

An Act making appropriations for the fiscal year 2023 to provide for supplementing certain existing appropriations and for certain other activities and projects.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2023 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2023, the sums set forth in section 2 are hereby appropriated from the Transitional Escrow Fund established in section 16 of chapter 76 of the acts of 2021, as amended by section 4 of chapter 98 of the acts of 2022, unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2023. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items. Except as otherwise provided, these sums shall be made available through the fiscal year ending June 30, 2024.

SECTION 2.

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Office of the Secretary

2000-0120 For obligations of the commonwealth to neighboring states incurred pursuant to interstate compacts for flood control \$506,140

EXECUTIVE OFFICE OF EDUCATION

Department of Early Education and Care

3000-7040 \$200,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Office of the Secretary

4000-1111 For the distribution of funds for fiscally strained hospitals; provided, that up to \$91,474,590 shall be distributed to hospitals eligible for the supplemental payment described in section 5.D.22 of the rate year 2023 acute hospital request for applications, available on COMMBUYS, the state procurement system, as bid number BD-23-1039-EHS01-EHS01-79493, as amended by amendment number 3 issued on April 13, 2023 by the office of Medicaid, and as may be further amended from time to time; provided, that the secretary of health and human services shall disburse funds according to said section 5.D.22 and the terms of any payment agreement between the recipient hospital and the executive office of health and human services; provided further, that not less than \$58,525,410 shall be distributed to non-profit or municipal acute care hospitals licensed under section 51 of chapter 111 of the General Laws that are designated by the center for health information and analysis as non-specialty hospitals, and that had a Medicaid payer mix equal to or greater than 24 per cent in fiscal year 2021, as determined by the executive office based on data published by the center, provided, that the executive office shall prioritize funds for hospitals demonstrating significant financial need based on (i) the current liquidity position of the hospital or its associated hospital health system, (ii) the hospital's total margin as reported in the center's quarterly hospital financial performance report published April 2023 and (iii) any other data the executive office deems relevant, including the amount of previous state financial support provided to the hospital in response to the 2019 novel coronavirus pandemic; and provided further, that not less than \$30,000,000 shall be distributed by the executive office of health and human services to acute care hospitals licensed under said section 51 of said chapter 111 that demonstrate significant financial need based on criteria established by the executive office.....\$180,000,000

Department of Public Health

4590-0950 \$10,710,901
SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, an alteration of purpose for current appropriations and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the Transitional Escrow Fund established in section 16 of chapter 76 of the acts of 2021, as amended by section 4 of chapter 98 of the acts of 2022, unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2023. Except as otherwise stated, these sums shall be made available through the fiscal year ending June 30, 2024.

OFFICE OF THE COMPTROLLER

Office of the Comptroller

1595-4514 For an operating transfer to the Commonwealth’s Pension Liability Fund, established in subsection (e) of subdivision (8) of section 22 of chapter 32 of the General Laws.....\$100,000,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Reserves

1599-0012 For a reserve to support reimbursements for extraordinary relief to school districts pursuant to section 5A of chapter 71B of the General Laws and item 7061-0012; provided, that funds shall be made available for reimbursements in fiscal year 2024 to school districts that experience increases to instructional costs reimbursable under said section 5A of said chapter 71B and incurred such instructional costs during fiscal year 2024 that exceed 25 per cent of such instructional costs incurred during fiscal year 2023; provided further, that funds shall also be made available to reimburse districts in fiscal year 2024 for 100 per cent of any such instructional cost increases exceeding 10 per cent where the total of such increase also exceeds 0.5 per cent of total actual net school spending in fiscal year 2023; provided further, that no funds from this item shall be distributed to any school district that has unobligated Elementary and Secondary School Emergency Relief funds pursuant to: (i) section 18003(b) of the federal Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136; (ii) section 313 of the federal Coronavirus Response and Relief Supplemental Appropriations Act, Division M of Public Law 116-260; (iii) section 2001 of the federal American Rescue Plan Act of 2001, Public Law 117-2; or (iv) any other federal act providing for COVID-19 response funds; and provided further, that the funds appropriated in this item shall not revert but shall be made available through June 30, 2025 and may be transferred to item 7061-0012 and expended subject to the conditions specified in said item in the general appropriations act for that year.....\$75,000,000

1599-1101 For a reserve for the payroll of the department of transitional assistance’s caseworkers and other necessary staff to serve applicants and clients of the supplemental nutrition assistance, transitional aid to families with dependent children and emergency aid to the elderly, disabled and children programs; provided, that funds may be transferred to items 4400-1000 and 4400-1100; and provided further, that the funds appropriated in this item shall be made available through the year ending June 30, 2025 \$60,300,000

1599-2301 For a reserve for costs associated with the settlement agreement in Spencer Tatum et al. v. Commonwealth of Massachusetts, Suffolk Superior Court C.A. No. 0984CV00576.....\$40,000,000

1599-4448 For collective bargaining contract costs \$226,233,522

SECTION 3. Section 5 of chapter 128A of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the word “racing”, in line 257, the following words:- or simulcasting pursuant to chapter 128C.

SECTION 4. Section 2 of chapter 128C of the General Laws, as so appearing, is hereby amended by inserting after the word “simulcast”, in line 14, the following words:- at any location in Suffolk county approved by the commission.

SECTION 5. Said section 2 of said chapter 128C, as so appearing, is hereby further amended by inserting after the word “simulcast”, in line 42, the following words:- at any location in Bristol county approved by the commission:.

SECTION 6. Said section 2 of said chapter 128C, as so appearing, is hereby further amended by inserting after the word “simulcast”, in line 78, the following words:- at any location in Norfolk county approved by the commission:.

SECTION 7. Said section 2 of said chapter 128C, as so appearing, is hereby further amended by inserting after the word “simulcast”, in line 111, the following words:- at any location in Suffolk county approved by the commission.

SECTION 8. The first paragraph of section 12A of chapter 494 of the acts of 1978 is hereby amended by striking out the words “and until July 31, 2023”, inserted by section 1 of chapter 128 of the acts of 2022, and inserting in place thereof the following words:- and until July 31, 2028.

SECTION 9. The last paragraph of said section 12A of said chapter 494 is hereby amended by striking out the words “July 31, 2023”, inserted by section 2 of said chapter 128 of the acts of 2022, and inserting in place thereof the following words:- July 31, 2028.

SECTION 10. The introductory paragraph of section 13 of said chapter 494 is hereby amended by striking out the words “and until July 31, 2023”, inserted by section 3 of said chapter 128, and inserting in place thereof the following words:- and until July 31, 2028.

SECTION 11. Section 15 of said chapter 494 is hereby amended by striking out the words “and until July 31, 2023”, inserted by section 4 of said chapter 128, and inserting in place thereof the following words:- and until July 31, 2028.

SECTION 12. The first paragraph of section 9 of chapter 277 of the acts of 1986 is hereby amended by striking out the words “and until July 31, 2023”, inserted by section 5 of said chapter 128, and inserting in place thereof the following words:- and until July 31, 2028.

SECTION 13. The first sentence of the first paragraph of section 3 of chapter 114 of the acts of 1991 is hereby amended by striking out the words “and until July 31, 2023”, inserted by section 6 of said chapter 128, and inserting in place thereof the following words:- and until July 31, 2028.

SECTION 14. The last paragraph of said section 3 of said chapter 114 is hereby amended by striking out the words “July 31, 2023”, inserted by section 7 of said chapter 128, and inserting in place thereof the following words:- July 31, 2028.

SECTION 15. The first paragraph of section 4 of said chapter 114 is hereby amended by striking out the words “and until July 31, 2023”, inserted by section 8 of said chapter 128, and inserting in place thereof the following words:- and until July 31, 2028.

SECTION 16. The last paragraph of said section 4 of said chapter 114 is hereby amended by striking out the words “July 31, 2023”, inserted by section 9 of said chapter 128, and inserting in place thereof the following words:- July 31, 2028.

SECTION 17. The first paragraph of section 5 of said chapter 114 is hereby amended by striking out the words “and until July 31, 2023”, inserted by section 10 of said chapter 128, and inserting in place thereof the following words:- and until July 31, 2028.

SECTION 18. Section 45 of chapter 139 of the acts of 2001 is hereby amended by striking out the words “July 31, 2023”, inserted by section 11 of said chapter 128, and inserting in place thereof the following words:- July 31, 2028.

SECTION 19. Section 20 of chapter 449 of the acts of 2006 is hereby amended by striking out the words “July 31, 2023”, inserted by section 12 of said chapter 128, and inserting in place thereof the following words:- July 31, 2028.

SECTION 20. Section 92 of chapter 194 of the acts of 2011 is hereby amended by striking out the words “July 31, 2023”, inserted by section 13 of said chapter 128, and inserting in place thereof the following words:- July 31, 2028.

SECTION 21. Section 112 of said chapter 194 is hereby amended by striking out the words “July 31, 2023”, inserted by section 14 of said chapter 128, and inserting in place thereof the following words:- July 31, 2028.

SECTION 22. Section 74 of chapter 10 of the acts of 2015 is hereby amended by striking out the words “July 31, 2023”, inserted by section 15 of said chapter 128, and inserting in place thereof the following words:- July 31, 2028.

SECTION 23. Item 3000-7040 of section 2 of chapter 126 of the acts of 2022 is hereby amended by striking out the figure “\$320,000” both times it appears and inserting in place thereof, in each instance, the following figure:- \$520,000.

SECTION 24. Sections A1, 17 and 18 of chapter 128 of the acts of 2022 are hereby repealed.

SECTION 25. The salary adjustments and other economic benefits authorized by the following collective bargaining agreements shall be effective for the purposes of section 7 of chapter 150E of the General Laws:

- (1) the agreement between the Commonwealth of Massachusetts and the State Police Association of Massachusetts, Unit 5A and C22;
- (2) the agreement between the Commonwealth of Massachusetts and the Alliance, American Federation of State, County and Municipal Employees – SEIU Local 888, Unit 2;
- (3) the agreement between the Commonwealth of Massachusetts and the Service Employees International Union, Local 509, Units 8 and 10;
- (4) the agreement between the Commonwealth of Massachusetts and the Massachusetts Organization of State Engineers and Scientists, Unit 9;
- (5) the agreement between the Commonwealth of Massachusetts and the National Association of Government Employees, Units 1, 3 and 6;
- (6) the agreement between the Sheriff of Berkshire County and the Berkshire County Sheriff's Office Employee Association, Unit SB3;
- (7) the agreement between the Sheriff of Berkshire County and the Berkshire Correction Officers/IBCO Local R1-297, Unit SB1;
- (8) the agreement between the Sheriff of Berkshire County and the Berkshire IUE -CWA, Unit SB2;
- (9) the agreement between the Sheriff of Hampshire County and the Hampshire Sheriff's Office Non-Uniform Correctional Association, Unit SH7;
- (10) the agreement between the Sheriff of Hampshire County and the Hampshire Sheriff's Office Treatment Association (SOTA), Unit SH6;
- (11) the agreement between the Sheriff of Plymouth County and the Plymouth Superiors NCEU 104, Unit SP1;
- (12) the agreement between the Massachusetts State Lottery Commission and the Service Employees International Union, Local 888, Unit LT1;
- (13) the agreement between the University of Massachusetts and the Massachusetts Society of Professors MTA/NEA, Amherst Campus, Unit A50;
- (14) the agreement between the University of Massachusetts and the Boston Public Safety Officers NEPBA L90, Unit B33;
- (15) the agreement between the University of Massachusetts and the International Brotherhood of Teamsters, L25, Public Safety Lieutenants, Unit B3L;
- (16) the agreement between the University of Massachusetts and the International Brotherhood of Teamsters, L25, Officers, Unit B3S;
- (19) the agreement between the University of Massachusetts and the Head Coaches MTA/NEA Professional Staff Union Unit C, Unit B45;

- (20) the agreement between the University of Massachusetts and the Boston Department Chairs Union/MTA/NEA, Unit B50;
- (21) the agreement between the University of Massachusetts and the Non-Faculty - Maintenance & Trades MTA, Lowell Campus, Unit L93;
- (22) the agreement between the University of Massachusetts and the Non-Faculty - Police Officers Teamsters L25, Lowell Campus, Unit L94;
- (23) the agreement between the Essex North and South registry of deeds and the American Federation of State, County, and Municipal Employees, Local 653, Unit SC3;
- (24) the agreement between the Sheriff of Suffolk County and the National Association of Government Employees, Local 298, Unit SS2;
- (25) the agreement between the Sheriff of Suffolk County and the American Federation of State, County and Municipal Employees/AFL-CIO, Council 93, Local RN, Unit SS3;
- (26) the agreement between the Sheriff of Suffolk County and the American Federation of State, County and Municipal Employees/AFL-CIO, Council 93, Local 3643, Unit SS5;
- (27) the agreement between the Sheriff of Franklin County and the National Correctional Employees Union, Local 106, Unit SF1;
- (28) the agreement between the Sheriff of Franklin County and the Franklin Sheriff's Office Non-Unit Employer's Association, Unit SF3;
- (29) the agreement between the Sheriff of Worcester County and the New England Police Benevolent Association, Local 275, Unit SW2;
- (30) the agreement between the Sheriff of Worcester County and the New England Police Benevolent Association, Local 515, Unit SW5;
- (31) the agreement between the Sheriff of Hampshire County and the Hampshire Sheriff's Office Jail and House of Correction Supervisory Correctional Officers' Association, Unit SH3;
- (32) the agreement between the Sheriff of Worcester County and the National Association of Government Employees, Local R1-255, Unit SW4; and
- (33) the agreement between the Massachusetts Board of Higher Education and the Massachusetts Community College Council.

SECTION 26. Notwithstanding section 38G of chapter 71 of the General Laws or any other general or special law to the contrary, the commissioner of education, for calendar years 2023 and 2024, may issue a temporary certificate to a registered nurse who has not satisfied the certification testing requirements pursuant to said section 38G of said chapter 71 and who: (i) is authorized to practice as a registered nurse in the commonwealth pursuant to section 74 of chapter 112 of the General Laws; and (ii) has been employed as a registered nurse pursuant to clause (i) for not less than 3 years.

SECTION 27. Notwithstanding section 2 of chapter 128A of the General Laws, sections 1, 2, 2A and 4 of chapter 128C of the General Laws and section 9 of said section 128C, as inserted by section 6 of chapter 173 of the acts of 2022, or any other general or special law to the contrary, the running race horse meeting licensee located in Suffolk county licensed to conduct live racing pursuant to said chapter 128A and simulcast wagering pursuant to said chapter 128C in calendar year 2023 shall remain licensed as a running horse racing meeting licensee and shall remain authorized to conduct simulcast wagering pursuant to said chapter 128C until the later of July 31, 2028 or the expiration of the term of a category 2 sports wagering license, pursuant to chapter 23N of the General Laws, held by such licensee as of July 31, 2028 or any renewal thereof; provided, however, that the days between January 1, 2023 and December 31, 2028 shall be dark days pursuant to said chapter 128C and the licensee shall be precluded from conducting live racing during that period unless it applies for and is granted a supplemental live racing license pursuant to said chapter 128A; provided further, that the licensee shall not simulcast or accept a wager on greyhound dog racing on or after August 10, 2023 pursuant to section 9 of chapter 128C of the General Laws; provided further, that all simulcasts shall comply with the Interstate Horse Racing Act of 1978, 15 U.S.C. 3001 et seq. or other applicable federal law; provided further, that all simulcasts from states which have racing associations that do not require approval in compliance with the Interstate Horse Racing Act of 1978, 15 U.S.C. 3004(a)(1)(A) shall require the approval of the New England Horsemen's Benevolent & Protective Association prior to being simulcast to a racing meeting licensee within the commonwealth; and provided further, that if the association agrees to approve the simulcast for 1 racing meeting licensee, it shall approve the simulcast for all otherwise eligible racing meeting licensees.

SECTION 28. Notwithstanding any general or special law to the contrary, the department of public utilities shall have authority to allow recovery by the electric distribution companies of transmission service agreement expenditures and payments associated with clean energy generation power purchase agreements previously approved by the department following a competitive solicitation and procurement conducted under section 83D of chapter 169 of the acts of 2008, as inserted by section 12 of chapter 188 of the acts of 2016, and amended thereafter in connection with a change in law in the state of Maine, subsequently causing suspension of development construction; provided, that the department shall allow recovery for such expenditures and payments that the department determines to be associated with the subsequent construction delay.