

HOUSE No. 3862

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 9, 2021.

The committee on Ways and Means, to whom was referred the message from His Excellency the Governor submitting requests for making appropriations for fiscal year 2021 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3773), reports, in part, that the accompanying bill (House, No. 3862) ought to pass [Total Appropriation: \$257,397,073.00].

For the committee,

AARON MICHLEWITZ.

HOUSE No. 3862

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act making appropriations for fiscal year 2021 to provide for supplementing certain existing appropriations and for certain other activities and projects.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2021 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

1 SECTION 1. To provide for supplementing certain items in the general
2 appropriation act and other appropriation acts for fiscal year 2021, the sums set forth in section 2
3 are hereby appropriated from the General Fund unless specifically designated otherwise in this
4 act or in those appropriation acts, for the several purposes and subject to the conditions specified
5 in this act or in those appropriation acts, and subject to the laws regulating the disbursement of
6 public funds for the fiscal year ending June 30, 2021. These sums shall be in addition to any
7 amounts previously appropriated and made available for the purposes of those items. These sums
8 shall be made available until June 30, 2022, except as otherwise stated.

9 SECTION 2.

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OFFICE OF THE ATTORNEY GENERAL

Office of the Attorney General

0810-0000 \$93,785

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Division of Capital Asset Management and Maintenance

1102-3199 \$1,075,653

Human Resources Division

1750-0100 \$1,000,000

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Department of Fish and Game

2330-0100 \$371,107

Department of Conservation and Recreation

2810-0100 \$1,000,000

EXECUTIVE OFFICE OF EDUCATION

Department of Early Education and Care

3000-7040 \$264,373

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

27 *Office of the Secretary*

28 1595-1068 \$31,937,236

29 *Soldiers' Home in Massachusetts*

30 4180-0100 \$3,170,447

31 *Soldiers' Home in Holyoke*

32 4190-0100 \$2,221,107

33 *Department of Transitional Assistance*

34 4403-2000 \$27,853,223

35 *Department of Public Health*

36 4510-0100 \$132,522

37 4516-1000 \$1,491,441

38 4590-0913 \$1,000,000

39 4590-0915 \$7,259,080

40 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

41 *Department of State Police*

42 8100-0012 \$1,300,000

43 8100-1001 \$11,032,617

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Military Division

45 8700-0001 \$10,000,000

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EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

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Department of Elder Affairs

48 9110-0600 \$7,774,619

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SECTION 2A. To provide for certain unanticipated obligations of the

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commonwealth, to provide for an alteration of purpose for current appropriations, and to meet

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certain requirements of law, the sums set forth in this section are hereby appropriated from the

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General Fund unless specifically designated otherwise in this section, for the several purposes

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and subject to the conditions specified in this section, and subject to the laws regulating the

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disbursement of public funds for the fiscal year ending June 30, 2021. These sums shall be made

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available until June 30, 2022, except as otherwise stated.

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EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

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Reserves

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1599-1210 For a reserve for the start-up costs of the Massachusetts peace officer standards

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and training commission established in section 2 of chapter 6E of the General Laws; provided, that

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funds may be transferred to other items to reimburse costs incurred by those items in state fiscal

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year 2021 and state fiscal year 2022 on behalf of the commission; provided further, that not less

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than \$1,000,000 shall be expended for stipends for the 9 commissioners of the Massachusetts peace

63 officers standards and training commission; and provided further, that not less than \$200,000 shall
64 be expended for the maintenance costs of the officer certification database.....\$4,200,000

65 1599-1211 For a reserve to meet the expenses associated with the implementation of
66 chapter 253 of the acts of 2020; provided, that the secretary of administration and finance may
67 transfer funds from this item to state agencies as defined in section 1 of chapter 29 of the General
68 Laws; provided further, that not less than \$2,262,100 shall be expended for bridge academies for
69 reserve officers and special state police officers previously not subject to the same training
70 requirements as the general law enforcement population; provided further, that not less than
71 \$3,208,000 shall be expended for new or expanded police training obligations of the municipal
72 police training committee in accordance with section 116 of chapter 6 of the General Laws,
73 including de-escalation training, use of force training and school resource officer training;
74 provided further, that not less than \$1,597,160 shall be expended on the first class of 40 diverse
75 state police cadets for the program established in section 10A of chapter 22C of the General Laws;
76 provided further, that not less than \$150,000 each shall be expended on the following permanent
77 commissions: the commission on the status of African Americans established by section 72 of
78 chapter 3 of the General Laws, the commission of the status of Latinos and Latinas established by
79 section 73 of said chapter 3, the commission on the status of persons with disabilities established
80 by section 74 of said chapter 3 and the commission on the social status of Black men and boys
81 established by section 75 of said chapter 3; provided further, that not less than \$200,000 shall be
82 expended on the shared administrative costs of said permanent commissions; and provided further,
83 that not less than \$50,000 each shall be expended on the following commissions: the model school
84 resource officer memorandum of understanding review commission established in section 37P of
85 chapter 71 of the General Laws, the commission on correction officers and juvenile detention

86 officers training established in section 103 of chapter 253 of the acts of 2020 and the law
87 enforcement body camera task force established in section 104 of said chapter
88 253.....\$12,159,760

89 *Supplier Diversity Office*

90 1780-0100 For the operation and administration of the supplier diversity office; provided,
91 that the office shall provide training and other services to minority-owned and women-owned
92 businesses certified by the office that allow those businesses to better compete for state contracts
93 and ensure that equitable practices and policies in the public marketplace are maintained; provided
94 further, that the office shall administer an electronic business certification application which shall
95 be accessible to business applicants through the internet; provided further, that the office shall
96 ensure the integrity and security of personal and financial information transmitted by electronic
97 application; and provided further, that the office shall, using all existing available resources,
98 provide certification services to all supplier diversity office qualified applicants, within or outside
99 of the commonwealth, as applicable
100 \$1,000,000

101 EXECUTIVE OFFICE OF EDUCATION

102 *Department of Early Education and Care*

103 3000-1021 For efforts to support and stabilize the early education and care workforce and
104 providers, to assist in meeting varied operational costs related to the 2019 novel coronavirus
105 pandemic at all licensed early education and care programs in the commonwealth, and to address
106 the challenges associated with re-opening and rebuilding capacity during the period of pandemic

107 recovery; provided, that not less than \$90,060,103 shall be distributed as classroom stabilization
108 grants to all licensed early education and out-of-school-time programs regardless of whether the
109 program serves subsidized or private-pay children; provided further, that not less than \$40,000,000
110 shall be made available as grants to providers serving subsidized children, calculated using an
111 equal amount per subsidized child served by each provider, including children receiving both Head
112 Start and subsidy; provided further, that all funding distributed through this item shall be a non-
113 recurring, one-time distribution to providers, under the terms of the child care and development
114 block grant appropriation in the federal coronavirus response and relief supplemental
115 appropriations act, Public Law 116-260, and any state plans filed under that act; provided further,
116 that the department shall provide technical assistance to providers to assist them in planning
117 expenditures so as to avoid any “funding cliffs”, so-called, in future fiscal years; provided further,
118 that eligible expenditures shall include, but not be limited to: (i) 2 years of bonus pay to retain and
119 attract early educators, (ii) additional one-time bonus pay to retain BA and AA credentialed
120 educators, (iii) expenditures that build on and work in conjunction with current state funded early
121 education and care workforce programs that are already in place, including but not limited to:
122 scholarship and degree pathway options and loan forgiveness opportunities, (iv) small scale capital
123 improvements, and (v) other one-time educator benefit enhancements including but not limited to
124 contributions to retirement accounts, child care assistance for early educators, and temporary
125 additional assistance with health care co-pays; provided further, that the first distributions from
126 this item shall be made not later than September 15, 2021; provided further, that not later than
127 September 15, 2021, the commissioner shall report to the chairs of the joint committee on
128 education and the chairs of the house and senate committees on ways and means detailing by what
129 temporary formula the funds have been allocated and distributed, what initiatives providers have

130 funded or plan to fund with their grants as reported on their initial application and such
 131 programmatic updates as the department feels are necessary to monitor expenditures from this
 132 item, and all additional information necessary for future budget and policy-making, including
 133 detailed financial information relative to non-state subsidized childcare programs who have and
 134 are expected to received federal funding through fiscal year 2022; provided further, that the
 135 commissioner shall provide quarterly detailed updates on the distribution and related expenditures
 136 to the committee on education and the house and senate committees on ways and means until the
 137 funds are fully expended; and provided further, that any unexpended funds in this item shall not
 138 revert to the General Fund but shall be made available for this item until September 30,
 139 2023.....\$131,060,103

140 SECTION 2B. To provide for supplementing certain intragovernmental chargeback
 141 authorizations in the general appropriation act and other appropriation acts for fiscal year 2021, to
 142 provide for certain unanticipated intragovernmental chargeback authorizations, to provide for an
 143 alteration of purpose for current intragovernmental chargeback authorizations, and to meet certain
 144 requirements of law, the sum set forth in this section is hereby authorized from the
 145 Intragovernmental Service Fund for the several purposes specified in this section or in the
 146 appropriation acts, and subject to the provisions of law regulating the disbursement of public funds
 147 for the fiscal year ending June 30, 2021. This sum shall be in addition to any amounts previously
 148 authorized and made available for the purposes of this item.

149 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

150 *Office of the Secretary*

151 4000-1701 \$20,000,000

152 SECTION 3. Chapter 6 of the General Laws is hereby amended by inserting after
153 section 172N the following section:-

154 Section 172O. (a) As used in this section, the following words shall, unless the
155 context clearly requires otherwise, have the following meanings:

156 “Care”, the provision of care, treatment, education, training, instruction,
157 supervision or recreation to children; provided, that care shall include adoption and foster care.

158 “Covered individual”, an individual who has, seeks to have or may have access to
159 a child or children, served by a qualified entity, as an adoptive or foster parent or prospective
160 adoptive or foster parent.

161 “Identification document”, a document made or issued by or under the authority
162 of the United States government, a state, political subdivision of a state, a sponsoring entity of an
163 event designated as a special event of national significance, a foreign government, political
164 subdivision of a foreign government, an international governmental or an international quasi-
165 governmental organization which, when completed with information concerning a particular
166 individual, is of a type intended or commonly accepted for the purpose of identification of
167 individuals.

168 “Qualified entity”, a business or organization, whether public, private, for-profit,
169 not-for-profit or voluntary, that provides care or care placement services, including a business or
170 organization that licenses or certifies others to provide care or care placement services; provided,
171 that qualified entity shall include adoption agencies, foster care agencies, entities providing

172 adoption or foster care services, entities providing adoption or foster care placement services and
173 providers under contract with the department of children and families.

174 (b) A qualified entity shall require that all covered individuals are fingerprinted
175 for the purposes of obtaining a state and national fingerprint-based criminal background check of
176 the state and Federal Bureau of Investigation criminal history databases, as authorized by 34
177 U.S.C. section 40102(a).

178 (c) A qualified entity may obtain a state and national fingerprint-based criminal
179 background check of the state and Federal Bureau of Investigation criminal history databases, as
180 authorized by 34 U.S.C. section 40102(a), for the purpose of determining whether a covered
181 individual has been convicted of a crime that bears upon the covered individual's fitness to have
182 responsibility for the safety and well-being of children. Any qualified entity that contracts with
183 the department of children and families and any qualified entity that is licensed by the
184 department of early education and care shall also receive all conviction data, arrest data, sealed
185 record data and juvenile arrest or conviction data.

186 (d) A qualified entity that seeks to obtain said state and national fingerprint-based
187 criminal background check under this section shall first submit a request to the department of
188 criminal justice information services to be designated a qualified entity and execute a user
189 agreement. Qualified entities shall be subject to the regulations of the department of criminal
190 justice information services with respect to access to said state and national fingerprint-based
191 criminal background check information.

192 (e) Requests for state and national fingerprint-based criminal background checks
193 pursuant to this section shall be submitted in accordance with the policies and procedures

194 established by the executive office of public safety and security, the department of criminal
195 justice information services and the department of state police.

196 (f) A qualified entity is authorized to require a covered individual to be
197 fingerprinted. No qualified entity shall request a background check pursuant to this section
198 unless the covered individual first provides a set of fingerprints.

199 (g) Prior to submitting a state and national fingerprint-based criminal background
200 check a covered individual shall complete and sign a statement authorizing consent to such a
201 background check and notifying the covered individual that the qualified entity may request such
202 a background check. The statement shall include the following additional information: (i) the
203 name, address and date of birth as appearing on a valid identification document of the covered
204 individual; (ii) a statement that the covered individual has not been convicted of a crime and, if
205 the covered individual has been convicted of a crime, a description of the crime and the
206 particulars of the conviction; (iii) notification of the rights of the covered individual to obtain a
207 copy of the background check and the process by which the covered individual may appeal the
208 results of the background check to challenge the accuracy or completeness of the information
209 contained in the background report; and (iv) notification that prior to the completion of the
210 background check the qualified entity may choose to deny the covered individual access to
211 children.

212 (h) Fingerprints shall be submitted to the identification section of the department
213 of state police for a state criminal history check and forwarded to the Federal Bureau of
214 Investigation for a national criminal history check, according to the policies and procedures
215 established by the identification section of the department of state police and by the department

216 of criminal justice information services. The department of state police and the Federal Bureau
217 of Investigation may search criminal justice databases including all latent fingerprint
218 submissions. Fingerprint submissions may be retained by the Federal Bureau of Investigation,
219 the state identification section of the department of state police and the department of criminal
220 justice information services to assist qualified entities authorized under this section to ensure the
221 continued suitability of covered individuals to provide care for children. The department of
222 criminal justice information services may disseminate the results of the state and national
223 criminal background checks to the qualified entity and authorized staff of the qualified entity.

224 (i) A qualified entity may receive all available criminal offender record
225 information and the results of checks of state and national criminal history information databases
226 under 34 U.S.C. section 40102. The department of children and families, any qualified entity that
227 contracts with the department of children and families and any qualified entity that is licensed by
228 the department of early education and care shall also receive all conviction data, arrest data,
229 sealed record data and juvenile arrest or conviction data. Upon receipt of the results of the state
230 and national criminal background checks, the qualified entity shall treat the information
231 according to sections 167 to 178, inclusive, and the regulations promulgated thereunder
232 regarding criminal offender record information. Information obtained by the qualified entity
233 under this section shall be used only for determining the suitability of the covered individual's
234 fitness to have responsibility for the safety and well-being of children and shall not be used or
235 disseminated for any other purpose. Qualified entities shall also provide covered individuals with
236 information regarding how to obtain a copy of the criminal history record information and the
237 process by which the covered individual may appeal to challenge the accuracy or completeness
238 of the information contained in the criminal history record information.

239 (j) An authorized qualified entity submitting background checks pursuant to this
240 section shall also submit a sex offender registry information check to the sex offender registry
241 board for covered individuals.

242 (k) Notwithstanding subsections 9 and 9 1/2 of section 4 of chapter 151B, if the
243 qualified entity receives criminal history record information from the state or national
244 fingerprint-based criminal background checks that includes no disposition or is otherwise
245 incomplete, the qualified entity may request that a covered individual provide additional
246 information regarding the results of the criminal background checks to assist the qualified entity
247 in determining suitability.

248 (l) Upon receipt of the results of a state and national criminal background check
249 for a covered individual, the authorized entity shall review the results and determine the
250 suitability of the covered individual.

251 (m) There shall be a fee charged for fingerprint-based background checks under
252 this section, established by the secretary of administration and finance in consultation with the
253 secretary of public safety and security, to offset the costs of operating and administering a
254 fingerprint-based criminal background check system. The secretary of administration and finance
255 in consultation with the secretary of public safety and security, may increase the fee accordingly
256 if the Federal Bureau of Investigation increases the fee for its fingerprint background check
257 service. Any fees collected from fingerprinting activity under this section shall be deposited into
258 the Fingerprint-Based Background Check Trust Fund established under section 2HHHH of
259 chapter 29.

260 (n) Nothing in this section shall be construed to prohibit the department of
261 children and families from requesting or conducting state or national criminal background checks
262 on covered individuals or from disseminating the results of such criminal background checks to
263 qualified entities where authorized by federal and state law as applicable.

264 SECTION 4. Chapter 15D of the General Laws is hereby amended by striking
265 out sections 7 and 8 and inserting in place thereof the following 2 sections:-

266 Section 7. (a) The department shall issue and may renew a license to any person
267 other than a department, agency or institution of the commonwealth or any political subdivision
268 thereof, who meets applicable standards and requirements to establish and maintain or to assist in
269 the establishment and maintenance of a school-aged child care program, a child care center, a
270 family child care home, a placement agency, a large family child care home, or family foster care
271 which is not supervised and approved by a placement agency, residential program or temporary
272 shelter facility.

273 (i) As part of the department's licensing and background record check process,
274 the department, prior to issuing any license, shall: (1) obtain from the sex offender registry board
275 all available sex offender registry information, including all registration forms and documents
276 maintained by the sex offender registry board considered necessary by the department to
277 investigate background record checks or licensing violations, associated with the address of the
278 program, center, facility or home; and (2) conduct fingerprint-based checks of the state and
279 national criminal history databases, as authorized by Public Law 92-544. The fingerprint-based
280 checks shall be conducted on any current holder of or applicant for a family child care assistant
281 certificate or any current holder of or applicant seeking a license for: family child care; small

282 group and school age child care; large group and school age child care; a residential program; or
283 a placement agency. The fingerprint-based checks shall also be required for any household
284 member, age 15 or older, or any person, age 15 or older, regularly on the premises of applicants
285 for family child care licensure, as well as in-home non-relative caregivers. Authorized
286 department staff may receive all criminal offender record information and the results of checks
287 of state and national criminal history databases pursuant to Public Law 92-544. When the
288 department obtains the results of checks of state and national criminal history databases, it shall
289 treat the information according to sections 167 to 178, inclusive, of chapter 6 and the regulations
290 thereunder regarding criminal offender record information. Additionally, the department shall
291 obtain all available criminal offender record information through the department of criminal
292 justice information services consistent with clause (13) of subsection (a) of section 172 of
293 chapter 6 and section 172F of said chapter 6, and all supported findings and pending
294 investigations of abuse or neglect available through the department of children and families
295 consistent with sections 51B, 51E, and 51F of chapter 119. The department may require
296 additional checks as required by state or federal law.

297 (ii) As part of the department's licensing and background record check process,
298 the department shall conduct fingerprint-based checks of the state and national criminal history
299 databases, as authorized by Public Law 92-544, to determine the suitability of all current and
300 prospective candidates for employment or internships, whether or not those candidates have
301 unsupervised access to children, and all volunteers with unsupervised access to children in
302 department-licensed programs, unless specifically exempt by department regulations or policies.
303 The department shall outline in its regulations or policies the circumstances under which
304 candidates within department-licensed programs shall complete a background record check

305 through the department regardless of the candidate's unsupervised access to children. The
306 fingerprint-based checks shall also be required to determine the suitability of an individual who
307 provides transportation services on behalf of a department-licensed or approved program.
308 Authorized department staff may receive criminal offender record information and the results of
309 checks of state and national criminal history databases pursuant to Public Law 92-544. When the
310 department obtains the results of checks of state and national criminal history databases, it shall
311 treat the information according to sections 167 to 178, inclusive, of chapter 6 and the regulations
312 thereunder regarding criminal offender record information.

313 (b) The department shall issue approval to a department, agency, or institution of
314 the commonwealth or any political subdivision thereof which it determines meets the applicable
315 standards and requirements to establish and maintain a child care center, family child care home
316 or large family child care home, placement agency, group care facility or temporary shelter
317 facility.

318 As part of the department's approval process, the department or an agency
319 authorized by the department, prior to issuing an approval, shall: (i) obtain from the sex offender
320 registry board all available sex offender registry information, including all registration forms and
321 documents maintained by the sex offender registry board considered necessary by the department
322 to investigate background record checks or licensing violations, associated with the address of
323 the center, home or facility; and (ii) conduct fingerprint-based checks of the state and national
324 criminal history databases, pursuant to Public Law 92-544, that are required under this
325 subsection.

326 The fingerprint-based checks of the state and national criminal history databases
327 shall be conducted, pursuant to Public Law 92-544, to determine the suitability of all current or
328 prospective candidates for employment and internships, whether or not those candidates have
329 unsupervised access to children, and all candidates for volunteer positions with unsupervised
330 access to children in department-approved programs, unless specifically exempt by department
331 regulations or policies. The fingerprint-based checks shall also be required to determine the
332 suitability of an individual who provides transportation services on behalf of a department-
333 approved program. Authorized department staff may receive criminal offender record
334 information and the results of checks of state and national criminal history information databases
335 pursuant to Public Law 92-544. When the department obtains the results of checks of state and
336 national criminal information databases, it shall treat the information according to sections 167 to
337 178, inclusive, of chapter 6 and the regulations thereunder regarding criminal offender record
338 information.

339 The fingerprint-based checks of the state and national criminal history databases
340 shall be conducted, pursuant to Public Law 92-544, to determine the suitability of all current or
341 prospective candidates for employment and internships, whether or not those candidates have
342 unsupervised access to children, and all candidates for volunteer positions with unsupervised
343 access to children in programs run by public school districts where families of children enrolled
344 in such programs receive funding from the department, unless specifically exempt by department
345 regulations or policies. The fingerprint-based checks shall also be required to determine the
346 suitability of an individual who provides transportation services on behalf of a department-
347 approved program. Authorized department staff may receive all criminal offender record
348 information and the results of checks of state and national criminal history information databases

349 pursuant to Public Law 92-544. When the department obtains the results of checks of state and
350 national criminal information databases, it shall treat the information according to sections 167 to
351 178, inclusive, of chapter 6 and the regulations thereunder regarding criminal offender record
352 information.

353 (c) With respect to department-licensed and approved child care programs and
354 any other program subject to 42 U.S.C. section 9858, additional background record checks shall
355 be required by the department's regulations or policies consistent with federal and state law.

356 (d) The department may issue a provisional license for or may provisionally
357 approve a school-aged child care program, a child care center, family child care home or large
358 family child care home, family foster care which is not supervised and approved by a placement
359 agency, placement agency, group care facility or temporary shelter facility, which has not
360 previously operated, or is operating, but is temporarily unable to meet applicable standards and
361 requirements. A provisional license or approval shall be issued for a period of not more than 6
362 months, and a person shall not operate under a provisional license, provisional approval, or
363 renewal thereof for more than 12 consecutive months.

364 (e) Nothing in this section shall be construed to create a private right of action if
365 a provider has acted in accordance with this section.

366 Section 8. (a) The board shall adopt regulations relative to the requirements for
367 licensure and approval of school-aged child care programs, child care centers, family child care
368 homes or large family child care homes and family foster care which are not supervised and
369 approved by a placement agency, placement agencies, group care facilities or temporary shelter
370 facilities. These regulations shall be appropriate for the protection of the health, well-being and

371 development of children and shall include, but need not be limited to, provisions relative to: (1)
372 admission policies and procedures; (2) safe transport of children; (3) physical plant and
373 equipment; (4) the number and qualifications of staff; (5) the nature of programs of care or
374 treatment; (6) behavior management and child guidance policies and procedure; (7) health care
375 and nutrition; (8) rights and responsibilities of parents, children and staff; (9) record keeping and
376 other procedures relevant to evaluation including, but not limited to, reports by placement
377 agencies detailing the number and nature, as defined jointly by the University of Massachusetts
378 center for adoption research and policy in the city of Worcester and the department of children
379 and families, of adoptions processed during each calendar quarter to be filed with the center
380 annually on or before January 30; (10) organization, financing and administration; and (11) the
381 imposition of civil fines and other sanctions. The board shall consult with the board of
382 elementary and secondary education and the executive offices of public safety and health and
383 human services before adopting these rules and regulations. The board shall submit any rules and
384 regulations, or revisions to them, to the joint committee on education for review and comment at
385 least 60 days before adoption.

386 (b) The regulations may establish classifications for department-licensure,
387 approval or funding that are necessary to achieve the purposes of this section, but the standards
388 and requirements for approval of a child care center, family child care home or large family child
389 care home, placement agency, group care facility, or temporary shelter operated by a department,
390 agency or institution of the commonwealth or any political subdivision thereof shall be the same
391 as or higher than those applicable to the licensure of comparable facilities or services. The
392 regulations shall establish reasonable license fees and appropriate terms for all licenses granted
393 under this section. No license or approval shall be transferable.

394 (c) The regulations, as they relate to standards and requirements for licensure and
395 approval of large family child care homes, shall include, but not be limited to, appropriate
396 standards for: 1 or more approved assistants as provided in this chapter; additional floor space;
397 staff-to-child ratios for multiple age and size groupings; limitations on the number of infants in
398 care at 1 time; the hours of school-aged care; the number and age of school-aged children cared
399 for; a prerequisite that a provider have at least 3 years of experience in licensed family child care
400 and have completed at least 5 hours of specialized training before licensure as a large family
401 child care provider and at least 10 hours of training each subsequent year. In formulating the
402 regulations pertinent to family child care homes, large family child care homes and family foster
403 care, the department shall give special attention to fire and safety precautions.

404 (d) The timing, scope and nature of the department's background record check
405 process shall be established by the board in its regulations or policies, consistent with federal and
406 state law. Nothing in this section shall prevent the department from completing the background
407 record check process in a shorter amount of time than that required by federal or state law. The
408 regulations shall provide that: a person providing child care or support services or with
409 unsupervised access to children in a program or facility licensed, approved or funded by the
410 department and household members, age 15 or older, or persons regularly on the premises, age
411 15 or older, of family child care and large family child care homes shall be subject to a
412 background record check not less than every 3 years in accordance with regulations established
413 by the department; provided, however, that a candidate for employment in a department-
414 licensed, approved or funded program who is subject to a fingerprint-based check of the state and
415 national criminal history databases for the same employer that is approved pursuant to chapters
416 19B or 71B shall submit to a fingerprint-based check under regulations established by the

417 department; provided further, that a person who is considered suitable by the department shall
418 not be subject to more than 1 fingerprint-based check every 3 years to maintain employment with
419 the same employer that is department-licensed, approved or funded pursuant to this chapter and
420 is subject to said chapters 19B or 71B, and shall not be subject to duplicative fingerprint-based
421 checks for the same employer when fingerprinted for the department first unless an exception
422 described in the regulations or policies of the department applies or an increased frequency is
423 required by state or federal law; and provided further, that the department shall only determine
424 whether an applicant is suitable for affiliation with a department-licensed, approved or funded
425 program.

426 The board shall adopt regulations establishing that the following individuals shall
427 be subject to a sex offender registry information check pursuant to sections 178I and 178J of
428 chapter 6: (1) each person defined as an applicant of a department-licensed, approved or funded
429 program; (2) individuals who are providing child care or support services with unsupervised
430 access to children in a program or facility licensed, approved or funded by the department when
431 mandated by department regulations or policies consistent with federal and state law; (3)
432 household members, age 15 or older, or persons regularly on the premises, age 15 or older, of
433 family child care and large family child care homes; (4) department-funded caregivers or
434 candidates for employment, internships or volunteer positions within programs in receipt of
435 federal funding pursuant to 42 U.S.C. section 9858, consistent with department regulations or
436 policies; and (5) an individual who provides transportation services on behalf of a department-
437 licensed, funded or approved program. The regulations shall establish the conditions upon which
438 the department may deny an application for a license, a license renewal or approval, employment
439 or department funding. The board shall adopt regulations establishing an address search of the

440 sex offender registry for the purposes of licensing and license renewal or approval of school-
441 aged child care programs, child care centers, family child care homes, placement agencies or
442 large family child care homes, family foster care that is not supervised and approved by a
443 placement agency, group care facilities or temporary shelter facilities, including the conditions
444 under which the department may deny an application for a license, license renewal, approval or
445 funding based upon the information obtained from the address search of the sex offender
446 registry.

447 (e) Any rule or regulation involving medical treatment shall include appropriate
448 exemptions for children whose parents object to such treatment on the ground that it conflicts
449 with the tenets and practice of a recognized church or religious denomination of which the parent
450 or child is an adherent or member. The regulations shall require that each child care program
451 licensed or approved by the department shall obtain from a parent or guardian of a child in care
452 under the age of 6 years, but not less than 2 years of age, a statement, signed by a physician or an
453 employee of a health care agency, that the child has been screened for lead poisoning. This
454 statement shall be obtained upon the child's enrollment if the child is 2 years of age or older or at
455 the time the child reaches 2 years of age.

456 (f) The regulations shall require that any person who operates a school age child
457 care program, as defined in section 2 of chapter 132B, or a child care center shall comply with
458 the requirements regarding pesticide applications as set forth in sections 6C to 6I, inclusive of
459 said chapter 132B.

460 (g) Fines authorized by this section shall range from \$50 to \$1,000. In no case
461 shall a fine imposed on a family child care home, large family child care home or child care
462 center exceed a maximum fine of \$250 per violation.

463 (h) The department shall provide consultation to assist applicants in meeting its
464 requirements for licensure or approval, and in meeting other applicable state and local
465 requirements relative to fire, safety, and zoning codes.

466 (i) The board shall conduct a comprehensive review of rules and regulations
467 established under this section at least once every 5 years.

468 (j) Fingerprints, as referenced in subsections (a) and (b) of section 7 and
469 subsection (d), shall be submitted to the identification section of the department of state police
470 for a state criminal history check and forwarded to the Federal Bureau of Investigation for a
471 national criminal history check, according to the policies and procedures established by the
472 identification section of the department of state police and by the department of criminal justice
473 information services. Fingerprint submissions may be retained by the Federal Bureau of
474 Investigation, the identification section of the department of state police and the department of
475 criminal justice information services to assist the department of early education and care in the
476 department's review of suitability for initial or continued licensure, certification, approval or
477 funding. The department of criminal justice information services may disseminate the results of a
478 state and national criminal history check to the department of early education and care to
479 determine the suitability of: (i) a current holder of or applicant for a family child care, small
480 group and school age, large group and school age and residential and placement license or family
481 child care assistant certificate; (ii) current and prospective candidates for employment and for

482 internships and volunteer positions where there is unsupervised access to children in a
483 department-licensed, approved or funded program consistent with department regulations or
484 policies and with federal and state law; (iii) household members, age 15 or older, or all persons,
485 age 15 or older, regularly on the premises, of current family child care providers and applicants
486 for family child care licensure; (iv) department-funded caregivers or candidates within programs
487 in receipt of federal funding pursuant to 42 U.S.C. section 9858, consistent with department
488 regulations or policies; and (v) an individual who is a current or prospective provider of
489 transportation services on behalf of, whether or not they have unsupervised access to children in,
490 a department-licensed, approved or funded program, consistent with department regulations or
491 policies. If the department receives information from a background record check that does not
492 include a final disposition or is otherwise incomplete, the department may request that a
493 candidate, either new or renewing, provide additional information to assist the department in
494 determining the suitability of the individual for licensure, certification, approval, funding or
495 employment.

496 The board of early education and care shall, in a manner provided by law and
497 under this chapter, promulgate regulations necessary to carry out this subsection. The regulations
498 shall address the circumstances under which a licensed, approved or funded program may hire an
499 individual in provisional status consistent with this section, the department's regulations or
500 policies and the federal requirements of 42 U.S.C. section 9858f.

501 For the purposes of this subsection, the term “provisional status” shall mean the
502 standing of a candidate for employment, an internship or a volunteer position with a department-
503 licensed, approved or funded program, or a candidate who has access to children in those
504 programs, who the department preliminarily approves to have supervised access to children after

505 obtaining the results of a state and national fingerprint-based criminal history check and required
506 sex offender checks consistent with federal and state law and the department's regulations or
507 policies. A candidate may be hired by the employer in provisional status if the employer
508 determines that hiring the candidate is necessary and authorized by department regulations or
509 policies and is consistent with federal law. Candidates in provisional status shall adhere to the
510 requirements in department regulations and policies. If a program or transportation provider
511 seeks to hire a candidate in provisional status, the department may request that the candidate
512 provide additional information regarding the individual's history of criminal convictions, if any,
513 to assist the department in determining the individual's suitability for provisional status;
514 provided, however, that access to children shall not occur prior to the program or transportation
515 provider obtaining the results of a fingerprint-based state and national criminal check and all sex
516 offender registry information checks pursuant to sections 178I and 178J of chapter 6 and
517 consistent with federal and state law and department regulations and policies.

518 The department of criminal justice information services shall disseminate the
519 results of the criminal background check to the department. The department of criminal justice
520 information services shall only disseminate information under this section that would otherwise
521 be available to requesting entities pursuant to sections 167 to 178, inclusive, of said chapter 6
522 and the regulations thereto regarding criminal offender record information.

523 (k) The board shall adopt regulations establishing the conclusiveness of
524 information obtained by the department in an address search of the sex offender registry for
525 purposes of licensing, license renewal or approval of school-aged child care programs, child care
526 centers, family child care homes, placement agencies or large family child care homes, family
527 foster care that is not supervised and approved by a placement agency, group care facilities or

528 temporary shelter facilities, including the conditions in which the address search of the sex
529 offender registry shall be sufficient cause for the department to deny an application for a license,
530 license renewal or approval.

531 (l) All persons required to submit fingerprints pursuant to this chapter, including,
532 but not limited to: (i) a current holder of or applicant for a family child care, small group and
533 school age, large group and school age and residential and placement license, or family child
534 care assistant certificate; (ii) current and prospective candidates for employment, internships and
535 volunteer positions in department-licensed, approved or funded programs, consistent with
536 department regulations or policies; (iii) household members, age 15 or older, or persons, age 15
537 or older, regularly on the premises of current family child care providers and applicants for
538 family child care licensure; (iv) department-funded caregivers or candidates within programs in
539 receipt of federal funding pursuant to 42 U.S.C. section 9858, consistent with department
540 regulations or policies; and (v) a current or prospective candidate who provides transportation
541 services on behalf of, or who has unsupervised access to children in, a department-licensed,
542 approved or funded program, consistent with department regulations or policies, shall pay a fee,
543 to be established by the secretary of administration and finance, in consultation with the
544 secretary of public safety and security and the commissioner, to offset the costs of operating and
545 administering a fingerprint-based criminal background check system. The fee shall not be more
546 than \$35 per person. The secretary of administration and finance, in consultation with the
547 secretary of public safety and security and the commissioner, may increase the fee accordingly if
548 the Federal Bureau of Investigation increases its fingerprint background check service fee. The
549 department-licensed, approved or funded programs may reimburse candidates for employment,
550 internships or volunteer positions, for all or a portion of the fee on the grounds of financial

551 hardship. Fees collected from fingerprinting activity pursuant to this chapter shall be deposited
552 into the Fingerprint-Based Background Check Trust Fund, established by section 2HHHH of
553 chapter 29.

554 (m) The department’s review process into a person’s presumptive and
555 discretionary disqualifications shall include an opportunity for the person to address department
556 personnel, if requested by the person, about any disqualifications. Upon receipt of such a request,
557 it shall be within the discretion of the department to conduct a telephone interview, in-person
558 interview or to accept a written statement by the person to make a final suitability determination.

559 (n) Nothing in this section shall be construed to create a private right of action if
560 a provider has acted in accordance with this section.

561 SECTION 5. Subsection (a) of section 69 of chapter 23A of the General Laws, as
562 added by section 9 of chapter 358 of the acts of 2020, is hereby amended by striking out the last
563 sentence and inserting in place thereof the following sentence:-

564 For the purposes of this section, the term “micro business” shall mean a business:

- 565 (i) with no more than 5 employees; (ii) located in a census tract as reported in the most recently
566 completed decennial census published by the United States Census Bureau that has a median
567 household income not greater than 80 per cent of the statewide median household income; and
568 (iii) with no more than \$250,000 in annual revenue.

569 SECTION 6. Section 2HHHH of chapter 29 of the General Laws, as appearing in
570 the 2018 Official Edition, is hereby amended by inserting, in line 4, after the word “in” the
571 following words:- section 172O of chapter 6,.

572 SECTION 7. Said section 2HHHH of said chapter 29, as so appearing, is hereby
573 further amended by inserting, in line 14, after the word “in” the following words:- section 172O
574 of chapter 6,.

575 SECTION 8. Subsection (b) of section 2WWWW of said chapter 29, as so
576 appearing, is hereby amended by adding the following words:- ; provided, that money in the fund
577 may also be expended for payments to such hospitals necessary to reconcile prior-year
578 assessment amounts due to timing discrepancies in the calculation of the ratio described in
579 subsection (b) of section 67 of chapter 118E.

580 SECTION 9. Subsection (c) of section 3A of chapter 40A of the General Laws,
581 as added by section 18 of chapter 358 of the acts of 2020, is hereby amended by inserting after
582 the word “department”, the first time it appears, the following words:- of housing and
583 community development.

584 SECTION 10. The fifth paragraph of section 5 of said chapter 40A, as amended
585 by section 19 of said chapter 358, is hereby amended by striking out clause (4) and inserting in
586 place thereof the following clause:-

587 (4) the adoption of a smart growth zoning district or starter home zoning district
588 in accordance with section 3 of chapter 40R.

589 SECTION 11. Said section 5 of said chapter 40A, as so amended, is hereby
590 further amended by inserting after the fifth paragraph the following 2 paragraphs:-

591 Any amendment that requires a simple majority vote shall not be combined with
592 an amendment that requires a two-thirds majority vote.

593 If, in a city or town with a council of fewer than 25 members, there is filed with
594 the clerk prior to final action by the council a written protest against a zoning change under this
595 section, stating the reasons duly signed by owners of 50 per cent or more of the area of the land
596 proposed to be included in such change or of the area of the land immediately adjacent extending
597 300 feet therefrom, no change of any such ordinance shall be adopted except by a two-thirds vote
598 of all members.

599 SECTION 12. Chapter 40X of the General Laws, as inserted by section 56 of
600 chapter 358 of the acts of 2020, is hereby amended by striking out section 8 and inserting in
601 place thereof the following section:-

602 Section 8. (a) The municipal governing body of a lead jurisdiction shall notify the
603 commissioner of its approval of a tourism destination marketing district, the rate at which the
604 special assessment is to be imposed and the effective date of the special assessment. Such
605 notification shall be received by the commissioner within 48 hours of the formal approval of the
606 tourism destination marketing district by the local municipal governing body of the lead
607 jurisdiction. The special assessment shall take effect on the first day of the first calendar quarter
608 following 30 days after approval by the municipal governing body of a lead jurisdiction of the
609 tourism destination marketing district; provided, that the assessment shall not take effect for a
610 calendar quarter if the commissioner has not first been notified of the adoption of the assessment
611 at least 28 days before the start of such calendar quarter.

612 (b) The management entity of a tourism destination marketing district shall, with
613 respect to every lodging business operating in the tourism destination marketing district, report to
614 the commissioner the lodging business's name, address, zip code, federal employment

615 identification number and any other information the commissioner may require for the purposes
616 of the administration and collection of the special assessment within 30 days after approval by
617 the municipal governing body of a lead jurisdiction of the tourism destination marketing district.
618 The management entity must report this information to the commissioner with respect to any
619 lodging businesses added to the tourism destination marketing district within 30 days of such
620 addition.

621 (c) Assessed lodging businesses shall pay the tourism destination marketing
622 district special assessment to and file a return with the commissioner at the same time and in the
623 same manner provided for filing the return required by paragraph (g) of section 16 of chapter
624 62C. Such special assessment shall be subject to said chapter 62C for administration and
625 collection purposes. All sums received by the commissioner under this chapter shall, at least
626 quarterly, be distributed, credited and paid by the state treasurer upon certification of the
627 commissioner, to each management entity in proportion to the amount of such sums received
628 from the respective tourism destination marketing districts.

629 The special assessments collected shall be used solely to fund supplemental
630 services identified and approved in the tourism destination marketing district plan for the tourism
631 destination marketing district.

632 (d) An annual audit, certified by a certified public accountant, of the revenues
633 generated, the grants, donations and gifts received and the expenses incurred by the tourism
634 destination marketing district shall be made within 120 days of the close of the fiscal year, and
635 shall be placed on file with the commissioner. Such accounting shall be a public record.

636 (e) The commissioner may promulgate regulations and issue other guidance for
637 the assessing, reporting, collecting, remitting and enforcement of the special assessment under
638 this section.

639 SECTION 13. Section 9 of said chapter 40X, as inserted by said section 56 of
640 said chapter 358, is hereby amended by adding the following subsection:-

641 (e) The municipal governing body of a lead jurisdiction shall notify the
642 commissioner of the approval of any amendment to a tourism destination marketing district plan
643 within 48 hours of the formal approval of such amendment. Any change in assessment rate shall
644 take effect in the manner provided in subsection (a) of section 8.

645 SECTION 14. Said chapter 40X, as inserted by said section 56 of said chapter
646 358, is hereby further amended by striking out section 11 and inserting in place thereof the
647 following section:-

648 Section 11. (a) The validity of an assessment levied pursuant to this chapter shall
649 not be contested in any action or proceeding unless the action or proceeding is commenced
650 within 30 days after the formal approval of the tourism destination marketing district by the local
651 municipal governing body of the lead jurisdiction. Any appeal from a final judgment in an action
652 or proceeding shall be perfected within 30 days after entry of judgment.

653 (b) Notwithstanding subsection (a), chapter 62C shall apply to disputes regarding
654 the proper amount of assessment due from a lodging business pursuant to this chapter.

655 SECTION 15. Section 3 of chapter 161A of the General Laws, as appearing in
656 the 2018 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words “board

657 of directors of the Massachusetts Department of Transportation established in chapter 6C” and
658 inserting in place thereof the following words:- Massachusetts Bay Transportation Authority
659 board of directors established in section 7.

660 SECTION 16. Said chapter 161A, as so appearing, is hereby further amended by
661 striking out section 7 and inserting in place thereof the following section:-

662 Section 7. (a) The authority shall be governed and its corporate powers exercised
663 by a board of directors, consisting of 7 members: 1 member shall be the secretary, who shall
664 serve ex officio; 5 members shall be appointed by the governor, 1 of whom shall have experience
665 in safety, 1 of whom shall have experience in transportation operations, 1 of whom shall have
666 experience in public or private finance, 1 of whom shall be selected from a list of 3 persons
667 recommended by the president of the AFL-CIO and 1 of whom shall be a rider as defined in
668 section 1; and 1 member shall be appointed by the advisory board established pursuant to section
669 7A. At least 2 members shall also be members of the board of directors of the Massachusetts
670 Department of Transportation established pursuant to section 2 of chapter 6C.

671 (b) The term of each member, except for the secretary, shall be 4 years. Three of
672 the members, not including the secretary, shall serve for terms that are coterminous with the
673 governor. A member shall be eligible for reappointment; provided, that a member shall not serve
674 more than 2 terms. A member appointed to fill a vacancy in the board shall serve only for the
675 unexpired term of the former member, but may be appointed to serve 2 full terms in addition to
676 such part of a full term.

677 (c) Not more than 4 of the members shall be enrolled in the same political party.
678 The governor shall designate 1 member to serve as chair and the board shall elect 1 member to
679 serve as vice-chair.

680 (d) Four members of the board shall constitute a quorum and the affirmative vote
681 of a majority of members present at a duly called meeting, if a quorum is present, shall be
682 necessary for any action taken by the board. Any action required or permitted to be taken at a
683 meeting of members may be taken without a meeting if all of the members consent in writing to
684 such action and such written consent is filed with the records of the minutes of the board. Such
685 consent shall be treated for all purposes as a vote at a meeting. No vacancy in the membership of
686 the board shall impair the right of a quorum to exercise all the rights and perform all the duties of
687 the authority.

688 (e) The board shall be afforded all powers, responsibilities and obligations set
689 forth pursuant to this chapter. The board may delegate any powers, responsibilities and
690 obligations specifically afforded to it to the general manager unless otherwise prohibited by this
691 section. The board shall adopt a written policy providing for the delegation of any of its powers
692 and duties.

693 (f) The board shall establish subcommittees, which shall include at the minimum
694 a subcommittee on: (i) safety; and (ii) audit and finance. Each member shall participate on 2
695 subcommittees of the board.

696 (g) The members of the board, with the exception of the secretary, shall serve
697 without compensation, but each member may be reimbursed for actual and necessary travel and

698 other expenses reasonably incurred by the member in the discharge of the member's official
699 duties; provided, however, that reimbursement shall not exceed \$6,000 annually per member.

700 (h) Meetings of the board and its subcommittees shall be subject to sections 18 to
701 25, inclusive, of chapter 30A. Records of the board shall be subject to section 10 of chapter 66.

702 (i) The board shall meet at least 12 times per calendar year.

703 (j) Each member shall make full disclosure of financial interest, if any, in matters
704 before the board by notifying the state ethics commission, in writing, and shall abstain from
705 voting on any matter before the board in which the member has a financial interest, unless
706 otherwise permissible under chapter 268A. Chapters 268A and 268B shall apply to ex-officio
707 members. Said chapters 268A and 268B shall apply to all other members of the board, except
708 that the board may purchase from, sell to, borrow from, loan to, contract with or otherwise deal
709 with any person in which any member of the board is in any way interested or involved provided
710 that: (i) such an interest or involvement is disclosed in advance to the members of the board and
711 recorded in the minutes of the board; and (ii) no director having such an interest or involvement
712 may participate in a decision of the board relating to such an interest or involvement.

713 Employment by the commonwealth or service in any agency thereof shall not be deemed to be
714 such an interest or involvement.

715 (k) Members shall not be liable to the commonwealth, to the authority, or to any
716 other person as a result of their activities, whether ministerial or discretionary, as such members
717 or officers except for willful dishonesty or intentional violations of law. The board may purchase
718 liability insurance for board members, officers and employees, and may indemnify such persons
719 against the claims of others.

720 SECTION 17. Section 109 of chapter 133 of the acts of 2016 is hereby amended
721 by inserting after the figure “175” the following words:- , inserted by section 1 of chapter 183 of
722 the acts of 2016,.

723 SECTION 18. Section 112 of said chapter 133 is hereby amended by inserting
724 after the figure “176A” the following words:- , inserted by section 2 of chapter 183 of the acts of
725 2016,.

726 SECTION 19. Section 114 of said chapter 133 is hereby amended by inserting
727 after the figure “176B” the following words:- , inserted by section 3 of chapter 183 of the acts of
728 2016,.

729 SECTION 20. Section 116 of said chapter 133 is hereby amended by inserting
730 after the figure “176G” the following words:- , inserted by section 4 of chapter 183 of the acts of
731 2016,.

732 SECTION 21. Section 200 of said chapter 133 is hereby amended by striking out
733 the figure “2021” and inserting in place thereof the following figure:- 2022.

734 SECTION 22. Section 102 of chapter 41 of the acts of 2019 is hereby amended
735 by striking out the words “July 1, 2021” and inserting in place thereof the following words:-
736 April 1, 2022.

737 SECTION 23. Item 7008-1117 of chapter 142 of the acts of 2019 is hereby
738 amended by striking out the figure “2021” and inserting in place thereof the following figure:-
739 2022.

740 SECTION 24. Item 4403-2000 of section 2 of chapter 227 of the acts of 2020 is
741 hereby amended by inserting after the words “of September 2020” the following words:- ;
742 provided further, that a non-recurring COVID-19 relief payment for costs associated with the
743 pandemic shall be provided to each child and pregnant recipient who received a benefit under
744 this program in the month directly preceding the month of the issuance of said non-recurring
745 COVID-19 relief payment; provided further, that the amount of said COVID-19 relief payment
746 shall be determined based on the number of eligible recipients; provided further, that the total
747 cost of payments shall not exceed \$27,853,223; provided further, that any unspent balance of up
748 to \$27,853,223 in this item as of June 30 of the current fiscal year shall be re-authorized for
749 expenditure in the next fiscal year using the same eligibility criteria.

750 SECTION 25. Item 5911-1003 of said section 2 of said chapter 227 is hereby
751 amended by inserting after the words “Congress, Inc.” the following words:- ; provided further,
752 that the commissioner of developmental services may transfer funds between items 5920-2025,
753 5920-2000 and 5911-2000; provided further, that the commissioner shall notify the house and
754 senate committees on ways and means 15 days in advance of any such transfer.

755 SECTION 26. Item 7007-1641 of said section 2 of said chapter 227 is hereby
756 amended by striking out the words “Smaller Business Association of New England, Inc, for the”
757 and inserting in place thereof the following words:- Massachusetts Technology Park Corporation
758 established by chapter 40J of the General Laws for a.

759 SECTION 27. Item 7007-1641 of said section 2 of said chapter 227 is hereby
760 further amended by striking out the words “president of the Smaller Business Association of
761 New England, Inc,” and inserting in place thereof the following word:- grantee.

762 SECTION 28. Item 1595-1068 of section 2E of said chapter 227 is hereby
763 amended by striking out the figure “\$437,750,000” and inserting in place thereof the following
764 figure:- \$465,350,000.

765 SECTION 29. Said item 1595-1068 of said section 2E of said chapter 227 is
766 hereby further amended by striking out the figure “\$505,250,000” and inserting in place thereof
767 the following figure:- \$537,190,000.

768 SECTION 30. Item 1595-1070 of said section 2E of said chapter 227 is hereby
769 amended by striking out the words “or 2020” and inserting in place thereof the following words:-
770 , 2020 or 2021.

771 SECTION 31. Subsection (f) of section 20 of chapter 9 of the acts of 2021, as
772 amended by section 4 of chapter 16 of the acts of 2021, is hereby further amended by striking out
773 the words “section 21A” and inserting in place thereof the following words:- section 21.

774 SECTION 32. Notwithstanding section 1Q of chapter 69 of the General Laws or
775 any other general or special law to the contrary, due to the 2019 novel coronavirus pandemic,
776 also known as COVID-19, the commissioner of elementary and secondary education may
777 establish an alternative means of demonstrating English language proficiency for the state seal of
778 biliteracy for students in the class of 2020 or 2021, which may include, but is not limited to,
779 earning the modified competency determination in English language arts.

780 SECTION 33. Notwithstanding section 89 of chapter 71 of the General Laws or
781 any other general or special law to the contrary, due to the 2019 novel coronavirus pandemic,
782 also known as COVID-19, the list of districts in the lowest 10 per cent of all statewide student

783 performance scores released in fiscal year 2020 shall be maintained as that list for fiscal years
784 2021 and 2022.

785 SECTION 34. Notwithstanding any general or special law to the contrary, for
786 fiscal year 2021, the secretary of health and human services, with the written approval of the
787 secretary of administration and finance, may authorize transfers of surplus among items 4000-
788 0320, 4000-0430, 4000-0500, 4000-0601, 4000-0641, 4000-0700, 4000-0875, 4000-0880, 4000-
789 0885, 4000-0940, 4000-0950, 4000-0990, 4000-1400, 4000-1420 and 4000-1425.

790 SECTION 35. Notwithstanding any general or special law to the contrary, any
791 unexpended balances, not exceeding a total of \$40,000,000, in items 4000-0700 and 4000-1425
792 of section 2 of chapter 227 of the acts of 2020 shall not revert to the General Fund until
793 September 1, 2021 and may be expended by the executive office of health and human services to
794 pay for services enumerated in said items 4000-0700 and 4000-1425 provided during fiscal year
795 2021.

796 SECTION 36. Notwithstanding any general or special law to the contrary, the
797 secretary of health and human services shall, not later than September 3, 2021, provide to the
798 comptroller information on the amount of the federal financial participation revenues claimed
799 and received by the commonwealth for eligible expenditures made from the MassHealth
800 Delivery System Reform Trust Fund established in section 2SSSS of chapter 29 of the General
801 Laws for fiscal year 2021 that are attributable to the increase to the federal medical assistance
802 percentage authorized by section 6008 of the federal Families First Coronavirus Response Act,
803 Public Law 116-127. The comptroller shall credit said amount to the General Fund and not the
804 MassHealth Delivery System Reform Trust Fund in fiscal year 2021.

805 SECTION 37. Notwithstanding any general or special law to the contrary, the
806 commissioner of capital asset management and maintenance may take any and all interests in all
807 the paper streets on the property: (i) described in the deed from the Trustees of the Soldiers'
808 Home in Massachusetts dated December 27, 1934 recorded at the Suffolk county registry of
809 deeds in book 5503, page 430; and (ii) identified in plans recorded at the Suffolk county registry
810 of deeds in book 1174, page 16 and book 1168, page end, and may also take any other interests
811 or rights necessary to clear title to the property by eminent domain pursuant to chapter 79 of the
812 General Laws, as deemed necessary by the commissioner of capital asset management and
813 maintenance to carry out this act.

814 SECTION 38. Notwithstanding any general or special law to the contrary, in
815 making initial appointments to the Massachusetts Bay Transportation Authority board of
816 directors, established pursuant to section 7 of chapter 161A of the General Laws, the governor
817 shall appoint the 3 members whose terms are not coterminous with the term of the governor to
818 the following initial terms: 1 member shall be appointed for a term of 1 year, 1 member shall be
819 appointed for a term of 2 years and 1 member shall be appointed for a term of 3 years.