

SENATE No. 2184

Senate, March 4, 2019 -- Text of the Senate amendment 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).

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. The second paragraph of section 19 of chapter 29C of the General Laws, as
243 appearing in section 2 of chapter 337 of the acts of 2018, is hereby amended by inserting after
244 the word “protection” the following words:- as submitted to the department of environmental
245 protection by a majority vote of the chief executive officers of the municipality.

246 SECTION 9. The fourth paragraph of said section 19 of said chapter 29C, as so
247 appearing, is hereby amended by striking out the words “board, in addition to any approvals

248 required under this chapter. The” and inserting in place thereof the following words:-
249 management board, in addition to any approvals required under this chapter. The management.

250 SECTION 10. Section 20 of said chapter 29C, added by section 2 of chapter 337 of the
251 acts of 2018, is hereby amended by adding the following 2 paragraphs:-

252 Annually, not later than June 1, the commissioner of revenue shall make available to the
253 management board the total amount of revenue collected under section 3C of chapter 64G in the
254 preceding fiscal year from occupancies in each municipality that is a member of the fund. The
255 management board shall maintain complete itemized records of all receipts, expenditures and
256 disbursements from the fund in accordance with generally accepted accounting principles and
257 shall produce an annual written report that shall include, but not be limited to: (i) an account of
258 revenue generated under section 3C of chapter 64G; (ii) itemized expenses of the board; (iii)
259 summaries of the projects funded through the Cape Cod and Islands Water Protection Fund; (iv)
260 an account of administrative expenses of the Cape Cod commission and the Martha’s Vineyard
261 Commission; and (v) 5-year projections relative to expected revenue and upcoming projects.

262 The records maintained by the management board shall be audited annually by an
263 independent certified public accountant. Annually, not later than January 15, a copy of the
264 annual audit report and the annual written report shall be provided to the chairs of the joint
265 committee on environment, natural resources and agriculture and to each representative and
266 senator who represents at least 1 municipality in the county of Barnstable, the county of Dukes
267 County or the county of Nantucket.

268 SECTION 11. Section 2 of chapter 61A of the General Laws, as appearing in the 2016
269 Official Edition, is hereby amended by inserting after the word “tobacco”, in line 4, the
270 following words:- , hemp as defined in section 116 of chapter 128.

271 SECTION 12. Subclause (i) of clause (31) of subsection (b) of section 21 of chapter 62C
272 of the General Laws, inserted by section 3 of chapter 368 of the acts of 2018, is hereby amended
273 by inserting after the words “pursuant to” the following words:- this chapter or.

274 SECTION 13. The second paragraph of section 42A of chapter 112 of the General Laws,
275 as appearing in the 2016 Official Edition, is hereby amended by adding the following 2
276 sentences:- The board may enter into agreements with the United States Food and Drug
277 Administration pursuant to 21 C.F.R. 20.88 to obtain records and information. Records and
278 information obtained by the board pursuant to such agreements shall not be public records and
279 shall be exempt from disclosure under clause Twenty sixth of section 7 of chapter 4 or section 10
280 of chapter 66.

281 SECTION 14. The first sentence of section 45A of said chapter 112, as so appearing, is
282 hereby amended by striking out the words “the faculty of a reputable dental college as defined in
283 section forty-six” and inserting place thereof the following words:- a dental college approved by
284 the board.

285 SECTION 15. Section 46 of chapter 112 of the General Laws is hereby repealed.

286 SECTION 16. Chapter 112 of the General Laws is hereby amended by striking out
287 section 76B, as appearing in the 2016 Official Edition, and inserting in place thereof the
288 following section:-

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

297 (b) A person who has taken and passed an examination approved by the board and
298 conducted in a language other than English who satisfies the following requirements shall have
299 met standards for the licensing of nurses in the commonwealth and shall be licensed in the
300 commonwealth without examination if the person has: (i) taken and passed a test of English
301 proficiency approved by the board; (ii) been registered by a province of Canada; (iii) been found
302 to meet the eligibility requirements of clinical and theoretical study as determined by the board;
303 (iv) furnishes to the board satisfactory proof of good moral character; and (v) graduated from a
304 school of nursing approved by the board of nursing in the jurisdiction in which the applicant was
305 originally registered.

306 SECTION 17. The first paragraph of section 2 of chapter 118 of the General Laws, as so
307 appearing, is hereby amended by adding the following sentence:- Notwithstanding any general or
308 special law to the contrary, aid shall be provided for each such child without regard to whether
309 the child was conceived or born after the parent began receiving aid under this chapter.

310 SECTION 18. Section 44 of chapter 130 of the General Laws, as so appearing, is hereby
311 amended by striking out the third paragraph and inserting in place thereof the following
312 paragraph:-

313 If the measurement of any such lobster taken from 1 or the other eye sockets is of the
314 required length, the lobster shall be a legal lobster. In all prosecutions under this section, any
315 mutilation of a lobster that affects its measurement as aforesaid shall be prima facie evidence that
316 the lobster was or is shorter than the required length; provided, however, that the director shall,
317 by regulation approved by the marine fisheries advisory commission, allow the on-shore
318 processing in the commonwealth of live lobsters of legal length into frozen shell-on lobster parts
319 or tails and the importation of unfrozen shell-on lobster parts or tails for the purpose of further
320 processing by wholesale dealers that are licensed by the department of public health under
321 section 77G of chapter 94. Processed frozen shell-on lobster parts or tails may be possessed, sold
322 or offered for sale in the commonwealth by a wholesale dealer, retail dealer or food
323 establishments and such food product may be possessed by a consumer. The processing,
324 possession or sale of frozen or unfrozen lobster tails pursuant to this section shall be limited to
325 lobster tails weighing 3 ounces or more. The packaging of processed frozen or unfrozen shell-on
326 lobster parts or tails pursuant to this section as a food product shall be labeled in accordance with
327 applicable federal and state laws and regulations. This section shall not apply to common carriers
328 having lobster in possession for the purpose of transportation.

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

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

336 “Covered individual”, either: (i) an employee who meets the financial eligibility
337 requirements of subsection (a) of section 24 of chapter 151A; provided, however, that all such
338 employment shall have been with an employer in the commonwealth; (ii) a self-employed
339 individual: (A) who has elected coverage under subsection (j) of section 2; and (B) whose
340 reported earnings to the department of revenue from self-employment meet the financial
341 eligibility requirements of said subsection (a) of said section 24 of said chapter 151A as if the
342 individual were an employee; (iii) a covered contract worker: (A) for whom at least 1 employer
343 or covered business entity is required to remit contributions to the Family and Employment
344 Security Trust Fund pursuant to section 6; and (B) whose payments from such employer or
345 covered business entity satisfy the financial eligibility requirements of said subsection (a) of said
346 section 24 of said chapter 151A as if the covered contract worker were an employee; or (iv) a
347 former employee who has: (A) met the financial eligibility requirements of said subsection (a) of
348 said section 24 of said chapter 151A at the time of the former employee's separation from
349 employment; provided, however, that all such employment shall have been with an employer in
350 the commonwealth; and (B) been separated from employment for not more than 26 weeks at the
351 start of the former employee's family or medical leave.

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

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

358 (1) The weekly benefit amount for a covered individual on family or medical leave shall
359 be determined as follows: (i) the portion of the covered individual's average weekly wage that is
360 equal to or less than 50 per cent of the state average weekly wage shall be replaced at a rate of 80
361 per cent; and (ii) the portion of the covered individual's average weekly wage that is more than
362 50 per cent of the state average weekly wage shall be replaced at a rate of 50 per cent. For
363 purposes of the calculation specified in this paragraph, a covered individual's average weekly
364 wage shall include only those wages or payments subject to the contribution requirements of
365 section 6.

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

371 SECTION 23. Said section 6 of said chapter 175M, as amended by section 43 of chapter
372 273 of the acts of 2018, is hereby further amended by striking out subsections (d) and (e) and
373 inserting in place thereof the following 2 subsections:-

374 (d) Notwithstanding subsection (c), an employer employing less than 25 employees in the
375 commonwealth shall not be required to pay the employer portion of premiums for family and
376 medical leave; provided, however, that such employer shall remit, for each employee, 100 per

377 cent of the family leave contribution and 40 per cent of the medical leave contribution as
378 otherwise required under subsection (a). An employer or other business or trade that is a covered
379 business entity shall count covered contract workers as employees for the purposes of this
380 subsection.

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

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

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

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

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

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

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

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

412 SECTION 30. Said subsection (j) of said section 110 of said chapter 5 is hereby further
413 amended by striking out the last paragraph, added by section 528 of chapter 26 of the acts of
414 2003.

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

417 SECTION 32. Item 7004-0108 of section 2 of chapter 154 of the acts of 2018 is hereby
418 amended by inserting after the words “permanent sustainable housing” the following words:- ;

419 provided further, that the undersecretary of housing and community development may transfer
420 surplus funds appropriated in this item to item 7004-0101 to address deficiencies in said item
421 7004-0101; provided further, that not more than \$5,000,000 shall be transferred from this item in
422 fiscal year 2019.

423 SECTION 33. Item 8324-0000 of said section 2 of said chapter 154 of the acts of 2018 is
424 hereby amended by striking out the words “expended for bulk purchase of extractors” and
425 inserting in place thereof, the following words:- allocated for a grant program to provide
426 financial assistance for the purchase of extractors.

427 SECTION 34. Item 7002-1120 of chapter 228 of the acts of 2018 is hereby amended by
428 striking the words “OpenCape Corporation to expand fiber optic cable in the village of Hyannis
429 in the town of Barnstable” and inserting in place thereof the following words:- the town of
430 Barnstable to expand access to broadband internet in the village of Hyannis.

431 SECTION 35. Chapter 273 of the acts of 2018 is hereby amended by inserting after
432 section 64 the following section:-

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

436 (a) Amounts included in federal gross income for a taxable year under section 951(a) of
437 the Code by reason of section 965 of the Code shall be taken into account for purposes of chapter
438 62 of the General Laws. All such amounts of gross income required to be taken into account for
439 federal income tax purposes in taxable years ending on or before December 31, 2019 shall be
440 taken into account in the determination of Massachusetts gross income in the taxable year ending

441 on December 31, 2019. Solely for purposes of the determination and reporting of income derived
442 from such amounts, the status of a taxpayer as a resident or nonresident shall be determined by
443 the taxpayer's status as a resident or nonresident in the taxable year in which such income was
444 required to be taken into account for federal income tax purposes. In the case of reporting of such
445 income by nonresidents, as so determined, the sourcing of such income to the commonwealth
446 shall be consistent with the apportionment or other sourcing method used by the taxpayer in the
447 year that the income was taken into account for federal income tax purposes under such rules as
448 may be determined by the commissioner.

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

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

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

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

467 (f) Payment of the tax liability under chapter 62 of the General Laws attributable to
468 income taken into account under subsections (a) and (b), or the first 3 installments of such tax
469 liability in the case of a taxpayer who has made a valid election pursuant to section 965(h) or
470 965(i) of the Code, shall be due on or before April 18, 2020. Each succeeding installment shall
471 be paid not later than April 18 of the taxable year following the year with respect to which the
472 preceding installment was made. Interest shall not accrue with respect to any liability under this
473 section prior to the due date for such liability.

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

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

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

483 SECTION 36. Clause (42) of section 67 of said chapter 273 is hereby amended by
484 striking out the word “B33” and inserting in place thereof the following word:- B3L.

485 SECTION 37. Section 6 of chapter 337 of the acts of 2018 is hereby amended by striking
486 out, in section 1 of chapter 64G of the General Laws, the definition of “Rent” and inserting in
487 place thereof the following definition:-

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

497 SECTION 38. Said section 6 of chapter 337 is hereby further amended by striking out
498 section 3D of chapter 64G and inserting in place thereof the following section:-

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

503 (b) A city or town that votes to impose a community impact fee under subsection (a)
504 may, by a separate additional vote and in the same manner of acceptance as set forth in section
505 3A, also impose the community impact fee upon each transfer of occupancy of a short-term

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

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

515 SECTION 39. Section 8 of said section 337 of the acts of 2018 is hereby amended by
516 striking out, in clause (iii) of subsection (a) of section 13 of said chapter 64G, the word
517 "municipality" and inserting in place thereof the following word:- commissioner.

518 SECTION 40. Said section 8 of said section 337 is hereby amended by striking out, in
519 clause (v) of said subsection (a) of said section 13 of said chapter 64G, the words "to permitting
520 such operator to list or offer an accommodation for rent through the use of the intermediary" and
521 inserting in place thereof the following words:- to the intermediary collecting any rent from an
522 occupant or facilitating the collection or payment of rent on behalf of an operator.

523 SECTION 41. Section 11 of chapter 337 of the acts of 2018 is hereby amended by
524 striking out the words "after it has joined the fund, as the municipality may designate" and
525 inserting in place thereof the following words:- following 30 days after the municipality has
526 joined the fund or on the first day of a later calendar quarter, as the municipality may designate
527 by a majority vote of the chief executive officers of the municipality.

528 SECTION 42. Said chapter 337 is hereby further amended by inserting after section 15
529 the following section:-

530 Section 15A. Sections 6 to 8, inclusive, shall take effect for transfers of occupancies in
531 bed and breakfast establishments, hotels, lodging houses and motels beginning on or after July 1,
532 2019.

533 SECTION 43. (a) Notwithstanding any general or special law to the contrary, this section
534 shall facilitate the orderly transfer of the employees, proceeds, rules and regulations, property,
535 legal obligations and functions of state government from the transferor agency to the transferee
536 agency, defined as follows: the division of capital asset management and maintenance, as
537 transferor agency, to the department of public health, as transferee agency.

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

546 (c) Upon the transfer required in subsection (b), employees of the transferor agency
547 engaged in the maintenance and security of the Massachusetts State Public Health Laboratory
548 Campus shall be transferred to the transferee agency. The personnel administrator in the human
549 resources division, in consultation with the transferee agency, shall complete a study of job titles

550 of the former transferor agency employees at the laboratory. The personnel administrator, in
551 consultation with the transferee agency, shall determine the appropriate commonwealth job titles
552 for former employees of the transferor agency who are transferred to the transferee agency under
553 this section. Employees transferred to the transferee agency pursuant to this section shall be
554 placed in job titles as determined by the personnel administrator and shall be paid wages and
555 receive benefits consistent with the collective bargaining agreement governing those job titles.

556 (d) Subject to appropriation, the transferred employees of the transferor agency, including
557 those who immediately before the effective date of this act held permanent appointment in
558 positions classified under chapter 31 of the General Laws or have tenure in their positions as
559 provided by section 9A of chapter 30 of the General Laws or did not hold such tenure, or held
560 confidential positions, shall be transferred to the transferee agency without interruption of
561 service within the meaning of said section 9A of said chapter 30, without: (i) impairment of
562 seniority, retirement or other rights of the employee; (ii) reduction in compensation or salary
563 grade, notwithstanding any change in title pursuant to subsection (c) or duties resulting from
564 such reorganization; (iii) loss of accrued rights to holidays, sick leave, vacation and benefits; and
565 (iv) change in union representation or certified collective bargaining unit as certified by the state
566 labor relations commission or in local union representation or affiliation. A collective bargaining
567 agreement in effect immediately before the transfer date shall continue in effect and the terms
568 and conditions of employment in the agreement shall continue as if the employees had not been
569 so transferred. The reorganization shall not impair the civil service status of any such reassigned
570 employee who immediately before the effective date of this act held a permanent appointment in
571 a position classified under said chapter 31 or had tenure in a position by reason of said section
572 9A of said chapter 30.

573 (e) Notwithstanding any general or special law to the contrary, the transferred employees
574 of the transferor agency shall continue to retain their right to bargain collectively pursuant to
575 chapter 150E of the General Laws and shall be employees for the purposes of said chapter 150E.
576 Nothing in this section shall: (i) confer upon any employee any right not held immediately before
577 the date of the transfer; (ii) prohibit any reduction of salary grade, transfer, reassignment,
578 suspension, discharge or layoff not prohibited before such date; or (iii) prohibit the abolition of
579 any management position within the transferor agency after the transfer to the transferee agency.

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

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

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

594 (i) All duly existing contracts, leases and obligations of the transferor agency concerning
595 the Massachusetts State Public Health Laboratory Campus shall continue in effect but shall be
596 assumed by the transferee agency. No such existing right or remedy of any character shall be
597 lost, impaired or affected by this section.

598 SECTION 44. Notwithstanding any general or special law to the contrary, for fiscal year
599 2019, the secretary of health and human services, with the written approval of the secretary of
600 administration and finance, may authorize transfers of surplus among items 4000-0320, 4000-
601 0430, 4000-0500, 4000-0601, 4000-0641, 4000-0700, 4000-0875, 4000-0880, 4000-0885, 4000-
602 0940, 4000-0950, 4000-0990, 4000-1400, 4000-1420 and 4000-1425.

603 SECTION 45. Notwithstanding any general or special law to the contrary, any
604 unexpended balances, not exceeding a total of \$20,000,000, in items 4000-0700 and 4000-1425
605 of section 2 of chapter 154 of the acts of 2018 shall not revert to the General Fund until
606 September 1, 2019 and may be expended by the executive office of health and human services to
607 pay for services enumerated in said items 4000-0700 and 4000-1425 provided during fiscal year
608 2019.

609 SECTION 46. (a) Notwithstanding any general or special law to the contrary, if the
610 committee for public counsel services determines that there exists a limited availability of
611 qualified private counsel appointed or assigned to care and protection cases in any county, the
612 committee may, by a majority vote, declare an emergency in that county.

613 (b) Upon the declaration of an emergency pursuant to subsection (a), the committee may
614 authorize a temporary increase in the rate of compensation for private counsel appointed or
615 assigned to care and protection cases in that county who, prior to the declaration of an

616 emergency, have billed not less than 350 hours in the current fiscal year as private counsel
617 appointed or assigned to care and protection cases or who have billed not less than 700 hours in
618 the previous fiscal year as private counsel appointed or assigned to care and protection cases.
619 The committee shall designate a certain minimum number of cases to be taken by each private
620 appointed counsel who is designated eligible to receive the emergency temporary rate of
621 compensation. The temporary increase in the rate of compensation shall be for new case
622 assignments made on or after the date of the declaration of an emergency pursuant to subsection
623 (a). The temporary increase in the rate of compensation shall apply for the duration of those new
624 case assignments. The temporary increase in the rate of compensation for private counsel
625 appointed or assigned to care and protection cases approved by the committee shall not exceed
626 \$75 per hour. If the committee determines that the increase in the rate of compensation has not
627 resulted in a sufficient increase in the number of care and protection assignments being taken by
628 private counsel, the committee may modify the eligibility criteria. The chief counsel shall notify
629 the chairs of the house and senate committees on ways and means upon any such modification.

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

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

639 SECTION 47. The salary adjustments and other economic benefits authorized by the
640 following collective bargaining agreements shall be effective for the purposes of section 7 of
641 chapter 150E of the General Laws: (i) between the Massachusetts Department of Transportation
642 and DOT Unit A - National Association of Government Employees, Clerical and Administrative
643 Workers; (ii) between the University of Massachusetts and the Maintenance and Trades
644 Unit/MTA/NEA, Lowell Campus, Unit L93; (iii) between the sheriff of Hampden county and
645 the National Correctional Employees Union Mental Health Staff Unit, Local 131, Unit SH1; (iv)
646 between the University of Massachusetts and the New England Police Benevolent Protection
647 Organization, Amherst Campus, Unit A07; (v) between the University of Massachusetts and
648 Classified and Technical Union, Lowell Campus, Unit L92; (vi) between the sheriff of Bristol
649 county and the National Association of Government Employees, Maintenance Workers, Unit C;
650 and (vii) between the sheriff of Worcester county and the New England Police Benevolent
651 Association, Local 550, Unit SW6.

652 SECTION 48. Notwithstanding any general or special law to the contrary, the special
653 commission established in section 103 of chapter 154 of the acts of 2018 is hereby revived and
654 continued to June 30, 2019. The special commission shall file the results of its study and its
655 recommendations, including drafts of legislation necessary to carry those recommendations into
656 effect, with the clerks of the house of representatives and the senate, the joint committee on
657 consumer protection and professional licensure and the house and senate committees on ways
658 and means not later June 30, 2019.

659 SECTION 49. Notwithstanding any general or special law to the contrary, the special
660 commission established in section 136 of chapter 47 of the acts of 2017, inserted by section 26 of
661 chapter 113 of the acts of 2018, is hereby revived and continued to December 31, 2019. All

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

665 SECTION 50. Section 46 is hereby repealed.

666 SECTION 51. Section 18 shall take effect on April 1, 2019; provided, however, that
667 during which time, the division of marine fisheries shall promulgate regulations in accordance
668 with recommendations from the 2012 Division of Marine Fisheries report entitled “Analysis of
669 Laws, Regulations and Policies Pertaining to the Processing, Possession and Sale of Processed
670 Frozen Lobster Parts” to maintain enforcement of conservation rules and to ensure only legally
671 sized lobsters are taken.

672 SECTION 52. Section 17 and sections 26 to 31, inclusive, shall take effect as of January
673 1, 2019; provided, however, that the department of transitional assistance shall implement said
674 section 17 and said sections 26 to 31, inclusive, not later than June 1, 2019.

675 SECTION 53. Section 50 shall take effect on July 1, 2020.