

HOUSE No. 3773

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

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COMMONWEALTH OF MASSACHUSETTS
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KARYN POLITO
LIEUTENANT GOVERNOR

May 18, 2021

To the Honorable Senate and House of Representatives,

I am filing for your consideration a bill entitled “An Act Making Appropriations for Fiscal Year 2021 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.”

This bill consists of \$273 million in supplemental appropriations for Fiscal Year 2021 (FY21), at a net state cost of \$75 million. These recommendations include \$191 million to authorize spending certain federal funds made available through COVID-related federal legislation, at \$0 net cost to the Commonwealth.

I recommend \$5 million to fund the new Peace Officer Standards and Training Commission (POSTC), as well as an additional \$12.5 million to fund other implementation costs in FY21 and FY22 of the Police Reform legislation, chapter 253 of the acts of 2020.

I further recommend \$34 million for costs incurred in response to the COVID-19 pandemic, including \$18 million for activating the National Guard and \$9 million for the State Public Health Laboratory and the Public Health Hospitals System.

I recommend several smaller spending adjustments totaling \$30 million, at a net state cost of \$24 million. These include public safety funding where the authorizations in the enacted budget for FY21 fell short of the amount I filed in my revised House 2 recommendation last year, as well as funding to expand the summer 2021 Summer Nights season programming.

I further recommend increasing one chargeback ceiling.

In addition to a number of sections related to ongoing budget maintenance and balance, I am filing policy sections related to medical professionals that will better position the Commonwealth for health emergencies in the future. Among these is a section that authorizes Massachusetts' entry into the Interstate Medical Licensure Compact. This will allow physicians licensed in Massachusetts to practice medicine in the 29 other compact member states and territories without obtaining licensure in those states and likewise authorize physicians licensed in those states to practice medicine in Massachusetts. I am also re-filing a proposal to eliminate references to obsolete licensure examinations that prevent the Board of Registration in Nursing from issuing licenses based on reciprocity to otherwise qualified applicants with a Canadian nursing license. Further, I am filing an extension of the reporting date for the Special Commission on Foreign Trained Medical Professionals from July 1, 2021 to April 1, 2022. Due to COVID-19, the commission has been unable to meet but its recommendations will be critical for Massachusetts going forward.

I am also filing sections related to the Department of Elementary and Secondary Education that are necessary due to the disruptions to schools and the inability to administer MCAS testing caused by the COVID-19 pandemic. The first would allow continuing use of the Fiscal Year 2020 list of districts in the lowest 10% of MCAS results for Fiscal Years 2021, 2022 and 2023. This list is used to determine the placement of at least two new charters each year and which districts may spend over 9% of net school spending on charters. The second would give the Commissioner of Elementary and Secondary Education the authority to allow students in the classes of 2020 and 2021 to use an alternate means of demonstrating English language proficiency to earn the state seal of biliteracy.

I am also filing a number of corrections to last session's Economic Development legislation, "An Act Enabling Partnerships for Growth." These changes will allow for the proper implementation of important policies that the Legislature enacted and I signed into law, including ones that will allow for the effective administration of Tourism Districts in the Commonwealth. These sections will allow the policies to be in the best position to assist the state's important economic recovery.

Additionally, I am re-filing sections that would establish a new, permanent board of directors for the Massachusetts Bay Transportation Authority as the current Fiscal and Management Control Board is scheduled to expire on July 1 of this year.

Sufficient revenues are estimated to be available to finance the appropriations proposed in this legislation. Because certain items are time sensitive, notably the POSTC, I urge you to enact this legislation promptly.

Respectfully submitted

Charles D. Baker,
Governor

11 *Office of the Attorney General*

12 0810-0000 Office of the Attorney General \$93,785

13 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

14 *Reserves*

15 1599-0026 Municipal Regionalization and Efficiencies Incentive Reserve
16 \$2,000,000

17 *Division of Capital Asset Management and Maintenance*

18 1102-3199 Office of Facilities Management \$1,075,653

19 *Human Resources Division*

20 1750-0100 Human Resources Division \$1,000,000

21 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

22 *Department of Fish and Game*

23 2330-0100 Division of Marine Fisheries \$371,107

24 *Department of Conservation and Recreation*

25 2810-0100 State Parks and Recreation \$1,000,000

26 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

27 *Office of the Secretary*

28 1595-1068 Medical Assistance Trust Fund \$31,937,236

29 *Department of Elder Affairs*

30 9110-0600 Community Choices \$7,774,619

31 *Department of Public Health*

32 4510-0100 Public Health Critical Operations \$132,522

33 4516-1000 State Laboratory and Communicable Disease Control Services
34 \$1,491,441

35 4590-0913 Shattuck Hospital Private Medical Vendor Retained Revenue
36 \$1,000,000

37 4590-0915 Public Health Hospitals \$7,259,080

38 *Department of Transitional Assistance*

39 4403-2000 Transitional Aid to Families with Dependent Children Grant Pmt
40 \$27,853,223

41 *Soldiers' Home in Massachusetts*

42 4180-0100 Soldiers' Home in Massachusetts Administration and Operations
43 \$3,170,447

44 *Soldiers' Home in Holyoke*

45 4190-0100 Soldiers' Home in Holyoke Administration and Operations \$2,221,107

46 EXECUTIVE OFFICE OF EDUCATION

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Department of Early Education and Care

3000-1045	EEC COVID-19 Workforce and Support Reserve	\$131,060,103
3000-7040	EEC Contingency Contract Retained Revenue	\$264,373

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

Department of State Police

8100-0012	Special Event Detail Retained Revenue	\$1,300,000
8100-1001	Department of State Police	\$11,032,617

Military Division

8700-0001	Military Division	\$18,000,000
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Department of Correction

8900-0001	Department of Correction Facility Operations	\$2,750,000
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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, 2021. These sums shall be made available until June 30, 2022, except as otherwise stated.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

66

Reserves

67 1599-0999 For a reserve to assist agencies in organizational transformation and other
68 improvements; provided, that funds shall be expended to implement changes in space use across
69 Executive department offices with the aims of optimizing efficient services for the public,
70 increasing telecommuting opportunities for employees, and reducing lease costs where feasible
71 and advisable \$1,600,000

72 1599-1210 For a reserve for the start-up costs of the Massachusetts peace officer
73 standards and training commission established in section 2 of chapter 6E of the General Laws;
74 provided, that funds may be transferred to other items to reimburse costs incurred by those items
75 in state fiscal year 2021 and state fiscal year 2022 on behalf of the commission \$5,000,000

76 1599-1211 For a reserve to meet the expenses associated with the implementation of
77 chapter 253 of the acts of 2020, including the permanent commissions established in sections 72,
78 73, 74, and 75 of chapter 3 of the General Laws, the commissions established in section 37P of
79 chapter 71 of the General Laws, and sections 103 and 104 of said chapter 253 of the acts of
80 2020, the expansion of training obligations of the municipal police training committee in
81 accordance with section 116 of chapter 6 of the General Laws, and the cadet program established
82 in section 10A of chapter 22C of the General Laws; provided, that the secretary of administration
83 and finance may transfer funds from this item to state agencies as defined in section 1 of chapter
84 29 of the General Laws \$12,500,000

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Supplier Diversity Office

86 1780-0100 For the operation and administration of the supplier diversity office;
87 provided, that the office shall provide training and other services to minority-owned and women-

88 owned businesses certified by the office that allow those businesses to better compete for state
89 contracts and ensure that equitable practices and policies in the public marketplace are
90 maintained; provided further, that the office shall administer an electronic business certification
91 application which shall be accessible to business applicants through the internet; provided
92 further, that the office shall ensure the integrity and security of personal and financial
93 information transmitted by electronic application; and provided further, that the office shall,
94 using all existing available resources, provide certification services to all supplier diversity office
95 qualified applicants, within or outside of the commonwealth, as applicable \$1,000,000

96 SECTION 2B. To provide for supplementing certain intragovernmental chargeback
97 authorizations in the general appropriation act and other appropriation acts for fiscal year 2021,
98 to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for
99 an alteration of purpose for current intragovernmental chargeback authorizations, and to meet
100 certain requirements of law, the sum set forth in this section is hereby authorized from the
101 Intragovernmental Service Fund for the several purposes specified in this section or in the
102 appropriation acts, and subject to the provisions of law regulating the disbursement of public
103 funds for the fiscal year ending June 30, 2021. This sum shall be in addition to any amounts
104 previously authorized and made available for the purposes of this item.

105 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

106 *Office of the Secretary*

107 4000-1701 Chargeback for Health and Human Services IT \$20,000,000

108 SECTION 3. Chapter 6 of the General Laws is hereby amended by inserting after section
109 172N the following section:-

110 Section 172O. (a) As used in this section, the following words shall, unless the context
111 clearly requires otherwise, have the following meanings:

112 “Care”, the provision of care, treatment, education, training, instruction, supervision or
113 recreation to children, and “care” specifically includes adoption and foster care.

114 “Covered individual”, an individual who has, seeks to have or may have access to
115 children, served by a qualified entity, as an adoptive or foster parent or prospective adoptive or
116 foster parent.

117 “Identification document”, a document made or issued by or under the authority of the
118 United States Government, a state, political subdivision of a state, a sponsoring entity of an event
119 designated as a special event of national significance, a foreign government, political subdivision
120 of a foreign government, an international governmental or an international quasi-governmental
121 organization which, when completed with information concerning a particular individual, is of a
122 type intended or commonly accepted for the purpose of identification of individuals.

123 “Qualified entity”, a business or organization, whether public, private, for-profit, not-for-
124 profit or voluntary, that provides care or care placement services, including a business or
125 organization that licenses or certifies others to provide care or care placement services, and this
126 definition specifically includes adoption agencies, foster care agencies, entities providing
127 adoption or foster care services, entities providing adoption or foster care placement services and
128 providers under contract with the department of children and families.

129 (b) A qualified entity may obtain a state and national fingerprint-based criminal
130 background check of the state and Federal Bureau of Investigation criminal history databases, as
131 authorized by 34 USC § 40102(a), for the purpose of determining whether a covered individual

132 has been convicted of a crime that bears upon the covered individual's fitness to have
133 responsibility for the safety and well-being of children. Any qualified entity that contracts with
134 the department of children and families and any qualified entity that is licensed by the
135 department of early education and care shall also receive all conviction data, arrest data, sealed
136 record data and juvenile arrest or conviction data.

137 (c) A qualified entity that seeks to obtain said state and national fingerprint-based
138 criminal background check under this section shall first submit a request to the department of
139 criminal justice information services to be designated a qualified entity and execute a user
140 agreement. Qualified entities shall be subject to the regulations of the department of criminal
141 justice information services with respect to its access to said state and national fingerprint-based
142 criminal background check information.

143 (d) Requests for said state and national fingerprint-based criminal background checks
144 pursuant to this statute shall be submitted in accordance with the policies and procedures
145 established by the executive office of public safety and security, the department of criminal
146 justice information services and the department of state police.

147 (e) A qualified entity is authorized to require a covered individual to be fingerprinted. No
148 qualified entity may request a background check pursuant to this statute unless the covered
149 individual first provides a set of fingerprints.

150 (f) Prior to submitting a state and national fingerprint-based criminal background check a
151 covered individual shall complete and sign a statement authorizing consent to such a background
152 check and notifying the covered individual that the qualified entity may request such a
153 background check. Said statement also shall include the following: (i) the name, address and date

154 of birth as appearing on a valid identification document of the covered individual; (ii) a
155 statement that the covered individual has not been convicted of a crime and, if the covered
156 individual has been convicted of a crime, contains a description of the crime and the particulars
157 of the conviction; (iii) notification of the rights of the covered individual to obtain a copy of the
158 background check and the process by which the covered individual may appeal the results of the
159 background check to challenge the accuracy or completeness of the information contained in the
160 background report; and (iv) notification that prior to the completion of the background check the
161 qualified entity may choose to deny the covered individual access to children.

162 (g) Fingerprints shall be submitted to the identification section of the department of state
163 police for a state criminal history check and forwarded to the Federal Bureau of Investigation for
164 a national criminal history check, according to the policies and procedures established by the
165 identification section and by the department of criminal justice information services. The
166 department of state police and the Federal Bureau of Investigation are expressly authorized to
167 search criminal justice databases including all latent fingerprint submissions. Fingerprint
168 submissions may be retained by the Federal Bureau of Investigation, the state identification
169 section of the department of state police and the department of criminal justice information
170 services to assist qualified entities authorized under this chapter to ensure the continued
171 suitability of covered individuals to provide care for children. The department of criminal justice
172 information services may disseminate the results of the state and national criminal background
173 checks to the qualified entity and authorized staff of the qualified entity.

174 (h) A qualified entity may receive all available criminal offender record information and
175 the results of checks of state and national criminal history information databases under 34 USC §
176 40102. The department of children and families, any qualified entity that contracts with the

177 department of children and families, and any qualified entity that is licensed by the department of
178 early education and care shall also receive all conviction data, arrest data, sealed record data and
179 juvenile arrest or conviction data. Upon receipt of the results of the state and national criminal
180 background checks, the qualified entity shall treat the information according to sections 167
181 to 178, inclusive, of chapter 6 and the regulations thereunder regarding criminal offender record
182 information. Information obtained by the qualified entity under this section may be used only for
183 determining the suitability of the covered individual's fitness to have responsibility for the safety
184 and well-being of children and shall not be used or disseminated for any other purpose. Qualified
185 entities shall also provide covered individuals with information regarding how to obtain a copy
186 of the criminal history record information and the process by which the covered individual may
187 appeal to challenge the accuracy or completeness of the information contained in the criminal
188 history record information.

189 (i) An authorized qualified entity submitting background checks pursuant to this statute
190 shall also submit a sex offender registry information check to the sex offender registry board for
191 covered individuals.

192 (j) Notwithstanding subsections 9 and 9 1/2 of section 4 of chapter 151B, if the qualified
193 entity receives criminal history record information from the state or national fingerprint-based
194 criminal background checks that includes no disposition or is otherwise incomplete, the qualified
195 entity may request that a covered individual provide additional information regarding the results
196 of the criminal background checks to assist the qualified entity in determining suitability.

197 (k) Upon receipt of the results of a state and national criminal background check for a
198 covered individual, the authorized entity shall review the results and determine the suitability of
199 the covered individual.

200 (l) There shall be a fee charged for fingerprint-based background checks under this
201 section, established by the secretary of administration and finance in consultation with the
202 secretary of public safety and security, to offset the costs of operating and administering a
203 fingerprint-based criminal background check system. The secretary of administration and finance
204 in consultation with the secretary of public safety and security, may increase the fee accordingly
205 if the Federal Bureau of Investigation increases the fee for its fingerprint background check
206 service. Any fees collected from fingerprinting activity under this chapter shall be deposited into
207 the Fingerprint-Based Background Check Trust Fund established under section 2HHHH of
208 chapter 29.

209 (m) Nothing in this section shall be construed to prohibit the department of children and
210 families from requesting or conducting state or national criminal background checks on covered
211 individuals or from disseminating the results of such criminal background checks to qualified
212 entities where authorized by federal and state law as applicable.

213 SECTION 4. Chapter 15 of the General Laws, as appearing in the 2018 Official Edition,
214 is hereby amended by striking out section 18A and inserting in place thereof the following
215 section:-

216 Section 18A. (a) As used in this section, the words "includible compensation" and
217 "custodial account" shall have the same meaning as in section 403(b) of the Internal Revenue

218 Code of 1986, as amended; and the word "premiums" shall include contributions to a custodial
219 account.

220 (b) The state board of elementary and secondary education on behalf of any employee of
221 the department of elementary and secondary education, the boards of trustees of the Bristol
222 county agricultural school, the Essex agricultural and technical institute and the Norfolk county
223 agricultural school, on behalf of any employee at their respective schools, and the board or other
224 body or officer of any other public educational institution maintained and operated by the
225 commonwealth or by any county, on behalf of any employee thereof, may enter into a written
226 agreement with any such employee to purchase an individual or group annuity contract or any
227 other investment approved by the internal revenue service guidelines relative to section 403(b) of
228 the Internal Revenue Code of 1986, as amended, for such employee; provided, however, that in
229 no event shall the total of the premiums paid for the purchase of such annuity or other investment
230 and such employee's includible compensation for any year exceed the total annual salary or
231 compensation under the existing salary schedule for the job group applicable to such employee in
232 such year. Such employee's rights in such annuity contract or other investment shall be
233 nonforfeitable.

234 Any such annuity contract shall be purchased only from an insurer authorized to issue life
235 insurance or annuity contracts in the commonwealth; provided, however, that such board or other
236 body or officer may agree with any employee or prospective employee who has an annuity
237 contract in force for at least ninety days prior to the effective date of such agreement to continue
238 to make premium payments under such contract subsequent to the effective date of such
239 agreement, without regard to whether or not such contract has been issued by an insurer
240 authorized to issue such contracts in the commonwealth, but in such case any subsequent

241 contract shall be purchased only from an insurer authorized to issue life insurance or annuity
242 contracts in the commonwealth.

243 Upon execution of such an agreement, such board or other body or officer, shall forthwith
244 give written notice thereof to the treasurer of the commonwealth or the county or to the
245 appropriate payroll officer of such educational institution, as the case may be, and shall certify
246 the amount and dates of premiums payable under the terms of such annuity contract or of the
247 custodial agreement setting up the custodial account to hold such other investment; the name of
248 the issuer of such annuity contract or the custodian of such custodial account; and the office to
249 which such premium payments shall be made. Said treasurer or other payroll officer shall
250 thereafter make such premium payments while said contract or custodial agreement is in force
251 and such employee is actively employed by such board, and upon written notice duly given by
252 such board or other body or officer, shall make any changes in the manner or amount of premium
253 payments required under the terms of any subsequent agreement entered into by such employee
254 and such board or other body or officer, and shall stop such premium payments when so notified
255 by such board or other body or officer.

256 (c) The board of higher education, hereinafter referred to as the “board”, may establish,
257 administer and operate plans intended to comply with the provisions of section 403(b) of the
258 Internal Revenue Code of 1986, as amended. Such plans will be maintained for the exclusive
259 benefit of plan participants and their beneficiaries. Eligible employees, as determined by the
260 provisions of each plan, may include employees of the executive office of education; the
261 department of higher education; the department of elementary and secondary education; the
262 department of early education and care; the state universities; the state community colleges; and
263 any other department identified by the secretary of education that meets the requirements of an

264 eligible employer under said section 403(b) of the Internal Revenue Code. The sole source of
265 contributions to the plans shall be employees' elective contributions. Where applicable and
266 appropriate, the commonwealth shall remit such contributions to the provider selected by the
267 participant from those providers identified by the board as plan providers. Those plan providers
268 identified by the board may offer annuity or custodial accounts meeting the requirements of said
269 section 403(b) of the Internal Revenue Code. Investments of plan contributions shall be directed
270 by the participant. The board may promulgate regulations governing the administration of and
271 participation in the plans.

272 SECTION 5. Chapter 15D of the General Laws is hereby amended by striking out
273 sections 7 and 8 and inserting in place thereof the following 2 sections:-

274 Section 7. (a) The department shall issue and may renew a license to any person other
275 than a department, agency or institution of the commonwealth or any political subdivision
276 thereof, who meets applicable standards and requirements to establish and maintain or to assist in
277 the establishment and maintenance of a school-aged child care program, a child care center, a
278 family child care home, a placement agency, a large family child care home, or family foster care
279 which is not supervised and approved by a placement agency, residential program or temporary
280 shelter facility.

281 (i) As part of the department's licensing and background record check process, the
282 department, prior to issuing any license, shall: (1) obtain from the sex offender registry board all
283 available sex offender registry information, including all registration forms and documents
284 maintained by the sex offender registry board considered necessary by the department to
285 investigate background record checks or licensing violations, associated with the address of the

286 program, center, facility or home; and (2) conduct fingerprint-based checks of the state and
287 national criminal history databases, as authorized by Public Law 92–544. The fingerprint-based
288 checks shall be conducted on any current holder of or applicant for a family child care assistant
289 certificate or any current holder of or applicant seeking a license for: family child care; small
290 group and school age child care; large group and school age child care; a residential program; or
291 a placement agency. The fingerprint-based checks shall also be required for any household
292 member, age 15 or older, or any person, age 15 or older, regularly on the premises of applicants
293 for family child care licensure, as well as in-home non-relative caregivers. Authorized
294 department staff may receive all criminal offender record information and the results of checks
295 of state and national criminal history databases pursuant to Public Law 92–544. When the
296 department obtains the results of checks of state and national criminal history databases, it shall
297 treat the information according to sections 167 to 178, inclusive, of chapter 6 and the regulations
298 thereunder regarding criminal offender record information. Additionally, the department shall
299 obtain all available criminal offender record information through the department of criminal
300 justice information services consistent with clause (13) of subsection (a) of section 172 of
301 chapter 6 and section 172F of said chapter 6, and all supported findings and pending
302 investigations of abuse or neglect available through the department of children and families
303 consistent with sections 51B, 51E, and 51F of chapter 119. The department may require
304 additional checks as required by state or federal law.

305 (ii) As part of the department's licensing and background record check process, the
306 department shall conduct fingerprint-based checks of the state and national criminal history
307 databases, as authorized by Public Law 92–544, to determine the suitability of all current and
308 prospective candidates for employment or internships, whether or not those candidates have

309 unsupervised access to children, and all volunteers with unsupervised access to children in
310 department-licensed programs, unless specifically exempt by department regulations or policies.
311 The department shall outline in its regulations or policies the circumstances under which
312 candidates within department-licensed programs shall complete a background record check
313 through the department regardless of the candidate's unsupervised access to children. The
314 fingerprint-based checks shall also be required to determine the suitability of an individual who
315 provides transportation services on behalf of a department-licensed or approved program.
316 Authorized department staff may receive criminal offender record information and the results of
317 checks of state and national criminal history databases pursuant to Public Law 92-544. When the
318 department obtains the results of checks of state and national criminal history databases, it shall
319 treat the information according to sections 167 to 178, inclusive, of chapter 6 and the regulations
320 thereunder regarding criminal offender record information.

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

326 As part of the department's approval process, the department or an agency authorized by
327 the department, prior to issuing an approval, shall: (i) obtain from the sex offender registry board
328 all available sex offender registry information, including all registration forms and documents
329 maintained by the sex offender registry board considered necessary by the department to
330 investigate background record checks or licensing violations, associated with the address of the
331 center, home or facility; and (ii) conduct fingerprint-based checks of the state and national

332 criminal history databases, pursuant to Public Law 92–544, that are required under this
333 subsection.

334 The fingerprint-based checks of the state and national criminal history databases shall be
335 conducted, pursuant to Public Law 92–544, to determine the suitability of all current or
336 prospective candidates for employment and internships, whether or not those candidates have
337 unsupervised access to children, and all candidates for volunteer positions with unsupervised
338 access to children in department-approved programs, unless specifically exempt by department
339 regulations or policies. The fingerprint-based checks shall also be required to determine the
340 suitability of an individual who provides transportation services on behalf of a department-
341 approved program. Authorized department staff may receive criminal offender record
342 information and the results of checks of state and national criminal history information databases
343 pursuant to Public Law 92–544. When the department obtains the results of checks of state and
344 national criminal information databases, it shall treat the information according to sections 167 to
345 178, inclusive, of chapter 6 and the regulations thereunder regarding criminal offender record
346 information.

347 The fingerprint-based checks of the state and national criminal history databases shall be
348 conducted, pursuant to Public Law 92-544, to determine the suitability of all current or
349 prospective candidates for employment and internships, whether or not those candidates have
350 unsupervised access to children, and all candidates for volunteer positions with unsupervised
351 access to children in programs run by public school districts where families of children enrolled
352 in such programs receive funding from the department, unless specifically exempt by department
353 regulations or policies. The fingerprint-based checks shall also be required to determine the
354 suitability of an individual who provides transportation services on behalf of a department-

355 approved program. Authorized department staff may receive all criminal offender record
356 information and the results of checks of state and national criminal history information databases
357 pursuant to Public Law 92-544. When the department obtains the results of checks of state and
358 national criminal information databases, it shall treat the information according to sections 167 to
359 178, inclusive, of chapter 6 and the regulations thereunder regarding criminal offender record
360 information.

361 (c) With respect to department-licensed and approved child care programs and any other
362 program subject to 42 U.S.C. section 9858, additional background record checks shall be
363 required by the department's regulations or policies consistent with federal and state law.

364 (d) The department may issue a provisional license for or may provisionally approve a
365 school-aged child care program, a child care center, family child care home or large family child
366 care home, family foster care which is not supervised and approved by a placement agency,
367 placement agency, group care facility or temporary shelter facility, which has not previously
368 operated, or is operating, but is temporarily unable to meet applicable standards and
369 requirements. A provisional license or approval shall be issued for a period of not more than 6
370 months, and a person shall not operate under a provisional license, provisional approval, or
371 renewal thereof for more than 12 consecutive months.

372 (e) Nothing in this section shall be construed to create a private right of action if a
373 provider has acted in accordance with this section.

374 Section 8. (a) The board shall adopt regulations relative to the requirements for licensure
375 and approval of school-aged child care programs, child care centers, family child care homes or
376 large family child care homes and family foster care which is not supervised and approved by a

377 placement agency, placement agencies, group care facilities or temporary shelter facilities. These
378 regulations shall be appropriate for the protection of the health, well-being and development of
379 children and shall include, but need not be limited to, provisions relative to: (1) admission
380 policies and procedures; (2) safe transport of children; (3) physical plant and equipment; (4) the
381 number and qualifications of staff; (5) the nature of programs of care or treatment; (6) behavior
382 management and child guidance policies and procedure; (7) health care and nutrition; (8) rights
383 and responsibilities of parents, children and staff; (9) record keeping and other procedures
384 relevant to evaluation including, but not limited to, reports by placement agencies detailing the
385 number and nature, as defined jointly by the University of Massachusetts center for adoption
386 research and policy in the city of Worcester and the department of children and families, of
387 adoptions processed during each calendar quarter to be filed with the center annually on or
388 before January 30 ; (10) organization, financing and administration; and (11) the imposition of
389 civil fines and other sanctions. The board shall consult with the board of elementary and
390 secondary education and the executive offices of public safety and health and human services
391 before adopting these rules and regulations. The board shall submit any rules and regulations, or
392 revisions to them, to the joint committee on education for review and comment at least 60 days
393 before adoption.

394 (b) The regulations may establish classifications for department-licensure, approval or
395 funding that are necessary to achieve the purposes of this section, but the standards and
396 requirements for approval of a child care center, family child care home or large family child
397 care home, placement agency, group care facility, or temporary shelter operated by a department,
398 agency or institution of the commonwealth or any political subdivision thereof shall be the same
399 as or higher than those applicable to the licensure of comparable facilities or services. The

400 regulations shall establish reasonable license fees and appropriate terms for all licenses granted
401 under this section. No license or approval shall be transferable.

402 (c) The regulations, as they relate to standards and requirements for licensure and
403 approval of large family child care homes, shall include, but not be limited to, appropriate
404 standards for: 1 or more approved assistants as provided in this chapter; additional floor space;
405 staff-to-child ratios for multiple age and size groupings; limitations on the number of infants in
406 care at 1 time; the hours of school-aged care; the number and age of school-aged children cared
407 for; a prerequisite that a provider have at least 3 years of experience in licensed family child care
408 and have completed at least 5 hours of specialized training before licensure as a large family
409 child care provider and at least 10 hours of training each subsequent year. In formulating the
410 regulations pertinent to family child care homes, large family child care homes and family foster
411 care, the department shall give special attention to fire and safety precautions.

412 (d) The timing, scope and nature of the department's background record check process
413 shall be established by the board in its regulations or policies, consistent with federal and state
414 law. Nothing in this section shall prevent the department from completing the background record
415 check process in a shorter amount of time than that required by federal or state law. The
416 regulations shall provide that: a person providing child care or support services or with
417 unsupervised access to children in a program or facility licensed, approved or funded by the
418 department and household members, age 15 or older, or persons regularly on the premises, age
419 15 or older, of family child care and large family child care homes shall be subject to a
420 background record check not less than every 3 years in accordance with regulations established
421 by the department; provided, however, that a candidate for employment in a department-
422 licensed, approved or funded program who is subject to a fingerprint-based check of the state and

423 national criminal history databases for the same employer that is approved pursuant to chapters
424 19B or 71B shall submit to a fingerprint-based check under regulations established by the
425 department; provided further, that a person who is considered suitable by the department shall
426 not be subject to more than 1 fingerprint-based check every 3 years to maintain employment with
427 the same employer that is department-licensed, approved or funded pursuant to this chapter and
428 is subject to said chapters 19B or 71B, and shall not be subject to duplicative fingerprint-based
429 checks for the same employer when fingerprinted for the department first unless an exception
430 described in the regulations or policies of the department applies or an increased frequency is
431 required by state or federal law; and provided further, that the department shall only determine
432 whether an applicant is suitable for affiliation with a department-licensed, approved or funded
433 program.

434 The board shall adopt regulations establishing that the following individuals shall be
435 subject to a sex offender registry information check pursuant to sections 178I and 178J of
436 chapter 6: (1) each person defined as an applicant of a department-licensed, approved or funded
437 program; (2) individuals who are providing child care or support services with unsupervised
438 access to children in a program or facility licensed, approved or funded by the department when
439 mandated by department regulations or policies consistent with federal and state law; (3)
440 household members, age 15 or older, or persons regularly on the premises, age 15 or older, of
441 family child care and large family child care homes; (4) department-funded caregivers or
442 candidates for employment, internships or volunteer positions within programs in receipt of
443 federal funding pursuant to 42 U.S.C. section 9858, consistent with department regulations or
444 policies; and (5) an individual who provides transportation services on behalf of a department-
445 licensed, funded or approved program. The regulations shall establish the conditions upon which

446 the department may deny an application for a license, a license renewal or approval, employment
447 or department funding. The board shall adopt regulations establishing an address search of the
448 sex offender registry for the purposes of licensing and license renewal or approval of school-
449 aged child care programs, child care centers, family child care homes, placement agencies or
450 large family child care homes, family foster care that is not supervised and approved by a
451 placement agency, group care facilities or temporary shelter facilities, including the conditions
452 under which the department may deny an application for a license, license renewal, approval or
453 funding based upon the information obtained from the address search of the sex offender
454 registry.

455 (e) Any rule or regulation involving medical treatment shall include appropriate
456 exemptions for children whose parents object to such treatment on the ground that it conflicts
457 with the tenets and practice of a recognized church or religious denomination of which the parent
458 or child is an adherent or member. The regulations shall require that each child care program
459 licensed or approved by the department shall obtain from a parent or guardian of a child in care
460 under the age of 6 years, but not less than 2 years of age, a statement, signed by a physician or an
461 employee of a health care agency, that the child has been screened for lead poisoning. This
462 statement shall be obtained upon the child's enrollment if the child is 2 years of age or older or at
463 the time the child reaches 2 years of age.

464 (f) The regulations shall require that any person who operates a school-age child care
465 program, as defined in section 2 of chapter 132B, or a child care center shall comply with the
466 requirements regarding pesticide applications as set forth in sections 6C to 6I, inclusive of said
467 chapter 132B.

468 (g) Fines authorized by this section shall range from \$50 to \$1,000. In no case shall a fine
469 imposed on a family child care home, large family child care home or child care center exceed a
470 maximum fine of \$250 per violation.

471 (h) The department shall provide consultation to assist applicants in meeting its
472 requirements for licensure or approval, and in meeting other applicable state and local
473 requirements relative to fire, safety, and zoning codes.

474 (i) The board shall conduct a comprehensive review of rules and regulations established
475 under this section at least once every 5 years.

476 (j) Fingerprints, as referenced in subsections (a) and (b) of section 7 and subsection (d),
477 shall be submitted to the identification section of the department of state police for a state
478 criminal history check and forwarded to the Federal Bureau of Investigation for a national
479 criminal history check, according to the policies and procedures established by the identification
480 section of the department of state police and by the department of criminal justice information
481 services. Fingerprint submissions may be retained by the Federal Bureau of Investigation, the
482 identification section of the department of state police and the department of criminal justice
483 information services to assist the department of early education and care in the department's
484 review of suitability for initial or continued licensure, certification, approval or funding. The
485 department of criminal justice information services may disseminate the results of a state and
486 national criminal history check to the department of early education and care to determine the
487 suitability of: (i) a current holder of or applicant for a family child care, small group and school
488 age, large group and school age and residential and placement license or family child care
489 assistant certificate; (ii) current and prospective candidates for employment and for internships

490 and volunteer positions where there is unsupervised access to children in a department-licensed,
491 approved or funded program consistent with department regulations or policies and with federal
492 and state law; (iii) household members, age 15 or older, or all persons, age 15 or older, regularly
493 on the premises, of current family child care providers and applicants for family child care
494 licensure; (iv) department-funded caregivers or candidates within programs in receipt of federal
495 funding pursuant to 42 U.S.C. section 9858, consistent with department regulations or policies;
496 and (v) an individual who is a current or prospective provider of transportation services on behalf
497 of, whether or not they have unsupervised access to children in, a department-licensed, approved
498 or funded program, consistent with department regulations or policies. If the department receives
499 information from a background record check that does not include a final disposition or is
500 otherwise incomplete, the department may request that a candidate, either new or renewing,
501 provide additional information to assist the department in determining the suitability of the
502 individual for licensure, certification, approval, funding or employment.

503 The board of early education and care shall, in a manner provided by law and under this
504 chapter, promulgate regulations necessary to carry out this subsection. The regulations shall
505 address the circumstances under which a licensed, approved or funded program may hire an
506 individual in provisional status consistent with this section, the department's regulations or
507 policies and the federal requirements of 42 U.S.C. section 9858f.

508 For the purposes of this subsection, "provisional status" shall mean the standing of a
509 candidate for employment, an internship or a volunteer position with a department-licensed,
510 approved or funded program, or a candidate who has access to children in those programs, who
511 the department preliminarily approves to have supervised access to children after obtaining the
512 results of a state and national fingerprint-based criminal history check and required sex offender

513 checks consistent with federal and state law and the department's regulations or policies. A
514 candidate may be hired by the employer in provisional status if the employer determines that
515 hiring the candidate is necessary and authorized by department regulations or policies and is
516 consistent with federal law. Candidates in provisional status shall adhere to the requirements in
517 department regulations and policies. If a program or transportation provider seeks to hire a
518 candidate in provisional status, the department may request that the candidate provide additional
519 information regarding the individual's history of criminal convictions, if any, to assist the
520 department in determining the individual's suitability for provisional status; provided, however,
521 that access to children shall not occur prior to the program or transportation provider obtaining
522 the results of a fingerprint-based state and national criminal check and all sex offender registry
523 information checks pursuant to sections 178I and 178J of chapter 6 and consistent with federal
524 and state law and department regulations and policies.

525 The department of criminal justice information services shall disseminate the results of
526 the criminal background check to the department. The department of criminal justice information
527 services shall only disseminate information under this section that would otherwise be available
528 to requesting entities pursuant to sections 167 to 178, inclusive, of chapter 6 and the regulations
529 thereto regarding criminal offender record information.

530 (k) The board shall adopt regulations establishing the conclusiveness of information
531 obtained by the department in an address search of the sex offender registry for purposes of
532 licensing, license renewal or approval of school-aged child care programs, child care centers,
533 family child care homes, placement agencies or large family child care homes, family foster care
534 that is not supervised and approved by a placement agency, group care facilities or temporary
535 shelter facilities, including the conditions in which the address search of the sex offender registry

536 shall be sufficient cause for the department to deny an application for a license, license renewal
537 or approval.

538 (l) All persons required to submit fingerprints pursuant to this chapter, including, but not
539 limited to: (i) a current holder of or applicant for a family child care, small group and school age,
540 large group and school age and residential and placement license, or family child care assistant
541 certificate; (ii) current and prospective candidates for employment, internships and volunteer
542 positions in department-licensed, approved or funded programs, consistent with department
543 regulations or policies; (iii) household members, age 15 or older, or persons, age 15 or older,
544 regularly on the premises of current family child care providers and applicants for family child
545 care licensure; (iv) department-funded caregivers or candidates within programs in receipt of
546 federal funding pursuant to 42 U.S.C. section 9858, consistent with department regulations or
547 policies; and (v) a current or prospective candidate who provides transportation services on
548 behalf of, or who has unsupervised access to children in, a department-licensed, approved or
549 funded program, consistent with department regulations or policies, shall pay a fee, to be
550 established by the secretary of administration and finance, in consultation with the secretary of
551 public safety and security and the commissioner, to offset the costs of operating and
552 administering a fingerprint-based criminal background check system. The fee shall not be more
553 than 35 dollars per person. The secretary of administration and finance, in consultation with the
554 secretary of public safety and security and the commissioner, may increase the fee accordingly if
555 the Federal Bureau of Investigation increases its fingerprint background check service fee. The
556 department-licensed, approved or funded programs may reimburse candidates for employment,
557 internships or volunteer positions, for all or a portion of the fee on the grounds of financial
558 hardship. Fees collected from fingerprinting activity pursuant to this chapter shall be deposited

559 into the Fingerprint–Based Background Check Trust Fund, established by section 2HHHH of
560 chapter 29.

561 (m) The department's review process into a person's presumptive and discretionary
562 disqualifications shall include an opportunity for the person to address department personnel, if
563 requested by the person, about any disqualifications. Upon receipt of such a request, it shall be
564 within the discretion of the department to conduct a telephone interview, in-person interview or
565 to accept a written statement by the person to make a final suitability determination.

566 (n) Nothing in this section shall be construed to create a private right of action if a
567 provider has acted in accordance with this section.

568 SECTION 6. The last sentence of subsection (a) of section 69 of chapter 23A of the
569 General Laws, as added by section 9 of chapter 358 of the acts of 2020, is hereby amended by
570 striking out clause (ii) and inserting in place thereof the following clause:-

571 (ii) owned by a person who is of low or moderate income.

572 SECTION 7. Section 2HHHH of chapter 29 of the General Laws, as appearing in the
573 2018 Official Edition, is hereby amended by striking out, in lines 4 and 5, the words “sections 7
574 and 8 of chapter 15D, section 38R of chapter 71” and inserting in place thereof the following
575 words:- section 172O of chapter 6, sections 7 and 8 of chapter 15D, section 38R of chapter 71,
576 section 26 of chapter 112A.

577 SECTION 8. Said section 2HHHH of said chapter 29, as so appearing, is hereby further
578 amended by striking out, in lines 14 and 15, the words “said sections 7 and 8 of said chapter
579 15D, section 38R of chapter 71” and inserting in place thereof the following words:- section

580 172O of chapter 6, sections 7 and 8 of chapter 15D, section 38R of chapter 71, section 26 of
581 chapter 112A.

582 SECTION 9. Subsection (b) of section 2WWW of chapter 29 of the General Laws, as
583 so appearing, is hereby amended by adding the following words:- ; provided that money in the
584 fund may also be expended for payments to such hospitals necessary to reconcile prior-year
585 assessment amounts due to timing discrepancies in the calculation of the ratio described in
586 subsection (b) of section 67 of chapter 118E.

587 SECTION 10. Subdivision (1) of section 22C of chapter 32 of the General Laws, as
588 appearing in the 2018 Official Edition, is hereby amended by striking out clause (ii) and inserting
589 in place thereof the following clause:- (ii) the administrative costs of the deferred compensation
590 plan operated by the board of higher education authorized by section 18A of chapter 15, and the
591 employer contributions and administrative costs of the optional retirement program authorized
592 by section 40 of chapter 15A; and.

593 SECTION 11. Subsection (c) of section 3A of chapter 40A of the General Laws, as added
594 by section 18 of chapter 358 of the acts of 2020, is hereby amended by inserting, after the word
595 “department” the first time it appears, the following words:- of housing and community
596 development.

597 SECTION 12. The fifth paragraph of section 5 of chapter 40A of the General Laws, as
598 amended by section 19 of chapter 358 of the acts of 2020, is hereby further amended by striking
599 out clause (4) and inserting in place thereof the following clause:-

600 (4) the adoption of a smart growth zoning district or starter home zoning district in
601 accordance with section 3 of chapter 40R.

602 SECTION 13. Said section 5 of said chapter 40A, as so amended, is hereby further
603 amended by inserting after the fifth paragraph the following 2 paragraphs:-

604 Any amendment that requires a simple majority vote shall not be combined with an
605 amendment that requires a two-thirds majority vote.

606 If, in a city or town with a council of fewer than 25 members, there is filed with the clerk
607 prior to final action by the council a written protest against a zoning change under this section,
608 stating the reasons duly signed by owners of 50 per cent or more of the area of the land proposed
609 to be included in such change or of the area of the land immediately adjacent extending 300 feet
610 therefrom, no change of any such ordinance shall be adopted except by a two-thirds vote of all
611 members.

612 SECTION 14. Section 4G of chapter 40J of the General Laws, as appearing in the 2018
613 Official Edition, is hereby amended by adding the following subsection:-

614 (c) Notwithstanding the requirements of subsections (a) and (b), the fund may be used to
615 support technology and innovation ecosystems through grants or loans for facilities that foster
616 innovation, demonstration, research and product development in emerging technologies and
617 systems of strategic importance to the commonwealth, including but not limited to artificial
618 intelligence, robotics, quantum computing, advanced manufacturing, cyber security, financial
619 technology, blockchain and marine technologies. Grants may be made to public entities, public
620 or private universities, and private business entities; provided, however, that private universities
621 and business entities shall be eligible for assistance from the fund only when the corporation has
622 made a finding that a grant to such entity will result in a significant public benefit and the private
623 benefit is incidental to a legitimate public purpose. Capital assets acquired with grant funds may

624 be privately owned or leased to a private entity when necessary to achieve the public purpose of
625 the grant.

626 SECTION 15. Chapter 40X of the General Laws, as inserted by section 56 of chapter 358
627 of the acts of 2020, is hereby amended by striking out section 8 and inserting in place thereof the
628 following section:-

629 Section 8. (a) The municipal governing body of a lead jurisdiction must notify the
630 commissioner of its approval of a tourism destination marketing district, the rate at which the
631 special assessment is to be imposed, and the effective date of the special assessment. This
632 notification must be received by the commissioner within 48 hours of the formal approval of the
633 tourism destination marketing district by the local municipal governing body of the lead
634 jurisdiction. The special assessment shall take effect on the first day of the first calendar quarter
635 following 30 days after approval by the municipal governing body of a lead jurisdiction of the
636 tourism destination marketing district, provided that the assessment shall not take effect for a
637 calendar quarter if the commissioner has not first been notified of the adoption of the assessment
638 at least 28 days before the start of such calendar quarter.

639 (b) The management entity of a tourism destination marketing district must, with respect
640 to every lodging business operating in the tourism destination marketing district, report to the
641 commissioner the lodging business's name, address including zip code, federal employment
642 identification number, and any other information the commissioner may require within 30 days
643 after approval by the municipal governing body of a lead jurisdiction of the tourism destination
644 marketing district. The management entity must report this information to the commissioner

645 with respect to any lodging businesses added to the tourism destination marketing district within
646 30 days of such addition.

647 (c) Assessed lodging businesses shall pay the tourism destination marketing district
648 special assessment to and file a return with the commissioner at the same time and in the same
649 manner provided for filing the return required by paragraph (g) of section 16 of chapter 62C.
650 Such special assessment shall be treated as tax for administration and collection purposes and
651 shall be subject to chapter 62C. All sums received by the commissioner under this chapter shall,
652 at least quarterly, be distributed, credited and paid by the state treasurer upon certification of the
653 commissioner, to each management entity in proportion to the amount of such sums received
654 from the respective tourism destination marketing districts.

655 The special assessments collected shall be used solely to fund supplemental services
656 identified and approved in the tourism destination marketing district plan for the tourism
657 destination marketing district.

658 (d) An annual audit, certified by a certified public accountant, of the revenues generated,
659 the grants, donations and gifts received, and the expenses incurred by the tourism destination
660 marketing district shall be made within 120 days of the close of the fiscal year, and shall be
661 placed on file with the commissioner. Such accounting shall be a public record.

662 (e) The commissioner may promulgate regulations and issue other guidance for the
663 assessing, reporting, collecting, remitting and enforcement of the special assessment under this
664 section.

665 SECTION 16. Section 9 of said chapter 40X, as inserted by said section 56 of said
666 chapter 358, is hereby amended by adding the following subsection:-

667 (e) The municipal governing body of a lead jurisdiction shall notify the commissioner of
668 the approval of any amendment to a tourism destination marketing district plan within 48 hours
669 of the formal approval of such amendment. Any change in assessment rate shall take effect in
670 the manner provided in subsection (a) of section 8 of this chapter.

671 SECTION 17. Said chapter 40X, as inserted by said section 56 of said chapter 358, is
672 hereby further amended by striking out section 11 and inserting in place thereof the following
673 section:-

674 Section 11. (a) The validity of an assessment levied pursuant to this chapter shall not be
675 contested in any action or proceeding unless the action or proceeding is commenced within 30
676 days after the formal approval of the tourism destination marketing district by the local
677 municipal governing body of the lead jurisdiction. Any appeal from a final judgment in an action
678 or proceeding shall be perfected within 30 days after entry of judgment.

679 (b) Notwithstanding subsection (a), the provisions of chapter 62C shall apply to disputes
680 regarding the proper amount of assessment due from a lodging business pursuant to this chapter.

681 SECTION 18. Chapter 63 of the General Laws is hereby amended by inserting after
682 section 38HH the following section:-

683 Section 38II. (a) As used in this section, the following words shall have the following
684 meanings unless the context clearly requires otherwise:

685 "Commissioner", the commissioner of revenue.

686 "Cranberry bog", an area actively cultivated for the harvesting or production of
687 cranberries.

688 "Qualified renovation", the renovation, repair, replacement, regrading or restoration of a
689 cranberry bog for the cultivation, harvesting or production of cranberries or any other activity or
690 action associated with the renovation of an abandoned cranberry bog; provided, however, that
691 "qualified renovation" shall not include the construction of facilities or structures for the
692 processing of cranberries.

693 "Qualified renovation expenditure", an expenditure or a cost directly incurred in
694 connection with the qualified renovation of a cranberry bog; provided, however, that "qualified
695 renovation expenditure" shall not include costs incurred in acquiring or purchasing property for
696 the construction of facilities or structures for the cultivation, harvesting or production of
697 cranberries.

698 "Secretary", the secretary of energy and environmental affairs.

699 "Taxpayer", a taxpayer subject to taxation under this chapter.

700 (b)(1) A taxpayer primarily engaged in cranberry production shall be allowed a credit
701 against the taxes imposed by this chapter equal to 25 per cent of the total qualified renovation
702 expenditures incurred in connection with the qualified renovation of a cranberry bog during the
703 taxable year; provided, however, the amount of the credit that may be claimed by a taxpayer
704 under this section shall not exceed \$100,000.

705 (2) The credit under this section shall be taken against the taxes imposed under this
706 chapter and shall be refundable. The commissioner shall apply the credit against the liability of
707 the taxpayer as determined on its return, as first reduced by any other available credits, and shall
708 then refund to the taxpayer the balance of the credits. If the amount of the credit allowed under
709 this section exceeds the taxpayer's tax liability, the commissioner shall treat the excess as an

710 overpayment and shall pay the taxpayer the entire amount of the excess. Any amount of the tax
711 credit that exceeds the tax due for a taxable year may be carried forward by the taxpayer to any
712 of the 5 subsequent taxable years.

713 (3) The secretary, in consultation with the commissioner of agricultural resources, shall
714 authorize annually, for the period beginning January 1, 2020 and ending December 31, 2024, tax
715 credits under this subsection together with subsection (w) of section 6 of chapter 62 in an amount
716 not to exceed \$2,000,000 per taxable year. No credits shall be allowed under this section except
717 to the extent authorized in this section.

718 (c) For a taxpayer to qualify for the credit provided for under this section, the taxpayer
719 shall file with the secretary a summary of qualified renovation expenditures in connection with
720 the qualified renovation. The secretary shall approve the summary of qualified renovation
721 expenditures and provide notice to the commissioner. Any qualified renovation expenditures
722 applicable to this credit shall be treated for purposes of this section as made on the date that the
723 secretary provides notice of the certification to the commissioner.

724 (d) Any portion of tax credits not awarded by the secretary in a calendar year shall not be
725 applied to awards in a subsequent calendar year. The secretary shall provide any documentation
726 that the commissioner may deem necessary to confirm compliance with paragraph (3) of
727 subsection (b) and the commissioner shall provide a report confirming compliance to the
728 secretary of administration and finance.

729 (e) The secretary shall annually, not later than September 1, file a report with the house
730 and senate committees on ways and means, the joint committee on environment, natural
731 resources and agriculture and the joint committee on revenue identifying the total amount of tax

732 credits claimed and the total amount of tax credits refunded pursuant to this section in the
733 preceding fiscal year.

734 (f) The secretary, in consultation with the commissioner of agricultural resources and the
735 commissioner of revenue, shall promulgate regulations or other guidelines necessary for the
736 administration and implementation of this section.

737 SECTION 19. The fifth paragraph of subsection (a) of section 7 of chapter 93L of the
738 General Laws, as added by section 65 of chapter 358 of the acts of 2020, is hereby amended by
739 striking out the words “provided further, that records” and inserting in place thereof the following
740 words:-

741 provided further, that such student loan ombudsman records.

742 SECTION 20. Section 5K of chapter 111 of the General Laws, as appearing in the 2018
743 Official Edition, is hereby amended by striking out, in line 65, the words “existing and
744 proposed”.

745 SECTION 21. Said section 5K of said chapter 111, as so appearing, is hereby further
746 amended by inserting, in line 66, after the word “commonwealth” the following words:- ,
747 including a nuclear power plant that is no longer operating, until the U.S. Nuclear Regulatory
748 Commission has approved all areas of the site for unrestricted use, excluding the Independent
749 Spent Fuel Storage Installation licensed by the U.S. Nuclear Regulatory Commission, and the
750 unrestricted use areas meet the radiological release criteria established in regulations
751 promulgated pursuant to section 5N. Such assessments shall be.

752 SECTION 22. Subsection (E) of said section 5K of said chapter 111, as so appearing, is
753 hereby further amended by striking out the second and third sentences.

754 SECTION 23. Said section 5K of said chapter 111, as so appearing, is hereby further
755 amended by striking out, in lines 91 and 92, the words “General Fund and credited to the
756 department” and inserting in place thereof the following words:- Radiation Control Trust
757 account.

758 SECTION 24. Subsection (a) of section 220 of said chapter 111, as so appearing, is
759 hereby amended by adding before the definition of “forensic examination” the following
760 definitions:-

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

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

768 SECTION 25. Said section 220 of said chapter 111, as so appearing, is hereby further
769 amended by adding the following subsection:-

770 (i) In consultation with the advisory board, the department shall establish fees to be
771 assessed on designated SANE sites for the provision of certified sexual assault nurse examiner

772 services. Such fees shall be directed to the Sexual Assault Nurse Examiner Trust Fund
773 established in section 2VVVV of chapter 29.

774 SECTION 26. Chapter 111D of the General Laws is hereby amended by striking out
775 section 1 and inserting in place thereof the following section:-

776 Section 1. As used in this chapter, the following words shall, unless the context requires
777 otherwise, have the following meaning:-

778 (1) "CLIA-waived test", a test that the federal Centers for Medicare and Medicaid
779 Services has determined qualifies for a Certificate of Waiver under the federal Clinical
780 Laboratory Improvement Amendments of 1988 (CLIA).

781 (2) "Clinical Laboratory", a facility or place, however named, the purpose of which is to
782 make biological, serological, chemical, immuno-hematological, cytological, pathological, or
783 other examinations of materials derived from a human body.

784 (3) "Commissioner", the commissioner of public health.

785 (4) "Company", a corporation, partnership, limited liability company, limited liability
786 partnership, an association, a trust or an organized group of persons, whether incorporated or not.

787 (5) "Department", the department of public health in the executive office of human
788 services.

789 (6) "Exempt test", a test designated by the department as a simple laboratory examination
790 or a procedure that has an insignificant risk of error, including but not limited to, CLIA-waived
791 tests. Exempt test also may include tests designated by the department that the federal Centers
792 for Medicare and Medicaid Services has determined qualify for a Certificate of Provider

793 Performed Microscopy under the federal Clinical Laboratory Improvement Amendments of 1988
794 (CLIA).

795 (7) "Ownership interest", interests including, but not limited to, any membership,
796 proprietary interest, shares of stock in a corporation, units or other interest in a partnership,
797 bonds, debentures, notes or other equity interest or debt instrument or co-ownership in any form.

798 (8) "Person", corporations, societies, associations, partnerships, limited liability
799 companies, limited liability partnerships, trusts, organized group of persons, whether
800 incorporated or not, an individual or the individual's estate upon death, any other entity
801 including, but not limited to, medical practice, medical office, clinic, counseling center,
802 substance use disorder treatment program or sober house or a political subdivision of the
803 commonwealth.

804 SECTION 27. Section 2 of said chapter 111D of the General Laws, as appearing in the
805 2018 Official Edition, is hereby amended by striking out clause (9) and inserting in place thereof
806 the following 2 clauses:-

807 (9) to classify, with the advice of the advisory committee on clinical laboratories,
808 laboratory tests as exempt for purposes of licensing physician clinical laboratories; and

809 (10) to establish minimum qualifications of laboratory personnel.

810 SECTION 28. Section 7 of said chapter 111D is hereby repealed.

811 SECTION 29. Section 8 of said chapter 111D of the General Laws, as appearing in the
812 2018 Official Edition, is hereby amended by striking out clause (7) and inserting in place thereof
813 the following clause:-

814 (7) examine any specimen derived from a human body except upon the written request of
815 a licensed physician or other licensed health care practitioner authorized under chapter 112 to
816 make such a written request or, for the sole purpose of requesting urine drug screening,
817 department-licensed substance abuse programs, state agencies or those vendors that contract with
818 state agencies and are designated by the contracting agency to request such screenings, or other
819 person authorized to use the report of such examination by provision of chapter 112, unless such
820 examination is for the sole purpose of testing the accuracy or sufficiency of the procedures or
821 equipment of a clinical laboratory and is by instruction of the director of such laboratory, or
822 unless such examination is for the purpose of providing a health promotion screening program
823 and is not used for diagnosis or treatment of patients;

824 SECTION 30. Said section 8 of said chapter 111D, as so appearing, is hereby further
825 amended by striking out clause (11) and inserting in place thereof the following clause:-

826 (11) employ a person as a director of a clinical laboratory, or to serve as a director of a
827 clinical laboratory, except as authorized by department regulation, rule or order pursuant to
828 section 2 of this chapter;

829 SECTION 31. Chapter 112 of the General Laws is hereby amended by striking out
830 section 76B and inserting in place thereof the following section:-

831 Section 76B. (a) Any person who has taken and passed an examination approved by the
832 board and conducted in the English language, and has been registered by a province of Canada,
833 and meets the eligibility requirements of clinical and theoretical study as determined by the
834 board, and furnishes to the board satisfactory proof of good moral character and having
835 graduated from a school of nursing approved by the board of nursing in the jurisdiction in which

836 the applicant was originally registered shall be deemed to have met standards substantially the
837 same as those of the commonwealth for the licensing of nurses and shall be licensed in the
838 commonwealth without examination.

839 (b) Any person who has taken and passed an examination approved by the board and
840 conducted in a language other than English, and has taken and passed a test of English
841 Proficiency approved by the Board, and has been registered by a province of Canada, and meets
842 the eligibility requirements of clinical and theoretical study as determined by the board, and
843 furnishes to the board satisfactory proof of good moral character and having graduated from a
844 school of nursing approved by the board of nursing in the jurisdiction in which the applicant was
845 originally registered shall be deemed to have met standards substantially the same as those of the
846 commonwealth for the licensing of nurses and shall be licensed in the commonwealth without
847 examination.

848 SECTION 32. The General Laws are hereby amended by inserting after chapter 112 the
849 following chapter:-

850 Chapter 112A. Interstate Medical Licensure Compact

851 Section 1.

852 In order to strengthen access to health care, and in recognition of the advances in the
853 delivery of health care, the member states of the Interstate Medical Licensure Compact have
854 allied in common purpose to develop a comprehensive process that complements the existing
855 licensing and regulatory authority of state medical boards, provides a streamlined process that
856 allows physicians to become licensed in multiple states, thereby enhancing the portability of a
857 medical license and ensuring the safety of patients. The compact creates another pathway for

858 licensure and does not otherwise change a state’s existing Medical Practice Act. The compact
859 also adopts the prevailing standard for licensure and affirms that the practice of medicine occurs
860 where the patient is located at the time of the physician-patient encounter, and therefore, requires
861 the physician to be under the jurisdiction of the state medical board where the patient is located.
862 State medical boards that participate in the compact retain the jurisdiction to impose an adverse
863 action against a license to practice medicine in that state issued to a physician through the
864 procedures in the compact.

865 Section 2.

866 As used in this chapter, the following words shall have the following meanings:

867 “Bylaws”, those bylaws established by the Interstate Commission pursuant to section 11.

868 “Commissioner”, the voting representative appointed by each member board pursuant to
869 section 11.

870 “Conviction”, a finding by a court that an individual is guilty of a criminal offense
871 through adjudication, or entry of a plea of guilt or no contest to the charge by the offender.
872 Evidence of an entry of a conviction of a criminal offense by the court shall be considered final
873 for purposes of disciplinary action by a member board.

874 “Expedited License”, a full and unrestricted medical license granted by a member state to
875 an eligible physician through the process set forth in the compact.

876 “Interstate Commission”, the interstate commission created pursuant to section 11.

877 “License”, authorization by a member state for a physician to engage in the practice of
878 medicine, which would be unlawful without authorization.

879 “Medical Practice Act”, laws and regulations governing the practice of allopathic and
880 osteopathic medicine within a member state.

881 “Member Board”, a state agency in a member state that acts in the sovereign interests of
882 the state by protecting the public through licensure, regulation and education of physicians as
883 directed by the state government.

884 “Member State”, a state that has enacted the compact.

885 “Practice of Medicine”, clinical prevention, diagnosis or treatment of human disease,
886 injury or condition requiring a physician to obtain and maintain a license in compliance with the
887 Medical Practice Act of a member state.

888 “Physician”, any person who (i) is a graduate of a medical school accredited by the
889 Liaison Committee on Medical Education, the Commission on Osteopathic College
890 Accreditation, or a medical school listed in the International Medical Education Directory or its
891 equivalent; (ii) passed each component of the United States Medical Licensing Examination
892 (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA)
893 within three attempts, or any of its predecessor examinations accepted by a state medical board
894 as an equivalent examination for licensure purposes; (iii) successfully completed graduate
895 medical education approved by the Accreditation Council for Graduate Medical Education or the
896 American Osteopathic Association; (iv) holds specialty certification or a time-unlimited specialty
897 certificate recognized by the American Board of Medical Specialties or the American
898 Osteopathic Association’s Bureau of Osteopathic Specialists; (v) possesses a full and
899 unrestricted license to engage in the practice of medicine issued by a member board; (vi) has
900 never been convicted, received adjudication, deferred adjudication, community supervision or

901 deferred disposition for any offense by a court of appropriate jurisdiction; (vii) has never held a
902 license authorizing the practice of medicine subjected to discipline by a licensing agency in any
903 state, federal or foreign jurisdiction, excluding any action related to non-payment of fees related
904 to a license; (viii) has never had a controlled substance license or permit suspended or revoked
905 by a state or the United States Drug Enforcement Administration; and (ix) is not under active
906 investigation by a licensing agency or law enforcement authority in any state, federal or foreign
907 jurisdiction.

908 “Offense”, a felony, gross misdemeanor or crime of moral turpitude.

909 “Rule”, a written statement by the Interstate Commission promulgated pursuant to section
910 12 of the compact that is of general applicability, implements, interprets or prescribes a policy or
911 provision of the compact, or an organizational, procedural or practice requirement of the
912 Interstate Commission, and has the force and effect of statutory law in a member state, and
913 includes the amendment, repeal or suspension of an existing rule.

914 “State”, any state, commonwealth, district or territory of the United States.

915 “State of Principal License”, a member state where a physician holds a license to practice
916 medicine and which has been designated as such by the physician for purposes of registration
917 and participation in the compact.

918 Section 3.

919 (a) A physician must meet the eligibility requirements as defined in subsection (k) of
920 section 2 to receive an expedited license under the terms and provisions of the compact.

921 (b) A physician who does not meet the requirements of subsection (k) of section 2 may
922 obtain a license to practice medicine in a member state if the individual complies with all laws
923 and requirements, other than the compact, relating to the issuance of a license to practice
924 medicine in that state.

925 Section 4.

926 (a) A physician shall designate a member state as the state of principal license for
927 purposes of registration for expedited licensure through the compact if the physician possesses a
928 full and unrestricted license to practice medicine in that state, and the state is:

929 (1) The state of principal residence for the physician;

930 (2) The state where at least 25 per cent of the practice of medicine occurs;

931 (3) The location of the physician's employer; or

932 (4) If no state qualifies under clause (1), clause (2) or clause (3), the state designated as
933 state of residence for purpose of federal income tax.

934 (b) A physician may redesignate a member state as state of principal license at any time,
935 as long as the state meets the requirements of subsection (a).

936 (c) The Interstate Commission is authorized to develop rules to facilitate redesignation of
937 another member state as the state of principal license.

938 Section 5.

939 (a) A physician seeking licensure through the compact shall file an application for an
940 expedited license with the member board of the state selected by the physician as the state of
941 principal license.

942 (b) Upon receipt of an application for an expedited license, the member board within the
943 state selected as the state of principal license shall evaluate whether the physician is eligible for
944 expedited licensure and issue a letter of qualification, verifying or denying the physician's
945 eligibility, to the Interstate Commission.

946 (1) Static qualifications, which include verification of medical education, graduate
947 medical education, results of any medical or licensing examination, and other qualifications as
948 determined by the Interstate Commission through rule, shall not be subject to additional primary
949 source verification where already primary source verified by the state of principal license.

950 (2) The member board within the state selected as the state of principal license shall, in
951 the course of verifying eligibility, perform a criminal background check of an applicant,
952 including the use of the results of fingerprint or other biometric data checks compliant with the
953 requirements of the Federal Bureau of Investigation, with the exception of federal employees
954 who have suitability determination in accordance with 5 CFR § 731.202.

955 (3) Appeal on the determination of eligibility shall be made to the member state where
956 the application was filed and shall be subject to the law of that state.

957 (c) Upon verification in subsection (b), physicians eligible for an expedited license shall
958 complete the registration process established by the Interstate Commission to receive a license in
959 a member state selected pursuant to subsection (a), including the payment of any applicable fees.

960 (d) After receiving verification of eligibility under subsection (b) and any fees under
961 subsection (c), a member board shall issue an expedited license to the physician. This license
962 shall authorize the physician to practice medicine in the issuing state consistent with the Medical
963 Practice Act and all applicable laws and regulations of the issuing member board and member
964 state.

965 (e) An expedited license shall be valid for a period consistent with the licensure period in
966 the member state and in the same manner as required for other physicians holding a full and
967 unrestricted license within the member state.

968 (f) An expedited license obtained through the compact shall be terminated if a physician
969 fails to maintain a license in the state of principal licensure for a non-disciplinary reason, without
970 redesignation of a new state of principal licensure.

971 (g) The Interstate Commission is authorized to develop rules regarding the application
972 process, including payment of any applicable fees, and the issuance of an expedited license.

973 Section 6.

974 (a) A member state issuing an expedited license authorizing the practice of medicine in
975 that state may impose a fee for a license issued or renewed through the compact.

976 (b) The Interstate Commission is authorized to develop rules regarding fees for expedited
977 licenses.

978 Section 7.

979 (a) A physician seeking to renew an expedited license granted in a member state shall
980 complete a renewal process with the Interstate Commission if the physician:

- 981 (1) Maintains a full and unrestricted license in a state of principal license;
- 982 (2) Has not been convicted, received adjudication, deferred adjudication, community
983 supervision or deferred disposition for any offense by a court of appropriate jurisdiction;
- 984 (3) Has not had a license authorizing the practice of medicine subject to discipline by a
985 licensing agency in any state, federal or foreign jurisdiction, excluding any action related to non-
986 payment of fees related to a license; and
- 987 (4) Has not had a controlled substance license or permit suspended or revoked by a state
988 or the United States Drug Enforcement Administration.
- 989 (b) Physicians shall comply with all continuing professional development or continuing
990 medical education requirements for renewal of a license issued by a member state.
- 991 (c) The Interstate Commission shall collect any renewal fees charged for the renewal of a
992 license and distribute the fees to the applicable member board.
- 993 (d) Upon receipt of any renewal fees collected in subsection (c), a member board shall
994 renew the physician's license.
- 995 (e) Physician information collected by the Interstate Commission during the renewal
996 process will be distributed to all member boards.
- 997 (f) The Interstate Commission is authorized to develop rules to address renewal of
998 licenses obtained through the compact.
- 999 Section 8.

1000 (a) The Interstate Commission shall establish a database of all physicians licensed, or
1001 who have applied for licensure, under section 5.

1002 (b) Notwithstanding any other provision of law, member boards shall report to the
1003 Interstate Commission any public action or complaints against a licensed physician who has
1004 applied or received an expedited license through the compact.

1005 (c) Member boards shall report disciplinary or investigatory information determined as
1006 necessary and proper by rule of the Interstate Commission.

1007 (d) Member boards may report any nonpublic complaint, disciplinary or investigatory
1008 information not required by subsection (c) to the Interstate Commission.

1009 (e) Member boards shall share complaint or disciplinary information about a physician
1010 upon request of another member board.

1011 (f) All information provided to the Interstate Commission or distributed by member
1012 boards shall be confidential, filed under seal, and used only for investigatory or disciplinary
1013 matters.

1014 (g) The Interstate Commission is authorized to develop rules for mandated or
1015 discretionary sharing of information by member boards.

1016 Section 9.

1017 (a) Licensure and disciplinary records of physicians are deemed investigative.

1018 (b) In addition to the authority granted to a member board by its respective Medical
1019 Practice Act or other applicable state law, a member board may participate with other member
1020 boards in joint investigations of physicians licensed by the member boards.

1021 (c) A subpoena issued by a member state shall be enforceable in other member states.

1022 (d) Member boards may share any investigative, litigation or compliance materials in
1023 furtherance of any joint or individual investigation initiate under the compact.

1024 (e) Any member state may investigate actual or alleged violations of the statutes
1025 authorizing the practice of medicine in any other member state in which a physician holds a
1026 license to practice medicine.

1027 Section 10.

1028 (a) Any disciplinary action taken by any member board against a physician licensed
1029 through the compact shall be deemed unprofessional conduct which may be subject to discipline
1030 by other member boards, in addition to any violation of the Medical Practice Act or regulations
1031 in that state.

1032 (b) If a license granted to a physician by the member board in the state of principal
1033 license is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all
1034 licenses issued to the physician by member boards shall automatically be placed, without further
1035 action necessary by any member board, on the same status. If the member board in the state of
1036 principal license subsequently reinstates the physician's license, a license issued to the physician
1037 by any other member board shall remain encumbered until that respective member board takes
1038 action to reinstate the license in a manner consistent with the Medical Practice Act of that state.

1039 (c) If disciplinary action is taken against a physician by a member board not in the state
1040 of principal license, any other member board may deem the action conclusive as to matter of law
1041 and fact decided, and:

1042 (1) Impose the same or lesser sanctions against the physician so long as such sanctions
1043 are consistent with the Medical Practice Act of that state; or

1044 (2) Pursue separate disciplinary action against the physician under its respective Medical
1045 Practice Act, regardless of the action taken in other member states.

1046 (d) If a license granted to a physician by a member board is revoked, surrendered or
1047 relinquished in lieu of discipline, or suspended, then any licenses issued to the physician by any
1048 other member boards shall be suspended, automatically and immediately without further action
1049 necessary by the other member boards, for 90 days upon entry of the order by the disciplining
1050 board, to permit the member boards to investigate the basis for the action under the Medical
1051 Practice Act of that state. A member board may terminate the automatic suspension of the license
1052 it issued prior to the completion of the 90 day suspension period in a manner consistent with the
1053 Medical Practice Act of that state.

1054 Section 11.

1055 (a) The member states hereby create the “Interstate Medical Licensure Compact
1056 Commission”.

1057 (b) The purpose of the Interstate Commission is the administration of the Interstate
1058 Medical Licensure Compact, which is a discretionary state function.

1059 (c) The Interstate Commission shall be a body corporate and joint agency of the member
1060 states and shall have all the responsibilities, powers and duties set forth in the compact, and such
1061 additional powers as may be conferred upon it by a subsequent concurrent action of the
1062 respective legislatures of the member states in accordance with the terms of the compact.

1063 (d) The Interstate Commission shall consist of 2 voting representatives appointed by each
1064 member state who shall serve as commissioners. In states where allopathic and osteopathic
1065 physicians are regulated by separate member boards, or if the licensing and disciplinary authority
1066 is split between separate member boards, or if the licensing and disciplinary authority is split
1067 between multiple member boards within a member state, the member state shall appoint 1
1068 representative from each member board. A commissioner shall be an:

1069 (1) Allopathic or osteopathic physician appointed to a member board;

1070 (2) Executive director, executive secretary or similar executive of a member board; or

1071 (3) Member of the public appointed to a member board.

1072 (e) The Interstate Commission shall meet at least once each calendar year. A portion of
1073 this meeting shall be a business meeting to address such matters as may properly come before the
1074 commission, including the election of officers. The chairperson may call additional meetings and
1075 shall call for a meeting upon the request of a majority of the member states.

1076 (f) The bylaws may provide for meetings of the Interstate Commission to be conducted
1077 by telecommunication or electronic communication.

1078 (g) Each commissioner participating at a meeting of the Interstate Commission is entitled
1079 to one vote. A majority of commissioners shall constitute a quorum for the transaction of

1080 business, unless a larger quorum is required by the bylaws of the Interstate Commission. A
1081 commissioner shall not delegate a vote to another commissioner. In the absence of its
1082 commissioner, a member state may delegate voting authority for a specified meeting to another
1083 person from that state who shall meet the requirements of subsection (d).

1084 (h) The Interstate Commission shall provide public notice of all meetings and all
1085 meetings shall be open to the public. The Interstate Commission may close a meeting, in full or
1086 in portion, where it determines by a two-thirds vote of the commissioners present that an open
1087 meeting would be likely to:

1088 (1) Relate solely to the internal personnel practice and procedures of the Interstate
1089 Commission;

1090 (2) Discuss matters specifically exempted from disclosure by federal statute;

1091 (3) Discuss trade secrets, commercial or financial information that is privileged or
1092 confidential;

1093 (4) Involve accusing a person of a crime, or formally censuring a person;

1094 (5) Discuss information of a personal nature where disclosure would constitute a clearly
1095 unwarranted invasion of personal privacy;

1096 (6) Discuss investigative records compiled for law enforcement purposes; or

1097 (7) Specifically relate to the participation in a civil action or other legal proceeding.

1098 (i) The Interstate Commission shall keep minutes which shall fully describe all matters
1099 discussed in a meeting and shall provide a full and accurate summary of actions taken, including
1100 record of any roll call votes.

1101 (j) The Interstate Commission shall make its information and official records, to the
1102 extent not otherwise designated in the compact or by its rules, available to the public for
1103 inspection.

1104 (k) The Interstate Commission shall establish an executive committee, which shall
1105 include officers, members and others as determined by the bylaws. The executive committee
1106 shall have the power to act on behalf of the Interstate Commission, with the exception of
1107 rulemaking, during periods when the Interstate Commission is not in session. When acting on
1108 behalf of the Interstate Commission, the executive committee shall oversee the administration of
1109 the compact including enforcement and compliance with the provisions of the compact, its
1110 bylaws and rules, and other such duties as necessary.

1111 (l) The Interstate Commission shall establish other committees for governance and
1112 administration of the compact.

1113 Section 12.

1114 The Interstate Commission shall have the following powers and duties:

1115 (i) Oversee and maintain the administration of the compact;

1116 (ii) Promulgate rules which shall be binding to the extent and in the manner provided for
1117 in the compact;

- 1118 (iii) Issue, upon the request of a member state or member board, advisory opinions
1119 concerning the meaning or interpretation of the compact, its bylaws, rules and actions;
- 1120 (iv) Enforce compliance with compact provisions, the rules promulgated by the Interstate
1121 Commission, and the bylaws, using all necessary and proper means, including but not limited to
1122 the use of judicial process;
- 1123 (v) Establish and appoint committees including, but not limited to, an executive
1124 committee as required by section 11, which shall have the power to act on behalf of the Interstate
1125 Commission in carrying out its powers and duties;
- 1126 (vi) Pay, or provide for the payment of the expenses related to the establishment,
1127 organization and ongoing activities of the Interstate Commission;
- 1128 (vii) Establish and maintain one or more offices;
- 1129 (viii) Borrow, accept, hire or contract for services of personnel;
- 1130 (ix) Purchase and maintain insurance and bonds;
- 1131 (x) Employ an executive director who shall have such powers to employ, select or
1132 appoint employees, agents or consultants, and to determine their qualifications, define their
1133 duties and fix their compensation;
- 1134 (xi) Establish personnel policies and programs relating to conflicts of interest, rates of
1135 compensation and qualifications of personnel;

1136 (xii) Accept donations and grants of money, equipment, supplies, materials and services
1137 and to receive, utilize and dispose of it in a manner consistent with the conflict of interest
1138 policies established by the Interstate Commission;

1139 (xiii) Lease, purchase, accept contributions or donations of, or otherwise to own, hold,
1140 improve or use, any property, real, personal or mixed;

1141 (xiv) Sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of
1142 any property, real, personal or mixed;

1143 (xv) Establish a budget and make expenditures;

1144 (xvi) Adopt a seal and bylaws governing the management and operation of the Interstate
1145 Commission;

1146 (xvii) Report annually to the legislatures and governors of the member states concerning
1147 the activities of the Interstate Commission during the preceding year. Such reports shall also
1148 include reports of financial audits and any recommendations that may have been adopted by the
1149 Interstate Commission;

1150 (xviii) Coordinate education, training and public awareness regarding the compact, its
1151 implementation and its operation;

1152 (xix) Maintain records in accordance with the bylaws;

1153 (xx) Seek and obtain trademarks, copyrights and patents; and

1154 (xxi) Perform such functions as may be necessary or appropriate to achieve the purpose
1155 of the compact.

1156 Section 13.

1157 (a) The Interstate Commission may levy on and collect an annual assessment from each
1158 member state to cover the cost of the operations and activities of the Interstate Commission and
1159 its staff. The total assessment must be sufficient to cover the annual budget approved each year
1160 for which revenue is not provided by other sources. The aggregate annual assessment amount
1161 shall be allocated upon a formula to be determined by the Interstate Commission, which shall
1162 promulgate a rule binding upon all member states.

1163 (b) The Interstate Commission shall not incur obligations of any kind prior to securing
1164 the funds adequate to meet the same.

1165 (c) The Interstate Commission shall not pledge the credit of any of the member states,
1166 except by, and with the authority of, the member state.

1167 (d) The Interstate Commission shall be subject to a yearly financial audit conducted by a
1168 certified or licensed accountant and the report of the audit shall be included in the annual report
1169 of the Interstate Commission.

1170 Section 14.

1171 (a) The Interstate Commission shall, by a majority of commissioners present and voting,
1172 adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes
1173 of the compact within 12 months of the first Interstate Commission meeting.

1174 (b) The Interstate Commission shall elect or appoint annually from among its
1175 commissioners a chairperson, a vice-chairperson and a treasurer, each of whom shall have such
1176 authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's

1177 absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate
1178 Commission.

1179 (c) Officers selected in subsection (b) shall serve without remuneration for the Interstate
1180 Commission.

1181 (d) The officers and employees of the Interstate Commission shall be immune from suit
1182 and liability, either personally or in their official capacity, for a claim for damage to or loss of
1183 property or personal injury or other civil liability caused or arising out of, or relating to, an actual
1184 or alleged act, error or omission that occurred, or that such person had a reasonable basis for
1185 believing occurred, within the scope of Interstate Commission employment, duties or
1186 responsibilities; provided that such person shall not be protected from suit or liability for
1187 damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of
1188 such person.

1189 (e) The liability of the executive director and employees of the Interstate Commission or
1190 representatives of the Interstate Commission, acting within the scope of such person's
1191 employment or duties for acts, errors or omissions occurring within such person's state, may not
1192 exceed the limits of liability set forth under the constitution and laws of that state for state
1193 officials, employees and agents. The Interstate Commission is considered to be an
1194 instrumentality of the states for the purpose of any such action. Nothing in this subsection shall
1195 be construed to protect such person from suit or liability for damage, loss, injury or liability
1196 caused by the intentional or willful and wanton misconduct of such person.

1197 (f) The Interstate Commission shall defend the executive director, its employees, and
1198 subject to the approval of the attorney general or other appropriate legal counsel of the member

1199 state represented by an Interstate Commission representative, shall defend such Interstate
1200 Commission representative in any civil action seeking to impose liability arising out of an actual
1201 or alleged act, error or omission that occurred within the scope of Interstate Commission
1202 employment, duties or responsibilities, or that the defendant had a reasonable basis for believing
1203 occurred within the scope of Interstate Commission employment, duties or responsibilities,
1204 provided that the actual or alleged act, error or omission did not result from intentional or willful
1205 and wanton misconduct on the part of such person.

1206 (g) To the extent not covered by the state involved, member state or the Interstate
1207 Commission, the representatives or employees of the Interstate Commission shall be held
1208 harmless in the amount of a settlement or judgement, including attorney's fees and costs,
1209 obtained against such persons arising out of an actual or alleged act, error or omission that
1210 occurred within the scope of the Interstate Commission employment, duties or responsibilities, or
1211 that such persons had a reasonable basis for believing occurred within the scope of Interstate
1212 Commission employment, duties or responsibilities, provided that the actual or alleged act, error
1213 or omission did not result from intentional or willful and wanton misconduct on the part of such
1214 person.

1215 Section 15.

1216 (a) The Interstate Commission shall promulgate reasonable rules in order to effectively
1217 and efficiently achieve the purpose of the compact. Notwithstanding the foregoing, in the event
1218 the Interstate Commission exercises its rulemaking authority in a manner that is beyond the
1219 scope of the purposes of the compact, or the powers granted hereunder, then such an action by
1220 the Interstate Commission shall be invalid and have no force or effect.

1221 (b) Rules deemed appropriate for the operations of the Interstate Commission shall be
1222 made pursuant to a rulemaking process that substantially conforms to the “Model State
1223 Administrative Procedure Act” of 2010, and subsequent amendments thereto.

1224 (c) Not later than 30 days after a rule is promulgated, any person may file a petition for
1225 judicial review of the rule in the United States District Court for the District of Columbia or the
1226 federal district where the Interstate Commission has its principal offices, provided that the filing
1227 of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the
1228 court finds that the petitioner has a substantial likelihood of success. The court shall give
1229 deference to the actions of the Interstate Commission consistent with applicable law and shall not
1230 find the rule to be unlawful if the rule represents a reasonable exercise of the authority granted to
1231 the Interstate Commission.

1232 Section 16.

1233 (a) The executive, legislative and judicial branches of state government in each member
1234 state shall enforce the compact and shall take all actions necessary and appropriate to effectuate
1235 the compact’s purposes and intent. The provisions of the compact and the rules promulgated
1236 hereunder shall have standing as statutory law but shall not override existing state authority to
1237 regulate the practice of medicine.

1238 (b) All courts shall take judicial notice of the compact and the rules in any judicial or
1239 administrative proceeding in a member state pertaining to the subject matter of the compact
1240 which may affect the powers, responsibilities or actions of the Interstate Commission.

1241 (c) The Interstate Commission shall be entitled to receive all services of process in any
1242 such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure

1243 to provide service of process to the Interstate Commission shall render a judgment or order void
1244 as to the Interstate Commission, the compact or promulgated rules.

1245 Section 17.

1246 (a) The Interstate Commission, in the reasonable exercise of its discretion, shall enforce
1247 the provisions and rules of the compact.

1248 (b) The Interstate Commission may, by majority vote of the commissioners, initiate legal
1249 action in the United States Court for the District of Columbia, or, at the discretion of the
1250 Interstate Commission, in the federal district where the Interstate Commission has its principal
1251 offices, to enforce compliance with the provisions of the compact, and its promulgated rules and
1252 bylaws, against a member state in default. The relief sought may including both injunctive relief
1253 and damages. In the event judicial enforcement is necessary, the prevailing party shall be
1254 awarded all costs of such litigation including reasonable attorney's fees.

1255 (c) The remedies herein shall not be the exclusive remedies of the Interstate Commission.
1256 The Interstate Commission may avail itself of any other remedies available under state law or
1257 regulation of a profession.

1258 Section 18.

1259 (a) The grounds for default include, but are not limited to, failure of a member state to
1260 perform such obligations or responsibilities imposed upon it by the compact, or the rules and
1261 bylaws of the Interstate Commission promulgated under the compact.

1262 (b) If the Interstate Commission determines that a member state has defaulted in the
1263 performance of its obligations or responsibilities under the compact, or the bylaws or
1264 promulgated rules, the Interstate Commission shall:

1265 (1) Provide written notice to the defaulting state and other member states, of the nature of
1266 the default, the means of curing the default, and any action taken by the Interstate Commission.
1267 The Interstate Commission shall specify the conditions by which the defaulting state must cure
1268 its default; and

1269 (2) Provide remedial training and specific technical assistance regarding the default.

1270 (c) If the defaulting state fails to cure the default, the defaulting state shall be terminated
1271 from the compact upon an affirmative vote of a majority of the commissioners and all rights,
1272 privileges and benefits conferred by the compact shall terminate on the effective date of
1273 termination. A cure of the default does not relieve the offending state of obligations or liabilities
1274 incurred during the period of the default.

1275 (d) Termination of membership in the compact shall be imposed only after all other
1276 means of securing compliance have been exhausted. Notice of intent to terminate shall be given
1277 by the Interstate Commission to the governor, the majority and minority leaders of the defaulting
1278 state's legislature and each of the member states.

1279 (e) The Interstate Commission shall establish rules and procedures to address licenses and
1280 physicians that are materially impacted by the termination of a member state, or the withdrawal
1281 of a member state.

1282 (f) The member state which has been terminated is responsible for all due, obligations
1283 and liabilities incurred through the effective date of termination including obligations, the
1284 performance of which extends beyond the effective date of termination.

1285 (g) The Interstate Commission shall not bear any costs relating to any state that has been
1286 found to be in default or which has been terminated from the compact, unless otherwise mutually
1287 agreed upon in writing between the Interstate Commission and the defaulting state.

1288 (h) The defaulting state may appeal the action of the Interstate Commission by
1289 petitioning the United States District Court for the District of Columbia or the federal district
1290 where the Interstate Commission has its principal offices. The prevailing party shall be awarded
1291 all costs of such litigation including reasonable attorney's fees.

1292 Section 19.

1293 (a) The Interstate Commission shall attempt, upon the request of a member state, to
1294 resolve disputes which are subject to the compact and which may arise among member states or
1295 member boards.

1296 (b) The Interstate Commission shall promulgate rules providing for both mediation and
1297 binding dispute resolution as appropriate.

1298 Section 20.

1299 (a) Any state is eligible to become a member of the compact.

1300 (b) The compact shall become effective and binding upon legislative enactment of the
1301 compact into law by no less than 7 states. Thereafter, it shall become effective and binding on a
1302 state upon enactment of the compact into law by that state.

1303 (c) The governors of nonmember states, or their designees, shall be invited to participate
1304 in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the
1305 compact by all states.

1306 (d) The Interstate Commission may propose amendments to the compact for enactment
1307 by the member states. No amendment shall become effective and binding upon the Interstate
1308 Commission and the member states unless and until it is enacted into law by unanimous consent
1309 of the member states.

1310 Section 21.

1311 (a) Once effective, the compact shall continue in force and remain binding upon each and
1312 every member state; provided that a member state may withdraw from the compact by
1313 specifically repealing the statute which enacted the compact into law.

1314 (b) Withdrawal from the compact shall be by the enactment of a statute repealing the
1315 same, but shall not take effect until 1 year after the effective date of such statute and until written
1316 notice of the withdrawal has been given by the withdrawing state to the governor of each other
1317 member state.

1318 (c) The withdrawing state shall immediately notify the chairperson of the Interstate
1319 Commission in writing upon the introduction of legislation repealing the compact in the
1320 withdrawing state.

1321 (d) The Interstate Commission shall notify the other member states of the withdrawing
1322 state's intent to withdraw within 60 days of its receipt of notice provided under subsection (c).

1323 (e) The withdrawing state is responsible for all dues, obligations and liabilities incurred
1324 through the effective date of withdrawal, including obligations, the performance of which extend
1325 beyond the effective date of withdrawal.

1326 (f) Reinstatement following withdrawal of a member state shall occur upon the
1327 withdrawing date reenacting the compact or upon such later date as determined by the Interstate
1328 Commission.

1329 (g) The Interstate Commission is authorized to develop rules to address the impact of the
1330 withdrawal of a member state on licenses granted in other member states to physicians who
1331 designated the withdrawing member state as the state of principal license.

1332 Section 22.

1333 (a) The compact shall dissolve effective upon the date of the withdrawal or default of the
1334 member state which reduces the membership of the compact to 1 member state.

1335 (b) Upon the dissolution of the compact, the compact becomes null and void and shall be
1336 of no further force or effect, and the business and affairs of the Interstate Commission shall be
1337 concluded, and surplus funds shall be distributed in accordance with the bylaws.

1338 Section 23.

1339 (a) The provisions of the compact shall be severable, and if any phrase, clause, sentence
1340 or provision is deemed unenforceable, the remaining provisions of the compact shall be
1341 enforceable.

1342 (b) The provisions of the compact shall be liberally construed to effectuate its purposes.

1343 (c) Nothing in the compact shall be construed to prohibit the applicability of other
1344 interstate compacts to which the member states are members.

1345 Section 24.

1346 (a) Nothing herein prevents the enforcement of any other law of a member state that is
1347 not inconsistent with the compact.

1348 (b) All laws in a member state in conflict with the compact are superseded to the extent
1349 of the conflict.

1350 (c) All lawful actions of the Interstate Commission, including all rules and bylaws
1351 promulgated by the commission, are binding upon the member states.

1352 (d) All agreements between the Interstate Commission and the member states are binding
1353 in accordance with their terms.

1354 (e) In the event any provision of the compact exceeds the constitutional limits imposed on
1355 the legislature of any member state, such provision shall be ineffective to the extent of the
1356 conflict with the constitutional provision in question in that member state.

1357 Section 25.

1358 (a) The executive director of the board of registration in medicine, or the board executive
1359 director's designee, shall be the administrator of the compact for the commonwealth.

1360 (b) The board of registration in medicine shall adopt regulations in the same manner as
1361 all other with states legally joining in the compact and may adopt additional regulations as
1362 necessary to implement the provisions of this chapter.

1363 (c) The board of registration in medicine may take disciplinary action against the practice
1364 privilege of a physician practicing in the commonwealth under a license issued by party state.
1365 The board's disciplinary action may be based on disciplinary action against the physician's
1366 license taken by the physician's home state.

1367 (d) In reporting information to the coordinated licensure information system under
1368 section 8 of this chapter related to the compact, the board of registration in medicine may
1369 disclose personally identifiable information about the physician, including social security
1370 number.

1371 (e) Nothing in this chapter, nor the entrance of the commonwealth into the compact shall
1372 be construed to supersede existing labor laws.

1373 (f) The commonwealth, its officers and employees, and the board of registration in
1374 medicine and its agents who act in accordance with the provisions of this chapter shall not be
1375 liable on account of any act or omission in good faith while engaged in the performance of their
1376 duties under this chapter. Good faith shall not include willful misconduct, gross negligence or
1377 recklessness.

1378 Section 26.

1379 As part of the licensure and background check process for a multistate license and to
1380 determine the suitability of an applicant for multistate licensure, the board of registration in
1381 medicine, prior to issuing any multistate license, shall conduct a fingerprint-based check of the
1382 state and national criminal history databases, as authorized by 28 CFR § 20.33 and Public Law
1383 92-544.

1384 Fingerprints shall be submitted to the identification section of the department of state
1385 police for a state criminal history check and forwarded to the Federal Bureau of Investigation for
1386 a national criminal history check, according to the policies and procedures established by the
1387 state identification section and by the department of criminal justice information services.
1388 Fingerprint submissions may be retained by the Federal Bureau of Investigation, the state
1389 identification section and the department of criminal justice information services for requests
1390 submitted by the board of registration in medicine as authorized under this section to ensure the
1391 continued suitability of these individuals for licensure. The department of criminal justice
1392 information services may disseminate the results of the state and national criminal background
1393 checks to the executive director of the board of registration in medicine and authorized staff of
1394 the board.

1395 All applicants shall pay a fee to be established by the secretary of administration and
1396 finance, in consultation with the secretary of public safety, to offset the costs of operating and
1397 administering a fingerprint-based criminal background check system. The secretary of
1398 administration and finance, in consultation with the secretary of public safety, may increase the
1399 fee accordingly if the Federal Bureau of Investigation increases its fingerprint background check
1400 service fee. Any fees collected from fingerprinting activity under this chapter shall be deposited
1401 into the Fingerprint-Based Background Check Trust Fund, established in section 2HHHH of
1402 chapter 29.

1403 The board of registration in medicine may receive all criminal offender record
1404 information and the results of checks of state and national criminal history databases under said
1405 Public Law 92-544. When the board of registration in medicine obtains the results of checks of
1406 state and national criminal history databases, it shall treat the information according to sections

1407 167 to 178, inclusive, of chapter 6 and the regulations thereunder regarding criminal offender
1408 record information.

1409 Notwithstanding subsections 9 and 9 1/2 of section 4 of chapter 151B, if the board of
1410 registration in medicine receives criminal record information from the state or national
1411 fingerprint-based criminal background checks that includes no disposition or is otherwise
1412 incomplete, the agency head may request that an applicant for licensure provide additional
1413 information regarding the results of the criminal background checks to assist the agency head in
1414 determining the applicant's suitability for licensure.

1415 SECTION 33. Section 3 of chapter 161A of the General Laws, as appearing in the 2018
1416 Official

1417 Edition, is hereby amended by striking out, in lines 2 and 3, the words "board of directors
1418 of the

1419 Massachusetts Department of Transportation established in chapter 6C" and inserting in
1420 place thereof the following words:- Massachusetts Bay Transportation Authority board of
1421 directors established in section 7.

1422 SECTION 34. Said chapter 161A of the General Laws, as so appearing, is hereby further
1423 amended by striking out section 7 and inserting in place thereof the following section:-

1424 Section 7. (a) The authority shall be governed and its corporate powers exercised by a
1425 board of directors, consisting of 7 members, including the secretary of transportation who shall
1426 serve ex officio. The governor shall appoint 5 additional members including at least 1 member
1427 with experience in safety, 1 member with experience in transportation operations, 1 member with

1428 experience in public or private finance and 1 member who is a rider as defined in section 1. 1
1429 member shall be appointed by the advisory board established pursuant to section 7A. At least 2
1430 members shall also be members of the board of directors of the Massachusetts Department of
1431 Transportation established pursuant to section 2 of chapter 6C.

1432 (b) The term of each member, except for the secretary, shall be 4 years. 3 of the
1433 members, not including the secretary of transportation, shall serve for terms that are coterminous
1434 with the governor. A member shall be eligible for reappointment provided that a member shall
1435 not serve more than 2 terms. A member appointed to fill a vacancy in the board shall serve only
1436 for the unexpired term of the former member, but may be appointed to serve two full terms in
1437 addition to such part of a full term.

1438 (c) Not more than 4 of the members shall be enrolled in the same political party. The
1439 governor shall designate 1 member to serve as chair and the board shall elect 1 member to serve
1440 as vice-chair.

1441 (d) 4 members of the board shall constitute a quorum and the affirmative vote of a
1442 majority of members present at a duly called meeting, if a quorum is present, shall be necessary
1443 for any action taken by the board. Any action required or permitted to be taken at a meeting of
1444 members may be taken without a meeting if all of the members consent in writing to such action
1445 and such written consent is filed with the records of the minutes of the board. Such consent shall
1446 be treated for all purposes as a vote at a meeting. No vacancy in the membership of the board
1447 shall impair the right of a quorum to exercise all the rights and perform all the duties of the
1448 authority.

1449 (e) The board shall be afforded all powers, responsibilities and obligations set forth
1450 pursuant to this chapter. The board may delegate any powers, responsibilities and obligations
1451 specifically afforded to it to the general manager unless otherwise prohibited by this section. The
1452 board shall adopt a written policy providing for the delegation of any of its powers and duties.

1453 (f) The board shall establish subcommittees, which shall include at the minimum a
1454 subcommittee on (i) safety and (ii) audit and finance. Each member shall participate on 2
1455 subcommittees of the board.

1456 (g) The members of the board, with the exception of the secretary, shall serve without
1457 compensation, but each member may be reimbursed for actual and necessary travel and other
1458 expenses reasonably incurred by the member in the discharge of the member's official duties;
1459 provided, however, that reimbursement shall not exceed \$6,000 annually per member.

1460 (h) Meetings of the board and its subcommittees shall be subject to sections 18 to 25,
1461 inclusive, of chapter 30A. Records of the board shall be subject to section 10 of chapter 66.

1462 (i) The board shall meet at least 12 times per calendar year.

1463 (j) Each member shall make full disclosure of financial interest, if any, in matters before
1464 the board by notifying the state ethics commission, in writing, and shall abstain from voting on
1465 any matter before the board in which the member has a financial interest, unless otherwise
1466 permissible under chapter 268A. Chapters 268A and 268B shall apply to ex-officio members.
1467 Said chapters 268A and 268B shall apply to all other members of the board, except that the board
1468 may purchase from, sell to, borrow from, loan to, contract with or otherwise deal with any person
1469 in which any member of the board is in any way interested or involved provided that: (i) such an
1470 interest or involvement is disclosed in advance to the members of the board and recorded in the

1471 minutes of the board; and (ii) no director having such an interest or involvement may participate
1472 in a decision of the board relating to such an interest or involvement. Employment by the
1473 commonwealth or service in any agency thereof shall not be deemed to be such an interest or
1474 involvement.

1475 (k) Members shall not be liable to the commonwealth, to the authority, or to any other
1476 person as a result of their activities, whether ministerial or discretionary, as such members or
1477 officers except for willful dishonesty or intentional violations of law. The board may purchase
1478 liability insurance for board members, officers and employees, and may indemnify such persons
1479 against the claims of others.

1480 SECTION 35. Section 102 of chapter 41 of the acts of 2019 is hereby amended by
1481 striking out the words “July 1, 2021” and inserting in place thereof the following words:- April 1,
1482 2022.

1483 SECTION 36. The first paragraph of section 98 of chapter 124 of the acts of 2020 is
1484 hereby amended by striking out the second sentence and inserting in place thereof the following
1485 sentence:- The fund shall consist of revenues received by the commonwealth from the federal
1486 government pursuant to section 5001(a) of the federal Coronavirus Aid, Relief, and Economic
1487 Security Act, hereinafter referred to as the CARES Act, and any reimbursements for expenses
1488 charged to the fund.

1489 SECTION 37. Item 3000-1045 of section 2 of chapter 227 of the acts of 2020 is hereby
1490 amended by striking out the words “at state-subsidized early education and care programs;
1491 provided, that funds appropriated in this item shall be used to fund: (i) classroom stabilization
1492 grants to ensure that early education and care providers can pay for the fixed costs of maintaining

1493 their business despite reduced caseload; (ii) incentive pay for early educators facing increased
1494 costs as a result of the 2019 novel coronavirus” and inserting in place thereof the following
1495 words:- at state child care programs supervised by the department of early education and care;
1496 provided, that funds appropriated in this item shall be used to fund: (i) stabilization grants to
1497 ensure that early education and care providers can pay for maintaining their business despite
1498 reduced enrollment; (ii) incentive pay for early education and care workers to encourage stability
1499 in the workforce and to maintain provider capacity during the 2019 novel coronavirus pandemic.

1500 SECTION 38. Item 4403-2000 of said section 2 of said chapter 227 is hereby amended
1501 by inserting after the words “of September 2020” the following words:- ; provided further, that a
1502 non-recurring COVID relief payment for costs associated with the pandemic shall be provided to
1503 each child and pregnant recipient who received a benefit under this program in the month
1504 directly preceding the month of the issuance of said non-recurring COVID relief payment;
1505 provided further, that the amount of this COVID relief payment will be determined based on the
1506 number of eligible recipients; provided further, that the total cost of these payments shall not
1507 exceed \$27,853,223; provided further, that any unspent balance of up to \$27,853,223 in this item
1508 as of June 30 of the current fiscal year shall be re-authorized for expenditure in the next fiscal
1509 year using the same eligibility criteria

1510 SECTION 39. Item 5911-1003 of said section 2 of said chapter 227 is hereby amended
1511 by inserting after the words “Congress, Inc.” the following words:- ; provided further, that the
1512 commissioner of developmental services may transfer funds between items 5920-2025, 5920-
1513 2000 and 5911-2000; provided further, that the commissioner shall notify the house and senate
1514 committees on ways and means 15 days in advance of any such transfer.

1515 SECTION 40. Item 7007-1641 of said section 2 of said chapter 227 is hereby amended
1516 by striking out the words “Smaller Business Association of New England, Inc, for the” and
1517 inserting in place thereof the following words:- Massachusetts Technology Park Corporation
1518 established by chapter 40J of the General Laws for a.

1519 SECTION 41. The second proviso of said item 7007-1641 of said section 2 of said
1520 chapter 227 is hereby amended by striking out the words “president of the Smaller Business
1521 Association of New England, Inc,” and inserting in place thereof the following words:- grantee.

1522 SECTION 42. Item 1595-1068 of section 2E of said chapter 227 is hereby amended by
1523 striking out the figure “\$437,750,000” and inserting in place thereof the following figure:-
1524 \$465,350,000.

1525 SECTION 43. Said item 1595-1068 of said section 2E of said chapter 227 is hereby
1526 further amended by striking out the figure “\$505,250,000” and inserting in place thereof the
1527 following figure:- \$537,190,000.

1528 SECTION 44. Item 1595-1070 of said section 2E of said chapter 227 is hereby amended
1529 by striking out the words “or 2020” and inserting in place thereof the following words:- , 2020 or
1530 2021.

1531 SECTION 45. Notwithstanding section 1Q of chapter 69 of the General Laws or any
1532 other general or special law to the contrary, due to the ongoing COVID-19 pandemic, the
1533 commissioner of elementary and secondary education may establish an alternative means of
1534 demonstrating English language proficiency for the state seal of biliteracy for students in the
1535 class of 2020 or 2021, which may include but is not limited to earning the modified competency
1536 determination in English language arts.

1537 SECTION 46. Notwithstanding section 89 of chapter 71 of the General Laws or any other
1538 general or special law to the contrary, due to the ongoing COVID-19 pandemic, the list of
1539 districts in the lowest 10 per cent statewide released in fiscal year 2020 shall be maintained as
1540 that list for fiscal years 2021, 2022 and 2023.

1541 SECTION 47. Notwithstanding any general or special law to the contrary, for fiscal year
1542 2021, the secretary of health and human services, with the written approval of the secretary of
1543 administration and finance, may authorize transfers of surplus among items 4000-0320, 4000-
1544 0430, 4000-0500, 4000-0601, 4000-0641, 4000-0700, 4000-0875, 4000-0880, 4000-0885, 4000-
1545 0940, 4000-0950, 4000-0990, 4000-1400, 4000-1420 and 4000-1425.

1546 SECTION 48. Notwithstanding any general or special law to the contrary, any
1547 unexpended balances, not exceeding a total of \$40,000,000, in items 4000-0700 and 4000-1425
1548 of section 2 of chapter 227 of the acts of 2020 shall not revert to the General Fund until
1549 September 1, 2021 and may be expended by the executive office of health and human services to
1550 pay for services enumerated in said items 4000-0700 and 4000-1425 provided during fiscal year
1551 2021.

1552 SECTION 49. Notwithstanding any general or special law to the contrary, the secretary
1553 of health and human services shall, not later than September 3, 2021, provide to the comptroller
1554 information on the amount of the federal financial participation revenues claimed and received
1555 by the commonwealth for eligible expenditures made from the MassHealth Delivery System
1556 Reform Trust Fund established in section 2SSSS of chapter 29 of the General Laws for fiscal
1557 year 2021 that are attributable to the increase to the Federal Medical Assistance Percentage
1558 authorized by section 6008 of the Families First Coronavirus Response. The comptroller shall

1559 credit that amount to the General Fund and not the MassHealth Delivery System Trust Fund in
1560 fiscal year 2021.

1561 SECTION 50. Notwithstanding any general or special law to the contrary, the
1562 commissioner of the division of capital asset management and maintenance may take any and all
1563 interests in all the paper streets on the property: (i) described in the deed from the Trustees of the
1564 Soldiers' Home in Massachusetts dated December 27, 1934 recorded at the Suffolk County
1565 registry of deeds in Book 5503, Page 430; and (ii) identified in plans recorded at the Suffolk
1566 County registry of deeds in Book 1174, Page 16 and Book 1168, Page End, and may also take
1567 any other interests or rights necessary to clear title to the property by eminent domain pursuant to
1568 chapter 79 of the General Laws, as deemed necessary by the commissioner to carry out this act.

1569 SECTION 51. Notwithstanding any general or special law to the contrary, in making
1570 initial

1571 appointments to the Massachusetts Bay Transportation Authority board of directors,
1572 established

1573 pursuant to section 7 of chapter 161A of the General Laws, the governor shall appoint the
1574 3 members whose terms are not coterminous with the term of the governor to the following
1575 initial terms: 1 member shall be appointed for a term of 1 year, 1 member shall be appointed for
1576 a term of 2 years and 1 member shall be appointed for a term of 3 years.

1577 SECTION 52. The credit authorized in section 18 shall be available for qualified
1578 renovation expenditures incurred on or after January 1, 2020.