

# SENATE . . . . . No. 2181

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Senate, March 4, 2019 -- Text of the Senate amendment (Senator Rodrigues) to the House Bill making appropriations for the fiscal year 2019 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3506, amended).

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## The Commonwealth of Massachusetts

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

1           SECTION 1. To provide for supplementing certain items in the general appropriation act  
2 and other appropriation acts for fiscal year 2019, the sums set forth in section 2 are hereby  
3 appropriated from the General Fund unless specifically designated otherwise in this act or in  
4 those appropriation acts, for the several purposes and subject to the conditions specified in this  
5 act or in those appropriation acts, and subject to the laws regulating the disbursement of public  
6 funds for the fiscal year ending June 30, 2019. These sums shall be in addition to any amounts  
7 previously appropriated and made available for the purposes of those items. These sums shall be  
8 made available until June 30, 2019, except as otherwise stated.

9           SECTION 2.

10           EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

11           Reserves

12           1599-4448.....\$39,000,000

13           Division of Capital Asset Management and Maintenance

14           1102-3205.....\$438,419

15	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES	
16	Office of the Secretary	
17	1595-1069.....	\$16,453,180
18	Department of Public Health	
19	4510-0810.....	\$1,000,000
20	EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT	
21	Department of Labor Standards	
22	7003-0200.....	\$230,000
23	EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT	
24	Department of Housing and Community Development	
25	7004-0101.....	\$10,046,612
26	EXECUTIVE OFFICE OF EDUCATION	
27	Department of Early Education and Care	
28	3000-7040.....	\$680,000
29	EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY	
30	Sex Offender Registry	
31	8000-0125.....	\$494,662

32 Department of Correction

33 8900-0001.....\$28,076,230

34 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to  
35 provide for an alteration of purpose for current appropriations and to meet certain requirements  
36 of law, the sums set forth in this section are hereby appropriated from the General Fund, unless  
37 specifically designated otherwise in this section, for the several purposes and subject to the  
38 conditions specified in this section and subject to the laws regulating the disbursement of public  
39 funds for the fiscal year ending June 30, 2019. These sums shall be made available until June 30,  
40 2019, except as otherwise stated.

41 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

42 Department of Public Utilities

43 2100-0020 For the costs associated with an independent statewide examination of the  
44 safety of gas distribution infrastructure; provided, that notwithstanding the second sentence of  
45 the first paragraph of section 18 of chapter 25 of the General Laws, the assessments levied for  
46 fiscal year 2019 under said first paragraph shall be made at a rate sufficient to produce the  
47 amount expended from this item; provided further, that upon completion of the examination, the  
48 department of public utilities shall provide a report to the chairs of the house and senate  
49 committees on ways and means and the house and senate chairs of the joint committee on  
50 telecommunications, utilities and energy detailing the results of the examination, any  
51 recommendations for remediating safety issues with the commonwealth’s gas distribution  
52 infrastructure including, but not limited to, the fiscal impacts of recommended safety  
53 improvements and recommended legislative action, if any; and provided further, that any

54 unexpended funds in this item shall not revert but shall be made available for the purpose of this  
55 item until June 30, 2020..... \$1,482,694

56 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

57 Department of Housing and Community Development

58 7004-1000 For the federal Low Income Home Energy Assistance Program, 42 U.S.C.  
59 8621 et seq., to assist eligible low-income elders, working families and other households with  
60 assistance paying a portion of winter heating bills; provided, that the department shall establish  
61 the maximum assistance for which a household shall be eligible; and provided further, that any  
62 unexpended funds in this item shall not revert but shall be made available for the purpose of this  
63 item until June 30, 2020..... \$30,000,000

64 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

65 State Police Crime Laboratory

66 8100-1014 For costs associated with the collection and testing of sexual assault evidence  
67 kits required to be collected and tested by section 214 of chapter 69 of the acts of 2018, including  
68 testimony regarding such collection and testing; provided, that any unexpended funds in this item  
69 shall not revert but shall be made available for the purpose of this item until June 30,  
70 2020..... \$16,000,000

71 SECTION 2B. To provide for supplementing certain intragovernmental chargeback  
72 authorizations in the general appropriation act and other appropriation acts for fiscal year 2019,  
73 to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for  
74 an alteration of purpose for current intragovernmental chargeback authorizations and to meet

75 certain requirements of law, the sum set forth in this section is hereby authorized from the  
76 Intragovernmental Service Fund for the several purposes specified in this section or in the  
77 appropriation acts, and subject to the provisions of law regulating the disbursement of public  
78 funds for the fiscal year ending June 30, 2019. This sum shall be in addition to any amounts  
79 previously authorized and made available for the purposes of this item.

80 EXECUTIVE OFFICE OF TECHNOLOGY SERVICES AND SECURITY

81 1790-0200..... \$15,000,000

82 SECTION 3. Chapter 7C of the General Laws is hereby amended by inserting after  
83 section 2 the following section:-

84 Section 2A. (a) As used in this section, the following words shall have the following  
85 meanings unless the context clearly indicates otherwise:

86 “Job order”, an agreed upon fixed-price order issued by a public agency to a contractor  
87 pursuant to a job order contract for the contractor's performance of a specific maintenance,  
88 repair, alteration or conversion project consisting solely of tasks, materials and equipment  
89 selected from those specified and priced in the job order contract.

90 “Job order contract”, a contract for the performance of a maintenance, repair, alteration  
91 and conversion projects, or a subset thereof, that: (i) is limited to a specified term; (ii) includes  
92 specifications consisting of technical descriptions of the included various tasks, materials and  
93 equipment at stated unit prices but that do not specify the specific projects to be performed by  
94 the contractor; (iii) contains a fixed contractor’s mark up over the unit prices, as described under  
95 clause (ii); and (iv) in accordance with which 1 or more specified state agencies may enter into

96 fixed price job orders with the contractor for the performance of specific projects, consisting  
97 solely of combinations of the tasks, materials and equipment specified in the contract and at the  
98 unit prices specified in the contract plus the contractor's mark-up.

99 “Maintenance”, day-to-day routine, normally recurring, repairs, equipment adjustments  
100 and upkeep.

101 “Repair”, work required to restore a facility or system to a condition in which it may  
102 continue to be approximately and effectively used for its designated purpose and anticipated life  
103 or to comply with code requirements by overhaul, reprocessing or replacement of constituent  
104 parts or materials that do not meet code requirements or have deteriorated by either action of the  
105 elements or wear and tear in use .

106 (b) Notwithstanding any general or special law to the contrary, the commissioner may  
107 establish a program for the use of job order contracts by higher education facilities subject to the  
108 department of higher education and by the division of capital asset management and maintenance  
109 with respect to properties for which it is responsible.

110 (c) The commissioner may procure contracts for services related to the creation and use  
111 of job order contracts including, but not limited to, the creation of task descriptions,  
112 specifications and unit prices for use in job order contracts, and agency training and other  
113 services related to such contracts. Such procurement may be conducted in accordance with the  
114 procedures specified in applicable regulations governing the procurement of commodities or  
115 services..

116 (d) The commissioner may procure job order contracts for use by state agencies,  
117 consisting of the division of capital asset management and maintenance and any higher education

118 facilities subject to the department of higher education. Contracts authorized under this section  
119 shall: (i) be limited to job orders estimated to cost not more than \$150,000 each; (ii) have a  
120 maximum term of 2 years; and (iii) be procured through the procedures specified in section 39M  
121 of chapter 30, except that: (A) the amount of the bid deposit shall be \$5,000; (B) a contractor  
122 who is awarded a job order under a job order contract shall be certified by the division for the  
123 category of work specified in the contract; and (C) the amount of surety bonds required by the  
124 contract may be satisfied with respect to each particular job order before the commencement of  
125 any work under that job order. The commissioner shall award a job order contract to the eligible  
126 and responsible bidder who offers the lowest mark-up over the base unit prices specified in the  
127 contract specifications.

128 (e) Not later than February 1 and July 1 of each year, the commissioner shall biannually  
129 prepare and submit a report on the job order contract program to the chairs of the joint committee  
130 on state administration and regulatory oversight. The report shall include an analysis of the cost  
131 effectiveness of job order contracting and any other public benefits resulting from job order  
132 contracts.

133 SECTION 4. Chapter 10 of the General Laws is hereby amended by striking out section  
134 35RR, as appearing in the 2016 Official Edition, and inserting in place thereof the following  
135 section:-

136 Section 35RR. There shall be established and set up on the books of the commonwealth a  
137 separate fund to be known as the Health Information Technology Trust Fund. There shall be  
138 credited to the fund revenues from federal reimbursements under Title XIX or Title XXI of the  
139 Social Security Act and applicable waivers thereof, the Health Information Technology for

140 Economic and Clinical Health Act, Title XIII of Division A and Title IV of Division B of Pub. L.  
141 No. 111-5 and any other federal reimbursements, grants, premiums, gifts or other contributions  
142 from any source received for or in support of the commonwealth's Health Insurance  
143 Exchange/Integrated Eligibility System, the health care provider incentive payment program and  
144 for the promotion of electronic health record adoption and health information exchange in the  
145 commonwealth. The secretary of health and human services shall be the fund's trustee and shall  
146 expend the fund, without further appropriation, for costs associated with the development,  
147 maintenance and administration of the Health Insurance Exchange/Integrated Eligibility System,  
148 incentive payments to eligible MassHealth health care providers for the adoption,  
149 implementation, upgrade or meaningful use of certified electronic health record technology and  
150 to support the planning, implementation and operating costs of administering these payments.  
151 The secretary may certify for payment amounts in anticipation of federal revenues collected for  
152 the corresponding quarter during the previous fiscal year. To accommodate timing discrepancies  
153 between the receipt of revenues and related expenditures, the secretary may incur expenses, after  
154 written approval from the secretary of administration and finance, and the comptroller shall  
155 certify for payment, amounts not to exceed the most recent revenue estimate as certified by the  
156 MassHealth director, as reported in the state accounting system.

157         Annually and not later than March 1, the secretary shall file a report with the clerks of the  
158 house of representatives and the senate, the joint committee on health care financing and the  
159 house and senate committees on ways and means that provides an accounting of the money  
160 received by the fund, broken down by source, and the expenditures made from the fund, broken  
161 down by payer and amount paid.



162 SECTION 5. Section 2ZZZZ of chapter 29 of the General Laws, inserted by section 2 of  
163 chapter 217 of the acts of 2018, is hereby repealed.

164 SECTION 6. Section 2ZZZZ of said chapter 29, inserted by section 3 of chapter 218 of  
165 the acts of 2018, is hereby repealed.

166 SECTION 7. Said chapter 29 is hereby further amended by inserting after section  
167 2CCCCC, inserted by section 1 of chapter 296 of the acts of 2018, the following 3 sections:-

168 Section 2DDDDD. There shall be a Technical Rescue Services Fund. The fund shall be  
169 administered by the technical rescue coordinating council established under section 6 of chapter  
170 22D. The fund shall consist of: (i) compensation received under a contract including, but not  
171 limited to, a contract with a company that designates a member fire department as a stand-by  
172 rescue team in order to meet the requirements established by the federal United States  
173 Occupational Safety and Health Administration under 29 C.F.R. 1910; (ii) funds collected  
174 pursuant to a cost recovery mechanism established in subsection (d) of said section 6 of said  
175 chapter 22D; (iii) federal, state or private gifts, grants, donations or appropriations; (iv) funds  
176 from any other public or private sources; and (v) interest earned on such funds.

177 Amounts credited to the fund shall not be subject to further appropriation and shall be  
178 expended for: (i) the maintenance and operation of technical rescue regions established under  
179 said section 6 of said chapter 22D; (ii) the provision of technical rescue services; (iii) the  
180 acquisition and maintenance of technical rescue equipment; and (iv) the provision of initial and  
181 in-service training to regional technical rescue personnel including, but not limited to, payment  
182 of backfill and overtime for personnel participating in such training. Amounts credited to the  
183 fund that are unexpended at the end of a fiscal year shall not revert to the General Fund and shall

184 be available for expenditure in the following fiscal year. An expenditure shall not be made from  
185 the fund if the expenditure would cause the fund to become deficient at the end of any fiscal  
186 year.

187           Annually and not later than June 30, the technical rescue coordinating council,  
188 established pursuant to said section 6 of said chapter 22D, shall report to the secretary of public  
189 safety and security, the clerks of the house of representatives and the senate, the joint committee  
190 on public safety and homeland security and the house and senate committees on ways and  
191 means. The report shall include, but not be limited to, an accounting of all funds received and  
192 distributed as authorized by this section.

193           Section 2EEEEEE. (a) There shall be a Massachusetts Veterans and Warriors to  
194 Agriculture Program Fund. The fund shall be administered by the department of agricultural  
195 resources. Notwithstanding any general or special law to the contrary, there shall be credited to  
196 the fund any revenue from appropriations or other money authorized by the general court and  
197 specifically designated to be credited to the fund and any gifts, grants, private contributions or  
198 investment income earned on the fund's assets and all other sources. Money deposited in the  
199 fund that is unexpended at the end of the fiscal year shall not revert to the General Fund and shall  
200 be available for expenditure in the subsequent fiscal year and shall not be subject to section 5C.

201           (b) The department of agricultural resources, in consultation with the department of  
202 veteran services, shall establish, develop and implement the Massachusetts Veterans and  
203 Warriors to Agriculture Program to enhance the education, training, employment, income,  
204 productivity and retention of veterans currently working or aspiring to work in the field of  
205 agriculture in the commonwealth. Amounts credited to the fund shall be used, without further

206 appropriation, for the costs associated with administering and implementing the program and  
207 may also be used to provide grants or loans on a competitive basis to public, private and  
208 charitable entities to finance projects in furtherance of the purpose of the program. Expenditures  
209 from the fund for such purpose shall complement and not replace existing local, state, private or  
210 federal funding for related training and educational programs.

211 (c) Annually and not later than March 1, the department shall submit a report to the clerks  
212 of the house of representatives and the senate, the joint committee on environment, natural  
213 resources and agriculture and the house and senate committees on ways and means that provides  
214 an accounting of the money received in the fund, broken down by source, and the expenditures  
215 made from the fund, broken down by payer and amount paid.

216 Section 2FFFFF. (a) There shall be a Home Care Technology Trust Fund. The secretary  
217 of elder affairs shall administer the fund and may expend from the fund to provide technological  
218 support for the creation of efficiencies in administration and processing within the aging service  
219 access points network.

220 (b) There shall be credited to the fund: (i) available funds from home care cost sliding  
221 scale fees collected by the aging service access points network; (ii) funds appropriated or  
222 transferred for deposit into the fund; (iii) revenues credited to the fund including, but not limited  
223 to, aging service access points network funds, other federal reimbursements, grants, premiums,  
224 gifts or other contributions from any source; (iv) income derived from the investment of amounts  
225 credited to the fund; and (v) an amount equal to the revenues received from federal financial  
226 participation earned on qualifying expenditures sourced from the fund.

227           The department may incur expenses, and the comptroller may certify for payment,  
228 amounts in anticipation of expected receipts; provided, however that no expenditure shall be  
229 made from said fund which shall cause said fund to be in deficit at the close of a fiscal year. Any  
230 remaining balance in the fund at the end of a fiscal year shall not revert to the General Fund, but  
231 shall remain in the fund and be available for expenditure during the subsequent fiscal years.  
232 Expenditures from the fund may be made for services provided in prior fiscal years. Amounts  
233 credited to the fund shall not be subject to further appropriation.

234           (c) Annually and not later than March 1, the secretary shall file an annual report with the  
235 clerks of the house of representatives and the senate, the joint committee on healthcare financing,  
236 the joint committee on elder affairs and the house and senate committees on ways and means that  
237 shall include: (i) an accounting of the funds received, broken down by source; (ii) a description  
238 of the amount of federal financial participation earned on any qualifying expenditures; and (ii) a  
239 description of the expenditures made out of the fund, including a description of the efficiencies  
240 in administration and processing within the by aging service access points network supported  
241 through the fund.

242           SECTION 8. Section 2 of chapter 61A of the General Laws, as appearing in the 2016  
243 Official Edition, is hereby amended by inserting after the word “tobacco”, in line 4, the  
244 following words:- , hemp as defined in section 116 of chapter 128.

245           SECTION 9. Subclause (i) of clause (31) of subsection (b) of section 21 of chapter 62C  
246 of the General Laws, inserted by section 3 of chapter 368 of the acts of 2018, is hereby amended  
247 by inserting after the words “pursuant to” the following words:- this chapter or.

248 SECTION 10. Section 1 of chapter 64G of the General Laws, as amended by section 6 of  
249 chapter 337 of the acts of 2018, is hereby further amended by striking out the definition of  
250 “Rent” and inserting in place thereof the following definition:-

251 “Rent”, the total consideration paid by or on behalf of an occupant, including any service,  
252 cleaning or other charge, to an operator or an intermediary collecting and remitting the excise on  
253 behalf of an operator under section 13 in exchange for occupancy, valued in money, whether  
254 received in money or otherwise, including all receipts, cash, credits and property or services of  
255 any kind or nature; provided, however, that “rent” shall not include: (i) bona fide refundable  
256 security deposits; (ii) any amount paid by an occupant that is included in the taxable gross  
257 receipts of the operator under chapter 64H or 64I where the operator is a vendor for purposes of  
258 those chapters; or (iii) amounts paid by an occupant to an operator for services offered by the  
259 operator on similar terms to non-occupants in the regular course of the operator’s business.

260 SECTION 11. Said chapter 64G is hereby further amended by striking out section 3D, as  
261 so appearing, and inserting in place thereof the following section:-

262 Section 3D. (a) A city or town that accepts section 3A may, by a separate vote and in the  
263 same manner of acceptance as set forth in said section 3A, impose a community impact fee of  
264 not more than 3 per cent of the total amount of rent upon each transfer of occupancy of a  
265 professionally managed unit that is located within that city or town.

266 (b) A city or town that votes to impose a community impact fee under subsection (a)  
267 may, by a separate additional vote and in the same manner of acceptance as set forth in section  
268 3A, also impose the community impact fee upon each transfer of occupancy of a short-term

269 rental unit that is located within a two-family or three-family dwelling that includes the  
270 operator's primary residence.

271 (c) An operator shall pay the community impact fees imposed under this section to the  
272 commissioner at the same time and in the same manner as the excise due to the commonwealth  
273 under section 3. All sums received by the commissioner under this section as excise, penalties or  
274 forfeitures, interest, costs of suit and fines shall, not less than quarterly, be distributed, credited  
275 and paid by the state treasurer upon certification of the commissioner to the city or town. A city  
276 or town shall dedicate not less than 35 per cent of the community impact fees collected under  
277 this section to affordable housing or local infrastructure projects.

278 SECTION 12. Clause (iii) of subsection (a) of section 13 of said chapter 64G, as  
279 appearing in section 8 of chapter 337 of the acts of 2018, is hereby amended by striking out the  
280 word "municipality" and inserting in place thereof the following word:- commissioner.

281 SECTION 13. Clause (v) of said subsection (a) of said section 13 of said chapter 64G, as  
282 so inserted, is hereby amended by striking out the words "to permitting such operator to list or  
283 offer an accommodation for rent through the use of the intermediary" and inserting in place  
284 thereof the following words:- to the intermediary collecting any rent from an occupant or  
285 facilitating the collection or payment of rent on behalf of an operator.

286 SECTION 14. The second paragraph of section 42A of chapter 112 of the General Laws,  
287 as appearing in the 2016 Official Edition, is hereby amended by adding the following 2  
288 sentences:- The board may enter into agreements with the United States Food and Drug  
289 Administration pursuant to 21 C.F.R. 20.88 to obtain records and information. Records and  
290 information obtained by the board pursuant to such agreements shall not be public records and

291 shall be exempt from disclosure under clause Twenty sixth of section 7 of chapter 4 or section 10  
292 of chapter 66.

293 SECTION 15. The first sentence of section 45A of said chapter 112, as so appearing, is  
294 hereby amended by striking out the words “the faculty of a reputable dental college as defined in  
295 section forty-six” and inserting place thereof the following words:- a dental college approved by  
296 the board.

297 SECTION 16. Section 46 of chapter 112 of the General Laws is hereby repealed.

298 SECTION 17. Chapter 112 of the General Laws is hereby amended by striking out  
299 section 76B, as appearing in the 2016 Official Edition, and inserting in place thereof the  
300 following section:-

301 Section 76B. (a) A person who satisfies the following requirements shall have met the  
302 standards for the licensing of nurses in the commonwealth and shall be licensed in the  
303 commonwealth without examination: (i) has taken and passed an examination approved by the  
304 board and conducted in the English language; (ii) has been registered by a province of Canada;  
305 (iii) meets the eligibility requirements of clinical and theoretical study as determined by the  
306 board; (iv) furnishes to the board satisfactory proof of good moral character; and (v) has  
307 graduated from a school of nursing approved by the board of nursing in the jurisdiction in which  
308 the applicant was originally registered.

309 (b) A person who has taken and passed an examination approved by the board and  
310 conducted in a language other than English who satisfies the following requirements shall have  
311 met standards for the licensing of nurses in the commonwealth and shall be licensed in the  
312 commonwealth without examination if the person has: (i) taken and passed a test of English

313 proficiency approved by the board; (ii) been registered by a province of Canada; (iii) been found  
314 to meet the eligibility requirements of clinical and theoretical study as determined by the board;  
315 (iv) furnishes to the board satisfactory proof of good moral character; and (v) graduated from a  
316 school of nursing approved by the board of nursing in the jurisdiction in which the applicant was  
317 originally registered.

318 SECTION 18. The first paragraph of section 2 of chapter 118 of the General Laws, as so  
319 appearing, is hereby amended by adding the following sentence:- Notwithstanding any general or  
320 special law to the contrary, aid shall be provided for each such child without regard to whether  
321 the child was conceived or born after the parent began receiving aid under this chapter.

322 SECTION 19. Section 1 of chapter 175M of the General Laws, as appearing in section 29  
323 of chapter 121 of the acts of 2018, is hereby amended by striking out the definition of “Covered  
324 individual” and inserting in place thereof the following 2 definitions:-

325 “Covered contract worker”, a self-employed individual for whom an employer or covered  
326 business entity is: (i) required to report payment for services on IRS Form 1099-MISC; and (ii)  
327 required to remit contributions to the Family and Employment Security Trust Fund pursuant to  
328 section 6.

329 “Covered individual”, either: (i) an employee who meets the financial eligibility  
330 requirements of subsection (a) of section 24 of chapter 151A; provided, however, that all such  
331 employment shall have been with an employer in the commonwealth; (ii) a self-employed  
332 individual: (A) who has elected coverage under subsection (j) of section 2; and (B) whose  
333 reported earnings to the department of revenue from self-employment meet the financial  
334 eligibility requirements of said subsection (a) of said section 24 of said chapter 151A as if the



335 individual were an employee; (iii) a covered contract worker: (A) for whom at least 1 employer  
336 or covered business entity is required to remit contributions to the Family and Employment  
337 Security Trust Fund pursuant to section 6; and (B) whose payments from such employer or  
338 covered business entity satisfy the financial eligibility requirements of said subsection (a) of said  
339 section 24 of said chapter 151A as if the covered contract worker were an employee; or (iv) a  
340 former employee who has: (A) met the financial eligibility requirements of said subsection (a) of  
341 said section 24 of said chapter 151A at the time of the former employee's separation from  
342 employment; provided, however, that all such employment shall have been with an employer in  
343 the commonwealth; and (B) been separated from employment for not more than 26 weeks at the  
344 start of the former employee's family or medical leave.

345 SECTION 20. Subsection (g) of section 2 of said chapter 175M, as so appearing, is  
346 hereby amended by striking out the words "clause (iii)" and inserting in place thereof the  
347 following words:- clause (iv).

348 SECTION 21. Subsection (b) of section 3 of said chapter 175M, as so appearing, is  
349 hereby amended by striking out paragraph (1) and inserting in place thereof the following  
350 paragraph:-

351 (1) The weekly benefit amount for a covered individual on family or medical leave shall  
352 be determined as follows: (i) the portion of the covered individual's average weekly wage that is  
353 equal to or less than 50 per cent of the state average weekly wage shall be replaced at a rate of 80  
354 per cent; and (ii) the portion of the covered individual's average weekly wage that is more than  
355 50 per cent of the state average weekly wage shall be replaced at a rate of 50 per cent. For  
356 purposes of the calculation specified in this paragraph, a covered individual's average weekly

357 wage shall include only those wages or payments subject to the contribution requirements of  
358 section 6.

359 SECTION 22. Subsection (a) of section 6 of said chapter 175M is hereby amended by  
360 striking out the first sentence, as so appearing, and inserting in place thereof the following  
361 sentence:- For each employee or covered contract worker, an employer or a covered business  
362 entity shall remit to the Family and Employment Security Trust Fund established in section 7  
363 contributions in the form and manner as determined by the department.

364 SECTION 23. Said section 6 of said chapter 175M, as amended by section 43 of chapter  
365 273 of the acts of 2018, is hereby further amended by striking out subsections (d) and (e) and  
366 inserting in place thereof the following 2 subsections:-

367 (d) Notwithstanding subsection (c), an employer employing less than 25 employees in the  
368 commonwealth shall not be required to pay the employer portion of premiums for family and  
369 medical leave; provided, however, that such employer shall remit, for each employee, 100 per  
370 cent of the family leave contribution and 40 per cent of the medical leave contribution as  
371 otherwise required under subsection (a). An employer or other business or trade that is a covered  
372 business entity shall count covered contract workers as employees for the purposes of this  
373 subsection.

374 (e)(1) For medical leave, a covered business entity shall not deduct more than 40 per cent  
375 of the contribution required under subsection (a) to the trust fund for the income paid to each  
376 covered contract worker.

377 (2) For family leave, a covered business entity shall not deduct more than 100 per cent of  
378 the contribution required under subsection (a) to the trust fund for the income paid to each  
379 covered contract worker.

380 SECTION 24. Subsection (f) of said section 6 of said chapter 175M, as appearing in  
381 section 29 of chapter 121 of the acts of 2018, is hereby amended by inserting after the word  
382 “wages” the following words:- , earnings of a self-employed individual or payments for services  
383 to covered contract workers.

384 SECTION 25. Subsection (g) of section 8 of said chapter 175M, as appearing in section 6  
385 of chapter 368 of the acts of 2018, is hereby amended by adding the following sentence:- The  
386 department may issue refunds if the contributions required in section 6 have resulted in  
387 duplicative charges.

388 SECTION 26. Subsection (a) of section 110 of chapter 5 of the acts of 1995 is hereby  
389 amended by striking out the definition of “Child of record.”

390 SECTION 27. Said section 110 of said chapter 5 is hereby further amended by striking  
391 out subsection (c).

392 SECTION 28. Clause (3) of subsection (e) of said section 110 of said chapter 5, as  
393 amended by section 25 of chapter 158 of the acts of 2014, is hereby further amended by striking  
394 out the words “of record under the age of two years or any child other than the child of record  
395 who is under the age of three months” and inserting in place thereof the following words:- under  
396 the age of 2 years.

397 SECTION 29. The first paragraph of subsection (j) of said section 110 of said chapter 5,  
398 as most recently amended by section 27 of chapter 158 of the acts of 2014, is hereby further  
399 amended by striking out the second sentence and inserting in place thereof the following  
400 sentence:- The program shall require that the head of household in each such family, or both  
401 parents in a 2-parent family, shall participate in work-related activities for: (i) 20 hours each  
402 week if the youngest child in the family is between the age of 2 and the age at which full-time  
403 schooling becomes mandatory; or (ii) 30 hours each week if the youngest child in the family has  
404 reached the age at which full-time schooling is mandatory.

405 SECTION 30. Said subsection (j) of said section 110 of said chapter 5 is hereby further  
406 amended by striking out the last paragraph, added by section 528 of chapter 26 of the acts of  
407 2003.

408 SECTION 31. Section 130 of said chapter 5 is hereby amended by striking out, in lines 5  
409 and 6, the words “; the ineligibility of children born after the child of record for assistance”.

410 SECTION 32. Item 7004-0108 of section 2 of chapter 154 of the acts of 2018 is hereby  
411 amended by inserting after the words “permanent sustainable housing” the following words:- ;  
412 provided further, that the undersecretary of housing and community development may transfer  
413 surplus funds appropriated in this item to item 7004-0101 to address deficiencies in said item  
414 7004-0101; provided further, that not more than \$5,000,000 shall be transferred from this item in  
415 fiscal year 2019.

416 SECTION 33. Item 8324-0000 of said section 2 of said chapter 154 of the acts of 2018 is  
417 hereby amended by striking out the words “expended for bulk purchase of extractors” and

418 inserting in place thereof, the following words:- allocated for a grant program to provide  
419 financial assistance for the purchase of extractors.

420 SECTION 34. Chapter 273 of the acts of 2018 is hereby amended by inserting after  
421 section 64 the following section:-

422 Section 64A. Notwithstanding any general or special law to the contrary, the following  
423 provisions shall apply to the determination of taxable income under chapter 62 of the General  
424 Laws.

425 (a) Amounts included in federal gross income for a taxable year under section 951(a) of  
426 the Code by reason of section 965 of the Code shall be taken into account for purposes of chapter  
427 62 of the General Laws. All such amounts of gross income required to be taken into account for  
428 federal income tax purposes in taxable years ending on or before December 31, 2019 shall be  
429 taken into account in the determination of Massachusetts gross income in the taxable year ending  
430 on December 31, 2019. Solely for purposes of the determination and reporting of income derived  
431 from such amounts, the status of a taxpayer as a resident or nonresident shall be determined by  
432 the taxpayer's status as a resident or nonresident in the taxable year in which such income was  
433 required to be taken into account for federal income tax purposes. In the case of reporting of such  
434 income by nonresidents, as so determined, the sourcing of such income to the commonwealth  
435 shall be consistent with the apportionment or other sourcing method used by the taxpayer in the  
436 year that the income was taken into account for federal income tax purposes under such rules as  
437 may be determined by the commissioner.

438 (b) Income taken into account pursuant to subsection (a) shall be treated as Part A  
439 dividend income.

440 (c) The deduction under section 965(c) of the Code shall not apply for Massachusetts  
441 purposes. A taxpayer shall be entitled in the taxable year ending on December 31, 2019 to a  
442 deduction from Part A gross income equal to 60 per cent of the amount included in Part A  
443 income pursuant to subsections (a) and (b). The principles set forth in section 965(f)(2) of the  
444 Code shall apply in a manner consistent with this section and section 6F of chapter 62 of the  
445 General Laws.

446 (d) Notwithstanding chapter 62C of the General Laws, in the case of a taxpayer with tax  
447 liability under chapter 62 of the General Laws attributable to income taken into account under  
448 subsections (a) and (b) who has made a valid election pursuant to section 965(h) or 965(i) of the  
449 Code, such tax liability shall be due in 8 installments. Such tax liability shall be due generally  
450 consistent with the rules set forth in said section 965(h), subject to subsection (f) and any  
451 guidance issued by the commissioner.

452 (e) Except as described in subsections (d) and (f), any tax liability under chapter 62 of the  
453 General Laws attributable to income taken into account under subsections (a) and (b) shall be  
454 due without regard to any election made pursuant to section 965(i) of the Code. The deferral  
455 described in said section 965(i) does not apply for purposes of said chapter 62.

456 (f) Payment of the tax liability under chapter 62 of the General Laws attributable to  
457 income taken into account under subsections (a) and (b), or the first 3 installments of such tax  
458 liability in the case of a taxpayer who has made a valid election pursuant to section 965(h) or  
459 965(i) of the Code, shall be due on or before April 18, 2020. Each succeeding installment shall  
460 be paid not later than April 18 of the taxable year following the year with respect to which the

461 preceding installment was made. Interest shall not accrue with respect to any liability under this  
462 section prior to the due date for such liability.

463 (g) This section shall apply to all taxable years in which income is required to be taken  
464 into account under section 951(a) of the Code by reason of section 965(a) of the Code including,  
465 but not limited to, the taxable year beginning on January 1, 2017.

466 (h) For purposes of this section, “Code” shall mean the Internal Revenue Code, as  
467 amended and in effect for the taxable year.

468 (i) The commissioner of revenue may issue regulations or other guidance with regard to  
469 the interpretation and administration of this section. Such regulations or guidance may require  
470 the reporting of income amounts to taxpayers or the department of revenue to ensure compliance  
471 with this section.

472 SECTION 35. Clause (42) of section 67 of said chapter 273 is hereby amended by  
473 striking out the word “B33” and inserting in place thereof the following word:- B3L.

474 SECTION 36. Section 11 of chapter 337 of the acts of 2018 is hereby amended by  
475 striking out the words “after it has joined the fund, as the municipality may designate” and  
476 inserting in place thereof the following words:- following 30 days after the municipality has  
477 joined the fund or on the first day of a later calendar quarter, as the municipality may designate.

478 SECTION 37. Said chapter 337 is hereby further amended by inserting after section 15  
479 the following section:-

480 Section 15A. Sections 6 to 8, inclusive, shall take effect for transfers of occupancies in  
481 bed and breakfast establishments, hotels, lodging houses and motels beginning on or after July 1,  
482 2019.

483 SECTION 38. (a) Notwithstanding any general or special law to the contrary, this section  
484 shall facilitate the orderly transfer of the employees, proceeds, rules and regulations, property,  
485 legal obligations and functions of state government from the transferor agency to the transferee  
486 agency, defined as follows: the division of capital asset management and maintenance, as  
487 transferor agency, to the department of public health, as transferee agency.

488 (b) Notwithstanding chapter 334 of the acts of 1996, chapter 119 of the acts of 2014 or  
489 any other general or special law to the contrary, control and custody of the Massachusetts State  
490 Public Health Laboratory Campus located in the Jamaica Plain section of the city of Boston shall  
491 be transferred from the transferor agency to the transferee agency. The transferor and transferee  
492 agencies shall enter into an agreement to effect the transfer and the transfer shall not occur later  
493 than December 31, 2019. Upon the transfer, the transferee agency may assign the use of space  
494 within the property to state agencies and may make expenditures and perform maintenance for  
495 the property that it considers reasonable and appropriate.

496 (c) Upon the transfer required in subsection (b), employees of the transferor agency  
497 engaged in the maintenance and security of the Massachusetts State Public Health Laboratory  
498 Campus shall be transferred to the transferee agency. The personnel administrator in the human  
499 resources division, in consultation with the transferee agency, shall complete a study of job titles  
500 of the former transferor agency employees at the laboratory. The personnel administrator, in  
501 consultation with the transferee agency, shall determine the appropriate commonwealth job titles



502 for former employees of the transferor agency who are transferred to the transferee agency under  
503 this section. Employees transferred to the transferee agency pursuant to this section shall be  
504 placed in job titles as determined by the personnel administrator and shall be paid wages and  
505 receive benefits consistent with the collective bargaining agreement governing those job titles.

506 (d) Subject to appropriation, the transferred employees of the transferor agency, including  
507 those who immediately before the effective date of this act held permanent appointment in  
508 positions classified under chapter 31 of the General Laws or have tenure in their positions as  
509 provided by section 9A of chapter 30 of the General Laws or did not hold such tenure, or held  
510 confidential positions, shall be transferred to the transferee agency without interruption of  
511 service within the meaning of said section 9A of said chapter 30, without: (i) impairment of  
512 seniority, retirement or other rights of the employee; (ii) reduction in compensation or salary  
513 grade, notwithstanding any change in title pursuant to subsection (c) or duties resulting from  
514 such reorganization; (iii) loss of accrued rights to holidays, sick leave, vacation and benefits; and  
515 (iv) change in union representation or certified collective bargaining unit as certified by the state  
516 labor relations commission or in local union representation or affiliation. A collective bargaining  
517 agreement in effect immediately before the transfer date shall continue in effect and the terms  
518 and conditions of employment in the agreement shall continue as if the employees had not been  
519 so transferred. The reorganization shall not impair the civil service status of any such reassigned  
520 employee who immediately before the effective date of this act held a permanent appointment in  
521 a position classified under said chapter 31 or had tenure in a position by reason of said section  
522 9A of said chapter 30.

523 (e) Notwithstanding any general or special law to the contrary, the transferred employees  
524 of the transferor agency shall continue to retain their right to bargain collectively pursuant to

525 chapter 150E of the General Laws and shall be employees for the purposes of said chapter 150E.  
526 Nothing in this section shall: (i) confer upon any employee any right not held immediately before  
527 the date of the transfer; (ii) prohibit any reduction of salary grade, transfer, reassignment,  
528 suspension, discharge or layoff not prohibited before such date; or (iii) prohibit the abolition of  
529 any management position within the transferor agency after the transfer to the transferee agency.

530 (f) All petitions, requests, investigations, filings and other proceedings concerning the  
531 Massachusetts State Public Health Laboratory Campus or such employees appropriately and duly  
532 brought before the transferor agency or pending before it before the effective date of this act  
533 shall continue unabated, remain in force and be assumed and completed by the transferee agency.

534 (g) All orders, advisories, findings, rules and regulations duly made and all approvals  
535 concerning the Massachusetts State Public Health Laboratory Campus duly granted by the  
536 transferor agency that are in force immediately before the effective date of this act shall continue  
537 in force and shall thereafter be enforced until superseded, revised, rescinded or canceled, in  
538 accordance with law, by the transferee agency.

539 (h) All books, papers, records, documents, equipment, buildings, facilities, cash and other  
540 property, both personal and real, including all such property held in trust, concerning the  
541 Massachusetts State Public Health Laboratory Campus that are in the custody of the transferor  
542 agency immediately before the effective date of this act shall be transferred to the transferee  
543 agency.

544 (i) All duly existing contracts, leases and obligations of the transferor agency concerning  
545 the Massachusetts State Public Health Laboratory Campus shall continue in effect but shall be

546 assumed by the transferee agency. No such existing right or remedy of any character shall be  
547 lost, impaired or affected by this section.

548 SECTION 39. Notwithstanding any general or special law to the contrary, for fiscal year  
549 2019, the secretary of health and human services, with the written approval of the secretary of  
550 administration and finance, may authorize transfers of surplus among items 4000-0320, 4000-  
551 0430, 4000-0500, 4000-0601, 4000-0641, 4000-0700, 4000-0875, 4000-0880, 4000-0885, 4000-  
552 0940, 4000-0950, 4000-0990, 4000-1400, 4000-1420 and 4000-1425.

553 SECTION 40. Notwithstanding any general or special law to the contrary, any  
554 unexpended balances, not exceeding a total of \$20,000,000, in items 4000-0700 and 4000-1425  
555 of section 2 of chapter 154 of the acts of 2018 shall not revert to the General Fund until  
556 September 1, 2019 and may be expended by the executive office of health and human services to  
557 pay for services enumerated in said items 4000-0700 and 4000-1425 provided during fiscal year  
558 2019.

559 SECTION 41. (a) Notwithstanding any general or special law to the contrary, if the  
560 committee for public counsel services determines that there exists a limited availability of  
561 qualified private counsel appointed or assigned to care and protection cases in any county, the  
562 committee may, by a majority vote, declare an emergency in that county.

563 (b) Upon the declaration of an emergency pursuant to subsection (a), the committee may  
564 authorize a temporary increase in the rate of compensation for private counsel appointed or  
565 assigned to care and protection cases in that county who, prior to the declaration of an  
566 emergency, have billed not less than 350 hours in the current fiscal year as private counsel  
567 appointed or assigned to care and protection cases or who have billed not less than 700 hours in

568 the previous fiscal year as private counsel appointed or assigned to care and protection cases.  
569 The committee shall designate a certain minimum number of cases to be taken by each private  
570 appointed counsel who is designated eligible to receive the emergency temporary rate of  
571 compensation. The temporary increase in the rate of compensation shall be for new case  
572 assignments made on or after the date of the declaration of an emergency pursuant to subsection  
573 (a). The temporary increase in the rate of compensation shall apply for the duration of those new  
574 case assignments. The temporary increase in the rate of compensation for private counsel  
575 appointed or assigned to care and protection cases approved by the committee shall not exceed  
576 \$75 per hour. If the committee determines that the increase in the rate of compensation has not  
577 resulted in a sufficient increase in the number of care and protection assignments being taken by  
578 private counsel, the committee may modify the eligibility criteria. The chief counsel shall notify  
579 the chairs of the house and senate committees on ways and means upon any such modification.

580 (c) Upon the declaration of an emergency pursuant to subsection (a), the chief counsel of  
581 the committee may waive the annual cap on billable hours for private counsel appointed or  
582 assigned to represent clients in care and protection cases in the specified county; provided,  
583 however, that any counsel appointed or assigned to such cases shall not be paid for any time  
584 billed in excess of 2,000 billable hours.

585 (d) The committee may limit the availability of the rate of compensation authorized under  
586 subsection (b) based on the committee's monitoring and evaluation of the performance of  
587 counsel under section 10 of chapter 211D of the General Laws or to attorneys whose offices are  
588 located in particular counties.

589 SECTION 42. The salary adjustments and other economic benefits authorized by the  
590 following collective bargaining agreements shall be effective for the purposes of section 7 of  
591 chapter 150E of the General Laws: (i) between the Massachusetts Department of Transportation  
592 and DOT Unit A - National Association of Government Employees, Clerical and Administrative  
593 Workers; (ii) between the University of Massachusetts and the Maintenance and Trades  
594 Unit/MTA/NEA, Lowell Campus, Unit L93; (iii) between the sheriff of Hampden county and  
595 the National Correctional Employees Union Mental Health Staff Unit, Local 131, Unit SH1; (iv)  
596 between the University of Massachusetts and the New England Police Benevolent Protection  
597 Organization, Amherst Campus, Unit A07; (v) between the University of Massachusetts and  
598 Classified and Technical Union, Lowell Campus, Unit L92; (vi) between the sheriff of Bristol  
599 county and the National Association of Government Employees, Maintenance Workers, Unit C;  
600 and (vii) between the sheriff of Worcester county and the New England Police Benevolent  
601 Association, Local 550, Unit SW6.

602 SECTION 43. Notwithstanding any general or special law to the contrary, the special  
603 commission established in section 103 of chapter 154 of the acts of 2018 is hereby revived and  
604 continued to June 30, 2019. The special commission shall file the results of its study and its  
605 recommendations, including drafts of legislation necessary to carry those recommendations into  
606 effect, with the clerks of the house of representatives and the senate, the joint committee on  
607 consumer protection and professional licensure and the house and senate committees on ways  
608 and means not later June 30, 2019.

609 SECTION 44. Notwithstanding any general or special law to the contrary, the special  
610 commission established in section 136 of chapter 47 of the acts of 2017, inserted by section 26 of  
611 chapter 113 of the acts of 2018, is hereby revived and continued to December 31, 2019. All

612 appointments to the commission shall be made not later than June 30, 2019. The commission  
613 shall report its findings, including any recommendations for legislation, to the clerks of the house  
614 of representatives and the senate not later than December 31, 2019.

615 SECTION 45. Section 41 is hereby repealed.

616 SECTION 46. Sections 10 to 13, inclusive, shall take effect on March 28, 2019.

617 SECTION 47. Sections 18 and 26 to 31, inclusive, shall take effect on June 1, 2019.

618 SECTION 48. Section 45 shall take effect on July 1, 2020.