

Consolidated Amendment "B" to H4789

Consolidated Amendment B

Amendments: 1, 3, 7, 10, 11, 13, 19, 20, 24, 26, 30, 31, 35, 75, 77, 78, 79, 86, 88, 89, 91, 99, 104, 105, 106, 113, 115, 117, 123, 125, 133, 151, 161, 165, 167, 180, 182, 192, 197, 200, 230, 231, 243, 244, 247, 275, 276, 278, 299, 302, 304, 306, 312, 321, 324, 325, 328, 338, 343, 347, 348, 350, 351, 352, 353, 354, 358, 359, 360, 361, 362, 364, 369, 387, 390, 395, 400, 414, 416, 425, 449, 450, 463, 472, 473, 477, 480, 495, 498, 500, 501, 503, 505, 507, 508, 511, 519, 535, 538, 544, 559, 572, 574, 575, 576, 577, 581, 614, 621, 622, 625, 626, 629, 630, 641

Mr. Michlewitz of Boston and others move to amend H.4789 by inserting after section 7 the following 2 sections:-

SECTION 7A. Chapter 7 of the General Laws is hereby amended by striking out section 4I and inserting in place thereof the following section:-

Section 4I. There shall be within the executive office for administration and finance, but not under its supervision or control, a commission to be known as the civil service commission, consisting of 5 members, 1 of whom because of vocation, employment, occupation or affiliation, may be classified as a bona fide representative of labor and 2 of whom shall have prior experience serving as a town administrator, city manager, select board member or city councilor.

Upon the expiration of the term of office of a commissioner of the civil service commission, a successor shall be appointed by the governor for 5 years; provided, however, that if such successor is not appointed within 60 days of the expiration of the term of office of a commissioner, the said commissioner shall be deemed to be reappointed to a full term. Not more than 3 of such members of the commission shall be members of the same political party, and, of the members of the commission who are enrolled as members of a political party on the voting list used at the primaries, not more than a majority of such members shall be of the same political party. The governor shall, from time to time, designate 1 of the members as chair. The positions of chair and each other member of the commission shall be classified in accordance with section 45 of chapter 30 and the salaries shall be determined in accordance with section 46C of said chapter 30. The commissioners shall be reimbursed for their travel and other necessary expenses incurred in attending meetings.

Meetings of the commission shall be held at such time and location as it may determine and the commission shall meet upon the request of the personnel administrator. The commission shall in its rules of practice and procedure provide for the conduct of hearings throughout the commonwealth when it would best serve the interested parties.

The commission or any member thereof, or the personnel administrator may require, in connection with the activities authorized by law, any official or employee of the human resources division to give full information and to provide all papers and records relating to any official act performed by them.

SECTION 7B. Said chapter 7 is hereby further amended by inserting after section 4S, added by section 29 of chapter 7 of the acts of 2023, the following section:-

Section 4T. A position shall be established at the manager level under the supervision of the director of diversity and equal opportunity with the responsibility to promote diversity and equal opportunity in civil service employment throughout the commonwealth. The manager of civil service diversity, equity and inclusion shall be responsible for: (i) overseeing initiatives and addressing issues involving diversity, equity and inclusion in public

safety employment, with a particular focus on civil service municipalities and municipalities that have left the civil service system; and (ii) providing support to the commission on recruitment, hiring and retention of municipal police officers and firefighters in Massachusetts established by section 78 of chapter 31.

And further amend the bill in section 30 by inserting, in line 512, after the word “site” the following words:- ; provided, that for local review procedures the regulatory office shall consult with relevant municipal officials and regional planning agencies responsible for local review procedures.

And further amend the bill in section 33 by inserting, in line 661, after the word “corporations” the following words:- , regional planning agencies.

And further amend the bill in section 34 by striking out, in line 677, the word “revenue” and inserting in place thereof the following words:- net profit.

And further amend the bill by inserting after section 78 the following sections:-

SECTION 78A. Section 1 of chapter 31 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 to 6, inclusive, the words “personnel administrator of the human resources division within the executive office for administration and finance” and inserting in place thereof the following words:- agency head or chief human resources officer of the human resources division within the executive office for administration and finance or a delegated agent.

SECTION 78B. Said section 1 of said chapter 31, as so appearing, is hereby further amended by striking out, in lines 18 to 21, inclusive, the words “(e) assuring fair treatment of all applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, age, national origin, sex, marital status, handicap,” and inserting in place thereof the following words:- (e) notwithstanding potential remedies provided by any other laws that prohibit discrimination in employment, assuring fair treatment of all applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, age, national origin, sex, marital status, military status, disability, sexual orientation, gender identity.

SECTION 78C. Said section 1 of said chapter 31, as so appearing, is hereby further amended by striking out, in line 44, the words ““Department” or “division”” and inserting in place thereof the following word:- “Division”.

SECTION 78D. Said section 1 of said chapter 31, as so appearing, is hereby further amended by inserting after the definition “Departmental unit” the following definition:-

“Disability”, any condition or characteristic, physical or mental, which substantially limits one or more major life activities; or a record of such impairment; or the external manifestations of such impairment.

SECTION 78E. Said section 1 of said chapter 31, as so appearing, is hereby further amended by inserting after the word “examination”, in line 71, the following words:- , where required by the rules of the administrator,.

SECTION 78F. Said section 1 of said chapter 31, as so appearing, is hereby further amended by striking out, in line 82 to 85, inclusive, the definition of “Handicap”.

SECTION 78G. Said section 1 of said chapter 31, as so appearing, is hereby further amended, by striking out, in lines 94 and 95 the words “six or section twenty-eight” and inserting in place thereof the following words:- 6, 6D or 28.

SECTION 78H. Subsection (b) of section 2 of said chapter 31, as so appearing, is hereby amended by striking out the third and fourth paragraphs and inserting in place thereof the following 2 paragraphs:-

The appeal shall be accompanied by such form as the commission may prescribe containing a statement of the allegations that form the basis of the aggrieved person’s appeal with specific reference to the provisions of this chapter or the rules of the administrator or basic merit principles that have been violated, together with an explanation of how the person has been harmed.

Hearings on any appeal pending before the commission may be held before any member thereof, who shall report their findings of fact and recommendations to the commission for its action. Alternatively, the chair of the commission may appoint as hearing officer any other disinterested person who is experienced in adjudication or well-versed in the provisions of this chapter; provided, that upon the conclusion of any such hearing, and consistent with the provisions governing tentative decisions set forth in the Standard Adjudicatory Rules of Practice and Procedure, the assigned hearing officer shall report their findings of fact and recommendations to the commission for its action.

SECTION 78I. Said section 2 of said chapter 31, as so appearing, is hereby further amended by inserting after the figure “31A”, in line 49, the following words:- or this chapter.

SECTION 78J. Said section 2 of said chapter 31, as so appearing, is hereby further amended by striking out subsections (d) to (g), inclusive, and inserting in place thereof the following 5 subsections:-

(d) To hear and decide appeals concerning performance evaluations or performance audits conducted by the administrator, as provided by this chapter or chapter 31A.

(e) To award reasonable attorneys’ fees and costs up to \$25,000 to an appellant who prevails in an appeal brought under this chapter, upon an express finding of either bad faith on the part of the appointing authority or an egregious or willfully repeated violation of this chapter, unless special circumstances would render such an award in full unjust.

(f) To recommend any proposed rule changes to the administrator it feels would be consistent with basic merit principles outlined in this chapter and would be in the public interest.

(g) To adopt such rules of procedure as necessary for the conduct of its proceedings.

(h) To close all or a portion of a hearing or proceeding conducted by the commission pursuant to this chapter, and to make such orders deemed necessary to protect the privacy of a person’s health or other acutely sensitive or confidential information.

SECTION 78K. Section 4 of said chapter 31, as so appearing, is hereby amended by striking out, in lines 12 and 13 and 27, the words “in one or more newspapers” and inserting in place thereof the following words:- on the websites of the administrator and the commission.

SECTION 78L. Said section 4 of said chapter 31, as so appearing, is hereby further amended by inserting after the word “copy”, in line 23, the following words:- or transmit the entire revised set of rules via electronic media.

SECTION 78M. Section 5 of said chapter 31, as so appearing, is hereby amended by striking out, in line 30, the words “handicapped persons” and inserting in place thereof the following words:- persons with disabilities.

SECTION 78N. Said section 5 of said chapter 31, as so appearing, is hereby further amended by striking out, in line 33, the word “handicapped” and inserting in place thereof the following words:- persons with disabilities.

SECTION 78O. Section 6 of said chapter 31, as so appearing, is hereby amended by striking out, in lines 10 and 11, the words “twenty-six, forty, forty-seven, fifty-six, and sixty” and inserting in place thereof the following words:- 6D, 26, 40, 47, 56 and 60.

SECTION 78P. Section 6A of said chapter 31, as so appearing, is hereby amended by striking out, in line 15, the word “department” and inserting in place thereof the following word:- division.

SECTION 78Q. Said chapter 31 is hereby further amended by inserting after section 6C the following section:-

Section 6D. Notwithstanding any general or special law to the contrary, the administrator may approve the original appointments of a municipal appointing authority sanctioned by sections 59A, 59B or 59C; provided, that the administrator’s role in facilitating such alternative original appointments shall not serve as the predicate for any claim asserted against the administrator under chapter 151B.

SECTION 78R. Section 6D of said chapter 31, as inserted by section 78Q, is hereby repealed.

SECTION 78S. Section 20 of said chapter 31, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 5 and 6, the words “not exceeding ten dollars,”.

SECTION 78T. Said section 20 of said chapter 31, as so appearing, is hereby further amended by striking out the second through fourth paragraphs, inclusive.

SECTION 78U. The fourth paragraph of section 21 of said chapter 31, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The administrator shall notify the Massachusetts commission against discrimination when it issues a certification with this limitation.

SECTION 78V. Said section 21 of said chapter 31, as so appearing, is hereby further amended by adding the following paragraph:-

The administrator may limit eligibility to appear on a certification for an original appointment to persons who are fluent in a specified foreign language commonly spoken among the constituency to be served if the appointing authority requests such limitation in its requisition. For public safety departments that have entered into an agreement with the administrator to facilitate alternative pathway appointments under section 59A, at the end of the hiring cycle as defined by such agreement, any appointment to a municipal public safety position that resulted in the non-selection of another candidate entitled to a preference under section 26 and such other candidate would have been appointed but for the limitation of the special certification requiring foreign language fluency, the appointment shall be deemed by the local appointing authority to be pursuant to sections 59A and 59D if said restriction on the basis of foreign language fluency yielded an appointment of a candidate not entitled to any statutory preference.

SECTION 78W. Section 24 of said chapter 31, as so appearing, is hereby amended by inserting after the word “questions”, in lines 3 to 4, the following words:- or training and experience sheet.

SECTION 78X. Said section 24 of said chapter 31, as so appearing, is hereby further amended by striking out, in line 14, the words “, within thirty days,” and inserting in place thereof the following words:- shall forthwith.

SECTION 78Y. Section 25 of said chapter 31, as so appearing, is hereby amended by striking out, in line 21, the words “last examination taken” and inserting in place thereof the following words:- highest examination score achieved.

SECTION 78Z. Said section 25 of said chapter 31, as so appearing, is hereby further amended by striking out, in line 51, the words “shall nullify an appointment of such person” and inserting in place thereof the following words:- may, in the administrator’s discretion, nullify an appointment of such person; provided, however, that the name of a person who has been certified to an appointing authority for an entry-level position and who is under consideration for appointment shall remain in effect until the hiring process is completed by the appointing authority and any notice of appointment submitted to the administrator.

SECTION 78AA. Section 27 of said chapter 31, as so appearing, is hereby amended by inserting after the word “accept”, in line 3, the following words:- a promotional.

SECTION 78BB. Said section 27 of said chapter 31, as so appearing, is hereby further amended by striking out, in line 5, the word “If” and inserting in place thereof the following words:- In the case of either an original or promotional vacancy, if.

SECTION 78CC. The first paragraph of said section 27 of said chapter 31, as so appearing, is hereby further amended by adding the following sentence:- If the administrator or an appointing authority delegated by the administrator, applying the formula for original appointments set out in the rules of the administrator, certifies from an eligible list the names of persons who are qualified and willing to accept an original appointment, the appointing authority, pursuant to the civil service law and rules, may appoint only from among such persons; provided, however, that for each such person, if any, who is bypassed or rejected as not being in compliance with applicable entrance requirements or who withdraws from the application process, the appointing authority may appoint from among a group that includes the next highest-ranked person on the

certification; and provided further, that the administrator or an appointing authority delegated by the administrator shall not include the name of any person who has been so bypassed or rejected on any future certification from the same original appointment eligible list unless directed to do so by the commission.

SECTION 78DD. Said section 27 of said chapter 31, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

If an appointing authority makes an original or promotional appointment from a certification of any qualified person other than the qualified person whose name appears highest, and the person whose name ranks highest on the certification is willing to accept such appointment, the appointing authority shall immediately provide to the person who ranked highest a written statement of the reasons for appointing the person whose name was not highest and such appointment shall be effective only when such statement of reasons has been provided. This written statement shall notify the bypassed individual of their right to appeal to the commission, should the reasons proffered not be deemed by the individual sound and sufficient, within 60 days of issuance of the statement of reasons. In response to a public records request, the appointing authority shall make a copy of such statement available for inspection.

SECTION 78EE. Section 33 of said chapter 31, as so appearing, is hereby amended by striking out, in lines 5 to 6, the word “department” and inserting in place thereof the following word:- departmental.

SECTION 78FF. Section 41A of said chapter 31, as so appearing, is hereby amended by striking out, in line 4, the word “chairman” and inserting in place thereof the following word:- chair.

SECTION 78GG. The first paragraph of section 42 of said chapter 31, as so appearing, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- If the commission finds that the appointing authority has failed to follow said requirements and that the rights of said person have been prejudiced thereby, the commission may order the appointing authority to restore said person to employment immediately with or without loss of compensation or other rights.

SECTION 78HH. The first paragraph of section 43 of said chapter 31, as so appearing, is hereby amended by striking out the first 2 sentences and inserting in place thereof the following 2 sentences:- If a person aggrieved by a decision of an appointing authority made pursuant to section 41 shall, within 10 days after receiving written notice of such decision, appeal in writing to the commission, they shall be given a preliminary hearing before a member of the commission or some other disinterested person designated by the chair of the commission. The preliminary hearing shall occur within 60 days after docketing the appeal and, if required, a full evidentiary hearing shall commence within 180 days after docketing the appeal, unless the parties otherwise agree or unless a commission member determines, as a matter of discretion, that a continuance is necessary.

SECTION 78II. The second paragraph of said section 43 of said chapter 31 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- If the commission by a preponderance of the evidence determines that there was just cause for an action taken against such person, it shall affirm the action of the appointing authority and deny the appeal; provided, however, that if the commission does not so determine, it shall reverse the action and allow the appeal, in whole or in part, and the person concerned may be returned to their position with or without loss of compensation or other benefits and subject to such other orders as the commission may deem appropriate to restore and protect the rights provided to such person under this chapter; provided, further, that if the preponderance of the evidence establishes that the action was based upon harmful error in the application of the appointing authority’s procedure, an error of law or upon any factor or conduct on the part of the employee not reasonably related to the fitness of the employee to

perform in the position, the commission shall allow the appeal, in whole or in part, and the person concerned may be returned to their position with or without loss of compensation or other benefits.

SECTION 78JJ. Section 45 of said chapter 31, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Each aggrieved individual who has prevailed in any appeal brought under this chapter shall be reimbursed by the local appointing authority or, if aggrieved by action or inaction of a state official, by the comptroller of the commonwealth, the following expenditures: (i) the filing fee paid to the commission; (ii) an amount not to exceed \$1,500 for attorneys' fees actually incurred in conjunction with each of the following: (A) an appointing authority hearing; (B) a hearing before the commission; and (C) an action for judicial review pursuant to section 44; and (iii) an amount not to exceed \$500 for summons to witnesses and any other expenses actually incurred in such successful appeal. In addition to the amounts stated above, the commission may award such additional reasonable attorneys' fees and costs up to \$25,000 to an appellant who prevails in an appeal brought under this chapter, upon an express finding of either bad faith on the part of the appointing authority or an egregious or willfully repeated violation of this chapter, unless special circumstances would render such additional award unjust.

SECTION 78KK. Section 47A of said chapter 31, as so appearing, is hereby amended by striking out, in line 50, the word "handicapped" and inserting in place thereof the following word:- disabled.

SECTION 78LL. Section 48 of said chapter 31, as so appearing, is hereby amended by striking out, in line 38, the word "selectmen" and inserting in place thereof the following words:- select boards.

SECTION 78MM. Said section 48 of said chapter 31, as so appearing, is hereby further amended by striking out, in line 74, the word "men" and inserting in place thereof the following word:- persons.

SECTION 78NN. Section 53 of said chapter 31, as so appearing, is hereby amended by striking out, in line 17, the words "board of selectmen" and inserting in place thereof the following words:- select board.

SECTION 78OO. Section 58 of said chapter 31, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following 3 paragraphs:-

No applicant for examination for original appointment to the police force or fire force of a city or town shall be required, by rule or otherwise, to be a resident of such city or town at the time of filing an application for examination. If any person who has resided in a city or town for 1 year immediately prior to the date of examination for original appointment to the police force or fire force of the city or town has the same standing on the eligible list established as the result of the examination as another person who has not resided in the city or town, the administrator, when certifying names to the appointing authority for the police force or the fire force of the city or town, shall place the name of the person who has so resided ahead of the name of the person who has not so resided; provided, that upon written request of the appointing authority to the administrator, the administrator shall, when certifying names from the eligible list for original appointment to the police force or fire force of a city or town, place the names of all persons who have resided in the city or town for 1 year immediately prior to the date of examination ahead of the name of any person who has not so resided; provided further, that any applicant who earned a high school diploma from a public school located within the geographical confines of the city or town or so resided in the city or town when they received their public high

school diploma shall have the same claim to preferential placement on the certification as those persons who have resided in the city or town for 1 year immediately prior to the date of examination.

In the case of a municipality, with a population of less than 75,000 inhabitants, seeking to draw from a regional pool of candidates, the administrator may, upon written request of the hiring authority, when certifying names from the eligible list for original appointment, place the names of all persons who have resided in another municipality within 10 miles of the perimeter of the requisitioning municipality ahead of the name of any person who has not so resided in or adjacent to the requisitioning municipality. In the case of a municipality with a population of greater than 75,000 inhabitants, a public safety department appointing authority from that city and its counterpart from any other municipality may jointly petition the administrator to include on the portion of the eligible list of individuals seeking original appointment that are preferred on the basis of residency the names of candidates residing in those specifically-identified municipalities if the city appointing authority is so authorized to petition for expansion of the residency preference by a vote of the legislative body of the hiring municipality. Whenever the residency preference to be applied to eligible lists extends beyond the perimeter of the requisitioning municipality, the administrator shall specify the contours of the preference-eligible geographical zone on the administrator's website. Thereafter, upon written request of the appointing authority to the administrator, the administrator shall, when certifying names from an eligible list for original appointment to the police or fire force of the municipality, place the names of all persons who satisfy the published criteria for residency preference ahead of the name of any person who does not satisfy the criteria.

Notwithstanding the provisions of any general or special law to the contrary, any person who receives an appointment to the police force or fire force of a city or town shall within 9 months after appointment establish residence within such city or town or at any other place in the commonwealth that is within 10 miles of the perimeter of such city or town; provided, however, that a city or town may increase the 10-mile residency limit under a collective bargaining agreement negotiated under chapter 150E.

SECTION 78PP. Section 59 of said chapter 31, as so appearing, is hereby amended by striking out, in lines 6 to 7, the words "sixty and by sections thirty-six and thirty-six A of chapter forty-eight" and inserting in place thereof the following words:- 59A, 60 and by sections 36 and 36A of chapter 48.

SECTION 78QQ. Said section 59 of said chapter 31, as so appearing, is hereby further amended by striking out, in lines 12 and 14, the word "four", both times it appears, and inserting in place thereof, in each instance, the following figure:- 2.

SECTION 78RR. Said section 59 of said chapter 31, as so appearing, is hereby further amended by striking out, in line 18, the words "one year after certification" and inserting in place thereof the following words:- 1 year after appointment and performance of the job duties.

SECTION 78SS. Said chapter 31 is hereby further amended by inserting after section 59 the following 4 sections:-

Section 59A. (a) Notwithstanding the provisions of any general or special law to the contrary, the administrator may authorize an appointing authority to create its own registers of entry-level municipal police and firefighter candidates after the appointing authority has entered into a written agreement with the administrator to adhere in the hiring process to basic merit principles and to commit to recruiting and considering candidates of diverse backgrounds, and upon submission of an anti-nepotism, anti-patronage and anti-favoritism policy acceptable to the administrator.

(b) An appointing authority that has entered into a written agreement with the administrator pursuant to subsection (a) may designate candidates to appear on a local public safety register from which candidates may be considered for original appointment to permanent police officer or firefighter. Sections 26 and 27 shall not apply to candidates designated by the appointing authority to be considered from the local public safety register.

(c) A candidate may be appointed as a permanent police officer from a local public safety register without having first passed the entry examination required by section 6 if they meet the minimum educational attainment and age requirements for appointment set forth in the second paragraph of section 58 and the health and physical fitness standards set forth in section 61A, and also satisfy 1 of the following conditions: (i) future successful completion of a prescribed course of study at a police academy approved by the municipal police training committee pursuant to section 96B of chapter 41; (ii) receipt of a passing mark, within the past 5 years, on: (A) a civil service examination for police officer administered by the administrator; (B) a qualifying examination administered by the appointing authority that has been validated by a test-development expert and that tests the knowledge, skills and abilities to perform the primary or dominant duties of the position; or (C) any other examination approved by the administrator in consultation with individuals deemed to be subject matter experts in the policing profession; (iii) current service in the commonwealth as a salaried police officer certified by the peace officer standards and training commission; (iv) graduation within the past 5 years from a police academy approved by the municipal police training committee; or (v) receipt of a waiver from the municipal police training committee excusing the named candidate from further academy training.

(d) No individual appointed as a police officer may perform the duties of a sworn police officer prior to completion of the prescribed course of study approved by the Massachusetts police training committee pursuant to section 96B of chapter 41 or receipt of a waiver of such training requirement from the committee.

(e) A candidate may be appointed from a local public safety register as a permanent firefighter without having first passed the entry examination required by section 6 if they meet the minimum educational attainment and age requirements for appointment set forth in the second paragraph of section 58 and the health and physical fitness standards set forth in section 61A, and satisfy 1 of the following conditions: (i) prior or proximately anticipated graduation from a fire academy, or anticipated completion within the next 12 months of another prescribed course of study culminating in certification, approved by the Massachusetts fire training council pursuant to section 165 of chapter 6; (ii) receipt of a passing mark, within the past 5 years, on: (A) a civil service examination for firefighter administered by the administrator; (B) a qualifying examination administered by the appointing authority that has been validated by a test-development expert and that tests the knowledge, skills and abilities to perform the primary or dominant duties of the position; or (C) any other examination approved by the administrator in consultation with individuals deemed to be subject matter experts in the firefighting profession; or (iii) current service, for a minimum of 6 months, in the commonwealth as a salaried firefighter; or (iv) past service as a salaried firefighter in another jurisdiction together with certification acceptable to the Massachusetts fire training council.

(f) In all cases, whether involving either police or fire position candidacies under this section, no appointment shall be deemed effective for civil service purposes until notification of same to the administrator in a manner prescribed by the administrator. Nothing in this section regarding the appointment of candidates from a local public safety register shall be construed to apply to any municipal public safety personnel ranked above the entry-level position of police officer or firefighter.

(g) Upon investigation and substantiation by the commission of allegations that an appointing authority has violated material terms of the written agreement entered into with the administrator, the commission, in consultation with the administrator, may order modifications, suspension or termination of the agreement.

Section 59B. (a) Notwithstanding any general or special law to the contrary, the administrator may authorize an appointing authority to establish an entry-level police cadet program leading to civil service tenure. The cadet program shall be established by the appointing authority, in accordance with basic merit principles and section 21A of chapter 147, except that a person appointed as a police cadet shall not be required to reside in the municipality making the appointment and may be of any age once the person's eighteenth birthday has transpired. Cadet program requirements shall be approved by both the administrator and an authorized designee of the municipal police training committee established in section 116 of chapter 6. A cadet shall not be subject to or entitled to the benefits of any retirement or pension law nor shall any deduction be made from their compensation for the purpose thereof, but a cadet who satisfies all prerequisites for appointment to the police force of such city or town, and is appointed a permanent full-time police officer, shall have their police cadet service considered as creditable service for purposes of retirement, provided the person pays into the annuity savings fund of the retirement system such amount as the retirement board determines equal to that which they would have paid had they been a member of the retirement system during the period of training as a police cadet.

(b) A cadet may be appointed to fill a vacancy in a position in the lowest grade of a municipal police force through a cadet appointment without certification from an eligible list. In order to maintain cadet-appointment status, the cadet shall pass a qualifying exam and be a member in good standing in the appointing authority-sponsored cadet program for a time period specified by the administrator but not less than 12 months. Upon successful completion of the cadet program and contingent upon graduation from a police academy approved by the municipal police training committee, the appointing authority may effectuate a civil service appointment of the cadet to the permanent police force via notification to the administrator. The appointee shall then serve the probationary period specified in section 61 before gaining tenure status. The appointing authority shall report in writing to the administrator any such permanent original appointment.

Section 59C. (a) Notwithstanding any general or special law to the contrary, any person who has completed not less than 24 months of service as a fire cadet may, subject to a program established by the head of the fire department as defined in section 1 of chapter 148, on behalf of a municipality accepting of the provisions of this chapter, which program has been approved by both the administrator and the Massachusetts fire training council established in section 164 of chapter 6, be appointed to fill a vacancy in a position in the lowest grade in the civil service fire force of the city or town without certification from an eligible list prepared under this chapter; provided, however, that such person shall be on a fire entrance eligible list prepared under this chapter or shall have passed another qualifying examination approved by the administrator.

(b) Any change in working conditions for incumbent firefighters directly precipitated by the employment of fire cadets shall trigger the bargaining obligations set forth in section 6 of chapter 150E. A cadet shall not be subject to or entitled to the benefits of any retirement or pension law nor shall any deduction be made from their compensation for the purpose thereof; provided, however, that a cadet who satisfies all prerequisites for appointment to the firefighting force of such city or town, and is appointed a permanent full-time firefighter, shall have their fire cadet service considered as creditable service for purposes of retirement; provided further, that the cadet pays into the annuity savings fund of the retirement system such amount as the retirement board determines equal to that which they would have paid had they been a member of the retirement system during the period of training as a fire cadet.

Section 59D. The percentage of candidates appointed to a permanent position from a local public safety service register or a cadet program, pursuant to sections 59A through 59C, inclusive, shall not exceed, in the aggregate, more than 50 per cent of the appointing authority's overall appointments to the entry-level police and firefighter ranks during the time period established by the written agreement consummated between the administrator and the appointing authority that authorizes the alternative appointment methodologies permitted by this chapter.

SECTION 78TT. Sections 59A, 59C and 59D of chapter 31 of the General Laws, inserted by section 78SS, are hereby repealed.

SECTION 78UU. Section 60A of said chapter 31, as appearing in the 2022 Official Edition, is hereby amended by striking out, in line 4, the word “selectmen” and inserting in place thereof the following words:- select board.

SECTION 78VV. Section 61 of said chapter 31, as so appearing, is hereby amended by adding the following sentence:- Unless otherwise provided by civil service rule, and with appropriate adjustments to the timing of performance evaluations called for therein, the second paragraph of section 34 shall apply to persons covered by this section.

SECTION 78WW. Section 63 of said chapter 31, as so appearing, is hereby amended by striking out, in line 25, the word “handicapping” and inserting in place thereof the following word:- disabling.

SECTION 78XX. Section 65 of said chapter 31, as so appearing, is hereby amended by striking out, in lines 8 and 10, the word “four”, both times it appears, and inserting in place thereof, in each instance, the following figure:- 2.

SECTION 78YY. Said section 65 of said chapter 31, as so appearing, is hereby further amended by adding the following paragraph:-

Unless otherwise provided by civil service rule, and with appropriate adjustments to the timing of performance evaluations called for therein, the second paragraph of section 34 shall apply to persons covered by this section.

SECTION 78ZZ. Section 67 of said chapter 31, as so appearing, is hereby amended by striking out, in lines 6 to 7, the words “and the seniority of such employee as determined pursuant to section thirty-three” and inserting in place thereof the following words:- , the seniority of such employee as determined pursuant to section 33 and available demographic data, in aggregate form, regarding the complement of civil service employees in each department.

SECTION 78AAA. Said section 67 of said chapter 31, as so appearing, is hereby further amended by inserting after the word “the”, in line 21, the following words:- commission or the.

SECTION 78BBB. Said section 67 of said chapter 31, as so appearing, is hereby further amended by striking out, in lines 23 to 24, the words “one hundred dollars” and inserting in place thereof the following figure:- \$500.

SECTION 78CCC. The second paragraph of section 72 of said chapter 31, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- After conducting an inquiry pursuant to this paragraph, the commission or administrator may recommend to or order the appointing authority that such employee be removed or may make other appropriate recommendations or orders.

SECTION 78DDD. Said section 72 of said chapter 31, as so appearing, is hereby further amended by inserting after the word “witnesses”, in line 18, the following words:- , demand to inspect documents.

SECTION 78EEE. Section 73 of said chapter 31, as so appearing, is hereby amended by inserting after the word “of”, in line 1, the following words:- the commission or the.

SECTION 78FFF. Section 74 of said chapter 31 is hereby amended by striking out the third and fourth paragraphs and inserting in place thereof the following 2 paragraphs:-

No person making an appointment to any civil service position shall receive or consider a recommendation of an applicant for such appointment given by any member of the general court, board of alders or city council, except as to the character or residence of the applicant.

Any person who has been elected to public office by popular vote or by the board of alders or city council of a city or the select board of a town shall not be eligible to be designated as a representative of civil service.

SECTION 78GGG. Said chapter 31 is hereby further amended by striking out section 75 and inserting in place thereof the following section:-

Section 75. No person shall deny or interfere with the right of civil service employees employed by any city or town to petition, individually or collectively, the city or town government or any member thereof, to furnish information to the mayor, city or town manager, city council, board of alders or select board or to appear before any committee of such council or boards, or deny or interfere with the right of any civil service employees to petition, individually or collectively, the general court or any member thereof, to furnish information to either branch of the general court, or to appear before any of its committees, or to furnish information to, or cooperate with, law enforcement authorities. This section shall not be construed to authorize an employee who is not on leave to be absent from employment without permission during regular working hours.

SECTION 78HHH. Section 77 of said chapter 31, as appearing in the 2022 Official Edition, is hereby amended by inserting after the word “The”, in line 1, the following words:- commission or the.

SECTION 78III. Said chapter 31 is hereby further amended by adding the following section:-

Section 78. (a) There shall be a permanent commission on recruitment, hiring and retention of municipal police officers and firefighters in the commonwealth to be co-chaired by 1 member appointed by the speaker of the house of representatives, 1 member appointed by the president of the senate and 1 member appointed by the governor; and consisting of the following members or their designees: the chairs of the joint committee on public service and the chairs of the joint committee on public safety and homeland security, who may serve as vice chairs of the commission; the secretary of administration and finance; the chief human resources officer for the commonwealth; the chair of the civil service commission; the attorney general; the secretary of public safety and security; the chair of the Massachusetts peace officer standards and training commission; the executive director of the municipal police training committee; the president of the Massachusetts Chiefs of Police Association; the president of the Massachusetts major city chiefs of police; the chair of the Massachusetts Law Enforcement Policy Group, Inc.; a representative of police officers selected by the co-chairs from candidates recommended

from a major federation of police officer unions in the commonwealth; a member of a correctional officers' union; the president of the Massachusetts Association of Minority Law Enforcement Officers, Inc.; the president of the Massachusetts Association of Women in Law Enforcement, Inc.; the chair of the Massachusetts fire training council; the state fire marshal; the president of the Fire Chiefs' Association of Massachusetts, Inc.; the president of the professional firefighters association of Massachusetts; the secretary of veterans affairs; the president of the Massachusetts veteran service agents; the commander of the disabled veterans of Massachusetts; the executive director of the Massachusetts Municipal Association, Inc.; the president of the Massachusetts Mayors' Association, Inc.; the chair of the Massachusetts municipal human resources association; the executive director of the Massachusetts chapter of the ACLU; the president of the Boston chapter of the NAACP's New England conference; and the chair of the Massachusetts commission against discrimination.

(b) The co-chairs may appoint a steering committee and subcommittees to carry out the mandate of the commission. Members of the commission shall be subject to chapter 268A as it applies to special state employees and shall receive no compensation for their services.

(c) The commission shall be a resource to the commonwealth and municipalities on issues related to the recruitment, hiring and retention of highly qualified candidates of diverse backgrounds for municipal police officer and firefighter positions across Massachusetts. In support of this objective, the commission may: (i) obtain, interpret, and apply current research and evaluation data, including information reported pursuant to section 67, to program initiatives and policy development and identify and advocate for solutions to address gaps in strategies for employment of highly qualified and diverse municipal public safety personnel; and (ii) recommend measures to increase, where appropriate, representation within municipal public safety departments of historically under-represented populations, including females and persons of color, and monitor the compliance by municipal public safety departments with any commitments they may have entered into to diversify their workforces.

(d) The commission may examine and evaluate the implementation of all reforms related to the recruitment, hiring and retention of municipal police officers and firefighters in the commonwealth made by the special legislative commission to study and examine the civil service law, personnel administration rules, hiring procedures and by-laws for municipalities not subject to the civil service law and state police hiring practices, established in section 107 of chapter 253 of the acts of 2020, by: (i) studying, reviewing and reporting on: (A) the hiring outcomes of any civil service appointments facilitated by sections 59A through 59C, inclusive; (B) the hiring outcomes of reforms made to civil service residency preference provisions of section 58; and (C) the hiring outcomes of any other civil service reforms implemented, including, but not limited to, the increased frequency of civil service examinations and the lowering of examination fees; and (ii) making recommendations: (A) to ensure that adopted reforms are being implemented consistent with the intent of the special legislative commission; and (B) for further legislation in furtherance of the commission's mandate.

(e) The commission may examine and evaluate all aspects of the recruitment, hiring and retention of municipal police officers and firefighters in all municipalities in the commonwealth and make pertinent recommendations to agencies and officers of the commonwealth and local subdivisions of government not governed by this chapter that advance basic merit principles in the recruitment, hiring and retention of highly qualified police officers and firefighters of diverse backgrounds across the commonwealth.

(f) The commission may obtain from all state agencies and municipalities such information and assistance as the commission may require.

(g) Not later than July 1 of each year, the commission shall submit an annual report on its activities and findings, including any recommendations, to the governor, the clerks of the house of representatives and the senate, the

joint committee on public service and the joint committee on public safety and homeland security.

And further amend the bill by inserting after section 121 the following 7 sections:-

SECTION 121A. Chapter 112 of the General Laws is hereby amended by inserting after section 91 the following section:-

Section 91A. (a) For the purposes of this section, “preceptor chiropractor” shall mean a registered chiropractor authorized to practice chiropractic in the commonwealth who is: (i) designated by an approved chiropractic school or college as an instructor; and (ii) the chiropractor of record at the chiropractic facility to which a student extern is assigned.

(b) An individual that is a current student enrolled in the final academic year at a chiropractic school or college approved by the board may practice the full scope of chiropractic under the direct supervision of a preceptor chiropractor; provided, that the student extern shall have: (i) completed all academic and clinical class requirements for the degree of doctor of chiropractic from a chiropractic school or college approved by the board; and (ii) passed at least 3 of the 4 levels of the examinations administered by the National Board of Chiropractic Examiners.

(c) The student extern shall practice under the direct supervision and license of the preceptor chiropractor and shall not be authorized to sign legal documents generally signed by the preceptor chiropractor; provided, however, that the board, in its discretion, may authorize a student extern to practice chiropractic pursuant to this section at more than 1 chiropractic facility. An individual may be authorized by the board to practice chiropractic as a student extern for not less than 4 weeks and not more than 16 weeks during the student’s final academic year.

SECTION 121B. Section 131 of said chapter 112, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 6 and 7, the words “has passed an examination prepared by the board for this purpose;”.

SECTION 121C. Said section 131 of said chapter 112, as amended by section 121A, is hereby further amended by inserting after the words “educational institution” the following words:- has passed an examination prepared by the board for this purpose.

SECTION 121D. Section 132 of said chapter 112, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words “Examinations for licensed certified social workers, including those in independent clinical practice” and inserting in place thereof the following words:- Examinations for licensed independent clinical social workers.

SECTION 121E. Said section 132 of said chapter 112, as amended by section 121C, is hereby further amended by striking out the words “Examinations for licensed independent clinical social workers” and inserting in place thereof the following words:- Examinations for licensed certified social workers, including those in independent clinical practice.

SECTION 121F. Said chapter 112 is hereby further amended by inserting after section 135C the following section:-

Section 135D. (a) To ensure a stable, diverse workforce of licensed social workers in the commonwealth and to provide for increased support and retention of practicing licensed social workers, the executive office of health and human services shall establish and administer a field placement grant program. The program shall, subject to appropriation, provide grant funding to designated recipients with a specific focus on recruiting and retaining students obtaining a master's of social work from historically marginalized and low-income communities. Funds to establish this program shall be allocated from state, federal or other dedicated resources, including, but not limited to, existing trust funds.

(b)(1) Eligible applicants shall attend a school of social work master's program located in the commonwealth and accredited by the Council on Social Work Education.

(2) Applicants shall submit:

(i) applicant demographic background information, including, but not limited to, race, ethnicity, geographic location in the commonwealth and date of birth for purposes of data collection;

(ii) applicant's school of social work, type of master's program and grade point average;

(iii) a stated and signed commitment to working in commonwealth post-graduation for at least 2 years; and

(iv) a 1-page statement on the importance of this stipend to the applicant and how the grant will support their educational goals and the workforce needs of the commonwealth.

(3) Applicant data, including application details submitted, shall be tracked by the executive office to evaluate program efficacy.

(c) The field placement grant program shall prioritize first-generation college students and students from underrepresented communities in the social worker profession. Applications shall be submitted and considered on a rolling basis beginning January 1 and ending March 1 of each year. Recipients of stipends shall be notified not later than April 15.

(d) Stipends shall be allocated as follows:

(i) a current master's of social work student in good standing completing their first-year field placement of 16 hours per week shall be eligible for a monthly stipend of \$1,000, not to exceed \$8,000 annually;

(ii) a current master's of social work student in good standing completing their second-year field placement of 24 hours per week shall be eligible for a monthly stipend of \$2,000, not to exceed a total of \$16,000 annually; and

(iii) advanced standing students who are only required to conduct 1 field placement shall be eligible for the second-year field placement stipend pursuant to clause (ii).

SECTION 121G. Section 136 of said chapter 112, as appearing in the 2022 Official Edition, is hereby amended by inserting after the fourth paragraph the following paragraph:-

Licensed independent clinical social workers engaged in independent clinical practice who provide 1-on-1 supervision to a licensed certified social worker, master's of social work intern or bachelors of social work intern, shall be eligible to receive up to 8 continuing education credits during a licensing period.

And further amend the bill in section 124 by striking out, in lines 2245 to 2251, inclusive, the words "(b) on any day during the calendar year, unlimited harness horse racing, except during live racing performances of the harness horse racing licensee located in Norfolk county; and (c) on any day during the calendar year prior to 5:30 p.m., a total of 4 greyhound racing performances, including the racing performance of the Bristol county greyhound racing licensee, when available within the authorized time, which shall be mandatory, and shall pay a fee of 3 per cent for the racing performances to the Bristol county greyhound racing licensee, and 3 interstate greyhound dog racing simulcasts" and inserting in place thereof the following words:- and (b) on any day during the calendar year, unlimited harness horse racing, except during live racing performances of the harness horse racing licensee located in Norfolk county.

And further amend the bill by inserting after section 124 the following section:-

SECTION 124A. Said chapter 128C is hereby further amended by adding the following section:-

Section 10. (a) Notwithstanding sections 1 to 8, inclusive, or any other general or special law to the contrary, no racing meeting licensee, including licensees holding racing meetings in connection with a state or county fair as defined in section 1 of chapter 128A, shall be required to pay any fees or other money into the greyhound capital improvements trust fund or the greyhound promotional trust fund.

(b) All amounts in the greyhound capital improvements trust fund and the greyhound promotional trust fund attributable to any greyhound dog racing meeting licensees shall be returned by the Massachusetts Gaming Commission to the licensees without further condition.

And further amend the bill in section 126 by striking out, in lines 2286 to 2288, inclusive, the words “(i) the transferability restrictions shall be clearly disclosed as a condition of purchase or otherwise obtaining such tickets prior to initial offering or sale and the ticket holder shall agree to the restrictions” and inserting in place thereof the following words:- (i) those tickets shall be sold or given to individuals or groups as part of a private event or a targeted promotion at a discounted price offered because of the individual’s or group’s status or affiliation with religious or charitable institutions, societies or organizations or civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, associations of veterans of any wars of the United States, students, or groups or individuals characterized by a disability or economic hardship and tickets issued through a non-transferable ticketing system pursuant to the exemption in this subsection shall not be offered promotionally to the general public and shall be clearly marked as a ticket restricted to the specified individual or group.

And further amend the bill by inserting after section 142 the following 4 sections:-

SECTION 142A. Chapter 175 of the General Laws is hereby amended by striking out section 162Z and inserting in place thereof the following section:-

Section 162Z. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Designated responsible producer” or “DRP”, a person responsible for a limited lines travel insurance producer’s compliance with travel insurance laws, rules and regulations.

“Limited lines travel insurance producer”, a (i) licensed managing general agent or third-party administrator; (ii) licensed insurance producer, including a limited lines producer; or (iii) travel administrator.

“Offer and disseminate”, to provide general information, including a description of the coverage and price, as well as processing an application for travel insurance and collecting premium payments.

“Travel administrator”, a person who directly or indirectly underwrites, collects charges, collateral or premiums from or adjusts or settles claims on residents of the commonwealth in connection with travel insurance; provided, however, that a person shall not be considered a travel administrator if that person’s only

characteristic or action that would otherwise cause them to be considered a travel administrator is 1 of the following:

(i) a person working for a travel administrator to the extent that the person's activities are subject to the supervision and control of the travel administrator;

(ii) an insurance producer selling insurance or engaged in administrative and claims-related activities within the scope of the producer's license;

(iii) a travel retailer offering and disseminating travel insurance and registered under the license of a limited lines travel insurance producer in accordance with this section;

(iv) an individual adjusting or settling claims in the normal course of that individual's practice or employment as an attorney-at-law and who does not collect charges or premiums in connection with insurance coverage; or

(v) a business entity that is affiliated with a licensed insurer while acting as a travel administrator for the direct and assumed insurance business of an affiliated insurer.

"Travel insurance", insurance coverage for personal risks incidental to planned travel including: (i) an interruption or cancellation of trip or event; (ii) loss of baggage or personal effects; (iii) damages to accommodations or rental vehicles; (iv) sickness, accident, disability or death occurring during travel; (v) emergency evacuation; (vi) repatriation of remains; or (vii) any other contractual obligations to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel as approved by the commissioner; provided, however, that "travel insurance" shall not include major medical plans which provide comprehensive medical protection for travelers with trips lasting longer than 6 months, including, but not limited to, people working or residing overseas as an expatriate or any other product that requires a specific insurance producer license.

"Travel retailer", a business entity that makes, arranges or offers planned travel and may offer and disseminate travel insurance as a service to its customers on behalf of and under the direction of a limited lines travel insurance producer.

(b)(1) The commissioner may issue to an individual or business entity a limited lines travel insurance producer license if that individual or business entity has filed an application for a limited lines travel insurance producer license with the commissioner in a form and manner prescribed by the commissioner. A limited lines travel insurance producer license shall authorize a limited lines travel insurance producer to sell, solicit or negotiate travel insurance through a licensed insurer. No person may act as a limited lines travel insurance producer or travel retailer unless properly licensed or registered, respectively.

(2) A travel retailer may offer and disseminate travel insurance under a limited lines travel insurance producer license if the following conditions are met:

(i) the limited lines travel insurance producer or travel retailer provides to purchasers of travel insurance: (A) a description of the material terms or the actual material terms of the insurance coverage; (B) a description of the process for filing a claim; (C) a description of the review or cancellation process for the travel insurance policy; and (D) the identity and contact information of the insurer and limited lines travel insurance producer;

(ii) at the time of licensure, the limited lines travel insurance producer shall establish and maintain a register, on a form prescribed by the commissioner, of each travel retailer that offers travel insurance on the limited lines travel insurance producer's behalf; provided, however, that the register shall be maintained and updated annually by the limited lines travel insurance producer and shall include the name, address and contact information of the travel retailer, an officer or person who directs or controls the travel retailer's operations and the travel retailer's federal tax identification number; provided further, that the limited lines travel insurance producer shall submit the register to the division of insurance upon reasonable request and shall certify that the travel retailer register complies with 18 U.S.C. section 1033; and provided further, that the grounds for the suspension, revocation and the penalties applicable to resident insurance producers under this chapter and chapter 176D shall be applicable to the limited lines travel insurance producers and travel retailers;

(iii) the limited lines travel insurance producer has designated 1 of its employees, who is a licensed individual producer, as the DRP;

(iv) the DRP, president, secretary, treasurer and any other officer or person who directs or controls the limited lines travel insurance producer's insurance operations shall comply with the fingerprinting requirements applicable to insurance producers in the resident state of the limited lines travel insurance producer;

(v) the limited lines travel insurance producer has paid all applicable insurance producer licensing fees;

(vi) the limited lines travel insurance producer requires each employee and authorized representative of the travel retailer, whose duties include offering and disseminating travel insurance, to receive a program of instruction or training, which may be subject, at the discretion of the commissioner, to review and approval by the commissioner; provided, however, that the training material shall, at a minimum, contain instructions on the types of insurance offered, ethical sales practices and required disclosures to prospective customers.

(c) Any travel retailer offering or disseminating travel insurance shall make available to prospective purchasers, brochures or other written materials that have been approved by the travel insurer. Such materials shall include information which, at a minimum: (i) provides the identity and contact information of the insurer and the limited lines travel insurance producer; (ii) explains that the purchase of travel insurance is not required in order to purchase any other product or service from the travel retailer; and (iii) explains that an unlicensed travel retailer is permitted to provide general information about the insurance offered by the travel retailer, including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the terms and conditions of the insurance offered by the travel retailer or to evaluate the adequacy of the customer's existing insurance coverage.

(d) A travel retailer's employee or authorized representative who is not licensed as a limited lines travel insurance producer shall not: (i) evaluate or interpret the technical terms, benefits and conditions of the offered travel insurance coverage; (ii) evaluate or provide advice concerning a prospective purchaser's existing insurance coverage; or (iii) hold oneself out as a licensed insurer, licensed producer or insurance expert.

(e) Notwithstanding any general or special law to the contrary, a travel retailer, whose insurance-related activities, and those of its employees and authorized representatives, are limited to offering and disseminating travel insurance on behalf of and under the direction of a limited lines travel insurance producer who meets the conditions set forth in this section may receive related compensation, not in the form of commissions, upon registration by the limited lines travel insurance producer as described in subsection (b).

(f) Travel insurance may be provided under an individual policy or under a group or blanket policy.

(g) As the insurer designee, the limited lines travel insurance producer shall be responsible for the acts of the travel retailer and shall use reasonable means to ensure compliance by the travel retailer with this section.

(h) Any person licensed in a major line of authority as an insurance producer may sell, solicit and negotiate travel insurance. A property and casualty insurance producer shall not be required to become appointed by an insurer in order to sell, solicit or negotiate travel insurance.

SECTION 142B. The General Laws are hereby further amended by inserting after chapter 175M the following chapter:-

Chapter 175N.

TRAVEL INSURANCE.

Section 1. (a) This chapter shall apply to travel insurance that covers any resident of the commonwealth and is sold, solicited, negotiated or offered in the commonwealth and policies and certificates that are delivered or issued for delivery in the commonwealth; provided, that this chapter shall not apply to cancellation fee waivers or travel assistance services, except as expressly provided herein.

(b) All other applicable provisions of the commonwealth's insurance laws shall apply to travel insurance; provided, that the specific provisions of this chapter shall supersede any general provisions of law that would otherwise be applicable to travel insurance.

Section 2. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Aggregator site”, a website that provides access to information regarding insurance products from more than 1 insurer, including product and insurer information, for use in comparison shopping.

“Blanket travel insurance”, a policy of travel insurance issued to any eligible group providing coverage for specific classes of persons defined in the policy with coverage provided to all members of the eligible group without a separate charge to individual members of the eligible group.

“Cancellation fee waiver”, a contractual agreement between a supplier of travel services and its customer to waive some or all of the non-refundable cancellation fee provisions of the supplier's underlying travel contract

with or without regard to the reason for the cancellation or form of reimbursement; provided, however, that a cancellation fee waiver shall not be considered insurance.

“Commissioner”, the commissioner of insurance.

“Eligible group”, solely for the purposes of travel insurance, 2 or more persons who are engaged in a common enterprise or have an economic, educational or social affinity or relationship, including, but not limited to, any of the following:

(i) any entity engaged in the business of providing travel or travel services including, but not limited to: tour operators, lodging providers, vacation property owners, hotels and resorts, travel clubs, travel agencies, property managers, cultural exchange programs and common carriers or the operator, owner or lessor of a means of transportation of passengers including, but not limited to, airlines, cruise lines, railroads, steamship companies and public bus carriers, wherein with regard to any particular travel or type of travel or travelers, all members or customers of the group shall have a common exposure to risk attendant to such travel;

(ii) any college, school or other institution of learning covering students, teachers, employees or volunteers;

(iii) any employer covering any group of employees, volunteers, contractors, board of directors, dependents or guests;

(iv) any sports team or camp or sponsor thereof, covering participants, members, campers, employees, officials, supervisors or volunteers;

(v) any religious, charitable, recreational, educational or civic organization or branch thereof, covering any group of members, participants or volunteers;

(vi) any financial institution or financial institution vendor, or parent holding company, trustee, or agent of or designated by 1 or more financial institutions or financial institution vendors, including accountholders, credit card holders, debtors, guarantors or purchasers;

(vii) any incorporated or unincorporated association including, labor unions, having a common interest, constitution and bylaws and organized and maintained in good faith for purposes other than obtaining insurance for members or participants of such association covering its members;

(viii) any trust or the trustees of a fund established, created or maintained for the benefit of and covering members, employees or customers, subject to the commissioner’s permitting the use of a trust and the commonwealth’s premium tax provisions in section 3 of 1 or more associations meeting the requirements of clause (vii);

(ix) any entertainment production company covering any group of participants, volunteers, audience members, contestants or workers;

(x) any volunteer fire department, ambulance, rescue, police, court or any first aid, civil defense or other such volunteer group;

(xi) any preschool, daycare institution for children or adults or senior citizen club;

(xii) any automobile or truck rental or leasing company covering a group of individuals who may become renters, lessees or passengers defined by their travel status on the rented or leased vehicles; provided, that the common carrier, the operator, owner or lessor of a means of transportation or the automobile or truck rental or leasing company is the policyholder under a policy to which this chapter applies; or

(xiii) any other group where the commissioner has determined that the members are engaged in a common enterprise, or have an economic, educational or social affinity or relationship and that issuance of the policy would not be contrary to the public interest.

“Fulfillment materials”, documentation sent to the purchaser of a travel protection plan confirming the purchase and providing the travel protection plan’s coverage and assistance details.

“Group travel insurance”, travel insurance issued to any eligible group.

“Limited lines travel insurance producer”, a (i) licensed managing general agent or third-party administrator; (ii) licensed insurance producer including, a limited lines producer, designated by an insurer as the travel insurance supervising entity under subsection (g) of section 162Z of chapter 175; or (iii) travel administrator.

“Offer and disseminate”, to provide general information including, a description of the coverage and price, as well as processing the application, collecting premiums and performing other permitted non-licensable activities.

“Primary certificate holder”, specific to section 3, an individual person who elects and purchases travel insurance under a group policy.

“Primary policyholder”, specific to section 3, an individual person who elects and purchases individual travel insurance.

“Travel administrator”, a person who directly or indirectly underwrites, collects charges, collateral or premiums from or adjusts or settles claims on residents of the commonwealth, in connection with travel insurance; provided, that a person shall not be considered a travel administrator if that person’s only characteristics or actions that would otherwise cause them to be considered a travel administrator are 1 of the following:

(i) a person working for a travel administrator to the extent that the person's activities are subject to the supervision and control of the travel administrator;

(ii) an insurance producer selling insurance or engaged in administrative and claims-related activities within the scope of the producer's license;

(iii) a travel retailer offering and disseminating travel insurance and registered under the license of a limited lines travel insurance producer in accordance with said section 162Z of said chapter 175;

(iv) an individual adjusting or settling claims in the normal course of that individual's practice or employment as an attorney-at-law and who does not collect charges or premiums in connection with insurance coverage; or

(v) a business entity that is affiliated with a licensed insurer while acting as a travel administrator for the direct and assumed insurance business of an affiliated insurer.

"Travel assistance services", non-insurance services for which the consumer is not indemnified based on a fortuitous event, and where providing the service does not result in transfer or shifting of risk that would constitute the business of insurance. Travel assistance services shall include, but shall not be limited to: (i) security advisories; (ii) destination information; (iii) vaccination and immunization information services; (iv) travel reservation services; (v) entertainment; (vi) activity and event planning; (vii) translation assistance; (viii) emergency messaging; (ix) international legal and medical referrals; (x) medical case monitoring; (xi) coordination of transportation arrangements; (xii) emergency cash transfer assistance; (xiii) medical prescription replacement assistance; (xiv) passport and travel document replacement assistance; (xv) lost luggage assistance; (xvi) concierge services; and (xvii) any other service that is furnished in connection with planned travel. Travel assistance services shall not be considered insurance or related to insurance.

"Travel insurance", insurance coverage for personal risks incidental to planned travel including, but not limited to: (i) an interruption or cancellation of trip or event; (ii) loss of baggage or personal effects; (iii) damages to accommodations or rental vehicles; (iv) sickness, accident, disability or death occurring during travel; (v) emergency evacuation; (vi) repatriation of remains; or (vii) any other contractual obligations to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel as approved by the commissioner; provided, however, that "travel insurance" shall not include major medical plans, which provide comprehensive medical protection for travelers with trips lasting longer than 6 months, including, for example, people working or residing overseas as an expatriate, or any other product that requires a specific insurance producer license.

"Travel protection plans", plans that provide 1 or more of the following: travel insurance, travel assistance services and cancellation fee waivers.

"Travel retailer", a business entity that makes, arranges or offers travel services and may offer and disseminate travel insurance as a service to its customers on behalf of and under the direction of a limited lines travel insurance producer.

Section 3. (a) A travel insurer shall pay a premium tax, as provided in section 22 of chapter 63, on travel insurance premiums paid by any of the following:

(i) an individual primary policyholder who is a resident of the commonwealth;

(ii) a primary certificate holder who is a resident of the commonwealth who elects coverage under a group travel insurance policy; or

(iii) a blanket travel insurance policyholder who is a resident, or has its principal place of business or the principal place of business of an affiliate or subsidiary that has purchased blanket travel insurance, in the commonwealth for eligible blanket group members, subject to any apportionment rules which apply to the insurer across multiple taxing jurisdictions or that permit the insurer to allocate premium on an apportioned basis in a reasonable and equitable manner in those jurisdictions.

(b) A travel insurer shall: (i) document the state of residence or principal place of business of the policyholder or certificate holder, as required pursuant to subsection (a); and (ii) report as premium only the amount allocable to travel insurance and not any amounts received for travel assistance services or cancellation fee waivers.

Section 4. Travel protection plans may be offered for 1 price for the combined features that the travel protection plan offers in the commonwealth if:

(i) the travel protection plan clearly discloses to the consumer, at or prior to the time of purchase, that it includes travel insurance, travel assistance services and cancellation fee waivers, as applicable, and provides information and an opportunity, at or prior to the time of purchase, for the consumer to obtain additional information regarding the features and pricing of each; and

(ii) the fulfillment materials: (A) describe and delineate the travel insurance, travel assistance services and cancellation fee waivers in the travel protection plan; and (B) include the travel insurance disclosures and the contact information for persons providing travel assistance services and cancellation fee waivers, as applicable.

Section 5. (a) All persons offering travel insurance to residents of the commonwealth shall be subject to chapter 176D, except as otherwise provided in this section. In the event of a conflict between this chapter and other provisions of this chapter regarding the sale and marketing of travel insurance and travel protection plans, this chapter shall control.

(b) Offering or selling a travel insurance policy that could never result in payment of any claims for any insured under the policy shall be an unfair trade practice under said chapter 176D.

(c)(1) All documents provided to consumers prior to the purchase of travel insurance including, but not limited to, sales materials, advertising materials and marketing materials, shall be consistent with the travel insurance policy itself including, but not limited to, forms, endorsements, policies, rate filings and certificates of insurance.

(2) For travel insurance policies or certificates that contain pre-existing condition exclusions, information and an opportunity to learn more about the pre-existing condition exclusions shall be provided any time prior to the time of purchase, and in the coverage's fulfillment materials.

(3) The fulfillment materials and the information described in clause (i) of paragraph (2) of subsection (b) of said section 162Z of chapter 175 shall be provided to a policyholder or certificate holder as soon as practicable, following the purchase of a travel protection plan. Unless the insured has either started a covered trip or filed a claim under the travel insurance coverage, a policyholder or certificate holder may cancel a policy or certificate for a full refund of the travel protection plan price from the date of purchase of a travel protection plan until at least: (i) 15 days following the date of delivery of the travel protection plan's fulfillment materials by postal mail; or (ii) 10 days following the date of delivery of the travel protection plan's fulfillment materials by means other than postal mail. For the purposes of this section, delivery shall mean handing fulfillment materials to the policyholder or certificate holder or sending fulfillment materials by postal mail or electronic means to the policyholder or certificate holder.

(4) The company shall disclose in the policy documentation and fulfillment materials whether the travel insurance is primary or secondary to other applicable coverage.

(5) Where travel insurance is marketed directly to a consumer through an insurer's website or by others through an aggregator site, it shall not be an unfair trade practice or other violation of law if an accurate summary or short description of coverage is provided on the web page; provided, that the consumer has access to the full provisions of the policy through electronic means.

(d) No person offering, soliciting or negotiating travel insurance or travel protection plans on an individual or group basis may do so by using negative option or opt out, which would require a consumer to take an affirmative action to deselect coverage, such as unchecking a box on an electronic form when the consumer purchases a trip.

(e) It shall be an unfair trade practice pursuant to said chapter 176D to market blanket travel insurance coverage as free.

(f) Where a consumer's destination jurisdiction requires insurance coverage, it shall not be an unfair trade practice pursuant to said chapter 176D to require that a consumer choose between the following options as a condition of purchasing a trip or travel package: (i) purchasing the coverage required by the destination jurisdiction through the travel retailer or limited lines travel insurance producer supplying the trip or travel package; or (ii) agreeing to obtain and provide proof of coverage that meets the destination jurisdiction's requirements prior to departure.

Section 6. (a) Notwithstanding any other provision of this chapter, no person shall act or represent itself as a travel administrator for travel insurance in the commonwealth unless that person:

(i) is a licensed property and casualty insurance producer in the commonwealth for activities permitted under that producer license;

(ii) holds a valid managing general agent license in the commonwealth; or

(3) holds a valid third-party administrator license in the commonwealth.

(b) An insurer shall be responsible for the acts of a travel administrator administering travel insurance underwritten by the insurer and shall be responsible for ensuring that the travel administrator maintains all books and records relevant to the insurer to be made available by the travel administrator to the commissioner upon request.

Section 7. (a) Notwithstanding any other provision of this chapter, travel insurance shall be classified and filed for purposes of rates and forms under an inland marine line of insurance; provided, however, that travel insurance that provides coverage for sickness, accident, disability or death occurring during travel, either exclusively, or in conjunction with related coverages of emergency evacuation, repatriation of remains or incidental limited property and casualty benefits such as baggage or trip cancellation, may be filed under either an accident and health line of insurance or an inland marine line of insurance.

(b) Eligibility and underwriting standards for travel insurance may be developed and provided based on travel protection plans designed for individual or identified marketing or distribution channels; provided, that those standards shall meet the commonwealth's underwriting standards for inland marine.

Section 8. The commissioner may promulgate regulations to implement this chapter.

SECTION 142C. Section 1 of chapter 176J of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in line 204, the words "travel insurance;"

SECTION 142D. Said section 1 of said chapter 176J, as so appearing, is hereby further amended by striking out, in lines 211 through 218, inclusive, the words "Travel insurance for the purpose of this chapter is insurance coverage for personal risks incident to planned travel, including but not limited to: (i) interruption or cancellation of trip or event; (ii) loss of baggage or personal effects; (iii) damages to accommodations or rental vehicles; or (iv) sickness, accident, disability or death occurring during travel, provided that the health benefits are not offered on a stand-alone basis and are incidental to other coverages. The term "travel insurance" shall not include major medical plans, which provide comprehensive medical protection for travelers with trips lasting 6 months or longer, including for example, those working overseas as an ex-patriot or military personnel being deployed."

And further amend the bill by inserting after section 146 the following section:-

SECTION 146 1/2. Paragraph (ii) of subsection (g) of section (4) of chapter 152 of the acts of 1997, as amended by section 2 of chapter 256 of the acts of 2006, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The authority shall allow the South Boston Community Development Foundation to sponsor not less than 3 events annually at the Boston Convention and Exhibition Center, and not less than 6 events annually at the Lawn on D, to raise funds for the South Boston Community Development Foundation as provided for herein and shall include access to on site parking facilities.

And further amend the bill by striking out section 154 and inserting in place thereof the following section:-

SECTION 154. (a) Notwithstanding section 4 of chapter 128C of the General Laws, section 11 of chapter 494 of the acts of 1978 or any other general or special law to the contrary, the running horse racing licensee in Suffolk county that conducted simulcasting as of December 31, 2020 and the greyhound dog racing meeting licensee located in Bristol county shall not be obligated to make any further payments into the Running Horse Capital Improvements Trust Fund, established pursuant to said section 11 of said chapter 494.

(b) All amounts in the Running Horse Capital Improvements Trust Fund attributable to any greyhound dog racing meeting licensees shall be returned by the Massachusetts Gaming Commission to the licensees without further condition.

And further amend the bill by inserting after section 155 the following section:-

SECTION 155A. (a)(1) Notwithstanding any general or special law to the contrary, and subject to section 5A of chapter 3 of the General Laws, the commissioner of conservation and recreation is hereby authorized and directed to lease to the New Bedford Harbor Development Commission, doing business as the New Bedford Port Authority, a certain area in and over the waters of the Acushnet river in the city of New Bedford, together with improvements thereon and all easements, rights, privileges and appurtenances thereto for the operation and maintenance of a recreational marine boating facility and recreational area, known as the Pope's Island Marina, for a term of 10 years and 2 5-year options to extend.

(2) The city of New Bedford shall not enter into sub-agreements of any kind for the operation and maintenance of the marina without prior written authorization from the commissioner of conservation and recreation. True copies of any such written authorization shall be filed with the clerks of the house of representatives and the senate and no later than 45 days after execution.

(b) The lease and any extensions executed under this act shall be on terms and conditions acceptable to the commissioner of conservation and recreation; provided, however, that the lease and any extensions shall provide, at its sole cost and expense, that the city of New Bedford: (i) provide oversight, operations, maintenance and repair of the property, including the land, facilities and appurtenances associated therewith during the term of the lease; (ii) shall carry comprehensive general liability insurance naming the commonwealth as a co-insured, protecting the commonwealth against all claims for personal injury or property damage arising from the use of the land and appurtenances associated therewith during the term of the lease and any extension thereof; (iii) subject to clauses (v) and (vi), may retain revenues from usage fees during the term of the lease and the proceeds from concessions associated with use of the property for the sole purpose of the design, construction, operation, programming, maintenance and repair expenses of the property over the course of the lease in addition to a 1-time reimbursement for costs defined in section 2 herein; (iv) may charge not more than \$90 per linear foot for use of slips without prior written authorization from the commissioner of conservation and recreation; (v) shall deposit into an escrow account, shared with the department of conservation and recreation, not less than \$100,000 annually, adjusted to the price adjustment formulae indices every 5 years, to fund capital investments of the property; (vi) shall pay to the department of conservation, in quarterly installments, 10 per cent of the annual gross revenues defined as total gross revenues after deduction of the \$100,000 described in clause (v); (vii) shall, not later than 3 months after the close of each calendar year, prepare an annual report detailing its performance against the goals for the prior year, detailing all revenues and expenditures of funds for the prior year pursuant to this section, regardless of source, and specifying all usage and programming fee rates associated with planned programs and activities, and submit the report to the commissioner of conservation and recreation; (viii) shall not design, install or construct any facilities on the property without the written approval of the commissioner of conservation and recreation; (ix) shall be responsible for all utility costs; (x) shall provide not

less than 20 parking spaces at no charge to visitors of the abutting playground facility; and (xi) may be responsible for outreach and stewardship with the written approval of the commissioner of conservation and recreation.

(c) The lease and any extensions shall each be reviewed by the inspector general for comment and recommendation.

(d) Before entering into the lease, the commissioner of conservation and recreation shall determine the exact boundaries of the property after completion of a title examination and a survey each commissioned by the department of conservation and recreation.

(e) The city of New Bedford shall be responsible for all costs and expenses associated with any engineering, surveys, appraisals and lease preparation related to the execution of the lease and any extensions under this act; provided, however, that the commonwealth shall not be required to contribute to any such costs.

(f) Within 90 days of the effective date of this act, the commissioner of conservation and recreation shall issue to the city of New Bedford a license to operate and maintain the marina. The terms of said license shall be consistent with this section.

(g) If the land, building and facilities, field and appurtenances comprising the property cease to be used by the city of New Bedford for the purposes and in the manner described in this section at any time before the conclusion of the lease term, the property shall revert to the commonwealth upon such terms and conditions as the commissioner of department of conservation and recreation may determine, and shall be assigned to the care, custody and control of the department of conservation and recreation.

(h) If the commissioner of conservation and recreation fails to enter into a lease with the city of New Bedford pursuant subsection (a) before July 1, 2025, the commissioner shall issue, on or before October 1, 2025, a request for proposals seeking a lessee to operate and maintain the Popes Island Marina and recreational area. Any lease resulting from a request for proposals process pursuant to this section shall be for a term not to exceed 20 years, inclusive of any extensions.

And further amend the bill by inserting after section 159D, as inserted by Consolidated Amendment A, the following section:-

SECTION 159E. The executive office of health and human services shall conduct an evaluation of the impact of removal of the licensing examination requirement for licensed certified social workers pursuant to sections 31 and 32 of chapter 112 of the General Laws, as amended by sections 121B and 121D. The executive office shall contract with an independent evaluation consultant to perform the evaluation. The evaluation shall include, but shall not be limited to: (i) an analysis of the impact of removing the examination requirement on alleviating shortages of qualified social workers; (ii) expanding access to quality behavioral health services; (iii) increasing the diversity of the social worker workforce among diverse language skills, race, ethnicity and cultural backgrounds; and (iv) the impact of any increase in diversity on patient care, particularly for vulnerable populations. In preparing the evaluation, the consultant shall meet with representatives of organizations representing social workers, social work education, social work testing, social work patients, behavioral health advocacy organizations and other groups that may assist in the evaluation. The evaluation and analysis shall be conducted independently of the executive office. The executive office shall submit the evaluation to the joint

committee on higher education, the joint committee on mental health, substance use and recovery and the house and senate committees on ways and means not later than July 1, 2028.

And further amend the bill by inserting after section 167A, inserted by Consolidated Amendment A, the following 2 sections:-

SECTION 167A 1/4. Sections 121B and 121D shall take effect on January 1, 2026.

SECTION 167A 1/2. Sections 121C and 121E shall take effect on January 1, 2029.

And further amend the bill by inserting after section 167C, inserted by Consolidated A, the following 2 sections:-

SECTION 167D. Sections 78R and 78TT shall take effect on January 1, 2035.

SECTION 167E. Section 78OO shall take effect 1 year after the effective date of this act.