An Act making appropriations for fiscal year 2021 to provide for supplementing certain existing appropriations and for certain other activities and projects.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2021 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2021, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2021. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items. These sums shall be made available until June 30, 2022, except as otherwise stated.
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<td>Department of Early Education and Care</td>
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Military Division

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Department of Elder Affairs

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

Reserves

For a reserve for the start-up costs of the Massachusetts peace officer standards and training commission established in section 2 of chapter 6E of the General Laws; provided, that funds may be transferred to other items to reimburse costs incurred by those items in state fiscal year 2021 and state fiscal year 2022 on behalf of the commission; provided further, that not less than $1,000,000 shall be expended for stipends for the 9 commissioners of the Massachusetts peace
officers standards and training commission; and provided further, that not less than $200,000 shall be expended for the maintenance costs of the officer certification database..............$4,200,000

      1599-1211  For a reserve to meet the expenses associated with the implementation of chapter 253 of the acts of 2020; provided, that the secretary of administration and finance may transfer funds from this item to state agencies as defined in section 1 of chapter 29 of the General Laws; provided further, that not less than $2,262,100 shall be expended for bridge academies for reserve officers and special state police officers previously not subject to the same training requirements as the general law enforcement population; provided further, that not less than $3,208,000 shall be expended for new or expanded police training obligations of the municipal police training committee in accordance with section 116 of chapter 6 of the General Laws, including de-escalation training, use of force training and school resource officer training; provided further, that not less than $1,597,160 shall be expended on the first class of 40 diverse state police cadets for the program established in section 10A of chapter 22C of the General Laws; provided further, that not less than $150,000 each shall be expended on the following permanent commissions: the commission on the status of African Americans established by section 72 of chapter 3 of the General Laws, the commission of the status of Latinos and Latinas established by section 73 of said chapter 3, the commission on the status of persons with disabilities established by section 74 of said chapter 3 and the commission on the social status of Black men and boys established by section 75 of said chapter 3; provided further, that not less than $200,000 shall be expended on the shared administrative costs of said permanent commissions; and provided further, that not less than $50,000 each shall be expended on the following commissions: the model school resource officer memorandum of understanding review commission established in section 37P of chapter 71 of the General Laws, the commission on correction officers and juvenile detention
officers training established in section 103 of chapter 253 of the acts of 2020 and the law
enforcement body camera task force established in section 104 of said chapter
253……………………..$12,159,760

Supplier Diversity Office

1780-0100 For the operation and administration of the supplier diversity office; provided,
that the office shall provide training and other services to minority-owned and women-owned
businesses certified by the office that allow those businesses to better compete for state contracts
and ensure that equitable practices and policies in the public marketplace are maintained; provided
further, that the office shall administer an electronic business certification application which shall
be accessible to business applicants through the internet; provided further, that the office shall
ensure the integrity and security of personal and financial information transmitted by electronic
application; and provided further, that the office shall, using all existing available resources,
provide certification services to all supplier diversity office qualified applicants, within or outside
of the commonwealth, as applicable
................................................................. $1,000,000

EXECUTIVE OFFICE OF EDUCATION

Department of Early Education and Care

3000-1021 For efforts to support and stabilize the early education and care workforce and
providers, to assist in meeting varied operational costs related to the 2019 novel coronavirus
pandemic at all licensed early education and care programs in the commonwealth, and to address
the challenges associated with re-opening and rebuilding capacity during the period of pandemic
recovery; provided, that not less than $90,060,103 shall be distributed as classroom stabilization
grants to all licensed early education and out-of-school-time programs regardless of whether the
program serves subsidized or private-pay children; provided further, that not less than $40,000,000
shall be made available as grants to providers serving subsidized children, calculated using an
equal amount per subsidized child served by each provider, including children receiving both Head
Start and subsidy; provided further, that all funding distributed through this item shall be a non-
recurring, one-time distribution to providers, under the terms of the child care and development
block grant appropriation in the federal coronavirus response and relief supplemental
appropriations act, Public Law 116-260, and any state plans filed under that act; provided further,
that the department shall provide technical assistance to providers to assist them in planning
expenditures so as to avoid any “funding cliffs”, so-called, in future fiscal years; provided further,
that eligible expenditures shall include, but not be limited to: (i) 2 years of bonus pay to retain and
attract early educators, (ii) additional one-time bonus pay to retain BA and AA credentialed
educators, (iii) expenditures that build on and work in conjunction with current state funded early
education and care workforce programs that are already in place, including but not limited to:
scholarship and degree pathway options and loan forgiveness opportunities, (iv) small scale capital
improvements, and (v) other one-time educator benefit enhancements including but not limited to
contributions to retirement accounts, child care assistance for early educators, and temporary
additional assistance with health care co-pays; provided further, that the first distributions from
this item shall be made not later than September 15, 2021; provided further, that not later than
September 15, 2021, the commissioner shall report to the chairs of the joint committee on
education and the chairs of the house and senate committees on ways and means detailing by what
temporary formula the funds have been allocated and distributed, what initiatives providers have
funded or plan to fund with their grants as reported on their initial application and such programmatic updates as the department feels are necessary to monitor expenditures from this item, and all additional information necessary for future budget and policy-making, including detailed financial information relative to non-state subsidized childcare programs who have and are expected to received federal funding through fiscal year 2022; provided further, that the commissioner shall provide quarterly detailed updates on the distribution and related expenditures to the committee on education and the house and senate committees on ways and means until the funds are fully expended; and provided further, that any unexpended funds in this item shall not revert to the General Fund but shall be made available for this item until September 30, 2023. 

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

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Office of the Secretary

4000-1701 ........................................................................................................................................... $20,000,000
SECTION 3. Chapter 6 of the General Laws is hereby amended by inserting after section 172N the following section:-

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

“Care”, the provision of care, treatment, education, training, instruction, supervision or recreation to children; provided, that care shall include adoption and foster care.

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

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

“Qualified entity”, a business or organization, whether public, private, for-profit, not-for-profit or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services; provided, that qualified entity shall include adoption agencies, foster care agencies, entities providing
adoption or foster care services, entities providing adoption or foster care placement services and
providers under contract with the department of children and families.

(b) A qualified entity shall require that all covered individuals are fingerprinted
for the purposes of obtaining a state and national fingerprint-based criminal background check of
the state and Federal Bureau of Investigation criminal history databases, as authorized by 34
U.S.C. section 40102(a).

(c) A qualified entity may obtain a state and national fingerprint-based criminal
background check of the state and Federal Bureau of Investigation criminal history databases, as
authorized by 34 U.S.C. section 40102(a), for the purpose of determining whether a covered
individual has been convicted of a crime that bears upon the covered individual’s fitness to have
responsibility for the safety and well-being of children. Any qualified entity that contracts with
the department of children and families and any qualified entity that is licensed by the
department of early education and care shall also receive all conviction data, arrest data, sealed
record data and juvenile arrest or conviction data.

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

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

(f) A qualified entity is authorized to require a covered individual to be fingerprinted. No qualified entity shall request a background check pursuant to this section unless the covered individual first provides a set of fingerprints.

(g) Prior to submitting a state and national fingerprint-based criminal background check a covered individual shall complete and sign a statement authorizing consent to such a background check and notifying the covered individual that the qualified entity may request such a background check. The statement shall include the following additional information: (i) the name, address and date of birth as appearing on a valid identification document of the covered individual; (ii) a statement that the covered individual has not been convicted of a crime and, if the covered individual has been convicted of a crime, a description of the crime and the particulars of the conviction; (iii) notification of the rights of the covered individual to obtain a copy of the background check and the process by which the covered individual may appeal the results of the background check to challenge the accuracy or completeness of the information contained in the background report; and (iv) notification that prior to the completion of the background check the qualified entity may choose to deny the covered individual access to children.

(h) Fingerprints shall be submitted to the identification section of the department of state police for a state criminal history check and forwarded to the Federal Bureau of Investigation for a national criminal history check, according to the policies and procedures established by the identification section of the department of state police and by the department
of criminal justice information services. The department of state police and the Federal Bureau
of Investigation may search criminal justice databases including all latent fingerprint
submissions. Fingerprint submissions may be retained by the Federal Bureau of Investigation,
the state identification section of the department of state police and the department of criminal
justice information services to assist qualified entities authorized under this section to ensure the
continued suitability of covered individuals to provide care for children. The department of
criminal justice information services may disseminate the results of the state and national
criminal background checks to the qualified entity and authorized staff of the qualified entity.

(i) A qualified entity may receive all available criminal offender record
information and the results of checks of state and national criminal history information databases
under 34 U.S.C. section 40102. The department of children and families, any qualified entity that
contracts with the department of children and families and any qualified entity that is licensed by
the department of early education and care shall also receive all conviction data, arrest data,
sealed record data and juvenile arrest or conviction data. Upon receipt of the results of the state
and national criminal background checks, the qualified entity shall treat the information
according to sections 167 to 178, inclusive, and the regulations promulgated thereunder
regarding criminal offender record information. Information obtained by the qualified entity
under this section shall be used only for determining the suitability of the covered individual’s
fitness to have responsibility for the safety and well-being of children and shall not be used or
disseminated for any other purpose. Qualified entities shall also provide covered individuals with
information regarding how to obtain a copy of the criminal history record information and the
process by which the covered individual may appeal to challenge the accuracy or completeness
of the information contained in the criminal history record information.
(j) An authorized qualified entity submitting background checks pursuant to this section shall also submit a sex offender registry information check to the sex offender registry board for covered individuals.

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

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

(m) There shall be a fee charged for fingerprint-based background checks under this section, established by the secretary of administration and finance in consultation with the secretary of public safety and security, to offset the costs of operating and administering a fingerprint-based criminal background check system. The secretary of administration and finance in consultation with the secretary of public safety and security, may increase the fee accordingly if the Federal Bureau of Investigation increases the fee for its fingerprint background check service. Any fees collected from fingerprinting activity under this section shall be deposited into the Fingerprint-Based Background Check Trust Fund established under section 2HHHH of chapter 29.
(n) Nothing in this section shall be construed to prohibit the department of children and families from requesting or conducting state or national criminal background checks on covered individuals or from disseminating the results of such criminal background checks to qualified entities where authorized by federal and state law as applicable.

SECTION 4. Chapter 15D of the General Laws is hereby amended by striking out sections 7 and 8 and inserting in place thereof the following 2 sections:-

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

(i) As part of the department’s licensing and background record check process, the department, prior to issuing any license, shall: (1) obtain from the sex offender registry board all available sex offender registry information, including all registration forms and documents maintained by the sex offender registry board considered necessary by the department to investigate background record checks or licensing violations, associated with the address of the program, center, facility or home; and (2) conduct fingerprint-based checks of the state and national criminal history databases, as authorized by Public Law 92-544. The fingerprint-based checks shall be conducted on any current holder of or applicant for a family child care assistant certificate or any current holder of or applicant seeking a license for: family child care; small
group and school age child care; large group and school age child care; a residential program; or
a placement agency. The fingerprint-based checks shall also be required for any household
member, age 15 or older, or any person, age 15 or older, regularly on the premises of applicants
for family child care licensure, as well as in-home non-relative caregivers. Authorized
department staff may receive all criminal offender record information and the results of checks
of state and national criminal history databases pursuant to Public Law 92-544. When the
department obtains the results of checks of state and national criminal history databases, it shall
treat the information according to sections 167 to 178, inclusive, of chapter 6 and the regulations
thereunder regarding criminal offender record information. Additionally, the department shall
obtain all available criminal offender record information through the department of criminal
justice information services consistent with clause (13) of subsection (a) of section 172 of
chapter 6 and section 172F of said chapter 6, and all supported findings and pending
investigations of abuse or neglect available through the department of children and families
consistent with sections 51B, 51E, and 51F of chapter 119. The department may require
additional checks as required by state or federal law.

(ii) As part of the department’s licensing and background record check process,
the department shall conduct fingerprint-based checks of the state and national criminal history
databases, as authorized by Public Law 92-544, to determine the suitability of all current and
prospective candidates for employment or internships, whether or not those candidates have
unsupervised access to children, and all volunteers with unsupervised access to children in
department-licensed programs, unless specifically exempt by department regulations or policies.
The department shall outline in its regulations or policies the circumstances under which
candidates within department-licensed programs shall complete a background record check
through the department regardless of the candidate's unsupervised access to children. The fingerprint-based checks shall also be required to determine the suitability of an individual who provides transportation services on behalf of a department-licensed or approved program.

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

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

As part of the department's approval process, the department or an agency authorized by the department, prior to issuing an approval, shall: (i) obtain from the sex offender registry board all available sex offender registry information, including all registration forms and documents maintained by the sex offender registry board considered necessary by the department to investigate background record checks or licensing violations, associated with the address of the center, home or facility; and (ii) conduct fingerprint-based checks of the state and national criminal history databases, pursuant to Public Law 92-544, that are required under this subsection.
The fingerprint-based checks of the state and national criminal history databases shall be conducted, pursuant to Public Law 92-544, to determine the suitability of all current or prospective candidates for employment and internships, whether or not those candidates have unsupervised access to children, and all candidates for volunteer positions with unsupervised access to children in department-approved programs, unless specifically exempt by department regulations or policies. The fingerprint-based checks shall also be required to determine the suitability of an individual who provides transportation services on behalf of a department-approved program. Authorized department staff may receive criminal offender record information and the results of checks of state and national criminal history information databases pursuant to Public Law 92-544. When the department obtains the results of checks of state and national criminal information databases, it shall treat the information according to sections 167 to 178, inclusive, of chapter 6 and the regulations thereunder regarding criminal offender record information.

The fingerprint-based checks of the state and national criminal history databases shall be conducted, pursuant to Public Law 92-544, to determine the suitability of all current or prospective candidates for employment and internships, whether or not those candidates have unsupervised access to children, and all candidates for volunteer positions with unsupervised access to children in programs run by public school districts where families of children enrolled in such programs receive funding from the department, unless specifically exempt by department regulations or policies. The fingerprint-based checks shall also be required to determine the suitability of an individual who provides transportation services on behalf of a department-approved program. Authorized department staff may receive all criminal offender record information and the results of checks of state and national criminal history information databases.
pursuant to Public Law 92-544. When the department obtains the results of checks of state and
national criminal information databases, it shall treat the information according to sections 167 to
178, inclusive, of chapter 6 and the regulations thereunder regarding criminal offender record
information.

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

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

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

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

(b) The regulations may establish classifications for department-licensure, approval or funding that are necessary to achieve the purposes of this section, but the standards and requirements for approval of a child care center, family child care home or large family child care home, placement agency, group care facility, or temporary shelter operated by a department, agency or institution of the commonwealth or any political subdivision thereof shall be the same as or higher than those applicable to the licensure of comparable facilities or services. The regulations shall establish reasonable license fees and appropriate terms for all licenses granted under this section. No license or approval shall be transferable.
(c) The regulations, as they relate to standards and requirements for licensure and approval of large family child care homes, shall include, but not be limited to, appropriate standards for: 1 or more approved assistants as provided in this chapter; additional floor space; staff-to-child ratios for multiple age and size groupings; limitations on the number of infants in care at 1 time; the hours of school-aged care; the number and age of school-aged children cared for; a prerequisite that a provider have at least 3 years of experience in licensed family child care and have completed at least 5 hours of specialized training before licensure as a large family child care provider and at least 10 hours of training each subsequent year. In formulating the regulations pertinently to family child care homes, large family child care homes and family foster care, the department shall give special attention to fire and safety precautions.

(d) The timing, scope and nature of the department’s background record check process shall be established by the board in its regulations or policies, consistent with federal and state law. Nothing in this section shall prevent the department from completing the background record check process in a shorter amount of time than that required by federal or state law. The regulations shall provide that: a person providing child care or support services or with unsupervised access to children in a program or facility licensed, approved or funded by the department and household members, age 15 or older, or persons regularly on the premises, age 15 or older, of family child care and large family child care homes shall be subject to a background record check not less than every 3 years in accordance with regulations established by the department; provided, however, that a candidate for employment in a department-licensed, approved or funded program who is subject to a fingerprint-based check of the state and national criminal history databases for the same employer that is approved pursuant to chapters 19B or 71B shall submit to a fingerprint-based check under regulations established by the
department; provided further, that a person who is considered suitable by the department shall not be subject to more than 1 fingerprint-based check every 3 years to maintain employment with the same employer that is department-licensed, approved or funded pursuant to this chapter and is subject to said chapters 19B or 71B, and shall not be subject to duplicative fingerprint-based checks for the same employer when fingerprinted for the department first unless an exception described in the regulations or policies of the department applies or an increased frequency is required by state or federal law; and provided further, that the department shall only determine whether an applicant is suitable for affiliation with a department-licensed, approved or funded program.

The board shall adopt regulations establishing that the following individuals shall be subject to a sex offender registry information check pursuant to sections 178I and 178J of chapter 6: (1) each person defined as an applicant of a department-licensed, approved or funded program; (2) individuals who are providing child care or support services with unsupervised access to children in a program or facility licensed, approved or funded by the department when mandated by department regulations or policies consistent with federal and state law; (3) household members, age 15 or older, or persons regularly on the premises, age 15 or older, of family child care and large family child care homes; (4) department-funded caregivers or candidates for employment, internships or volunteer positions within programs in receipt of federal funding pursuant to 42 U.S.C. section 9858, consistent with department regulations or policies; and (5) an individual who provides transportation services on behalf of a department-licensed, funded or approved program. The regulations shall establish the conditions upon which the department may deny an application for a license, a license renewal or approval, employment or department funding. The board shall adopt regulations establishing an address search of the
sex offender registry for the purposes of licensing and license renewal or approval of school-
aged child care programs, child care centers, family child care homes, placement agencies or
large family child care homes, family foster care that is not supervised and approved by a
placement agency, group care facilities or temporary shelter facilities, including the conditions
under which the department may deny an application for a license, license renewal, approval or
funding based upon the information obtained from the address search of the sex offender
registry.

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

(f) The regulations shall require that any person who operates a school age child
care program, as defined in section 2 of chapter 132B, or a child care center shall comply with
the requirements regarding pesticide applications as set forth in sections 6C to 6I, inclusive of
said chapter 132B.
(g) Fines authorized by this section shall range from $50 to $1,000. In no case shall a fine imposed on a family child care home, large family child care home or child care center exceed a maximum fine of $250 per violation.

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

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

(j) Fingerprints, as referenced in subsections (a) and (b) of section 7 and subsection (d), shall be submitted to the identification section of the department of state police for a state criminal history check and forwarded to the Federal Bureau of Investigation for a national criminal history check, according to the policies and procedures established by the identification section of the department of state police and by the department of criminal justice information services. Fingerprint submissions may be retained by the Federal Bureau of Investigation, the identification section of the department of state police and the department of criminal justice information services to assist the department of early education and care in the department's review of suitability for initial or continued licensure, certification, approval or funding. The department of criminal justice information services may disseminate the results of a state and national criminal history check to the department of early education and care to determine the suitability of: (i) a current holder of or applicant for a family child care, small group and school age, large group and school age and residential and placement license or family child care assistant certificate; (ii) current and prospective candidates for employment and for
internships and volunteer positions where there is unsupervised access to children in a
department-licensed, approved or funded program consistent with department regulations or
policies and with federal and state law; (iii) household members, age 15 or older, or all persons,
age 15 or older, regularly on the premises, of current family child care providers and applicants
for family child care licensure; (iv) department-funded caregivers or candidates within programs
in receipt of federal funding pursuant to 42 U.S.C. section 9858, consistent with department
regulations or policies; and (v) an individual who is a current or prospective provider of
transportation services on behalf of, whether or not they have unsupervised access to children in,
a department-licensed, approved or funded program, consistent with department regulations or
policies. If the department receives information from a background record check that does not
include a final disposition or is otherwise incomplete, the department may request that a
candidate, either new or renewing, provide additional information to assist the department in
determining the suitability of the individual for licensure, certification, approval, funding or
employment.

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

For the purposes of this subsection, the term “provisional status” shall mean the
standing of a candidate for employment, an internship or a volunteer position with a department-
licensed, approved or funded program, or a candidate who has access to children in those
programs, who the department preliminarily approves to have supervised access to children after
obtaining the results of a state and national fingerprint-based criminal history check and required
sex offender checks consistent with federal and state law and the department’s regulations or
policies. A candidate may be hired by the employer in provisional status if the employer
determines that hiring the candidate is necessary and authorized by department regulations or
policies and is consistent with federal law. Candidates in provisional status shall adhere to the
requirements in department regulations and policies. If a program or transportation provider
seeks to hire a candidate in provisional status, the department may request that the candidate
provide additional information regarding the individual’s history of criminal convictions, if any,
to assist the department in determining the individual’s suitability for provisional status;
provided, however, that access to children shall not occur prior to the program or transportation
provider obtaining the results of a fingerprint-based state and national criminal check and all sex
offender registry information checks pursuant to sections 178I and 178J of chapter 6 and
consistent with federal and state law and department regulations and policies.

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

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

                      (l) All persons required to submit fingerprints pursuant to this chapter, including,
but not limited to: (i) a current holder of or applicant for a family child care, small group and
school age, large group and school age and residential and placement license, or family child
care assistant certificate; (ii) current and prospective candidates for employment, internships and
volunteer positions in department-licensed, approved or funded programs, consistent with
department regulations or policies; (iii) household members, age 15 or older, or persons, age 15
or older, regularly on the premises of current family child care providers and applicants for
family child care licensure; (iv) department-funded caregivers or candidates within programs in
receipt of federal funding pursuant to 42 U.S.C. section 9858, consistent with department
regulations or policies; and (v) a current or prospective candidate who provides transportation
services on behalf of, or who has unsupervised access to children in, a department-licensed,
approved or funded program, consistent with department regulations or policies, shall pay a fee,
to be established by the secretary of administration and finance, in consultation with the
secretary of public safety and security and the commissioner, to offset the costs of operating and
administering a fingerprint-based criminal background check system. The fee shall not be more
than $35 per person. The secretary of administration and finance, in consultation with the
secretary of public safety and security and the commissioner, may increase the fee accordingly if
the Federal Bureau of Investigation increases its fingerprint background check service fee. The
department-licensed, approved or funded programs may reimburse candidates for employment,
internships or volunteer positions, for all or a portion of the fee on the grounds of financial
hardship. Fees collected from fingerprinting activity pursuant to this chapter shall be deposited into the Fingerprint-Based Background Check Trust Fund, established by section 2HHHH of chapter 29.

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

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

SECTION 5. Subsection (a) of section 69 of chapter 23A of the General Laws, as added by section 9 of chapter 358 of the acts of 2020, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:-

For the purposes of this section, the term “micro business” shall mean a business: (i) with no more than 5 employees; (ii) located in a census tract as reported in the most recently completed decennial census published by the United States Census Bureau that has a median household income not greater than 80 per cent of the statewide median household income; and (iii) with no more than $250,000 in annual revenue.

SECTION 6. Section 2HHHH of chapter 29 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting, in line 4, after the word “in” the following words:- section 172O of chapter 6.
SECTION 7. Said section 2HHHH of said chapter 29, as so appearing, is hereby further amended by inserting, in line 14, after the word “in” the following words:- section 172O of chapter 6.,

SECTION 8. Subsection (b) of section 2WWWW of said chapter 29, as so appearing, is hereby amended by adding the following words:- ; provided, that money in the fund may also be expended for payments to such hospitals necessary to reconcile prior-year assessment amounts due to timing discrepancies in the calculation of the ratio described in subsection (b) of section 67 of chapter 118E.

SECTION 9. Subsection (c) of section 3A of chapter 40A of the General Laws, as added by section 18 of chapter 358 of the acts of 2020, is hereby amended by inserting after the word “department”, the first time it appears, the following words:- of housing and community development.

SECTION 10. The fifth paragraph of section 5 of said chapter 40A, as amended by section 19 of said chapter 358, is hereby amended by striking out clause (4) and inserting in place thereof the following clause:-

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

SECTION 11. Said section 5 of said chapter 40A, as so amended, is hereby further amended by inserting after the fifth paragraph the following 2 paragraphs:-

Any amendment that requires a simple majority vote shall not be combined with an amendment that requires a two-thirds majority vote.
If, in a city or town with a council of fewer than 25 members, there is filed with
the clerk prior to final action by the council a written protest against a zoning change under this
section, stating the reasons duly signed by owners of 50 per cent or more of the area of the land
proposed to be included in such change or of the area of the land immediately adjacent extending
300 feet therefrom, no change of any such ordinance shall be adopted except by a two-thirds vote
of all members.

SECTION 12. Chapter 40X of the General Laws, as inserted by section 56 of
chapter 358 of the acts of 2020, is hereby amended by striking out section 8 and inserting in
place thereof the following section:-

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

(b) The management entity of a tourism destination marketing district shall, with
respect to every lodging business operating in the tourism destination marketing district, report to
the commissioner the lodging business’s name, address, zip code, federal employment
identification number and any other information the commissioner may require for the purposes of the administration and collection of the special assessment within 30 days after approval by the municipal governing body of a lead jurisdiction of the tourism destination marketing district. The management entity must report this information to the commissioner with respect to any lodging businesses added to the tourism destination marketing district within 30 days of such addition.

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

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

(d) An annual audit, certified by a certified public accountant, of the revenues generated, the grants, donations and gifts received and the expenses incurred by the tourism destination marketing district shall be made within 120 days of the close of the fiscal year, and shall be placed on file with the commissioner. Such accounting shall be a public record.
(e) The commissioner may promulgate regulations and issue other guidance for
the assessing, reporting, collecting, remitting and enforcement of the special assessment under
this section.

SECTION 13. Section 9 of said chapter 40X, as inserted by said section 56 of
said chapter 358, is hereby amended by adding the following subsection:-

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

SECTION 14. Said chapter 40X, as inserted by said section 56 of said chapter
358, is hereby further amended by striking out section 11 and inserting in place thereof the
following section:-

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

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

SECTION 15. Section 3 of chapter 161A of the General Laws, as appearing in
the 2018 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words “board
of directors of the Massachusetts Department of Transportation established in chapter 6C” and inserting in place thereof the following words:- Massachusetts Bay Transportation Authority board of directors established in section 7.

SECTION 16. Said chapter 161A, as so appearing, is hereby further amended by striking out section 7 and inserting in place thereof the following section:-

Section 7. (a) The authority shall be governed and its corporate powers exercised by a board of directors, consisting of 7 members: 1 member shall be the secretary, who shall serve ex officio; 5 members shall be appointed by the governor, 1 of whom shall have experience in safety, 1 of whom shall have experience in transportation operations, 1 of whom shall have experience in public or private finance, 1 of whom shall be selected from a list of 3 persons recommended by the president of the AFL-CIO and 1 of whom shall be a rider as defined in section 1; and 1 member shall be appointed by the advisory board established pursuant to section 7A. At least 2 members shall also be members of the board of directors of the Massachusetts Department of Transportation established pursuant to section 2 of chapter 6C.

(b) The term of each member, except for the secretary, shall be 4 years. Three of the members, not including the secretary, shall serve for terms that are coterminous with the governor. A member shall be eligible for reappointment; provided, that a member shall not serve more than 2 terms. A member appointed to fill a vacancy in the board shall serve only for the unexpired term of the former member, but may be appointed to serve 2 full terms in addition to such part of a full term.
(c) Not more than 4 of the members shall be enrolled in the same political party.

The governor shall designate 1 member to serve as chair and the board shall elect 1 member to serve as vice-chair.

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

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

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

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

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

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

(j) Each member shall make full disclosure of financial interest, if any, in matters
before the board by notifying the state ethics commission, in writing, and shall abstain from
voting on any matter before the board in which the member has a financial interest, unless
otherwise permissible under chapter 268A. Chapters 268A and 268B shall apply to ex-officio
members. Said chapters 268A and 268B shall apply to all other members of the board, except
that the board may purchase from, sell to, borrow from, loan to, contract with or otherwise deal
with any person in which any member of the board is in any way interested or involved provided
that: (i) such an interest or involvement is disclosed in advance to the members of the board and
recorded in the minutes of the board; and (ii) no director having such an interest or involvement
may participate in a decision of the board relating to such an interest or involvement.

Employment by the commonwealth or service in any agency thereof shall not be deemed to be
such an interest or involvement.

(k) Members shall not be liable to the commonwealth, to the authority, or to any
other person as a result of their activities, whether ministerial or discretionary, as such members
or officers except for willful dishonesty or intentional violations of law. The board may purchase
liability insurance for board members, officers and employees, and may indemnify such persons
against the claims of others.
SECTION 17. Section 109 of chapter 133 of the acts of 2016 is hereby amended by inserting after the figure “175” the following words:- , inserted by section 1 of chapter 183 of the acts of 2016.,

SECTION 18. Section 112 of said chapter 133 is hereby amended by inserting after the figure “176A” the following words:- , inserted by section 2 of chapter 183 of the acts of 2016.,

SECTION 19. Section 114 of said chapter 133 is hereby amended by inserting after the figure “176B” the following words:- , inserted by section 3 of chapter 183 of the acts of 2016.,

SECTION 20. Section 116 of said chapter 133 is hereby amended by inserting after the figure “176G” the following words:- , inserted by section 4 of chapter 183 of the acts of 2016.,

SECTION 21. Section 200 of said chapter 133 is hereby amended by striking out the figure “2021” and inserting in place thereof the following figure:- 2022.

SECTION 22. Section 102 of chapter 41 of the acts of 2019 is hereby amended by striking out the words “July 1, 2021” and inserting in place thereof the following words:- April 1, 2022.

SECTION 23. Item 7008-1117 of chapter 142 of the acts of 2019 is hereby amended by striking out the figure “2021” and inserting in place thereof the following figure:- 2022.
SECTION 24. Item 4403-2000 of section 2 of chapter 227 of the acts of 2020 is hereby amended by inserting after the words “of September 2020” the following words: - ; provided further, that a non-recurring COVID-19 relief payment for costs associated with the pandemic shall be provided to each child and pregnant recipient who received a benefit under this program in the month directly preceding the month of the issuance of said non-recurring COVID-19 relief payment; provided further, that the amount of said COVID-19 relief payment shall be determined based on the number of eligible recipients; provided further, that the total cost of payments shall not exceed $27,853,223; provided further, that any unspent balance of up to $27,853,223 in this item as of June 30 of the current fiscal year shall be re-authorized for expenditure in the next fiscal year using the same eligibility criteria.

SECTION 25. Item 5911-1003 of said section 2 of said chapter 227 is hereby amended by inserting after the words “Congress, Inc.” the following words: - ; provided further, that the commissioner of developmental services may transfer funds between items 5920-2025, 5920-2000 and 5911-2000; provided further, that the commissioner shall notify the house and senate committees on ways and means 15 days in advance of any such transfer.

SECTION 26. Item 7007-1641 of said section 2 of said chapter 227 is hereby amended by striking out the words “Smaller Business Association of New England, Inc, for the” and inserting in place thereof the following words: - Massachusetts Technology Park Corporation established by chapter 40J of the General Laws for a.

SECTION 27. Item 7007-1641 of said section 2 of said chapter 227 is hereby further amended by striking out the words “president of the Smaller Business Association of New England, Inc,” and inserting in place thereof the following word: - grantee.
SECTION 28. Item 1595-1068 of section 2E of said chapter 227 is hereby amended by striking out the figure “$437,750,000” and inserting in place thereof the following figure:- $465,350,000.

SECTION 29. Said item 1595-1068 of said section 2E of said chapter 227 is hereby further amended by striking out the figure “$505,250,000” and inserting in place thereof the following figure:- $537,190,000.

SECTION 30. Item 1595-1070 of said section 2E of said chapter 227 is hereby amended by striking out the words “or 2020” and inserting in place thereof the following words:- , 2020 or 2021.

SECTION 31. Subsection (f) of section 20 of chapter 9 of the acts of 2021, as amended by section 4 of chapter 16 of the acts of 2021, is hereby further amended by striking out the words “section 21A” and inserting in place thereof the following words:- section 21.

SECTION 32. Notwithstanding section 1Q of chapter 69 of the General Laws or any other general or special law to the contrary, due to the 2019 novel coronavirus pandemic, also known as COVID-19, the commissioner of elementary and secondary education may establish an alternative means of demonstrating English language proficiency for the state seal of biliteracy for students in the class of 2020 or 2021, which may include, but is not limited to, earning the modified competency determination in English language arts.

SECTION 33. Notwithstanding section 89 of chapter 71 of the General Laws or any other general or special law to the contrary, due to the 2019 novel coronavirus pandemic, also known as COVID-19, the list of districts in the lowest 10 per cent of all statewide student
783 performance scores released in fiscal year 2020 shall be maintained as that list for fiscal years 2021 and 2022.

785 SECTION 34. Notwithstanding any general or special law to the contrary, for fiscal year 2021, the secretary of health and human services, with the written approval of the secretary of administration and finance, may authorize transfers of surplus among items 4000-0320, 4000-0430, 4000-0500, 4000-0601, 4000-0641, 4000-0700, 4000-0875, 4000-0880, 4000-0885, 4000-0940, 4000-0950, 4000-0990, 4000-1400, 4000-1420 and 4000-1425.

789 SECTION 35. Notwithstanding any general or special law to the contrary, any unexpended balances, not exceeding a total of $40,000,000, in items 4000-0700 and 4000-1425 of section 2 of chapter 227 of the acts of 2020 shall not revert to the General Fund until September 1, 2021 and may be expended by the executive office of health and human services to pay for services enumerated in said items 4000-0700 and 4000-1425 provided during fiscal year 2021.

796 SECTION 36. Notwithstanding any general or special law to the contrary, the secretary of health and human services shall, not later than September 3, 2021, provide to the comptroller information on the amount of the federal financial participation revenues claimed and received by the commonwealth for eligible expenditures made from the MassHealth Delivery System Reform Trust Fund established in section 2SSSS of chapter 29 of the General Laws for fiscal year 2021 that are attributable to the increase to the federal medical assistance percentage authorized by section 6008 of the federal Families First Coronavirus Response Act, Public Law 116-127. The comptroller shall credit said amount to the General Fund and not the MassHealth Delivery System Reform Trust Fund in fiscal year 2021.
SECTION 37. Notwithstanding any general or special law to the contrary, the commissioner of capital asset management and maintenance may take any and all interests in all the paper streets on the property: (i) described in the deed from the Trustees of the Soldiers’ Home in Massachusetts dated December 27, 1934 recorded at the Suffolk county registry of deeds in book 5503, page 430; and (ii) identified in plans recorded at the Suffolk county registry of deeds in book 1174, page 16 and book 1168, page end, and may also take any other interests or rights necessary to clear title to the property by eminent domain pursuant to chapter 79 of the General Laws, as deemed necessary by the commissioner of capital asset management and maintenance to carry out this act.

SECTION 38. Notwithstanding any general or special law to the contrary, in making initial appointments to the Massachusetts Bay Transportation Authority board of directors, established pursuant to section 7 of chapter 161A of the General Laws, the governor shall appoint the 3 members whose terms are not coterminous with the term of the governor to the following initial terms: 1 member shall be appointed for a term of 1 year, 1 member shall be appointed for a term of 2 years and 1 member shall be appointed for a term of 3 years.

SECTION 39. The special commission established pursuant to chapter 3 of the resolves of 2018 is hereby revived and continued to December 31, 2021. The special commission shall file its report with the clerks of the house of representatives and the senate, the joint committee on the environment, natural resources and agriculture and the joint committee on tourism, arts and cultural development not later than December 31, 2021.

SECTION 40. Chapter 54 of the General Laws is hereby amended by striking out section 25B and inserting in place thereof the following 3 sections:-
Section 25B. (a) As used in sections 25C and 25D, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Application”, an application to vote early by mail.

“Central registry”, the central registry of voters established pursuant to section 47C of chapter 51.

“Election”, a biennial state election, as defined in section 62, or a state primary, and any city or town election held at the same time.

“Qualified voter”, a voter qualified pursuant to section 1 of chapter 51.

“Voter affidavit”, an affidavit to be completed by a voter at the time of early voting in person or by mail, in compliance with regulations promulgated under this chapter, and a notice of penalties under section 26 of chapter 56.

Section 25C. (a) The election officers and registrars of every city or town shall allow any qualified voter to cast a ballot for an election in person as set forth in this section.

(b) No fewer than 21 days prior to each election, the state secretary shall deliver to each city or town, in quantities as the state secretary determines necessary, the following papers: (1) official early voting ballots, similar to the official ballot to be used at the election; and (2) envelopes of sufficient size to contain the ballots specified in clause (1) bearing on their reverse the voter affidavit.
(c)(1) The voting period for in person early voting for the biennial state election shall run from the third Saturday preceding the election through the close of the business on the Friday immediately preceding the election.

(2) The voting period for in person early voting for any state primary election shall run from the second Saturday preceding the election through the close of the business on the Friday immediately preceding the election.

(d)(1) Early voting in person shall be conducted during the usual business hours of each city or town clerk. A city or town may, in its discretion, provide for additional early voting hours beyond the hours required by this subsection.

(2) Early voting in person for an election shall be conducted on all weekend dates during the early voting period as follows: (i) for municipalities with fewer than 5,000 registered voters, for a period of a minimum of 2 hours each day; (ii) for municipalities with 5,000 or more registered voters but fewer than 20,000 registered voters, for a period of a minimum of 4 hours each day; (iii) for municipalities with 20,000 or more registered voters but fewer than 40,000 registered voters, for a period of a minimum of 5 hours each day; (iv) for municipalities with 40,000 or more registered voters but fewer than 75,000 registered voters, for a period of a minimum of 6 hours each day; and (v) for municipalities with 75,000 or more registered voters, for a period of a minimum of 8 hours each day. For each other day during the early voting period, early voting in person shall be conducted during the usual business hours of each city or town clerk. A city or town may, in its discretion, provide for additional early voting hours beyond the hours required by this paragraph.
(e) Each city and town shall establish an early voting site for each election that shall include the election office for the city or town; provided, however, that if the city or town determines that the office is unavailable or unsuitable for early voting, the registrars of each city or town shall identify and provide for an alternative centrally-located, suitable and convenient public building within each city or town as an early voting site. A city or town may also provide for additional early voting sites at the discretion of the registrars for that city or town. Each early voting site shall be accessible to persons with disabilities in accordance with federal law.

(f) The designation of an early voting site shall be made not less than 14 days prior to the beginning of the voting period established in subsection (b). Not less than 7 days prior to the beginning of the early voting period, and at least once during the voting period, the registrars for each city or town shall post the location of the early voting sites as well as the applicable dates and hours. Notice shall be conspicuously posted: (i) in the office of the city or town clerk or on the principal official bulletin board of each city or town; (ii) on any other public building considered necessary; (iii) on the city or town’s website, if any; and (iv) on the website of the state secretary.

(g) A qualified voter voting early in person shall be provided with a ballot and an envelope where the ballot is to be placed after voting which shall contain a voter affidavit to be filled out by the voter. A qualified voter voting early in person shall complete the voter affidavit.

(h) Prior to the beginning of early voting, the registrars for each city or town shall prepare a list for the early voting sites, containing the names and residences of all persons qualified to vote at each voting site, as the names and residences appear upon the annual register, and shall
reasonably transmit the applicable list to the election officers at each early voting site designated
by the registrars.

(i) The registrar or presiding official at the early voting site shall cause to be placed on
the voting lists opposite the name of a qualified voter who participates in early voting the letters
“EV” designating an early voter.

(j) The registrars shall prepare lists of all voters casting ballots during the early voting
period pursuant to this section and update the voter list in a manner prescribed by the state
secretary.

(k) Section 72 shall not apply to this section; provided, however, that a city or town may
opt to detail a sufficient number of police officers or constables for each early voting site for an
election at the expense of the city or town to preserve order, protect the election officers and
supervisors from any interference with their duties and aid in enforcing the laws relating to
elections.

(l) The counting of early voting ballots including, but not limited to, informing election
officers and any challengers present under section 85A shall be set by regulations promulgated
under this chapter. All envelopes referred to in this section shall be retained with the ballots cast
at the election and shall be preserved and destroyed in the manner provided by law for the
retention, preservation or destruction of official ballots.

(m)(1) The absent or early ballot of any voter who was eligible to vote at the time the
ballot was cast shall not be deemed invalid solely because the voter became ineligible to vote by
reason by death after casting the ballot. For the purposes of this subsection, the term “cast” shall
mean that the voter has: (i) deposited the absentee or early ballot in the mail for ballots mailed;
(ii) returned the absentee or early ballot to the appropriate election official either by hand or by
depositing in the municipal drop box, where available; or (iii) completed voting in person at the
clerk’s office or an early voting location.

(2) Section 100 shall not apply to any election held at the same time.

(n) Any early voting ballot cast pursuant to this section may be deposited into a tabulator
or a ballot box in a municipality or precinct that uses paper ballots, in advance of the date of the
election. All ballots received pursuant to this section may be opened in advance of the date of the
election, in accordance with regulations promulgated by the state secretary; provided, however,
that such ballots shall be kept secured, locked and unexamined, and that no results shall be
determined or announced until after the time polls close on the date of the election. Disclosing
any such result before such time shall be punished as a violation of section 14 of chapter 56.

(o) Sections 37 and 38 of chapter 53 shall apply to unenrolled voters and voters enrolled
in political designations voting early in person. The registrar or the presiding official at an early
voting site shall cause the name of the party of the ballot being voted to be recorded on the
voting list. Once the party selection has been recorded on the voting list, a voter cannot request
or vote on the ballot of another party.

(p) The counting of early voting ballots including, but not limited to, informing election
officers and any challengers present under section 85A shall be set by 950 C.M.R. § 47.00, so far
as applicable. All envelopes referred to in this section shall be retained with the ballots cast at the
election and shall be preserved and destroyed in the manner provided by law for the retention,
preservation or destruction of official ballots.
(q) The provisions of 950 C.M.R. § 47.00 shall apply to early voting to the extent feasible; provided, however, that the state secretary shall promulgate regulations to implement this section, as necessary, including, but not limited to, a process for establishing additional early voting locations and a process for applying for, receiving, separating, compiling, recording and securing early voter ballots, and the advance depositing of ballots.

Section 25D. (a) The election officers and registrars of every city or town shall allow any qualified voter to cast an early ballot by mail for any election, as set forth in this section.

(b) Not later than 30 days prior to an election, the state secretary shall deliver to each city or town, in quantities as the state secretary determines necessary, the following papers: (i) official early ballots for voting early by mail for the election, similar to the official ballot to be used at said election; provided, however, that a sufficient quantity of such ballots are printed in the languages necessary to accommodate the selection of a bilingual ballot by voters pursuant to paragraph (4) of subsection (d); (ii) envelopes of sufficient size to contain the ballots specified in clause (i) bearing on their reverse the voter affidavit; (iii) return envelopes for any ballot requested for voting by mail pre-addressed to the local election official with postage guaranteed; and (iv) instructions for voting by mail to be sent to each voter who requests to cast a ballot by mail.

(c) The voting period for early voting by mail for an election shall begin as soon as all necessary early voting materials have been received by the local election official pursuant to subsection (b).

(d)(1) The state secretary shall, not later than 45 days before an election, mail to all registered voters at their residential addresses or mailing addresses if different from their
residential addresses listed in the central registry an application for said voter to be permitted to
vote early by mail for the election; provided, however, that the state secretary shall not send an
application to any voter whose previous application for an absent or early ballot has been
accepted.

(2) The election officers and registrars of every city or town shall include an application
for a voter to be permitted to vote early by mail with the acknowledgement notice sent to any
person registering to vote or changing their voter registration address.

(3) The applications required pursuant to this subsection shall be in a form prescribed by
the state secretary in accordance with state and federal law; provided, however, that said
applications shall: (i) include clear instructions for completing and returning the application; (ii)
allow a voter to designate the mailing address to which the ballot shall be sent; and (iii) be pre-
addressed to the local election official with postage guaranteed.

(4)(i) Each application mailed pursuant to this subsection shall be provided in any
language required by the bilingual election requirements of the federal Voting Rights Act, 52

(ii) Each application mailed to a voter in the city of Boston pursuant to this subsection
shall include an option, which shall appear prominently on the application, to request a ballot
printed in any language available at the voter’s polling location pursuant to chapter 166 of the
acts of 2014.

(5) The applications required pursuant to this subsection shall be made available on the
websites of the state secretary and the elections officers and registrars of every city or town.
(e)(1) A voter wishing to vote early by mail in an election shall complete the application to vote early by mail and shall return said application to the appropriate city or town clerk. Any form of written communication evidencing a desire to have an early voting ballot be sent for use for voting for an election shall be given the same effect as an application made in the form prescribed by the state secretary. Applications to vote early by mail for an election shall be acceptable if they are signed or submitted electronically; provided, however, that any electronic signature shall be written in substantially the same manner as a handwritten signature.

(2) No application to vote early by mail in an election shall be deemed to be seasonably filed unless it is received in the office of the local election official before 5 P.M. on the 4th business day prior to the election.

(f)(1) Early voting ballots authorized pursuant to this section shall be mailed by the city or town clerks to voters as soon as such materials are available; provided, however, that said mailing shall include: (i) instructions for early voting; (ii) instructions for completing the ballot; (iii) an inner envelope where the ballot is placed after voting which contains a voter affidavit to be filled out by the voter; and (iv) an outer envelope that is pre-addressed to the local official with postage guaranteed; provided, however, that a voter who has seasonably filed an application may receive an early voting ballot in person at the office of the city or town clerk. The state secretary shall include on the outer envelope with postage guaranteed required by this section a system which generates a postmark for determining the date upon which the envelope was mailed.

(2) Each early voting ballot authorized pursuant to this section shall be provided to the voter in the language required pursuant to paragraph (4) of subsection (d).
A voter in receipt of an early voting ballot pursuant to this section may complete and return the ballot by: (i) delivering it in person to the office of the appropriate city or town clerk; (ii) dropping it in a secured municipal drop box; or (iii) mailing it to the appropriate city or town clerk.

(2) All early voting ballots submitted by mail, delivered in person to the office of the city or town clerk or returned to a secured municipal drop box as provided by this section shall be received by the city or town clerk before the hour fixed for closing the polls on the day of the election; provided, however, that an early voting ballot cast for a presidential election that is received not later than 5 P.M. on the third day following said election and mailed on or before the day of said election shall be processed in accordance with the second paragraph of section 95. A postmark, if legible, shall be evidence of the time of mailing.

(h) A voter wishing to apply to vote early by mail in an election and who needs accommodation by reason of disability may request such accommodation from the state secretary. Upon receiving information from the voter pursuant to the application in this section either by phone or electronically, the state secretary shall grant accommodations to the voter. Accommodations shall include, but not be limited to: (i) clear and electronic accessible instructions for completion, printing and returning of the ballot; (ii) an authorized accessible blank electronic ballot that can be filled out electronically, printed and signed; provided, however, that the accessible electronic ballot marking system the voter utilizes to access their blank electronic ballot shall not collect or store any personally identifying information obtained in the process of filling out the ballot; (iii) an envelope to return the ballot to the voter’s town or city clerk; and (iv) hole punched markers in place of a wet signature required for certification. The electronic instructions and accommodations in this section shall comply with requirements
contained in Title II of the federal Americans with Disabilities Act and shall conform to the Web
Content Accessibility Guidelines (WCAG) 2.1 AA and the National Institute of Standards and
Technology report titled “Principles and guidelines for remote ballot marking systems.” Upon
printing the ballot, the voter shall place the ballot in the envelope provided by the state secretary.
A voter with accommodations in receipt of an early voting ballot for an election pursuant to this
section may complete and return the ballot by: (i) delivering it in person to the office of the
appropriate city or town clerk; (ii) dropping it in a secured municipal drop box; or (iii) mailing it
to the appropriate city or town clerk.

   (i) Any early voting ballot cast pursuant to this section may be deposited into a tabulator
or a ballot box in a municipality or precinct that uses paper ballots, in advance of the date of the
election. All ballots received pursuant to this section may be opened in advance of the date of the
election, in accordance with regulations promulgated by the state secretary; provided, however,
that such ballots shall be kept secured, locked and unexamined, and that no results shall be
determined or announced until after the time polls close on the date of the election. Disclosing
any such result before such time shall be punished as a violation of section 14 of chapter 56.

   (j) Sections 37 and 38 of chapter 53 shall apply to unenrolled voters and voters enrolled
in political designations voting early by mail. The registrar or the presiding official at an early
voting site shall cause the name of the party of the ballot being voted to be recorded on the
voting list. Once the party selection has been recorded on the voting list, a voter cannot request
or vote on the ballot of another party.

   (k) The counting of early voting ballots including, but not limited to, informing election
officers and any challengers present under section 85A shall be set by 950 C.M.R. § 47.00, so far
as applicable. All envelopes referred to in this section shall be retained with the ballots cast at the election and shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots.

(l) The provisions of 950 C.M.R. § 47.00 shall apply to early voting to the extent feasible; provided, however, that the state secretary shall promulgate regulations to implement this section, as necessary, including, but not limited to, a process for applying for, receiving, separating, compiling, recording and securing early voter ballots and the advance depositing of ballots.

SECTION 41. Notwithstanding any general or special law to the contrary, the state secretary shall implement a system to allow a qualified voter to request an early or absent ballot on the state secretary’s website, to be mailed to the qualified voter’s home address or a different mailing address as designated by the voter. The system shall not require the voter’s signature.

SECTION 42. The state secretary shall conduct a public awareness campaign to inform voters throughout the commonwealth of the provisions of sections 25B to 25D, inclusive, of chapter 54 of the General Laws, including, but not limited to, measures to promote public awareness of expanded early voting options in elections and the requirements and procedures for early voting by mail, including, but not limited to, information related to the ability of a voter who requests but does not return an early voting by mail ballot to vote in person on election day.

SECTION 43. Section 100 of Chapter 32 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting in line 13 after the words “in his death,” the following:- or if a police officer while in the performance of his duties and as the result of an
accident that occurs while such officer is attempting to make a rescue of a member of the public or emergency personnel and sustains injuries which result in death.