

SENATE No. 2485

Senate, June 24, 2021 -- Text of the Senate amendment to the House Bill making appropriations for fiscal year 2021 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3871) (being the text of Senate, No. 2480, printed as amended)

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

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

9 SECTION 2.

10 OFFICE OF THE ATTORNEY GENERAL

11 *Office of the Attorney General*

12 0810-0000\$93,785

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14 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

15 *Division of Capital Asset Management and Maintenance*

16 1102-3199\$1,075,653

17 *Human Resources Division*

18 1750-0100\$1,000,000

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20 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

21 *Department of Fish and Game*

22 2330-0100\$371,107

23 *Department of Conservation and Recreation*

24 2810-0100\$1,000,000

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26 EXECUTIVE OFFICE OF EDUCATION

27 *Department of Early Education and Care*

28 3000-7040\$264,373

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30 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

31 *Office of the Secretary*

32 1595-1068\$31,937,236

33 *Soldiers' Home in Massachusetts*

34 4180-0100\$3,170,447

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Soldiers' Home in Holyoke

4190-0100\$2,221,107

Department of Transitional Assistance

4403-2000\$27,853,223

Department of Public Health

4510-0100\$132,522

4516-1000\$1,491,441

4590-0913\$1,000,000

4590-0915\$7,259,080

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

Department of State Police

8100-0012\$1,300,000

8100-1001\$11,032,617

Military Division

8700-0001\$13,034,845

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Department of Elder Affairs

9110-0600\$7,774,619

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

56 specifically designated otherwise in this section, for the several purposes and subject to the
57 conditions specified in this section, and subject to the laws regulating the disbursement of public
58 funds for the fiscal year ending June 30, 2021. These sums shall be made available until June 30,
59 2022, except as otherwise stated.

60 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

61 *Reserves*

62 1599-1210 For a reserve for the start-up costs of the Massachusetts peace officer standards and
63 training commission established in section 2 of chapter 6E of the General Laws; provided, that
64 funds may be transferred to other items to reimburse costs incurred by those items in state fiscal
65 year 2021 and state fiscal year 2022 on behalf of the commission; provided further, that not less
66 than \$1,000,000 shall be expended for stipends for the 9 commissioners of the Massachusetts
67 peace officers standards and training commission; and provided further, that not less than
68 \$200,000 shall be expended for the maintenance costs of the officer certification
69 database.....\$5,000,000

70 1599-1211 For a reserve to meet the expenses associated with the implementation of chapter
71 253 of the acts of 2020; provided, that the secretary of administration and finance may transfer
72 funds from this item to state agencies as defined in section 1 of chapter 29 of the General Laws;
73 provided further, that not less than \$2,262,100 shall be expended for bridge academies for
74 reserve officers and special state police officers previously not subject to the same training
75 requirements as the general law enforcement population; provided further, that not less than
76 \$3,208,000 shall be expended for new or expanded police training obligations of the municipal
77 police training committee in accordance with section 116 of chapter 6 of the General Laws,
78 including de-escalation training, use of force training and school resource officer training;

79 provided further, that not less than \$1,597,160 shall be expended on the first diverse class of
80 state police cadets for the program established in section 10A of chapter 22C of the General
81 Laws; provided further, that not less than \$150,000 each shall be expended on: (i) the
82 commission on the status of African Americans established by section 72 of chapter 3 of the
83 General Laws; (ii) the commission of the status of Latinos and Latinas established by section 73
84 of said chapter 3; (iii) the commission on the status of persons with disabilities established by
85 section 74 of said chapter 3; and (iv) the commission on the social status of Black men and boys
86 established by section 75 of said chapter 3; provided further, that not less than \$200,000 shall be
87 expended on the shared administrative costs of said commissions; and provided further, that not
88 less than \$50,000 each shall be expended on: (a) the model school resource officer memorandum
89 of understanding review commission established in section 37P of chapter 71 of the General
90 Laws; (b) the commission on correction officers and juvenile detention officers training
91 established in section 103 of chapter 253 of the acts of 2020; and (c) the law enforcement body
92 camera task force established in section 104 of said chapter 253.....\$12,500,000

93 *Supplier Diversity Office*

94 1780-0100 For the operation and administration of the supplier diversity office; provided, that
95 the office shall provide training and other services to businesses owned by women, minorities,
96 veterans, service-disabled veterans, individuals with disabilities and individuals who are lesbian,
97 gay, bisexual and transgender, certified by the office that allow those businesses to better
98 compete for state contracts and ensure that equitable practices and policies in the public
99 marketplace are maintained; provided further, that the office shall administer an electronic
100 business certification application that shall be accessible to business applicants through the
101 internet; provided further, that the office shall ensure the integrity and security of personal and

102 financial information transmitted by electronic application; and provided further, that the office
103 shall, using all existing available resources, provide certification services to all supplier diversity
104 office qualified applicants, within or outside of the commonwealth, as applicable\$1,000,000

105 EXECUTIVE OFFICE OF EDUCATION

106 *Department of Early Education and Care*

107 3000-1021 For efforts to support and stabilize the early education and care workforce, and
108 address varied operational costs at state child care programs supervised by the department of
109 early education and care; provided, that funds appropriated in this item shall be used to fund: (i)
110 formula-based stabilization grants to providers to sustain operational capacity despite
111 fluctuations in enrollment; (ii) system-level workforce investments to encourage stability in the
112 workforce and to maintain provider capacity during the COVID-19 pandemic; and (iii)
113 investments in technology infrastructure to support innovation and flexibility in the field of early
114 education and care providers; provided further, that the distribution of the formula-based
115 stabilization grants in clause (i) shall prioritize equity and early education programs with higher
116 percentages of state subsidized enrollment; provided further, that not less than 90 days prior to
117 the disbursement of funds from this item, the department shall submit a spending plan to the joint
118 committee on education and the house and senate committees on ways and means that shall
119 include, but not be limited to: (a) a description of the formula through which funding will be
120 allocated to providers; (b) an analysis of the incorporation of equity into the formula, including
121 the projected distribution of funding to state subsidized and non-state subsidized childcare
122 programs; and (c) any system-wide programmatic updates the department feels will be necessary
123 to monitor expenditures from this item; provided further, that the department shall provide
124 quarterly updates on the distribution of funds and related expenditures to the joint committee on

125 education and the house and senate committees on ways and means until the funds are fully
 126 expended; provided further, that the department shall provide technical assistance to providers to
 127 assist them in planning expenditures so as to avoid any so-called “funding cliffs” in future fiscal
 128 years; and provided further, that any unexpended funds in this item shall not revert to the
 129 General Fund but shall be made available for this item until September 30,
 130 2023.....\$131,060,103

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

140 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

141 *Office of the Secretary*

142 4000-1701\$20,000,000

143 SECTION 2C.I. For the purpose of making available in fiscal year 2022 balances of
 144 appropriations that otherwise would revert on June 30, 2021, the unexpended balances of the
 145 appropriations listed below, not to exceed the amount specified below for each item, are hereby
 146 re-appropriated for the purposes of and subject to the conditions stated for the corresponding
 147 item in section 2 of chapter 227 of the acts of 2020. However, for items that do not appear in

148 section 2 of the general appropriation act, the amounts in this section are re-appropriated for the
149 purposes of and subject to the conditions stated for the corresponding item in section 2 or section
150 2A of this act or in prior appropriation acts. Amounts in this section are re-appropriated from the
151 fund or funds designated for the corresponding item in said section 2 of said chapter 227;
152 provided, however, that for items that do not appear in said section 2 of said chapter 227, the
153 amounts in this section are re-appropriated from the fund or funds designated for the
154 corresponding item in section 2 to 2E, inclusive, of this act or in prior appropriation acts. The
155 sums reappropriated in this section shall be in addition to any amounts available for said
156 purposes.

157 OFFICE OF THE STATE AUDITOR

158 *Office of the State Auditor*

159	0710-0000	\$390,000
160	0710-0100	\$11,400
161	0710-0200	\$198,600
162	0710-0225	\$195,000
163	0710-0300	\$150,000

164 SECTION 3. Chapter 6 of the General Laws is hereby amended by inserting after section
165 172N the following section:-

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

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

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

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

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

185 (b) A qualified entity shall require that all covered individuals are fingerprinted for the
186 purposes of obtaining a state and national fingerprint-based criminal background check of the
187 state and Federal Bureau of Investigation criminal history databases, as authorized by 34 U.S.C.
188 40102(a).

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

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

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

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

209 (g) Prior to submitting a state and national fingerprint-based criminal background check,
210 a covered individual shall complete and sign a statement notifying the covered individual that the

211 qualified entity may request such a background check and authorizing consent to such a
212 background check. The statement shall include: (i) the name, address and date of birth as
213 appearing on a valid identification document of the covered individual; (ii) a statement that the
214 covered individual has not been convicted of a crime and, if the covered individual has been
215 convicted of a crime, a description of the crime and the particulars of the conviction; (iii)
216 notification of the rights of the covered individual to obtain a copy of the background check and
217 the process by which the covered individual may appeal the results of the background check to
218 challenge the accuracy or completeness of the information contained in the background check
219 report; and (iv) notification that prior to the completion of the background check the qualified
220 entity may choose to deny the covered individual access to children.

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

233 (i) A qualified entity may receive all available criminal offender record information and
234 the results of checks of state and national criminal history information databases under 34 U.S.C.
235 40102. The department of children and families, any qualified entity that contracts with the
236 department of children and families and any qualified entity that is licensed by the department of
237 early education and care shall also receive all conviction data, arrest data, sealed record data and
238 juvenile arrest or conviction data. Upon receipt of the results of the state and national criminal
239 background checks, the qualified entity shall treat the information according to sections 167 to
240 178, inclusive, and the regulations promulgated thereunder regarding criminal offender record
241 information. Information obtained by the qualified entity under this section shall be used only for
242 determining the suitability of the covered individual's fitness to have responsibility for the safety
243 and well-being of children and shall not be used or disseminated for any other purpose. Qualified
244 entities shall also provide covered individuals with information regarding how to obtain a copy
245 of the criminal history record information and the process by which the covered individual may
246 appeal to challenge the accuracy or completeness of the information contained in the criminal
247 history record information.

248 (j) A qualified entity submitting background checks pursuant to this section shall also
249 submit a sex offender registry information check to the sex offender registry board for covered
250 individuals.

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

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

259 (m) There may be a fee charged for fingerprint-based background checks under this
260 section, established by the secretary of administration and finance in consultation with the
261 secretary of public safety and security, to offset the costs of operating and administering a
262 fingerprint-based criminal background check system. The secretary of administration and
263 finance, in consultation with the secretary of public safety and security, may increase the fee
264 accordingly if the Federal Bureau of Investigation increases the fee for its fingerprint background
265 check service. Any fees collected from fingerprinting activity under this section shall be
266 deposited into the Fingerprint-Based Background Check Trust Fund established under section
267 2HHHH of chapter 29.

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

272 SECTION 4. Chapter 15D of the General Laws is hereby amended by striking out
273 sections 7 and 8, as appearing in the 2018 Official Edition, and inserting in place thereof the
274 following 2 sections:-

275 Section 7. (a) The department shall issue and may renew a license to any person, other
276 than a department, agency or institution of the commonwealth or any political subdivision
277 thereof, who meets applicable standards and requirements to establish and maintain or to assist in

278 the establishment and maintenance of a school-aged child care program, a child care center, a
279 family child care home, a placement agency, a large family child care home, family foster care
280 that is not supervised and approved by a placement agency, residential program or temporary
281 shelter facility.

282 As part of the department's licensing and background record check process, the
283 department, prior to issuing any license, shall: (i) obtain from the sex offender registry board all
284 available sex offender registry information, including all registration forms and documents
285 maintained by the sex offender registry board considered necessary by the department to
286 investigate background record checks or licensing violations, associated with the address of the
287 program, center, facility or home; and (ii) conduct fingerprint-based background checks of the
288 state and national criminal history databases, as authorized by Public Law 92-544. The
289 fingerprint-based background checks shall be conducted on any current holder of or applicant for
290 a family child care assistant certificate or any current holder of or applicant seeking a license for
291 family child care, small group and school age child care, large group and school age child care, a
292 residential program or a placement agency. The fingerprint-based background checks shall also
293 be required for any household member, age 15 or older, or any person, age 15 or older, regularly
294 on the premises of applicants for family child care licensure, as well as in-home non-relative
295 caregivers. Authorized department staff may receive all criminal offender record information and
296 the results of checks of state and national criminal history databases pursuant to said Public Law
297 92-544. When the department obtains the results of checks of state and national criminal history
298 databases, it shall treat the information according to sections 167 to 178, inclusive, of chapter 6
299 and the regulations thereunder regarding criminal offender record information. Additionally, the
300 department shall obtain all available criminal offender record information through the

301 department of criminal justice information services consistent with clause (13) of subsection (a)
302 of section 172 of said chapter 6 and section 172F of said chapter 6 and all supported findings and
303 pending investigations of abuse or neglect available through the department of children and
304 families consistent with sections 51B, 51E and 51F of chapter 119. The department may require
305 additional checks as required by state or federal law.

306 As part of the department’s licensing and background record check process, the
307 department shall conduct fingerprint-based background checks of the state and national criminal
308 history databases, as authorized by Public Law 92-544, to determine the suitability of all current
309 and prospective candidates for employment or internships, whether or not those candidates have
310 unsupervised access to children, and all candidates for volunteer positions with unsupervised
311 access to children in department-licensed programs, unless specifically exempt under department
312 regulations or policies. The department shall outline in its regulations or policies the
313 circumstances under which candidates within department-licensed programs shall complete a
314 background record check through the department regardless of the candidate’s unsupervised
315 access to children. The fingerprint-based background checks shall also be required to determine
316 the suitability of an individual who provides transportation services on behalf of a department-
317 licensed or approved program. Authorized department staff may receive criminal offender record
318 information and the results of checks of state and national criminal history databases pursuant to
319 said Public Law 92-544. When the department obtains the results of checks of state and national
320 criminal history databases, it shall treat the information according to sections 167 to 178,
321 inclusive, of chapter 6 and the regulations thereunder regarding criminal offender record
322 information.

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

328 As part of the department's approval process, the department or an agency authorized by
329 the department, prior to issuing an approval, shall: (i) obtain from the sex offender registry board
330 all available sex offender registry information, including all registration forms and documents
331 maintained by the sex offender registry board considered necessary by the department to
332 investigate background record checks or licensing violations, associated with the address of the
333 center, home or facility; and (ii) conduct fingerprint-based background checks of the state and
334 national criminal history databases, pursuant to Public Law 92-544, that are required under this
335 subsection.

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

346 results of checks of state and national criminal history databases, it shall treat the information
347 according to sections 167 to 178, inclusive, of chapter 6 and the regulations thereunder regarding
348 criminal offender record information.

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

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

366 (d) The department may issue a provisional license for or may provisionally approve a
367 school-aged child care program, a child care center, a family child care home or large family

368 child care home, family foster care that is not supervised and approved by a placement agency, a
369 placement agency, a group care facility or temporary shelter facility that has not previously
370 operated or is operating but is temporarily unable to meet applicable standards and requirements.
371 A provisional license or approval shall be issued for a period of not more than 6 months and a
372 person shall not operate under a provisional license, provisional approval or renewal thereof for
373 more than 12 consecutive months.

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

376 Section 8. (a) The board shall adopt regulations relative to the requirements for licensure
377 and approval of school-aged child care programs, child care centers, family child care homes or
378 large family child care homes, family foster care that is not supervised and approved by a
379 placement agency, placement agencies, group care facilities and temporary shelter facilities.
380 These regulations shall be appropriate for the protection of the health, well-being and
381 development of children and shall include, but not be limited to, provisions relative to: (i)
382 admission policies and procedures; (ii) the safe transport of children; (iii) physical plants and
383 equipment; (iv) the number and qualifications of staff; (v) the nature of programs of care and
384 treatment; (vi) behavior management and child guidance policies and procedure; (vii) health care
385 and nutrition; (viii) rights and responsibilities of parents, children and staff; (ix) recordkeeping
386 and other procedures relevant to evaluation including, but not limited to, reports by placement
387 agencies detailing the number and nature, as defined jointly by the University of Massachusetts
388 center for adoption research and policy in the city of Worcester and the department of children
389 and families, of adoptions processed during each calendar quarter to be filed with the center
390 annually not later than January 30; (x) organization, financing and administration; and (xi) the

391 imposition of civil fines and other sanctions. The board shall consult with the board of
392 elementary and secondary education, the executive office of public safety and security and the
393 executive office of health and human services before adopting any rules and regulations. The
394 board shall submit any rules and regulations, and any revisions to the rules and regulations, to the
395 joint committee on education for review and comment not less than 60 days before adoption.

396 (b) The regulations may establish classifications for department licensure, approval or
397 funding that are necessary to achieve the purposes of this section, but the standards and
398 requirements for approval of a child care center, family child care home or large family child
399 care home, placement agency, group care facility or temporary shelter operated by a department,
400 agency or institution of the commonwealth or any political subdivision thereof shall be the same
401 as or higher than those applicable to the licensure of comparable facilities or services. The
402 regulations shall establish reasonable license fees and appropriate terms for licenses granted
403 under this section. No license or approval shall be transferable.

404 (c) Any regulations relating to standards and requirements for licensure and approval of
405 large family child care homes, shall include, but not be limited to, appropriate standards for: (i)
406 approved assistants as provided in this chapter; (ii) additional floor space; (iii) staff-to-child
407 ratios for multiple age and size groupings; (iv) limitations on the number of infants in care at 1
408 time; (v) the hours of school-aged care; (vi) the number and age of school-aged children cared
409 for; (vii) requiring a provider to have not less than 3 years of experience in licensed family child
410 care and not less than 5 hours of specialized training before licensure as a large family child care
411 provider; and (viii) requiring a provider to have not less than 10 additional hours of training each
412 year. In formulating the regulations relative to family child care homes, large family child care

413 homes and family foster care, the department shall give special attention to fire and safety
414 precautions.

415 (d) The timing, scope and nature of the department's background record check process
416 shall be established by the board in its regulations or policies and shall be consistent with federal
417 and state law; provided, however, that nothing in this section shall prohibit the department from
418 completing the background record check process in a shorter amount of time than that required
419 by federal or state law. The regulations shall provide that a person who provides child care or
420 support services or who has unsupervised access to children in a program or facility licensed,
421 approved or funded by the department and household members, age 15 or older, or persons
422 regularly on the premises, age 15 or older, of a family child care home or a large family child
423 care home shall be subject to a background record check at least once every 3 years in
424 accordance with regulations established by the department; provided, however, that a candidate
425 for employment in a department-licensed, approved or funded program who is subject to a
426 fingerprint-based check of the state and national criminal history databases for the same
427 employer that is approved pursuant to chapter 19B or chapter 71B shall submit to a fingerprint-
428 based check under regulations established by the department; provided further, that a person who
429 is considered suitable by the department shall not be subject to more than 1 fingerprint-based
430 check every 3 years to maintain employment with the same employer that is department-
431 licensed, approved or funded pursuant to this chapter and is subject to said chapter 19B or said
432 chapter 71B and shall not be subject to additional fingerprint-based checks for the same
433 employer when fingerprinted for the department first unless an exception described in the
434 regulations or policies of the department applies or an increased frequency is required by state or

435 federal law; and provided further, that the department shall only determine whether an applicant
436 is suitable for affiliation with a department-licensed, approved or funded program.

437 The board shall adopt regulations requiring the following individuals to be subject to a
438 sex offender registry information check pursuant to sections 178I and 178J of chapter 6: (i) a
439 person defined as an applicant of a department-licensed, approved or funded program; (ii) an
440 individual providing child care or support services with unsupervised access to children in a
441 program or facility licensed, approved or funded by the department when mandated by
442 department regulations or policies consistent with federal and state law; (iii) household members,
443 age 15 or older, or persons regularly on the premises, age 15 or older, of family child care and
444 large family child care homes; (iv) department-funded caregivers or candidates for employment,
445 internships or volunteer positions within programs receiving federal funding pursuant to 42
446 U.S.C. 9858, consistent with department regulations or policies; and (v) an individual who
447 provides transportation services on behalf of a department-licensed, department-funded or
448 department-approved program. The regulations shall establish the conditions upon which the
449 department may deny an application for a license, a renewal or approval of a license,
450 employment or department funding. The board shall adopt regulations establishing an address
451 search of the sex offender registry for the licensing and license renewal or approval of school-
452 aged child care programs, child care centers, family child care homes, large family child care
453 homes, placement agencies, family foster care that is not supervised and approved by a
454 placement agency, group care facilities or temporary shelter facilities, including the conditions
455 under which the department may deny an application for a license, license renewal, approval or
456 funding based upon the information obtained from the address search of the sex offender
457 registry.

458 (e) Any rule or regulation involving medical treatment shall include appropriate
459 exemptions for children whose parents object to such treatment on the ground that it conflicts
460 with the tenets and practice of a recognized church or religious denomination of which the parent
461 or child is an adherent or member. The regulations shall require that each child care program
462 licensed or approved by the department shall obtain from a parent or guardian of a child in its
463 care age 2 to 6 years, inclusive, a statement, signed by a physician or an employee of a health
464 care agency, that the child has been screened for lead poisoning. This statement shall be obtained
465 upon the child's enrollment if the child is 2 years of age or older or at the time the child attains 2
466 years of age if enrolled earlier.

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

470 (g) The regulations shall require that fines authorized by this section shall range from \$50
471 to \$1,000; provided, however, that no fine imposed on a family child care home, large family
472 child care home or child care center shall exceed \$250 per violation.

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

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

478 (j) Fingerprints obtained pursuant to subsections (a) and (b) of section 7 and subsection
479 (d) of this section shall be submitted to the identification section of the department of state police
480 for a state criminal history check and forwarded to the Federal Bureau of Investigation for a
481 national criminal history check in accordance with the policies and procedures established by the
482 identification section of the department of state police and by the department of criminal justice
483 information services. Fingerprint submissions may be retained by the Federal Bureau of
484 Investigation, the identification section of the department of state police and the department of
485 criminal justice information services to assist the department of early education and care in its
486 review of suitability for initial or continued licensure, certification, approval or funding. The
487 department of criminal justice information services may disseminate the results of a state and
488 national criminal history check to the department of early education and care to determine the
489 suitability of: (i) a current holder of or applicant for a family child care, small group and school
490 age, large group and school age and residential and placement license or family child care
491 assistant certificate; (ii) current and prospective candidates for employment and for internships
492 and volunteer positions where there is unsupervised access to children in a department-licensed,
493 approved or funded program, consistent with department regulations or policies and with federal
494 and state law; (iii) household members, age 15 or older, or persons, age 15 or older, regularly on
495 the premises of family child care providers and applicants for family child care licensure; (iv)
496 department-funded caregivers or candidates within programs receiving federal funding pursuant
497 to 42 U.S.C. 9858, consistent with department regulations or policies; and (v) an individual who
498 is or will be providing transportation services on behalf of, whether or not they have
499 unsupervised access to children in, a department-licensed, approved or funded program,
500 consistent with department regulations or policies. If the department receives information from a

501 background record check that does not include a final disposition or is otherwise incomplete, the
502 department may request that such person provide additional information to assist the department
503 in determining the suitability of the individual for licensure, certification, approval, funding or
504 employment.

505 The board of early education and care shall promulgate regulations necessary to carry out
506 this subsection. The regulations shall address the circumstances under which a licensed,
507 approved or funded program may hire an individual in provisional status consistent with this
508 section, the department's regulations or policies and the federal requirements of 42 U.S.C. 9858f.
509 For the purposes of this subsection, "provisional status" shall mean the standing of a candidate
510 for employment, for an internship or for a volunteer position with a department-licensed,
511 approved or funded program, or a candidate who will have access to children in such programs,
512 who the department preliminarily approves to have supervised access to children after obtaining
513 the results of state and national fingerprint-based criminal history checks and required sex
514 offender registry checks consistent with federal and state law and the department's regulations or
515 policies.

516 A candidate may be hired by the employer in provisional status if the employer
517 determines that hiring the candidate is necessary and authorized by department regulations or
518 policies and is consistent with federal law. Candidates in provisional status shall adhere to the
519 requirements of the department regulations and policies. If a program or transportation provider
520 seeks to hire a candidate in provisional status, the department may require the candidate to
521 provide additional information regarding the individual's history of criminal convictions, if any,
522 to assist the department in determining the individual's suitability for provisional status;
523 provided, however, that access to children shall not occur prior to the program or transportation

524 provider obtaining the results of a fingerprint-based state and national criminal checks and all sex
525 offender registry information checks pursuant to sections 178I and 178J of chapter 6 and
526 consistent with federal and state law and department regulations and policies.

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

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

540 (l) All persons required to submit fingerprints pursuant to this chapter including, but not
541 limited to: (i) a holder of or applicant for a family child care, small group and school age, large
542 group and school age and residential and placement license or family child care assistant
543 certificate; (ii) candidates for employment, internships and volunteer positions in department-
544 licensed, approved or funded programs, consistent with department regulations or policies; (iii)
545 household members, age 15 or older, or persons, age 15 or older, regularly on the premises of

546 family child care providers and applicants for family child care licensure; (iv) department-funded
547 caregivers or candidates within programs in receipt of federal funding pursuant to 42 U.S.C.
548 9858, consistent with department regulations or policies; and (v) a candidate who will provide
549 transportation services on behalf of, or who will have unsupervised access to children in, a
550 department-licensed, approved or funded program, consistent with department regulations or
551 policies, shall pay a fee, to be established by the secretary of administration and finance, in
552 consultation with the secretary of public safety and security and the commissioner, to offset the
553 costs of operating and administering a fingerprint-based criminal background check system;
554 provided, however, that such fee shall not exceed the fingerprint background check service fee
555 charged by the Federal Bureau of Investigations. The department-licensed, approved or funded
556 programs may reimburse candidates for employment, internships or volunteer positions for all or
557 a portion of the fee on the grounds of financial hardship. Fees collected pursuant to this
558 subsection shall be deposited into the Fingerprint-Based Background Check Trust Fund
559 established in section 2HHHH of chapter 29.

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

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

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

570 For the purposes of this section, the term “micro business” shall mean a business: (i) with
571 not more than 5 employees; (ii) located in a census tract as reported in the most recently
572 completed decennial census published by the United States Census Bureau that has a median
573 household income not more than 80 per cent of the statewide median household income; and (iii)
574 with not more than \$250,000 in annual revenue.

575 SECTION 6. Section 2HHHH of chapter 29 of the General Laws, as appearing in the
576 2018 Official Edition, is hereby amended by striking out, in lines 4 and 14, the word “sections”
577 and inserting in place thereof, in each instance, the following words:- section 172O of chapter 6,
578 sections.

579 SECTION 7. Subsection (b) of section 2WWWW of said chapter 29, as so appearing, is
580 hereby amended by inserting after the word “regulations”, in line 19, the following words:- ;
581 provided, that money in the fund may also be expended for payments to such hospitals necessary
582 to reconcile prior-year assessment amounts due to timing discrepancies in the calculation of the
583 ratio described in subsection (b) of section 67 of chapter 118E.

584 SECTION 8. Section 100 of chapter 32 of the General Laws, as so appearing, is hereby
585 amended by inserting after the word “death”, in line 13, the following words:- , or if a police
586 officer while at the scene of an emergency in the performance of the police officer’s duties is
587 killed or sustains injuries that result in the police officer’s death.

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

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

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

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

599 Any amendment that requires a simple majority vote shall not be combined with an
600 amendment that requires a 2/3 majority vote.

601 If, in a city or town with a council of fewer than 25 members, there is filed with the clerk
602 prior to final action by the council a written protest against a zoning change under this section,
603 stating the reasons duly signed by owners of 50 per cent or more of the area of the land proposed
604 to be included in such change or of the area of the land immediately adjacent extending 300 feet
605 therefrom, no change of any such ordinance shall be adopted except by a 2/3 vote of all
606 members.

607 SECTION 12. Section 4G of chapter 40J of the General Laws, as appearing in the 2018
608 Official Edition, is hereby amended by adding the following 2 subsections:-

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

621 (d) Annually, not later than October 1, the corporation shall file a report with clerks of the
622 senate and house of representatives, the joint committee on higher education, the joint committee
623 on economic development and emerging technologies and the senate and house committees on
624 ways and means detailing the grants and loans issued under this section.

625 SECTION 13. Subsection (a) of section 7 of chapter 93L of the General Laws, as
626 appearing in section 65 of chapter 358 of the acts of 2020, is hereby amended by striking out the
627 fifth paragraph and inserting in place thereof the following paragraph:-

628 All records of investigations by the commissioner, records of the office of the student
629 loan ombudsman established under section 35 of chapter 12 and reports of examinations by the
630 commissioner, including workpapers, information derived from the reports that cannot be

631 obtained from other sources and responses to the reports, and any copies thereof in the
632 possession of a student loan servicer under the supervision of the commissioner, shall be
633 confidential and privileged communications; provided, however, that nothing in this subsection
634 shall interfere with the work of the office of the student loan ombudsman established under said
635 section 35 of said chapter 12; and provided further, that the records of the student loan
636 ombudsman may be made public only if the attorney general determines that such disclosure is
637 in the public interest.

638 SECTION 14. Section 3 of chapter 161A of the General Laws, as appearing in the 2018
639 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words “board of
640 directors of the Massachusetts Department of Transportation established in chapter 6C” and
641 inserting in place thereof the following words:- Massachusetts Bay Transportation Authority
642 board of directors established in section 7.

643 SECTION 15. Said chapter 161A is hereby further amended by striking out section 7, as
644 so appearing, and inserting in place thereof the following section:-

645 Section 7. (a) The authority shall be governed and its corporate powers exercised by the
646 Massachusetts Bay Transportation Authority board of directors. The board shall consist of the
647 secretary of transportation, who shall serve ex officio, 1 person to be appointed by the advisory
648 board who shall have municipal government experience in the service area constituting the
649 authority and experience in transportation operations, transportation planning, housing policy,
650 urban planning or public or private finance and 5 persons to be appointed by the governor, 1 of
651 whom shall have experience in transportation operations and safety, 1 of whom shall have
652 experience in public or private finance, 1 of whom shall have experience in transportation or

653 urban planning, 1 of whom shall be selected from a list of 3 persons recommended by the
654 president of the Massachusetts State Labor Council, AFL-CIO and 1 of whom shall have
655 municipal government experience in the service area constituting the authority; provided,
656 however, that at least 1 of the persons appointed by the governor shall be a rider as defined in
657 section 1 who shall be a resident of an environmental justice population as defined in section 62
658 of chapter 30.

659 The members appointed with municipal government experience in the service area
660 constituting the authority shall represent not less than 2 of the following service areas: (i) the 14
661 cities and towns; (ii) the 51 cities and towns; or (iii) the other served communities. A vacancy
662 from a member appointed with municipal government experience in the service area constituting
663 the authority who has served for 2 full terms shall be filled with a member with municipal
664 government experience from a different service area of the authority than the departing member.

665 Not less than 2 of the appointed members shall also be members of the board of directors
666 of the Massachusetts Department of Transportation established under section 2 of chapter 6C.

667 In making selections to the Massachusetts Bay Transportation Authority board of
668 directors, the appointing authority shall strive to ensure a board whose diversity and inclusion are
669 reflective of the population served by the authority.

670 (b) The term of each member, except for the secretary of transportation, shall be 4 years;
671 provided, however, that 3 of the members appointed by the governor, not including the secretary
672 of transportation, shall serve for terms that are coterminous with the governor. A member shall
673 be eligible for reappointment; provided, however, that a member shall not serve more than 2

674 terms. A member appointed to fill a vacancy in the board shall serve only for the unexpired
675 portion of the term of the former member but may be appointed to serve 2 full terms thereafter.

676 (c) Not more than 4 members shall be enrolled in the same political party. The governor
677 shall designate 1 member to serve as chair and the board shall elect 1 member to serve as vice-
678 chair; provided, however, that the secretary of transportation shall not serve as chair or vice-
679 chair.

680 (d) Four members of the board shall constitute a quorum and the affirmative vote of a
681 majority of members present at a duly called meeting, if a quorum is present, shall be necessary
682 for any action taken by the board. Any action required or permitted to be taken at a meeting of
683 the board may be taken without a meeting if all of the members consent in writing to such action
684 and such written consent is filed with the records of the minutes of the board. Such consent shall
685 be treated for all purposes as a vote at a meeting.

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

690 (f) The board shall establish subcommittees, which shall include at a minimum a
691 subcommittee on: (i) safety, health and environment; (ii) planning and workforce development;
692 and (iii) audit and finance. Each member shall participate on 2 subcommittees of the board. Each
693 subcommittee shall have 3 board members. The appointee by the governor who has experience
694 in transportation operations and safety shall chair the subcommittee on safety, health and
695 environment. The appointee by the governor who has experience in public or private finance

696 shall chair the subcommittee on audit and finance. Each subcommittee shall meet at least once
697 every other month.

698 (g) The members of the board, except for the secretary of transportation, shall receive a
699 stipend of \$12,000 per year for the discharge of their official duties.

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

702 (i) The board shall meet at least 1 time per month and not less than 20 times per calendar
703 year.

704 (j) Each member shall make full disclosure of their financial interest, if any, in matters
705 before the board by notifying the state ethics commission, in writing, and shall abstain from
706 voting on any matter before the board in which the member has a financial interest, unless
707 otherwise permissible under chapter 268A. Chapters 268A and 268B shall apply to the secretary
708 of transportation in the secretary's capacity as an ex officio member. Said chapters 268A and
709 268B shall apply to all other members of the board, except that the board may purchase from,
710 sell to, borrow from, loan to, contract with or otherwise deal with any person with which any
711 member of the board has an interest or involvement; provided, however, that: (i) such interest or
712 involvement is disclosed in advance to the members of the board and recorded in the minutes of
713 the board; and (ii) no member having such interest or involvement may participate in a decision
714 of the board relating to such interest or involvement. Employment by the commonwealth or
715 service in any agency thereof shall not be deemed to be such an interest or involvement.

716 (k) Members shall not be liable to the commonwealth, the authority or any other person
717 as a result of their activities related to their duties as members of the board, whether ministerial

718 or discretionary, except for willful dishonesty or intentional violations of law. The board may
719 purchase liability insurance for members, officers and employees of the board and may
720 indemnify such persons against the claims of others.

721 SECTION 16. Chapter 46 of the acts of 2015 is hereby amended by striking out sections
722 199 to 208, inclusive.

723 SECTION 17. Section 102 of chapter 41 of the acts of 2019 is hereby amended by
724 striking out the words “July 1, 2021” and inserting in place thereof the following words:- April 1,
725 2022.

726 SECTION 18. Item 7008-1117 of section 2A of chapter 142 of the acts of 2019 is hereby
727 further amended by striking out the figure “2021”, inserted by section 31 of chapter 201 of the
728 acts of 2020, and inserting in place thereof the following figure:- 2022.

729 SECTION 19. Said item 7008-1117 of said section 2A of said chapter 142, as most
730 recently amended by said section 31 of said chapter 201, is hereby further amended by striking
731 out the figure “2021”, the second time it appears, and inserting in place thereof the following
732 figure:- 2022.

733 SECTION 20. Item 1599-1232 of section 2A of chapter 124 of the acts of 2020 is hereby
734 amended by inserting after the words “at the discretion of the director of the Barnstable county
735 department of health and the environment” the following words:- ; provided further, that such
736 funds shall be made available through June 30, 2022.

737 SECTION 21. Said item 1599-1232 of said section 2A of said chapter 124 is hereby
738 further amended by inserting after the word “Falmouth” the following words:- ; provided further,
739 that such funds shall be made available through June 30, 2022.

740 SECTION 22. The first paragraph of section 98 of said chapter 124 is hereby amended by
741 striking out the second sentence and inserting in place thereof the following sentence:- The fund
742 shall consist of revenues received by the commonwealth from the federal government pursuant
743 to section 5001(a) of the federal Coronavirus Aid, Relief, and Economic Security Act,
744 hereinafter referred to as the CARES Act, and any reimbursements for expenses charged to the
745 fund.

746 SECTION 23. Chapter 156 of the acts of 2020, as amended by the section 44 of chapter
747 201 of the acts of 2020, is hereby further amended by striking out the words “the lifting of the
748 state of emergency concerning the novel coronavirus disease outbreak declared by the governor
749 on March 10, 2020 or for 210 days from July 31, 2020, whichever is sooner” and inserting in
750 place thereof the following words:- January 1, 2022.

751 SECTION 24. Item 4512-2023 of section 2 of chapter 227 of the acts of 2020 is hereby
752 amended by inserting after the words “food insecure and housing insecure residents of the county
753 of Barnstable” the following words:- ; provided further, that such funds shall be made available
754 through June 30, 2022.

755 SECTION 25. Item 1410-0010 of said section 2 of said chapter 227 is hereby amended
756 by interesting after the word “Norton” the following words:- ; and provided further, that such
757 funds shall be made available through June 30, 2022.

758 SECTION 26. Item 2810-0100 of said section 2 of said chapter 227 is hereby amended
759 by interesting after the words “Devir Park Revitalization Project” the following words:- ;
760 provided further, that such funds shall be available through June 30, 2022.

761 SECTION 27. Item 3000-1045 of said section 2 of said chapter 227 is hereby amended
762 by interesting after the word “disrupted” the following words:- ; provided further, that not less
763 than \$60,000,000 shall be made available for direct grants to providers, which shall be calculated
764 using an equal amount per subsidized child; provided further, that the department of early
765 education and care shall take all steps necessary to expedite the grant application and distribution
766 process.

767 SECTION 28. Item 4403-2000 of said section 2 of said chapter 227 is hereby amended
768 by inserting after the words “of September 2020” the following words:- ; provided further, that a
769 non-recurring COVID-19 relief payment for costs associated with the pandemic shall be
770 provided to each child and pregnant recipient who received a benefit under this program in the
771 month directly preceding the month of the issuance of said non-recurring COVID-19 relief
772 payment; provided further, that the amount of said COVID-19 relief payment shall be
773 determined based on the number of eligible recipients; provided further, that the total cost of
774 payments shall not exceed \$27,853,223; provided further, that any unspent balance of not more
775 than \$27,853,223 in this item as of June 30 of the current fiscal year shall be re-authorized for
776 expenditure in the next fiscal year using the same eligibility criteria.

777 SECTION 29. Item 4513-1121 of said section 2 of said chapter 227 is hereby amended
778 by adding the following words:- ; and provided further, that these funds shall be made available
779 through June 30, 2022.

780 SECTION 30. Item 5911-1003 of said section 2 of said chapter 227 is hereby amended
781 by inserting after the words “Congress, Inc.” the following words:- ; provided further, that the
782 commissioner of developmental services may transfer funds between items 5920-2025, 5920-
783 2000 and 5911-2000; provided further, that the commissioner shall notify the house and senate
784 committees on ways and means 15 days in advance of any such transfer.

785 SECTION 31. Item 7007-1641 of said section 2 of said chapter 227 is hereby amended
786 by striking out the words “Smaller Business Association of New England, Inc, for the” and
787 inserting in place thereof the following words:- Massachusetts Technology Park Corporation
788 established by chapter 40J of the General Laws for a.

789 SECTION 32. Said item 7007-1641 of said section 2 of said chapter 227 is hereby further
790 amended by striking out the words “president of the Smaller Business Association of New
791 England, Inc,,” and inserting in place thereof the following word:- grantee.

792 SECTION 33. Item 7008-1116 of said section 2 of said chapter 227 is hereby amended
793 by inserting after the words “Salem common in the city of Salem” the following words:- ;
794 provided further, that such funds shall be made available through June 30, 2022.

795 SECTION 34. Said item 7008-1116 of said section 2 of said chapter 227 is hereby further
796 amended by interesting after the words “Future Leaders Program” the following words:- ;
797 provided further, that such funds shall be available through June 30, 2022.

798 SECTION 35. Item 8324-0000 of said section 2 of said chapter 227 is hereby amended
799 by interesting after the words “General Laws”, the second time they appear, the following
800 words:- ; provided further, that notwithstanding any general or special law to the contrary, such

801 funds may be expended to pay stipends in excess of \$3,000 to the members of hazardous
802 materials mitigation emergency response teams in fiscal year 2021; provided further, that such
803 funds shall be made available through June 30, 2022.

804 SECTION 36. Item 1595-1068 of section 2E of said chapter 227 is hereby amended by
805 striking out the figure “\$437,750,000” and inserting in place thereof the following figure:-
806 \$465,350,000.

807 SECTION 37. Said item 1595-1068 of said section 2E of said chapter 227 is hereby
808 further amended by striking out the figure “\$505,250,000” and inserting in place thereof the
809 following figure:- \$537,190,000.

810 SECTION 38. Item 1595-1070 of said section 2E of said chapter 227 is hereby amended
811 by striking out the words “or 2020” and inserting in place thereof the following words:- , 2020 or
812 2021.

813 SECTION 39. Subsection (f) of section 20 of chapter 9 of the acts of 2021, as amended
814 by section 4 of chapter 16 of the acts of 2021, is hereby further amended by striking out the
815 figure “21A” and inserting in place thereof the following figure:- 21.

816 SECTION 40. Section 20 of chapter 20 of the acts of 2021 is hereby amended by striking
817 out subsection (b) and inserting in place thereof the following subsection:-

818 (b) Notwithstanding section 20 of chapter 30A of the General Laws or any general or
819 special law to the contrary, a public body, as defined in section 18 of said chapter 30A, shall not
820 be required to conduct its meetings in a public place that is open and physically accessible to the
821 public; provided, however, that if the public body does not conduct the meeting in a public place

822 that is open and physically accessible to the public, the public body shall ensure public access to
823 the deliberations of the public body for interested members of the public through adequate,
824 alternative means of public access. Where active, real-time participation by members of the
825 public is a specific requirement of a general or special law, regulation or a local ordinance or by-
826 law, pursuant to which the proceeding is conducted, any adequate, alternative means of public
827 access shall provide for such participation and shall be sufficient to meet such participation
828 requirement.

829 A municipal public body that for reasons of economic hardship and despite best efforts is
830 unable to provide adequate, alternative means of public access that will enable the public to
831 follow the proceedings of the municipal public body as those activities are occurring in real time
832 may instead post on its municipal website a full and complete transcript, recording or other
833 comprehensive record of the proceedings as soon as practicable upon conclusion of the
834 proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a
835 general or special law, regulation or a local ordinance or by-law that requires allowance for
836 active participation by members of the public.

837 A public body shall offer its selected adequate, alternative means of public access to its
838 proceedings without subscription, toll or similar charge to the public.

839 SECTION 41. Notwithstanding section 1Q of chapter 69 of the General Laws or any
840 other general or special law to the contrary, due to the COVID-19 pandemic, the commissioner
841 of elementary and secondary education may establish an alternative means of demonstrating
842 English language proficiency for the state seal of biliteracy for students in the class of 2020 and

843 2021, which may include, but shall not be limited to, earning the modified competency
844 determination in English language arts.

845 SECTION 42. Notwithstanding section 89 of chapter 71 of the General Laws or any other
846 general or special law to the contrary, due to the COVID-19 pandemic, the list of districts in the
847 lowest 10 per cent of all statewide student performance scores released in fiscal year 2020 shall
848 be maintained as that list for fiscal years 2021, 2022 and 2023.

849 SECTION 43. Notwithstanding any general or special law to the contrary, for fiscal year
850 2021, the secretary of health and human services, with the written approval of the secretary of
851 administration and finance, may authorize transfers of surplus among items 4000-0320, 4000-
852 0430, 4000-0500, 4000-0601, 4000-0641, 4000-0700, 4000-0875, 4000-0880, 4000-0885, 4000-
853 0940, 4000-0950, 4000-0990, 4000-1400, 4000-1420 and 4000-1425.

854 SECTION 44. Notwithstanding any general or special law to the contrary, any
855 unexpended balances, not exceeding a total of \$40,000,000, in items 4000-0700 and 4000-1425
856 of section 2 of chapter 227 of the acts of 2020 shall not revert to the General Fund until
857 September 1, 2021 and may be expended by the executive office of health and human services to
858 pay for services enumerated in said items 4000-0700 and 4000-1425 provided during fiscal year
859 2021.

860 SECTION 45. Notwithstanding any general or special law to the contrary, the secretary
861 of health and human services shall, not later than September 3, 2021, provide to the comptroller
862 information on the amount of the federal financial participation revenues claimed and received
863 by the commonwealth for eligible expenditures made from the MassHealth Delivery System
864 Reform Trust Fund established in section 2SSSS of chapter 29 of the General Laws for fiscal

865 year 2021 that are attributable to the increase to the federal medical assistance percentage
866 authorized by section 6008 of the federal Families First Coronavirus Response Act, Public Law
867 116-127. The comptroller shall credit said amount to the General Fund and not the MassHealth
868 Delivery System Reform Trust Fund in fiscal year 2021.

869 SECTION 46. Notwithstanding any general or special law to the contrary, the
870 commissioner of capital asset management and maintenance may take any and all interests in all
871 the paper streets on the property: (i) described in the deed from the Trustees of the Soldiers'
872 Home in Massachusetts dated December 27, 1934 recorded at the Suffolk county registry of
873 deeds in book 5503, page 430; and (ii) identified in plans recorded at the Suffolk county registry
874 of deeds in book 1174, page 16 and book 1168, page end, and may also take any other interests
875 or rights necessary to clear title to the property by eminent domain pursuant to chapter 79 of the
876 General Laws, as deemed necessary by the commissioner of capital asset management and
877 maintenance to carry out this act.

878 SECTION 47. Notwithstanding any general or special law to the contrary, in making
879 initial appointments to the Massachusetts Bay Transportation Authority board of directors
880 established under section 7 of chapter 161A of the General Laws, the governor shall appoint the
881 governor's 2 members whose terms are not coterminous with the term of the governor to the
882 following initial terms: 1 member shall be appointed for a term of 1 year and 1 member shall be
883 appointed for a term of 3 years.

884 SECTION 48. The special commission on agricultural tourism established pursuant to
885 chapter 3 of the resolves of 2018 is hereby revived and continued to December 31, 2021. The
886 special commission shall file its report with the clerks of the house of representatives and the

887 senate, the joint committee on the environment, natural resources and agriculture, the joint
888 committee on tourism, arts and cultural development and the house and senate committees on
889 ways and means not later than December 31, 2021.

890 SECTION 49. The special commission on ocean acidification established pursuant to
891 section 97 of chapter 209 of the acts of 2018 and revived and continued pursuant to section 45 of
892 chapter 201 of the acts of 2020 is hereby revived and continued to December 31, 2021. The
893 special commission shall file its report, together with drafts of legislation necessary to carry out
894 its recommendations, with the clerks of the senate and house of representatives and the joint
895 committee on environment, natural resources and agriculture not later than December 31, 2021.

896 SECTION 50. The task force established pursuant to section 2 of chapter 93 of the acts of
897 2020 and revived and continued pursuant to section 90 of chapter 124 of said acts is hereby
898 revived and continued to December 31, 2021. The task force shall file its recommendations with
899 the clerks of the senate and house of representatives and the house and senate committees on
900 ways and means not later than December 31, 2021.

901 SECTION 51. Section 8 shall take effect as of June 3, 2021.

902 SECTION 52. Subsection (b) of section 20 of chapter 20 of the acts of 2021, as inserted
903 by section 40, shall take effect as of June 15, 2021.