

HOUSE No. 3505

The Commonwealth of Massachusetts

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

An Act making appropriations for the fiscal year 2019 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 are forthwith to make supplemental appropriations for fiscal year 2019 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

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

9 SECTION 2.

10 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

11 *Reserves*

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

13 *Division of Capital Asset Management and Maintenance*

14 1102-3205.....\$438,419

15 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

16 *Office of the Secretary*

17 1595-1069.....\$16,453,180

18 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

19 *Department of Labor Standards*

20 7003-0200 Department of Labor Standards.....\$230,000

21 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

22 *Department of Housing and Community Development*

23 7004-0101.....\$10,046,612

24 EXECUTIVE OFFICE OF EDUCATION

25 *Department of Early Education and Care*

26 3000-7040.....\$680,000

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EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

Sex Offender Registry

8000-0125.....\$494,662

Department of Correction

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

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

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Department of Public Utilities

2100-0020 For the costs associated with an independent statewide examination of the safety of gas distribution infrastructure; provided, that notwithstanding the second sentence of the first paragraph of section 18 of chapter 25 of the General Laws, the assessments levied for fiscal year 2019 under said first paragraph shall be made at a rate sufficient to produce the amount expended from this item; and, provided further, that any unexpended funds in this item shall not revert but shall be made available for the purpose of this item until June 30, 2020

\$1,482,694

48 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

49 *Department of Housing and Community Development*

50 7004-1000 For the federal Low Income Home Energy Assistance Program 42 U.S.C.
51 section 8621 et seq., to assist eligible low-income elders, working families and other households
52 with assistance paying a portion of winter heating bills; provided, that the department shall
53 establish the maximum assistance for which a household shall be eligible; and provided further,
54 that any unexpended funds in this item shall not revert but shall be made available for the
55 purpose of this item until June 30, 2020.....\$30,000,000

56 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

57 *State Police Crime Laboratory*

58 8100-1014 For costs associated with the collection and testing of sexual assault
59 evidence kits required to be collected and tested by section 214 of chapter 69 of the acts of 2018,
60 including testimony regarding such collection and testing; provided, that any unexpended funds
61 in this item shall not revert but shall be made available for the purpose of this item until June 30,
62 2020.....\$8,000,000

63 SECTION 2B. To provide for supplementing certain intragovernmental chargeback
64 authorizations in the general appropriation act and other appropriation acts for fiscal year 2019,
65 to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for
66 an alteration of purpose for current intragovernmental chargeback authorizations, and to meet
67 certain requirements of law, the sum set forth in this section is hereby authorized from the
68 Intragovernmental Service Fund for the several purposes specified in this section or in the

69 appropriation acts, and subject to the provisions of law regulating the disbursement of public
70 funds for the fiscal year ending June 30, 2019. This sum shall be in addition to any amounts
71 previously authorized and made available for the purposes of this item.

72 EXECUTIVE OFFICE OF TECHNOLOGY SERVICES AND SECURITY

73 1790-0200..... \$15,000,000

74 SECTION 3. Section 35AA of chapter 10 of the General Laws, as appearing in the 2016
75 Official Edition, is hereby amended by striking out, in line 9, the words “(c)” and inserting in
76 place thereof the following words:- (b).

77 SECTION 4. Said chapter 10 is hereby further amended by striking out section 35RR, as
78 so appearing, and inserting in place thereof the following section:-

79 Section 35RR. There shall be established and set up on the books of the commonwealth a
80 separate fund to be known as the Health Information Technology Trust Fund, in this section
81 called the fund. There shall be credited to the fund revenues from federal reimbursements under
82 Title XIX or Title XXI of the Social Security Act and applicable waivers thereof, the Health
83 Information Technology for Economic and Clinical Health Act, Title XIII of Division A and
84 Title IV of Division B of Pub. L. No. 111-5, and any other federal reimbursements, grants,
85 premiums, gifts or other contributions from any source received for or in support of the
86 commonwealth’s Health Insurance Exchange/Integrated Eligibility System (HIX/IES), the health
87 care provider incentive payment program and for the promotion of electronic health record
88 adoption and health information exchange in the commonwealth. The secretary of health and
89 human services shall be the fund's trustee and shall expend the fund, without further
90 appropriation, for costs associated with the development, maintenance and administration of the

91 HIX/IES, incentive payments to eligible Massachusetts Medicaid health care providers for the
92 adoption, implementation, upgrade or meaningful use of certified electronic health record
93 technology and to support the planning, implementation and operating costs of administering
94 these payments. The secretary may certify for payment amounts in anticipation of federal
95 revenues collected for the corresponding quarter during the previous fiscal year. For the purpose
96 of accommodating timing discrepancies between the receipt of revenues and related
97 expenditures, the secretary may incur expenses, after written approval from the secretary of
98 administration and finance, and the comptroller shall certify for payment, amounts not to exceed
99 the most recent revenue estimate as certified by the MassHealth director, as reported in the state
100 accounting system.

101 SECTION 5. Section 2ZZZZ of chapter 29 of the General Laws, inserted by section 3 of
102 chapter 218 of the acts of 2018, is hereby repealed.

103 SECTION 6. Said chapter 29 of the General Laws is hereby further amended by inserting
104 after section 2CCCCC, as inserted by section 1 of chapter 296 of the acts of 2018, the following
105 section:-

106 Section 2DDDDD. (a) There shall be a Massachusetts Veterans and Warriors to
107 Agriculture Program Fund. The fund shall be administered by the department of agricultural
108 resources. Notwithstanding any general or special law to the contrary, there shall be credited to
109 the fund any revenue from appropriations or other money authorized by the general court and
110 specifically designated to be credited to the fund and any gifts, grants, private contributions or
111 investment income earned on the fund's assets and all other sources. Money deposited in the

112 fund that is unexpended at the end of the fiscal year shall not revert to the General Fund and shall
113 be available for expenditure in the subsequent year and shall not be subject to section 5C.

114 (b) The department of agricultural resources, in consultation with the department of
115 veteran services, shall establish, develop and implement the Massachusetts Veterans and
116 Warriors to Agriculture Program to enhance the education, training, employment, income,
117 productivity and retention of veterans currently working or aspiring to work in the field of
118 agriculture in the commonwealth. Amounts credited to the fund shall be used, without further
119 appropriation, for the costs associated with administering and implementing the program and
120 may also be used to provide grants or loans on a competitive basis to public, private and
121 charitable entities to finance projects in furtherance of purpose of the program. Expenditures
122 from the fund for such purpose shall complement and not replace existing local, state, private or
123 federal funding for related training and educational programs.

124 SECTION 7. Section 2 of chapter 40R of the General Laws, as appearing in the 2016
125 Official Edition, is hereby amended by inserting after the figure “10”, in lines 33 and 102, the
126 following words:- , or other funds available to the commonwealth.

127 SECTION 8. Section 9 of said chapter 40R, as so appearing, is hereby amended by
128 inserting after the word “fund”, in lines 4 and 22, the following words:- or other funds available
129 to the commonwealth.

130 SECTION 9. Section 14 of said chapter 40R, as so appearing, is hereby amended by
131 striking out, in line 9, the words “returned to the trust fund” and inserting in place thereof the
132 following words:- credited to the funding source from which the payment originated.

133 SECTION 10. Clause (31) of subsection (b) of section 21 of chapter 62C of the General
134 Laws, added by section 3 of chapter 368 of the acts of 2018, is hereby amended by inserting after
135 the words, “received by the commissioner pursuant to,” the following words:- this chapter or.

136 SECTION 11. Said subsection (b) of said section 21 of said chapter 62C of the General
137 Laws, as most recently amended by said section 3 of said chapter 368, is hereby further amended
138 by adding the following clause:-

139 (32) the disclosure of return information to the executive office of technology services
140 and security for purposes of data matching and statistical analysis; provided that: (i) the return
141 information shall remain confidential information subject to the provisions of this chapter and
142 shall not be public record; (ii) executive office of technology services and security personnel
143 who have access to such data shall first receive training and security clearance equivalent to that
144 of department employees with access to return information; and (iii) the executive office of
145 technology services and security may use the return information only for purposes of providing
146 to an agency of the commonwealth de-identified statistical information not capable of being
147 associated with any particular taxpayer or other person.

148 SECTION 12. Section 1 of chapter 64G of the General Laws, as appearing in section 6 of
149 chapter 337 of the acts of 2018, is hereby amended by striking out the definition of “Rent” and
150 inserting in place thereof the following definition:-

151 “Rent”, the total consideration paid by or on behalf of an occupant, including any service,
152 cleaning or other charge, to an operator or an intermediary collecting and remitting the excise on
153 behalf of an operator under section 13 for occupancy, valued in money, whether received in
154 money or otherwise, including all receipts, cash, credits and property or services of any kind or

155 nature; provided, however, that “rent” shall not include: (i) bona fide refundable security
156 deposits; (ii) any amount paid by an occupant that is included in the taxable gross receipts of the
157 operator under chapter 64H or 64I, where the operator is a vendor for purposes of such chapters;
158 or (iii) amounts paid by an occupant to an operator for services offered by the operator on similar
159 terms to non-occupants in the regular course of the operator’s business.

160 SECTION 13. Said chapter 64G is hereby further amended by striking out section 3D, as
161 so appearing, and inserting in place thereof the following section:-

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

166 (b) A city or town that votes to impose a community impact fee under subsection (a)
167 may, by a separate additional vote and in the same manner of acceptance as set forth in section
168 3A, also impose the community impact fee upon each transfer of occupancy of a short-term
169 rental unit that is located within a two-family or three-family dwelling that includes the
170 operator’s primary residence.

171 (c) An operator shall pay the community impact fees imposed under this section to the
172 commissioner at the same time and in the same manner as the excise due to the commonwealth
173 under section 3. All sums received by the commissioner under this section as excise, penalties or
174 forfeitures, interest, costs of suit and fines shall at least quarterly be distributed, credited and paid
175 by the state treasurer upon certification of the commissioner to the city or town. A city or town

176 shall dedicate not less than 35 per cent of the community impact fees collected under this section
177 to affordable housing or local infrastructure projects.

178 SECTION 14. Section 13 of said chapter 64G, as inserted by section 8 of chapter 337 of
179 the acts of 2018, is hereby amended by striking out the word “municipality” and inserting in
180 place thereof the following words:- commissioner.

181 SECTION 15. Said section 13 of said chapter 64G, as so inserted, is hereby further
182 amended by striking out the words “to permitting such operator to list or offer an
183 accommodation for rent through the use of the intermediary”, and inserting in place thereof the
184 following words:- to the intermediary collecting any rent from an occupant or facilitating the
185 collection or payment of rent on behalf of an operator.

186 SECTION 16. The second paragraph of section 42A of chapter 112 of the General Laws,
187 as appearing in the 2016 Official Edition, is hereby amended by adding the following 2
188 sentences:- The board may enter into agreements with the federal Food and Drug Administration
189 pursuant to 21 C.F.R. § 20.88 for the purpose of receiving records and information. Records and
190 information received pursuant to such agreements shall be exempt from disclosure as a public
191 record.

192 SECTION 17. Section 1 of chapter 175M of the General Laws, as appearing in section 29
193 of chapter 121 of the acts of 2018, is hereby amended by striking out the definition of “Covered
194 individual” and inserting in place thereof the following 2 definitions:-

195 “Covered contract worker”, a self-employed individual for whom an employer or covered
196 business entity is (i) required to report payment for services on IRS Form 1099-MISC; and (ii)

197 required to remit contributions to the Family and Employment Security Trust Fund pursuant to
198 the requirements of section 6.

199 “Covered individual”, either: (i) an employee who meets the financial eligibility
200 requirements of subsection (a) of section 24 of chapter 151A, provided that all such employment
201 has been with an employer in the commonwealth; (ii) a self-employed individual (A) who has
202 elected coverage under subsection (j) of section 2 of this chapter and (B) whose reported
203 earnings to the department of revenue from self-employment meet the financial eligibility
204 requirements of subsection (a) of section 24 of chapter 151A, as if the individual were an
205 employee; (iii) a covered contract worker (A) for whom one or more employers or covered
206 business entities is required to remit contributions to the Family and Employment Security Trust
207 Fund pursuant to section 6 of this chapter and (B) whose payments from such employers or
208 covered business entities satisfy the financial eligibility requirements of subsection (a) of section
209 24 of chapter 151A, as if the covered contract worker were an employee; or (iv) a former
210 employee who has (A) met the financial eligibility requirements of said subsection (a) of said
211 section 24 of said chapter 151A at the time of the former employee's separation from
212 employment, provided that all such employment has been with an employer in the
213 commonwealth and (B) been separated from employment for not more than 26 weeks at the start
214 of the former employee's family or medical leave.

215 SECTION 18. Subsection (g) of section 2 of said chapter 175M, as so appearing, is
216 hereby amended by striking out the words “clause (iii)” and inserting in place thereof the
217 following words:- clause (iv).

218 SECTION 19. Subsection (b) of section 3 of said chapter 175M, as so appearing, is
219 hereby amended by striking out paragraph (1) and inserting in place thereof the following
220 paragraph:-

221 (1) The weekly benefit amount for a covered individual on family or medical leave shall
222 be determined as follows: (i) the portion of such covered individual's average weekly wage that
223 is equal to or less than 50 per cent of the state average weekly wage shall be replaced at a rate of
224 80 per cent; and (ii) the portion of such covered individual's average weekly wage that is more
225 than 50 per cent of the state average weekly wage shall be replaced at a rate of 50 per cent. For
226 purposes of the calculation specified in this paragraph, a covered individual's average weekly
227 wage shall include only those wages or payments subject to the contribution requirements of
228 section 6.

229 SECTION 20. Subsection (a) of section 6 of said chapter 175M, as amended by section
230 42 of chapter 273 of the acts of 2018, is hereby further amended by striking out the first sentence
231 and inserting in place thereof the following sentence:- For each employee or covered contract
232 worker, an employer or a covered business entity shall remit to the Family and Employment
233 Security Trust Fund established under section 7 contributions in the form and manner determined
234 by the department.

235 SECTION 21. Said section 6 of said chapter 175M, as amended by section 43 of said
236 chapter 273, is hereby further amended by striking out subsections (d) and (e) and inserting in
237 place thereof the following 2 subsections:-

238 (d) Notwithstanding subsection (c), an employer employing less than 25 employees in the
239 commonwealth shall not be required to pay the employer portion of premiums for family and

240 medical leave; provided, however, that such employer shall remit, for each employee, 100 per
241 cent of the family leave contribution and 40 per cent of the medical leave contribution as
242 otherwise required under subsection (a). An employer or other business or trade that is a covered
243 business entity shall count covered contract workers as employees for the purposes of the
244 preceding sentence.

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

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

251 SECTION 22. Subsection (f) of said section 6 of said chapter 175M, as appearing in
252 section 29 of chapter 121 of the acts of 2018, is hereby amended by inserting after the words
253 “employees’ wages” the following words:- , earnings of a self-employed individual or payments
254 for services to covered contract workers.

255 SECTION 23. Subsection (g) of section 8 of said chapter 175M, as most recently
256 amended by section 6 of chapter 368 of the acts of 2018, is hereby further amended by adding
257 the following sentence:- The department shall be authorized to issue refunds where the
258 contributions required in section 6 have resulted in duplicative charges.

259 SECTION 24. Subsection (e) of section 49 of chapter 9 of the acts of 2011 is hereby
260 amended by striking out the words “January 1, 2019”, inserted by section 23 of chapter 113 of
261 the acts of 2018, and inserting in place thereof the following words:- January 1, 2021.

262 SECTION 25. Subsection (f) of said section 49 of said chapter 9 is hereby amended by
263 striking out the words “June 30, 2019”, inserted by section 24 of said chapter 113, and inserting
264 in place there of the following words:- June 30, 2021.

265 SECTION 26. Item 7004-0108 of section 2 of chapter 154 of the acts of 2018 is hereby
266 amended by inserting after the words “permanent sustainable housing” the following words:- ;
267 provided further, that the undersecretary of housing and community development may transfer
268 surplus funds appropriated in this item to item 7004-0101 to address deficiencies in item 7004-
269 0101; provided further, that not more than \$5,000,000 shall be transferred from this item in fiscal
270 year 2019.

271 SECTION 27. Item 8324-0000 of said section 2 of said chapter 154 is hereby amended
272 by striking out the words “expended for bulk” and inserting in place thereof, the following
273 words:- allocated for a grant program to provide financial assistance for the.

274 SECTION 28. Chapter 273 of the acts of 2018 is hereby amended by inserting after
275 section 64, the following section:-

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

279 (a) Amounts included in federal gross income for a taxable year under section 951(a) of
280 the Code by reason of section 965 of the Code shall be taken into account for purposes of chapter
281 62 of the General Laws. All such amounts of gross income required to be taken into account for
282 federal income tax purposes in taxable years ending on or before December 31, 2019, shall be
283 taken into account in the determination of Massachusetts gross income in the taxable year ending

284 on December 31, 2019. Solely for purposes of the determination and reporting of income derived
285 from such amounts, the status of a taxpayer as a resident or non-resident shall be determined by
286 the taxpayer's status as a resident or non-resident in the taxable year in which such income was
287 required to be taken into account for federal income tax purposes. In the case of reporting of such
288 income by non-residents, as so determined, the sourcing of such income to the commonwealth
289 shall be consistent with the apportionment or other sourcing method used by the taxpayer in the
290 year that the income was taken into account for federal income tax purposes, under such rules as
291 may be determined by the commissioner.

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

294 (c) The deduction under section 965(c) of the Code shall not apply for Massachusetts
295 purposes. A taxpayer shall be entitled in the taxable year ending on December 31, 2019 to a
296 deduction from Part A gross income equal to 60 percent of the amount included in Part A income
297 pursuant to subsections (a) and (b). The principles set forth in section 965(f)(2) of the Code shall
298 apply in a manner consistent with this section and section 6F of said chapter 62.

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

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

309 (f) Payment of the tax liability under said chapter 62 attributable to income taken into
310 account under subsections (a) and (b), or the first 3 installments of such tax liability in the case
311 of a taxpayer who has made a valid election pursuant to section 965(h) or 965(i) of the Code,
312 shall be due on or before April 18, 2020. Each succeeding installment shall be paid on or before
313 April 18 of the taxable year following the year with respect to which the preceding installment
314 was made. Interest shall not accrue with respect to any liability under this section prior to the due
315 date for such liability.

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

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

321 (i) The commissioner of revenue may issue regulations or other guidance with regard to
322 the interpretation and administration of this section. Such regulations or guidance may require
323 the reporting of income amounts to taxpayers or the department of revenue to ensure compliance
324 with the provisions of the section.

325 SECTION 29. Clause (42) of section 67 of said chapter 273 is hereby amended by
326 striking out the word “B33” and inserting in place thereof the following word:- B3L.

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

331 SECTION 31. Said chapter 337 is hereby further amended by inserting after section 15
332 the following section:-

333 Section 15A. Sections 6 to 8, inclusive, shall take effect for transfers of occupancies in
334 bed and breakfast establishments, hotels, lodging houses and motels beginning on or after July 1,
335 2019.

336 SECTION 32. (a) Notwithstanding any general or special law to the contrary, this section
337 shall facilitate the orderly transfer of the employees, proceeds, rules and regulations, property
338 and legal obligations and functions of state government from the transferor agency to the
339 transferee agency, defined as follows: the division of capital asset management and maintenance,
340 as transferor agency, to the department of public health, as transferee agency.

341 (b) Notwithstanding chapter 334 of the acts of 1996, chapter 119 of the acts of 2014 or
342 any other general or special law to the contrary, control and custody of the Massachusetts State
343 Public Health Laboratory Campus located in the Jamaica Plain section of the city of Boston shall
344 be transferred from the transferor agency to the transferee agency. The transferor and transferee
345 agencies shall enter into an agreement to effect such transfer, which shall occur no later than
346 December 31, 2019. Upon such transfer, the transferee agency may assign the use of space
347 within the property to state agencies and may make expenditures and perform maintenance for
348 the property that it considers reasonable and appropriate.

349 (c) Upon the transfer required in subsection (b), employees of the transferor agency
350 engaged in the maintenance and security of the Massachusetts State Public Health Laboratory
351 Campus shall be transferred to the transferee agency. The personnel administrator in the human
352 resources division, in consultation with the transferee agency, shall complete a study of job titles
353 of the former transferor agency employees at the laboratory. The personnel administrator, in
354 consultation with the transferee agency, shall determine the appropriate commonwealth job titles
355 for former employees of the transferor agency who are transferred to the transferee agency under
356 this section. Employees transferred to the transferee agency pursuant to this section shall be
357 placed in job titles as determined by the personnel administrator and shall be paid wages and
358 receive benefits consistent with the collective bargaining agreement governing those job titles.

359 (d) Subject to appropriation, the transferred employees of the transferor agency, including
360 those who immediately before the effective date of this act held permanent appointment in
361 positions classified under chapter 31 of the General Laws or have tenure in their positions as
362 provided by section 9A of chapter 30 of the General Laws or did not hold such tenure, or held
363 confidential positions, shall be transferred to the transferee agency without interruption of
364 service within the meaning of section 9A of chapter 30, without impairment of seniority,
365 retirement or other rights of the employee, and without reduction in compensation or salary
366 grade, notwithstanding any change in title pursuant to the provisions of subsection (c) or duties
367 resulting from such reorganization, and without loss of accrued rights to holidays, sick leave,
368 vacation and benefits, and without change in union representation or certified collective
369 bargaining unit as certified by the state labor relations commission or in local union
370 representation or affiliation. Any collective bargaining agreement in effect immediately before
371 the transfer date shall continue in effect and the terms and conditions of employment therein

372 shall continue as if the employees had not been so transferred. The reorganization shall not
373 impair the civil service status of any such reassigned employee who immediately before the
374 effective date of this act either held a permanent appointment in a position classified under
375 chapter 31 of the General Laws or had tenure in a position by reason of section 9A of chapter 30
376 of the General Laws.

377 (e) Notwithstanding any general or special law to the contrary, all such employees shall
378 continue to retain their right to bargain collectively pursuant to chapter 150E of the General
379 Laws and shall be considered employees for the purposes of chapter 150E. Nothing in this
380 section shall confer upon any employee any right not held immediately before the date of the
381 transfer, or to prohibit any reduction of salary grade, transfer, reassignment, suspension,
382 discharge or layoff not prohibited before such date; nor shall anything in this section prohibit the
383 abolition of any management position within the transferor agency after the transfer to the
384 transferee agency.

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

390 (g) All orders, advisories, findings, rules and regulations duly made and all approvals
391 concerning the Massachusetts State Public Health Laboratory Campus duly granted by the
392 transferor agency, which are in force immediately before the effective date of this act, shall

393 continue in force and shall thereafter be enforced, until superseded, revised, rescinded or
394 canceled, in accordance with law, by the transferee agency.

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

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

404 SECTION 33. Notwithstanding any general or special law to the contrary, for fiscal year
405 2019, the secretary of health and human services, with the written approval of the secretary of
406 administration and finance, may authorize transfers of surplus among items 4000-0320, 4000-
407 0430, 4000-0500, 4000-0601, 4000-0641, 4000-0700, 4000-0875, 4000-0880, 4000-0885, 4000-
408 0940, 4000-0950, 4000-0990, 4000-1400, 4000-1420 and 4000-1425.

409 SECTION 34. Notwithstanding any general or special law to the contrary, any
410 unexpended balances, not exceeding a total of \$20,000,000, in items 4000-0700 and 4000-1425
411 of section 2 of chapter 154 of the acts of 2018 shall not revert to the General Fund until
412 September 1, 2019 and may be expended by the executive office of health and human services to
413 pay for services enumerated in said items 4000-0700 and 4000-1425 provided during fiscal year
414 2019.

415 SECTION 35. (a) Notwithstanding any general or special law to the contrary, if the
416 committee for public counsel services determines that there exists a limited availability of
417 qualified private counsel appointed or assigned to care and protection cases in any county, the
418 committee may, by a majority vote, declare an emergency in that county.

419 (b) Upon the declaration of an emergency pursuant to subsection (a), the committee may
420 authorize a temporary increase in the rate of compensation for private counsel appointed or
421 assigned to care and protection cases in that county who, prior to the declaration of an
422 emergency, have billed not less than 350 hours in the current fiscal year as private counsel
423 appointed or assigned to care and protection cases or who have billed not less than 700 hours in
424 the previous fiscal year as private counsel appointed or assigned to care and protection cases.
425 The committee shall designate a certain minimum number of cases to be taken by each private
426 appointed counsel who is designated eligible to receive the emergency temporary rate of
427 compensation. The temporary increase in the rate of compensation shall be for new case
428 assignments made on or after the date of the declaration of an emergency pursuant to subsection
429 (a). The temporary increase in the rate of compensation shall apply for the duration of those new
430 case assignments. The temporary increase in the rate of compensation for private counsel
431 appointed or assigned to care and protection cases approved by the committee shall not exceed
432 \$75 per hour. If the committee determines that the increase in the rate of compensation has not
433 resulted in a sufficient increase in the number of care and protection assignments being taken by
434 private counsel, the committee may modify the eligibility criteria. The chief counsel shall notify
435 the chairs of the house and senate committees on ways and means upon any such modification.

436 (c) Upon the declaration of an emergency pursuant to subsection (a), the chief counsel of
437 the committee may waive the annual cap on billable hours for private counsel appointed or

438 assigned to represent clients in care and protection cases in the specified county; provided,
439 however, that any counsel appointed or assigned to such cases shall not be paid for any time
440 billed in excess of 2,000 billable hours.

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

445 SECTION 36. The salary adjustments and other economic benefits authorized by the
446 following collective bargaining agreements shall be effective for the purposes of section 7 of
447 chapter 150E of the General Laws:

448 (1) between the Massachusetts Department of Transportation and DOT Unit A -
449 National Association of Government Employees, Clerical and Administrative Workers;

450 (2) between the University of Massachusetts and the Maintenance and Trades
451 Unit/MTA/NEA, Lowell Campus, Unit L93;

452 (3) between the sheriff of Hampden county and the National Correctional Employees
453 Union Mental Health Staff Unit, Local 131, Unit SH1;

454 (4) between the University of Massachusetts and the New England Police Benevolent
455 Protection Organization, Amherst Campus, Unit A07;

456 (5) between the University of Massachusetts and Classified and Technical Union,
457 Lowell Campus, Unit L92;

458 (6) between the sheriff of Bristol county and the National Association of Government
459 Employees, Maintenance Workers, Unit C; and

460 (7) between the sheriff of Worcester county and the New England Police Benevolent
461 Association, Local 550, Unit SW6.

462 SECTION 37. Sections 12 to 15, inclusive, shall take effect as of March 28, 2019.

463 SECTION 38. Section 35 is hereby repealed.

464 SECTION 39. Section 38 shall take effect on July 1, 2020.