

Consolidated Amendment "E" to H4000

Constitutional Officers and State Administration/Transportation

Fiscal Note: \$4,703,000

Constitutional Officers & State Administration: 9, 16, 25, 27, 30, 34, 40, 68, 69, 74, 92, 94, 96, 110, 120, 124, 131, 133, 139, 140, 142, 143, 154, 157, 158, 161, 162, 176, 178, 180, 182, 186, 191, 194, 195, 220, 241, 243, 260, 270, 272, 306, 313, 315, 323, 325, 341, 342, 343, 344, 345, 351, 356, 358, 360, 369, 409, 414, 416, 432, 441, 444, 446, 447, 449, 450, 452, 454, 464, 469, 470, 474, 475, 476, 479, 481, 482, 484, 500, 506, 530, 535, 539, 543, 557, 567, 569, 575, 576, 578, 580, 595, 605, 612, 613, 633, 671, 674, 686, 699, 736, 740, 741, 744, 746, 761, 762, 775, 779, 808, 813, 820, 830, 842, 855, 868, 875, 879, 881, 894, 904, 906, 944, 989, 996, 998, 1020, 1034, 1053, 1071, 1090, 1138, 1158, 1173, 1177, 1197, 1202, 1203, 1205, 1211, 1216, 1219, 1222, 1226, 1260, 1265, 1280, 1326, 1336, 1345, 1347, 1379, 1382, 1387, 1395, 1408, 1410, 1425, 1429, 1459, 1464, 1473, 1486, 1492, 1511, 1536, 1544, 1557, 1577, 1601, 1611, 1617, 1627

Transportation: 411, 434, 672, 864, 916, 921, 987, 1023, 1378, 1546, 1560, 1568, 1602, 1624, 1640

Mr. Michlewitz of Boston and others move to amend H.4000 in section 2, in item 0511-0200, by striking the words "and provided further" and inserting in place thereof the following words:- provided further

And further amend said item by inserting after the word "board" the following:- ; provided further, that not less than \$25,000 shall be expended for the National Lancers for the acquisition of a tractor needed to maintain fields they manage for the commonwealth; and provided further, that not less than \$10,000 shall be expended for the Haverhill Veteran Alliance to support Haverhill veterans

And further amend said item by striking out the figure "\$879,130" and inserting in place thereof the following figure:- "\$914,130"

And further amend said section 2, in item 0526-0100, by inserting after the word "commission" the following:- ; provided, that not less than \$75,000 shall be expended for Black History in Action for Cambridgeport, Inc in the city of Cambridge

And further amend said item by striking out the figure "\$1,153,624" and inserting in place thereof the following figure:- "\$1,228,624"

And further amend said section 2, in item 0640-0300, by inserting after the words "bargaining unit" the following:- ; provided further, that not less than \$20,000 shall be expended for ADA accessibility upgrades at the Albion Cultural Exchange in the town of Wakefield; provided further, that not less than \$100,000 shall be expended for the Springfield Symphony Orchestra to support diverse concert performances, increased outreach and youth education opportunities as well as deferred maintenance, staffing and concert support materials to enhance community engagement and reach underserved and economically challenged students; provided further, that not less than \$100,000 shall be expended for South Shore Art Center, Inc. to build institutional capacity to broaden community impact; provided further, that not less than \$25,000 shall be expended for the artists community assistance program to be administered by the Allston Village Main Streets of Boston; provided further, that not less than \$20,000 shall be expended for the Special Needs Arts Programs Inc. of Lexington to support a part-time assistant music director and develop recorded classes to be used in group homes and day programs; provided further, that not less than \$50,000 shall be expended to the Children's Museum of Franklin; provided further, that not less than \$100,000 shall be expended for the Franklin Performing Arts Company, Inc.; provided further, that not less than \$25,000 shall be expended for Three Saints, Inc., in the city of Lawrence to support community services and promote Italian heritage; provided further, that not less than \$25,000 shall be expended for East Somerville Main Streets in the city of Somerville; provided further, that not less than \$50,000 shall be expended for the historic Cyrus E. Dallin Art

Museum; provided further, that not less than \$100,000 shall be expended for the Boston Ballet; provided further, that not less than \$15,000 shall be expended for the Woods Hole Film Festival for operations and programming; provided further, that not less than \$50,000 shall be expended for Cogswell ArtSpace in Haverhill to complete the installation of fire-rated walls required by code; provided further, that not less than \$25,000 shall be expended for The Frederick Douglass Neighborhood Association for community programming in the city of Brockton; provided further, that not less than \$25,000 shall be expended for the African American Association of Brockton for community programming in the city of Brockton

And further amend said item by striking out the figure “\$26,045,152” and inserting in place thereof the following figure:- “\$26,775,152”

And further amend said section 2, in item 0810-1205, by inserting after the words “plans for the program” the following words:- ; and provided further, that not less than \$100,000 shall be expended for the SAFE Coalition Incorporated to provide support, education, treatment options and coping mechanisms for those affected by substance use disorder in the city known as the town of Franklin.

And further amend said item by striking out the figure “\$2,738,897” and inserting in place thereof the following figure:- \$2,838,897

And further amend said section 2, in item 0930-0100, by inserting after the word “resources” the following words:- provided further, that not less than \$250,000 shall be expended to the university of Massachusetts memorial medical center for a hospital-based comprehensive child protection program

And further amend said item by striking the figure “\$4,084,063” and inserting in place thereof the following figure:- \$4,334,063

And further amend said section 2, in item 1599-0026, by inserting after the word “Fund” the second time it appears the following words:- ; provided further, that not less than \$10,000 shall be expended for repair, maintenance and improvements to the sewer system in the town of Swansea; provided further, that not less than \$30,000 shall be expended for the town of Rutland to conduct a study on the feasibility of establishing or joining a regional fire district; provided further, that not less than \$90,000 shall be expended for the creation of John J. Lightizer Memorial park in the town of Norwood; provided further, that not less than \$50,000 shall be expended for Norwood high school to retrofit its decommissioned ambulance to create an ambulance simulator to provide emergency medical services training and education; provided further, that not less than \$75,000 shall be expended for the Friends of Reggie Wong park; provided further, that not less than \$25,000 shall be expended to the town of Groveland for a comprehensive market analysis and feasibility study for 46 Washington street; provided further, that not less than \$20,000 shall be expended to the town of Rowley for a stormwater runoff collection and abatement system at the town landing to address significant erosion into the Rowley river required for the town to comply with state and federal stormwater regulations; provided further, that not less than \$25,000 shall be expended for the Oakham town hall feasibility study; provided further, that not less than \$25,000 shall be expended for the Brookfield town hall improvements; provided further, that not less than \$25,000 shall be expended for paving and repairing the town of Norton’s police station parking lot; provided further, that not less than \$50,000 shall be expended for Action for Boston Community Development, Inc. North End; provided further, that not less than \$20,000 shall be expended to the town of Ipswich to research and design wastewater treatment plant infrastructure improvements to meet federal compliance standards for the essential clamming and shell fishing industry; provided further, that not less than \$30,000 shall be expended to the town of Townsend for the completion of the fitness court project; provided further, that not less than \$8,000 shall be expended for the Spencer historical records preservations; provided further, that not less than \$25,000 shall be expended for an engineering study, remediation plan and improvements to the town of Foxborough’s drainage system; provided further, that not less than \$60,000 shall be expended for the town of Essex for a study relative to bridges in the town; provided further, that not less than \$40,000 shall be expended for the town of Rockport for a sewer pump station alarm/monitoring system; provided further, that not less than \$100,000 shall be expended for capital improvements to Linden park in the city of Malden, including, but not limited to, design, engineering and construction; provided further, that not less than \$50,000 shall be expended to the city of Malden for flood mitigation and storm water infrastructure improvements including, but not limited to, the cleaning and maintenance of the Town Line brook and Linden brook culverts; provided further, that not less than \$100,000 shall be expended for capital

improvements to Pittsfield old town hall; provided further, that not less than \$50,000 shall be expended for a police cruiser for the city of Melrose; provided further, that not less than \$50,000 shall be expended for the town of Danvers for pedestrian and bicycle safety improvements; provided further, that not less than \$20,000 shall be expended for repair and maintenance, including asbestos removal, of historic structures in Douglas; provided further, that not less than \$15,000 shall be expended for upgrades and improvements to public works equipment such as purchasing and repairing equipment including, but not limited to, a front-end loader or backhoe in Millville; provided further, that not less than \$50,000 shall be expended for repairs and upgrades to the police department, senior center and town hall in the town of Dudley; provided further, that not less than \$5,000 shall be expended for the South Attleboro Lions for wheelchair ramp parts to assist veterans and others in need; provided further, that not less than \$50,000 shall be expended to redesign the Tufts park playground in the city of Medford; provided further, that not less than \$100,000 shall be expended for rehabilitation of the women veterans park in the city of Marlborough; provided further, that not less than \$75,000 shall be expended to the city of Framingham for the construction of ADA-compliant customer service counters in the Framingham memorial building; provided further, that not less than \$50,000 shall be expended to the town of Ayer for costs related to a new senior center; provided further, that not less than \$15,000 shall be expended to install 2 rectangular rapid flashing beacons at uncontrolled, marked crosswalks to accompany a pedestrian warning sign in Newton; provided further, that not less than \$50,000 shall be expended for the town of Marblehead for repairs to the irrigation system and deteriorating structures at Marblehead cemeteries; provided further, that not less than \$50,000 shall be expended for Bay Village Neighborhood Association, Inc; provided further, that not less than \$25,000 shall be expended to the town of Pembroke for improvements at the Pembroke public library; provided further, that not less than \$75,000 shall be expended to the town of Westborough, for repairing or replacing the Piccadilly Brook bridge, securing and restoring the affected part of Piccadilly brook as it enters into the Sandra Birch reservoir, restoring affected recreational areas and other costs pertaining thereto; provided further, that not less than \$25,000 shall be expended to the town of Southborough, in support of purchasing and upgrading equipment required to host hybrid meetings; provided further, that not less than \$25,000 shall be expended to the town of Rehoboth for the remediation, testing and supplies for water systems contaminated by per-and polyfluoroalkyl substances, as well as the installation and maintenance of filtration systems in residents' homes; provided further, that not less than \$50,000 shall be expended to the town of Walpole for a front line department of public works truck; provided further, that not less than \$100,000 shall be expended to the city known as the town of Barnstable for the downtown Hyannis pedestrian improvements projects including the great streets project and the installation of a new traffic signal at the Barnstable high school entrance on West Main street; provided further, that not less than \$100,000 shall be expended for the Boston Chinatown Post 328 Association; provided further, that not less than \$125,000 shall be expended for the city of Gloucester for improvements to wireless public safety; provided further, that not less than \$150,000 shall be expended for the Pioneer Valley Planning Commission and the Franklin Regional Council of Governments to develop a water plan in the pioneer valley to identify water sources and assess capacity of aquifers, public water system infrastructure and private wells communications; provided further, that not less than \$25,000 shall be expended for the Belchertown Little League, Inc. for field renovations; provided further, that not less than \$75,000 shall be expended to the city of Greenfield for maintenance vehicle upgrades; provided further, that not less than \$75,000 shall be expended to the town of Shelburne for playground improvements; provided further, that not less than \$150,000 shall be expended for the Rose Kennedy Greenway Conservancy; provided further, that not less than \$200,000 shall be expended to the town of Stoneham to provide assistance and services to seniors; provided further, that not less than \$50,000 shall be expended to the city of Peabody for efforts to acquire and integrate a new public water supply; and provided further, that not less than \$25,000 shall be expended to Alewife Neighbors, Inc. for independent asbestos monitoring

And further amend said item by striking out the figure "\$6,899,999" and inserting in place thereof the following figure:- \$9,612,999

And further amend said section 2, in item 1410-0400, as amended by Consolidated Amendment A, by striking the following words "8892 in the town of Stoughton" and inserting in place thereof the following words:- 8892 in the town of Avon

And further amend said section 2, in item 4800-0038, by inserting after the words "fiscal year 2013" the following words:- ; provided further, that not less than \$100,000 shall be expended to the Jewish Family and

Children's Service, Inc.'s Center for Early Relationship Support including for the Fragile Beginnings program, Project Newborns exposed to substances: support and therapy and related clinical and community services for vulnerable families with children from birth to age 5; provided further, that not less than \$350,000 shall be expended to Italian Home for Children, Inc.; provided further, that not less than \$25,000 shall be expended for Julie's Family Learning Program, Inc. for programming and services to help women break the cycle of poverty

And further amend said section 2, in item 7000-9401, by inserting after the words "for each resident of the commonwealth" the following words:- ; provided further, that not less than \$75,000 shall be expended for the Worcester public library to provide funding and support staff for the library in every classroom project

And further amend said item by striking the figure "\$19,000,000" and inserting in place thereof the following figure:- \$19,075,000

And further amend said section 2, in item 7004-0104 as amended by Consolidated C, by striking the figure "\$8,390,000" and inserting in place thereof the following figure:- \$8,890,000

And further amend said bill, in section 2E, in item 1595-6368, by striking out the words "and provided further" and inserting in place thereof the following words:- provided further

And further amend said item by inserting after the words "supporting documentation" the following words:- ; provided further, that not less than \$25,000 shall be expended for the continuation of a pedestrian safety program in the Brighton business district of the city of Boston to be administered by Brighton Main Streets, Inc.; provided further, that not less than \$25,000 shall be expended for the senior taxi program in the city of Somerville; provided further, that not less than \$50,000 shall be expended for the construction of a 6 foot tall privacy fence bordering the perimeter of the Oak Ledge Heights manufactured housing community at 161 Newbury street in the city of Peabody; provided further, that not less than \$100,000 shall be expended for The Longwood Collective, Inc. to conduct a study analyzing the impact of streetscape changes on emergency vehicle usage and impacts on emergency response efficiency and public transit reliability within and surrounding the Longwood medical and academic area; and provided further, that not less than \$25,000 shall be expended for maintenance and improvements to the land along route 16 between Seagrave road and Columbus avenue in the city of Cambridge

And further amend said item by striking out the figure "\$577,620,163" and inserting in place thereof the following figure:- \$577,845,163

And further amend said section 2E, in item 1595-6369, by inserting after the words "ferry services" the following words:- ; provided further, that not less than \$1,300,000 of said funds shall be expended for the Massachusetts Bay Transportation Authority to operate a demonstration of ferry service between Lewis wharf mall in the East Boston section of the city of Boston, Long wharf in the North End section of the city of Boston and a new stop to be created in the Seaport section of the city of Boston; provided further, that said ferry service shall run from April 1, 2025 to November 30, 2025, inclusive, and then run service again from April 1, 2026 until November 30, 2026, inclusive; provided further, that the Massachusetts Bay Transportation Authority shall conduct a capital assessment of expanded hours of operation and additional ferry stops within the inner Boston harbor, including, but not limited to, Liberty plaza in the East Boston section of the city of Boston; provided further, that the Massachusetts Bay Transit Authority shall report on the number of passengers who utilize said service to the house and senate committees on ways and means not later than January 31, 2026

And further amend the bill by inserting after section 13 the following section:-

SECTION 13A. Said chapter 29 is hereby further amended by inserting after section 2JJJJJ, inserted by section 7 of chapter 248 of the acts of 2024, the following section:-

Section 2KKKKKK. (a) There is hereby established in the office of the state treasurer a separate, non-budgeted special revenue fund known as the Massachusetts Secure Choice Savings Fund which shall be administered by the state treasurer. The fund shall be credited with: (i) money from the payment of fees, penalties and other payments due to the Massachusetts secure choice savings program established in section 64H; (ii) appropriations or other money authorized or transferred by the general court and specifically designated to be credited to the fund and any funds appropriated by the federal or local governments; (iii) private contributions and publicly or privately-funded grants; and (iv) any interest earned on the assets of the fund. Monies in the fund that are unexpended at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year. Section 38 shall not apply to any investment of the fund.

(b) The fund shall cover all expenses associated with the administration of the Massachusetts secure choice savings program not otherwise covered by the program, including, but not limited to, expenses related to program compliance and oversight responsibilities.

(c) The Massachusetts secure choice savings board, as established in section 64G, shall establish guidelines regarding administration of the fund.

And further amend the bill by inserting after section 16 the following 3 sections:-

SECTION 16A. Section 64E of said chapter 29, as so appearing, is hereby amended by striking out, in line 5, the figure “20” and inserting in place thereof the following figure:- 100.

SECTION 16B. Said section 64E of said chapter 29, as so appearing, is hereby further amended by adding the following subsection:-

(g) Notwithstanding any general or special law to the contrary, the treasurer, or a designee, may seek to reduce operating expenses for the plan through private donation or grants, including, but not limited to, direct and indirect fundraising.

SECTION 16C. Said chapter 29 is hereby further amended by inserting after section 64E the following 5 sections:-

Section 64F. For the purposes of this section and sections 64G through 64J, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Board”, the Massachusetts secure choice savings board established pursuant to section 64G.

“Code”, as defined in section 1 of chapter 62.

“Commissioner”, the commissioner of revenue.

“Department”, the department of revenue.

“Employee”, any individual who: (i) is 18 years of age or older; (ii) is employed by an employer; and (iii) has wages that are allocable to the commonwealth during a calendar year under chapter 62.

“Employer”, a person or entity engaged in a business, industry, profession, trade or other enterprise in the commonwealth, whether for-profit or not-for-profit, that has: (i) at no time during the previous calendar year employed fewer than 25 employees in the commonwealth; (ii) been in business not less than 2 years; and (iii) not offered a qualified retirement plan, including, but not limited to, a plan qualified under sections 401(a), 401(k), 403(a), 403(b), 408(k), 408(p) or 457(b) of the Code in the preceding 2 calendar years.

“Enrollee”, any employee or former employee who is enrolled in the program.

“Fund”, the Massachusetts Secure Choice Savings Fund, established pursuant to section 2KKKKKK.

“IRA”, an individual retirement account that is either a: (i) Roth IRA, under section 408A of the Code; or (ii) individual retirement account under section 408 of the Code.

“Participating employer”, an employer that provides a payroll deposit retirement savings arrangement as provided for by section 64I for its employees who are enrolled in the program.

“Payroll deposit retirement savings arrangement”, an arrangement by which a participating employer allows enrollees to remit payroll deduction contributions to the program.

“Program”, the Massachusetts secure choice savings program, established pursuant to section 64H.

“Wages”, any compensation within the meaning of section 219(f)(1) of the Code that is received by an enrollee from a participating employer during the calendar year.

Section 64G. (a)(1) There is hereby established the Massachusetts secure choice savings board. The board shall consist of the following 5 members: the state treasurer or a designee, who shall serve as chair; the comptroller or a designee; the secretary of the commonwealth or a designee; a public representative with expertise in retirement savings plan administration or investment, or both, who is representative of participating employees, appointed by the governor; and a public representative with expertise in retirement savings plan administration or investment, or both, who is representative of participating employers, appointed by the state treasurer.

(2) Each member shall be appointed for a term of 4 years; provided, however, that the public representative of employers shall be appointed initially for a term of 3 years; and provided further, that all members shall be eligible for reappointment. A vacancy in the term of an appointed board member shall be filled for the balance of the unexpired term in the same manner as the original appointment. Members of the board shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

(3) The board may appoint or engage agents. The board, the individual members of the board, any other agents appointed or engaged by the board and all persons serving as program staff shall discharge their duties with respect to the program solely in the interest of the program's enrollees and beneficiaries.

(b) The board shall be responsible for ongoing fiduciary administrative oversight of the program for the purpose of promoting greater retirement savings for private-sector employees in a convenient, low-cost and portable manner, pursuant to paragraph (1) of subsection (a) of section 64H.

(c) The board shall report annually to the state treasurer, governor, comptroller, secretary of the commonwealth and the house and senate committees on ways and means. The report shall include, but shall not be limited to: (i) an audited financial report, prepared in accordance with generally accepted accounting principles; (ii) a summary of the benefits provided by the program, including the number of enrollees; and (iii) the percentage and amounts of investment options and rates of return.

(d) All agencies of the commonwealth shall cooperate as requested by the board in the performance of their duties under this section, including, unless otherwise prohibited, the sharing of relevant data as the parties shall mutually agree.

Section 64H. (a) There is hereby established in the office of the state treasurer the Massachusetts secure choice savings program, subject to appropriation. The program shall be developed and administered by the state treasurer with ongoing fiduciary administrative oversight provided by the board for the purpose of promoting greater retirement savings for private-sector employees in a convenient, low-cost and portable manner.

(b)(1) The state treasurer shall design, establish and operate the program in a manner that: (i) accords with best practices for retirement savings vehicles; (ii) maximizes participation, savings and sound investment practices; (iii) maximizes simplicity, including ease of administration for participating employers and enrollees; (iv) provides an efficient product to enrollees by pooling investment funds; and (v) ensures the portability of benefits.

(2) The state treasurer and the department shall maintain, on their websites, information for employers on the requirements of the program and information on retirement plans an employer may offer as an alternative to the program, including, but not limited to, a defined benefit plan, 401(k) plan, a Simplified Employee Pension (SEP) plan or a Savings Incentive Match Plan for Employees (SIMPLE) plan.

(c) The state treasurer shall request, in writing, an opinion or ruling from the appropriate entity with jurisdiction over the federal Employee Retirement Income Security Act regarding the applicability of the

federal Employee Retirement Income Security Act to the program. The state treasurer shall not implement the program if the IRA arrangements offered under the program fail to qualify for the favorable federal income tax treatment ordinarily accorded to IRAs under the Code or if it is determined that the program is an employee benefit plan and state or employer liability is established under the federal Employee Retirement Income Security Act.

(d) The state treasurer shall prepare a written statement of investment policy that includes a risk management and oversight program for consideration and adoption by the board.

(e) The state treasurer may contract with practitioners, administrators, investment managers and other entities to design, administer and provide investment options under the program. Any practitioner, administrator, investment manager or other entity with which the state treasurer contracts shall comply with all applicable federal and state laws, rules and regulations and all rules, policies and guidelines promulgated by the board with respect to the program and the investment of the fund, including, but not limited to, the investment policy. Any practitioner, administrator, investment manager or other entity with which the state treasurer contracts shall provide such reports as the board deems necessary to assess performance.

(f) The state treasurer shall assess the feasibility of multistate or regional agreements to administer the program through shared administrative and operational resources and may enter into those agreements if deemed beneficial to the program.

(g)(1) The commonwealth, the board, each member of the board or other commonwealth official, other commonwealth boards, commissions or agencies, or any member, officer or employee thereof, and the program: (i) shall have no responsibility for compliance by individuals with the conditions and other provisions of the Code that determine which individuals are eligible to make tax-favored contributions to IRAs, in what amount and in what time frame and manner; (ii) shall have no duty, responsibility or liability to any party for the payment of any benefits under the program, regardless of whether sufficient funds are available under the program to pay such benefits; (iii) do not and shall not guarantee any interest rate or other rate of return on or investment performance of any contribution or account balance; and (iv) are not and shall not be liable or responsible for any loss, deficiency, failure to realize any gain or any other adverse consequences, including, but not limited to, any adverse tax consequences or loss of favorable tax treatment, public assistance or other benefits incurred by any person as a result of participating in the program.

(2) The debts, contracts and obligations of the program shall not be considered the debts, contracts and obligations of the commonwealth, and neither the faith and credit nor the taxing power of the commonwealth shall be pledged directly or indirectly to the payment of the debts, contracts and obligations of the program.

(3) Participating employers shall not have any liability for an employee's decision to participate in, or opt out of, the program or for the investment decisions of the board or of any enrollee.

(4) A participating employer shall not be a fiduciary, or considered to be a fiduciary, over the program. A participating employer shall not bear responsibility for the administration, investment options or investment performance of the program. A participating employer shall not be liable with regard to investment returns, program design and benefits paid to program participants.

(h) All agencies of the commonwealth shall cooperate as requested by the state treasurer in the performance of their duties under this section, including, unless otherwise prohibited, the sharing of relevant data as the

parties shall mutually agree.

Section 64I. (a)(1) Each employer shall establish a payroll deposit retirement savings arrangement to allow each employee to participate in the program on a timeline set by the board.

(2) Employers shall automatically enroll each employee, who has not opted out of participation, in the program and shall provide payroll deduction retirement savings arrangements and deposit, on behalf of each such employee, these funds into the program.

(3) Employers shall retain the option at all times to set up any type of employer-sponsored retirement plan, including, but not limited to, a defined benefit plan, a 401(k), a Simplified Employee Pension (SEP) plan or a Savings Incentive Match Plan for Employees (SIMPLE) plan, instead of having a payroll deposit retirement savings arrangement to allow employee participation in the program.

(b)(1) Enrollees shall have the ability to: (i) select a contribution level into the fund; or (ii) opt out of participation in the program. The contribution level may be expressed as a percentage of wages or as a dollar amount up to the deductible amount for the enrollee's taxable year under section 219(b)(1)(A) of the Code. Enrollees may change their contribution level at any time and that election shall be honored as soon as administratively feasible. If an enrollee fails to select a contribution level using the form prescribed, the enrollee shall contribute the default contribution rate of 6 per cent, with an annual escalation of 1 per cent and up to 10 per cent, of their wages to the program.

(2) Enrollees may select an investment option from the permitted investment options available under the program. Enrollees may change their investment option at any time. If an enrollee fails to select an investment option, the enrollee shall be placed in a qualified default investment alternative specified by the program.

(3) An enrollee may terminate their participation in the program at any time in a manner prescribed by the program.

Section 64J. (a) An employer who fails without reasonable cause to enroll an employee, who has not elected out of participation, in the program within the time prescribed by the state treasurer, in consultation with the department, shall be subject to a penalty equal to:

(i) \$250 for each employee for each calendar year or portion of a calendar year during which the employee neither was enrolled in the program nor had elected out of participation in the program, and the employee or any appropriate official of the commonwealth may bring a civil action to require the employer to enroll the employee and shall recover such costs and reasonable attorney's fees as may be allowed by the court; and

(ii) for each calendar year beginning after the date a penalty has been assessed with respect to an employee, \$500 for any portion of that calendar year during which such employee continues to be unenrolled without electing out of participation in the program, and the employee or any appropriate official of the commonwealth may bring a civil action to require the employer to enroll the employee and shall recover such costs and reasonable attorney's fees as may be allowed by the court.

(b) No penalty shall be imposed under subsection (a) for any failure for which it is established that the employer, subject to liability for the penalty, did not know that the failure existed and exercised reasonable diligence to meet the requirements of this section or where:

(i) the employer subject to liability for the penalty exercised reasonable diligence to meet those requirements; and

(ii) the employer complies with those requirements with respect to each employee by the end of the 90-day period beginning on the first date the employer knew, or exercising reasonable diligence would have known, that the failure existed.

(c) In the case of a failure that is due to reasonable cause and not to willful neglect, all or part of the penalty may be waived to the extent that the payment of the penalty would be excessive or otherwise inequitable relative to the failure involved.

(d) If a participating employer fails to transmit a payroll deduction contribution to the program on the earliest date the amount withheld from the enrollee's compensation may reasonably be segregated from the participating employer's assets, but not later than the 15th day of the month following the month in which the enrollee's contribution amounts are withheld from their paycheck, the failure to remit such contributions on a timely basis shall be subject to the same sanctions as employer misappropriation of employee wage withholdings, including those pursuant to sections 148 and 150 of chapter 149 and to the penalties specified in subsection (a).

(e) Except as provided in this subsection, all information received by the department from returns filed by an employer or from any investigation conducted under this section shall be confidential, except for official purposes within the department or pursuant to official procedures for collection of penalties assessed under this section. Nothing contained in this section shall prevent the commissioner from publishing or making available to the public reasonable statistics concerning the operation of this section wherein the contents of returns are grouped into aggregates in such a way that the specific information of any employer shall not be disclosed. Nothing contained in this section shall prevent the commissioner from divulging information to an authorized representative of the employer or to any person pursuant to a request or authorization made by the employer or by an authorized representative of the employer.

(f) Civil penalties and fees collected under this section shall be deposited into the fund.

(g) The department may promulgate rules and regulations as necessary or proper for the administration and enforcement of this section.

And further amend the bill in section 17 by striking out the words "so appearing", in line 144, and inserting in place thereof the following words:- appearing in the 2022 Official Edition.

And further amend the bill by inserting after section 18 the following section:-

SECTION 18A. The definition of “Teacher” in said section 1 of said chapter 32, as so appearing, is hereby amended by adding the following sentence:- Any person who served in a position described above who is vested in the teachers’ retirement system or the Boston retirement system and is subsequently employed by the executive office of education or the department of elementary and secondary education shall retain the status of teacher and shall be considered as remaining in service in that capacity.

And further amend the bill by inserting after section 20 the following 2 sections:-

SECTION 20A. Paragraph (a) of subdivision (8) of section 3 of said chapter 32, as so appearing, is hereby amended by adding the following sentence:- A teacher who becomes employed at the executive office of education or the department of elementary and secondary education shall remain in the teachers’ retirement system or the Boston retirement system.

SECTION 20B. Said subdivision (8) of said section 3 of said chapter 32, as so appearing, is hereby further amended by adding the following 2 paragraphs:-

(e) An employee of the executive office of education or the department of elementary and secondary education who is a member of the state employees’ retirement system and who is reinstated in the teachers’ retirement system or the Boston retirement system pursuant to paragraph (a) shall not be deemed to have had an interruption of membership or service. Upon reinstatement, the member shall pay into the annuity savings fund of the teachers’ retirement system or the Boston retirement system in 1 sum, or in installments as the board may prescribe, makeup payments equal to the difference between the contributions paid to the state employees retirement system and the required contributions of the teachers’ retirement system or the Boston retirement system on all regular compensation received during the period of membership in the state employees’ retirement system.

(f) Notwithstanding the provisions of this chapter or any other general or special law to the contrary, a member who is reinstated in the teachers’ retirement system or the Boston retirement system pursuant to paragraph (a) shall be entered into the state employees’ retirement system as a group 1 state employee upon retirement.

And further amend the bill by inserting after section 21 the following 2 sections:-

SECTION 21A. Section 1 of chapter 55 of the General Laws, as amended by section 181 of chapter 238 of the acts of 2024, is hereby further amended by inserting before the definition of “Ballot question committee” the following definition:-

“Adult-care services”, care services provided to a candidate’s parent or other adult dependent, including, but not limited to, caregiving services by an individual or nonprofit or for-profit organization that provides such services and any other costs directly related to such services that occur as a result of campaign activities; provided, however, that expenses related to adult-care services shall not include payments to a family member, as defined in section 1 of chapter 50, of the parent or other adult dependent receiving care, unless the family member owns, operates or is employed by a professional caregiving service or a nonprofit or for-profit organization that provides adult-care services and the cost of the service is not greater than such family

member would otherwise charge.

SECTION 21B. Section 6 of said chapter 55 is hereby amended by inserting, after the word “services,” as inserted by section 182 of said chapter 238, the following words:- provision of adult-care services,.

And further amend the bill by inserting after section 64A, inserted by Consolidated A, the following section:-

SECTION 64B. (a) Notwithstanding paragraph (i) of subdivision (4) of section 5 of chapter 32 of the General Laws, an active or inactive member of the teachers’ retirement system or the Boston retirement system who: (i) is a teacher or school nurse; (ii) became eligible for membership in the teachers’ retirement system before July 1, 2001; (iii) began contributing to the teachers’ retirement system before July 1, 2001; and (iv) did not provide a written election to participate in the alternative superannuation retirement benefit program provided under said subdivision (4) to the teachers’ retirement system or the Boston retirement system before July 1, 2001 or at any other time prior to September 1, 2025, or declined to participate in the alternative superannuation retirement benefit program before July 1, 2001 or at any other time prior to September 1, 2025, shall have a new 1-time opportunity to elect to participate in the alternative superannuation retirement benefit program. A member entitled to make an election under this section shall have 180 days from the effective date of this act to make such election.

(b) A member who participates in the alternative superannuation retirement benefit program under this section shall make contributions at the rate of 11 per cent, pursuant to section 22 of chapter 32 of the General Laws, and may be required to provide make-up contributions at the rate of 11 per cent, upon such terms and conditions as the relevant retirement system may require, from the date that such member established membership in the teachers’ retirement system or the Boston retirement system.

(c) The teachers’ retirement system and the Boston retirement system shall notify eligible active or inactive members of the teachers’ retirement system and the Boston retirement system and shall provide information to school districts concerning the 1-time opportunity pursuant to subsection (a); provided, that the teachers’ retirement system and the Boston retirement system shall provide sufficient information pursuant to said subsection (a) and subsection (b) not later than 90 days after the effective date of this act.

And further amend the bill by inserting after section 66 the following section:-

SECTION 66A. (a) Upon implementation of the Massachusetts secure choice savings program established pursuant to section 64H of chapter 29 of the General Laws, inserted by section 16C, the Massachusetts secure choice savings board established pursuant to section 64G of said chapter 29, inserted by said section 16C, shall provide written confirmation to the department of revenue.

(b) Upon receipt of the notice pursuant to subsection (a), the department of revenue shall immediately make publicly available a notice informing employers of the requirements of the Massachusetts secure choice savings program. The notice shall inform employers that rather than enrolling employees in the program, employers may sponsor an alternative plan, including, but not limited to, a defined benefit plan, a 401(k) plan, a Simplified Employee Pension (SEP) plan or a Savings Incentive Match Plan for Employees (SIMPLE) plan.

(c) Notwithstanding section 64J of chapter 29 of the General Laws, inserted by section 16C, no penalty shall be assessed against an employer for noncompliance with section 64I of said chapter 29, inserted by said section 16C, until 1 year after the department of revenue issues the notice required pursuant to subsection (b).

And further amend the bill in section 71 by inserting after the figure “2025”, in line 577, the following words:- ; and provided further, that not less than \$3,500,000 shall be distributed to each regional transit authority based on the following formula: (i) 60 per cent based on total transit ridership as reported on the most recent certified national transit data base report; (ii) 30 per cent based on the population of its member communities from the most recent census; and (iii) 10 per cent based on service coverage area determined by the total square miles of its member communities.

And further amend the bill by inserting after section 80 the following section:-

SECTION 80A. The director of campaign and political finance shall promulgate regulations for the implementation of section 21B not later than October 1, 2025.