

HOUSE No. 3522

House bill No. 3514, as changed by the House committee on Bills in the Third Reading, and as amended and passed to be engrossed by the House. June 18, 2013.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act making appropriations for the fiscal year 2013 to provide for supplementing certain existing appropriations and for certain other activities and projects.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make supplemental appropriations for fiscal year 2013, and to make other changes in law, each of which is immediately needed for important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

1 SECTION 1. To provide for supplementing certain items in the general appropriation act
2 and other appropriation acts for fiscal year 2013, 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, 2013. These sums shall be in addition to any amounts
7 previously appropriated and made available for the purposes of those items.

8 SECTION 2.

9 JUDICIARY

10 Board of Bar Examiners.

11 0321-0100..... \$18,681

12 Berkshire District Attorney.

13 0340-1100..... \$53,813

14 SECRETARY OF THE COMMONWEALTH
 15 Office of the Secretary of the Commonwealth.
 16
 17 0511-0000.....\$19,547

18 TREASURER AND RECEIVER GENERAL
 19 Office of the Treasurer and Receiver General.
 20 0610-2000..... \$500,000
 21 0611-1000..... \$50,000
 22 0612-0105..... \$200,000

23 Human Resource Division.
 24 1750-0300..... \$347,000

25 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT
 26 Department of Housing and Community Development.
 27 7004-0099.....\$100,000
 28 7004-0103..... \$1,200,000

29 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
 30 Department of Workforce Development.
 31 7002-0012..... \$10,000,000

32 EXECUTIVE OFFICE OF EDUCATION
 33 Department of Elementary and Secondary Education.
 34 7061-9010..... \$8,000,000

35 Department of Higher Education.
 36 7066-0009..... \$183,000

37 EXECUTIVE OFFICE FOR PUBLIC SAFETY AND SECURITY
 38 Office of the Chief Medical Examiner.

39	8000-0122.....	\$250,000
40	Emergency Management Agency.	
41	8800-0001.....	\$641,750
42	Department of Corrections.	
43	8900-0001.....	\$4,200,000
44	Franklin Sheriff's Office	
45	8910-0108.....	\$350,000
46	Essex Sheriff's Office	
47	8910-0619.....	\$315,000
48	Hampden Sheriff's Office	
49	8910-1000.....	\$100,000
50	Massachusetts Sheriffs' Association	
51	8910-7100.....	\$28,000
52	Barnstable Sheriff's Office	
53	8910-8200.....	\$1,825,000
54	Bristol Sheriff's Office	
55	8910-8300.....	\$3,200,000
56	Dukes Sheriff's Office	
57	8910-8400.....	\$125,000
58	Norfolk Sheriff's Office	
59	8910-8600.....	\$900,000
60	Plymouth Sheriff's Office	
61	8910-8700.....	\$2,500,000
62	Suffolk Sheriff's Office	
63	8910-8800.....	\$2,500,000

64 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
65 provide for an alteration of purpose for current appropriations, and to meet certain requirements
66 of law, the sum set forth in this section are hereby appropriated from the General Fund unless
67 specifically designated otherwise in this section, for the several purposes and subject to the
68 conditions specified in this section, and subject to the laws regulating the disbursement of public
69 funds for the fiscal year ending June 30, 2013. The sums shall be in addition to any amounts
70 previously appropriated and made available for the purposes of this item.

71 SECRETARY OF THE COMMONWEALTH

72 Office of the Secretary of the Commonwealth.

73 0521-0010 For the Commonwealth of Massachusetts' administrative costs associated
74 with both the special statewide primary and the special statewide election to fill the United States
75 Senate seat on June 25, 2013, including, but not limited to, printing of nomination papers,
76 printing of ballots, extended polling hours, printing and delivery of election supplies and
77 programming of accessible equipment for both the special statewide primary and special
78 statewide, and for reimbursements to municipalities for costs associated with said elections;
79 provided that the state secretary shall only reimburse municipalities for the actual costs that are
80 thereafter certified by the division of local mandates; provided further, that no less than \$19,392
81 shall be expended for extraordinary election costs incurred by the town of Northampton due to
82 the November 6, 2012 election..... \$13,592,734

83 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

84 Reserves

85 1599-0415 For a reserve to provide home modifications and moving expenses for
86 certain victims of the Boston Marathon bombings; provided, however, that funding shall only be
87 provided to a person who has either lost a limb or lost the use of a limb as a result of the Boston
88 Marathon bombings that occurred on April 15, 2013; provided, further, that an eligible person
89 shall receive benefits for the purpose of home modification or moving expenses to suitably
90 accessible housing that shall include, but not be limited to, the following: special fixtures or
91 movable facilities, moving expenses to obtain suitable alternative housing and other necessary
92 home modifications due to the person's disability; provided, further, that the secretary of
93 administration and finance shall promulgate rules and regulations necessary for the identification
94 of eligible victims of the Boston Marathon bombings and the awarding of benefits; and provided,
95 further, that the funds appropriated in this item shall not revert and shall be made available for
96 these purposes through June 30, 2014.....\$200,000

97 1599-1973 For the cost of hired and leased equipment, vehicle repair and sand, salt and
98 other control chemicals used for snow and ice control.....\$55,687,495

99 Commonwealth Transportation Fund 100 %

100 1599-1974 For a reserve to be administered by the executive office for administration
101 and finance for the purposes of facilitating the purchase of health insurance by certain
102 commonwealth employees under the premium only plan of the Section 125 cafeteria plan, 26
103 U.S.C. § 125, who are not eligible for health insurance coverage provided by the group insurance
104 commission under chapter 32A of the General Laws; provided, that funds in this item may be
105 expended until June 30, 2014.....\$400,000

106 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

107 Department of the Secretary of Health and Human Services.

108 4000-0265.....\$1,000,000

109 Worcester Sheriff's Office

110 8910-0106 For the Worcester Sheriff's Office to conduct a feasibility study for a regional
111 lock-up facility for Worcester
112 County.....\$50,000Middlesex Sheriff's Office

113 8910-1102 For the Middlesex Sheriff's Office for payroll, emergency supplies and added
114 costs incurred as a result of the Middlesex Jail evacuation and the Boston Marathon
115 bombings.....\$168,504

116 SECTION 2C.I. For the purpose of making available in fiscal year 2014 balances of
117 appropriations which otherwise would revert on June 30, 2013, the unexpended balances of the
118 maintenance appropriations listed below, not to exceed the amount specified below for each
119 item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the
120 corresponding item in section 2 of the general appropriation act for fiscal year 2013. However,
121 for items which do not appear in section 2 of the general appropriation act, the amounts in this
122 section are re-appropriated for the purposes of and subject to the conditions stated for the
123 corresponding item in section 2 or 2A of this act or in prior appropriation acts. Amounts in this
124 section are re-appropriated from the fund or funds designated for the corresponding item in
125 section 2 of the general appropriation act; provided, however, that for items which do not appear
126 in section 2 of the general appropriation act, the amounts in this section are re-appropriated from
127 the fund or funds designated for the corresponding item in section 2 or 2A of this act or in prior
128 appropriation acts. The sums re-appropriated in this section shall be in addition to any amounts
129 available for said purposes.

130 TRESURER AND RECIEVER GENERAL

131 Office of the Treasurer and Receiver General.

132 0612-0105 \$200,000

133 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

134 Office of the Secretary of Administration and Finance.

135 1599-2013 \$477,000

136 SECTION 3. Subsection (e) of section 167A of chapter 6 of the General Laws, as
137 appearing in the 2010 Official Edition, is hereby amended by adding the following clause:- ; and
138 (iii) the collection, storage, access, dissemination, content organization and use of fingerprint-
139 based checks of all state and national databases, including criminal databases.

140 SECTION 4. Chapter 6A of the General Laws is hereby amended by inserting after
141 section 16U the following 2 sections:-

142 Section 16V. (a) As used in this section and section 16W, the following words shall,
143 unless the context clearly requires otherwise, have the following meaning:-

144 “Office”, executive office of health and human services.

145 “Recipient”, anyone receiving public assistance through a benefit program administered
146 by the office of health and human services.

147 (b) There shall be within the office, but not subject to the control of the office, a bureau
148 of program integrity. The inspector general shall appoint a director of the bureau, who shall serve
149 as an assistant inspector general under the supervision of the inspector general, and shall serve
150 for a term of 4 years. The inspector general may remove the director and designate an interim
151 director until a new director is appointed. The director shall devote full time and attention to the
152 duties of this office. The director shall be subject to the provisions of chapter 12A.

153 (c) The director of the bureau may appoint persons as are necessary to perform the
154 functions of the bureau; provided, however, that section 9A of chapter 30 and chapter 31 shall
155 not apply to any person holding such an appointment. The director may appoint and remove,
156 subject to the approval of the inspector general, expert, clerical or other assistants as the work of
157 the bureau may require. Employees shall devote their full-time and attention to their duties while
158 employed with the bureau and shall be subject to the provisions of chapter 12A.

159 (d) The bureau shall monitor the quality, efficiency and integrity of programs
160 administered by the office. The bureau shall seek to prevent, detect and correct fraud, waste and
161 abuse in the expenditure of public funds for benefit programs including, but not limited to,
162 MassHealth, transitional aid to families with dependent children, emergency aid to elders,
163 disabled and children, the Supplemental Nutrition Assistance Program and other assistance
164 benefits distributed via electronic benefit transfer cards.

165 (e) In addition to the responsibilities set forth in subsection (c), the bureau shall have the
166 following duties: (i) review current eligibility intake and determination procedures for public
167 benefit programs administered by the office, and make recommendations as appropriate; (ii)

168 provide advice to the office on any new intake procedures and regulations for eligibility
169 determination; (iii) monitor whether eligibility regulations are being followed by the
170 administering agency; (iv) review the office’s efforts to coordinate with other state agencies to
171 transmit and collect data on beneficiaries; (v) monitor the efficiency of the program integrity
172 division under the department of transitional assistance; (vi) review the training provided to
173 employees serving under the office of health and human services on methods of intake
174 procedures and beneficiary determination; (vii) provide advice on automating reporting of
175 indicators of potential fraud cases; and (viii) monitor compliance with workforce requirements.

176 (f) The bureau shall coordinate and consult with the office regarding the efforts to verify
177 eligibility for recipients of benefit programs through the sharing of information with other
178 agencies and departments, including, but not limited to, the department of revenue, the
179 department of elementary and secondary education, the department of unemployment assistance,
180 the department of industrial accidents, the registry of motor vehicles, the department of criminal
181 justice information services and the department of corrections.

182 (g) Chapter 12A shall apply to investigations, reviews, studies and all other work the
183 bureau performs.

184 Section 16W. (a) For the purposes of this section “applicant” shall mean anyone who
185 applies to receive public assistance through a benefit program administered by the office of
186 health and human services.

187 (b) The executive office of health and human services shall establish and maintain a
188 computerized income, asset, and identity eligibility verification system, hereinafter referred to as
189 the integrated eligibility system, to aggregate data necessary to verify income, assets and identity
190 when determining an applicant’s eligibility for assistance in order to eliminate the duplication of
191 assistance and deter fraud within each public benefits program administered by the office;
192 provided, however, that information held pursuant to the establishment of this system is used in
193 compliance with chapter 66A and meets all applicable federal and state privacy and security
194 requirements.

195 (c) The office may enter into contracts with third-party vendors for the purposes of
196 developing and maintaining the integrated eligibility system; provided, however, that any such
197 vendor shall be required by contract to establish annualized savings realized from the
198 implementation of the integrated eligibility system that shall exceed the total yearly cost to the
199 commonwealth for implementing the integrated eligibility system.

200 (d) The office shall require all departments, offices and divisions under the authority of
201 the office that are administering public benefits programs to use the integrated eligibility system
202 to match the social security number of an applicant for, or recipient of, public assistance against
203 information provided by the following data sources where permitted by state and federal privacy
204 laws: (1) a nationwide public records data source of physical asset ownership such as real

205 property, automobiles, watercraft, aircraft and luxury vehicles; (2) the department of revenue; (3)
206 undisclosed depository account information and account balances of disclosed accounts at
207 national and local financial institutions; (4) a nationwide public records data source of
208 incarcerated individuals; (5) outstanding default or arrest warrant information maintained by the
209 criminal history systems board, the criminal justice information system and the warrant
210 management system; (6) a nationwide best-address and driver's license data source to verify
211 individuals are residents of the commonwealth; (7) the registry of motor vehicles; (8) the
212 department of elementary and secondary education; (9) a comprehensive public records database
213 that identifies potential identity fraud or identity theft that can closely associate name, social
214 security number, date of birth, phone and address information; and (10) a database which is
215 substantially similar to or a successor of a database mentioned in this section.

216 (e) In addition to the data source matching requirements under subsection (c), the office
217 shall incorporate into the integrated eligibility system access to the following data sources, to the
218 extent such data sources are available and permitted by state and federal privacy law: (1)
219 unearned income information maintained by the Internal Revenue Service; (2) employer
220 quarterly reports of income and unemployment insurance payment information maintained by
221 the executive office of labor and workforce development; (3) earned income information
222 maintained by the Social Security Administration; (4) immigration status information maintained
223 by the United States Citizenship and Immigration Services; (5) death register information
224 maintained by the Social Security Administration; (6) prisoner information maintained by the
225 Social Security Administration; (7) public housing and Section 8 Housing Assistance payment
226 information maintained by the Department of Housing and Urban Development and the
227 Massachusetts public housing authorities; (8) national fleeing felon information maintained by
228 the Federal Bureau of Investigation; (9) wage reporting and similar information maintained by
229 states contiguous to this state; (10) beneficiary records and earnings information maintained by
230 the Social Security Administration in its Beneficiary and Earnings Data Exchange database; (11)
231 earnings and pension information maintained by the Social Security Administration in its
232 Beneficiary Earnings Exchange Record System database; (12) employment information
233 maintained by the department of labor and workforce development and the department of
234 unemployment assistance; (13) employment information maintained by the United States
235 Department of Health and Human Services in its National Directory of New Hires database; (14)
236 supplemental Security Income information maintained by the Social Security Administration in
237 its SSI State Data Exchange database; (15) workers compensation information maintained by the
238 department of industrial accidents; (16) veterans' benefits information maintained by the United
239 States Department of Health and Human Services, in coordination with the Massachusetts
240 department of health and human services and department of veterans' affairs, in the federal
241 Public Assistance Reporting Information System database; (17) child care services information
242 maintained by the department of children and families; (18) utility payments information
243 maintained by the department of housing and community development under the low income
244 home energy assistance program; (19) emergency utility payment information maintained by

245 local cities and towns or councils on aging; (20) a database of all persons who currently hold a
246 license, permit, or certificate from a state agency the cost of which exceeds \$1,000; and (21) a
247 database which is substantially similar to or a successor of a database mentioned in this section.

248 (f) The office shall work with the departments, offices, or divisions, under the authority
249 of the office, that assist in the administration of public benefit programs, as well as the bureau of
250 program integrity, established pursuant to this chapter, to develop uniform rules and regulations
251 regarding intake procedures and procedures for handling discrepancies that may result between
252 an applicant or recipient's social security number and 1 or more of the databases or information
253 tools outlined in this section; provided that an applicant or recipient shall be notified of any
254 discrepancy that arises between their social security number and information retrieved by the
255 integrated eligibility system and the applicant or recipient shall be provided an opportunity to
256 explain any discrepancy; provided that self-declarations by an applicant or recipient shall not be
257 accepted as the sole verification of categorical and financial eligibility during eligibility
258 evaluations and reviews; provided that all self-declarations made on or pursuant to an application
259 for public assistance shall be signed under the pains and penalties of perjury; and, provided
260 further that numerical identifiers, other than valid social security numbers, shall not be used as
261 alternatives to social security numbers for time periods in excess of 3 months. If a recipient is
262 unable to provide an accurate social security number to replace a numerical identifier within a
263 time period of 3 months, the recipient's public assistance benefits shall be terminated unless the
264 individual is a victim of domestic violence who has a pending petition for legal status under the
265 federal Violence Against Women Act.

266 (g) Where permitted by state and federal law, the office shall enter into intergovernmental
267 service agreements with state and local law enforcement agencies to develop an information
268 sharing system to verify identity, through an automated fingerprinting comparison system to be
269 accessed by the office and law enforcement agencies, in instances of trafficking of electronic
270 benefit transfer cards or other suspected criminal activity involving fraud and misuse of public
271 benefits.

272 SECTION 5. Section 7 of chapter 15D of the General Laws is hereby amended by
273 striking out subsection (a), as amended by section 1 of chapter 459 of the Acts of 2012, and
274 inserting in place thereof the following subsection:-

275 (a) The department shall issue and may renew a license to any person other than a
276 department, agency or institution of the commonwealth or any political subdivision thereof, who
277 meets applicable standards and requirements to establish and maintain or to assist in the
278 establishment and maintenance of a school-aged child care program, a child care center, family
279 child care home, placement agency or large family child care home, family foster care which is
280 not supervised and approved by a placement agency, group care facility or temporary shelter
281 facility. As part of the department's licensing and background record check process, the
282 department shall:

283 (i) conduct fingerprint-based checks of all state and federal databases, including criminal
284 databases, before issuing any license. The fingerprint-based checks shall be conducted on any
285 applicant for a family child care, small group and school age, large group and school age,
286 residential and placement license or family child care assistant certificate. The fingerprint-based
287 checks shall also be required for any household member, age 15 or older, or person regularly on
288 the premises, age 15 or older, of applicants for family child care licensure and for all in-home
289 non-relative department funded caregivers. Authorized department staff may receive all criminal
290 offender record information and the results of checks of state and national criminal history
291 databases, under Public Law 92-544, in accordance with the law. When the department obtains
292 the results of checks of state and national criminal history databases, it shall treat the information
293 according to sections 167 to 178, inclusive, of chapter 6 and the regulations thereto regarding
294 criminal offender record information.

295 (ii) conduct fingerprint-based checks of all state and federal databases, including criminal
296 databases, to determine the suitability of all applicants for employment, interns or volunteers
297 who have the potential for unsupervised contact with children in any department licensed or
298 funded program. The fingerprint-based checks shall also be required to determine the suitability
299 of any individual who provides transportation services on behalf of any department licensed or
300 funded program. Authorized department staff may receive all criminal offender record
301 information and the results of checks of state and national criminal history databases, under
302 Public Law 92-544, in accordance with the law. When the department obtains the results of
303 checks of state and national criminal history databases, it shall treat the information according to
304 sections 167 to 178, inclusive, of chapter 6 and the regulations thereto regarding criminal
305 offender record information.

306 (iii) conduct fingerprint-based checks of all state and federal databases, including
307 criminal databases, for all applicants to be adoptive or foster parents and their household
308 members age 15 or older. Authorized department staff may receive all criminal offender record
309 information and the results of checks of state and national criminal databases, in accordance with
310 the law. When the department obtains the results of checks of state and national criminal
311 databases, it shall treat the information according to sections 167 to 178, inclusive, of chapter 6
312 and the regulations thereto regarding criminal offender record information.

313 (iv) obtain from the sex offender registry board all current sex offender registration
314 information, pursuant to paragraphs (i) and (j) of section 178 of chapter 6, associated with the
315 address of the center, home, program or facility.

316 SECTION 6. Section 7 of chapter 15D of the General Laws is hereby amended by
317 striking out subsection (b), as amended by section 2 of chapter 459 of the acts of 2012, and
318 inserting in place thereof the following subsection:-

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

324 As part of the department's approval process, the department shall conduct fingerprint-
325 based checks of all state and federal databases, including criminal databases, before issuing any
326 approval. The fingerprint-based checks of the state and national criminal history databases shall
327 also be conducted, to determine the suitability of all applicants for employment, interns or
328 volunteers who have the potential for unsupervised contact with children in any department
329 approved program. The fingerprint-based checks shall also be required to determine the
330 suitability of any individual who provides transportation services on behalf of any department
331 approved program. Authorized department staff may receive all criminal offender record
332 information and the results of checks of state and national criminal history information
333 databases, under this subsection, in accordance with the law. When the department obtains the
334 results of checks of state and national criminal information databases, it shall treat the
335 information according to sections 167 to 178, inclusive, of chapter 6 and the regulations thereto
336 regarding criminal offender record information.

337 As part of the department's approval process, the department shall obtain from the sex
338 offender registry board all current sex offender registration information, pursuant to sections
339 178I and 178J of chapter 6, associated with the address of the center, home, program or facility
340 before issuing any approval.

341 SECTION 6A. Subsection (b) of section 8 of said chapter 15D is hereby amended by
342 striking out the words “, which shall incorporate all fees associated with conducting fingerprint –
343 based checks by the state and national criminal history databases, under 42 U.S.C. section 16962,
344 as set by the department”, inserted by section 3 of chapter 459 of the acts of 2012.

345 SECTION 7. Subsection (d) of said section 8 of said chapter 15D, as appearing in section
346 3 of chapter 459 of the acts of 2012, is hereby amended by inserting after the figure “16962”, the
347 following words:- for potential adoptive and foster parents and their household members age 15
348 or older; and for all licensing matters as set forth by the department and for all applicants for
349 employment, interns or volunteers in any department licensed, funded or approved program.

350 SECTION 8. Subsection (d) of section 8 of chapter 15D of the General Laws, as
351 amended by section 4 of said chapter 459, is hereby further amended by adding the following
352 paragraph:-

353 The board shall adopt regulations establishing that each person providing child care or
354 support services with the potential for unsupervised contact with children in any program or
355 facility licensed, funded or approved by the department, as well as any household members or

356 persons regularly on the premises of family child care and large family child care homes, any
357 prospective adoptive and foster parents and their household members, any department funded
358 caregivers, and any individual who provides transportation services on behalf of any department
359 licensed, funded or approved program shall be subject to a sexual offender registry information
360 check pursuant to sections 178I and 178J of chapter 6. The regulations shall also establish the
361 conditions in which the department may deny an application for a license, license renewal or
362 approval, employment, or department funding, as well as deny prospective adoptive and foster
363 parents based upon the information obtained from the sex offender registry search. The board
364 shall also adopt regulations establishing an address search of the sex offender registry for
365 purposes of licensing, license renewal or approval of school-aged child care programs, child care
366 centers, family child care homes, placement agencies or large family child care homes, family
367 foster care that is not supervised and approved by a placement agency, group care facilities or
368 temporary shelter facilities, including the conditions in which the department may deny an
369 application for a license, license renewal or approval based upon the information obtained from
370 the address search of the sex offender registry.

371 SECTION 9. Said section 8 of said chapter 15D, as added by section 5 of said chapter
372 459, is hereby further amended by striking out subsection (j) and inserting in place thereof the
373 following subsection:-

374 (j) Fingerprints, as referenced in subsections (a) and (b) of section 7 and subsection (d) of
375 this section, shall be submitted to the identification section of the department of state police for a
376 state criminal history check and forwarded to the Federal Bureau of Investigation for a national
377 criminal history check, according to the policies and procedures established by the identification
378 section and by the department of criminal justice information services. Fingerprint submissions
379 may be retained by the Federal Bureau of Investigation, the state identification section, and the
380 department of criminal justice information services for the purpose of assisting the department in
381 its review of suitability for initial or continued licensure, certification or approval. The
382 department of criminal justice information services may disseminate the results of a state and
383 national criminal history checks to the department of early education and care to determine the
384 suitability of : (i) any current holder of or applicant for a family child care, small group and
385 school age, large group and school age, and residential and placement license or family child
386 care assistant certificate; (ii) all current and prospective employees in any department licensed,
387 funded or approved program, who have the potential for unsupervised contact with children; (iii)
388 all household members, age 15 or older, or persons regularly on the premises, age 15 or older, of
389 current family child care providers and applicants for family child care licensure; (iv) all in-home
390 non-relative department funded caregivers; (v) all adoptive or foster parent applicants and their
391 household members age 15 or older; and (vi) any individual who provides transportation services
392 on behalf of any department licensed, funded or approved program. If the department receives
393 information from a fingerprint-based check that does not include any final disposition or is
394 otherwise incomplete, the department may request that an applicant, either new or renewing,

395 provide additional information to assist the department in determining the suitability of the
396 individual for licensure, certification, approval, funding or employment.

397 For the purposes of this section, a “conditional employee” is an individual who has the
398 potential for unsupervised contact with children who a department licensed, funded or approved
399 program or a provider of transportation services on behalf of any department licensed, funded or
400 approved program, hires without first obtaining the results of a state and national fingerprint-
401 based criminal history check because the employer determines that hiring the individual is
402 necessary. A department licensed, funded or approved program, or a provider of transportation
403 services on behalf of any department licensed, funded or approved program, may hire
404 conditional employees under the following circumstances:

405 Until the commonwealth has fully implemented a system for forwarding fingerprints to
406 the Federal Bureau of Investigation for a national criminal history check and providing the
407 results of those checks to the department, the department licensed, approved or funded program,
408 or the provider of transportation services on behalf of any department licensed, funded or
409 approved program, may hire individuals without first obtaining the results of a state and national
410 fingerprint-based criminal background check if the employer has first obtained the results of a
411 criminal offender record information check and department of children and families background
412 record check, as required by the department, on the individual(s).

413 Once the commonwealth has fully implemented a system for forwarding fingerprints to
414 the Federal Bureau of Investigation for a national criminal history check and providing the
415 results of those checks to the department, programs or transportation providers shall require
416 employees hired for September, 2013 or thereafter without the results of state and national
417 fingerprint-based criminal history checks to submit fingerprints for state and national criminal
418 history checks within a reasonable period of time; and; may hire individuals without first
419 obtaining the results of a state and national fingerprint-based criminal history check in limited
420 circumstances. Notwithstanding any laws to the contrary, if a program or transportation
421 provider seeks to hire a conditional employee, the program or transportation provider may
422 request that the individual provide additional information regarding his or her history of criminal
423 convictions, if any, to assist the program or transportation provider in determining the
424 individual’s suitability for unsupervised contact with children; provided, however, that no
425 unsupervised contact with children shall occur prior to the program or transportation provider
426 obtaining the results of a sexual offender registry information check pursuant to sections 178I
427 and 178J of chapter 6.

428 The department of criminal justice information services shall disseminate the results of
429 the criminal background check to the department. The department of criminal justice information
430 services shall only disseminate information under this section that would otherwise be available
431 to requesting entities under sections 167 to 178, inclusive, of chapter 6 and the regulations
432 thereto regarding criminal offender record information.

433 The department of early education and care shall in a manner provided by law and in
434 accordance with chapter 15D, promulgate regulations necessary to carry out this section. These
435 regulations shall address the circumstances under which a program or transportation provider
436 may hire a conditional employee.

437 All persons required to submit fingerprints pursuant to this chapter, including, but not
438 limited to, (i) any current holder of or applicant for a family child care, small group and school
439 age, large group and school age, and residential and placement license, or family child care
440 assistant certificate; (ii) all current and prospective employees in any department licensed,
441 funded or approved program, who have the potential for unsupervised contact with children; (iii)
442 all household members, age 15 or older, or persons regularly on the premises, age 15 or older, of
443 current family child care providers and applicants for family child care licensure; (iv) all in-home
444 non-relative department funded caregivers; (v) all adoptive or foster parent applicants and their
445 household members age 15 or older; and (vi) any individual who provides transportation services
446 on behalf of any department licensed, funded or approved program, shall pay a fee, to be
447 established by the department in consultation with the secretary of public safety and security, to
448 offset the costs of operating and administering a fingerprint-based criminal background check
449 system. The fee shall not exceed \$35 per person. The fee may increase accordingly if the
450 Federal Bureau of Investigation increases its fingerprint background check service fee. The
451 department licensed, funded or approved programs may reimburse applicants for employment for
452 all or part of the fee on the grounds of financial hardship. Any fees collected from fingerprinting
453 activity under this chapter shall be deposited into the Fingerprint-Based Background Check Trust
454 Fund, established under section 2HHHH of chapter 29.

455 SECTION 10. Paragraph (B) of section 2 of chapter 18 of the General Laws, as amended
456 by section 1 of chapter 161 of the acts of 2012, is hereby further amended by adding the
457 following clause:-

458 (k) require the use of photo identification on the front of each newly issued and reissued
459 electronic benefit transfer card for each cardholder who is over the age of 18 provided further,
460 that the department shall promulgate regulations to ensure that all authorized users and members
461 of the household are able to use an electronic benefit transfer card pursuant to 7 U.S.C.A §
462 2016(h)(9).

463

464 SECTION 11. Paragraph (D) of said section 2 of said chapter 18, as so appearing, is
465 hereby amended by inserting after clause (f) the following clauses:—

466 (g) the termination of benefits to any recipient, who has failed to notify the department of
467 a change of address, and who the department has attempted to contact by certified mail, but
468 whose mail communication has been returned to the department as undeliverable;

469 (h) the termination of benefits to any recipient who has failed to provide the department
470 with a social security number within 3 months of application for assistance, pursuant to section
471 16 of chapter 6A; and

472 (i) the analysis and review of electronic payment processing information control reports
473 such as those provided by the department's electronic benefit transfer card vendor including, but
474 not limited to: reports on even dollar transactions, out of state card activity, manual card entry,
475 full supplemental nutritional assistance program balance withdrawal, and multiple transactions
476 within one hour. Such reports shall be used to assist the department in program management,
477 operations, performance, and in identifying and investigating likely cases of fraud.

478 SECTION 12. Paragraph (a) of section 5J of chapter 18 of the General Laws, as
479 appearing in section 2 of chapter 161 of the acts of 2012, is hereby amended by striking out the
480 last sentence and inserting in place thereof the following sentence:— A store owner who
481 knowingly allows a prohibited electronic benefit transfer transaction in violation of this section,
482 subsection (b) of section 5I, or section 5O, shall be punished by a fine of not less than \$2,500 for
483 a first offense, by a fine of not less than \$5,000 for a second offense, and by a fine of not less
484 than \$10,000 for a third or subsequent offense.

485 SECTION 13. Said section 5J of said chapter 18, as amended by section 2 of said chapter
486 161, is hereby further amended by adding the following subsection:-

487 (d) Subject to appropriation, the department shall promulgate rules and regulations to
488 increase the education of benefit recipients and retail vendors regarding: statutory requirements
489 under sections 5I and 5J; personal financial management, banking, and budgeting; and the online
490 payment system outlined in section 26A.

491 SECTION 14. Said chapter 18 is hereby further amended by inserting after section 5N
492 the following 2 sections:-

493 Section 5O. (a) The department of transitional assistance shall establish and maintain an
494 online application process for businesses wishing to apply to accept electronic benefit transfer
495 cards at point of sale. All businesses that wish to accept electronic benefit transfer cards at point
496 of sale shall apply online on the department's website. The department shall seek to increase
497 acceptance of electronic benefit transfer cards at retail establishments. The list of businesses that
498 shall not be approved includes, but is not limited to, those establishments detailed in subsection
499 (a) of section 5J of this chapter.

500 (b) The online application shall require, at minimum, the following information: name of
501 store or business, including if different, corporation name or doing business as name; full address
502 of business; owner name, owner phone number and address; standard industrial classification
503 code; and an explanation of the business conducted by the establishment which includes the type
504 of goods or merchandise sold.

505 (c) The department shall continuously maintain a list of businesses declined by the
506 department from accepting electronic benefit transfer cards. The list shall be made public and
507 updated on a quarterly basis.

508 (d) Upon approval of the application, the department shall issue an authorization number
509 to the owner of the business. The owner shall display said authorization number in an area
510 conspicuous to customers of the business.

511 (e) Any store owner who knowingly accepts electronic benefit transfer cards without the
512 approval of the department shall be subject to the fines and punishments outlined in subsection
513 5J of this chapter.

514 (f) The department shall promulgate all rules and regulations necessary to carry out this
515 section.

516 Section 5P. Notwithstanding any general or special law to the contrary, direct cash
517 assistance issued by the commonwealth shall not be used for purchases in states other than
518 Massachusetts and states contiguous to Massachusetts. For the purposes of this section,
519 contiguous states shall mean: New Hampshire, Connecticut, Rhode Island, New York, and
520 Vermont. The department of transitional assistance shall identify all violators on a monthly basis.
521 Any eligible recipient who violates this section may be disqualified from the program for not less
522 than 3 months, subject to any appeals process established by the department pursuant to chapter
523 30A. The department shall notify the recipient that they must report in person to their local
524 department of transitional assistance office to have their benefits reinstated. Any eligible
525 recipient who violates this section for a second time may be permanently disqualified from the
526 direct cash assistance program where permissible by state and federal law.

527 SECTION 15. Section 10 of said chapter 18, as appearing in the 2010 Official Edition, is
528 hereby amended by striking out, in line 2, the words “general court” and inserting in place
529 thereof, the following words:- house and senate committees on ways and means.

530 SECTION 16. Said chapter 18 is hereby further amended by inserting after section 26 the
531 following section:-

532 Section 26A. (a) The department shall implement an online payment system accessible
533 by computer or mobile device for cash assistance recipients to manage benefits and pay rent and
534 utility bills by direct payment to a landlord or utility company by regularly deducting the amount
535 of the rent or utility bill from the amount of the benefits otherwise payable to the recipient. The
536 system shall, at minimum, allow recipients to track personal expenditures of cash assistance
537 benefits, to view the balance of benefits received, and to orchestrate the direct regular payment
538 of recipient rent and utility bills by the department. The department shall also consider including
539 in the online payment system educational tools and suggestions regarding personal financial
540 management, banking and budgeting.

541 Whenever a determination is made that benefits have not been used in the best interest of
542 the child or the assistance unit or other chronic misuse of benefits is occurring, the department
543 shall manage the provision of benefits in the form of vendor payments with respect to rent and
544 utilities. The department may presume mismanagement of benefits whenever shelter costs,
545 including, but not limited to, rent, heat, fuel and utilities, have regularly not been met without
546 reasonable cause. Upon an affirmative finding of the mismanagement of benefits by a recipient,
547 the department shall review the eligibility of said recipient to receive benefits.

548 At eligibility determinations and reviews, the department shall screen households to
549 determine if they have chronically failed to pay rent and utilities to determine if it is appropriate
550 to institute or terminate vendor payments and shall refer those households to the housing
551 consumer education centers and community-based resources for assistance in meeting their
552 expenses.

553 (b) All cash assistance recipients shall have the option to manage benefits and pay rent
554 and utility bills through the online payment system and shall receive cash assistance benefits
555 equal to the amount of the balance of benefits otherwise payable to the recipient following said
556 online payments.

557 (c) All new cash assistance recipients shall be required to pay rent and utility bills
558 through the online payment system and shall receive cash assistance benefits equal to the amount
559 of the balance of benefits otherwise payable to the recipient following said online payment.
560 Existing cash assistance recipients shall continue to have the option to pay rent and utility bills
561 through the online payment system.

562 (d) All cash assistance recipients shall be required to pay rent and utility bills through the
563 online payment system and shall receive cash assistance benefits equal to the amount of the
564 balance of benefits otherwise payable to the recipient following said online payment.

565 (e) The department shall regularly evaluate the online payment system and the number of
566 recipients utilizing and not utilizing the system to pay rent and utility bills. The department shall
567 screen the households not utilizing the online payment system to determine if they have failed to
568 pay rent and utilities and if they are using benefits in the best interest of the child or assistance
569 unit. Following a determination of mismanagement of benefits, the department may reexamine
570 recipient eligibility and investigate the possibility of eligibility fraud and shall manage the
571 provision of benefits to said households in the form of vendor payments pursuant to subsection
572 (a) of this section.

573 (f) The department shall promulgate all rules and regulations necessary to carry out this
574 section.

575 SECTION 17. Section 2HHHH of chapter 29 of the General Laws, inserted by section 6
576 of chapter 459 of the acts of 2012, is hereby amended by striking out the first paragraph and
577 inserting in place thereof the following 2 paragraphs:-

578 There shall be established and set up on the books of the commonwealth a separate fund
579 to be known as the Fingerprint-Based Background Check Trust Fund, which will consist of all
580 fees collected for the purposes enumerated in chapter 459 of the acts of 2012. Amounts credited
581 to the fund shall be available, without further appropriation, to the executive office of public
582 safety and security to carry out fingerprint-based state and national criminal background checks
583 for the purposes of employment, professional licensure and other non-criminal justice purposes.

584 For the purpose of accommodating discrepancies between the receipt of revenue and
585 related expenditures for implementing fingerprint-based checks of the state and national criminal
586 history databases, as authorized by chapter 459 of the acts of 2012, the executive office of public
587 safety and security may incur expenses and the comptroller may certify for payment amounts not
588 to exceed the most recent revenue estimate, provided further that the fund shall be in balance by
589 the end of the fiscal year. Revenues deposited in the fund that are unexpended at the end of the
590 fiscal year shall not revert to the General Fund and shall be available for expenditure in the
591 following fiscal year.

592 SECTION 18. Section 24 of chapter 32A of the General Laws, as appearing in the 2010
593 Official Edition, is hereby amended by striking out, in lines 4 and 5, the words “and shall
594 administer the fund in accordance with that section” and inserting in place thereof the following:-
595 the fund and shall employ the Pension Reserves Investment Management Board to invest the
596 fund’s assets in the Pension Reserves Investment Trust Fund.

597 SECTION 19. Subsection (b) of section 6M of chapter 62 of the General Laws, as
598 appearing in section 29 of chapter 238 of the acts of 2012, is hereby amended by striking out the
599 definition of “Taxpayer” and inserting in place thereof the following definition:-

600 “Taxpayer”, a taxpayer subject to the personal income tax under this chapter.

601 SECTION 20. Clause (4) of subsection (c) of said section 6M of said chapter 62, as so
602 appearing, is hereby further amended by striking out the word “fiscal” and inserting in place
603 thereof the following word:- taxable.

604

605 SECTION 21. Said section 6M of said chapter 62, as so appearing, is hereby further
606 amended by striking out subsections (f) to (k), inclusive, and inserting in place thereof the
607 following 6 subsections:-

608 (e) The total of all tax credits available to a taxpayer that makes a qualified investment
609 under this section shall not exceed \$1,000,000 in any 1 taxable year. No tax credit shall be
610 allowed to a taxpayer that makes a qualified investment of less than \$1,000.

611 (f) A taxpayer that makes a qualified investment shall be allowed a refundable credit, to
612 be computed as provided in this subsection, against the taxes imposed by this chapter. If the
613 amount of the credit allowed under this subsection exceeds the taxpayer's tax liability, the
614 commissioner shall treat the excess as an overpayment and shall pay the taxpayer the amount of
615 the excess, without interest. Alternatively, at the option of the taxpayer, a taxpayer entitled to a
616 credit under this subsection for a taxable year may carry over and apply against the taxpayer's
617 tax liability for any one or more of the succeeding 5 taxable years, the portion, as reduced from
618 year to year, of the credit which exceeds the tax for the taxable year. If the taxpayer elects to
619 carry over a credit balance, however, then the credit refund provision allowed by this subsection
620 shall not apply. The credit shall be equal to 50 per cent of the total qualified investments made
621 by the taxpayer, subject to the limits described in subsection (e). The department shall issue a
622 certification to the taxpayer after the taxpayer makes a qualified investment. This certification
623 shall be acceptable as proof that the expenditures related to that investment qualify as a qualified
624 investment for purposes of the credit allowed under this section.

625 (g) The credit allowable under this section shall be allowed for the taxable year in which
626 a qualified investment is made.

627 (h) Community investment tax credits allowed to a pass-through entity such as a
628 partnership or a limited liability company taxed as a partnership shall be passed through to the
629 persons designated as partners, members or owners, respectively, pro rata or pursuant to an
630 executed agreement among the persons designated as partners, members or owners documenting
631 an alternative distribution method without regard to their sharing of other tax or economic
632 attributes of the entity.

633 (i) The department shall authorize the tax credits under this section. The total value of
634 the tax credits authorized under this section, together with section 38EE of chapter 63, shall not
635 exceed \$3,000,000 in taxable year 2014 and \$6,000,000 in each of taxable years 2015 to 2019,
636 inclusive.

637 (j) The commissioner, in consultation with the department, shall adopt regulations to
638 carry out the tax credit established in this section.

639

640 SECTION 22. Subsection (b) of section 21 of chapter 62C of the General Laws is hereby
641 further amended by adding the following clause:-

642 (27) the disclosure of tax return information for individuals or households to an agency of
643 the commonwealth, if the agency certifies that the information is relevant to determine eligibility
644 of those individuals or households for benefits awarded by the agency.

645 SECTION 23. Subsection (b) of section 38EE of chapter 63 of the General Laws, as
646 appearing in section 35 of said chapter 238 of the acts of 2012, is hereby amended by inserting
647 before the definition of “Community development corporation” the following definition:-

648 “Commissioner”, the commissioner of revenue or the commissioner’s duly authorized
649 representative.

650 SECTION 24. The definition of “Community investment tax credit” in said subsection
651 (b) of said section 38EE of said chapter 63, as so appearing, is hereby amended by striking out
652 the letter “(c)” and inserting in place thereof the following letter:- (d).

653 SECTION 25. Subsection (b) of said section 38EE of said chapter 63, as so appearing, is
654 hereby amended by striking out the definition of “Taxpayer” and inserting in place thereof the
655 following definition:-

656 “Taxpayer”, a taxpayer subject to an excise under this chapter.

657 SECTION 26. Clause (4) of subsection (c) of said section 38EE of said chapter 63, as so
658 appearing, is hereby further amended by striking out the word “fiscal” and inserting in place
659 thereof the following word:- taxable.

660 SECTION 27. Said section 38EE of said chapter 63, as so appearing, is hereby further
661 amended by striking out subsections (e) to (i), inclusive, and inserting in place thereof the
662 following 5 subsections:-

663 (e) The total of all tax credits available to a taxpayer that makes a qualified investment
664 under this section shall not exceed \$1,000,000 in any 1 taxable year. No tax credit shall be
665 allowed to a taxpayer that makes a qualified investment of less than \$1,000.

666 (f) A taxpayer that makes a qualified investment shall be allowed a refundable credit, to
667 be computed as provided in this subsection, against the taxes imposed by this chapter. If the
668 amount of the credit allowed under this subsection exceeds the taxpayer’s tax liability, the
669 commissioner shall treat the excess as an overpayment and shall pay the taxpayer the amount of
670 the excess, without interest. Alternatively, at the option of the taxpayer, a taxpayer entitled to a
671 credit under this subsection for a taxable year may carry over and apply against the taxpayer’s
672 tax liability for any 1 or more of the succeeding 5 taxable years, the portion, as reduced from
673 year to year, of the credit which exceeds the tax for the taxable year. If the taxpayer elects to
674 carry over a credit balance, however, then the credit refund provision allowed by this subsection
675 shall not apply. The credit shall be equal to 50 per cent of the total qualified investments made
676 by the taxpayer, subject to the limits described in subsection (e). The department shall issue a

677 certification to the taxpayer after the taxpayer makes a qualified investment. This certification
678 shall be acceptable as proof that the expenditures related to that investment qualify as a qualified
679 investment for purposes of the credit allowed under this section.

680 (g) The credit allowable under this section shall be allowed for the taxable year in which
681 a qualified investment is made.

682 (h) Community investment tax credits allowed to a pass-through entity such as a
683 partnership or a limited liability company taxed as a partnership shall be passed through to the
684 persons designated as partners, members or owners, respectively, pro rata or under an executed
685 agreement among the persons designated as partners, members or owners documenting an
686 alternative distribution method without regard to their sharing of other tax or economic attributes
687 of the entity.

688 (i) The department shall authorize the tax credits under this section. The total value of
689 the tax credits authorized under this section, together with section 6M of chapter 62, shall not
690 exceed \$3,000,000 in taxable year 2014 and \$6,000,000 in each of taxable years 2015 to 2019,
691 inclusive.

692 SECTION 28. Chapter 71 of the General Laws is hereby amended by striking out section
693 38R, as amended by section 7 of chapter 459 of the acts of 2012, and inserting in place thereof
694 the following:-

695 Section 38R. In a manner prescribed by the board of elementary and secondary
696 education, the school committee and superintendent of any city, town or regional school district
697 and the principal or other administrator, by whatever title the position be known, of a public or
698 private school, including a special education school program approved under chapter 71B, shall
699 obtain periodically, but not less than every 3 years, from the department of criminal justice
700 information services all available criminal offender record information for any current or
701 prospective employee or volunteer within the school district who may have direct and
702 unmonitored contact with children, including any individual who regularly provides school
703 related transportation to children. Said school committee, superintendent or principal or other
704 administrator shall also have access to and may obtain all criminal offender record information
705 for any subcontractor or laborer commissioned by the school committee or school or employed
706 by the city or town to perform work on school grounds, who may have direct and unmonitored
707 contact with children.

708 The school committee, superintendent of any city, town or regional school district or the
709 principal or other administrator, by whatever title the position be known, of a public or private
710 school, including a special education school program approved under chapter 71B, shall also
711 obtain a state and national fingerprint-based criminal background check, under 42 U.S.C. section
712 16962, to determine the suitability of current and prospective school employees who may have
713 direct and unmonitored contact with children. For the purpose of this section, employees shall

714 include any apprentice, intern, or student teacher who may have direct and unmonitored contact
715 with children. The school committee shall only obtain a state and national fingerprint-based
716 criminal background check for current and prospective employees for whom the school
717 committee has direct hiring authority. The superintendent, principal or other administrator shall
718 also obtain a state and national fingerprint-based criminal background check for any individual
719 who regularly provides school related transportation to children. Said school committee,
720 superintendent or principal or other administrator may obtain a state and national fingerprint-
721 based criminal background check, as authorized by 42 U.S.C. section 16962, for any volunteer or
722 subcontractor or laborer commissioned by the school committee or school or employed by the
723 city or town to perform work on school grounds, who may have direct and unmonitored contact
724 with children. Fingerprints shall be submitted to the identification section of the department of
725 state police for a state criminal history check and forwarded to the Federal Bureau of
726 Investigation for a national criminal background check, according to the policies and procedures
727 established by the identification section and by the department of criminal justice information
728 services. Fingerprint submissions may be retained by the Federal Bureau of Investigation, the
729 state identification section, and the department of criminal justice information services for the
730 purpose of assisting employers authorized under this chapter to ensure the continued suitability
731 of those individuals. The department of criminal justice information services may disseminate
732 the results of the state and national criminal background checks to: a school committee,
733 superintendent, principal or the designee of the school committee, superintendent or principal, to
734 determine the suitability of current and prospective employees of the school employer; and to the
735 department of elementary and secondary education to determine the suitability of applicants for
736 license and licensed educators who may have direct and unmonitored contact with children;
737 provided that the department of criminal justice information services may disseminate to a
738 school committee only results for current and prospective employees for whom the school
739 committee has direct hiring authority.

740 Entities that receive the results of national criminal background checks shall treat the
741 information in accordance with sections 167 to 178, inclusive, of chapter 6 and the regulations
742 thereto regarding criminal offender record information. Notwithstanding the provisions of
743 subsections 9 and 9 1/2 of section 4 of chapter 151B if a school employer receives criminal
744 record information from the state and national fingerprint-based criminal background checks that
745 includes no disposition or is otherwise incomplete, the school employer may request that an
746 individual provide additional information regarding the results of the criminal background
747 checks to assist the school employer in determining suitability for direct and unmonitored
748 contact with children. The department of criminal justice information services shall only
749 disseminate information under this section that would otherwise be available to requesting
750 entities under sections 167 to 178, inclusive, of chapter 6 and the regulations thereto regarding
751 criminal offender record information. The school committee, superintendent or principal shall
752 notify the commissioner of any criminal record information relevant to the fitness for licensure
753 of any holder of, or applicant for, an educator's license in the commonwealth.

754 The board of elementary and secondary education shall in a manner provided by law and
755 in accordance with this section and sections 167 to 178, inclusive, of chapter 6 and the
756 regulations thereto, promulgate regulations necessary to carry out this section. These regulations
757 shall address the circumstances under which a school employer may rely on a suitability
758 determination made by a previous Massachusetts school employer or the department of
759 elementary and secondary education, in lieu of obtaining a new state and national criminal
760 background check. The factors identified in the regulations shall include, but need not be limited
761 to: the date of the previous suitability determination; the individual's employment history; and
762 the individual's state, or states, of residence since the previous suitability determination. If an
763 employer chooses to conduct a new state and national finger-print based criminal history
764 background check, rather than rely on a previous suitability determination, the employer shall
765 pay the fees for the new check. The regulations shall provide for the confidentiality of criminal
766 offender record information and the results of fingerprint-based checks of the state and national
767 criminal history databases, under 42 U.S.C. section 16962 and any other federal law, obtained
768 under this section. The regulations may reflect a phased-in schedule for the fingerprint-based
769 background checks of individuals whose employment or service began prior to the 2013-2014
770 school year.

771 The applicant shall pay a fee, to be established by the secretary of administration and
772 finance in consultation with the secretary of public safety and security and the commissioner, to
773 offset the costs of operating and administering a fingerprint-based criminal background check
774 system. The fee shall not exceed \$55 for employees who are certified pursuant to section 38G
775 and shall not exceed \$35 for employees who are not certified pursuant to section 38G. The fee
776 may increase accordingly if the Federal Bureau of Investigation increases the fee for its
777 fingerprint background check service. The school committee, superintendent or principal may
778 reimburse applicants all or part of the fee on the grounds of financial hardship. Any fees
779 collected from fingerprinting activity under this chapter shall be deposited into the Fingerprint-
780 Based Background Check Trust Fund established under section 2HHHH of chapter 29.

781

782 SECTION 29. Chapter 138 of the General Laws is hereby amended by striking out
783 sections 82 and 83, as appearing in the 2010 Official Edition, and inserting in place thereof the
784 following section:-

785 Section 82. The office of commonwealth performance, accountability and transparency,
786 in consultation with the department of housing and community development and the
787 commissioner of revenue, shall review the community investment tax credit in section 6M of
788 chapter 62 and section 38EE of chapter 63 and report on the estimate of the anticipated foregone
789 revenue from the tax credit, whether this tax credit achieves the desired outcome and stated
790 public policy purpose of the tax credit, and if the tax credit is the most cost effective means of
791 achieving this public policy purpose and whether the tax credit should be subject to a recapture if

792 certain conditions are not met. Not later than March 1, 2015, the office of commonwealth
793 performance, accountability and transparency shall file a report, together with any
794 recommendations regarding whether there should be legislative changes to the tax credit or
795 whether the goals of the tax credit can better be served through other means, with the governor
796 and with the clerks of the house and senate, who shall forward the report to the joint committee
797 on revenue, the joint committee on economic development and emerging technologies, the joint
798 committee on community development and small businesses, and the house and senate
799 committees on ways and means.

800 SECTION 30. Section 12 of said chapter 138, as so appearing, , is hereby amended by
801 striking out, in lines 145 to 157, inclusive, the following words:- “; provided further, that a local
802 licensing authority, subject to the approval of the commission, may grant a license
803 notwithstanding section 17 to sell wine for consumption on the winery premises to a winegrower
804 authorized to operate a farmer-winery under section 19B, to sell malt beverages for consumption
805 on the brewery premises to a farmer-brewer authorized to operate a farmer-brewer under section
806 19C and to sell spirits for consumption on the distillery premises to a farmer-distiller authorized
807 to operate a farmer-distillery under section 19E; and provided further, that such licensees may
808 sell for on premises consumption wines, malt beverages and spirits produced by the winery,
809 brewery or distillery or produced for the winery, brewery or distillery and sold under the winery,
810 brewery or distillery brand name.”

811 SECTION 33. Said section 19B of said chapter 138, as so appearing, is hereby
812 further amended by adding the following paragraph:-

813 (n) A local licensing authority, subject to the approval of the commission, may grant a
814 license notwithstanding section 17 to sell wine for consumption on the winery premises to a
815 winegrower authorized to operate a farmer-winery under section 19B; provided that such
816 licensees may sell for on premises consumption wines produced by the winery or produced for
817 the winery and sold under the winery brand name.

818 SECTION 32. Section 19B of said chapter 138 is hereby amended by striking out, in line
819 113, as so appearing, the words “section twelve” and inserting in place thereof the following
820 words:- this section.

821 SECTION 35. Said section 19C of said chapter 138, as so appearing, is hereby further
822 amended by adding the following paragraph:-

823 (n) A local licensing authority, subject to the approval of the commission, may grant a
824 license notwithstanding section 17 to sell malt beverages for consumption on the brewery
825 premises to a farmer-brewer authorized to operate a farmer-brewer under section 19C; provided,
826 that such licensees may sell for on premises consumption malt beverages produced by the
827 brewery or produced for the brewery and sold under the brewery brand name.

828 SECTION 34. Section 19C of said chapter 138 is hereby amended by striking out, in line
829 119, as so appearing, the words “section twelve” and inserting in place thereof the following
830 words:- this section.

831 SECTION 37. Section 19E of said chapter 138, as so appearing, is hereby amended by
832 adding the following paragraph:-

833 (o) A local licensing authority, subject to the approval of the commission, may grant a
834 license notwithstanding section 17 to sell spirits for consumption on the distillery premises to a
835 farmer-distiller authorized to operate a farmer-distillery under section 19E; provided, that such
836 licensees may sell for on premises consumption spirits produced by the distillery or produced for
837 the distillery and sold under the distillery brand name.

838 SECTION 36. Section 19E of said chapter 138, as so appearing, is hereby amended by
839 striking out, in line 123, the words “section 12” and inserting in place thereof the following
840 words:- this section.

841 SECTION 38. Section 4B of chapter 262 of the General Laws, as amended by section
842 116 of chapter 93 of the acts of 2011, is hereby further amended by adding the following
843 sentence:- No fee under this section shall be charged to the commonwealth or a state agency, but
844 if an action initiated by the commonwealth or a state agency results in the appointment of a
845 fiduciary with control over the assets of an estate, then any such fees normally chargeable to an
846 estate shall be deferred until the fiduciary is duly appointed and authorized to expend the assets
847 of the estate.

848

849

850 SECTION 39. Section 40 of said chapter 262, as appearing in section 60 of chapter 140
851 of the acts of 2012, is hereby amended by inserting at the end thereof the following sentence:-

852 No fee under this section shall be charged to the commonwealth or a state agency, but if
853 an action initiated by the commonwealth or a state agency results in the appointment of a
854 fiduciary with control over the assets of an estate, then any such fees normally chargeable to an
855 estate shall be deferred until the fiduciary is duly appointed and authorized to expend the assets
856 of the estate.

857 SECTION 40. Item 2800-0700 of section 2 of chapter 139 of the acts of 2012 is hereby
858 amended by adding the following words:- ; provided, further, that the department may issue
859 grants to public entities for the repair and maintenance of certain flood prevention structures
860 established pursuant to chapter 602 of the acts of 1966.

861 SECTION 41. Clause (4) of item 4100-0060 of said section 2 of said chapter 139 is
862 hereby amended by inserting after the figure “1997” the following words:- ; provided, further,
863 that assessment revenue received after June 30, 2013 for assessments billed in fiscal 2013 shall
864 be credited toward fiscal 2013 revenue receipts.

865 SECTION 42. Item 1595-1067 of section 2E of said chapter 139 is hereby amended by
866 inserting after the words “nonfederal share of such payment” the following words:- ; provided,
867 further, that upon certification from the secretary of administration and finance the comptroller
868 shall credit up to \$11,213,334 in transfers made by the Cambridge Public Health Commission
869 received after June 30, 2013, toward fiscal year 2013 revenue receipts.

870 SECTION 43. Section 62 of chapter 176 of the acts of 2012 is hereby amended by
871 striking out the words “January 11, 2013”, inserted by section 5 of chapter 435 of the acts of
872 2012, and inserting in place thereof the following words:- June 30, 2013.

873 SECTION 45. Chapter 459 of the acts of 2012 is hereby amended by striking out section
874 8C and inserting in place thereof the following section:-

875 Section 8C. For the purposes of this section, a “conditional employee” is an individual
876 who may have direct and unmonitored contact with children who a school employer hires
877 without first obtaining the results of a state and national fingerprint-based criminal history check
878 because the employer determines that hiring the individual is necessary. School employers may
879 hire conditional employees under the following circumstances:

880 (i) Until the commonwealth has fully implemented a system for forwarding fingerprints
881 to the Federal Bureau of Investigation for a national criminal history check and providing the
882 results of those checks to school employers, school employers may hire individuals without first
883 obtaining the results of a state and national fingerprint-based criminal history check if the school
884 employer has obtained from the Massachusetts department of criminal justice information
885 services all available criminal offender record information on the individual.

886 (ii) Once the commonwealth has fully implemented a system for forwarding fingerprints
887 to the Federal Bureau of Investigation for a national criminal history check and providing the
888 results of those checks to school employers:

889 (1) school employers shall require employees hired for the 2013-14 school year or
890 thereafter without the results of a state and national fingerprint-based criminal history check to
891 submit fingerprints for a state and national criminal history check within a reasonable period of
892 time; and

893 (2) school employers may hire individuals without first obtaining the results of a state and
894 national fingerprint-based criminal history check in limited circumstances. The board of
895 elementary and secondary education shall in a manner provided by law and in accordance with

896 this section, promulgate regulations necessary to carry out this section. These regulations shall
897 address the circumstances under which a school employer may hire a conditional employee.

898 Notwithstanding the provisions of subsections 9 and 9 ½ of section 4 of chapter 151B of
899 the General Laws, if a school employer seeks to hire a conditional employee, the school
900 employer may request that an individual provide additional information regarding his or her
901 history of criminal convictions, other than juvenile or sealed convictions, to assist the school
902 employer in determining suitability for direct and unmonitored contact with children.

903 SECTION 46. Said chapter 459 is hereby further amended by striking out section 9 and
904 inserting in place thereof the following section:-

905 Section 9. Sections 1 and 2 shall apply to all new applicants for licensure, certification or
906 approval, for all household members, age 15 or older, or persons regularly on the premises, age
907 15 or older, of applicants for family child care licensure, for all applicants to be adoptive or
908 foster parents and their household members age 15 or older, and for all in-home non-relative
909 department funded caregiver applicants, submitted on or after September 1, 2013. All
910 individuals who are currently licensed, certified or approved by the department of early
911 education and care, all household members, age 15 or older, or persons regularly on the
912 premises, age 15 or older of family child care licensees, as well as all in-home non-relative
913 department funded caregivers, shall be required to comply with the requirements of this act upon
914 renewal of licensure, certification, approval or funding, no later than September 1, 2016.
915 Sections 1 and 2 of this act shall also apply to prospective employees in any department of early
916 education and care licensed, funded or approved program who have the potential for
917 unsupervised contact with children, including those providing transportation services on behalf
918 of any department licensed, funded or approved program, hired to begin employment on or after
919 September 1, 2013. Employees in any department of early education and care licensed, funded
920 or approved programs who have the potential for unsupervised contact with children, including
921 those providing transportation services on behalf of any early education and care department
922 licensed, funded or approved program hired prior to that date shall submit fingerprints for state
923 and national criminal history checks no later than September 1, 2016.

924 Should a state and national fingerprint-based criminal check not be available through the
925 department by September 1, 2013, then all new applications for licensure, certification or
926 approval, all household members, age 15 or older, or persons regularly on the premises, age 15
927 or older, of applicants for family child care licensure, all applicants to be adoptive or foster
928 parents and their household members age 15 or older, and all in-home non-relative department
929 funded caregiver applicants who apply on or after September 1, 2013, must undergo such a
930 check as soon it becomes available.

931 Should a state and national fingerprint-based criminal check not be available through the
932 department at the time an application for renewal of a department issued license, certificate,

933 approval or funding request is due, then the applicant for renewal must undergo such a check as
934 soon it becomes available but not later than September 1, 2016.

935 Should a state and national fingerprint-based criminal check not be available through the
936 department by September 1, 2013, then any prospective employee in any department of early
937 education and care licensed, funded or approved program who has the potential for unsupervised
938 contact with children, including those providing transportation services on behalf of any
939 department licensed, funded or approved program, hired to begin employment on or after
940 September 1, 2013, will be hired conditionally as set forth in this act.

941 Should a state and national fingerprint-based criminal check not be available through the
942 department by September 1, 2013, then any employee in any department licensed, funded or
943 approved program who has the potential for unsupervised contact with children, including those
944 providing transportation services on behalf of any department licensed, funded or approved
945 program, hired prior to September 1, 2013, who is undergoing a department required periodic
946 CORI and DCF background record checks investigation, may continue employment
947 conditionally as set forth in this act, but must undergo such a check not later than September 1,
948 2016.

949 Section 7 and Section 8C shall apply to all individuals in K-12 education whose
950 employment or service for a school or district begins in or after the 2013-2014 school year.
951 Individuals in K-12 education whose employment or service began before the 2013-2014 school
952 year shall submit fingerprints for state and national criminal history checks on a phased-in basis
953 prior to the beginning of the 2016-2017 school year.

954 SECTION 47. Notwithstanding any general or special law to the contrary, the secretary
955 of health and human services, with the written approval of the secretary of administration and
956 finance, may authorize transfers of surplus among items 4000-0320, 4000-0430, 4000-0500,
957 4000-0600, 4000-0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0895, 4000-0950,
958 4000-0990, 4000-1400, 4000-1405 and 4000-1420 of section 2 of chapter 139 of the acts of 2012
959 for the purpose of reducing any deficiency in these items, but any such transfer shall be made not
960 later than August 30, 2013.

961 SECTION 48. Notwithstanding any general or special law to the contrary, the secretary
962 of administration and finance may transfer funds from item 1599-1711 to item 1599-1710 of
963 section 2 of chapter 139 of the acts of 2012. The secretary shall notify the house and senate
964 committees on way and means in writing not less than 10 days before directing the comptroller
965 to make any such transfer.

966 SECTION 49. The salary adjustments and other economic benefits authorized by the
967 following collective bargaining agreements shall be effective for the purposes of section 7 of
968 chapter 150E of the General Laws:

969 (a) between the University of Massachusetts and the International Brotherhood of
970 Teamsters, Local 25 (Unit B33), for the Boston campus;

971 (b) between the University of Massachusetts and the American Federation of Teachers,
972 Local 1895, AFL-CIO, Faculty Federation (Units D80 and D81), for the Dartmouth campus; and

973 (c) between the University of Massachusetts and the Federation of Maintenance and
974 Custodial Employees, MFT, AFT, AFL-CIO (Unit D83), for the Dartmouth campus.

975 SECTION 50. The department of conservation and recreation shall erect and maintain a
976 suitable marker on the Charles river Esplanade in the city of Boston in recognition of David G.
977 Mugar on the 40th Anniversary of the Boston Pops July 4th Fireworks Spectacular.

978 SECTION 51. Notwithstanding any general or special law to the contrary and in
979 recognition of heroic measures taken by officer Sean Allen Collier to protect the public safety of
980 the commonwealth, who was sworn as a special state police officer under section 63 of chapter
981 22C of the General Laws and as a deputy sheriff of Middlesex county and Suffolk county, the
982 state retirement board shall issue a killed in the line of duty death benefit to the family of officer
983 Sean Allen Collier under section 100A of chapter 32 of the General Laws. The state retirement
984 board shall administer said benefit according to terms and conditions established for benefits
985 provided under said section 100A of said chapter 32.

986 SECTION 52. There shall be established upon the books of the commonwealth a separate
987 fund to be known as the Medical Marijuana Trust Fund, to be expended, without prior
988 appropriation, by the department of public health. Unless a greater amount is authorized by law,
989 the fund shall consist of revenue generated from fees collected after July 1, 2013, as authorized
990 by section 3B of chapter 7 of the General Laws and section 13 of chapter 369 of the acts of 2012.
991 The commissioner of public health or a designee shall be the trustee of the fund and shall make
992 expenditures from the fund for the administrative costs of the associated operations and
993 programs. The department may incur expenses, and the comptroller may certify for payment,
994 amounts in anticipation of expected receipts; provided, however, that no expenditure shall be
995 made from the fund which shall cause the fund to be in deficit at the close of a fiscal year.
996 Moneys deposited in the trust fund that are unexpended at the end of a fiscal year shall not revert
997 to the General Fund. The commissioner shall report annually on March 1 to the house and senate
998 committees on ways and means on factors related to fund, including an analysis of revenue
999 generation, with projections for the forthcoming fiscal year, and an analysis of the services
1000 provided based on trust fund expenditures, including the manner in which the trust fund
1001 expenditures assist the department in meeting its regulatory mandates.

1002 SECTION 53. Notwithstanding any general or special law to the contrary, for fiscal year
1003 2014, the secretary of health and human services shall implement, in its entirety and without
1004 being subject to adjustment for the entire fiscal year, section 253 of chapter 224 of the acts of
1005 2012 for its managed care and primary clinician programs.

1006 SECTION 54. Notwithstanding any general or special law to the contrary, the secretary
1007 of the commonwealth shall transfer \$716,511 from the elections division operating account, in
1008 item 0521-0000, to the HAVA Trust Account, in item 0521-0700, in order to meet federal
1009 matching fund requirements.

1010 SECTION 55. Notwithstanding any general or special law to the contrary, the
1011 unexpended balances of all capital accounts which otherwise would revert on June 30, 2013, but
1012 which are necessary to fund obligations during fiscal year 2014, are hereby re-authorized;
1013 provided, however, this re-authorization shall terminate upon enactment of a capital account
1014 extension law.

1015 SECTION 57. Notwithstanding any general or special law to the contrary, the
1016 department of housing and community development is directed to expend no less than a total of
1017 \$150,000 for a one-time community action grant in the town of Holbrook in fiscal year 2013, as
1018 appropriated for in item 7004-0099.

1019 SECTION 58. Notwithstanding any general or special law to the contrary, the department
1020 of correction is directed to expend no less than a total of \$2,000,000 for cities and towns hosting
1021 department of correction facilities in fiscal year 2013, as appropriated in item 8900-0001;
1022 provided, however, that of the \$2,000,000, no city or town hosting a department of correction
1023 facility shall receive more than \$800,000 and shall not receive less than the amount allocated in
1024 item 8900-0001 of section 2 of chapter 68 of the acts of 2011.

1025 SECTION 59. Notwithstanding any general or special law to the contrary, the funds
1026 appropriated in item 4000-0265 of section 2A of chapter 142 of the acts of 2011 shall be again
1027 appropriated for the same dollar amount in line item 4000-0265 and shall be distributed and
1028 managed in the same manner as designated in section 60 of chapter 118 of the acts of 2012.

1029 SECTION 60. Notwithstanding any general or special law to the contrary, on or before
1030 March 1, 2014, the executive office of health and human services and the executive for
1031 administration and finance shall submit a report to the house and senate committees on ways and
1032 means and the joint committee on health care financing detailing the cost savings to the
1033 Commonwealth that would result from the implementation of a basic health program pursuant to
1034 section 9 of chapter 118E and 42 U.S.C. § 18051.

1035 SECTION 61. Notwithstanding any general or special law to the contrary, the department
1036 of transitional assistance shall consider the following when determining a person's eligibility for
1037 Transitional Aid to Families with Dependent Children, or TAFDC, and Emergency Aid to the
1038 Elderly, Disabled, and Children, or EAEDC, benefits administered by the department: (1) the
1039 financial value of business assets; (2) proof of income or assets of unverified applicants; (3) the
1040 assets or income of responsible relatives; (4) and the assets or income of immigration sponsors.
1041 The department shall consider the discovery of any undisclosed business assets and undisclosed
1042 income or assets of responsible relatives or immigration sponsors as potentially disqualifying. In

1043 addition, all self-declarations made on and pursuant to an application for public assistance and
1044 any landlord verification and shared housing verification forms shall be signed under the pains
1045 and penalties of perjury.

1046 SECTION 62. There is hereby established a special task force on state verification and
1047 eligibility consisting of 5 members: the state auditor, or a designee; the attorney general, or a
1048 designee; the inspector general, or a designee; the state treasurer and receiver general, or a
1049 designee; and the secretary of administration and finance, or a designee, who shall serve as chair
1050 of the task force. The task force shall, in consultation with the bureau of program integrity
1051 established under section 16V of chapter 6A of the General Laws, work to investigate the
1052 following issues: (1) the development of a common eligibility standard to be applied to all
1053 agencies of the commonwealth administering public assistance programs; (2) the obstacles to the
1054 implementation of a common eligibility standard; (3) the fiscal impacts to the commonwealth of
1055 implementing a common eligibility standard; (4) any federal limitations on the implementation
1056 of such a standard; and (5) any ancillary impacts to the commonwealth or recipients of public
1057 benefits. Subject to appropriation, the task force may hire an independent consultant to conduct
1058 research and assist with the development of any recommendations. The task force shall report to
1059 the general court the results of its investigation and study, and its recommendations, if any,
1060 together with drafts of legislation to carry its recommendations into effect, by filing the same
1061 with the clerks of the senate and house of representatives on or before December 31, 2013.

1062 SECTION 63. Notwithstanding any special or general law to the contrary, within 12
1063 months of the effective date of this act, for all cardholders over the age of 18, the department of
1064 transitional assistance shall replace all existing electronic benefit transfer cards with cards
1065 containing a photograph of the cardholder.

1066 SECTION 64. Notwithstanding any general or special law to the contrary, and where
1067 federally permissible, the department of transitional assistance and the department of elementary
1068 and secondary education shall develop and implement a statewide system to verify school
1069 attendance.

1070

1071 SECTION 65. Notwithstanding any general or special law to the contrary, the director of
1072 the bureau for program integrity shall review the management and operations of the department
1073 of transitional assistance, including any reports conducted by external consultants, and
1074 recommend whether the current organizational structure is effective for ensuring that only those
1075 persons who are eligible receive public benefits. In examining the organizational structure, the
1076 director shall study and report on whether the department would benefit from additional
1077 investigators to work with caseworkers to identify cases of waste or abuse. In particular, the
1078 director shall make recommendations regarding whether or not more investigators or a third
1079 party contractor is required to analyze and review electronic payment processing information

1080 control reports provided by the department's electronic benefit transfer card vendor including,
1081 but not limited to: reports on even dollar transactions, out of state card activity, manual card
1082 entry, full SNAP balance withdrawal, and multiple transactions within one hour. The director
1083 shall also make recommendations on a standardized filing system for case file organization to be
1084 implemented throughout all of the department's offices. The director shall make a report to the
1085 general court on the director's recommendations by filing the same with the clerks of the senate
1086 and house of representatives on or before March 1, 2014.

1087 SECTION 66. The executive office of health and human services shall file an annual
1088 report with the clerks of the house of representatives and senate on or before October 31, 2013,
1089 detailing the status and effectiveness of the integrated eligibility system and the status and
1090 effectiveness of mandatory and suggested data matching efforts outlined in section 16W of
1091 chapter 6A of the General Laws, including, but not limited to, data matching efforts with the
1092 department of revenue, the department of elementary and secondary education, the department of
1093 unemployment assistance, the department of industrial accidents, the registry of motor vehicles,
1094 the department of criminal justice information services and the department of corrections. The
1095 report shall include the number of people enrolled in each public assistance program pursuant to
1096 the implementation of the integrated eligibility system, the number of discrepancies identified by
1097 the integrated eligibility system, and the number of people whose benefits were terminated
1098 pursuant to discrepancies identified by the integrated eligibility system.

1099 SECTION 66A. Item 0511-0000 of chapter 139 of the acts of 2012 is hereby amended by
1100 inserting at the end thereof the following words:— ; provided further, that the secretary is
1101 directed to transfer \$19,547 to the Essex South Registry of Deeds for unanticipated rent costs.

1102

1103 SECTION 67. The integrated eligibility system, established pursuant to section 4 shall be
1104 implemented on or before January 1, 2014, for MassHealth and on or before June 1, 2014, for all
1105 other public assistance programs under the executive office of health and human services.

1106 SECTION 68. Sections 10 and 14 shall take effect on or before December 31, 2013.

1107 SECTION 69. Section 13 shall take effect on or before July 1, 2014.

1108 SECTION 70. Subsection (c) of section 26A of chapter 18 of the General Laws, as
1109 appearing in section 16, shall take effect on July 1, 2015.

1110 SECTION 71. Subsection (d) of section 26A of chapter 18 of the General Laws, as
1111 appearing in section 16, shall take effect on July 1, 2016.

1112 SECTION 72. The seventh paragraph of section 2 of chapter 62B of the General Laws, as
1113 amended by section 28 of chapter 194 of the acts of 2011, is hereby amended by striking out the
1114 first 2 sentences and inserting in place thereof the following 2 sentences:- Every person,

1115 including the United States, the commonwealth or any other state, or any political subdivision or
1116 instrumentality of the foregoing, making any payment of lottery or wagering winnings, which are
1117 subject to tax under chapter 62 and which are subject to withholding under section 3402(q) of the
1118 Internal Revenue Code shall deduct and withhold from such payment an amount equal to 5 per
1119 cent of such payment. For the purposes of this chapter and chapter 62C, such payment of
1120 winnings shall be treated as if it were wages paid by an employer to an employee.

1121 SECTION 73. Chapter 176D of the General Laws is hereby amended by inserting after
1122 section 3B the following section:-

1123 Section 3C. (a) As used in this section, the following words shall, unless the context
1124 clearly requires otherwise, have the following meanings:-

1125 “Ambulance service provider”, a person or entity licensed by the department of public
1126 health under section 6 of chapter 111C to establish or maintain an ambulance service.

1127 “Emergency ambulance services”, emergency services that an ambulance service
1128 provider is authorized to render under its ambulance service license when a condition or situation
1129 in which an individual has a need for immediate medical attention, or where the potential for
1130 such need is perceived by the individual, a bystander or an emergency medical services provider.

1131 “Insurance policy” and “insurance contract”, a contract of insurance, motor vehicle
1132 insurance, indemnity, medical or hospital service, dental or optometric, suretyship or annuity
1133 issued, proposed for issuance or intended for issuance by any insurer.

1134 “Insured”, an individual entitled to ambulance services benefits under an insurance policy
1135 or insurance contract.

1136 “Insurer”, a person as defined in section 1 of chapter 176D; any health maintenance
1137 organization as defined in section 1 of chapter 176G; a non-profit hospital service corporation
1138 organized under chapter 176A; any organization as defined in section 1 of chapter 176I that
1139 participates in a preferred provider arrangement also as defined in said section 1 of said chapter
1140 176I; any carrier offering a small group health insurance plan under chapter 176J; any company
1141 as defined in section 1 chapter 175; any employee benefit trust; any self-insurance plan, and any
1142 company certified under section 34A of chapter 90 and authorized to issue a policy of motor
1143 vehicle liability insurance under section 113A of chapter 175 that provides insurance for the
1144 expense of medical coverage.

1145 (b) Notwithstanding any general or special provision of law to the contrary, in any
1146 instance in which an ambulance service provider provides an emergency ambulance service to an
1147 insured but is not an ambulance service provider under contract to the insurer maintaining or
1148 providing the insured’s insurance policy or insurance contract, the insurer maintaining or
1149 providing such insurance policy or insurance contract shall pay the ambulance service provider

1150 directly and promptly for the emergency ambulance service rendered to the insured. Such
1151 payment shall be made to the ambulance service provider notwithstanding that the insured’s
1152 insurance policy or insurance contract contains a prohibition against the insured assigning
1153 benefits thereunder so long as the insured executes an assignment of benefits to the ambulance
1154 service provider and such payment shall be made to the ambulance service provider in the event
1155 an insured is either incapable or unable as a practical matter to execute an assignment of benefits
1156 under an insurance policy or insurance contract pursuant to which an assignment of benefits is
1157 not prohibited, or in connection with an insurance policy or insurance contract that contains a
1158 prohibition against any such assignment of benefits. An ambulance service provider shall not be
1159 considered to have been paid for an emergency ambulance service rendered to an insured if the
1160 insurer makes payment for the emergency ambulance service to the insured. An ambulance
1161 service provider shall have a right of action against an insurer that fails to make a payment to it
1162 pursuant to this subsection.

1163 (c) Payment to an ambulance service provider under subsection (b) shall be at a rate equal
1164 to the rate established by the municipality where the patient was transported from.

1165 (d) An ambulance service provider receiving payment for an ambulance service in
1166 accordance with subsections (b) and (c) shall be deemed to have been paid in full for the
1167 ambulance service provided to the insured, and shall have no further right or recourse to further
1168 bill the insured for said ambulance service with the exception of coinsurance, co-payments or
1169 deductibles for which the insured is responsible under the insured’s insurance policy or insurance
1170 contract.

1171 (e) No term or provision of this section 3C shall be construed as limiting or adversely
1172 affecting an insured’s right to receive benefits under any insurance policy or insurance contract
1173 providing insurance coverage for ambulance services. No term or provision of this section 3C
1174 shall create an entitlement on behalf of an insured to coverage for ambulance services if the
1175 insured’s insurance policy or insurance contract provides no coverage for ambulance services.

1176 SECTION 74. Paragraph 2 of subsection (c) of section 41 of chapter 209 of the acts of
1177 2012 is hereby amended by striking out “July 1, 2013”, as it appears, and inserting in place
1178 thereof the following:- October 31, 2013.

1179 SECTION 75. Subsection (c) of Section 100A of Chapter 32 is hereby amended in line
1180 19 after the word “officer”, by inserting the following: “, any municipal or public emergency
1181 medical technician”.

1182 SECTION 76. Section 56A of Chapter 215 of the General Laws, as appearing in the 2010
1183 Official Edition, is hereby amended by inserting in line 12, after the word “treasurer” the
1184 following:—

1185 ; provided, however, that no person shall be responsible for paying any guardian ad litem
1186 or reimbursing the Commonwealth for such compensation at an hourly rate in excess of the
1187 hourly rate paid to counsel for non-homicide children and family law cases pursuant to section
1188 11 of chapter 211D of the General Laws.

1189 SECTION 77. Section 16 of Chapter 208 of the General Laws, as so appearing, is hereby
1190 amended by inserting in line 9, after the word “treasurer” the following:—

1191 ; provided, however, that no person shall be responsible for paying any guardian ad litem
1192 or reimbursing the Commonwealth for such compensation at an hourly rate in excess of the
1193 hourly rate paid to counsel for non-homicide children and family law cases pursuant to section
1194 11 of chapter 211D of the General Laws.

1195 SECTION 78. Notwithstanding any special or general law to the contrary, the provisions
1196 the sections 76 and 77 shall not take effect until such time as (i) the joint committee on the
1197 Judiciary conducts an investigation and study of the subject-matter contained therein; and (ii)
1198 legislation necessary to carry out the recommendations in the report has been filed and enacted
1199 pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.

1200 SECTION 79. Notwithstanding any general or special law or regulation to the contrary,
1201 the department of environmental protection shall not adopt or implement any regulations not in
1202 existence as of January 1, 2013 that relate to or authorize any dam removal project, including
1203 without limitation the regulations proposed by the department to be codified at 310 CMR
1204 10.13(2), unless and until such regulations provide for due consideration of land in agricultural
1205 or aquacultural use that may be affected by such dam removal.

1206 SECTION 80: The Secretary of Administration and Finance and the Secretary of Health
1207 and Human Services are hereby authorized and directed establish a commission to evaluate the
1208 feasibility of contracting for recycling durable medical equipment purchased and issued by the
1209 Commonwealth through any and all of its medical assistance programs.

1210 Said evaluation shall include but not be limited to a request for qualifications and/or
1211 proposals for entities capable of developing, implementing and operating a system of recycling
1212 whereby an inventory of such equipment is developed and managed so as to maximize the
1213 quality of service delivery to equipment recipients and to minimize costs and losses attributable
1214 to waste, fraud and/or abuse.

1215 The Commission will consist of the Secretaries of Administration & Finance and Health
1216 & Human Services or their designee, a representative of the medical manufacturing industry, a
1217 representative from a Massachusetts hospital, a patient advocate, a representative from the
1218 insurance industry, a Senator appointed by the Senate President, a Senator appointed by the
1219 Senate Minority leader, a House member appointed by the Speaker, and a House member
1220 appointed by the House Minority Leader.

1221 The Commission shall report the findings of said evaluation, together with cost estimates
1222 for the operation of a recycling program, estimates of the savings it would generate, estimates for
1223 recycling and legislative recommendations, no later than February 1, 2014.