

HOUSE No. 4354

The Commonwealth of Massachusetts



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GOVERNOR

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COMMONWEALTH OF MASSACHUSETTS
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KARYN POLITO
LIEUTENANT GOVERNOR

January 31, 2020

To the Honorable Senate and House of Representatives,

I am filing for your consideration a bill entitled “An Act Making Appropriations for Fiscal Year 2020 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.”

This bill consists of \$52.6 million in supplemental appropriations for Fiscal Year 2020 (FY20), at a net state cost of \$52.2 million.

These recommendations include \$17.4 million in spending for representation of indigent defendants and \$10.4 million for information technology costs in the Health and Human Services Secretariat. Together, these two line-items account for more than half of the bill’s recommendations for new spending. In both cases, projected spending exceeds the amounts contained in the enacted budget.

I further recommend \$9.6 million for Transitional Assistance to Families with Dependent Children (TAFDC). Last year’s change in the TAFDC benefit made a number of children eligible to be counted as household members for the first time. Spending projections have been updated in light of experience.

I recommend several smaller spending adjustments totaling \$15.2 million. These include caseload-driven adjustments for family shelter and shelter diversion programs, for the early intervention program at the Department of Public Health (DPH), and for the cost of state

employee dental and vision benefits. Other recommendations include funds for the implementation by DPH of the vaping law passed last fall; for per- and polyfluoroalkyl (PFAS) remediation for which the state may be liable; and for Eastern equine encephalitis (EEE) prevention and awareness, as well as for other necessary costs.

I further recommend increasing three chargeback ceilings and the continuation into Fiscal Year 2021 of certain authorizations in place for FY20 that are not expected to be spent during this fiscal year.

This bill includes various outside sections related to other policy matters. These include sections that would allow the Department of Conservation and Recreation to ensure arrangements are made for the repair or removal of unsafe dams at the time that property is sold to a new owner; authorize the installation of solar canopies on certain state park building and parking facilities through a competitive bidding process with proceeds flowing into the Conservation Trust; add the Mattapan Square building to the Historic Curatorship Program; and amend state law on hemp cultivation to align with the 2018 U.S. Farm Bill.

Other sections are related to improvements at the MBTA. These include sections that would decriminalize fare evasion; prohibit private motor vehicles from driving in a bus-only lane; and exempt certain fare collection data from public records in order to ensure privacy protections for T riders.

This bill would also align state law with provisions of the federal Child Abuse Prevention and Treatment Act and fine-tune DPH's statutory authority to regulate long-term care facilities by allowing DPH to consider certain additional factors when granting a license and by increasing fines for noncompliance with statutory requirements.

This bill would improve the Commonwealth's ability to contract for maintenance services by making such contracts subject to the laws governing the purchase of goods, supplies, and services, as opposed to public construction laws.

A number of other sections relate to spending authorizations, including:

- provisions that would allow DPH to use surplus funds in unrelated accounts in the event of unanticipated costs related to communicable diseases;
- allow the Massachusetts Emergency Management Agency (MEMA) greater flexibility in using certain funds that were initially appropriated to respond to the Merrimack Valley explosions;
- create flexible spending authorization that MEMA could access quickly in the event of an emergency;

- update spending caps in the Substance Use Disorder Federal Reinvestment Trust Fund;
- increase sheriff salaries to align with other public officials' salary increases;
- exempt a specific federally-funded vocational rehabilitation trust from fringe and indirect charges; and
- allow DPH to set and impose fees on clinical facilities, such as hospital emergency rooms, that participate in the Sexual Assault Nurse Examiner (SANE) program, in order to establish a stable funding model following the end of federal funding.

Other sections are either technical adjustments or routine spending-related provisions, such as allowing transferability between MassHealth appropriations.

Sufficient revenues are estimated to be available to finance the appropriations proposed in this legislation. Because certain items are time sensitive, including PFAS remediation and EEE mitigation preparation, I urge you to enact this legislation promptly.

Respectfully submitted

Charles D. Baker,
Governor

HOUSE No. 4354

The Commonwealth of Massachusetts

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

An Act making appropriations for fiscal year 2020 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 purposes, which are forthwith to make supplemental appropriations for fiscal year 2020 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 2020, 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, 2020. 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, 2021, except as otherwise stated.

9 SECTION 2.

10 JUDICIARY

11		<i>Committee for Public Counsel Services</i>	
12	0321-1510.....		\$17,367,925
13		DISTRICT ATTORNEYS	
14		<i>Bristol District Attorney</i>	
15	0340-0900	Bristol District Attorney.....	\$164,688
16		EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE	
17		<i>Division of Capital Asset Management and Maintenance</i>	
18	1102-3199	Office of Facilities Management.....	\$654,639
19		<i>Group Insurance Commission</i>	
20	1108-5500	Group Insurance Dental and Vision Benefits.....	\$450,000
21		<i>Human Resources Division</i>	
22	1750-0300	Dental and Vision Contribution.....	\$967,698
23		EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS	
24		<i>Office of the Secretary</i>	
25	2000-0100	Energy and Environmental Affairs Administration.....	\$169,805
26		<i>Department of Agricultural Resources</i>	
27	2511-0100	Agricultural Resources Administration.....	\$830,000

28

29 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

30 *Office of the Secretary*

31 4000-1700 Health and Human Services Information Technology Costs.....\$10,400,000

32 *Department of Transitional Assistance*

33 4403-2000 Transitional Aid to Families with Dependent Children.....\$9,600,000

34 *Department of Public Health*

35 4513-1020 Early Intervention.....\$2,840,757

36 4516-1000 State Laboratory and Communicable Disease Control Services.....\$1,776,829

37 4590-0300 Smoking Prevention and Cessation Programs.....\$2,000,000

38 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

39 *Department of Housing and Community Development*

40 7004-0101 Emergency Assistance Family Shelters.....\$1,838,450

41 7004-0108 HomeBASE.....\$2,023,686

42 EXECUTIVE OFFICE OF EDUCATION

43 *Department of Early Education and Care*

44 3000-7040 EEC Contingency Contract Retained Revenue.....\$348,107

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

Sex Offender Registry

8000-0125 Sex Offender Registry Board.....\$130,179

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, 2020. These sums shall be made available until June 30, 2021, except as otherwise stated.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Reserves

1599-0717 For a reserve for the cleanup of disposal sites governed by chapter 21E of the General Laws where the commonwealth is or may be a person liable under section 5 of said 21E; provided, that the secretary of administration and finance may transfer from this item to other items amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose\$1,000,000

SECTION 2B. To provide for supplementing certain intragovernmental chargeback authorizations in the general appropriation act and other appropriation acts for fiscal year 2020, to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for an alteration of purpose for current intragovernmental chargeback authorizations, and to meet

certain requirements of law, the sum set forth in this section is hereby authorized from the Intragovernmental Service Fund for the several purposes specified in this section or in the appropriation acts, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2020. This sum shall be in addition to any amounts previously authorized and made available for the purposes of this item.

OFFICE OF THE TREASURER AND RECEIVER GENERAL

0699-0018 Agency Debt Service Programs.....\$721,382

EXECUTIVE OFFICE OF TECHNOLOGY SERVICES AND SECURITY

1790-0400 Print and Mail Services Chargeback.....\$200,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Massachusetts Commission for the Deaf and Hard of Hearing

4125-0122 Chargeback for Interpreter Services.....\$100,000

SECTION 2C.I. For the purpose of making available in fiscal year 2021 balances of appropriations which otherwise would revert on June 30, 2020, the unexpended balances of the appropriations listed below, not to exceed the amount specified below for each item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 of chapter 41 of the acts of 2019. However, for items that do not appear in section 2 of the general appropriation act, the amounts in this section are re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts. Amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in section 2 of said chapter 41; provided,

however, that for items which do not appear in section 2 of said chapter 41, the amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in section 2 through 2E of this act or in prior appropriation acts. The sums reappropriated in this section shall be in addition to any amounts available for said purposes.

JUDICIARY

Executive Office of the Trial Courts

0339-1011 Community Based Re-entry Programs.....\$1,875,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Department of Revenue

1232-0100 Underground Storage Tank Reimbursements.....\$11,300,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Department of Public Health

4590-1504 Neighborhood Gun & Violence Prevention.....\$10,973,157

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

Department of Housing and Community Development

7004-0101 Emergency Assistance Family Shelters and Services.....\$2,583,169

7004-9024 Massachusetts Rental Voucher Program.....\$7,832,451

7004-9024 Alternative Housing Voucher Program.....\$2,275,225

105 EXECUTIVE OFFICE OF EDUCATION

106 *Department of Elementary and Secondary Education*

107 7061-0012 Special Education Circuit Breaker Reimbursement.....\$8,121,966

108 SECTION 2C.II. For the purpose of making available in fiscal year 2021 balances of
109 retained revenue and intragovernmental chargeback authorizations which otherwise would revert
110 on June 30, 2020, the unexpended balances of the authorizations listed below, not to exceed the
111 amount specified below for each item, are hereby re-authorized for the purposes of and subject to
112 the conditions stated for the corresponding item in section 2 or 2B of chapter 41 of the acts of
113 2019. However, for items which do not appear in section 2 or 2B of said chapter 41, the amounts
114 in this section are re-authorized for the purposes of and subject to the conditions stated for the
115 corresponding item in section 2, 2A, or 2B of this act or in prior appropriation acts. Amounts in
116 this section are re-authorized from the fund or funds designated for the corresponding item in
117 section 2 or 2B of the general appropriation act; however, for items which do not appear in
118 section 2 or 2B of the general appropriation act, the amounts in this section are re-authorized
119 from the fund or funds designated for the corresponding item in section 2, 2A, or 2B of this act
120 or in prior appropriation acts. The sums re-authorized in this section shall be in addition to any
121 amounts available for those purposes.

122 *Department of Veterans Services*

123 1410-0018 Agawam and Winchendon Cemeteries Retained Revenue.....\$250,000

124 SECTION 3. The definition of “building project” in section 1 of chapter 7C of the
125 General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in

126 line 20, the words “, repair or maintenance” and inserting in place thereof the following words:-
127 or repair.

128 SECTION 4. Subclause (a) of clause (2) of section 59 of chapter 23K of the General
129 Laws, as amended by section 3 of chapter 142 of the acts of 2019, is hereby further amended by
130 striking out the words “section 2IIIII” and inserting in place thereof the following words:-
131 section 2HHHHH.

132 SECTION 5. Section 2YYYYY of chapter 29 of the General Laws, as appearing in the
133 2018 Official Edition, is hereby amended by striking the second paragraph and inserting in place
134 thereof the following paragraph:-

135 The secretary may expend, without further appropriation, not more than \$27 million per
136 year in fiscal year 2020 and not more than \$53 million per year in fiscal years 2021 and 2022
137 from the fund to expand and support the residential treatment system to treat individuals with a
138 substance use disorder or co-occurring mental health and substance use disorder; not more than
139 \$11 million per year in fiscal year 2020 and not more than \$32 million per year in fiscal years
140 2021 and 2022 from the fund to expand and support access to medication assisted treatment; not
141 more than \$8 million per year in fiscal year 2020 and not more than \$15 million per year in fiscal
142 years 2021 and 2022 from the fund to expand and support access to recovery treatment support
143 services; and not more than \$4 million per year in fiscal year 2020 and not more than \$10 million
144 per year in fiscal years 2021 and 2022 from the fund to implement and support American Society
145 of Addiction Medicine assessment and care planning across substance use treatment providers.
146 For the purpose of accommodating timing discrepancies between the receipt of revenues and
147 related expenditures, the fund may incur expenses, and the comptroller shall certify for payment,

amounts not to exceed the most recent revenue estimate as certified by the MassHealth director, as reported in the state accounting system. Amounts credited to the fund shall not be subject to further appropriation and monies remaining in the fund at the end of a fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year.

SECTION 6. Chapter 29 of the General Laws is hereby amended by inserting after section 2HHHHH, inserted by section 4 of chapter 142 of the acts of 2019, the following section:-

Section 2IIII. (a) There shall be an Emergency Relief and Immediate Commonwealth Assistance Trust, which shall be administered by the Massachusetts emergency management agency. Monies in the trust shall be deposited with the state treasurer in a manner that will secure the highest interest rate available consistent with the safety of the trust and with the requirement that all amounts on deposit be available for immediate use.

(b) There shall be credited to the trust: any unexpended funds from item 8800-0001, which shall not revert to the General Fund or any other fund but instead shall be transferred to the trust; other funds appropriated or transferred to the trust by the general court; and all interest earned on monies in the trust.

(c) Expenditures from the trust shall not be subject to appropriation and balances remaining in the trust at the end of a fiscal year shall not revert to the General Fund; provided, that expenditures from the trust shall be made for state or local response efforts to natural disasters or emergency incidents determined at the discretion of the director of the agency; and provided further, that expenditures shall not be used to supplant recurring operational costs of the agency funded through the general appropriations act.

(d) Subject to the approval of the secretary of public safety and security in consultation with the secretary of administration and finance, the agency may incur liabilities and make expenditures in excess of funds available and the state comptroller may certify for payment invoices in excess of funds available to the agency; provided, that the agency must cite a state of emergency declaration upon its request to incur liabilities and make expenditures in excess of funds available; and provided further, that the negative balance of funds available shall not exceed \$5,000,000 at any time during the fiscal year; provided further that no expenditure shall be made from the trust which shall cause the trust to be in deficit at the close of a fiscal year.

(e) Not later than June 1 of each fiscal year, the agency shall submit a report to the secretary of administration and finance and the house and senate committees on ways and means, which shall include the trust's balance at the start of the current fiscal year, any transfers of funds to and from the trust during the fiscal year, any revenue deposited into the trust, an itemized description of expenditures by disaster or incident during the fiscal year, a projected balance in the trust for the end of the fiscal year, and any request for supplemental appropriations to eliminate any negative balance projected for the trust at the end of the fiscal year.

SECTION 7. The fourth paragraph of subsection (a) of section 39M of chapter 30 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 64, the words “, maintenance”.

SECTION 8. Section 51 of said chapter 30 of the General Laws, as so appearing, is hereby amended by inserting, in line 1, after the word “services”, the following words:- which shall include maintenance services to a facility or system and replacement of equipment within existing systems as part of a periodic maintenance contract,.

192 SECTION 9. Section 52 of said chapter 30 of the General Laws, as so appearing, is
193 hereby amended by inserting, in line 1, after the word “services”, the following words:- which
194 shall include maintenance services to a facility or system and replacement of equipment within
195 existing systems as part of a periodic maintenance contract,.

196 SECTION 10. Section 17 of chapter 37 of the General Laws, as so appearing, is hereby
197 amended by striking out, in line 14, the figure “151,709” and inserting in place thereof the
198 following figure:- 169,914.

199 SECTION 11. Said section 17 of said chapter 37, as so appearing, is hereby further
200 amended by striking out, in line 15, the figure “119,771” and inserting in place thereof the
201 following figure:- 134,144.

202 SECTION 12. Said section 17 of said chapter 37, as so appearing, is hereby further
203 amended by striking out, in line 16, the figure “95,816” and inserting in place thereof the
204 following figure:- 107,314.

205 SECTION 13. Subsection (b) of section 7E of chapter 64C of the General Laws, as
206 inserted by chapter 133 of the acts of 2019, is hereby amended by adding the following
207 sentence:-

208 Thirty per cent of revenues received pursuant to this section, together with any penalties,
209 forfeitures, interest, costs of suits and fines collected in connection therewith, less all amounts
210 refunded or abated in connection therewith, as certified by the commissioner, shall be credited to
211 the Community Behavioral Health Promotion and Prevention Trust Fund established in section
212 35GGG of chapter 10.

213 SECTION 14. Chapter 89 of the General Laws is hereby amended by inserting after
214 section 7C, the following section:-

215 Section 7D. No vehicle shall be operated, parked or caused to stand in a lane designated
216 for the exclusive use of buses unless otherwise regulated or posted by an official traffic signal,
217 sign, or marking, or at the direction of an authorized police officer. Violation of this section
218 shall be punishable by a fine of not more than \$200 if the violation occurs between the hours of 7
219 a.m. and 7 p.m. on weekdays, and not more than \$100 if the violation occurs at any other time.

220 SECTION 15. Section 1 of chapter 94G of the General Laws, as appearing in the 2018
221 Official Edition, is hereby amended by striking out the definition of “Hemp” and inserting in
222 place thereof the following definition:-

223 “Hemp”, the plant *Cannabis sativa* L. and any part of that plant, including the seeds
224 thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers,
225 whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3
226 per cent on a dry weight basis.

227 SECTION 16. Section 2 of said chapter 94G, as so appearing, is hereby amended by
228 striking out, in lines 19 and 20, the words “or hemp”.

229 SECTION 17. Section 7 of said chapter 94G, as so appearing, is hereby amended by
230 striking out subsection (f).

231 SECTION 18. Chapter 111 of the General Laws, as appearing in the 2018 Official
232 Edition, is hereby amended by striking out section 71 and inserting in place thereof the following
233 section:-

Section 71. For purposes of this section and sections 71A½ to 73, inclusive, the following terms shall have the following meanings unless the context or subject matter clearly requires otherwise:

“Applicant”, any person who applies to the department for a license to establish or maintain and operate a long-term care facility.

“Charitable home for the aged”, any institution, however named, conducted for charitable purposes and maintained for the purpose of providing a retirement home for elderly persons and which may provide nursing care within the home for its residents.

“Convalescent or nursing home or skilled nursing facility”, any institution, however named, whether conducted for charity or profit, which is advertised, announced or maintained for the express or implied purpose of caring for four or more persons admitted thereto for the purpose of nursing or convalescent care.

“Infirmity maintained in a town”, an infirmity which hitherto the department of public welfare has been directed to visit by section 7 of chapter 121.

“Intermediate care facility for persons with an intellectual disability”, any institution, however named, whether conducted for charity or profit, which is advertised, announced or maintained for the purpose of providing rehabilitative services and active treatment to persons with an intellectual disability or persons with related conditions, as defined in regulations promulgated pursuant to Title XIX of the federal Social Security Act (P.L. 89–97); which is not both owned and operated by a state agency; and which makes application to the department for a license for the purpose of participating in the federal program established by said Title XIX.

255 “License”, an initial or renewal license to establish or maintain and operate a long-term
256 care facility issued by the department.

257 “Licensee”, a person to whom a license to establish or maintain and operate a long-term
258 care facility has been issued by the department.

259 “Long-term care facility”, a charitable home for the aged, a convalescent or nursing
260 home, an infirmary maintained in a town, an intermediate care facility for persons with an
261 intellectual disability or a rest home.

262 “Owner”, any person owning 5 per cent or more of, with an ownership interest of 5 per
263 cent or more of, or with a controlling interest in an applicant, potential transferee or the real
264 property on which a long-term care facility is located.

265 “Person”, an individual, a trust, estate, partnership, association, company or corporation.

266 “Potential transferee”, a person who submits to the department a “notice of intent to
267 acquire” the facility operations of a currently operating long-term care facility.

268 “Rest home”, any institution, however named, which is advertised, announced or
269 maintained for the express or implied purpose of providing care incident to old age to four or
270 more persons who are ambulatory and who need supervision.

271 “Transfer of facility operations”, a transfer of the operations of a currently operating
272 long-term care facility from the current licensee of the long-term care facility to a potential
273 transferee, pending licensure, pursuant to a written “transfer of operations” agreement.

274 To each applicant it deems suitable and responsible to establish or maintain and operate a
275 long-term care facility and which meets all other requirements for long-term care facility

276 licensure, the department shall issue for a term of two years, and shall renew for like terms, a
277 license, subject to the restrictions set forth in this section or revocation by it for cause; provided,
278 however, that each convalescent or nursing home and each intermediate care facility for persons
279 with an intellectual disability shall be inspected at least once a year.

280 No license shall be issued to establish or maintain an intermediate care facility for
281 persons with an intellectual disability, unless there is a determination by the department that
282 there is a need for such facility at the designated location; provided, however, that in the case of
283 a facility previously licensed as an intermediate care facility for persons with an intellectual
284 disability in which there is a change in ownership, no such determination shall be required and in
285 the case of a facility previously licensed as an intermediate care facility for persons with an
286 intellectual disability in which there is a change in location, such determination shall be limited
287 to consideration of the suitability of the new location.

288 In the case of the transfer of facility operations of a long-term care facility, a potential
289 transferee shall submit a “notice of intent to acquire” to the department at least 90 days prior to
290 the proposed transfer date. The notice of intent to acquire shall be on a form supplied by the
291 department and shall be deemed complete upon submission of all information which the
292 department requires on the notice of intent form and is reasonably necessary to carry out the
293 purposes of this section.

294 No license shall be issued to an applicant and no potential transferee may submit an
295 application for a license unless the department makes a determination that the applicant or
296 potential transferee is responsible and suitable for licensure.

For purposes of this section, the department's determination of responsibility and suitability shall be limited to the following factors:

(i) the criminal or civil history of the applicant or the potential transferee, including their respective owners, which shall include certification by the department of criminal justice information services and which may include a review of any pending or settled litigation or other court proceedings in the commonwealth and in other states;

(ii) the financial capacity of the applicant or potential transferee, including their respective owners, to establish or maintain and operate a long-term care facility, which may include any recorded liens and unpaid fees or taxes in the commonwealth and in other states;

(iii) the history of the applicant or potential transferee, including their respective owners, in providing long-term care in the commonwealth, measured by compliance with applicable statutes and regulations governing the operation of long-term care facilities; and

(iv) the history of the applicant or potential transferee, including their respective owners, in providing long-term care in states other than the commonwealth, if any, measured by compliance with the applicable statutes and regulations governing the operation of long term care facilities in said states.

With respect to potential transferees, upon determination by the department that a potential transferee is responsible and suitable for licensure, the potential transferee may file an application for a license. In the case of a potential transfer of facility operations, the filing of an application for a license shall have the effect of a license until the department takes final action on such application.

318 If the department determines that an applicant or potential transferee is not suitable and
319 responsible, the department's determination shall take effect on the date of the department's
320 notice. In such cases, the applicant or potential transferee shall upon the filing of a written
321 request with the department be afforded an adjudicatory hearing pursuant to chapter 30A.
322 During the pendency of such appeal, the applicant or potential transferee shall not operate the
323 facility as a licensee, or, without prior approval of the department, manage such facility.

324 Each applicant, potential transferee and licensee shall keep all information provided to
325 the department current. Promptly after the applicant, potential transferee or licensee becomes
326 aware of any change to information related to information it provided or is required to provide to
327 the department, such person shall submit to the department written notice of the changes.
328 Changes include, but are not limited to, changes in financial status, such as filing for bankruptcy,
329 any default under a lending agreement or lease, the appointment of a receiver or the recording of
330 any lien.

331 An applicant, potential transferee or licensee and their respective owners shall be in
332 compliance with all applicable federal, state and local laws, rules and regulations.

333 Prior to engaging a company to manage the long-term care facility, hereinafter a
334 "management company", a licensee shall notify the department in writing of the name of and
335 provide contact information for the proposed management company and any other information
336 on the management company and its personnel that may be reasonably requested by the
337 department. Any such engagement must be pursuant to a written agreement between the licensee
338 and the management company. Such written agreement shall include a requirement that the
339 management company and its personnel shall comply with all applicable federal, state and local

340 laws, regulations and rules. Promptly after the effective date of any such agreement, the licensee
341 shall provide to the department a copy of the valid, fully executed agreement.

342 With respect to a license issued as a result of a transfer of operations, the department
343 shall not reduce the number of beds that were on the license held by the former licensee, unless
344 the public safety requires it.

345 No license shall be issued hereunder unless there shall be first submitted to the
346 department by the authorities in charge of the long-term care facility with respect to each
347 building occupied by residents (1) a certificate of inspection of the egresses, the means of
348 preventing the spread of fire and apparatus for extinguishing fire, issued by an inspector of the
349 office of public safety and inspections of the division of professional licensure; provided,
350 however, that with respect to convalescent or nursing homes only, the division of health care
351 quality of the department of public health shall have sole authority to inspect for and issue such
352 certificate, and (2) a certificate of inspection issued by the head of the local fire department
353 certifying compliance with the local ordinances.

354 Any applicant who is aggrieved, on the basis of a written disapproval of a certificate of
355 inspection by the head of the local fire department or by the office of public safety and
356 inspections of the division of professional licensure, may, within 30 days from such disapproval,
357 appeal in writing to the division of professional licensure. With respect to certificates of
358 inspection that the division of health care quality of the department of public health has the sole
359 authority to issue, an applicant may, within 30 days from disapproval of a certificate of
360 inspection, appeal in writing to the department of public health only. Failure to either approve or
361 disapprove within 30 days, after a written request by an applicant, shall be deemed a disapproval.

362 If the division of professional licensure or, where applicable, the department of public
363 health approves the issuance of a certificate of inspection, it shall forthwith be issued by the
364 agency that failed to approve. If said department disapproves, the applicant may appeal
365 therefrom to the superior court. Failure of said department to either approve or disapprove the
366 issuance of a certificate of inspection within 30 days after receipt of an appeal shall be deemed a
367 disapproval. No license shall be issued by the department until issuance of an approved
368 certificate of inspection, as required in this section.

369 Nothing in this section or in sections 72 or 73 shall be construed to revoke, supersede or
370 otherwise affect any laws, ordinances, by-laws, rules or regulations relating to building, zoning,
371 registration or maintenance of a long-term care facility.

372 For cause, the department may limit, restrict, suspend or revoke the license. Grounds for
373 cause on which the department may take such action shall include failure or inability to provide
374 adequate care to residents, failure to maintain substantial compliance with applicable statutes,
375 rules and regulations or lack of financial capacity to maintain and operate a long-term care
376 facility. Limits or restrictions include requiring a facility to limit new admissions. Suspension of
377 a license includes suspending the license during a pending license revocation action, or
378 suspending the license to permit the licensee a period of time, not shorter than 60 days, to wind
379 down operations, and discharge and transfer, if applicable, all residents.

380 The department may, when public necessity and convenience require, or to prevent undue
381 hardship to an applicant or licensee, under such rules and regulations as it may adopt, grant a
382 temporary provisional or probationary license under this section; provided, however, that no such
383 license shall be for a term exceeding 1 year.

With respect to an order to limit, restrict or suspend a license, within 7 days of receipt of the written order, the licensee may file a written request with the department for administrative reconsideration of the order or any portion thereof. Failure of the department to grant, deny or otherwise act upon any such written request within 7 days of its receipt of such a request shall be deemed a denial of the request.

Upon a written request by a licensee who is aggrieved by the revocation of a license or by an applicant who is aggrieved by the refusal of the department to renew a license, the commissioner and the council shall hold a public hearing, after due notice, and thereafter they may modify, affirm or reverse the action of the department; provided, however, that the department may not refuse to renew and may not revoke the license of a long-term care facility until after a hearing before a hearings officer, and any such applicant so aggrieved shall have all the rights provided in chapter 30A with respect to adjudicatory proceedings.

In no case shall the revocation of such a license take effect in less than 30 days after written notification by the department to the licensee.

The fee for a license to establish or maintain or operate a long-term care facility shall be determined annually by the commissioner of administration under the provision of section 3B of chapter 7, and the license shall not be transferable or assignable and shall be issued only for the premises named in the application.

Nursing institutions licensed by the department of mental health, or the department of developmental services for persons with intellectual disabilities shall not be licensed or inspected by the department of public health. The inspections herein provided shall be in addition to any other inspections required by law.

406 In the case of new construction, or major addition, alteration, or repair with respect to any
407 facility subject to this section, preliminary architectural plans and specifications and final
408 architectural plans and specifications shall be submitted to a qualified person designated by the
409 commissioner. Written approval of the final architectural plans and specifications shall be
410 obtained from said person prior to said new construction, or major addition, alteration, or repair.

411 Notwithstanding any of the foregoing provisions of this section, no license to establish or
412 maintain and operate a long-term care facility shall be issued by the department unless the
413 applicant for such license submits to the department a certificate that each building to be
414 occupied by patients of such convalescent or nursing home or skilled nursing facility meets the
415 construction standards of the state building code, and is of at least type 1-B fireproof
416 construction; provided, however, that this paragraph shall not apply in the instance of a transfer
417 of facility operations of a convalescent or nursing home or skilled nursing facility whose license
418 had not been revoked as of the time of such transfer; and provided, further, that a public medical
419 institution as defined under section 2 of chapter 118E, which meets the construction standards as
420 defined herein, shall not be denied a license as a nursing home under this section because it was
421 not of new construction and designed for the purpose of operating a convalescent or nursing
422 home or skilled nursing facility at the time of application for a license to operate a nursing home.
423 An intermediate care facility for persons with an intellectual disability shall be required to meet
424 the construction standards established for such facilities by Title XIX of the Social Security Act
425 (P.L. 89-97) and any regulations promulgated pursuant thereto, and by regulations promulgated
426 by the department.

427 Every applicant for a license and every potential transferee shall provide on or with its
428 application or notice of intent to acquire a sworn statement of the names and addresses of any

person who owns or has an ownership or control interest in the applicant or potential transferee or in the real property on which the long-term care facility is located. As used herein, the phrase “person with an ownership or control interest” shall have the definition set forth in 42 USC Sec. 1320a–3 of the Social Security Act and in regulations promulgated hereunder by the department.

The department shall notify the secretary of elder affairs forthwith of the pendency of any proceeding of any public hearing or of any action to be taken under this section relating to any convalescent or nursing home, rest home, infirmary maintained in a town, or charitable home for the aged. The department shall notify the commissioner of mental health forthwith of the pendency of any proceeding, public hearing or of any action to be taken under this section relating to any intermediate care facility for persons with an intellectual disability.

SECTION 19. Said chapter 111, as so appearing, is hereby further amended by striking out section 72E and inserting in place thereof the following section:-

Section 72E. The department shall, after every inspection by its agent made under authority of section 72 , give the licensee of the inspected long-term care facility notice in writing of every violation of the applicable statutes, rules and regulations of the department found upon said inspection. With respect to the date by which the licensee shall remedy or correct each violation, hereinafter the “correct by date”, the department in such notice shall specify a reasonable time, not more than 60 days after receipt thereof, by which time the licensee shall remedy or correct each violation cited therein or, in the case of any violation which in the opinion of the department is not reasonably capable of correction within 60 days, the department shall require only that the licensee submit a written plan for the timely correction of the violation

450 in a reasonable manner. The department may modify any nonconforming plan upon notice in
451 writing to the licensee.

452 Absent good faith efforts to remedy or correct, failure to remedy or correct a cited
453 violation by the agreed upon correct by date shall be cause to pursue or impose the remedies or
454 sanctions available to it under sections 71 to 73, inclusive, unless the licensee shall demonstrate
455 to the satisfaction of the department or the court, as the case may be, that such failure was not
456 due to any neglect of its duty and occurred despite an attempt in good faith to make correction by
457 the agreed upon correct by date. The department may pursue or impose any remedy or sanction
458 or combination of remedies or sanctions available to it under said sections 71 to 73, inclusive.
459 An aggrieved licensee may pursue the remedies available to it under said sections 71 to 73,
460 inclusive.

461 In addition, if the licensee fails to maintain substantial compliance with applicable
462 statutes, rules and regulations, in addition to imposing any of the other remedies or sanctions
463 available to it, the department may require the licensee to engage, at the licensee's own expense,
464 a temporary manager to assist the licensee with bringing the facility into substantial compliance
465 and with sustaining such compliance. Such manager is subject to the department's approval,
466 provided that such approval not to be unreasonably withheld. Any such engagement of a
467 temporary manager would be for a period of not less than 6 months and shall be pursuant to a
468 written agreement between the licensee and the management company. A copy of such
469 agreement shall be provided by the licensee to the department promptly after execution.

470 Nothing in this section shall be construed to prohibit the department from enforcing a
471 statute, rule or regulation, administratively or in court, without first affording formal opportunity

to make correction under this section, where, in the opinion of the department, the violation of such statute, rule or regulation jeopardizes the health or safety of residents or the public or seriously limits the capacity of a licensee to provide adequate care, or where the violation of such statute, rule or regulation is the second such violation occurring during a period of 12 full months.

SECTION 20. Said chapter 111, as so appearing, is hereby further amended by striking out section 73 and inserting in place thereof the following section:-

Section 73. Whoever advertises, announces, establishes or maintains, or is concerned in establishing or maintaining a long-term care facility, or is engaged in any such business, without a license granted under section 71, or whoever being licensed under said section 71 violates any provision of sections 71 to 73, inclusive, shall for a first offense be punished by a fine of not more than \$1,000, and for a subsequent offense by a fine of not more than \$2,000 or by imprisonment for not more than two years.

Whoever violates any rule or regulation made under sections 71, 72 and 72C shall be punished by such fine, not to exceed \$500, as the department may establish. If any person violates any such rule or regulation by allowing a condition to exist which may be corrected or remedied, the department shall order him, in writing, to correct or remedy such condition, and if such person fails or refuses to comply with such order by the agreed upon correct by date, as defined in section 72E, each day after the agreed upon correct by date during which such failure or refusal to comply continues shall constitute a separate offense. A failure to pay the fine imposed by this section shall be a violation of this section.

SECTION 21. Subsection (a) of section 220 of said chapter 111, as so appearing, is hereby amended by adding before the definition of “forensic examination” the following definitions:-

“Certified sexual assault nurse examiner”, a registered nurse, nurse practitioner, certified nurse midwife or physician in the commonwealth who has completed the Massachusetts SANE certification program and has been certified by the Massachusetts SANE program within the department.

“Designated SANE site”, a clinical facility that has received official designation as a Massachusetts Sexual Assault Nurse Examiner Site from the Massachusetts SANE program within the department pursuant to subsection (f).

SECTION 22. Said section 220 of said chapter 111, as so appearing, is hereby further amended by adding the following subsection:-

(i) In consultation with the advisory board, the department shall establish fees to be assessed on designated SANE sites for the provision of certified sexual assault nurse examiner services. Such fees shall be directed to the Sexual Assault Nurse Examiner Trust Fund established in section 2VVVV of chapter 29.

SECTION 23. Section 51A of chapter 119 of the General Laws, as so appearing, is hereby amended by striking out subsection (g) and inserting in place thereof the following subsection:-

(g) No person shall be liable in any civil or criminal action for filing a report under this section, contacting local law enforcement authorities or the child advocate or providing

information or assistance, including diagnosis, to the department regarding a report under this section or for cooperating with or testifying in any proceeding involving child abuse or neglect, if the report, contact, information, assistance, cooperation or testimony was made in good faith, was not frivolous and the person did not cause the abuse or neglect. Any person filing a report, providing information or assistance, cooperating or testifying under this section may be liable in a civil or criminal action if the department or a district attorney determines that the person may have perpetrated or inflicted the abuse or caused the neglect.

SECTION 24. Chapter 128 of the General Laws, as so appearing, is hereby further amended by striking out sections 116 to 123, inclusive, and inserting in place thereof the following 4 sections:-

Section 116. As used in this section and sections 117 to 119, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Hemp”, the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 per cent on a dry weight basis.

“Federal Act”, the Agricultural Improvement Act of 2018, Pub. L. 115-334, as amended.

“Federal Rule”, the Domestic Hemp Production Program, as set forth at 7 CFR Part 990, as amended, promulgated pursuant to Section 10113 of the Federal Act by the United States Secretary of Agriculture.

534 “Produce” or “Production”, to grow hemp plants for market, or for cultivation for market,
535 in the United States.

536 “Producer”, a person who produces hemp.

537 “USDA”, the United States Department of Agriculture.

538 Section 117. (a) The growing, cultivation, and possession of hemp in the commonwealth
539 shall be permitted. The production of hemp in the commonwealth is authorized subject to
540 sections 116 to 119, inclusive. The department shall have jurisdiction over the production of
541 hemp in the commonwealth and shall ensure compliance with the Federal Act and Federal Rule
542 in connection therewith.

543 (b) In accordance with the Federal Act and the Federal Rule, the department, in
544 consultation with the governor and the attorney general, may develop and submit for USDA
545 approval a plan under which the commonwealth, through the department, shall have primary
546 regulatory authority over the production of hemp in the commonwealth.

547 (c) The department shall promulgate rules and regulations for the implementation,
548 administration, and enforcement of sections 116 to 119, inclusive.

549 (d) No person shall produce hemp in the commonwealth unless such production is in
550 compliance with the Federal Act, Federal Rule, and sections 116 to 119, inclusive. Any person
551 producing hemp in violation of sections 116 to 119, inclusive, shall be subject to enforcement as
552 set forth in section 119.

(e) The department may charge applicants and licensees nonrefundable application fees and licensing fees in amounts determined by the department in consultation with the secretary of administration and finance.

Section 118. (a) No person shall produce hemp without a license issued by the department unless otherwise authorized by USDA under the Federal Rule. The department may by regulation determine the form of application and any minimum qualifications required for licensure, which shall include any qualifications required by the Federal Act or Federal Rule, or any state plan approved under subsection (b) of section 117. A license shall be valid for 3 years, or such other period authorized by the Federal Act or Federal Rule and prescribed by the department through regulation.

(b) No person convicted of a felony relating to a controlled substance under any state or federal law shall be eligible to apply for a license under this section for a period of 10 years from the date of the conviction unless otherwise authorized by the Federal Act. The department shall be authorized to require any person applying for licensure under this section to provide the department with criminal history information, including criminal offender record information, as defined in section 167 of chapter 6, for the purpose of determining a person's eligibility for licensure under this subsection. Information obtained pursuant to this section shall not be disseminated for any purpose other than to ensure compliance with this subsection and shall be exempt from the disclosure of public records under section 10 of chapter 66.

(c) Any person who materially falsifies any information in an application shall be denied a license and may be subject to enforcement as set forth in section 119.

Section 119. (a) Any violation of sections 116 to 119, inclusive, the department's regulations promulgated thereunder, or the state plan approved by the USDA under subsection (b) of section 117 shall be subject to enforcement in accordance with this section and the Federal Rule.

(b) (1) A negligent violation by a producer of hemp shall include, but not be limited to, the following: (i) failure to provide to the department an accurate legal description of land on which the producer produces hemp; (ii) failure to obtain a license under section 118; or (iii) producing *Cannabis sativa* L. with a delta-9 tetrahydrocannabinol concentration of more than 0.3 per cent and less than or equal to 0.5 per cent on a dry weight basis, provided that the person made reasonable efforts to grow hemp.

(2) Such violations shall be deemed negligent by the department if not done willfully and shall require the violating person to comply with a corrective action plan issued by the department, including but not limited to a requirement to correct the negligent violation by a reasonable date, to periodically report on such compliance for a period of no less than 2 calendar years from the date of violation, and any other requirements set forth in the Federal Rule.

(3) A negligent violation shall not subject the violator to any criminal enforcement by any state or local governmental bodies and any enforcement action taken by the department shall be done in compliance with the Federal Act and Federal Rule.

(4) A person who is found by the department to have engaged in a negligent violation 3 or more times in a 5-year period shall have their license revoked and be ineligible to apply for a license to produce hemp for a period of 5 years beginning on the date of the third violation.

(c) (1) All other violations which are deemed by the department to involve a culpable mental state greater than negligence shall be reported by the department to the attorney general and the Attorney General of the United States shall not be subject to subsection (b) and may result in suspension or revocation of a license.

(2) Any person who willfully violates sections 116 to 119, inclusive, or any rule or regulation promulgated by the department under section 117 shall be subject to a civil penalty not to exceed \$25,000 for each violation, which may be assessed in an action brought on behalf of the commonwealth in any court of competent jurisdiction. Each day of violation shall constitute a separate violation.

(3) The superior court shall have jurisdiction to enjoin willful violations of sections 116 to 119, inclusive, or any rule or regulation promulgated by the department under section 117, or grant such relief as it deems necessary or appropriate to secure compliance with any provision of sections 116 to 119, inclusive, or the terms of a license issued thereunder.

(d) Any person aggrieved by the denial of an application for or the suspension or revocation of a license to produce hemp may appeal by filing a notice of appeal with the department not later than 21 days after the receipt of the notice of the denial, suspension or revocation. The adjudicatory hearing shall be conducted in accordance with chapter 30A.

(e) The department shall have the right to enter any real property used in connection with the production of hemp and shall have access to and the right to inspect any equipment, supplies, records, real property, and other information of the licensee deemed necessary at any time to carry out the department's duties under sections 116 to 119, inclusive.

(f) The department shall establish an inspection and testing program to determine, at a minimum, delta-9 tetrahydrocannabinol levels and ensure compliance with the limits on delta-9 tetrahydrocannabinol concentration using post-decarboxylation or other similarly reliable methods, and to perform any other inspection and testing required by the Federal Act or Federal Rule or the state plan approved under subsection (b) of section 117.

(g) The department shall establish a procedure for the disposal of hemp produced in violation of sections 116 to 120, inclusive, and any products derived therefrom as required by the Federal Rule.

(h) The department shall collect and maintain any other information as required by the Federal Act and Federal Rule and otherwise necessary to carry out the department's duties under sections 116 to 119, inclusive. Any such records collected by the department shall be maintained for a minimum of 3 years up to and including such longer period required by the applicable document retention schedules established under section 42 of chapter 30, and shall be subject to disclosure as required by the Federal Act.

SECTION 25. Section 44A of chapter 149 of the General Laws, as so appearing, is hereby amended by striking out, each time it appears, in lines 48, 60, 99, 111, and lines 136 and 137, the word “, maintenance”.

SECTION 26. Subsection (a) of section 44A½ of said chapter 149, as so appearing, is hereby amended by striking out, in line 6, the word “, maintenance”.

SECTION 27. Section 101 of chapter 159 of the General Laws, as so appearing, is hereby amended by striking out subsections (b) through (e), inclusive, and inserting in place thereof the following 6 subsections:-

(b) Passengers who fail to pay or prepay the required fare or who evade the payment of the required fare on any vehicle or ferry owned by or operated for the Massachusetts Bay Transportation Authority, may be subject to warning or a noncriminal citation, and may be requested to provide identification to the Massachusetts Bay Transportation Authority police or any person designated by the Massachusetts Bay Transportation Authority to issue noncriminal citations. Upon request by a Massachusetts Bay Transportation Authority police officer, or any person designated by the Massachusetts Bay Transportation Authority to issue noncriminal citations, a passenger shall make themselves known by personal identification, or any other means, for the purpose of issuing a noncriminal citation.

(c) A person who is issued a noncriminal citation shall be assessed a fine of not less than \$10 or greater than \$250 as established by regulations of the Massachusetts Bay Transportation Authority. If the person fails to pay the fine or appeal the citation by the due date on the noncriminal citation, the Massachusetts Bay Transportation Authority shall provide such person with notice of nonpayment of a fine indicating that the person's license or right to operate a motor vehicle may not be renewed until the fine is paid. The Massachusetts Bay Transportation Authority shall provide reasonable opportunity for a hearing and may waive or reduce a fine imposed, or offer an alternative way to resolve the fine imposed under this section, within its discretion.

Each citation shall state that the person receiving the citation must pay or appeal the fine by the payment due date stated on the citation. The citation notice shall describe the means for payment or appeal and shall state that a hearing may be obtained upon the written request of the violator in accordance with the instructions and timeframe provided for in the citation. The

citation notice shall state that failure to respond in accordance with instructions contained on the citation may result in the non-renewal of the license to operate a motor vehicle.

(d) The Massachusetts Bay Transportation Authority shall, as necessary to implement this section, issue regulations concerning: the nature and issuance of noncriminal warnings and citations; the collection of fines; fine amounts; penalties for failure to pay fines; options for alternatives to resolve fines other than immediate payment in-full; the administration of appeal processes and hearings.

(e) Upon the report to the registrar of 2 or more unresolved citations under this section, the registrar shall not renew that person's license or right to operate a motor vehicle under chapter 90 until the registrar receives a report from the Massachusetts Bay Transportation Authority indicating that all outstanding citations have been resolved. Fines imposed under this section shall be paid to the general fund of the Massachusetts Bay Transportation Authority.

(f) The Massachusetts Bay Transportation Authority and the office of performance management and innovation established pursuant to section 6 of chapter 6C shall publish a report annually, first beginning 2 years after the effective date of this amendment. The report shall include, without limitation, data on warnings and citations issued pursuant to this section during the preceding 12 months. Said office shall transmit the annual report to the clerks of the house of representatives, and the senate, the chairs of the house and senate committees on ways and means, and the chairs of the joint committee on transportation. The office of performance management shall issue rules relative to the data that is to be contained in this report.

(g) Notwithstanding any law to the contrary, no person shall be subject to arrest for fare evasion on the transit system operated by the Massachusetts Bay Transportation Authority.

682 SECTION 28. Section 5 of chapter 161A of the General Laws, as so appearing, is hereby
683 amended by adding the following subsection:-

684 (s) To the extent the authority collects personal data for fare collection, the authority shall
685 maintain the confidentiality of all such information including, but not limited to, transit system
686 transactions, photographs or other recorded images, and credit and account data relative to riders
687 who use its fare collection system. Such information shall not be a public record under clause
688 Twenty-sixth of section 7 of chapter 4 or section 10 of chapter 66 and shall be used for fare
689 collection purposes only. Notwithstanding any other law or regulation, fare collection data, if
690 available, may be provided to a representative of the authority's police force, in situations
691 involving imminent and immediate threat to the safety, health, and well-being of an individual or
692 the public, in accordance with policies and procedures developed by the authority. Such policies
693 and procedures shall include, but not be limited to the procedure for determining those
694 emergency situations that would warrant making such data available, and the duration the data
695 will be made available.

696 SECTION 29. Section 46 of said chapter 161A, as so appearing, is hereby amended by
697 inserting, in line 5, after the word "parkways" the following words:- , except as provided in this
698 section.

699 SECTION 30. Said section 46 of said chapter 161A is hereby further amended by
700 inserting, in line 12, after the words "bus stops" the following words:- and designated bus lanes.

701 SECTION 31. Section 46 of chapter 253 of the General Laws, as so appearing , is hereby
702 amended by adding the following paragraph:-

Prior to any transfer of legal title of a dam registered under section 45 or the parcel on which it is located, or any division or subdivision of said parcel, or approval or endorsement of a plan under sections 81K to 81GG, inclusive, of chapter 41, whether by the act or failure to act of the planning board, the dam shall be inspected, and either it shall be determined to be in good condition by the commissioner or the owner shall establish a financial assurance mechanism to secure the timely funding to remove or repair the dam to a condition acceptable to the department in accordance with regulations promulgated by the department. The commissioner may promulgate regulations to implement this paragraph, including without limitation for the purpose of identifying transactions subject to the inspection requirement, identifying appropriate exemptions and establishing the requirements for financial assurance mechanisms, such as bonds. Any transfer of legal title, division, subdivision or plan approval or endorsement without compliance with the requirements of this paragraph shall be void.

SECTION 32. The fourth paragraph of section 44 of chapter 85 of the acts of 1994, as most recently amended by section 69 of chapter 209 of the acts of 2018, is hereby further amended by inserting after the words “Hyde Park section of the city of Boston” the following words:- Mattapan Square Building in the city of Boston.

SECTION 33. Item 1599-2018 of section 2A of chapter 273 of the acts of 2018 is hereby amended by adding the following words:- ; and provided further, that funds may be expended for the Massachusetts emergency management agency to respond to any natural disaster or emergency event in fiscal year 2020 and to prepare for any future events.

SECTION 34. Item 4120-2000 of section 2 of chapter 41 of the acts of 2019 is hereby amended by inserting after the words “state appropriations” the following words:- or account 4120-0029.

SECTION 35. Item 4512-0103 of said section 2 of said chapter 41 is hereby further amended by inserting after the words “in the previous fiscal years;” the following words:- provided further, that if determined by the commissioner of public health to be necessary for the surveillance, treatment, containment or prevention of the 2019 novel coronavirus, an amount not to exceed \$95,000 in funds appropriated in this item may be transferred to item 4516-1000 for these activities; provided further, that no funds may be transferred from this item if such transfer would result in a decrease in the level of HIV/AIDS services provided

SECTION 36. Section 27 of chapter 133 of the acts of 2019 is hereby repealed.

SECTION 37. Notwithstanding any general or special law to the contrary, for fiscal year 2020, the secretary of health and human services, with the written approval of the secretary of administration and finance, may authorize transfers of surplus among items 4000-0320, 4000-0430, 4000-0500, 4000-0601, 4000-0641, 4000-0700, 4000-0875, 4000-0880, 4000-0885, 4000-0940, 4000-0950, 4000-0990, 4000-1400, 4000-1420 and 4000-1425.

SECTION 38. Notwithstanding any general or special law to the contrary, any unexpended balances, not exceeding a total of \$40,000,000, in items 4000-0700 and 4000-1425 of section 2 of chapter 41 of the acts of 2019 shall not revert to the General Fund until September 1, 2020 and may be expended by the executive office of health and human services to pay for services enumerated in said items 4000-0700 and 4000-1425 provided during fiscal year 2020.

SECTION 39. (a) Notwithstanding the provisions of sections 34 to 37 of chapter 7C of the General Laws or any other general or special law to the contrary, the division of capital asset management and maintenance, in consultation with the department of conservation and recreation may enter into leases, and the department of conservation and recreation may enter into other agreements, using whatever open and competitive process as the commissioner of the division of capital asset management and maintenance approves for leases or the commissioner of the department of conservation and recreation approves for other agreements for terms not to exceed 30 years upon certain parcels of land or portions thereof held for conservation and recreation purposes, as described in subsection (b). Said leases and agreements shall be for the purposes of constructing, operating, maintaining and repairing so called solar thermal or solar photovoltaic generating structures or such structures paired with energy storage systems, where 100 per cent of the nameplate capacity of the solar photovoltaic modules used for generating power and of the power capacity of any paired energy storage system is installed on rooftops or parking lots or other paved parking surfaces in a manner that maintains the function of the area beneath the solar installation, along with any associated equipment and infrastructure, including without limitation poles, footings, wires, conduits, transformers and associated systems necessary or desirable to complete the work and make any connections to the electric grid if desired. The division of capital asset management and maintenance and the department of conservation and recreation shall consult with the department of energy resources during the lease or other agreement process.

(b) The parcels of land, or portions thereof, subject to the authorization in subsection (a) are as follows: Steriti Memorial Rink in the North End section of the city of Boston; Murphy Memorial Rink in the South Boston section of the city of Boston; Bajko Memorial Rink in the

767 Hyde Park section of the city of Boston; Devine Memorial Skating Rink in the Dorchester
768 section of the city of Boston; the maintenance facilities off Water and Taylor Streets in the
769 Dorchester section of the city of Boston; the Northpoint Maintenance Facility in the city of
770 Cambridge; Squantum Point Park in the city of Quincy; Leo J. Martin Memorial Golf Course in
771 the town of Weston and the city of Newton; the maintenance facilities off Pond Street in the
772 town of Stoneham; Fort Phoenix State Reservation in the town of Fairhaven; the so called Smart
773 Barn at Great Brook Farm Reservation in town of Carlisle; Hopkinton State Park in the towns of
774 Ashland and Hopkinton; and the parcels that will comprise the Worcester Visitor Center in the
775 city of Worcester.

776 (c) There may be 2 options for renewal or extension, not to exceed 10 years each, of any
777 lease and other agreement executed under subsection (a). This renewal or extension shall be at
778 the discretion of the department of conservation and recreation or the division of capital asset
779 management and maintenance, as applicable, in accordance with the original lease or agreement
780 terms and conditions or such terms and conditions more favorable to the commonwealth.

781 (d) (1) The leases and other agreements authorized in subsection (a) may be with 1 or
782 more respondents selected as part of the open and competitive process and shall be on terms,
783 conditions, and consideration acceptable to the commissioner of the division of capital asset
784 management and maintenance for leases or the commissioner of the department of conservation
785 and recreation for other agreements, in consultation with the commissioner of the department of
786 energy resources. Said leases and agreements shall require, at a minimum, that the solar
787 structures and associated installations avoid or minimize impacts to the areas beneath the solar
788 structures and to existing facility operations to the maximum extent practicable.

(2) A lease or other agreement shall provide for appropriate remedies, including termination of the lease or adequate mitigation to be deposited into the Conservation Trust established under section 1 of chapter 132A of the General Laws in the event the lessee or operator fails to abide by the requirements of this subsection.

(3) Any consideration or other payments received from the leases and other agreements authorized by this section shall be payable to the department of conservation and recreation for deposit into the Conservation Trust, established under said section 1 of said chapter 132A of the General Laws, to be expended without further appropriation to acquire lands or interests therein to ensure a no-net-loss of lands protected for natural resource purposes.

(4) Any lease or other agreement shall require the lessee or operator to carry comprehensive general liability insurance with the commonwealth named as an additional insured, protecting the commonwealth against all personal injury or property damage arising from constructing, operating, maintaining and repairing or decommissioning the solar canopy structures and associated installations authorized by this section.

(5) Notwithstanding any general or special law to the contrary, the lease or other agreement shall provide for the lessee or operator to manage, operate, improve, repair and maintain the solar structures and associated installation at the lessee's or operator's sole expense, shall include requirements for the lessee or operator to remove the solar canopy structures and other installations and restore the land and facilities at the end of the lease or other agreement, or sooner if the installation is antiquated or abandoned, at no cost to the commonwealth in the event the commonwealth does not elect to take ownership of the solar canopy structures and other installations, and shall compensate the commonwealth for disruption to the operations of the

811 department of conservation and recreation, including lost parking revenue, and any damage
812 caused to the parcels of land, or portions thereof, described in subsection (b) resulting from the
813 construction, operation, maintenance, repair or decommissioning of the solar canopy structures
814 and associated installations authorized by this section. No branding, logos or other advertising
815 shall be displayed on the solar canopy structures and associated installations. The commissioner
816 of the division of capital asset management and maintenance or the commissioner of the
817 department of conservation and recreation, as applicable, may prescribe additional terms and
818 conditions consistent with this section.

819 (e) The selected bidder for a lease or other agreement under subsection (a) or subsection
820 (f) shall be responsible for all costs determined to be necessary or appropriate for implementing
821 the lease or other agreement, including without limitation legal work, surveys and consultant
822 services, as determined by the division of capital asset management and maintenance or the
823 department of conservation and recreation, as applicable.

824 (f) If any lease or other agreement authorized by subsection (a) is terminated prior to the
825 expiration of the initial term, the division of capital asset management and maintenance or the
826 department of conservation and recreation, as applicable, in consultation with the department of
827 energy resources, may, at its option, hold 1 additional open and competitive process to secure a
828 new operator for the parcel or portion thereof under a lease or other agreement for a new term not
829 to exceed 30 years, with 2 new options to renew or extend of 10 years each, for the purposes set
830 forth in subsection (a). Any such lease or other agreement entered into under this subsection
831 shall comply with all other requirements of this section.

832 SECTION 40. Sections 13 and 36 shall take effect on June 1, 2020.

833 SECTION 41. Sections 10, 11 and 12 shall take effect on July 1, 2020.

834 SECTION 42. Except as otherwise specified, this act shall take effect upon its passage.