prearranged ride: (i) vehicle license plate; (ii) vehicle make, model, year, and, if available, trim; (iii) vehicle identification number; (iv) total number of minutes and miles while the vehicle was en route to pick up transportation network riders; (v) total number of minutes and miles while the vehicle was engaged in prearranged rides, whether shared or non-shared; and (vi) the total number of minutes and miles while the vehicle was logged into the transportation network vehicle's digital network for purposes of accepting a prearranged ride, but not en route to pick up riders or engaged in prearranged rides;

(4) for each accident or crash involving a transportation network driver while logged into the transportation network company's digital network: (i) the latitude and longitude of the location of the accident or crash, calculated to four decimal degrees; (ii) the date and time of the accident or crash, calculated to the nearest minute; (iii) the license plate of the transportation network vehicle; and (iv) the universally unique identifier associated with the transportation network driver.

(b) The division may obtain additional ride data from a transportation network company for purposes of congestion management, including, but not limited to:

(1) the total number of transportation network drivers that utilized the transportation network vehicle's digital network within specified geographic areas and time periods as determined by the division;

(2) the total time spent and total miles driven by transportation network drivers in such geographic areas or time periods as determined by the division: (i) while en route to pick up a rider; (ii) while engaged in a prearranged ride; and (iii) while logged into a digital network for purposes of accepting a prearranged ride, but not en route to pick up a passenger or engaged in a prearranged ride.

The division shall promulgate regulations prior to obtaining data pursuant to this subsection.

(c) On an annual basis and not later than June 30, the division shall post on its website in aggregate form, the total number of rides provided by all transportation network companies that originated in each city or town, the cities or towns where the rides originating in each city or town terminated, and the average miles and minutes of the rides that originated in each city or town and terminated in each other respective city or town.

(d) The division may, for purposes of congestion management, transportation planning or emissions tracking, enter into confidential data sharing agreements to share anonymized and aggregated data received by the division pursuant to this section with the executive office of technology services and security, executive office of energy and environmental affairs, Massachusetts Department of Transportation, the Massachusetts Port Authority, the Massachusetts Bay Transportation Authority, the Massachusetts department of environmental protection, a city or town that receives a disbursement from the Transportation Infrastructure Enhancement Trust Fund established in section 8 of chapter 187 of the acts of 2016, a Massachusetts regional transit authority formed pursuant to section 3 of chapter 161B of the General Laws, a Massachusetts regional planning agency, and a Massachusetts metropolitan planning organization. The division shall prescribe the form and content of a confidential data sharing agreement, and the manner of transmitting the information. Any confidential data sharing agreement shall specify that the information provided by the division shall be aggregated and anonymized and may be used only for the purposes set forth in said agreement. Any data received by an entity from the division through a confidential data sharing agreement as described in this subsection shall not be considered a public record as defined in clause Twenty-sixth of section 7 of chapter 4, and shall not be disclosed to any person or entity other than those listed or described in the confidential data sharing agreement.

(e) Notwithstanding subsection (d) of section 12, a state or municipal government agency or transportation planning entity may disclose conclusions and analysis derived from the information and data received pursuant to a confidential data sharing agreement.

(f) Any violation of the terms of a confidential data sharing agreement by any of the entities listed in subsection (d) of section 12 may result in the division declining to enter into future confidential data sharing agreements with the violating entity.

Summary:

This section, along with three others, empowers DPU to obtain more specific categories of ride data from Transportation Network Companies (TNCs) in order to assist planning agencies and other state and local entities with transportation planning, congestion management, and vehicle emissions tracking.

Section 59 - MBTA Board 1

SECTION 59. Section 3 of chapter 161A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words "board of directors of the Massachusetts Department of Transportation established in chapter 6C" and inserting in place thereof the following words:- Massachusetts Bay Transportation Authority board of directors established in section 7.

Summary:

This section, along with two others, establishes a new board of directors for the MBTA effective July 1, 2021, after the expiration of the MBTA Fiscal Management and Control Board.

Section 60 - MBTA Project Delivery 1

SECTION 60. Subsection (f) of said section 3 of said chapter 161A, as so appearing, is hereby amended by striking out, in line 45, the word "or".

Summary:

This section, along with one other, provides the MBTA with authorization to utilize the Design, Build, Finance, Operate, Maintain project delivery method.

Section 61 - MBTA Project Delivery 2

SECTION 61. Said subsection (f) of said section 3 of said chapter 161A, as so appearing, is hereby further amended by inserting, after the word "authority", in line 48, the following words:- ; or (v) for the utilization of alternative procurement methods to procure and enter into contracts for the engineering, designing, building, financing, operation and maintenance of infrastructure, technology and services, or any combination of the foregoing; provided that such procurement process includes a procedure to solicit and award a contract for any of the foregoing purposes on the basis of a best-value selection process.

Summary:

This section, along with one other, provides the MBTA with authorization to utilize the Design, Build, Finance, Operate, Maintain project delivery method.

Section 62 - Transit Oriented Development 2

SECTION 62. Clause (ii) of subsection (c) of section 5 of said chapter 161A, as so appearing, is hereby amended by adding the following sentence:- Any agreement related to any concession or lease of property may require that the developer construct, design, build, finance, operate, and maintain, or any combination thereof, mass transportation facilities or any related facility or component thereof for the authority, so long as the authority shall state in its bid documentation that such mass transportation facilities or related facility or component thereof will be accepted or required as a part of any such agreement. No further procurement or advertising requirements shall be required, except as required by subsection (b) and this subsection.

Summary:

This section, along with one other, provides the MBTA and MassDOT with the authority to enter into competitively procured real estate deals or other projects with private parties that include mitigation and the private construction of facilities that will be owned by the agency.

Section 63 - MBTA Board 2

SECTION 63. Said chapter 161A of the General Laws, as so appearing, is hereby further amended by striking out section 7 and inserting in place thereof the following section:-

Section 7. (a) The authority shall be governed and its corporate powers exercised by a board of directors, consisting of 7 members, including the secretary of transportation who shall serve ex officio. The governor shall appoint 5 additional members including at least 1 member with experience in safety, 1 member with experience in transportation operations, 1 member with experience in public or private finance and 1 member who is a rider as defined in section 1. 1 member shall be appointed by the advisory board established pursuant to section 7A. At least 2 members shall also be members of the board of directors of the Massachusetts Department of Transportation established pursuant to section 2 of chapter 6C.

(b) The term of each member, except for the secretary, shall be 4 years. 3 of the members, not including the secretary of transportation, shall serve for terms that are coterminous with the governor. A member shall be eligible for reappointment provided that a member shall not serve more than 2 terms. A member appointed to fill a vacancy in the board shall serve only for the unexpired term of the former member, but may be appointed to serve two full terms in addition to such part of a full term.

(c) Not more than 4 of the members shall be enrolled in the same political party. The governor shall designate 1 member to serve as chair and the board shall elect 1 member to serve as vice-chair.

(d) 4 members of the board shall constitute a quorum and the affirmative vote of a majority of members present at a duly called meeting, if a quorum is present, shall be necessary for any action taken by the board. Any action required or permitted to be taken at a meeting of members may be taken without a meeting if all of the members consent in writing to such action and such written consent is filed with the records of the minutes of the board. Such consent shall be treated for all purposes as a vote at a meeting. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

(e) The board shall be afforded all powers, responsibilities and obligations set forth pursuant to this chapter. The board may delegate any powers, responsibilities and obligations specifically afforded to it to the general manager unless otherwise prohibited by this section. The board shall adopt a written policy providing for the delegation of any of its powers and duties.

(f) The board shall establish subcommittees, which shall include at the minimum a subcommittee on (i) safety and (ii) audit and finance. Each member shall participate on 2 subcommittees of the board.

(g) The members of the board, with the exception of the secretary, shall serve without compensation, but each member may be reimbursed for actual and necessary travel and other expenses reasonably incurred by the member in the discharge of the member's official duties; provided, however, that reimbursement shall not exceed \$6,000 annually per member.

(h) Meetings of the board and its subcommittees shall be subject to sections 18 to 25, inclusive, of chapter 30A. Records of the board shall be subject to section 10 of chapter 66.

(i) The board shall meet at least 12 times per calendar year.

(j) Each member shall make full disclosure of financial interest, if any, in matters before the board by notifying the state ethics commission, in writing, and shall abstain from voting on any matter before the board in which the member has a financial interest, unless otherwise permissible under chapter 268A. Chapters 268A and 268B shall apply to ex-officio members. Said chapters 268A and 268B shall apply to all other members of the board, except that the board may purchase from, sell to, borrow from, loan to, contract with or otherwise deal with any person in which any member of the board is in any way interested or involved provided that: (i) such an interest or involvement is disclosed in advance to the members of the board and recorded in the minutes of the board; and (ii) no director having such an interest or involvement may participate in a decision of the board relating to such an interest or involvement. Employment by the commonwealth or service in any agency thereof shall not be deemed to be such an interest or involvement.

(k) Members shall not be liable to the commonwealth, to the authority, or to any other person as a result of their activities, whether ministerial or discretionary, as such members or officers except for willful dishonesty or intentional violations of law. The board may purchase liability insurance for board members, officers and employees, and may indemnify such persons against the claims of others.

Summary:

This section, along with two others, establishes a new board of directors for the MBTA effective July 1, 2021, after the expiration of the MBTA Fiscal Management and Control Board.

Section 64 - RTA Operating Assistance

SECTION 64. Section 23 of chapter 161B of the General Laws, as so appearing, is hereby amended by striking the first and second paragraphs and inserting in place thereof the following 2 paragraphs:-

The commonwealth, acting by and through the executive office for administration and finance, shall provide funding to the authorities created pursuant to this chapter as determined by a formula that is based upon clearly established metrics and principles, that all the authorities have agreed to in writing, and that the department has approved.

The funding amounts to be distributed to the authorities will be determined upon final adoption of the state fiscal year appropriation. Such amount, not to be assessed in accordance with section 9 and section 9A shall be called operating assistance. Such operating assistance shall be provided by the commonwealth and shall be overseen by the department.

Summary:

This section replaces the current structure of contract assistance for Regional Transit Authorities (RTAs) with a system whereby the funding amount is based on clearly established metrics and principles agreed to between the RTAs and the Massachusetts Department of Transportation.

Section 65 - Health Connector Enrollment Outreach

SECTION 65. Chapter 176Q of the General Laws is hereby amended by striking out section 8 and inserting in place thereof the following section:-

Section 8. (a) The connector shall enter into interagency agreements with the department of revenue, the executive office of health and human services, the department of public health, the executive office of labor and workforce development, the registry of motor vehicles, the department of correction, the center for health information and analysis and any other state agencies, departments, divisions, commissions, authorities or political subdivisions. The agreements shall authorize foregoing agencies,

departments, divisions, commissions, authorities and political subdivisions to furnish information, including personal data as defined in chapter 66A, that is necessary for the connector to perform its duties under this chapter, including the determination of an individual's eligibility for federal advanced premium tax credits and federal point-of-service cost-sharing reductions and adjudication of appeals arising from such determinations. Such written agreements shall include provisions permitting the department of revenue to furnish the data available under the wage reporting system established under section 3 of chapter 62E. The department of revenue may furnish the connector with information on the cases of persons so identified, including, but not limited to, name, social security number and other data to ensure positive identification, name and identification number of employer, and amount of wages and gross income received from all sources. Except as described in subsection (b), the connector shall not otherwise utilize any of the data received from the department of revenue for any solicitations or advertising.

(b) In order to reduce the incidence of uninsurance in the commonwealth, the department of revenue shall, at the request and with the consent of a taxpayer on the taxpayer's personal income tax return, provide the connector with information from the taxpayer's personal income tax return in order for the connector to assess eligibility for health coverage options offered through the connector. The connector, upon evaluating such eligibility, shall contact individuals about the health coverage options that may be available to them through the connector. Any interagency agreement between the connector and the department of revenue shall specify the operational requirements necessary to implement this subsection.

(c) The connector may receive and use any information provided pursuant to section 23 of chapter 118E as necessary for the connector to perform the duties under this chapter, including the determination of an individual's eligibility for federal advanced premium tax credits and federal point-of-service cost-sharing reductions and adjudication of appeals arising from such determinations.

Summary:

This section authorizes DOR, with a taxpayer's consent, to share information with the Health Connector for the purpose of conducting targeted outreach to uninsured residents who check a box indicating they would like to be contacted for help enrolling in coverage.

Section 66 - Court Obsolete or Useless Papers

SECTION 66. Subdivision (1) of section 27A of chapter 221 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following sentence:- The supreme judicial court may by rule or order make exceptions to the 10 year retention requirement set forth in this subdivision for papers filed in or relating to matters involving alleged violations of laws, rules or regulations regarding motor vehicle civil infractions, motor vehicle parking, littering, bicycles, pedestrians, municipal dog control or non-criminal dispositions of municipal ordinance or by-law violations, or other non-criminal regulatory offenses.

Summary:

This section allows the Supreme Judicial Court to issue an order or rule that would establish an exception for the 10-year record retention requirement for papers related to minor offenses such as parking tickets.

Section 67 - MWRA Board Designation

SECTION 67. Section 3 of chapter 372 of the acts of 1984, as amended by chapter 274 of the acts of 2010, is hereby further amended by striking out, in lines 15 and 82 the words "environmental affairs" and inserting in place thereof, in each instance, the following words:- energy and environmental affairs, or a designee,.

Summary:

This section allows the Secretary of EEA to designate someone to participate in MWRA board meetings when the Secretary is otherwise unable to attend.

Section 68 - DCR Historic Curatorship - Peddock's Island Structures

SECTION 68. Section 44 of chapter 85 of the acts of 1994, as most recently amended by section 69 of chapter 209 of the acts of 2018, is hereby further amended by striking out the words "cottages on Peddock's in the Boston Harbor Islands National Park Area" and inserting in place thereof the following words:- cottages, buildings of the Fort Andrews Complex and associated land delineated by the Department on Peddock's Island in the Boston Harbor Islands National Recreation Area.

Summary:

This section adds the structures on Peddock's Island that comprise the Fort Andrews Complex to the list of buildings that DCR is authorized to lease as part of its Historic Curatorship Program.

Section 69 - Hospital Assessment 9

SECTION 69. Sections 7, 8A and 14 of chapter 115 of the acts of 2016 are hereby repealed.

Summary:

This section, along with fifteen others, increases the existing hospital assessment by \$100 million in Health Safety Net fiscal year 2022 and maintains an increased and restructured hospital assessment after Health Safety Net fiscal year 2022.

Section 70 - Hospital Assessment 10

SECTION 70. Section 13 of said chapter 115 is hereby amended by striking out the words "Sections 5 and 7" and inserting in place thereof the following words:- Section 5.

Summary:

This section, along with fifteen others, increases the existing hospital assessment by \$100 million in Health Safety Net fiscal year 2022 and maintains an increased and restructured hospital assessment after Health Safety Net fiscal year 2022.

Section 71 - Municipal TNC Appropriation Flexibility 1

SECTION 71. Section 8 of chapter 187 of the acts of 2016 is hereby amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) The division shall: (i) proportionately distribute $\frac{1}{2}$ of the amount received from the fund to a city or town based on the number of rides from the previous calendar year that originated within that city or town to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city or town including, but not limited to, the complete streets program established in section 1 of chapter 90I of the General Laws and other programs that support alternative modes of transportation; provided that, if the amount of the distribution to a city or town is \$25,000 or less, the chief executive officer as defined in section 7 of chapter 4 of the General Laws, may expend such funds for these purposes without further appropriation; (ii) distribute $\frac{1}{4}$ of the amount collected to the Massachusetts Development Finance Agency established in section 2 of chapter 23G of the General Laws to provide financial assistance to small businesses operating in the taxicab, livery or hackney industries to encourage the adoption of new technologies and advanced service, safety and operational capabilities and support workforce development; and (iii) distribute $\frac{1}{4}$ of the amount collected to the Commonwealth Transportation Fund established in section 2ZZZ of chapter 29 of the General Laws.

Summary:

This section, along with two others, adjusts the requirements for municipalities that receive per ride assessment amounts of less than \$25,000 based on the number of rides in that municipality to give flexibility to those municipalities to spend the limited sums without further appropriation.

Section 72 - Municipal TNC Appropriation Flexibility 2

SECTION 72. Said section 8 of said chapter 187 is hereby further amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) (i) By December 31 of each year in which a city or town receives a disbursement of more than \$25,000 from the Transportation Infrastructure Enhancement Trust Fund, that city or town shall submit a report to the director of the division that details the projects and the amount used or planned to be used for transportation-related projects as described in subsection (c).
 (ii) By December 31 of the year in which a city or town receives a cumulative total of more than \$25,000 in disbursements from the Transportation Infrastructure Enhancement Trust Fund since its last report to director of the division, that city or town shall submit a report to the director of the division that details the projects and the amount used or planned to be used for transportation-related projects as described in subsection (c) for each disbursement from Transportation Infrastructure Enhancement Trust Fund since the city or town's last report to the director of the division.
 (iii) For a city or town whose cumulative total disbursements from the Transportation Infrastructure Enhancement Trust Fund have not exceeded \$25,000 in the five years since its last report to the director of the division, that city or town shall submit a report to the director of the division by December 31 of the fifth year since its last report to the director of the division. That report shall detail the projects and the amount used or planned to be used for transportation-related projects as described in subsection (c) for each annual disbursement from Transportation Infrastructure Enhancement Trust Fund since the city or town's last report to the director of the division.
 (iv) The division shall withhold future disbursements from the Transportation Infrastructure Enhancement Trust Fund from any city or town that does not comply with the reporting requirements of this subsection (d). The withheld funds shall be disbursed when the city or town complies with the requirements of this subsection (d).

(v) On an annual basis, the director shall compile the reports and post the projects and amounts of money used on the website of the division.

Summary:

This section, along with two others, adjusts the requirements for municipalities that receive per ride assessment amounts of less than \$25,000 based on the number of rides in that municipality to give flexibility to those municipalities to spend the limited sums without further appropriation.

Section 73 - Municipal TNC Appropriation Flexibility 3

SECTION 73. Section 9 of said chapter 187 is hereby amended by striking out said section and inserting in place thereof the following section:-

Section 9. Section 8 is hereby amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) The division shall: (i) proportionately distribute $\frac{1}{2}$ of the amount collected to a city or town based on the number of rides from the previous calendar year that originated within that city or town to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city or town including, but not limited to, the complete streets program established in section 1 of chapter 90I of the General Laws and other programs that support alternative modes of transportation; provided that, if the amount of the distribution to a city or town is \$25,000 or less, the chief executive officer as defined in section 7 of chapter 4 of the General Laws, may expend such funds for these purposes without further appropriation; and (ii) distribute $\frac{1}{2}$ of the amount collected to the Commonwealth Transportation Fund established in section 2ZZZ of chapter 29 of the General Laws.

Summary:

This section, along with two others, adjusts the requirements for municipalities that receive per ride assessment amounts of less than \$25,000 based on the number of rides in that municipality to give flexibility to those municipalities to spend the limited sums without further appropriation.

Section 74 - MEFA College Savings Tax Deduction

SECTION 74. Section 138 of chapter 219 of the acts of 2016 is hereby amended by striking out the following words:- through the tax year beginning on January 1, 2021.

Summary:

This section makes the Massachusetts Educational Financing Authority's College Savings Tax Deduction Program permanent.

Section 75 - Hospital Assessment 11

SECTION 75. Sections 54 and 150 of chapter 47 of the acts of 2017 are hereby repealed.

Summary:

This section, along with fifteen others, increases the existing hospital assessment by \$100 million in Health Safety Net fiscal year 2022 and maintains an increased and restructured hospital assessment after Health Safety Net fiscal year 2022.

Section 76 - EEC Advisory Committee 2

SECTION 76. Section 79 of chapter 154 of the acts of 2018 is hereby repealed.

Summary:

This section, along with one other, merges the Advisory Committee on Early Education and Care and the Early Education and Care Workforce Council into one advisory committee.

Section 77 - County Government Working Group

SECTION 77. (a) There shall be a working group on the future of county government consisting of the following 9 members: the senior deputy commissioner of the division of local services in the department of revenue, or a designee, who shall serve as chair; 1 member appointed by the Secretary of Administration and Finance; 1 member appointed by the Massachusetts Association of County Commissioners; 1 member appointed by the Massachusetts Municipal Association; 1 member appointed by the Executive Office of Education; 1 member appointed by the Secretary of the Commonwealth; 1 member of the senate appointed by the senate president who represents a district that includes a remaining county, 1 member of the house of representatives appointed by the speaker who represents a district that includes a remaining county; and 1 member appointed by the Public Employee Retirement Administration Commission (PERAC). No member shall be an elected official and not more than 2 members shall be employees of a county government.

(b) The working group shall review the budgets and operations of the remaining counties in Massachusetts and assess the counties' longer-term viability and efficiency. The working group shall consider whether there is a minimum set of responsibilities below which a county government is not likely to be an efficient means for delivery of services to residents, and shall evaluate the extent to which cities and towns elect to employ the regional services and facilities of existing counties. The working group shall assess the risk that counties may strand liabilities where their expenses over time are projected to exceed revenue. The working group shall also assess whether counties with narrowly defined responsibilities may draw federal funding away from residents in other parts of the state. The working group shall make recommendations that may include an assessment of the advisability of abolishing one or more counties whose responsibilities can be absorbed by other state, local or regional entities. If the working group recommends abolition of one or more counties, the working group shall also recommend appropriate next steps.

(c) The recommendations shall be submitted to the executive office for administration and finance, the house and senate committees on ways and means, and the chairs of the joint committee on municipalities and regional government not later than November 1, 2021.

Summary:

This section would establish a working group to study and report on the future of county government.

Section 78 - FY 2022 Stabilization Fund Transfer

SECTION 78. Notwithstanding any general or special law to the contrary, the comptroller shall, during fiscal year 2022, but prior to the calculation of the fiscal year 2022 consolidated net surplus in accordance with Section 5C of Chapter 29 of the Massachusetts General Laws, transfer up to \$1,600,000,000 to the General Fund from the Commonwealth Stabilization Fund, established by section 2H of chapter 29 of the General Laws, upon the written request of the secretary of administration and finance.

Summary:

This section establishes a ceiling of \$1.6 billion on the amount that may be transferred from the Stabilization Fund to the General Fund to support the operating budget for fiscal year 2022.

Section 79 - Other Post-Employment Benefits Liability

SECTION 79. (a) Notwithstanding any general or special law to the contrary, the unexpended balances in items 0699-0015 and 0699-9100 of section 2 shall be deposited into the State Retiree Benefits Trust Fund established in section 24 of chapter 32A of the General Laws before the certification of the fiscal year 2022 consolidated net surplus under section 5C of chapter 29 of the General Laws. The amount deposited shall be an amount equal to 10 per cent of all payments received by the commonwealth in fiscal year 2022 under the master settlement agreement in Commonwealth of Massachusetts v. Philip Morris, Inc. et al., Middlesex Superior Court, No. 95-7378; provided, however, that if in fiscal year 2022 the unexpended balances of said items 0699-0015 and 0699-9100 of said section 2 are less than 10 per cent of all payments received by the commonwealth in fiscal year 2022 under the master settlement agreement payments, an amount equal to the difference shall be transferred 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 2022.

Summary:

This section authorizes the use of debt service reversions to pay for OPEB funding. If debt service reversions are insufficient to cover the required funding, tobacco settlement proceeds would be used to make up the deficiency.

Section 80 - Pension Cost of Living Adjustment

SECTION 80. 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 filed quarterly by the secretary of administration and finance with the chairs of the senate and house committees on ways and means and the senate and house chairs of 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 said subdivision (1) of said 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 81 - Sick Leave Buy Back 2

SECTION 81. Notwithstanding any general or special law to the contrary, section 20 shall take effect for any employee of the commonwealth and any employee at public institutions of higher education listed in section 5 of chapter 15A of the General Laws who has accrued not more than 1,000 hours of unused sick leave credits, on the effective date of this act. Any such employee who has accrued more than 1,000 hours of unused sick leave credits as of the effective date of this act shall not accrue credits in excess of those credits, but may accrue credits to replenish any sick time that is used after the effective date of this act, up to the maximum of 1,000 hours set forth above.

Summary:

This section, along with three others, limits the accrual of unused sick time to 1,000 hours for executive branch and public higher education employees. It also freezes the accrual of sick time for any employee who has already accrued more than 1,000 hours.

Section 82 - Sick Leave Buy Back 3

SECTION 82. Notwithstanding any general or special law to the contrary, the personnel administrator shall promulgate revised rules under the second paragraph of section 28 of chapter 7 of the General Laws to incorporate the changes enacted in subsection (e) of section 31A of chapter 29 of the General Laws and section 81 of this act, which revisions shall take effect as soon as practicable after the effective date of this act.

Summary:

This section, along with three others, limits the accrual of unused sick time to 1,000 hours for executive branch and public higher education employees. It also freezes the accrual of sick time for any employee who has already accrued more than 1,000 hours.

Section 83 - Sick Leave Buy Back 4

SECTION 83. Notwithstanding any general or special law to the contrary, the department of higher education and the University of Massachusetts shall revise the necessary rules and policies in order to incorporate the changes enacted in subsection (f) of section 31A of chapter 29 of the General Laws and section 81 of this act, which revisions shall take effect as soon as practicable after the effective date of this act.

Summary:

This section, along with three others, limits the accrual of unused sick time to 1,000 hours for executive branch and public higher education employees. It also freezes the accrual of sick time for any employee who has already accrued more than 1,000 hours.

Section 84 - MassDOT A+B Bidding

SECTION 84. Notwithstanding the first sentence of subsection (a) of section 39M of chapter 30 of the General Laws, a transportation or public works project subject to award under said section 39M of said chapter 30 by a department, agency or authority of the commonwealth that is expected to interfere with the movement of traffic or the traveling public may, in the discretion of the awarding authority, be procured through a bidding method that awards the project to the responsible and eligible bidder with the lowest bid value after taking into account the amount of time that the bidder has identified in the bid for completion of the project, or cost-plus-time bidding procurement method; provided, however, that any such awarding authority may reject any bid if it is in the public interest to do so. The Secretary of Transportation shall promulgate rules and regulations necessary to implement this section.

The General Laws generally applicable to public works projects including, but not limited to, sections 26, 27, 27A, 27B, 27C, 27D, 27F and 34A of chapter 149 of the General Laws and sections 39F, 39G, 39H, 39J, 39K, 39M, but excluding the first sentence of subsection (a) of said section 39M, 39N, 39O, 39P and 39R of chapter 30 of the General Laws shall apply to all public works projects using the cost-plus-time bidding procurement method provided for in this section.

Summary:

This section allows MassDOT to utilize the alternative contract method of "A+B" or "cost-plus-time" bidding.

Section 85 - DCR Solar Canopies

SECTION 85. (a) Notwithstanding the provisions of sections 34 to 37 of chapter 7C of the General Laws or any other general or special law to the contrary, the division of capital asset management and maintenance, in consultation with the department of conservation and recreation may enter into leases, and the department of conservation and recreation may enter into other agreements, using whatever open and competitive process as the commissioner of the division of capital asset management and maintenance approves for leases or the commissioner of the department of conservation and recreation approves for other agreements for terms not to exceed 30 years upon certain parcels of land or portions thereof held for conservation and recreation purposes, as described in subsection (b). Said leases and agreements shall be for the purposes of constructing, operating, maintaining and repairing so called solar thermal or solar photovoltaic generating structures or such structures paired with energy storage systems, where 100 per cent of the nameplate capacity of the solar photovoltaic modules used for generating power and of the power capacity of any paired energy storage system is installed on rooftops or parking lots or other paved parking surfaces in a manner that maintains the function of the

area beneath the solar installation, along with any associated equipment and infrastructure, including without limitation poles, footings, wires, conduits, transformers and associated systems necessary or desirable to complete the work and make any connections to the electric grid if desired. The division of capital asset management and maintenance and the department of conservation and recreation shall consult with the department of energy resources during the lease or other agreement process.

(b) The parcels of land, or portions thereof, subject to the authorization in subsection (a) are as follows: Steriti Memorial Rink in the North End section of the city of Boston; Murphy Memorial Rink in the South Boston section of the city of Boston; Bajko Memorial Rink in the Hyde Park section of the city of Boston; Devine Memorial Skating Rink in the Dorchester section of the city of Boston; the maintenance facilities off Water and Taylor Streets in the Dorchester section of the city of Boston; the Northpoint Maintenance Facility in the city of Cambridge; Squantum Point Park in the city of Quincy; Leo J. Martin Memorial Golf Course in the town of Weston and the city of Newton; the maintenance facilities off Pond Street in the town of Stoneham; Fort Phoenix State Reservation in the town of Fairhaven; the so called Smart Barn at Great Brook Farm Reservation in town of Carlisle; Hopkinton State Park in the towns of Ashland and Hopkinton; and the parcels that will comprise the Worcester Visitor Center in the city of Worcester.

(c) There may be 2 options for renewal or extension, not to exceed 10 years each, of any lease and other agreement executed under subsection (a). This renewal or extension shall be at the discretion of the department of conservation and recreation or the division of capital asset management and maintenance, as applicable, in accordance with the original lease or agreement terms and conditions or such terms and conditions more favorable to the commonwealth.

(d) (1) The leases and other agreements authorized in subsection (a) may be with 1 or more respondents selected as part of the open and competitive process and shall be on terms, conditions, and consideration acceptable to the commissioner of the division of capital asset management and maintenance for leases or the commissioner of the department of conservation and recreation for other agreements, in consultation with the commissioner of the department of energy resources. Said leases and agreements shall require, at a minimum, that the solar structures and associated installations avoid or minimize impacts to the areas beneath the solar structures and to existing facility operations to the maximum extent practicable.

(2) A lease or other agreement shall provide for appropriate remedies, including termination of the lease or adequate mitigation to be deposited into the Conservation Trust established under section 1 of chapter 132A of the General Laws in the event the lessee or operator fails to abide by the requirements of this subsection.

(3) Any consideration or other payments received from the leases and other agreements authorized by this section shall be payable to the department of conservation and recreation for deposit into the Conservation Trust, established under said section 1 of said chapter 132A of the General Laws, to be expended without further appropriation to acquire lands or interests therein to ensure a no-net-loss of lands protected for natural resource purposes.

(4) Any lease or other agreement shall require the lessee or operator to carry comprehensive general liability insurance with the commonwealth named as an additional insured, protecting the commonwealth against all personal injury or property damage arising from constructing, operating, maintaining and repairing or decommissioning the solar canopy structures and associated installations authorized by this section.

(5) Notwithstanding any general or special law to the contrary, the lease or other agreement shall provide for the lessee or operator to manage, operate, improve, repair and maintain the solar structures and associated installation at the lessee's or operator's sole expense, shall include requirements for the lessee or operator to remove the solar canopy structures and other installations and restore the land and facilities at the end of the lease or other agreement, or sooner if the installation is antiquated or abandoned, at no cost to the commonwealth in the event the commonwealth does not elect to take

ownership of the solar canopy structures and other installations, and shall compensate the commonwealth for disruption to the operations of the department of conservation and recreation, including lost parking revenue, and any damage caused to the parcels of land, or portions thereof, described in subsection (b) resulting from the construction, operation, maintenance, repair or decommissioning of the solar canopy structures and associated installations authorized by this section. No branding, logos or other advertising shall be displayed on the solar canopy structures and associated installations. The commissioner of the division of capital asset management and maintenance or the commissioner of the department of conservation and recreation, as applicable, may prescribe additional terms and conditions consistent with this section.

(e) The selected bidder for a lease or other agreement under subsection (a) or subsection (f) shall be responsible for all costs determined to be necessary or appropriate for implementing the lease or other agreement, including without limitation legal work, surveys and consultant services, as determined by the division of capital asset management and maintenance or the department of conservation and recreation, as applicable.

(f) If any lease or other agreement authorized by subsection (a) is terminated prior to the expiration of the initial term, the division of capital asset management and maintenance or the department of conservation and recreation, as applicable, in consultation with the department of energy resources, may, at its option, hold 1 additional open and competitive process to secure a new operator for the parcel or portion thereof under a lease or other agreement for a new term not to exceed 30 years, with 2 new options to renew or extend of 10 years each, for the purposes set forth in subsection (a). Any such lease or other agreement entered into under this subsection shall comply with all other requirements of this section.

Summary:

This section allows the installation of solar structures on fourteen listed DCR properties.

Section 86 - MassHealth Delivery System Reform Trust Fund Transfer

SECTION 86. Notwithstanding any general or special law to the contrary, the secretary of health and human services shall, not later than June 30, 2022, make available \$40,000,000 from the MassHealth Delivery System Reform Trust Fund established in section 2SSSS of chapter 29 of the General Laws to the comptroller for deposit in the General Fund to reimburse the commonwealth for Medicaid-related expenses incurred in fiscal year 2022 as certified by the secretary of health and human services.

Summary:

This section authorizes the transfer of funds from the MassHealth Delivery System Reform Trust Fund to the General Fund.

Section 87 - Expanded Medicare Savings Program Transfer

SECTION 87. Notwithstanding any general or special law to the contrary, the secretary of administration and finance, in consultation with the secretary of health and human services, may transfer from the prescription advantage program in item 9110-1455 of section 2 and the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws in fiscal year 2022, the amount necessary to support the Medicare Savings or Medicare Buy-In programs established in section 25A of chapter 118E of the General Laws; provided, however, that the secretary of health and human services shall certify to the senate and house committees on ways and means, not less than 45 days in advance of the transfer, in writing, the amount to be transferred and an explanation of the amount of expected savings to those programs resulting from the transfer.

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 88 - Health Safety Net Administration

SECTION 88. 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 89 - Hospital Assessment 12

SECTION 89. Notwithstanding any general or special law to the contrary, the secretary of health and human services shall seek any and all required federal approvals, including any required waivers under 42 CFR § 433.68, necessary to implement the updates to the hospital assessment described in sections 50 and 51 of this act. At least 60 days prior to formal submission of any waiver request under 42 CFR § 433.68, the secretary shall consult with the Massachusetts Health and Hospital Association, the Massachusetts Association of Behavioral Health Systems and any other industry stakeholder deemed appropriate by the secretary, and shall make available to such stakeholders and, upon request, to any individual hospital subject to the assessment, the estimated fiscal impact by hospital of the proposed updated overall assessment structure, including associated payments to such hospitals. The secretary shall consider any comments received from such stakeholders and hospitals prior to formal submission of a waiver request under 42 CFR § 433.68.

Summary:

This section, along with fifteen others, increases the existing hospital assessment by \$100 million in Health Safety Net fiscal year 2022 and maintains an increased and restructured hospital assessment after Health Safety Net fiscal year 2022.

Section 90 - Hospital Assessment 13

SECTION 90. Notwithstanding any general or special law to the contrary, in the event that the commonwealth does not receive all federal approvals the secretary of health and human services determines necessary to implement sections 18, 45, 46, 47, 48, 49, 50, 51, 69, 70, 75, 104 and 105 of this act, 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 18, 45, 46, 47, 48, 49, 50, 51, 69, 70, 75, 104 and 105 of this act 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.

Summary:

This section, along with fifteen others, increases the existing hospital assessment by \$100 million in Health Safety Net fiscal year 2022 and maintains an increased and restructured hospital assessment after Health Safety Net fiscal year 2022.

Section 91 - Initial Gross Payments to Qualifying Acute Care Hospitals

SECTION 91. Notwithstanding any general or special law to the contrary, not later than October 1, 2021 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, 2021. 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, 2022, 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 fiscal year 2022.

Section 92 - Inspector General's Health Care Audits

SECTION 92. Notwithstanding any general or special law to the contrary, in hospital fiscal year 2022, 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 all 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, reviewing the program's eligibility requirements, utilization, claims administration and compliance with federal mandates. The inspector general shall submit a report to the house and senate committees on ways and means on the results of the audits and any other completed analyses on or before March 1, 2022.

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 2022. As in past years, this cost will be borne by the Health Safety Net Trust Fund.

Section 93 - Nursing Facility Base Year

SECTION 93. Notwithstanding any general or special law to the contrary, nursing facility rates effective October 1, 2021 under section 13D of chapter 118E of the General Laws may be developed using the costs of calendar year 2014, or any subsequent year that the secretary of health and human services may select in the secretary's discretion.

Summary:

This section establishes 2014, or any subsequent year the Secretary of Health and Human Services may choose, as the base year for nursing facility rates in fiscal year 2022.

Section 94 - Transfers Between Health Funds

SECTION 94. Notwithstanding any general or special law to the contrary, the executive office for 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 95 - FY22 RTA Funding Distribution

SECTION 95. Notwithstanding any special or general law to the contrary, for fiscal year 2022, of the \$90,500,000 transferred in item 1595-6370 of section 2E, \$87,000,000 shall be considered operating assistance and distributed to regional transit authorities as determined by a formula that is based upon clearly established metrics and principles and that has been agreed to by each RTA and approved by the Massachusetts Department of Transportation, hereinafter referred to as the department. The operating assistance distributed shall be spent to advance the goals and targets as agreed to in an updated FY22 Bilateral Memoranda of Understanding, which shall also consider each RTA's comprehensive regional transit plan, and shall be entered into by each regional transit authority and the department.

Of the amount to be distributed under item 1595-6370 of section 2E, \$3,500,000 shall be distributed as performance grants to regional transit authorities. The performance grants shall be distributed to regional transit authorities that best demonstrate compliance with, or a commitment to, the service decisions, quality of service and environmental sustainability recommendations from the report of the task force on regional transit authority performance and funding established pursuant to section 72 of chapter 154 of the acts of 2018. 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 collected data into a report on the performance of regional transit authorities and each authority's progress toward meeting the performance metrics established in the memorandum of understanding. The report shall be filed with the clerks of the senate and house of representatives, the senate and house committees on ways and means and the joint committee on transportation not later than December 31, 2021.

Summary:

This section sets forth the fiscal year 2022 Regional Transit Authorities funding distribution.

Section 96 - MBTA Board 3

SECTION 96. Notwithstanding any general or special law to the contrary, in making initial appointments to the Massachusetts Bay Transportation Authority board of directors, established pursuant to section 7 of chapter 161A of the General Laws, the governor shall appoint the 3 members whose terms are not coterminous with the term of the governor to the following initial terms: 1 member shall be appointed for a term of 1 year, 1 member shall be appointed for a term of 2 years and 1 member shall be appointed for a term of 3 years.

Summary:

This section, along with two others, establishes a new board of directors for the MBTA effective July 1, 2021, after the expiration of the MBTA Fiscal Management and Control Board.

Section 97 - Excise Tax on Opioids Effective Date

SECTION 97. Chapter 63D of the General Laws, as inserted by section 28, shall apply to all sales commencing on or after a date 6 months after the enactment date of this act. The commissioner of revenue shall issue regulations or other guidance regarding the timing of returns required under said chapter 63D, as so inserted, not later than 6 months after the enactment date of this act.

Summary:

This section sets an effective date for the excise on opioids.

Section 98 - Penalty on Excessive Drug Price Increases Effective Date

SECTION 98. Chapter 63E of the General Laws, as inserted by section 28, shall apply to sales commencing on or after the enactment date of this act. The commissioner of revenue shall issue regulations or other guidance regarding the reporting and payment of the penalty as soon as practicable after the enactment date of this act.

Summary:

This section sets an effective date for the penalty on excessive drug price increases.

Section 99 - Disability Employment Tax Credit Effective Date

SECTION 99. The credit authorized in sections 24 and 27 shall be available for qualified employees with a disability who are hired after July 1, 2021 and shall be available for the tax year beginning on January 1, 2023 and for subsequent tax years.

Summary:

This section, along with two others, establishes a tax credit for businesses that employ an individual with a disability for a minimum of eighteen consecutive months. This section is the effective date for the tax credit.

Section 100 - Community Hospital and Health Center Investment Trust Fund Repeal

SECTION 100. Section 14 is hereby repealed.

Summary:

This section, along with three others, restructures and recapitalizes the existing Community Hospital Reinvestment Trust Fund to target independent community hospitals and community health centers and maximizes federal financial participation on payments from the fund. This section repeals one section.

Section 101 - Hospital Assessment Repeal

SECTION 101. Sections 45 and 48 are hereby repealed.

Summary:

This section, along with fifteen others, increases the existing hospital assessment by \$100 million in Health Safety Net fiscal year 2022 and maintains an increased and restructured hospital assessment after Health Safety Net fiscal year 2022. This section repeals two sections.

Section 102 - TNC Data Effective Date

SECTION 102. Sections 57 and 58 shall take effect 60 days after enactment.

Summary:

This section sets an effective date of 60 days after enactment for certain provisions related to Transportation Network Companies (TNCs) data collection.

Section 103 - Smokeless Tobacco Stamping Effective Date

SECTION 103. Section 29 shall take effect on July 1, 2022.

Summary:

This section sets an effective date of July 1, 2022, for the Smokeless Tobacco Stamping section.

Section 104 - Hospital Assessment Effective Date 1

SECTION 104. Sections 45, 48, 50 and 51 shall take effect on October 1, 2021.

Summary:

This section, along with fifteen others, increases the existing hospital assessment by \$100 million in Health Safety Net fiscal year 2022 and maintains an increased and restructured hospital assessment after Health Safety Net fiscal year 2022. This section sets an effective date of October 1, 2021, for certain sections.

Section 105 - Hospital Assessment Effective Date 2

SECTION 105. Sections 18, 46, 49 and 101 shall take effect on October 1, 2022.

Summary:

This section, along with fifteen others, increases the existing hospital assessment by \$100 million in Health Safety Net fiscal year 2022 and maintains an increased and restructured hospital assessment after Health Safety Net fiscal year 2022. This section sets an effective date of October 1, 2022, for certain sections.

Section 106 - Community Hospital and Health Center Investment Trust 2 Effective Date

SECTION 106. Sections 15 and 100 shall take effect on January 1, 2023.

Summary:

This section, along with three others, restructures and recapitalizes the existing Community Hospital Reinvestment Trust Fund to target independent community hospitals and community health centers and maximizes federal financial participation on payments from the fund. This section sets an effective date of January 1, 2023, for two sections.

Section 107 - Sales Tax Modernization Effective Date

SECTION 107. Section 25 shall take effect on July 1, 2024.

Summary:

This section sets an effective date of July 1, 2024 for real-time sales tax collection.

Section 108 - Effective Date

SECTION 108. Except as otherwise specified, this act shall take effect on July 1, 2021.

Summary:

This section provides that the budget shall take effect on July 1, 2021.



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