

SENATE No. 1695

The Commonwealth of Massachusetts

PRESENTED BY:

Eric P. Lesser

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to establish a Lifelong Learning and Training Account program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>1/30/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/12/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/30/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/30/2019</i>

SENATE No. 1695

By Mr. Lesser, a petition (accompanied by bill, Senate, No. 1695) of Eric P. Lesser, Paul R. Feeney, Michael O. Moore, Jason M. Lewis and others for legislation to establish a Lifelong Learning and Training Account program. Revenue.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to establish a Lifelong Learning and Training Account program.

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 10 of the general laws, as appearing in the 2016 official edition, is
2 hereby amended by inserting after section 35DDD the following section:-

3 Section 35EEE. There shall be established and set up on the books of the commonwealth
4 a Lifelong Learning and Training Fund, which shall be administered by the department of career
5 services. The fund shall be credited with:

6 (i) any appropriations, bond proceeds or other monies authorized or transferred by the
7 general court and specifically designated to be credited to the fund;

8 (ii) gifts, grants and other private contributions designated to be credited to the fund;

9 (iii) all other amounts credited or transferred to the fund from any other fund or source;

10 and

11 (iv) interest or investment earnings on any such monies. Amounts credited to the fund
12 may be expended by the department, without further appropriation, to provide matching
13 contributions not to exceed \$2,000 annually to Lifelong Learning and Training Accounts,
14 established pursuant to section 12 of chapter 23H of the general laws.

15 The unexpended balance in the fund at the end of a fiscal year shall not revert to the
16 General Fund but shall remain available for expenditure in subsequent fiscal years. No
17 expenditure made from the fund shall cause the fund to become deficient at any point.

18 SECTION 2. Subsection (a) of section 3B of chapter 62 of the General Laws, as
19 appearing in the 2016 official edition, is hereby amended by inserting at the end thereof the
20 following new paragraph:-

21 (20) An amount equal to the amount expended in such taxable year for a contribution or
22 contributions by a designated beneficiary, as defined in section 12 of chapter 23H of the general
23 laws, or an employer of said beneficiary to a Lifelong Learning and Training Account of a
24 designated beneficiary, established by the commonwealth or any instrumentality or authority
25 thereof. In the case of a single person or a married person filing a separate return or a head of
26 household, the total amount deducted in such taxable year shall not exceed \$2,000. In the case of
27 a married couple filing a joint return, the total amount deducted in such taxable year shall not
28 exceed \$4,000.

29 SECTION 3. Chapter 23H of the general laws, as appearing in the 2016 edition, is
30 hereby amended by ending at the end thereof the following section:-

31 Section 12. As used in this chapter, the following words shall, unless the context clearly
32 requires otherwise, have the following meanings:

33 “Administrator”, the person or entity within the department of career services tasked with
34 overseeing and maintaining the Lifelong Learning and Training Account program.

35 “Department”, the department of career services.

36 “Designated beneficiary”, an individual participating in the Lifelong Learning and
37 Training Account program who shall receive any funds paid into said individual’s Lifelong
38 Learning and Training Account.

39 “Lifelong Learning and Training Account”, an account set up to allow for contributions
40 from a designated beneficiary or employer as well as from government matching funds to be
41 used for the purpose of funding qualified workforce training expenditures for said beneficiary.

42 “Lifelong Learning and Training Account program”, a program under which the
43 designated beneficiary of a Lifelong Learning and Training Account or their employer may make
44 contributions to said account established for the purpose of funding qualified workforce training
45 expenditures of said beneficiary pursuant to the requirements of this section. Government
46 matching funds may also be included in contributions to said account.

47 “Qualified workforce training expenditure”, any expenditure for accredited workforce
48 training where a designated beneficiary may obtain an industry-recognized certificate or
49 certification, license, or associates or baccalaureate degree, provided through a recognized
50 institution, including, but not limited to a chapter 74-approved vocational or technical school, a
51 community college as defined in section 10 of chapter 15A of the general laws, a workforce
52 organization or trade association, a labor organization, or any other organization with industry-
53 recognized credentials. Any qualified workforce training expenditure shall be approved by the
54 department.

55 (a)(1) There is hereby established a Lifelong Learning and Training Account program
56 where any designated beneficiary or their employer may make contributions to an individual
57 Lifelong Learning and Training Account created for the purpose of the distribution of funds for
58 qualified workforce training expenditures of said beneficiary. Said program shall be established
59 by the department, which shall appoint an administrator to oversee and maintain said program.

60 (2) In order to participate, a designated beneficiary shall have an adjusted gross income
61 of not more than \$75,000 in any taxable year. Each designated beneficiary shall have a separate
62 Lifelong Learning and Training Account, the total of which shall not exceed \$10,000.

63 (3) During each taxable year, no contributions may be made by a designated beneficiary
64 in excess of \$2,000, including any funds contributed by the employer of said beneficiary,
65 beginning once the beneficiary attains the age of 18 years.

66 (4) The allowable contributions of a Lifelong Learning and Training Account shall follow
67 the designated beneficiary from one employer to the next, as well as during all periods of
68 unemployment.

69 (b)(1) There shall be a Lifelong Learning and Training Account Fund, pursuant to
70 section 35EEE of chapter 10 of the general laws, for the purpose of providing matching
71 government contributions to a designated beneficiary under the Lifelong Learning and Training
72 Account program. Said matching amount shall not exceed \$2,000 annually. Any distribution to a
73 designated beneficiary's Lifelong Learning and Training Account from said fund shall first be
74 utilized prior to any personal or employer amounts transferred to said account or any additional
75 earnings acquired. The treasurer of the commonwealth, in conjunction with the department, shall
76 transfer to the account of any designated beneficiary under a Lifelong Learning and Training

77 Account program an amount equal to any amounts contributed to said account by said
78 beneficiary or their employer, not to exceed \$2,000 annually. Any funds transferred to the
79 Lifelong Learning and Training Account of a designated beneficiary under this section shall be
80 transferred by the treasurer of the commonwealth, in conjunction with the department, as soon as
81 is practicable following any contribution to said account by said beneficiary or their employer.

82 (2) If the total amount of any transfers made by the treasurer of the commonwealth, in
83 conjunction with the department, to the account of a designated beneficiary pursuant to
84 subsection (b) during an applicable taxable year exceeds the dollar amount allowed under
85 subsection (a)(3) or the total amount allowed in a Lifelong Learning and Training Account under
86 subsection (a)(2), said excess shall be returned to the Lifelong Learning and Training Account
87 fund.

88 (c) Any distribution for qualified workforce training under a Lifelong Learning and
89 Training Account program from amounts transferred pursuant to this section shall be made by
90 the administrator of said program, as designated by the department, directly to the entity
91 providing qualified workforce training to the designated beneficiary, as described in this section.
92 Said administrator shall make distributions either directly to a qualified workforce training
93 program, which provides training to the designated beneficiary, or to reimburse the designated
94 beneficiary for any qualified workforce training expenditures incurred by said beneficiary,
95 provided that the beneficiary has supplied the administrator with any documentation as is
96 deemed necessary to ensure compliance with this section. No amounts transferred pursuant to
97 this paragraph to any account of a designated beneficiary under a Lifelong Learning and Training
98 Account program may be distributed for any purpose other than for payment or reimbursement
99 of qualified workforce training expenditures.

100 (d) The administrator shall maintain all pertinent information relative to each Lifelong
101 Learning and Training Account, including the amount of any distribution from the account of a
102 beneficiary and the total amount remaining in said account, and provide said information,
103 including in aggregate, to the department and the beneficiary whenever requested.

104 (e) At the beginning of each applicable taxable year, the total amount of available funds
105 in the account of the designated beneficiary, which were contributed by the designated
106 beneficiary, their employer, or through matching government funds and any earnings thereon,
107 shall remain with said beneficiary.

108 (f) On or before December 1 of each year, the department shall submit a report to the
109 house and senate committee on ways and means, the house and senate chairs of the joint
110 committee on economic development and emerging technologies, the house and senate chairs of
111 the joint committee on labor and workforce development, and the clerks of the house of
112 representatives and senate evaluating the implementation and outcome of the Lifelong Learning
113 and Training Account program established pursuant this section. Said report shall include, but
114 not be limited to (i) a list of those workers utilizing said program based on geographic location,
115 type of employment, and level of education; (ii) an assessment of the impact of said accounts on
116 worker training and mobility; (iii) a list of all qualified training programs utilized in conjunction
117 with distributions from said accounts; (iv) the total cost of matching funds from the
118 commonwealth used for said program; and (v) anything else the department deems necessary.

119 (g) The department, in conjunction with the treasurer of the commonwealth and other
120 department or office deemed applicable, shall conduct a public information campaign to inform
121 the public of the availability of the Lifelong Learning and Training Account programs.

122 SECTION 4. Notwithstanding any other provision of this act, the department of career
123 services and the commissioner of the department of revenue shall promulgate regulations as
124 necessary to carry out the intended purposes of this act.

125 SECTION 5. This act shall take effect beginning on January 1, 2021.