

**HOUSE . . . . . No. 74**

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The Commonwealth of Massachusetts



CHARLES D. BAKER  
GOVERNOR

OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
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KARYN POLITO  
LIEUTENANT GOVERNOR

*January 31, 2019*

To the Honorable Senate and House of Representatives,

I am filing for your consideration a bill entitled “An Act Making Appropriations for Fiscal Year 2019 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.”

This bill consists of \$165.3 million in supplemental appropriations, at a net state cost of \$150.8 million.

These recommendations include \$54 million in spending for collective bargaining costs. Of this amount, \$38 million is for contracts that are already in effect but only partially funded, while \$1 million is for contracts that are newly ratified and ready to go into effect. The balance supports a reserve for the remainder of anticipated fiscal 2019 collective bargaining costs, to be drawn upon once the relevant agreements are approved through legislation.

I also recommend \$32.9 million for unanticipated costs of the Department of Correction, primarily driven by a contract for medical services, \$16.5 million for past costs of the HIX system, \$16.0 million for the collection and testing of sexual assault evidence kits, \$11.0 million to offset federal reductions to the Low Income Heating Energy Assistance Program (LIHEAP), \$10.0 million for emergency assistance family shelters costs anticipated since the start of the year, \$6.7 million to bolster state support for shared state-federal programs at the Executive Office of Labor and Workforce Development, and \$5.0 million for a regional, multi-agency

approach to fentanyl interdiction and crime displacement by Massachusetts municipal police departments.

A recommended \$3.7 million authorization would allow the Department of Early Education and Care to use Child Care and Development Block Grant funds for IT and quality enhancement projects to benefit child care sites. I also recommend \$3.5 million for the new Department of Family and Medical, \$1.5 million for efficiency and regionalization initiatives benefiting municipalities across the Commonwealth, \$1.5 million for a statewide examination of the Commonwealth's gas distribution system, \$1 million for technical support to emergency rooms as they care for sexual assault victims, and \$2.1 million for other needs.

I further recommend increasing one chargeback ceiling.

This bill includes a total of 65 outside sections related to other policy matters. Thirty-nine of these are proposals that I have previously filed during the last Legislative session, such as annual sections related to transferability between appropriations at MassHealth and in the Emergency Assistance program and an allowance for expenditures to be made during the accounts payable period at MassHealth. I am also re-filing a section to facilitate the transfer of the State Public Health Lab from the Division of Capital Asset Management and Maintenance to the Department of Public Health. Additional sections that I am re-filing are related to oversight of institutions of Higher Education in the commonwealth in the event that the institution is at risk of imminent closure or a failure to fulfill obligations to current or admitted students, and a proposal that would require superintendents to annually report to the Department of Elementary and Secondary Education whether a multi-hazard evacuation plan has been developed with the municipal fire and police chiefs in order to enhance school safety.

I am also re-filing sections that would:

- Add New Year's Day, Veterans Day and Columbus Day to the list of holidays that are included in the phased in reduction of premium pay that were omitted from the premium pay portion of the "Grand Bargain" law that was signed last year.
- Propose procedural changes to the Commonwealth's cannabis laws relating to the procedures for municipal votes and for municipal accounting. I am also filing two new sections related to the cannabis law. The first section would amend the statutory definition of "horticultural use" to include hemp, so that hemp can be grown on land that includes an agricultural preservation restriction. The second section extends the existing penalties that apply to stores that allow the purchase of alcohol or lottery tickets with cash assistance in EBT transactions, to marijuana establishments.
- Clarify the impact of "deemed repatriation", which under federal law places a one-time tax on pre-2018 foreign profits in tax year 2017, on individual taxpayers in Massachusetts. This section has been modified since I previously filed it to address

implementation concerns, and now includes an eight-year repayment period for affected taxpayers.

- Address issues related to stun gun legislation that was signed last year that allows for licensed possession of stun guns. The sections that I am proposing would fully account for the differences between stun guns and traditional firearms by modifying the definition of “stun gun” in order to ensure that all devices are covered.

I am also filing legislation to clarify the availability of benefits under the Paid Family and Medical Leave Act. These changes will ensure that certain contract workers who, along with the businesses for whom they work, pay into the trust fund supporting benefits, are able to receive benefits commensurate with their participation.

Additionally, I am proposing:

- Corrective sections to the Short Term Rentals law, to address certain implementation concerns that have been identified since that law was signed late last year.

- To increase the aggregate amount that the Department of Public Utilities may assess electric and gas distribution companies in order to fund the Commonwealth’s gas infrastructure inspection program.

- Authorization for the Committee on Public Counsel Services to declare an emergency related to care and protection cases in certain counties and authorize a temporary increase in rates for new assignments, with adjustments to caps on hours billed per year. A similar section was signed into law this past year but expired at the end of fiscal year 2018. I am proposing to extend this authority through the remainder of fiscal years 2019 and 2020.

Sufficient revenues are estimated to be available to finance the appropriations proposed in this legislation. Because certain items are time sensitive, including incremental costs of collective bargaining contracts that already in effect, I urge you to enact this legislation promptly.

Respectfully submitted

Charles D. Baker,  
*Governor*

The Commonwealth of Massachusetts

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

An Act making appropriations for 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 1599-0026 Municipal Regionalization Reserve \$1,500,000

13 1599-4448 Collective Bargaining Contract Costs \$54,000,000

14 Division of Capital Asset Management and Maintenance

15 1102-3205 DCAM Rents RR \$438,419

16 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

17 Office of the Secretary

18 1595-1069 Health Information Technology Trust Fund \$16,453,180

19 Department of Public Health

20 4510-0810 Sexual Assault Nurse Examiner (SANE) and Pediatric SANE Program

21 \$1,000,000

22 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

23 Department of Labor Standards

24 7003-0200 Department of Labor Standards \$230,000

25 Department of Family and Medical Leave

26 7003-0300 Department of Family and Medical Leave \$3,500,000

27

28 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

29 Department of Housing and Community Development  
30 7004-0101 Emergency Assistance Family Shelters \$10,046,612

31 EXECUTIVE OFFICE OF EDUCATION

32 Department of Early Education and Care

33 3000-1020 Quality Improvement \$3,658,990

34 3000-7040 EEC Contingency Contract RR \$680,000

35 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

36 Sex Offender Registry

37 8000-0125 Sex Offender Registry Board \$494,662

38 Department of Correction

39 8900-0001 Department of Correction Facility \$32,865,624

40 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to  
41 provide for an alteration of purpose for current appropriations, and to meet certain requirements  
42 of law, the sums set forth in this section are hereby appropriated from the General Fund unless  
43 specifically designated otherwise in this section, for the several purposes and subject to the  
44 conditions specified in this section, and subject to the laws regulating the disbursement of public  
45 funds for the fiscal year ending June 30, 2019. These sums shall be made available until June  
46 30, 2019, except as otherwise stated.

47

48 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

49 Department of Public Utilities

50 2100-0020 For the costs associated with an independent statewide examination of the  
51 safety of gas distribution infrastructure; provided, that notwithstanding the second sentence of  
52 the first paragraph of section 18 of chapter 25 of the General Laws, the assessments levied for  
53 fiscal year 2019 under said first paragraph shall be made at a rate sufficient to produce the  
54 amount expended from this item; and, provided further, that any unexpended funds in this item  
55 shall not revert but shall be made available for the purpose of this item until June 30, 2020  
56 \$1,482,694

57 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

58 Department of Public Health

59 4510-0711 For an epidemiological study and on-going monitoring of the use of non-  
60 medical cannabis, including prevalence and use by various populations in Massachusetts;  
61 provided that the public health impacts of the use of cannabis, particularly since its legalization,  
62 shall be studied using longitudinal epidemiological surveys; provided further, that any  
63 unexpended funds in this item shall not revert but shall be made available for the purpose of this  
64 item until June 30, 2020 \$500,000

65 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

66 Office of the Secretary

67 7003-0101 For the costs of core administrative functions performed within the  
68 executive office of labor and workforce development; provided, that common functions that may

69 be designated core administrative functions include, without limitation, human resources,  
70 financial management, information technology, legal, procurement and asset management

71 \$1,948,449

72 Department of Career Services

73 7003-0800 For the operation of the MassHire department of career services;

74 provided, that funds may be expended for the MassHire Workforce System \$ 4,495,579

75 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

76 Department of Housing and Community Development

77 7004-1000 For the federal Low Income Home Energy Assistance Program 42 U.S.C.

78 section 8621 et seq., to assist eligible low-income elders, working families and other households

79 with assistance paying a portion of winter heating bills; provided, that the department shall

80 establish the maximum assistance for which a household shall be eligible; and provided further,

81 that any unexpended funds in this item shall not revert but shall be made available for the

82 purpose of this item until June 30, 2020 \$11,000,000

83 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

84 Office of the Secretary

85 8000-0140 For a grant program administered by the executive office of public safety

86 and security for regional fentanyl interdiction; provided, that administrative costs for approved

87 grants shall not exceed 2 per cent of the funds appropriated in this item \$5,000,000

88 State Police Crime Laboratory



89           8100-1014    For costs associated with the collection and testing of sexual assault  
90 evidence kits required to be collected and tested by section 214 of chapter 69 of the acts of 2018,  
91 including testimony regarding such collection and testing; provided, that any unexpended funds  
92 in this item shall not revert but shall be made available for the purpose of this item until June  
93           30, 2020                   \$16,000,000

94           SECTION 2B. To provide for supplementing certain intragovernmental chargeback  
95 authorizations in the general appropriation act and other appropriation acts for fiscal year 2019,  
96 to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for  
97 an alteration of purpose for current intragovernmental chargeback authorizations, and to meet  
98 certain requirements of law, the sum set forth in this section is hereby authorized from the  
99 Intragovernmental Service Fund for the several purposes specified in this section or in the  
100 appropriation acts, and subject to the provisions of law regulating the disbursement of public  
101 funds for the fiscal year ending June 30, 2019. This sum shall be in addition to any amounts  
102 previously authorized and made available for the purposes of this item.

103           EXECUTIVE OFFICE OF TECHNOLOGY SERVICES AND SECURITY

104           1790-0200    Technology Shared Services Chargeback    \$15,000,000

105           SECTION 3. Chapter 7C of the General Laws is hereby amended by inserting after  
106 section 2 the following section:-

107           Section 2A. (a) As used in this section, the following words shall have the following  
108 meanings:-

109 “Alteration”, work required to modify or adjust the interior space arrangement or other  
110 physical characteristics of an existing facility so that it may be more effectively utilized for its  
111 presently designated functional purpose.

112 “Commissioner”, the commissioner of capital asset management and maintenance.

113 “Conversion”, work required to modify or adjust the interior space arrangement or other  
114 physical characteristics of an existing facility so that it may be effectively utilized for a new  
115 functional purpose.

116 “Job order”, an agreed upon fixed-price order issued by a public agency to a contractor  
117 pursuant to a job order contract, for the contractor's performance of a specific maintenance,  
118 repair, alteration, or conversion project consisting solely of tasks, materials and equipment  
119 selected from those specified and priced in that job order contract.

120 “Job order contract”, a contract for the performance of maintenance, repair, alteration and  
121 conversion projects, or a subset thereof: (i) that is limited to a specified term; (ii) in which the  
122 contract specifications consist of technical descriptions of various tasks, materials and equipment  
123 at stated unit prices but do not specify the specific projects to be performed by the contractor;  
124 (iii) which contains a fixed contractor's mark up over the unit prices stated in the specifications;  
125 and (iv) in accordance with which 1 or more specified state agencies may enter into fixed price  
126 job orders with the contractor for the performance of specific projects, consisting solely of  
127 combinations of the tasks, materials and equipment specified in the contract, at the unit prices  
128 specified therein plus the contractor's mark-up.

129 “Maintenance”, day-to-day routine, normally recurring, repairs, equipment adjustments  
130 and upkeep.

131 “Repair”, work required to restore a facility or system to a condition in which it may  
132 continue to be approximately and effectively used for its designated purpose and anticipated life,  
133 or to comply with code requirements, by overhaul, reprocessing, or replacement of constituent  
134 parts or materials which have deteriorated by action of the elements or wear and tear in use, or  
135 which do not meet code requirements.

136 (b) Notwithstanding any general or special law to the contrary, the commissioner may  
137 establish a program for the use of job order contracts by higher education facilities subject to the  
138 department of higher education, and by the division of capital asset management and  
139 maintenance with respect to properties for which it is responsible.

140 (c) The commissioner may procure contracts for services related to the creation and use  
141 of job order contracts including, without limitation the creation of task descriptions,  
142 specifications and unit prices for use in job order contracts, and agency training and other  
143 services related to such contracts. Such procurement may be conducted in accordance with the  
144 procedures specified in 801 CMR 21.00.

145 (d) The commissioner may procure job order contracts for use by state agencies  
146 consisting of the division of capital asset management and maintenance, and any higher  
147 education facilities subject to the department of higher education. These contracts shall be  
148 limited to job orders estimated to cost not more than \$150,000 each and shall be procured  
149 through the procedures specified in section 39M of chapter 30, except that: (i) the amount of the  
150 bid deposit shall be \$5,000; (ii) contractors who are awarded job orders under any job order  
151 contract shall be certified by the division for the category of work specified in the contract; and  
152 (iii) the amounts of surety bonds required by the contract may be satisfied with respect to each

153 particular job order before the commencement of any work under that job order. The  
154 commissioner shall award a job order contract to the eligible and responsible bidder who offers  
155 the lowest mark-up over the base unit prices specified in the contract specifications. Such job  
156 order contracts shall have a maximum term of 2 years.

157 (e) The commissioner shall biannually prepare and submit a report on his findings  
158 resulting from the job order contract program to the chairs of the joint committee on state  
159 administration and regulatory oversight. The report shall include an analysis of the cost  
160 effectiveness of job order contracting and any other public benefits resulting from job order  
161 contracts.

162 SECTION 4. Section 35AA of chapter 10 of the General Laws, as appearing in the 2016  
163 Official Edition, is hereby amended by striking out, in line 9, the words “(c)” and inserting in  
164 place thereof the following words:- (b).

165 SECTION 5. Said chapter 10 is hereby amended by striking out section 35RR, as so  
166 appearing, and inserting in place thereof the following section:-

167 Section 35RR. There shall be established and set up on the books of the commonwealth a  
168 separate fund to be known as the Health Information Technology Trust Fund, in this section  
169 called the fund. There shall be credited to the fund revenues from federal reimbursements under  
170 Title IXX or Title XXI of the Medicaid Act and applicable waivers thereof, the Health  
171 Information Technology for Economic and Clinical Health Act, Title XIII of Division A and  
172 Title IV of Division B of Pub. L. No. 111-5, and any other federal reimbursements, grants,  
173 premiums, gifts or other contributions from any source received for or in support of the  
174 Commonwealth’s Health Insurance Exchange/Integrated Eligibility System (HIX/IES), the

175 health care provider incentive payment program and for the promotion of electronic health  
176 record adoption and health information exchange in the commonwealth. The secretary of health  
177 and human services shall be the fund's trustee and shall expend the fund, without further  
178 appropriation, for costs associated with the development, maintenance and administration of the  
179 HIX/IES, incentive payments to eligible Massachusetts Medicaid health care providers for the  
180 adoption, implementation, upgrade or meaningful use of certified electronic health record  
181 technology and to support the planning, implementation and operating costs of administering  
182 these payments. The secretary may certify for payment amounts in anticipation of federal  
183 revenues collected for the corresponding quarter during the previous fiscal year. For the purpose  
184 of accommodating timing discrepancies between the receipt of revenues and related  
185 expenditures, the secretary may incur expenses, after written approval from the secretary of  
186 administration and finance, and the comptroller shall certify for payment, amounts not to exceed  
187 the most recent revenue estimate as certified by the MassHealth director, as reported in the state  
188 accounting system.

189 SECTION 6. Section 5J of chapter 18 of the General Laws, as amended by section 4 of  
190 chapter 55 of the acts of 2017, is hereby further amended by adding after subsection (c) the  
191 following new subsection:-

192 (d) A store owner who knowingly violates this section and who possesses a license to  
193 sell recreational marijuana or recreational marijuana products that are sold pursuant to section 5  
194 of chapter 94G shall be referred to the executive director of the cannabis control commission for  
195 possible disciplinary action. A store owner possessing a license pursuant to said section 5 of said  
196 chapter 94G who knowingly violates this section a second or subsequent time shall have such

197 license suspended for not less than 30 days and shall be referred to the director of the cannabis  
198 control commission for possible further disciplinary action.

199 SECTION 7. Clause (2) of section 59 of chapter 23K of the General Laws, as appearing  
200 in the 2016 Official Edition, is hereby amended by striking out subclause (a) and inserting in  
201 place thereof, the following subclause:- (a) 2 per cent to the Education Fund established in  
202 section 64 to be distributed to the Massachusetts cultural council of which one-quarter of the  
203 revenues received shall be dedicated to the organization support program of the Massachusetts  
204 cultural council and three-quarters of revenues received shall be dedicated to support not-for-  
205 profit and municipally-owned performing arts centers impacted as a result of the operation of  
206 gaming facilities; provided further, that funds transferred under this clause shall not be counted  
207 when calculating the amount to be appropriated for the purposes of higher education under  
208 section 64, and shall not be subject to the requirement in said section 64 that 35 per cent of funds  
209 received be appropriated for such purposes; provided, however, that funds dedicated to such  
210 performing arts centers shall be to subsidize fees paid to touring shows or artists; and provided  
211 further, that funding shall be awarded through a competitive grant process to be developed and  
212 administered by the Massachusetts cultural council.

213 SECTION 8. Section 18 of chapter 25 of the General Laws, as so appearing, is hereby  
214 amended by striking out, in line 9, the figure “0.2” and inserting in place thereof the following  
215 figure:- 0.3.

216 SECTION 9. Section 2YYYY of chapter 29 of the General Laws, as inserted by section  
217 8 of chapter 110 of the acts of 2017, is hereby amended by striking out the second paragraph and  
218 inserting in place thereof the following new paragraph:-

219           The secretary may expend, without further appropriation, not more than \$27 million per  
220 year in fiscal year 2019 and 2020 and not more than \$48 million per year in fiscal year 2021 and  
221 2022 from the fund to expand and support the residential treatment system to treat individuals  
222 with a substance use disorder or co-occurring mental health and substance use disorder; not more  
223 than \$11 million per year in fiscal year 2019 and 2020 and not more than \$17 million per year in  
224 fiscal year 2021 and 2022 from the fund to expand and support access to medication assisted  
225 treatment; not more than \$8 million per year in fiscal year 2019 and 2020 and not more than \$9  
226 million per year in fiscal year 2021 and 2022 from the fund to expand and support access to  
227 recovery treatment support services; and not more than \$4 million per year in fiscal year 2019  
228 and 2020 and not more than \$6 million per year in fiscal year 2021 and 2022 from the fund to  
229 implement and support a standardized American Society of Addiction Medicine assessment and  
230 care planning tool across substance use treatment providers. The secretary may expend, without  
231 further appropriation, up to 15% in excess of these amounts provided that the secretary provides  
232 notice to the legislature at least 90 days in advance. For the purpose of accommodating timing  
233 discrepancies between the receipt of revenues and related expenditures, the fund may incur  
234 expenses, and the comptroller shall certify for payment, amounts not to exceed the most recent  
235 revenue estimate as certified by the MassHealth director, as reported in the state accounting  
236 system. Amounts credited to the fund shall not be subject to further appropriation and monies  
237 remaining in the fund at the end of a fiscal year shall not revert to the General Fund and shall be  
238 available for expenditure in the subsequent fiscal year.

239           SECTION 10. Section 2ZZZZ of said chapter 29 of the General Laws, inserted by section  
240 3 of chapter 218 of the acts of 2018, is hereby repealed.

241 SECTION 11. Said chapter 29 of the General Laws is hereby amended by inserting after  
242 section 2CCCCC, inserted by section 1 of chapter 296 of the acts of 2018, the following 2  
243 sections:-

244 Section 2DDDDD. (a) There shall be a Massachusetts Veterans and Warriors to  
245 Agriculture Program Fund. The fund shall be administered by the department of agricultural  
246 resources. Notwithstanding any general or special law to the contrary, there shall be credited to  
247 the fund any revenue from appropriations or other money authorized by the general court and  
248 specifically designated to be credited to the fund and any gifts, grants, private contributions or  
249 investment income earned on the fund's assets and all other sources. Money deposited in the  
250 fund that is unexpended at the end of the fiscal year shall not revert to the General Fund and shall  
251 be available for expenditure in the subsequent year and shall not be subject to section 5C.

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



262 Section 2EEEEEE. (a) There shall be established upon the books of the commonwealth a  
263 separate fund to be known as the Home Care Technology Trust Fund, referred to as the fund in  
264 this chapter, to be used by the department of elder affairs, established in section 1 of chapter  
265 19A.

266 (b) The secretary of the department of elder affairs is hereby authorized to expend from  
267 said fund for the purpose of providing technological support to create efficiencies in  
268 administration and processing within the by Aging Service Access Points network.

269 (c) During the first fiscal year of its existence, the fund shall be established with revenue  
270 accrued from home care sliding scale fees collected by Aging Service Access Points, referred to  
271 as ASAPs, as established in section 4B of chapter 19A.

272 (d) During years subsequent to the first fiscal year, there shall be credited to the fund: (1)  
273 any available funds from home care cost sliding scale fees collected by the ASAP network; (2)  
274 any funds that may be appropriated or transferred for deposit into the fund; (3) any revenues,  
275 ASAP funds, and any other federal reimbursements, grants, premiums, gifts or other  
276 contributions from any source which are designated to be credited to the fund; (4) any income  
277 derived from investment of amounts credited to the fund; and, (5) an amount equal to the  
278 revenues received from federal financial participation earned on any qualifying expenditures  
279 sourced from the fund.

280 (e) The department may incur expenses, and the comptroller may certify for payment,  
281 amounts in anticipation of expected receipts; but no expenditure shall be made from said fund  
282 which shall cause said fund to be in deficit at the close of a fiscal year. Any remaining balance in  
283 the fund at the end of a fiscal year shall not revert to the General Fund but shall remain in the

284 fund and be available for expenditure during the subsequent fiscal years. Expenditures from the  
285 fund may be made for services provided in prior fiscal years. Amounts credited to the trust fund  
286 shall not be subject to further appropriation.

287 SECTION 12. Section 2 of chapter 40R of the General Laws, as appearing in the 2016  
288 Official Edition, is hereby amended by inserting after the figure “10”, in line 33, the following  
289 words:- , or other funds available to the commonwealth.

290 SECTION 13. Said section 2 of said chapter 40R, as so appearing, is hereby further  
291 amended by inserting after the figure “10”, in line 102, the following words:- , or other funds  
292 available to the commonwealth.

293 SECTION 14. Section 9 of said chapter 40R, as so appearing, is hereby amended by  
294 inserting after the word “fund”, in line 4, the following words:- or other funds available to the  
295 commonwealth.

296 SECTION 15. Said section 9 of said chapter 40R, as so appearing, is hereby further  
297 amended by inserting after the word “fund”, in line 22, the following words:- or other funds  
298 available to the commonwealth.

299 SECTION 16. Subsection (e) of section 11 of said chapter 40R, as so appearing, is hereby  
300 amended by striking out, in line 80, the word “significant” and inserting in place thereof the  
301 following word:- extraordinary.

302 SECTION 17. Section 14 of said chapter 40R, as so appearing, is hereby amending by  
303 striking out, in line 9, the words “returned to the trust fund” and inserting in place thereof the  
304 following words:- credited to the funding source from which the payment originated.

305 SECTION 18. Section 2 of chapter 61A of the General Laws, as so appearing, is hereby  
306 amended by inserting after the word “tobacco”, in line 4, the following words:- hemp as defined  
307 in section 116 of chapter 128,.

308 SECTION 19. Clause (31) of subsection (b) of section 21 of chapter 62C of the General  
309 Laws, as added by section 3 of chapter 368 of the acts of 2018, is hereby amended by inserting  
310 after the words, “received by the commissioner pursuant to,” the following words:- this chapter  
311 or.

312 SECTION 20. Subsection (b) of said section 21 of said chapter 62C of the General Laws,  
313 as most recently amended by section 3 of chapter 368 of the acts of 2018, is hereby further  
314 amended by adding the following clause:-

315

316 (32) the disclosure of return information to the executive office of technology services  
317 and security for purposes of data matching and statistical analysis, provided that (i) the return  
318 information shall remain confidential information subject to the provisions of this chapter and  
319 shall not be public record; (ii) executive office of technology services and security personnel  
320 who have access to such data shall first receive training and security clearance equivalent to that  
321 of department employees with access to return information; and (iii) the executive office of  
322 technology services and security may use the return information only for purposes of providing  
323 to an agency of the commonwealth de-identified statistical information not capable of being  
324 associated with any particular taxpayer or other person.

325 SECTION 21. Section 1 of chapter 64G of the General Laws, as inserted by section 6 of  
326 chapter 337 of the acts of 2018, is hereby amended by striking out the definition of “rent” and  
327 inserting in place thereof the following definition:-

328 “Rent”, the total consideration paid by or on behalf of an occupant, including any service,  
329 cleaning or other charge, to an operator or an intermediary collecting and remitting the excise on  
330 behalf of an operator under section 13 for occupancy, valued in money, whether received in  
331 money or otherwise, including all receipts, cash, credits and property or services of any kind or  
332 nature; provided, however, that “rent” shall not include: (1) bona fide refundable security  
333 deposits; (2) any amount paid by an occupant that is included in the taxable gross receipts of the  
334 operator under chapters 64H or 64I, where the operator is a vendor for purposes of such chapters;  
335 or (3) amounts paid by an occupant to an operator for services offered by the operator on similar  
336 terms to non-occupants in the regular course of the operator’s business.

337 SECTION 22. Chapter 64G of the General Laws, as so inserted, is hereby amended by  
338 striking out section 3D and inserting in place thereof the following section:-

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

343 (b) A city or town that votes to impose a community impact fee under subsection (a)  
344 may, by a separate additional vote and in the same manner of acceptance as set forth in section  
345 3A, also impose the community impact fee upon each transfer of occupancy of a short-term

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

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

355 SECTION 23. Section 13 of said chapter 64G, as added by section 8 of chapter 337 of the  
356 acts of 2018, is hereby amended by striking out the words, "to permitting such operator to list or  
357 offer an accommodation for rent through the use of the intermediary", and inserting in place  
358 thereof the following words:- to the intermediary collecting any rent from an occupant or  
359 facilitating the collection or payment of rent on behalf of an operator.

360 SECTION 24. Chapter 69 of the General Laws is hereby amended by striking out section  
361 31B and inserting in place thereof the following section:-

362 Section 31B. Any educational institution with power to grant degrees in the  
363 commonwealth that has any known liabilities or risks which may result in the imminent closure  
364 of the institution or jeopardize the institution's ability to fulfill its obligations to current and  
365 admitted students, shall, in accordance with regulations established by the board of higher  
366 education after consultation with representatives of public and private colleges and universities,  
367 (a) notify said board of higher education of such known liabilities or risks, and (b) prepare and

368 submit to said board, for its approval, a contingency closure plan which shall include a process  
369 for: providing enrolled and admitted students and staff with timely notification of the  
370 institution's financial condition, accreditation status, and any outstanding compliance issues  
371 regarding federal student aid programs; arrangements for enabling students to complete their  
372 programs of study, and; a plan for the transfer and long-term maintenance of student records in  
373 the event that the institution ceases to exist. Such regulations may authorize the board of higher  
374 education to request information from any institution of higher education as is necessary to  
375 accurately and fairly determine its financial condition and to monitor such condition over time.  
376 Such regulations may also authorize the board of higher education to impose reasonable  
377 sanctions on any institution of higher education that does not comply in a timely manner with  
378 such notification requirements and requests. Information submitted under this section by  
379 institutions of higher education at the request of the board of higher education shall not be a  
380 public record and shall be exempt from disclosure under clause Twenty sixth of section 7 of  
381 chapter 4 and section 10 of chapter 66.

382 SECTION 25. Section 3 of said chapter 94G, as amended by chapter 55 of the acts of  
383 2017, is hereby further amended by striking out paragraph (2) of subsection (a) and inserting in  
384 place thereof the following paragraph:-

385 (2) limit the number of marijuana establishments in the city or town, provided, however,  
386 that, in the case of a city or town in which the majority of voters voted in the affirmative for  
387 question 4 on the 2016 state election ballot, entitled "Legalization, Regulation, and Taxation of  
388 Marijuana," and, after December 31, 2019 in the case of any other city or town, the city or town  
389 shall submit any such by-law or ordinance for approval to the voters pursuant to the procedure in  
390 subsection (e) if it would:.

391 SECTION 26. Said section 3 of chapter 94G, as so amended, is hereby further amended  
392 by striking out subsection (b) and inserting in place thereof the following subsection:-

393 (b) The city council of a city and the board of selectmen or town council of a town shall,  
394 upon the filing with the city or town clerk of a petition meeting the requirements of this  
395 subsection and signed by not fewer than 10 per cent of the number of voters of such city or town  
396 voting at the preceding biennial state election, request that the question of whether to allow, in  
397 such city or town, the sale of marijuana and marijuana products for consumption on the premises  
398 where sold be submitted to the voters of such city or town, shall cause the following question to  
399 be placed on the ballot:

400 Shall this [city or town] allow the sale of marijuana products, as those terms are defined  
401 in G.L. c.94G, §1, for consumption on the premises where sold, a summary of which appears  
402 below?

403 A fair and concise summary of the question shall be prepared by the city solicitor or town  
404 counsel.

405 If a majority of the votes cast in the city or town are not in favor of allowing the  
406 consumption of marijuana or marijuana products on the premises where sold, such city or town  
407 shall not have authorized the consumption of marijuana and marijuana products on the premises  
408 where sold.

409 The petition shall be on a form prepared by the secretary of the commonwealth, and shall  
410 be submitted forthwith after filing to the board of registrars or election commissioners who shall  
411 have seven days after receipt to certify the signatures of registered voters. Upon certification of  
412 the signatures, the question shall be placed upon the ballot at the next occurring regular

413 municipal or state election, provided that the question may only appear on a municipal ballot for  
414 an election to be held at least 35 days after certification. To have the question appear on the  
415 biennial state election, the city or town clerk must provide notice, including the ballot question  
416 and summary as prepared by the city solicitor or town counsel, to the secretary of the  
417 commonwealth no later than the first Wednesday in August before that election.

418 SECTION 27. Said section 3 of said chapter 94G of the General Laws, as so amended, is  
419 hereby further amended by adding to subsection (d) the following paragraph:- Notwithstanding  
420 section 53 of chapter 44 or any other general or special law to the contrary, a city or town that  
421 receives payment pursuant to a host community agreement entered into with a marijuana  
422 establishment licensed under this chapter or with a medical marijuana treatment center registered  
423 under chapter 94I shall establish a separate account into which the impact fees or other payments  
424 shall be deposited. In each fiscal year, the amount of the estimated receipts from the fees and  
425 other payments under the host agreement may be appropriated by city or town for the purposes  
426 specified in such agreement. Any balance in the account at the end of the fiscal year shall be  
427 available for appropriation in the next fiscal year. Any deficit in the account at the end of the  
428 fiscal year must be raised by taxation, unless the city or town has otherwise provided, and shall  
429 be subject to all applicable provisions of chapter 59.

430 SECTION 28. Said section 3 of said chapter 94G, as so amended, is hereby further  
431 amended by striking out subsection (e) and inserting in place thereof the following subsection:-

432 (e) If an ordinance or by-law must be submitted for approval pursuant to subsection  
433 (a)(2), the following procedures will be followed:



434 (1) The city solicitor or town counsel shall prepare a fair and concise summary of the  
435 proposed ordinance or by-law which will make clear the number and types of marijuana  
436 establishments which will be permitted to operate under the proposed ordinance and by-law and  
437 shall be included on the ballot.

438 (2) A ballot shall be prepared asking “Shall the following [by-law or ordinance] be in  
439 effect in [city or town]?” [solicitor/counsel summary] [full text of by-law or ordinance]

440 (3) If the majority of the votes cast in answer to the question are in the affirmative, the  
441 by-law or ordinance shall be in effect, but if the majority is in the negative, the by-law or  
442 ordinance shall have no legal effect.

443 A ballot question under this subsection may be placed on the ballot at a regular or special  
444 election held by the city or town by a vote of the board of selectmen or city or town council, with  
445 the approval of the mayor, and subject to a municipal charter, if applicable.

446 SECTION 29. Section 9 of said chapter 94G, as so amended, is hereby further amended  
447 by adding the following subsection:-

448 (c) an entity required to register with the secretary of the commonwealth pursuant to  
449 chapters 156C, 156D, or 180 and organized for the purpose of operating as a licensed marijuana  
450 establishment in the commonwealth may specify as its lawful corporate purpose the conduct of  
451 all activities of a marijuana establishment authorized by this chapter.

452 SECTION 30. Section 2 of chapter 94I, as inserted by section 44 of chapter 55 of the  
453 acts of 2017, is hereby further amended by inserting by adding the following subsection:-

454 (f) an entity required to register with the secretary of the commonwealth pursuant to  
455 chapters 156C, 156D, or 180 and organized for the purpose of operating as a registered  
456 marijuana treatment center in the commonwealth may specify as its lawful corporate purpose the  
457 conduct of all activities of a marijuana treatment center authorized by this chapter.

458 SECTION 31. Section 42A of chapter 112 of the General Laws, as appearing in the 2016  
459 Official Edition, is hereby amended by inserting after the word “Administration.”, in line 17, the  
460 following sentence:- The board may enter into agreements with the federal Food and Drug  
461 Administration pursuant to 21 C.F.R. § 20.88 for the purpose of receiving records and  
462 information. Records and information received pursuant to such agreements shall be exempt  
463 from disclosure as a public record.

464 SECTION 32. Section 45A of said chapter 112 of the General Laws, is hereby amended  
465 by striking out, in lines 4 and 5, the words “the faculty of a reputable dental college as defined in  
466 section forty-six” and inserting place thereof the following words:- a dental college approved by  
467 the board.

468 SECTION 33. Section 46 of said chapter 112 is hereby repealed.

469 SECTION 34. Said chapter 112 is hereby further amended by striking out section 76B,  
470 as so appearing, and inserting in place thereof the following section:-

471 Section 76B. (a) A person who satisfies the following requirements shall be deemed to  
472 have met the standards for the licensing of nurses in the commonwealth and shall be licensed in  
473 the commonwealth without examination: a person who (i) has taken and passed an examination  
474 approved by the board and conducted in the English language; (ii) has been registered by a  
475 province of Canada; (iii) meets the eligibility requirements of clinical and theoretical study as

476 determined by the board; (iv) furnishes to the board satisfactory proof of good moral character;  
477 and (v) has graduated from a school of nursing approved by the board of nursing in the  
478 jurisdiction in which the applicant was originally registered.

479 (b) A person who has taken and passed an examination approved by the board and  
480 conducted in a language other than English who satisfies the following requirements shall be  
481 deemed to have met standards for the licensing of nurses in the commonwealth and shall be  
482 licensed in the commonwealth without examination: a person who (i) has taken and passed a test  
483 of English proficiency approved by the board; (ii) has been registered by a province of Canada;  
484 (iii) meets the eligibility requirements of clinical and theoretical study as determined by the  
485 board; (iv) furnishes to the board satisfactory proof of good moral character; and (v) has  
486 graduated from a school of nursing approved by the board of nursing in the jurisdiction in which  
487 the applicant was originally registered.

488 SECTION 35. Section 13 of chapter 136 of the General Laws, as appearing in the 2016  
489 Official Edition, is hereby amended by striking out the first sentence of the second paragraph and  
490 inserting in place thereof the following sentence:- Any retail establishment which operates on  
491 January first, or November eleventh, the second Monday in October, under the exemption  
492 granted by this section, shall compensate those employees working on any of said days at a rate  
493 specified under clause (50) of section 6 of this chapter or such larger sum as may be determined  
494 by contract; such work shall be voluntary and refusal to work for any retail establishment on  
495 such legal holidays shall not be grounds for discrimination, dismissal, discharge, reduction in  
496 hours, or any other penalty.

497 SECTION 36. Said section 13 of said chapter 136 of the General Laws, as amended by  
498 section 35, is hereby further amended by striking out the first sentence of the second paragraph  
499 and inserting in place thereof the following sentence:- Any retail establishment which operates  
500 on January first, or November eleventh, the second Monday in October, under the exemption  
501 granted by this section, shall not require any employee to perform such work, and an employee's  
502 refusal to work for any retail establishment on such legal holidays shall not be grounds for  
503 discrimination, dismissal, discharge, reduction in hours, or any other penalty.

504 SECTION 37. Section 121 of chapter 140 of the General Laws, as amended by chapter  
505 123 of the acts of 2018, is hereby further amended by striking out, in the definition of "firearm,"  
506 the words "any weapon" and inserting in place thereof the following words:- any weapon,  
507 capable of discharging a bullet or shot.

508 SECTION 38. Said section 121 of said chapter 140, as so amended, is hereby further  
509 amended by striking out the definition of "stun gun" and inserting in place thereof the following  
510 definition:-

511 "Stun gun", a portable device or weapon from which an electrical current, impulse, wave  
512 or beam that is designed to override voluntary motor responses, cause pain, incapacitate  
513 temporarily, injure or kill may be directed, including but not limited to a device or weapon that  
514 passes an electrical shock by means of a dart or projectile via a wire lead.

515 SECTION 39. Said chapter 140, as so amended, is hereby further amended by striking  
516 out section 131J and inserting in place thereof the following section:-

517 Section 131J. Sections 131¾, 131K and 131P and sections 11A through 11E, inclusive,  
518 of chapter 269 shall not apply to stun guns. The secretary of public safety and security may

519 promulgate regulations establishing safe storage requirements, education and safety training  
520 requirements and law enforcement training on the appropriate use of stun guns. Any stun gun  
521 purchased or used by a law enforcement or public safety official in the performance of official  
522 duties shall include a mechanism for tracking the number of times the stun gun has been fired.

523 SECTION 40. Section 20 of chapter 161A of the General Laws, as appearing in the 2016  
524 Official Edition, is hereby amended by striking out, in line 2, the word, “March” and inserting in  
525 place thereof, the following word:- May.

526 SECTION 41. Said section 20 of said chapter 161A of the General Laws, as so appearing,  
527 is hereby amended by striking out, in line 4, the word, “April” and inserting in place thereof, the  
528 following word:- June.

529 SECTION 42. The third paragraph of said section 20 of said chapter 161A of the General  
530 Laws, as inserted by section 45 of chapter 154 of the acts of 2018, is hereby amended by striking  
531 out clause (ii) in the third sentence and inserting in place thereof, the following clause:- (ii)  
532 specify that no proceeds of commonwealth general obligation bonds shall be used to fund an  
533 employee's salary; and.

534 SECTION 43. Section 193R of chapter 175 of the General Laws, as appearing in the  
535 2016 Official Edition, is hereby amended by striking out, in lines 63 to 65, the words “and that at  
536 least thirty-five percent are insured within two years of the effective date of the plan, such  
537 percentage to continue so insured at all times thereafter”.

538 SECTION 44. Section 1 of chapter 175M of the General Laws, as inserted by section 29  
539 of chapter 121 of the acts of 2018, is hereby amended by striking out the definition of “Covered  
540 individual” and inserting in place thereof the following 2 definitions:-

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

545 “Covered individual”, either: (i) an employee who meets the financial eligibility  
546 requirements of subsection (a) of section 24 of chapter 151A, provided that all such employment  
547 has been with an employer in the commonwealth; (ii) a self-employed individual (A) who has  
548 elected coverage under subsection (j) of section 2 of this chapter and (B) whose reported  
549 earnings to the department of revenue from self-employment meet the financial eligibility  
550 requirements of subsection (a) of section 24 of chapter 151A, as if the individual were an  
551 employee; (iii) a covered contract worker (A) for whom one or more employers or covered  
552 business entities is required to remit contributions to the Family and Employment Security Trust  
553 Fund pursuant to section 6 of this chapter and (B) whose payments from such employers or  
554 covered business entities satisfy the financial eligibility requirements of subsection (a) of section  
555 24 of chapter 151A, as if the covered contract worker were an employee; or (iv) a former  
556 employee who has (A) met the financial eligibility requirements of said subsection (a) of said  
557 section 24 of said chapter 151A at the time of the former employee's separation from  
558 employment, provided that all such employment has been with an employer in the  
559 commonwealth and (B) been separated from employment for not more than 26 weeks at the start  
560 of the former employee's family or medical leave.

561 SECTION 45. Subsection (g) of section 2 of said chapter 175M, as so inserted, is hereby  
562 amended by striking out the words “clause (iii)” and inserting in place thereof the following  
563 words:- clause (iv).

564 SECTION 46. Subsection (b) of section 3 of said chapter 175M, as so inserted, is hereby  
565 amended by striking out paragraph (1) and inserting in place thereof the following paragraph:-

566 (1) The weekly benefit amount for a covered individual on family or medical leave shall  
567 be determined as follows: (i) the portion of such covered individual's average weekly wage that  
568 is equal to or less than 50 per cent of the state average weekly wage shall be replaced at a rate of  
569 80 per cent; and (ii) the portion of such covered individual's average weekly wage that is more  
570 than 50 per cent of the state average weekly wage shall be replaced at a rate of 50 per cent. For  
571 purposes of the calculation specified in this paragraph, a covered individual's average weekly  
572 wage shall include only those wages or payments subject to the contribution requirements of  
573 section 6.

574 SECTION 47. Section 6 of said chapter 175M, as amended by section 42 of chapter 273  
575 of the acts of 2018, is hereby further amended by striking out the first sentence of subsection (a)  
576 and inserting in place thereof the following sentence:- For each employee or covered contract  
577 worker, an employer or a covered business entity shall remit to the Family and Employment  
578 Security Trust Fund established under section 7 contributions in the form and manner determined  
579 by the department.

580 SECTION 48. Said section 6 of said chapter 175M, as amended by section 43 of said  
581 chapter 273, is hereby further amended by striking out subsections (d) and (e) and inserting in  
582 place thereof the following 2 subsections:-

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

586 cent of the family leave contribution and 40 per cent of the medical leave contribution as  
587 otherwise required under subsection (a). An employer or other business or trade that is a covered  
588 business entity shall count covered contract workers as employees for the purposes of the  
589 preceding sentence.

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

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

596 SECTION 49. Said section 6 of said chapter 175M, as so amended, is hereby further  
597 amended by inserting in subsection (f) after the words “employees’ wages” the following  
598 words:- , earnings of a self-employed individual or payments for services to covered contract  
599 workers.

600 SECTION 50. Subsection (g) of section 8 of said chapter 175M, as most recently  
601 amended by section 6 of chapter 368 of the acts of 2018, is hereby further amended by adding  
602 the following sentence:- The department shall be authorized to issue refunds where the  
603 contributions required in section 6 have resulted in duplicative charges.

604



605 SECTION 51. Section 8A of chapter 180 of the General Laws, as appearing in the 2016  
606 Official Edition, is hereby amended by inserting after the word “amounts,” in line 52, the  
607 following words:- , not subject to appropriation,.

608 SECTION 52. Section 363 of Chapter 159 of the Acts of 2000 is hereby amended by  
609 inserting after the first sentence the following sentence:- Said superintendent shall report  
610 annually to the Department of Elementary and Secondary Education on (i) whether said multi-  
611 hazard evacuation plan has been formulated in compliance with the requirements of this section,  
612 and (ii) any trainings, exercises, or simulations relating to said plan conducted by the school  
613 district in the prior school year.

614 SECTION 53. Item 7004-0108 of section 2 of chapter 154 of the acts of 2018 is hereby  
615 amended by inserting after the words “permanent sustainable housing”, the following words:- ;  
616 provided further, that the undersecretary of housing and community development may transfer  
617 surplus funds appropriated in this item to item 7004-0101 to address deficiencies in item 7004-  
618 0101; provided further, that not more than \$5,000,000 shall be transferred from this item in fiscal  
619 year 2019.

620 SECTION 54. Item 8324-0000 of said section 2 of said chapter 154 of the acts of 2018 is  
621 hereby amended by striking out the words “expended for bulk purchase of extractors” and  
622 inserting in place thereof, the following words:- allocated for a grant program to provide  
623 financial assistance for the purchase of extractors.

624 SECTION 55. Chapter 273 of the acts of 2018 is hereby amended by inserting after  
625 section 64, the following section:-

626           Section 64A. Notwithstanding any general or special law to the contrary, the following  
627 provisions shall apply to the determination of taxable income under chapter 62.

628           (a)     Amounts included in federal gross income for a taxable year under subsection  
629 951(a) of the Code by reason of section 965 of the Code shall be taken into account for purposes  
630 of chapter 62 of the General Laws. All such amounts of gross income required to be taken into  
631 account for federal income tax purposes in taxable years ending on or before December 31,  
632 2019, shall be taken into account in the determination of Massachusetts gross income in the  
633 taxable year ending on December 31, 2019. Solely for purposes of the determination and  
634 reporting of income derived from such amounts, the status of a taxpayer as a resident or non-  
635 resident shall be determined by the taxpayer's status as a resident or non-resident in the taxable  
636 year in which such income was required to be taken into account for federal income tax  
637 purposes. In the case of reporting of such income by non-residents, as so determined, the  
638 sourcing of such income to the commonwealth shall be consistent with the apportionment or  
639 other sourcing method used by the taxpayer in the year that the income was taken into account  
640 for federal income tax purposes, under such rules as may be determined by the commissioner.

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

643           (c)     The deduction under subsection 965(c) of the Code shall not apply for  
644 Massachusetts purposes. A taxpayer shall be entitled in the taxable year ending on December 31,  
645 2019 to a deduction from Part A gross income equal to 60 percent of the amount included in Part  
646 A income pursuant to subsections (a) and (b). The principles set forth in subsection 965(f)(2) of  
647 the Code shall apply in a manner consistent with this section and section 6F of said chapter 62.

648 (d) Notwithstanding chapter 62C of the General Laws, in the case of a taxpayer with  
649 tax liability under said chapter 62 attributable to income taken into account under subsections (a)  
650 and (b) who has made a valid election pursuant to subsection 965(h) or 965(i) of the Code, such  
651 tax liability shall be due in 8 installments. Such tax liability shall be due generally consistent  
652 with the rules set forth in said subsection 965(h), subject to the provisions of subsection 13(f)  
653 and guidance to be issued by the Commissioner.

654 (e) Except as described in subsections (d) and (f), any tax liability under said chapter  
655 62 attributable to income taken into account under subsections (a) and (b) shall be due without  
656 regard to any election made pursuant to subsection 965(i) of the Code. The deferral described in  
657 said subsection 965(i) does not apply for purposes of said chapter 62.

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

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

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

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

674 SECTION 56. Clause (42) of section 67 of said chapter 273 of the acts of 2018 is hereby  
675 amended by striking out the words “B33” and inserting in place thereof, the following words:-  
676 B3L.

677 SECTION 57. Section 11 of chapter 337 of the acts of 2018 is hereby amended by  
678 striking out the following words, “after it has joined the fund, as the municipality may  
679 designate”, and inserting in place thereof the following words:- following 30 days after the  
680 municipality has joined the fund or on the first day of a later calendar quarter as the municipality  
681 may designate.

682 SECTION 58. Chapter 337 of the acts of 2018 is hereby amended by inserting after  
683 section 15 the following section:-

684 Section 15A. Sections 6 through 8 shall take effect for transfers of occupancies in bed  
685 and breakfast establishments, hotels, lodging houses and motels beginning on or after July 1,  
686 2019.

687 SECTION 59. (a) Notwithstanding any general or special law to the contrary, this section  
688 shall facilitate the orderly transfer of the employees, proceeds, rules and regulations, property  
689 and legal obligations and functions of state government from the transferor agency to the  
690 transferee agency, defined as follows: the division of capital asset management and maintenance,  
691 as transferor agency, to the department of public health, as transferee agency.

692 (b) Notwithstanding chapter 334 of the acts of 1996 or any other general or special law to  
693 the contrary, control and custody of the MA State Public Health Laboratory Campus located in  
694 the Jamaica Plain section of the city of Boston shall be transferred from the transferor agency to  
695 the transferee agency. The transferor and transferee agencies shall enter into an agreement to  
696 effect such transfer, which shall occur no later than December 31, 2019. Upon such transfer, the  
697 transferee agency may assign the use of space within the property to state agencies and may  
698 make expenditures and perform maintenance for the property that it considers reasonable and  
699 appropriate.

700 (c) Upon the transfer required in subsection (b), employees of the transferor agency  
701 engaged in the maintenance and security of the MA State Public Health Laboratory Campus shall  
702 be transferred to the transferee agency. The personnel administrator in the human resources  
703 division, in consultation with the transferee agency, shall complete a study of job titles of the  
704 former transferor agency employees at the laboratory. The personnel administrator, in  
705 consultation with the transferee agency, shall determine the appropriate commonwealth job titles  
706 for former employees of the transferor agency who are transferred to the transferee agency under  
707 this section. Employees transferred to the transferee agency pursuant to this section shall be  
708 placed in job titles as determined by the personnel administrator and shall be paid wages and  
709 receive benefits consistent with the collective bargaining agreement governing those job titles.

710 (d) Subject to appropriation, the transferred employees of the transferor agency, including  
711 those who immediately before the effective date of this act held permanent appointment in  
712 positions classified under chapter 31 of the General Laws or have tenure in their positions as  
713 provided by section 9A of chapter 30 of the General Laws or did not hold such tenure, or held  
714 confidential positions, shall be transferred to the transferee agency without interruption of

715 service within the meaning of section 9A of chapter 30, without impairment of seniority,  
716 retirement or other rights of the employee, and without reduction in compensation or salary  
717 grade, notwithstanding any change in title pursuant to the provisions of subsection (c) or duties  
718 resulting from such reorganization, and without loss of accrued rights to holidays, sick leave,  
719 vacation and benefits, and without change in union representation or certified collective  
720 bargaining unit as certified by the state labor relations commission or in local union  
721 representation or affiliation. Any collective bargaining agreement in effect immediately before  
722 the transfer date shall continue in effect and the terms and conditions of employment therein  
723 shall continue as if the employees had not been so transferred. The reorganization shall not  
724 impair the civil service status of any such reassigned employee who immediately before the  
725 effective date of this act either held a permanent appointment in a position classified under  
726 chapter 31 of the General Laws or had tenure in a position by reason of section 9A of chapter 30  
727 of the General Laws.

728 (e) Notwithstanding any general or special law to the contrary, all such employees shall  
729 continue to retain their right to bargain collectively pursuant to chapter 150E of the General  
730 Laws and shall be considered employees for the purposes of chapter 150E. Nothing in this  
731 section shall confer upon any employee any right not held immediately before the date of the  
732 transfer, or to prohibit any reduction of salary grade, transfer, reassignment, suspension,  
733 discharge or layoff not prohibited before such date; nor shall anything in this section prohibit the  
734 abolition of any management position within the division of capital asset management and  
735 maintenance after transfer to the department of public health.

736 (f) All petitions, requests, investigations, filings and other proceedings concerning the  
737 MA State Public Health Laboratory Campus and/or such employees appropriately and duly

738 brought before the transferor agency, or pending before it before the effective date of this act,  
739 shall continue unabated and remain in force, but shall be assumed and completed by the  
740 transferee agency.

741 (g) All orders, advisories, findings, rules and regulations duly made and all approvals  
742 concerning the MA State Public Health Laboratory Campus duly granted by the transferor  
743 agency, which are in force immediately before the effective date of this act, shall continue in  
744 force and shall thereafter be enforced, until superseded, revised, rescinded or canceled, in  
745 accordance with law, by the transferee agency.

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

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

754 SECTION 60. Notwithstanding any general or special law to the contrary, for fiscal year  
755 2019, the secretary of health and human services, with the written approval of the secretary of  
756 administration and finance, may authorize transfers of surplus among items 4000-0320, 4000-  
757 0430, 4000-0500, 4000-0601, 4000-0641, 4000-0700, 4000-0875, 4000-0880, 4000-0885, 4000-  
758 0940, 4000-0950, 4000-0990, 4000-1400, 4000-1420 and 4000-1425.

759 SECTION 61. Notwithstanding any general or special law to the contrary, any  
760 unexpended balances, not exceeding a total of \$20,000,000, in items 4000-0700 and 4000-1425  
761 of section 2 of chapter 154 of the acts of 2018 shall not revert to the General Fund until  
762 September 1, 2019 and may be expended by the executive office of health and human services to  
763 pay for services enumerated in said items 4000-0700 and 4000-1425 provided during fiscal year  
764 2019.

765 SECTION 62. (a) Notwithstanding any general or special law to the contrary, if the  
766 committee for public counsel services determines that there exists a limited availability of  
767 qualified private counsel appointed or assigned to care and protection cases in any county, the  
768 committee may, by a majority vote, declare an emergency in that county.

769 (b) Upon the declaration of an emergency pursuant to subsection (a), the committee may  
770 authorize a temporary increase in the rate of compensation for private counsel appointed or  
771 assigned to care and protection cases in that county who, prior to the declaration of an  
772 emergency, have billed not less than 350 hours in the current fiscal year as private counsel  
773 appointed or assigned to care and protection cases or who have billed not less than 700 hours in  
774 the previous fiscal year as private counsel appointed or assigned to care and protection cases.  
775 The committee shall designate a certain minimum number of cases to be taken by each private  
776 appointed counsel who is designated eligible to receive the emergency temporary rate of  
777 compensation. The temporary increase in the rate of compensation shall be for new case  
778 assignments made on or after the date of the declaration of an emergency pursuant to subsection  
779 (a). The temporary increase in the rate of compensation shall apply for the duration of those new  
780 case assignments. The temporary increase in the rate of compensation for private counsel  
781 appointed or assigned to care and protection cases approved by the committee shall not exceed



782 \$75 per hour. If the committee determines that the increase in the rate of compensation has not  
783 resulted in a sufficient increase in the number of care and protection assignments being taken by  
784 private counsel, the committee may modify the eligibility criteria. The chief counsel shall notify  
785 the chairs of the house and senate committees on ways and means upon any such modification.

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

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

795 SECTION 63. Sections 25 and 28 shall not apply retroactively and shall not affect votes  
796 already completed under section 3 of chapter 94G of the General Laws, subsections (a)(2) and  
797 (e). Any votes under those subsections after the effective date of this act, however, shall be  
798 subject to said sections 25 and 28.

799 SECTION 64. The salary adjustments and other economic benefits authorized by the  
800 following collective bargaining agreements shall be effective for the purposes of section 7 of  
801 chapter 150E of the General Laws:

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

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

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

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

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

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

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

816 SECTION 65. Section 62 is hereby repealed.

817 SECTION 66. Section 65 shall take effect on July 1, 2020.

818 SECTION 67. Section 36 shall take effect January 1, 2023.