

By Mrs. Menard of Somerset, petition of Joan M. Menard for legislation to further regulate child care in the Commonwealth. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-One.

AN ACT FURTHER REGULATING CHILD CARE IN THE COMMONWEALTH.

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

1 SECTION 1. Chapter 28A of the General Laws is hereby
2 amended by striking out section 5A, inserted by section 1 of chap-
3 ter 521 of the acts of 1990, and inserting in place thereof the
4 following section: —

5 Section 5A. There shall be established and set up on the books
6 of the commonwealth a separate fund to be known as the Child
7 Care Affordability Scholarship Assistance Fund, in this section
8 referred to as the fund, which shall be subject to appropriation
9 and shall consist of revenues received from (1) gifts, grants and
10 donations from public or private sources; (2) interest income; (3)
11 federal reimbursements, grants-in-aid and other federal receipts
12 which can be used for funding child care services; and (4) any other
13 monies credited or transferred to the fund from any other source
14 pursuant to law. Subject to appropriation, up to eighty per cent
15 of the monies deposited annually in the fund shall be allocated
16 to the office and administered by the day care affordability task
17 force established by section fifty-three of chapter two hundred and
18 six of the acts of nineteen hundred and eighty-six, or any successor
19 body so designated by the director, in order to provide funding
20 for child care services to children of families whose income is not
21 more than one hundred and ten per cent of the median income
22 of families in the commonwealth.

1 SECTION 2. Chapter 521 of the acts of 1990 is hereby
2 amended by striking out section 7 and inserting in place thereof
3 the following section: —

4 Section 7. A qualified employer, as used in this section, shall
5 mean an employer who has established, in accordance with the
6 applicable requirements of section one hundred and twenty-nine
7 of the Federal Internal Revenue Code of 1986, or any successor
8 section, as amended and in effect for the taxable year, either a
9 dependent care assistance program or a cafeteria plan whose
10 benefits include a dependent care assistance program. On or
11 before July first, nineteen hundred and ninety-one, the
12 commonwealth and every authority established as a body politic
13 and corporate and constituted as a public instrumentality of the
14 commonwealth, shall meet the requirements of a qualified
15 employer as defined herein. On or before July first, nineteen
16 hundred and ninety-two, no contract for goods and services of
17 any type shall be awarded by the commonwealth or any such
18 authority to an employer having fifty or more employees unless
19 such employer is a qualified employer, or offers child care tuition
20 assistance or on-site or near-site subsidized child care placements
21 except in cases of special emergency certified by the secretary of
22 administration and finance or his designee to involve the health
23 or safety of the people or their property. The executive office of
24 health and human services shall by regulation specify minimum
25 standards for child care tuition assistance and on-site or near-site
26 subsidized child care placements as used in this section. The
27 secretary of administration and finance shall prepare a plan to
28 implement the provisions of this section. Such plan shall be
29 transmitted to the senate and house committees on ways and
30 means.