

**HOUSE . . . . . No. 3522**

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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.

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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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.