
The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



WEDNESDAY, JULY 29, 2020

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JOURNAL OF THE SENATE

Wednesday, July 29, 2020.

Met at twenty-two minutes past eleven o'clock A.M. (Mr. Cyr in the Chair) (having been appointed, by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Report.

Report of the Massachusetts Life Insurance Community Investment Initiative (pursuant to Section 2(e) of Chapter 259 of the Acts of 1998) submitting its 2019 annual report (received July 20, 2020),-- **was placed on file.**

MLICII,-- 2019
annual report.
SD3021

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 4902) of Christina A. Minicucci and Bruce E. Tarr (by vote of the town) that the town of North Andover be authorized to amend the charter of said town relative to posting of town meeting warrants;

North Andover,--
charter.

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 4903) of Christina A. Minicucci and Bruce E. Tarr (by vote of the town) that the town of North Andover be authorized to change the name of the board of selectmen to the select board;

North Andover,--
select board.

To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4904) of Christina A. Minicucci and Bruce E. Tarr (by vote of the town) that Richard Bruno, Daniel Smart and Michael Soltys shall be eligible for original appointment to the position of firefighter in the town of North Andover;

North Andover,--
firefighter
appointment.

To the committee on Public Service.

A Bill providing for a study of noise impacts from the confluence of Interstates 93 and 495 (House, No. 4893,-- on House, No. 3625), -- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

I93 and 495,-- noise
impact study.

A Bill granting equal access to original birth certificate to all persons born in Massachusetts (House, No. 1892,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Birth certificates.

Recess.

There being no objection, at twenty-three minutes past eleven o'clock A.M., the Chair (Mr. Cyr) declared a recess, subject to the call of the Chair; and at seventeen minutes past one o'clock P.M., the Senate reassembled, Mr. Cyr in the Chair.

Recess.

Pledge of Allegiance.

The Chair (Mr. Cyr), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:

The House Bill authorizing the appointing authority of the town of Bridgewater to appoint police cadets (House, No. 3677, amended),-- **was read a third time and passed to be engrossed, in concurrence.**

Bridgewater,-- police cadets.

The House Bill relative to certain affordable housing in the Charlestown section of the city of Boston (House, No. 4438),-- **was read a third time and passed to be engrossed, in concurrence.**

Charlestown,-- affordable housing.

Report of a Committee.

Ms. Lovely, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill making technical corrective changes to the Cape Cod and Islands Water Protection Fund tax assessments (House, No. 4073).

Cape Cod and Islands Water Protection Fund.

There being no objection, the rules were suspended, on motion of Mr. Lesser, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Cyr offered an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2851.

The amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

Bill authorizing the city of Holyoke to convey a certain parcel of land (House, No. 4873,-- on House, No. 4832) [Local approval received on House, No. 4832],-- was read.

Holyoke,-- land conveyance.

There being no objection, the rules were suspended, on motion of Mr. Lesser, and the bill was read a second time and ordered to a third reading.

Bill relative to 1 Water Street in Beverly (House, No. 4863,-- on petition) [Local approval received],-- was read.

Beverly,-- park land..

There being no objection, the rules were suspended, on motion of Mr. Lesser, and the bill was read a second time and ordered to a third reading.

A Bill enabling partnerships for growth (House, No. 4887,-- on House, No. 4529),-- was read.

Economic Development.

There being no objection, the rules were suspended on the motion, of Mr. Lesser, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Rodrigues moved that the proposed new text be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2842.

After remarks, there being no objection, the following amendments were considered as one, as follows:

Messrs. Crighton and Eldridge and Ms. Jehlen moved that the proposed new text be amended by inserting the following section:-

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"SECTION XX. (a) Notwithstanding any general or special law to the contrary, there shall be a special commission to study racial segregation in housing and make recommendations to remedy the causes of housing segregation.

(b) The commission shall investigate for purposes of determining the extent to which the following may contribute to housing segregation based on race (i) state statute and regulations (ii) state programs that financially support prospective tenants and prospective homeowners (iii) state programs that finance or govern the development of affordable housing (iv) discriminatory practices based on race in the banking industry, including underwriting practices and standards used to determine credit worthiness for mortgages (v) discriminatory practices in the real estate industry, including the practices of real estate agents, property managers, and landlords, based on the race of prospective tenants or such prospective tenants' participation in a state or federal housing voucher program (vi) violations and enforcement of the Fair Housing Act based on race and (vii) exclusionary zoning ordinances and bylaws and (viii) any other topics that it deems relevant to racial housing segregation.

(c) Based on the commission's investigation of the topics outlined in (b), the commission shall make recommendations to remedy the causes of housing segregation.

(d) The commission shall convene its first meeting within one month of the passage of this act and shall submit its report and recommendations not later than one year after the passage of this act.

(e) A copy of the report and recommendations shall be made publicly available on the website of the department of housing and community development and submitted to the joint committee on housing.

(f) Prior to issuing its recommendations, the commission shall conduct not fewer than 4 public hearings across regions of the Commonwealth.

(g) The commission shall consist of: the house and senate chairs of the joint committee on housing, who shall serve as co-chairs; the secretary of housing and economic development; the commissioner of the department of housing and community development; the commissioner of banks; the attorney general or a designee; the executive director of MassHousing; the president of the senate or a designee; the speaker of the house of representatives or a designee; the minority leader of the house of representatives or a designee; the minority leader of the senate or a designee; the governor or a designee; 2 persons appointed by the president of the senate; 2 persons appointed by the speaker of the house of representatives; 5 persons appointed by the Massachusetts Black & Latino Legislative Caucus; 3 persons appointed by the president of the senate from organizations with relevant subject matter expertise; 3 persons appointed by the speaker of the house from organizations with relevant subject matter expertise; and 3 persons appointed by the governor from organizations with relevant subject matter expertise.

(1) Members shall not receive compensation for their services but may receive reimbursement for the reasonable expenses incurred in carrying out their responsibilities as members of the commission.

(2) The commissioner of the department of housing and community development, the secretary of housing and economic development, the commissioner of banks, the attorney general, and the executive director of MassHousing shall furnish reasonable staff and other support for the work of the commission."

The amendment was *rejected*.

Messrs. Crighton, Feeney and Eldridge and Ms. Jehlen moved that the proposed new text be amended by inserting the following section:-

"SECTION XX. (a) Resolved, that a special legislative commission, pursuant to section 2A of chapter 4 of the General Laws is hereby established to: (i) conduct a comprehensive, non-binding study relative to communities underserved by local

journalism in Massachusetts; (ii) review all aspects of local journalism including, but not limited to, the adequacy of press coverage of cities and towns, ratio of residents to media outlets, the history of local news in Massachusetts, print and digital business models for media outlets, the impact of social media on local news, strategies to improve local news access, public policy solutions to improve the sustainability of local press business models and private and nonprofit solutions, and identifying career pathways and existing or potential professional development opportunities for aspiring journalists in Massachusetts.

(b) The commission shall consist of the following 23 members: 2 of whom shall be the house and senate chairs of the joint committee on community development and small business; 1 member of the house of representatives appointed by the speaker of the house; 1 member of the senate appointed by the president of the senate; 1 of whom shall be a professor at the Northeastern School of Journalism; 1 of whom shall be a member of the Boston Association of Black Journalists; 1 of whom shall be a member of the National Association of Hispanic Journalists; 1 of whom shall be a member of the Asian American Journalists Association of New England; 2 of whom shall be representatives of public colleges or universities of the commonwealth with either a journalism or communications program jointly appointed by the house and senate chairs of the joint committee on community development and small business; 1 of whom shall be a representative of a private college or university of the commonwealth with either a journalism or communications program jointly appointed by the house and senate chairs of the joint committee on community development and small business; 3 of whom shall be representatives of journalism unions or associations appointed by the governor provided further that the appointees are selected from the following unions and associations: the NewsGuild – Communication Workers of America, the Screen Actors Guild-American Federation of Television and Radio Artists, the National Association of Broadcast Employees and Technicians – Communications Workers of America, the Association of Independents in Radio, the Boston Chapter of the National Writers Union, the New England Newspaper and Press Association, or the New England Chapter of the Society of Professional Journalists; 8 of whom shall be currently employed or freelance journalists, editors, or producers from independent community news outlets from across the commonwealth jointly appointed by the house and senate chairs of the joint committee on community development and small business provided further that the appointees represent communities underserved by professional news organizations, rural communities, immigrants communities, working-class communities, and communities of color; and 1 of whom shall be a representative from the Massachusetts Newspaper Publishers Association. All appointments shall be made no later than 30 days following the effective date of this resolve.

(c) The commission shall hold public information sessions in order to explain the work of the commission and to solicit public comment pursuant to the work of the commission. The commission shall hold at least one public information session in each county of the commonwealth and shall provide at least one weeks notice from the date in which the public information session is occurring. The notice shall include, but not be limited to: (i) the date of the public information session; (ii) the time in which the public information session will take place; (iii) the location in which the public information session is occurring; (iv) a description of the format in which the commission will be accepting public comment; and (v) a point of contact. The public notice shall be sent by the commission to the clerks of each municipality of the county in which the public information session will occur and the commonwealth's director of boards and commissions. In the case of a cancellation or postponement of a public information session, the commission shall provide at least 48 hours notice to the clerks of each municipality of the county in which the public information session will occur and the commonwealth's

director of boards and commissions.

(d) The commission shall accept written and oral comment from the public beginning at the first meeting of the commission.

(e) The commission shall meet a minimum of 5 times to review, study and analyze existing literature, quantitative and qualitative data on the status of journalism in the commonwealth, and submitted oral and written public comment

(f) The commission shall submit its findings, along with recommendations for legislation, to the governor, the speaker of the house, the president of the senate, and the clerks of the house of representatives and the senate no later than 1 year after the effective date of this resolve.

(g) The special commission may make such interim reports as it considers appropriate."

The amendment was *rejected*.

Mr. Tran and Ms. Moran moved that the proposed new text be amended by inserting the text of Senate document numbered 2852, relative to promoting housing choices.

The amendment was *rejected*.

Messrs. Tarr, Feeney, Tran and O'Connor, Ms. Gobi, Messrs. Brady, Fattman and Timilty and Ms. Moran moved that the proposed new text be amended by adding the following sections:-

"SECTION X. Chapter 63 of the Acts of 2007 is hereby amended by striking out section 15.

SECTION X. Chapter 158 of the Acts of 2005 is hereby amended by striking out section 9 and inserting in place thereof the following:

This act shall be effective for tax years beginning on or after January 1, 2006."

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting at the end of line item 7002-8004 the following:- "provided, that not less than \$3,000,000 shall be expended for the University of Massachusetts Amherst for capital improvements to the marine station in Gloucester; provided further, that use of funds may include the following purposes: (a) capital improvements, equipment and faulty start-up costs at the marine station, and (b) capital equipment and other start-up costs for a sustainable seafood production center of excellence including, but not limited to, acquiring, expanding, improving or leasing a facility on Gloucester Harbor in Gloucester; and provided further, that the University of Massachusetts Amherst shall provide a 50 per cent match to these funds"; and by striking out the number "\$50,000,000" and inserting in place thereof the following:- "\$53,000,000".

The amendment was *rejected*.

Ms. Comerford, Messrs. Eldridge and Hinds, Ms. Gobi, Mr. Welch and Ms. Moran moved that the proposed new text be amended by adding the following 2 sections:-

"SECTION X. Chapter 61A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out section 4 and inserting in place thereof the following section:-

Section 4. (a) For general property tax purposes, the value of land, not less than 5 acres in area, which is actively devoted to agricultural, horticultural or agricultural and horticultural uses during the tax year in issue and has been so devoted for at least the 2 immediately preceding tax years, shall, upon application of the owner of such land and approval thereof, be that value which such land has for agricultural or horticultural purposes.

(b) For the said tax purposes, land so devoted shall be deemed to include such contiguous land under the same ownership as is not committed to residential, industrial or commercial use and which is covered by application submitted pursuant to section 6. Land

shall be deemed contiguous if it is separated from other land under the same ownership only by a public or private way or waterway.

Land under the same ownership shall be deemed contiguous if it is connected to other land under the same ownership by an easement for water supply.

(c) For the said tax purposes, land so devoted shall be deemed to include such non-contiguous land under the same ownership as is not committed to residential, industrial or commercial use and which is covered by application submitted pursuant to section 6. Non-contiguous portions of land less than 5 acres in area, for which the total area of all such portions of land is not less than 5 acres, shall be included; provided, however, that the portions of land are within the confines of the same municipality as, or no more than 10 miles from, any boundary of such other portions of land under the same ownership; and provided further, that such portions of land are utilized together for a unified agricultural, horticultural or agricultural and horticultural economic purpose. This subsection shall apply to applications for classification as agricultural, horticultural or agricultural and horticultural land for fiscal years beginning on or after July 1, 2020.

(d) All such land, which is considered contiguous or non-contiguous for purposes of this chapter, shall not exceed in acreage 100 per cent of the acreage which is actively devoted to agricultural, horticultural or agricultural and horticultural uses.

(e) The rate of tax applicable to such agricultural or horticultural land shall be the rate determined to be applicable to class three, commercial property under chapter 59.

SECTION X: Section 5 of said chapter 61A, as so appearing, is hereby amended by inserting, in line 1, after the word ‘contiguous’ the following words:- or non-contiguous.”.

The amendment was *rejected*.

Mr. Crighton moved that the proposed new text be amended by inserting the text of Senate document numbered 2853, relative to community improvement.

The amendment was *rejected*.

Messrs. Crighton and Montigny and Ms. Moran moved that the proposed new text be amended by inserting the following sections:-

"SECTION XX. Subsection (b) of said section 6I of said chapter 62 is hereby amended by striking out the figure ‘\$20,000,000’ and inserting in place thereof the following figure:- \$40,000,000.

SECTION XX. Said section 6I of said chapter 62 is hereby further amended by striking out the figure ‘\$40,000,000’, inserted by section 2, and inserting in place thereof the following figure:- \$20,000,000.

SECTION XX. Subsection (b) of said section 31H of said chapter 63 is hereby amended by striking out the figure ‘\$20,000,000’ and inserting in place thereof the following figure:- \$40,000,000.

SECTION XX. Said section 31H of said chapter 63 is hereby further amended by striking out the figure ‘\$40,000,000’, inserted by section 3, and inserting in place thereof the following figure:- \$20,000,000.

SECTION XX. Section 100 of chapter 142 of the acts of 2011 is hereby repealed.

SECTION XX. Sections 1 and 3 shall be effective for the tax year beginning on January 1, 2021.

SECTION XX. Sections 2 and 4 shall take effect on January 1, 2026."

The amendment was *rejected*.

Mr. Cyr, Ms. Chang-Diaz, Ms. Rausch, Mr. Eldridge and Ms. Jehlen moved that the proposed new text be amended by adding the following sections:-

“SECTION X. Section 3(d) of Chapter 94G of the General Laws is hereby deleted and replaced in its entirety as follows:-

Unless such obligation is waived as provided for in this paragraph, a marijuana establishment or a medical marijuana treatment center seeking to operate or continue to

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operate in a municipality which permits such operation shall execute an agreement with the host community setting forth the conditions to have a marijuana establishment or medical marijuana treatment center located within the host community which shall include, but not be limited to, all stipulations of responsibilities between the host community and the marijuana establishment or a medical marijuana treatment center. The host community agreement requirement in this subsection may be waived at the host community's discretion, provided that the municipality offers the commission a copy of a written waiver form executed by both the host community and the marijuana establishment or medical marijuana treatment center. An agreement between a marijuana establishment or a medical marijuana treatment center and a host community may include a community impact fee for the host community; provided, however, that the community impact fee shall be reasonably related to the costs imposed upon the municipality by the operation of the marijuana establishment or medical marijuana treatment center and shall not amount to more than 3 per cent of the gross sales of the marijuana establishment or medical marijuana treatment center or be effective for longer than 5 years. The community impact fee shall encompass all payments and obligations, including but not limited to monetary payments, in kind contributions, and charitable contributions, by the marijuana establishment or medical marijuana treatment center to the municipality or to any other organization pursuant to negotiations with the host community. No contractual financial obligation of any kind outside of the community impact fee that is explicitly or implicitly a factor considered in or a condition of the marijuana establishment or medical marijuana treatment center siting in the municipality shall be enforceable. The five-year period stated in this section shall begin on the date the marijuana establishment or medical marijuana treatment center commences operation of business and shall expire five years after said date. Any cost to a city or town imposed by the operation of a marijuana establishment or medical marijuana treatment center shall be documented and considered a public record as defined by clause Twenty-sixth of section 7 of chapter 4. The commission has the express authority to review, regulate, and enforce all host community agreements under this section.

SECTION X. Section 4(a ½) of chapter 94G is hereby amended by inserting after subsection (xxxiv) the following section:-

(xxxv): host community agreement requirements and procedures, consistent with this chapter, including without limitation criteria for the types of costs imposed upon the municipality by the operation of the marijuana establishment or medical marijuana treatment center that qualify for calculating the community impact fee.”

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended in section 2, by inserting in item 7002-8036 the following :- “provided further, that not less than \$150,000 be provided to the Town of Wilmington and its development committee for consultation services to develop, promote, and retain small businesses within the town of Wilmington”; and by striking the number "\$100,000" and inserting in place thereof the following: "\$250,000".

The amendment was *rejected*.

Messrs. Crighton and Feeney moved that the proposed new text be amended by inserting after section 37 the following section:-

"SECTION XX. Section 24 of chapter 10 of the General Laws, as so appearing, is hereby amended by striking out, in line 17, the word ‘agents’ and inserting in place thereof the following words:- agents; provided, that said restriction shall not govern the transmittal of lottery information and sales for the purpose of facilitating point of sale transactions, provided, further that said restriction shall govern point of sale transactions involving credit cards as defined in section 1 of chapter 140D and that point of sale transactions under this section shall be subject to the restrictions set forth in subsection (b) of section 5I of

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chapter 18."

The amendment was *rejected*.

Messrs. Crighton and O'Connor moved that the proposed new text be amended in section 2a by inserting after item 0640-0305 the following:- 31

"Massachusetts State Lottery

XXXX-XXXX. For costs associated with information technology projects at the state lottery commission..... \$15,000,000"; and

By striking out, in section 33, the figure "135,000,000" and inserting in place thereof the following figure:- "150,000,000".

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended in line item 7004-0065, in line 235 by inserting after the word "personnel" the following:- "provided further that not less than \$500,000 shall be provided to the Wilmington Housing Authority, and to be expended for the renovation, reconstruction, and improvement of existing housing units under the authority's control or the purchase, survey, or design of property for construction or the construction of new units for senior housing"; and by striking, "\$50,000,000" and inserting in place thereof the following, "\$50,500,000". 32

The amendment was *rejected*.

Mr. Crighton moved that the proposed new text be amended by inserting after section 37 the following section:- 44

"SECTION XX. Section 48 of Chapter 93 of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following subsection:-

L. This section shall not apply to a transaction for the sale of a new or used motor vehicle by a seller holding a Class 1 license pursuant to section 59 of chapter 140 in which the buyer signs by electronic means away from the seller's place of business a written contract regarding the sale of a motor vehicle."

The amendment was *rejected*.

Mr. Cyr, Ms. Jehlen and Ms. Chang-Diaz moved that the proposed new text be amended by adding the following sections:- 45

"SECTION X. Section 3 of Chapter 94G of the General Laws is hereby amended by striking subsection (b) and replacing with the following:-

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

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

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

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

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

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

As an alternative to a local voter initiative petition, a city or town may, through an ordinance or by-law, allow the consumption of marijuana or marijuana products on the premises where sold. No local voter initiative shall be required if the sale of marijuana and marijuana products for consumption on the premises is authorized by local law.

SECTION X. Section 22 of Chapter 270 of the General Laws, shall be amended by (1) adding the following definition to subsection (a):-

‘Licensed marijuana social consumption establishment’, a facility or venue approved by the Cannabis Control Commission for sale of marijuana for consumption on the premises”; and

(2) adding to subsection (c), a new subsection 5 ½:-

‘A licensed marijuana social consumption establishment.’.”

The amendment was *rejected*.

Mr. Moore moved that the proposed new text be amended by inserting the following section:-

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“SECTION XX. Notwithstanding any general or special law to the contrary, an operator of a three-wheeled vehicle, owned by the state or municipal government and registered as a motorcycle, shall not be required to wear a helmet if the vehicle contains the following: a seat in an enclosed seating area, a steering wheel and safety belts. Any employee of the state or a municipal government possessing a valid class D operator’s license shall be permitted to operate said vehicle.”

The amendment was *rejected*.

Messrs. Boncore, Collins, Feeney, Brady and Welch moved that the proposed new text be amended by adding the following sections:-

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“SECTION X. Chapter 149 of the General Laws is hereby amended by adding the following section:-

Section 204. (a) As used in this section, unless the context clearly implies otherwise, the following words shall have the following meanings:-

‘Airport’, General Lawrence Edward Logan International Airport.

‘Airport employer’, any individual or organization that employs 1 or more individuals and provides retail or food service at the airport.

‘Employer’, an airport employer or a hotel employer.

‘Hotel employer’, an owner, operator or manager of a residential building designated or used for public lodging or other related service for the public that: (i) contains 50 or more guestrooms or (ii) earned gross receipts in 2019 exceeding \$5,000,000; provided, that a hotel employer shall include the owner, operator, manager or lessee of any restaurant located on hotel premises.

‘Laid off worker’, an individual employed for hire by an employer in any lawful employment who, in a particular week performs at least 2 hours of work within the geographical boundaries of the subject city or town in the commonwealth, has a length of service with the employer of 6 months or more and whose most recent separation from active employment with the employer occurred on or after March 4, 2020 as a result of a lack of business, a reduction in work force or other economic, non-disciplinary reason. This section shall create a rebuttable presumption that any termination occurring on or after March 4, 2020 was due to a non-disciplinary reason. For purposes of this section, a laid off worker shall not include a manager, supervisor or a confidential employee as defined in

section 1 of chapter 150E.

'Length of service', the total time of an individual's work for hire by an employer in any lawful employment, including periods of time when the worker was on leave or vacation.

(b) In any city or town that accepts this section in the manner provided for in section 4 of chapter 4, an employer shall offer any position that is or becomes available to a laid off worker for which said laid off worker is qualified. The offer shall be sent in writing to the: (1) last known mailing address of the laid off worker, (2) electronic mail address of the laid off worker and (3) phone number of the laid off worker by text message. A laid off worker shall be qualified for an available position if the laid off worker: (1) held the same or a substantially similar position at the same employment site at the time of the laid off worker's most recent separation from active service with the employer; or (2) is or can become qualified for the position through the same training that would be provided to a new worker hired for that position. If more than 1 laid off worker is entitled to preference for a position, first priority shall be for a laid off worker with the greatest length of service in the same or a similar position and then for a laid off worker with the greatest length of service at the employment site.

(c) A laid off worker offered a position pursuant to this section shall be given no less than 5 business days in which to accept or decline the offer.

(d) A laid off worker who is aggrieved by a violation of this section may bring a civil action for damages or injunctive relief or both in the superior court for the county in which the alleged unlawful practice occurred not later than 3 years after the alleged unlawful practice occurred.

(e) Prior to initiating a civil action pursuant to subsection (d), the laid off worker shall provide written notice to the employer of the alleged violation stating the provisions of this section that were violated and facts to support the alleged violation. The employer shall have 15 days from receipt of the written notice to cure any alleged violation.

(f) If a court finds for the laid off worker, the court may order: (i) hiring or reinstatement of the laid off worker, with or without back pay; and (ii) an award of actual damages including, but not limited to, lost pay and benefits, or statutory damages in the sum of \$1,000, whichever is greater. The court may additionally award punitive damages, injunctive relief or any other appropriate relief.

(g) A court shall award reasonable attorneys' fees and costs to a laid off worker who prevails in any such enforcement action or to an employer who prevails and obtains a court determination that the lawsuit was frivolous.

(h) No criminal penalties shall attach for violation of this section.

(i) No employer may discharge, reduce in compensation or otherwise discriminate against any employee or laid off worker for: (i) opposing any practice prescribed by this section; (ii) participating in proceedings related to this section; (iii) seeking to exercise their rights under this section by any lawful means; or (iv) otherwise asserting rights under this section.

(j) The attorney general shall promulgate rules and regulations to implement this section. The attorney general shall post the rules and regulations on the attorney general's website.

(k) A city or town that accepts this section in the manner provided in section 4 of chapter 4 may revoke its acceptance in the same manner.

SECTION XX. Prior to March 1, 2022, each municipality that has accepted section 204 of chapter 149 of the General Laws shall report to the chief executive officer of the municipality regarding: (i) the effectiveness of said section 204 of said chapter 149 in protecting workers' stability of employment; (ii) recommendations for additional employment stability protections; and (iii) whether the protections of said section 204 of

said chapter 149 are still necessary based on the municipality's recovery from the impacts of the COVID-19 pandemic.”

The amendment was *rejected*.

Mr. Boncore moved that the proposed new text be amended by adding the following section:-

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“SECTION XX. Section 226 of chapter 139 of the acts of 2012 is hereby amended by striking out the figure ‘2021’, in section 15 of chapter 142 of the acts of 2019, and inserting in place thereof the following figure:- ‘2023’.”.

The amendment was *rejected*.

Mr. Cyr, Ms. Comerford, Ms. Gobi, Mr. O'Connor, Ms. Rausch, Mr. Moore and Ms. Moran moved that the proposed new text be amended by adding the following section:-

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“SECTION XX. The secretary of the executive office of housing and economic development is hereby directed to make an application for a waiver for the commonwealth to utilize United States Department of Housing and Urban Development (HUD) Community Development Block Grant funds to be directed through the Massachusetts office of travel and tourism to the regional tourism councils for visitation and tourism travel recovery marketing and promotion.”

The amendment was *rejected*.

Ms. Gobi moved that the proposed new text be amended by adding the following section:

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“SECTION XX. Historic tax credits that were allocated by the Massachusetts Historical Commission to the developer of the Union Twist Mill Project in Athol be transferred in their entirety to NewVue Communities for the development of the Riverbend/Bigelow Schools in Athol.”

The amendment was *rejected*.

Ms. Gobi, Ms. Comerford, Ms. Jehlen, Messrs. Moore, Welch and Fattman and Ms. Moran moved that the proposed new text be amended by adding the following section:

60

“SECTION XX. Section 1 of chapter 94G of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the definition of ‘Hemp’ and inserting in place thereof the following definition:- ‘Hemp’, the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 per cent on a dry weight basis.

Section 2 of said chapter 94G, as so appearing, is hereby amended by striking out, in lines 19 and 20, the words ‘or hemp’.

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

Section 12 (f) of chapter 94G is hereby amended by inserting after the words ‘other than those that were produced, distributed and taxed in compliance with this chapter’ the following: or hemp and hemp products cultivated and manufactured in compliance with a license from the Massachusetts Department of Agricultural Resources as defined in M.G.L. Chapter 128.”.

The amendment was *rejected*.

Ms. Gobi, Messrs. Feeney, Eldridge and Timilty, Ms. Comerford, Ms. Rausch and Messrs. O'Connor and Welch moved that the proposed new text be amended by adding the following new section:-

62

“SECTION XX.

Section 1. Chapter 6C of the General Laws is hereby amended by adding the following section:-

Section 77. (a) As used in this section, the following words shall have the following

meanings:

‘Executive director’, the executive director of the office of travel and tourism.

‘Secretary’, the secretary of the Massachusetts Department of Transportation.

(b) Notwithstanding any general or special law to the contrary, the secretary, in conjunction with the executive director, shall develop and implement a Women’s Rights History Trail program, which shall include designating properties and sites that are historically and thematically associated with the struggle for women’s rights and women’s suffrage. Said program shall promote education and awareness of the struggle for women’s rights in the commonwealth.

(c) The secretary and executive director shall produce and disseminate appropriate educational materials regarding the trail program, which may include handbooks, maps, exhibits, uniform signs, interpretive guides and electronic information.

(d) The executive director shall develop vacation itineraries based on the Women’s Rights History Trail program, which shall identify surrounding attractions, restaurants, farms, lodging and other exhibits or places of entertainment as may be a part of the historical theme linking the properties and sites in the Women’s Rights History Trail program.

(e) The secretary may erect and maintain signs on the state highway system or trails designated pursuant to this section; provided that any trail designation shall be of a ceremonial nature and the official names of such highways shall not be changed as a result of such designations.

(f) In developing and implementing the Women’s Rights History Trail program, the secretary shall consider the recommendations of the Women’s Rights History Trail Task Force of 2020-2021.

Section 2. There shall be established, pursuant to section 2A of chapter 4 of the General Laws, the Women’s Rights History Trail Task Force of 2020-2021 to research, solicit public input and make recommendations for sites, properties and attractions to be included in the Women’s Rights History Trail program established pursuant to section 1. The task force shall consider, in making such recommendations, sites that (i) are historically and thematically associated with the struggle for women’s rights and women’s suffrage; (ii) are geographically diverse; and (iii) commemorate individuals who reflect racial, ethnic, cultural and economic diversity.”

The amendment was *rejected*.

Ms. Friedman, Ms. Jehlen, Ms. Rausch, Messrs. Eldridge, Welch and Feeney and Ms. Moran moved that the proposed new text be amended by adding the following section:-

65

“SECTION XX. Section 1 of chapter 151A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 343-344, the words ‘reported for the highest quarter’ and inserting in place thereof the following words:- wages reported for the highest quarter; and provided further, that if such deeming renders the individual ineligible for unemployment benefits, the amount shall be 1/26 of the total wages reported in the 2 quarters.”

The amendment was *rejected*.

Ms. Friedman, Ms. Jehlen, Mr. Eldridge, Ms. Rausch, Mr. Feeney and Ms. Moran moved that the proposed new text be amended by adding the following section:-

69

“SECTION XX. The first paragraph of section 27H of chapter 149 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- No agreement or contract providing for the cleaning and maintenance or security guard services in public buildings or space rented by any state executive, legislative or judicial department, office, commission, board, bureau, institution, regional or independent authority or any instrumentality thereof shall be entered into or given by any state executive, legislative or

judicial department, office, commission, board, bureau, institution, regional or independent authority or any instrumentality thereof unless the contract or agreement contains a stipulation requiring prescribed rates of wages, as determined by the commissioners, to be paid to the employees of the cleaning and maintenance or security guard contractor.”

The amendment was *rejected*.

Mr. Collins moved that the proposed new text be amended in section 2, in item 7002-8033, by adding at the end thereof the following words:- “provided further, that not less than \$25,000 shall be provided to the New England Center for Arts and Technology for career training in the restaurant industry;”.

76

The amendment was *rejected*.

Messrs. Collins and Eldridge moved that the proposed new text be amended by adding the following section:

78

“SECTION XX. Chapter 6 of the General Laws is hereby amended by adding the following section:-

Section 219. As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

‘Affirmative marketing program’, a program of race and gender conscious goals to promote equality in, and to encourage the participation of, minority-owned businesses and women-owned businesses in contracts for capital facility projects and the disposition of real property.

‘Capital facility project’, an undertaking by a state authority for the planning, acquisition, design, construction, demolition, installation, repair or maintenance of a capital facility.

‘Design services’, any of the following services provided by any designer, programmer, or construction manager in connection with any public building project:

- (i) preparation of master plans, studies, surveys, soil tests, cost estimates or programs;
- (ii) preparation of drawings, plans, or specifications, including, but not limited to, schematic drawings, preliminary plans and specifications, working plans and specifications or other administration of construction contracts documents;
- (iii) supervision or administration of a construction contract;
- (iv) construction management or scheduling.

‘Disposition of real property’, any disposition of real property by a state authority; provided that, for the purposes of this section, a disposition shall include, but shall not be limited to: (i) a lease of real property for the purpose of real estate development and (ii) the assignment of air rights.

‘Minority’, a person with a permanent residence in the United States who is American Indian, Black, African American, Cape Verdean, Western Hemisphere Hispanic, Aleut, Eskimo, or Asian.

‘Minority-owned business’, any real estate, contracting or subcontracting business, or businesses that supply the contractors and subcontractors which is beneficially owned by one or more minority persons as follows:

(i) the business must be at least 51 per cent owned by minority persons; in the case of a corporation having more than one class of stockholders, the ownership requirement must be met as to each class of stock;

(ii) the minority owners shall demonstrate that they have dominant control over management;

(iii) the business has not been established solely for the purpose of taking advantage of a special program which has been developed to assist minority businesses;

(iv) in the case of a joint venture between a minority business meeting the requirements of clauses (i) to (iii), inclusive, and a non-minority business, the joint venture shall be found to be a minority business if the minority business meeting the requirements

of said clauses (i) to (iii), inclusive, shall have more than one-half control over management of the project bid upon and shall have the right to receive more than one-half of the profits deriving from that project.

‘State authority’, as defined in section 1 of chapter 29.

‘Women-owned business’, any real estate, contracting or subcontracting business which is beneficially owned by 1 or more women meeting the requirements in clauses (i) to (iv), inclusive, of the definition of minority business, except that the terms ‘women’, ‘women owners’, and ‘women-owned business’, shall be substituted for the terms ‘minority’ and ‘minority persons’, ‘minority owners’, and ‘minority business’ appearing in the definition.

Each state authority shall establish an affirmative marketing program to ensure the fair participation of minority-owned and women-owned businesses for capital facility projects and the disposition of real property. The affirmative marketing program shall establish participation goals for minority-owned and women-owned business in the capital facility projects and the disposition of real property that are equal to or exceed the combined participation goals for minority-owned and women-owned businesses as established by the division of capital asset management and maintenance pursuant to section 6 of chapter 7C. The participation goals for minority-owned business and women-owned business shall include, but shall not be limited to: (i) construction; (ii) design services; (iii) development; (iv) financing; (v) operation; and (vi) ownership. The affirmative marketing plan shall be included, at a minimum, in every request for proposal for capital facility projects and the disposition of real property.

All affirmative marketing program requirements shall apply to any lessee of land of a state authority. Any improvement by said lessee, including, but not limited to a building or other such structure, shall include an affirmative fair marketing plan.

SECTION 2. Section 6 of chapter 7C of the General Laws, as so appearing, is hereby amended by striking out the definition of ‘State assisted building project’ and inserting in place thereof the following definition:-

‘State assisted building project’, a construction project undertaken by a political subdivision of the commonwealth or 2 or more subdivisions thereof for the planning, acquisition, design, construction, demolition, installation, repair or maintenance of a capital facility and whose costs are paid for, reimbursed, grant funded, or otherwise supported, in whole or in part, by the commonwealth; or any disposition of real property of a state agency; provided that, for the purposes of this section, a disposition shall include, but shall not be limited to: (i) a lease of real property for the purpose of real estate development and (ii) the assignment of air rights.

SECTION 3. Said chapter 6 of said chapter 7C, as so appearing, is hereby further amended by striking out the word ‘may’, in line 84, and inserting in place thereof the following word:- shall.

SECTION 4. Said chapter 6 of said chapter 7C, as so appearing, is hereby further amended by adding the following subsection:-

(l) All affirmative marketing program requirements shall apply to any lessee of land of a state agency. Any improvement by said lessee, including, but not limited to a building or other such structure, shall include an affirmative fair marketing plan.”

The amendment was *rejected*.

Mr. Collins moved that the proposed new text be amended by adding the following section:

“SECTION XX: . Notwithstanding any general or special law to the contrary, any person, group, business, or entity applying for any tax credits from the Commonwealth of Massachusetts shall be required to submit a plan for diversity and inclusion, including but not limited to representation of women, veterans, and persons of color in their ownership,

financing, development, administration, contracting, and ancillary expenditures. Said plan shall be submitted to the Supplier Diversity Office and the Office of Access and Opportunity as a requirement for application and shall be considered in determining eligibility.”

The amendment was *rejected*.

Messrs. Collins and Eldridge moved that the proposed new text be amended by adding the following section: 80

“SECTION XX. Notwithstanding any general or special law, rule or regulation to the contrary, the police and fire departments of the Massachusetts Port Authority, and of all state colleges and universities shall not require candidates for employment to have prior training through the state fire academy or the state police academy and may send recruits to said academies after hiring.”

The amendment was *rejected*.

Mr. Collins moved that the proposed new text be amended by adding the following section: 81

“SECTION XX. Notwithstanding any general or special law to the contrary, any state agency or quasi state agency doing a construction project in the City of Boston shall abide by the standards set forth in the Boston Residents Jobs Policy.”

The amendment was *rejected*.

Ms. Moran moved that the proposed new text be amended in section 2A in line 237 by inserting the following item:- 83

"Department of Early Education and Care
3000-2020 For a grant program administered by the department of early education and care in order to mitigate the impact of the business interruption caused by fluctuations in family demand and changes in group sizes required by the 2019 novel coronavirus pandemic state of emergency; provided further, that prioritization for grant awards shall be given to, but not limited to, Family Child Care providers who were previously ineligible for coronavirus relief grants as unsubsidized providers; provided further, that the department shall award grants in a manner that promotes geographic equity; and provided further, that the department shall submit to the chairs of the house and senate committees on ways and means a report detailing the criteria used to award grants not less than 30 days before awarding said grants.....\$2,500,000".

The amendment was *rejected*.

Messrs. Fattman and Tran moved that the proposed new text be amended by inserting the text of Senate document numbered 2854, relative to ensuring employment protection for all victims of domestic violence. 88

The amendment was *rejected*.

Mr. Boncore moved that the proposed new text be amended by adding the following section:- 90

"SECTION XX. Chapter 159B of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after section 15A the following section:-

Section 15B. Notwithstanding any general or special law or regulation to the contrary, any agricultural carrier by motor vehicle or common or contract carrier by motor vehicle, or any individual, partnership, or corporation regularly and lawfully conducting a parcel delivery service or a general express or trucking business, or a business regularly and lawfully engaged in the business of leasing trucks for hire, with or without drivers, may, if authorized by a fleet permit issued by the department, transport or deliver the products sold at retail by licensees under sections 19B, 19C, or 19F of chapter 138 to the ultimate consumers of such products. There shall be an annual fee for such fleet permit of \$3,500. Such fleet permit shall cover any and all vehicles owned or hired, and operated, by such

permittee. Persons operating a vehicle when engaged in such transportation or delivery shall be required to carry such permit or a photostatic copy thereof. Parcels transported or delivered under this paragraph shall be clearly labeled with words that indicate that the package contains alcohol and that the signature of a person, age 21 years or older, is required for delivery. Receipts for delivery of such parcels shall contain a check box next to the recipient's signature where he shall certify that he is not under 21 years of age and a check box where the delivery person shall certify that valid identification showing that the recipient is not under 21 years of age was presented by the recipient upon delivery. Notwithstanding the foregoing, a delivery company may use an electronic device to receive the signature of a person accepting delivery of a parcel under this section and to certify that the person has displayed a valid identification as so required. No such delivery shall exceed 108 liters."

The amendment was *rejected*.

Messrs. Cyr and O'Connor moved that the proposed new text be amended by inserting the text of Senate document numbered 2855, relative to first time home buyer savings accounts.

92

The amendment was *rejected*.

Messrs. Tarr and Tran moved that the proposed new text be amended by adding the following sections:-

95

“SECTION XXX. Section 150 of chapter 149 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:- An employer shall not be subject to any liability or punishment for or on account of its failure to pay for work on a Sunday or a recognized holiday under sections 6, 13 or 16 of chapter 136, if the employer pleads and proves by a preponderance of the evidence that it acted in good faith in conformity with a written opinion letter of the department or of an agency of the commonwealth which has or had at the time the authority to administer or interpret said law. Such a defense, if established, shall be a bar to the action if the administrative interpretation was in effect at the time of the violation, even if it is later modified, rescinded, or determined by judicial authority to be invalid or of no legal effect. For purposes of this paragraph, the term ‘employer’ shall extend to the persons described in the sixth paragraph of section 148.

SECTION XXXX. The first paragraph of section 1B of said chapter 151, as so appearing, is hereby amended by inserting after the second sentence the following two sentences:- An employer or the officer or agent of any domestic or foreign corporation shall not be subject to any liability or punishment for or on account of its failure to pay overtime compensation in violation of this section if the employer or the officer or agent of any such corporation pleads and proves by a preponderance of the evidence that it acted in good faith in conformity with a written opinion letter of the department or of an agency of the commonwealth which has or had at the time the authority to administer or interpret said law. Such a defense, if established, shall be a bar to the action if the administrative interpretation was in effect at the time of the violation, even if it is later modified, rescinded, or determined by judicial authority to be invalid or of no legal effect.

SECTION XXXXX. Sections XXX and XXXX shall be effective for all causes of action accruing before, on, or after the date of enactment, including any cause of action now pending.”

The amendment was *rejected*.

Mr. Collins moved that the proposed new text be amended by inserting the text of Senate document numbered 2856, relative to city of Boston inclusionary development policy and linkage fees.

96

The amendment was *rejected*.

Messrs. Tarr and Feeney, Ms. Gobi and Mr. O'Connor moved that the proposed new text be amended by inserting the following sections:-

98

“SECTION __. Section 5 of chapter 59 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 13, the words ‘or Forty-fifth’ and inserting in place thereof the following words:- Forty-fifth or Forty-fifth B.

SECTION __. Said section 5 of said chapter 59, as so appearing, is hereby further amended by inserting after clause Forty-fifth A the following clause:-

Forty-fifth B, Any qualified fuel cell powered system, the construction of which was commenced after January 1, 2020, that is capable of producing not more than 125 per cent of the annual energy needs of the real property upon which it is located, which shall include contiguous or non-contiguous real property owned or leased by the owner. Any other qualified fuel cell powered system shall be exempt provided that the owner has made to the city or town where the system is located a payment in lieu of taxes. A city or town, acting through the board or officer authorized by its legislative body, may execute an agreement for the payment in lieu of taxes with the owner of a qualified fuel cell powered system in the municipality where the qualified fuel cell powered system is located. Unless otherwise provided by such agreement, (1) a notice of the payment in lieu of tax owed for each fiscal year shall be mailed to the owner and due on the dates by which a tax assessed under this chapter would be payable without interest; (2) all provisions of law regarding billing and collecting a tax assessed under this chapter shall apply to the payment in lieu of taxes, including the payment of interest; and (3) upon issuance of the notice, the owner shall have the remedies provided by section 59, section 64 and all other applicable provisions of law for the abatement and appeal of taxes upon real estate. An exemption under this clause shall be allowed only for a period of 20 years from the date of completion of the construction of the qualified fuel cell powered system; provided, however, that no exemption shall be allowed for any year within that period when the qualified fuel cell powered system is not capable of producing energy as required by this clause. Each owner shall annually, on or before March 1, make a declaration under oath to the assessors regarding the system and power generated for the previous calendar year. This clause shall not apply to projects developed under section 1A of chapter 164.

For the purposes of this clause, ‘qualified fuel cell powered system’ shall mean an integrated system comprised of a fuel cell stack assembly and associated components that utilizes and converts natural gas or renewable fuels into electricity and is being utilized as the primary or auxiliary power system for the real property upon which it is located, which shall include contiguous or non-contiguous real property owned or leased by the owner, or in which the owner otherwise holds an interest.

SECTION __. Subsection (b) of section 38H of said chapter 59, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- For purposes of this subsection, a generation facility shall not include a facility powered by a qualified fuel cell powered system, as defined in clause Forty-fifth B of section 5, to generate electricity.”

The amendment was *rejected*.

Ms. Lovely moved that the proposed new text be amended by inserting in line 259 after the word "used", the following:- “to address food insecurity among community college students; and provided further, that funding may be used”. 101

The amendment was *rejected*.

Ms. Lovely moved that the proposed new text be amended by inserting the text of Senate document numbered 2857, relative to the profession of commercial interior design. 102

The amendment was *rejected*.

Ms. Lovely moved that the proposed new text be amended by inserting the following section:- 103

“SECTION XX: Section 45 of chapter 7C of the General Laws is hereby amended by striking out subsection (a) and inserting in place thereof the following:

Section 45. (a) There shall be located within the executive office for administration and finance a designer selection board consisting of 13 members. 10 members shall be appointed by the governor; 3 of whom shall be registered architects, or currently unregistered but with at least 10 years' experience as an architect registered by a national council of architectural registration boards member board or who may be architects emeritus; 3 of whom shall be certified interior designers with not less than 10 years of experience as a National Council for Interior Design Qualifications certified Massachusetts interior designer; 2 of whom shall be registered engineers or currently unregistered but with at least 10 years' experience as a registered engineer and none of whom shall have a record of disciplinary action; and 2 of whom shall be representatives of the public who are not architects, engineers or construction contractors. 1 member shall be appointed by the Massachusetts State Association of Architects who shall be a registered architect. 1 member shall be appointed by the government affairs council of design professionals who shall be a registered engineer. 1 member shall be appointed by Associated General Contractors of Massachusetts who shall be general contractor. No member shall have a record of disciplinary action. Members shall be appointed for terms of 2 years and may be reappointed for no more than 1 successive 2 year term. The director shall designate a representative, who shall be the project manager in the case of a project under the jurisdiction of the office of project management, to act as a nonvoting member of the board for each project under his jurisdiction under consideration by the board. No provision of this section shall operate to reduce the tenure of members of the board serving at the time of the effective date of this section.”

The amendment was *rejected*.

Mr. Cyr moved that the proposed new text be amended by adding the following new item:

110

7002-8021. For a new program within the Brownfields Redevelopment Fund. Said program will invest in the creation of new housing production on former military bases within the commonwealth. Funds shall be used for the clean up and removal of hazardous materials and other environmental measures necessary to prepare such former military bases for redevelopment. Notwithstanding anything to the contrary in section 29A of chapter 23G of the General Laws, the Massachusetts Development Finance Agency shall authorize payment in any amount to projects it deems suitable.....\$25,000,000

The amendment was *rejected*.

Messrs. Collins and Eldridge moved that the proposed new text be amended by adding the following sections:

113

“SECTION XX. Paragraph (1) of subsection (v) of said section 6 of said chapter 62, as so appearing,, is hereby amended by adding, in line 1158, after the words ‘NAICS code 31-33’ the following words:- and other expansion industries new to apprenticeship the secretary of labor and workforce development identifies as critical to a regional labor market economy.

SECTION XX. Subsection (a) of section 38HH of said chapter 63, as so appearing, is hereby amended by adding, in line 18, after the words ‘NAICS code 31-33’ the following words:- and other expansion industries new to apprenticeship the secretary of labor and workforce development identifies as critical to a regional labor market economy.”

The amendment was *rejected*.

Ms. Moran moved that the proposed new text be amended by inserting the following sections:-

127

"SECTION XX. Chapter 10 of the General Laws is hereby amended by adding the following sections:-

'Section 75. (a) There shall be established and set up on the books of the

commonwealth a separate fund known as the Wind Energy Relief Fund, hereinafter referred to as the Energy Relief Fund. Each year, there shall be credited to the Energy Relief Fund, from the Massachusetts Renewable Energy Trust Fund, which is credited all amounts collected under section 20 of chapter 25 and any income derived from the investment of amounts credited to the trust fund, or its successor entity, hereinafter referred to as the Trust Fund, \$15,000,000 by a transfer from the Trust Fund to the Energy Relief Fund. Said transfer shall occur before any other transfer of monies from the Trust Fund to any other account of the Commonwealth without exception. All available monies in the Energy Relief Fund that are unexpended at the end of each fiscal year shall not revert to the Trust Fund, the General Fund, or any other account of the Commonwealth and shall be available for expenditure by the Energy Relief Fund in the subsequent fiscal year.

(b) The Energy Relief Fund shall be held and applied by the Executive Office of Administration and Finance which is hereby authorized and directed to promulgate rules and regulations necessary to implement the provisions of this act. The Executive Office of Administration and Finance shall make available the Energy Relief Fund to citizens, businesses, and municipalities as compensation for losses incurred as a result of detrimental health effects or any property loss or any other adverse impact resultant from the siting of a wind turbine in the Commonwealth developed with any assistance from the Massachusetts Clean Energy Center, hereinafter referred to as the Clean Energy Center. The Executive Office of Administration and Finance shall make distributions from the Energy Relief Fund after developing a procedure for valuing the loss suffered by a citizen, local business, or municipality in consultation with the Executive Office of Housing and Economic Development, the Massachusetts Board of Realtors, the Massachusetts Assessors Association, the Massachusetts Municipal Association, and the Massachusetts Selectman's Association. Said procedure shall be developed prior to June 30, 2014. Further, an application for compensation from the Energy Relief Fund shall be approved or denied within 180 days after being submitted to the Commonwealth. Any such application not approved or denied within 180 days after being submitted to the Commonwealth shall be deemed approved by operation of law. An applicant who may be denied compensation from the Energy Relief Fund, whether a citizen, local business, or municipality, for a period of 30 days after said denial, shall be entitled to appeal to the Department of Public Utilities, hereinafter referred to as the Department, for a determination of the appeal by the Department no later than 60 days after submission of the appeal to the Department.

(c) Compensation to a citizen, local business, or municipality shall not be limited to direct monetary remuneration from the Energy Relief Fund and shall also include, but, not be limited to full payment for residential or business relocation so long as Executive Office of Administration and Finance consults with the Department of Public Health concerning health-related claims prior to awarding such relocation assistance from the Energy Relief Fund.

(d) There shall be established and set up on the books of the Commonwealth a separate fund known as the Wind Turbine Decommissioning or Relocation Fund, hereinafter referred to as the Turbine Decommissioning Fund. Each year, there shall be credited to the Turbine Decommissioning Fund, from the Massachusetts Renewable Energy Trust Fund, which is credited all amounts collected under section 20 of chapter 25 and any income derived from the investment of amounts credited to the trust fund, or its successor entity, hereinafter referred to as the Trust Fund, \$7,500,000 by a transfer from the Trust Fund to the Turbine Decommissioning Fund. Said transfer shall occur after the transfer to the Energy Relief Fund, in accord with this Act, and before any other transfer of monies from the Trust Fund to any other account of the Commonwealth without exception. All available monies in the Turbine Decommissioning Fund that are unexpended at the end of each fiscal

year shall not revert to the Trust Fund, the General Fund, or any other account of the Commonwealth and shall be available for expenditure by the Turbine Decommissioning Fund in the subsequent fiscal year.

(e) The Turbine Decommissioning Fund shall be held and applied by the Executive Office of Administration and Finance which is hereby authorized and directed to promulgate rules and regulations necessary to implement the provisions of this act. The Executive Office of Administration and Finance shall make available monies from the Turbine Decommissioning Fund to municipalities of the Commonwealth as compensation for decommissioning or relocation of a wind turbine located within their jurisdiction that was developed upon false, misleading, or inaccurate information, reasonably relied upon by the municipality, in its final determination to allow construction of the wind turbine.

(f) The Executive Office of Administration and Finance shall make distributions from the Turbine Decommissioning Fund after developing a procedure for reviewing a municipality's application for assistance under this section in consultation with the Massachusetts Municipal Association and the Massachusetts Selectman's Association. Said procedure shall be developed prior to January 1, 2021. Further, an application for assistance from the Turbine Decommissioning Fund shall be approved or denied within 180 days after being submitted to the Commonwealth. Any such application not approved or denied within 180 days after being submitted to the Commonwealth shall be deemed approved by operation of law. A municipality, which may be denied assistance from the Turbine Decommissioning Fund, for a period of 30 days after said denial, shall be entitled to appeal to Energy Facilities Siting Board for a determination of the appeal no later than 60 days after submission of an appeal.'

SECTION XX. 'Chapter 10 of the General Laws is hereby amended by adding the following section:-

Section 35FF (f). No funds shall be transferred or otherwise made available to the Massachusetts Alternative and Clean Energy Investment Trust Fund, or to any other fund or account administered by the Clean Energy Center, until after the Energy Relief Fund and the Turbine Decommissioning Fund have received their respective transfers from the Massachusetts Renewable Energy Trust Fund or its successor entity.'

SECTION XX. Section 20(a) of Chapter 25 of the General Laws is amended by striking it in its entirety and replacing it with the following section:-

'Section 20. (a) The department shall require a mandatory charge of 0.5 mill per kilowatt-hour for all electricity consumers, except those served by a municipal lighting plant which does not supply generation service outside its own service territory or does not open its service territory to competition at the retail level, to support the development and promotion of renewable energy projects and to provide assistance to consumers, businesses, and municipalities seeking relief from the effects of wind energy development. All revenues generated by the mandatory charge shall be deposited into the Massachusetts Renewable Energy Trust Fund, established under section 9 of chapter 23J.'

SECTION XX. Section 9(b) of Chapter 23J of the General Laws is amended by striking it in its entirety and replacing it with the following section:-

'Section 9. (b) After fully funding the Wind Energy Relief Fund and the Wind Turbine Decommissioning Fund, as established by the General Laws, the center may make expenditures from the trust fund for the public purpose of generating the maximum economic and environmental benefits over time from renewable energy to the ratepayers of the commonwealth through a series of initiatives which exploit the advantages of renewable energy in a more competitive energy marketplace by: (i) promoting the increased availability, use and affordability of renewable energy; (ii) by making operational improvements to existing renewable energy projects and facilities which, in the determination of the center, would yield more significant results in the development of

renewable energy if such funds were made available for the creation of new renewable energy facilities; and (iii) by fostering the formation, growth, expansion and retention within the commonwealth of preeminent clusters of renewable energy and related enterprises, institutions and projects which serve the citizens of the commonwealth consistent with a strategic plan or annual operational plan.'

SECTION XX. The Department of Public Utilities is hereby authorized and directed to promulgate rules and regulations necessary to implement the provisions of this act. The Energy Facilities Siting Board is hereby authorized and directed to promulgate rules and regulations necessary to implement the provisions of this act."

The amendment was *rejected*.

Ms. Comerford moved that the proposed new text be amended in section 2, in item 7002-8004, by inserting after the word "Laws" in line 40 the following words:- ' ; provided, that not less than \$1,000,000 shall be expended for costs including, but not limited to, design and engineering studies, acquiring and improving real property and other costs for an advanced manufacturing research, development and small batch production laboratory known as the Eruptor Lab in the Town of Amherst."

128

The amendment was *rejected*.

Messrs. Keenan, O'Connor and Montigny moved that the proposed new text be amended in section 2A, by inserting the following item:-

130

"XXXX-XXXX For a competitive grant program administered by the Massachusetts Development Finance Agency in order to make loans and to provide matching funds for the design, construction, repair, renovation, rehabilitation or other capital improvement of existing marine industrial infrastructure and commercial and public maritime transportation infrastructure in designated port areas as defined in 301 CMR 25.02\$10,000,000".

The amendment was *rejected*.

Ms. Comerford, Messrs. Eldridge and Hinds, Ms. Gobi and Mr. Cyr moved that the proposed new text be amended in section 2, in item 7002-8027, by striking out the figure "\$10,000,000" and inserting in place thereof the following figure:- "\$25,000,000".

132

The amendment was *rejected*.

Mr. Tran moved that the proposed new text be amended in section 2, in item 7002-8029 by inserting at the end thereof the following:- "provided further, that not less than \$250,000 be provided to the New England Historic Genealogical Society for revenue lost during the COVID-19 pandemic"; and by striking out the figure "\$10,000,000" and inserting in place thereof the following:-"\$10,250,000".

138

The amendment was *rejected*.

Mr. Eldridge moved that the proposed new text be amended by inserting after section 37 the following sections:-

140

"SECTION XX.

XXXX-XXXX For the implementation of the rent reporting demonstration program established in section XX\$500,000.

SECTION XX. The office of housing and economic development shall establish a rent reporting demonstration program for eligible organizations, including local housing authorities, affordable housing property management companies and community development corporations, to implement a credit-building program that uses regular monthly reporting of tenant rent payments to consumer reporting agencies as a mechanism to help these tenants build credit profiles. Program initiatives may include, but are not limited to, the following

- (1) furnish rental payment data on behalf of residents at a selected development or developments;
- (2) identify opportunities to engage tenants to educate them about rent reporting as a

credit building tool and to enroll them in the program. Protections under the Privacy Act of 1974 may require program participants to secure written consent from tenants to report data to the credit bureaus;

(3) offer individualized credit coaching and educational support to tenants whose rent is reported, or identify third party providers that can provide such services if an eligible organization is not able to do so;

(4) assess the impact of rent reporting on participating tenants' credit outcomes, including changes in credit score and establishing a credit history or credit score and other measures of tenants' financial capability, which may include but is not limited to, on-time rent payment rates, debt levels and access to affordable credit; and

(6) include Credit Builders Alliance and similar nonprofit intermediary resources that provide credit building and financial capability resources geared for low income communities to provide technical assistance to program participants to implement the program.

(b) Eligible organizations will participate in a 3- year pilot program, which will record and report tenants' timely rent payments to consumer reporting agencies.

(c) Eligible organizations or an identified third party shall provide training and support to the eligible organizations' staff and tenants regarding the pilot as feasible. Organization staff or an identified third party shall conduct educational briefings for tenants to learn about the program and the benefits of participation. In addition, organizations will provide ongoing financial education and coaching either directly or through a third party.

(d) The program shall collect the following data points and make them available to organization staff and tenants in an aggregated and anonymized format: (1) rates of on-time rent payment of tenants; (2) credit score tiers of tenants; (3) average credit score point fluctuations; (4) tenant attendance at trainings, coaching sessions and informational briefings; and (5) tenant dropout and enrollment rate in program.

The office of housing and economic development shall evaluate the collected data and file a report with the clerks of the senate and house of representatives, the chairs of the joint committee on financial services and the chairs not later than 6 months after the conclusion of the demonstration program.

(e) The department shall establish an advisory committee with the following members: the secretary of the executive office housing and economic development or a designee; the undersecretary of the department of housing and community development or a designee; 6 representatives appointed by the governor, 3 of whom shall be representatives from a community development corporation, and 3 of whom shall be representatives from a public housing tenant organization; 1 member selected by the joint committee on economic development; 1 member selected by the joint committee on housing; and 1 member selected by the joint committee on financial services. The advisory committee shall provide assistance and track the implementation of the pilot program; provided, further, that the advisory committee shall study the report referenced in subsection (d) and recommend expansion of the pilot to other eligible organizations.”

The amendment was *rejected*.

Ms. Moran, Mr. Eldridge and Ms. Comerford moved that the proposed new text be amended in section 2A in line 262 by inserting the following item:-

"7066-2021 For a matching grant program administered by the department of higher education to support public-private partnership projects led by municipalities with non-profit research or higher education institutions for the development of planning and preparedness solutions or infrastructure improvements that support climate adaptation and resilience consistent with the commonwealth's climate change adaptation plan; provided further that

141

eligibility and selection criteria shall include, but not be limited to, the following: (i) no grant shall be awarded for less than \$100,000; (ii) the non-profit research or higher education institution partnering with a municipality shall be incorporated and located within the commonwealth; (ii) the non-profit provides at least a two-to-one match of federal or private dollars for every dollar received in the matching grant program; (iii) the proposed project addresses the impacts of climate change in the commonwealth; (iv) and the proposed project demonstrates jobs preserved or created and other economic benefits, including attracting industry partners located in the commonwealth whenever possible.....\$500,000".

The amendment was *rejected*.

Mr. Barrett, Ms. Comerford and Mr. O'Connor moved that the proposed new text be amended by adding the following section:

146

“SECTION X. Section 10 of chapter 25A of the General Laws, as so appearing, is hereby amended by striking subsection (b) and inserting in place thereof the following subsection:-

(b) The division shall establish a green communities program to provide technical and financial assistance, in the form of grants and loans, to municipalities and other local governmental bodies that qualify as green communities under this section. These loans and grants shall be used to finance all or a portion of the costs of studying, designing, constructing and implementing energy efficiency activities, including, but not limited to: (i) energy conservation measures and projects; (ii) procurement of energy management services; (iii) installation of energy management systems; (iv) adoption of demand side reduction initiatives; (v) deployment of energy storage, microgrids or district energy systems connected to renewable energy generation; (vi) installation of zero-emissions vehicles, charging equipment, infrastructure or related technologies; (vii) coordination of residential or small business clean energy outreach, technical assistance or financing programs; and (viii) the adoption of energy efficiency policies. The loans and grants shall also be used to finance the siting and construction of renewable and alternative energy projects on municipally-owned land.”

The amendment was *rejected*.

Ms. Comerford moved that the proposed new text be amended in section 2, in item 7002-8031, by inserting after the word “commonwealth” in line 94 the following words:- "provided further, that municipalities that owned a site at the time of contamination shall be eligible to receive a grant under this item;".

147

The amendment was *rejected*.

Messrs. Tarr and Tran, Ms. DiZoglio and Mr. Fattman moved that the proposed new text be amended by inserting after section _ the following new section:-

148

"SECTION_ . Notwithstanding any general or special law, the commissioner of revenue shall promulgate rules or regulations necessary for the establishment and implementation of a vendor discount to provide reasonable compensation for the incremental expenses incurred by a vendor in collecting and remitting sales and use taxes, provided further, that the vendor discount shall not exceed \$1,000 per vendor, per year. The discount shall only be made available to those vendors who file returns in a timely manner as required in chapter 62C."

The amendment was *rejected*.

Mr. Eldridge moved that the proposed new text be amended by inserting after section 37 the following section:-

149

“SECTION XX. Section 7 of chapter 44B of the General Laws is hereby amended by adding the following paragraph:-

The legislative body of a city or town that votes to accept sections 3 to 7, inclusive, may expend monies from the fund for the purpose of acquiring land held for railroad

purposes to be used by the city or town for recreational purposes as a rail trail. Notwithstanding subsection (a) of section 12, land acquired pursuant to this paragraph may be subject to any property interest, including restrictions or reversionary interests, required to be held by the grantor or the United States pursuant to the National Trails System Act of 1968, codified at 16 U.S.C. section 1241, et seq. Notwithstanding any provision of the definition of ‘real property interest’ in section 2 to the contrary, land acquired pursuant to this paragraph shall be considered a real property interest for purposes of this chapter.”

The amendment was *rejected*.

Ms. Comerford moved that the proposed new text be amended in section 2, by inserting after item 7002-8031 the following item:-

150

“7002-8032 For grants and technical assistance to be made to municipalities and regional applicants, to support planning and locally-driven initiatives related to community development, housing production, workforce training and economic opportunity across the commonwealth within individual communities, regions or a defined subset of communities therein\$5,000,000”.

The amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended by inserting the following section:

168

“SECTION XXX. The Municipal Police Training Committee (MPTC) shall establish a comprehensive training academy for all cadet certification, in-service training, specialized training, and other necessary programming within the Southbridge Innovation Center in Southbridge, MA.”

The amendment was *rejected*.

Mr. Brady moved that the proposed new text be amended by inserting the text of Senate document numbered 2858, relative to certain light frame residential construction.

170

The amendment was *rejected*.

Mr. Welch moved that the proposed new text be amended by adding the following section:-

171

“SECTION XX. Section 97 of chapter 140 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 15 to 16, the words ‘, at least once in every two calendar years and more often if he deems it necessary,’.”

The amendment was *rejected*.

Mr. Collins, Ms. Chang-Diaz, Mr. Eldridge and Ms. Jehlen moved that the proposed new text be amended by adding the following sections:

179

“SECTION XX: Section 1 of chapter 64N of the General Laws, as appearing in the 2018 official edition, is hereby amended by adding the following definition:-

(c) ‘Social Equity Business’, a marijuana establishment eligible for the Social Equity Program established in 935 CMR 500.105(17) or the Economic Empowerment Program as defined in 935 CMR 500.101(1)(e) or otherwise determined by the commission.

(d) ‘Social Equity Program’ a program administered by the Commission to provide training and technical assistance to eligible applicants, potential applicants, and licensees from communities that have previously been disproportionately harmed by marijuana prohibition and enforcement or to municipalities seeking to initiate or improve social equity programming on the local level. This program includes a Social Equity Fund established and administered by the Commission.

SECTION XX. Subsection (a^{1/2}) of Section 4 of chapter 94G of the General Laws, is hereby amended by striking clause (ii) and by inserting in place thereof the following clauses:-

(ii) a schedule of application, license and renewal fees in an amount necessary to pay for all regulation and enforcement costs of the commission including, but not limited to,

the Social Equity Program; provided that not less than 2% of the funds generated by said fees shall go directly to funding the Social Equity Program through the Social Equity Fund; provided further however that fees may be relative to the volume of business conducted or to be conducted by the marijuana establishment; provided further that municipalities which create their own social equity program in compliance with the Commission's Social Equity Program will have the ability to apply to the fund.

SECTION XX. Section 16G of chapter 6A is hereby amended by inserting, following subsection (n), the following:-

(o) There shall be established and set up on the books of the commonwealth a Cannabis Social Equity Loan Trust Fund with a forgiveness program for the purpose of making no-interest loans and grants available to economic empowerment and social equity program participants. To encourage the full participation of entrepreneurs from communities that have been disproportionately impacted by previous marijuana prohibition and enforcement the Massachusetts Cannabis Control Commission shall prioritize and review licensee applicants for social equity and economic empowerment on a one to one priority with general applicants. The fund shall be administered by the secretary of housing and economic development. The cannabis control commission shall promulgate guidelines governing the structure of the fund. The fund shall consist of revenues collected by the commonwealth including: (1) up to 10 percent of revenue generated by the Cannabis Excise Tax; provided that said revenue shall be deposited in the fund on a 1:1 basis relative to private funds received pursuant to (2); and (2) any funds from private sources such as gifts, grants, and donations.”

The amendment was *rejected*

Messrs. Collins, Boncore and Crighton moved that the proposed new text be amended by adding the following section:

184

"SECTION XX. There is hereby established a special commission, pursuant to section 2A of chapter 4 of the General Laws, to investigate and study the promotion and celebration of the 250th anniversary of the American Revolution.

The commission shall consist of the following 39 members: 3 members of the house of representatives, 1 of whom shall be the house chair of the joint committee on tourism, arts and cultural development, and 1 of whom shall be nominated by the minority leader; 3 members of the senate, 1 of whom shall be the senate chair of the joint committee on tourism, arts and cultural development, and 1 of whom shall be nominated by the minority leader; the commissioner of conservation and recreation; and 32 members to be appointed by the governor, 2 of whom shall be nominated by the speaker of the house of representatives, 2 of whom shall be nominated by the president of the senate, 1 of whom shall be from the Massachusetts Department of Education, 2 of whom shall be nominated by the Secretary of State, 1 of whom shall be the Adjutant General of Massachusetts or their designee, 1 of whom shall be the president of the Massachusetts Historical Society, or their designee 1 of whom shall be a representative of the Massachusetts Colonial Society, 1 of whom shall be the Executive Director of the American Antiquarian Society, or their designee, 1 of whom shall be a representative of the Greater Boston Convention & Visitors Bureau, 1 of whom shall be a representative of the Museum of African-American History in Boston, 2 of whom shall be scholars from an institution of higher learning with expertise in the area of colonial, revolutionary era history or American civics, 1 of whom shall be the President of the Massachusetts Council for Social Studies or their designee, 1 of whom shall be a member of the Boston area business community, and 2 of whom shall be employees of the National Parks Service with experience in geographical areas of the commonwealth with particular Revolutionary War history, 1 of whom shall be the Commissioner of Indian Affairs of Massachusetts or their designee, 1 of whom shall be a member of the Wampanoag Tribe of Gay Head Aquinnah, 1 of whom shall be a member

of the Wampanoag Tribe of Mashpee, 1 of whom shall be a representative of the Freedom Trail Foundation, 1 of whom shall be the President of the New England Historic Genealogical Society or their designee, 1 of whom shall be the Executive Director of Preservation Massachusetts, or their designee, 2 of whom shall be representatives of the Massachusetts Office of Travel & Tourism, 1 of whom shall be nominated by the Mayor of the City of Boston, 1 of whom shall be the Executive Director of the Massachusetts Humanities Council or their designee, 1 of whom shall be the Executive Director of the Massachusetts Cultural Council or their designee, 1 of whom shall be a representative of the Massachusetts Daughters of the American Revolution, and 1 of whom shall be the Executive Director of the Massachusetts Lodging Association or their designee.

As part of its study and investigation, the commission shall: (1) develop a comprehensive plan for promoting and celebrating the 250th anniversary of the American Revolution; (2) identify all opportunities for individuals, municipalities, or other actors across the commonwealth to participate in celebrations of the anniversary and recognize the particular history of their geographical areas; (3) investigate and promote under-represented voices in the American Revolution including but not limited to women, native peoples, and persons of color; and (4) submit a report to the governor, speaker of the house of representatives, the president of the senate and the clerks of the house of representatives and the senate which may, upon the agreement of the governor, speaker and senate president, be published for distribution to the public, and which shall contain an overview of Massachusetts' particular role in the American Revolution, and notable battles, events and figures of the era."

The amendment was *rejected*.

Mr. Tarr, Ms. Comerford and Messrs. Tran and O'Connor moved that the proposed new text be amended by inserting the following section:-

193

"SECTION_: Notwithstanding any general or special law to the contrary notwithstanding the adoption of local rules and regulations for minor subdivisions, the provisions of section 81P of this chapter shall continue to apply to: 1) a division of land where the entire lineal frontage required by local zoning is on a state-numbered route; or 2) a division of a parcel of land in any one year to create no more than two building lots subject to the frontage requirements set forth the definition of minor subdivision in this chapter, meeting the lineal distance requirements of local zoning, and not exceeding 1.5 times the area required by local zoning, if at the time of application the parcel of land to be subdivided is forestland or farmland that has for 5 continuous years immediately previous been classified under chapters 61 or 61A, respectively or land that is under the same ownership and within the same parcel, or under the same ownership and immediately adjacent, and not classified under chapters 61 or 61A."

The amendment was *rejected*.

Ms. Moran moved that the proposed new text be amended in section 2, in item 7002-8027, by adding the following words:- “; provided further, that not less than \$200,000 shall be provided to the Kingston Business Association for revenue lost during the COVID-19 pandemic”; and by striking out the figure “\$10,000,000” and inserting in place thereof the following figure:- “\$10,200,000”.

205

The amendment was *rejected*.

Ms. Moran moved that the proposed new text be amended in section 2, in item 7002-8033, by adding the following words:- “; provided further, that not less than \$150,000 shall be expended for the town of Pembroke for economic development”; and by striking out the figure “\$25,000,000” and inserting in place thereof the following figure:- “\$25,150,000”.

210

The amendment was *rejected*.

Mr. Feeny moved to amend the proposed new text by inserting the text of Senate

221

document numbered 2859, relative to establishing an on line lottery.

The amendment was *rejected*.

Messrs. Feeney and O'Connor moved that the proposed new text be amended by adding at the end thereof the following section:-

222

“SECTION XX. The lottery commission is hereby authorized and directed to implement online and mobile games of Chance, including, but not limited to, fantasy sports, so-called, Sports Quickpick, so-called, and other games of chance, subject to the provisions of, and preempted and superseded by, any applicable federal law. Any fantasy sports games shall, where applicable, be consistent with 940 C.M.R. 34.00.

(b) The commission is authorized to sell pre-paid play cards, subject to proof of age verification, and may be sold by any agent licensed to sell lottery tickets pursuant. Said cards may be recharged and resold by any such agent.

(c) Purchase of online and so-called mobile products shall require a secure website to access any customer account by entering a unique password for each online purchaser. Geo-location tools shall be employed by any platform provider, authorized under this section, to ensure that a player is a resident of the Commonwealth.

(d) (1) The commission shall develop a request for proposals (‘RFP’) that solicits competitive bids from private vendors to develop any such online platform and mobile applications which shall allow maximum flexibility to allow for changes in technology and changes in consumer behavior. Such provider shall work within the framework of the lottery’s existing system and fully coordinate all functions so that the lottery maintains its requisite level of control. Any such provider shall implement and employ a responsible gaming policy that shall be independent of, and enhance, the lottery’s own policies. (2) Basic qualifications for consideration shall include the following: experience in platform development; experience in developing gaming platforms; experience in website security, including an ability to address all key security areas, such as fraud detection, hacking, and prevention of distributed denial of service; demonstration of good character, honesty and integrity; ability to maintain and grow the site, based on actual experience and demand growth; a history of working cooperatively with clients to produce systems that provide the maximum flexibility for and benefit to the client rather than the vendor. (3) Any such vendor shall provide a ‘free-play site’, so-called, developed concurrently with the gaming site. Any successful bidder shall be compensated based on a percentage of sales established by the commission. The successful bidder shall directly or through a sub-contracting arrangement, develop a loyalty program that recognizes and rewards regular lottery customers who play both online and traditional lottery games of chance.

(e) All revenues received from sales authorized by this section shall be deposited in the State Lottery Fund and shall provide local property tax relief and local services.”

The amendment was *rejected*.

Mr. Barrett moved that the proposed new text be amended by adding the following section:

225

“SECTION XX: The General Laws are hereby amended in Chapter 23K Section 58 by inserting after ‘potential addictive nature of gambling’ the following: ‘, which shall include targeted outreach to communities or groups at higher risk of gambling addiction including, but not be limited to, Asian American communities.’”

The amendment was *rejected*.

Mr. Feeney and Ms. Jehlen moved that the proposed new text be amended by adding at the end thereof the following sections:-

227

“SECTION XX. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

‘Covered establishment’, a restaurant or other eating or drinking establishment offering same-day food or drink for sale in a single commercial transaction through any

third-party delivery service platform, from 1 or more retail locations within the commonwealth.

‘Third-party delivery service company’, a corporation, partnership, sole proprietorship or other entity qualified to do business in the commonwealth that is engaged in facilitating same-day delivery or pickup of food and beverages through a third-party delivery service platform for 20 or more separately owned and operated covered establishments.

(b) (1) A third-party delivery service company shall not use a likeness, trademark, or other intellectual property belonging to a covered establishment without obtaining written consent from said establishment to use the likeness, trademark, or other intellectual property. Written consent under this subsection must be reflected in a valid agreement.

(2) To enter into a valid agreement under this section, the third-party delivery service must be registered to do business in this state.

(3) An agreement under this section must not require the covered establishment to indemnify the third-party delivery service, an independent contractor acting on behalf of the third-party delivery service, or a registered agent of the third-party delivery service for damages or harm that may occur after a product leaves the said establishment’s place of business. A provision of an agreement that is contrary to this section is void and unenforceable.”

The amendment was *rejected*.

Mr. O'Connor moved that the proposed new text be amended by adding the following item:-

235

7004-0063 For a local capital projects grant program to support and encourage implementation of the housing choice designation for communities that have demonstrated housing production and adoption of housing best practices, including a grant program to support housing best practices in small towns..... \$25,000,000.

The amendment was *rejected*.

Mr. Feeney and Ms. Gobi moved that the proposed new text be amended by adding at the end thereof the following sections:-

237

“SECTION XX. Section 5 of chapter 59 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in line 13, the words ‘or Forty-fifth’ and inserting in place thereof the following words:- , Forty-fifth or Forty-fifth B.

SECTION XX. Said section 5 of said chapter 59, as so appearing, is hereby further amended by inserting after clause Forty-fifth A the following clause:-

Forty-fifth B, Any qualified fuel cell powered system, the construction of which was commenced after January 1, 2020, that is capable of producing not more than 125 per cent of the annual energy needs of the real property upon which it is located, which shall include contiguous or non-contiguous real property owned or leased by the owner. Any other qualified fuel cell powered system shall be exempt provided that the owner has made to the city or town where the system is located a payment in lieu of taxes. A city or town, acting through the board or officer authorized by its legislative body, may execute an agreement for the payment in lieu of taxes with the owner of a qualified fuel cell powered system in the municipality where the qualified fuel cell powered system is located. Unless otherwise provided by such agreement, (1) a notice of the payment in lieu of tax owed for each fiscal year shall be mailed to the owner and due on the dates by which a tax assessed under this chapter would be payable without interest; (2) all provisions of law regarding billing and collecting a tax assessed under this chapter shall apply to the payment in lieu of taxes, including the payment of interest; and (3) upon issuance of the notice, the owner shall have the remedies provided by section 59, section 64 and all other applicable provisions of law for the abatement and appeal of taxes upon real estate. An exemption

under this clause shall be allowed only for a period of 20 years from the date of completion of the construction of the qualified fuel cell powered system; provided, however, that no exemption shall be allowed for any year within that period when the qualified fuel cell powered system is not capable of producing energy as required by this clause. Each owner shall annually, on or before March 1, make a declaration under oath to the assessors regarding the system and power generated for the previous calendar year. This clause shall not apply to projects developed under section 1A of chapter 164.

For the purposes of this clause, ‘qualified fuel cell powered system’ shall mean an integrated system comprised of a fuel cell stack assembly and associated components that utilizes and converts natural gas or renewable fuels into electricity and is being utilized as the primary or auxiliary power system for the real property upon which it is located, which shall include contiguous or non-contiguous real property owned or leased by the owner, or in which the owner otherwise holds an interest.

SECTION XX. Subsection (b) of section 38H of said chapter 59, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- For purposes of this subsection, a generation facility shall not include a facility powered by a qualified fuel cell powered system, as defined in clause Forty-fifth B of section 5, to generate electricity.”

The amendment was *rejected*.

Mr. Barrett moved that the proposed new text be amended by adding the following section:

239

“SECTION X. Notwithstanding any general or special law to the contrary, not later than 1 year after the effective date of this act, the department of energy resources shall publish a guide to assist cities and towns in developing processes and policies to expand electric vehicle charging and parking in municipally-owned parking spaces and lots including, but not limited to, an analysis or guide to pricing incentives for charging and parking for zero-emission vehicles and reserved parking for zero-emission vehicles. The guide shall include a review of similar programs established in other states. For the purposes of this section, ‘zero-emission vehicle’ shall mean a motor vehicle that produces no engine exhaust emissions.”

The amendment was *rejected*.

Mr. Feeny moved that the proposed new text be amended by adding at the end thereof the following sections:-

240

“SECTION XX. Subsection (a) of section 168 of chapter 175 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following definitions:-

‘Personal vehicle sharing’, the authorized use of a vehicle by an individual other than the vehicle’s owner through a personal vehicle sharing program.

‘Personal vehicle sharing program’, a business platform that connects vehicle owners with drivers to enable the sharing of vehicles for financial consideration.

SECTION XX. Said section 168, as so appearing, is amended by striking out subsection (b) in lines 18-27 and inserting in place thereof the following subsection:-

(b) The commissioner may, upon the payment of the fee prescribed by section 14, issue to any suitable person aged 18 or older, a license to act as a special insurance broker to negotiate, continue or renew contracts of insurance against any of the hazards specified in section 47, except as specified in clause Fifteenth thereof, and except accident and health, workers' compensation, compulsory motor vehicle liability, with the exception of both motor vehicle policies for transportation network vehicles and any contracts that directly or indirectly provide insurance or other forms of protection, including without limitation, collision damage waivers, for vehicles and vehicle drivers engaged in personal vehicle sharing through a personal vehicle sharing program, and life insurance on property

or interests in the commonwealth with an unauthorized company upon the following conditions:

SECTION XX. Said section 168, as so appearing, is amended by striking out subsection (i) in lines 198-199 and inserting in place thereof the following subsections:-
(i) Nothing in this section shall preclude a personal vehicle sharing program from procuring a contract of insurance for itself, vehicles, and vehicle drivers engaged in personal vehicle sharing, if the personal vehicle sharing program or the policyholder expressly acknowledges its understanding, that (1) the company from which insurance is procured is not admitted to transact insurance in the commonwealth and (2) in the event of the insolvency of the company, a loss shall not be paid by the Massachusetts Insurers Insolvency Fund under chapter 175D.

(j) The commissioner may promulgate regulations as necessary to implement this section.”

The amendment was *rejected*.

Ms. Gobi and Ms. Jehlen moved that the proposed new text be amended by adding the following section:

248

“SECTION XX. Section 1. Section 1 of chapter 94G of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting the following definition:

‘Cannabidiol’ or ‘CBD’, the compound by the same name derived from the hemp variety of the *Cannabis sativa* L. plant.

Section 2. Section 1 is hereby further amended striking out lines 49-55 and inserting in place thereof the following definition:

‘Hemp’, the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a THC concentration percentage that does not exceed the limit set by federal law for hemp. Hemp shall be considered an agricultural commodity.

Section 3. Section 116 of chapter 128 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the lines 4-12, and inserting in place thereof the following definitions:

‘Cannabidiol’ or ‘CBD’, the compound by the same name derived from the hemp variety of the *Cannabis sativa* L. plant.

‘Hemp’, the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a THC concentration percentage that does not exceed the limit set by federal law for hemp. Hemp shall be considered an agricultural commodity.

‘Hemp Products’, all products derived from, or made by, processing hemp plants or plant parts, that are prepared in a form available for commercial sale, including, but not limited to cosmetics, personal care products, dietary supplements, food intended for animal or human consumption, cloth, cordage, fiber, fuel, paint, paper, particleboard, plastics, and any product containing one or more hemp-derived cannabinoids, such as cannabidiol.

‘Industrial Hemp’, the equivalent in all meanings to hemp, as defined in this section.

‘Tetrahydrocannabinol’ or ‘THC’, shall have the definition as found in federal law.

Section 4. Chapter 128 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out sections 117-123, and inserting in place thereof the following sections:

Section 117. (a) Industrial hemp may be planted, grown, harvested, possessed, processed, bought, sold or researched subject to sections 116 to 123, inclusive. The planting, growing, harvesting, possessing, processing or research of industrial hemp as an

agricultural product shall be subject to the supervision and approval of the department pursuant to sections 116 to 123, inclusive.

(b) A person planting, growing, harvesting, possessing or processing industrial hemp shall be licensed by the department.

(c) No person shall produce or distribute industrial hemp seed without a license issued by the department.

(d) A person utilizing industrial hemp for research shall register with the department.

(e) An application for a license issued pursuant to subsection (b) or (c) shall include, but not be limited to: (i) the name and address of any applicants; (ii) the name and address of the industrial hemp operation of the applicant; (iii) the global positioning system coordinates and legal description of the property used for the industrial hemp operation; (iv) the acreage size of the field where the industrial hemp will be grown, if applicable; (v) a written consent allowing the department to conduct both scheduled and random inspections of and around the premises on which the industrial hemp is being sown, grown, harvested, stored and processed; (vi) a nonrefundable application fee in an amount which shall be established by the commissioner; (vii) any other information as may be required pursuant to subsection (d); and (viii) any other information as may be required by the commissioner.

(f) All documents included in an application for licensure submitted under subsection (e) except for the address of a licensee's cultivation or production facilities and any documents describing, depicting or otherwise outlining a licensee's security schematics or global positioning system coordinates, which are considered by the department to be confidential in nature due to their public safety implications, shall be considered public records for the purposes of chapter 66.

Section 118. (a) After receipt, review and approval of an application for licensure pursuant to section 117, the commissioner may grant an annual license upon issuance of written findings that the requirements of sections 116 to 123, inclusive, have been satisfied.

(b) The commissioner shall deny an application for a license filed pursuant to section 117 if the applicant: (i) fails to satisfy the minimum qualifications for licensure pursuant to sections 116 to 123, inclusive; or (ii) for good cause shown.

Section 119. The commissioner shall suspend, revoke or refuse to renew the license of a person who violates sections 116 to 123, inclusive, following appropriate process in accordance with chapter 30A.

Section 120. (a) The department and the commissioner shall promulgate rules and regulations for the implementation, administration and enforcement of sections 116 to 123, inclusive.

(b) Pursuant to section 2 of chapter 30A, the department may promulgate, amend or repeal any regulation promulgated under this chapter as an emergency regulation if the regulation is necessary to protect the interests of the commonwealth in regulating industrial hemp.

Section 121. The department may inspect and have access to the equipment, supplies, records, real property and other information deemed necessary to carry out the department's duties under sections 116 to 123, inclusive, from a person participating in the planting, growing, harvesting, possessing, processing, purchasing or researching of hemp or industrial hemp. The department may establish an inspection and testing program to determine delta-9 tetrahydrocannabinol levels and ensure compliance with the limits on delta-9 tetrahydrocannabinol concentration.

Section 122. (a) Notwithstanding any other provision of law to the contrary, dietary supplements, food or food products that contain hemp or any part of the hemp plant, including the seeds and all naturally occurring cannabinoids, compounds, concentrates, extracts, isolates, resins, isomers, acids, salts, salts of isomers or cannabidiol derivatives,

are not considered to be adulterated or misbranded based solely on the inclusion of hemp or any part of the hemp plant. The production, marketing, sale or distribution of food or food products within the commonwealth that contain hemp or any part of the hemp plant may not be restricted or prohibited based solely on the inclusion of hemp or any part of the hemp plant. An entity licensed under Section 118 or an entity selling hemp products within the commonwealth may not make any claims that food or food products that contain hemp can treat, cure or prevent any disease without approval pursuant to federal law.

(b) Hemp and hemp products cultivated and manufactured in other states pursuant to a USDA approved hemp program, or in another state jurisdiction with similar standards and regulations, may be sold within the Commonwealth.

(c) Notwithstanding any other law, derivatives of hemp, including hemp-derived cannabidiol, may be added to cosmetics, personal care products, dietary supplements, and products intended for human or animal consumption, and such an addition is not considered an adulteration of such products.”

The amendment was *rejected*.

Mr. Feeney moved that the proposed new text be amended by adding at the end thereof the following sections:-

251

“SECTION XX. Section 23 of chapter 32 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting at the end thereof the following subparagraph:-

(8) It shall be the policy of the PRIM board to use minority investment managers to manage PRIT Fund assets, encompassing all asset classes, and to increase the racial, ethnic, and gender diversity of PRIT Fund investments to the greatest extent feasible, consistent with sound investment policy. The PRIM board and the executive director shall take affirmative steps to remove any barriers to the full participation of minority investment managers in investment opportunities. Such affirmative steps shall include, but not be limited to, consideration of whether current investment policy discourages the use of minority investment managers through quantitative or qualitative restrictions, including, but not limited to, number of years track record and minimum assets under management. It shall be the goal of the PRIM board that not less than 20% of investment managers be minorities, females, and persons with disabilities. It shall further be the goal of the PRIM board to utilize businesses owned by minorities, females, and persons with disabilities for not less than 20% of total contracts awarded pursuant to section 23B. Annually, not later than January fifteenth of each year, the PRIM board shall file with the house and senate committee on ways and means and with the joint committee on public service a report detailing its progress toward implementing the policies and goals outlined above. Such report shall include documentation related to all minority investment managers considered for investment, including documentation.”

The amendment was *rejected*.

Ms. Jehlen and Mr. Eldridge moved that the proposed new text be amended by adding the following section:-

258

“SECTION XX. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

‘Covered establishment’, a restaurant or other eating or drinking establishment offering same-day food or drink for sale in a single commercial transaction through any third-party delivery service platform, from 1 or more retail locations within the commonwealth.

‘Customer’, an individual using a third-party delivery service platform to place an online order.

‘Delivery fee’, a fee charged by a third-party delivery service for providing a covered establishment with a service that delivers food from such establishment to customers. The

term does not include any other fee that may be charged by a third-party delivery service to a covered establishment, such as fees for listing or advertising the covered establishment on the third-party delivery service platform or fees related to processing the online order.

‘Online order’, an order for food or drinks placed by a customer through a third-party delivery service platform provided by a third-party delivery service company for pickup or delivery in the commonwealth.

‘Purchase price’, the menu price publicly offered on the third-party delivery service platform by a covered establishment. The purchase price shall not include any taxes, gratuities or other fees that may make up the total cost charged to the customer for an online order.

‘Third-party delivery service company’, a corporation, partnership, sole proprietorship or other entity qualified to do business in the commonwealth that is engaged in facilitating same day delivery or pickup of food and beverages through a third-party delivery service platform for 20 or more separately owned and operated covered establishments.

‘Third-party delivery service platform’, any online enabled application, software, website or system offered or utilized by a third-party delivery service company to facilitate the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, covered establishments.

(b) Notwithstanding any general or special law to the contrary, no third-party delivery service company, shall charge a covered establishment a delivery fee per online order for the use of its services and fees other than a delivery fee that totals more than 15 per cent of the purchase price of the online order in the aggregate; provided, however, that no third-party delivery service company shall charge a covered establishment any fee or fees other than a delivery fee for the use of their services greater than 5 per cent of the purchase price of such online order.

(c) This act shall preempt, supersede or nullify any inconsistent, contrary or conflicting local law, ordinance, rule or regulation relating to third-party delivery service platforms and third-party delivery service companies fees, including with respect to any agreements with covered establishments using third-party delivery service companies.

(d) A violation of this section shall be an unfair and deceptive trade practice in violation of chapter 93A of the General Laws.”.

The amendment was *rejected*.

Messrs. Feeney and Tran, Ms. Gobi, Messrs. Brady and Timilty and Ms. Moran moved that the proposed new text be amended by adding at the end thereof the following sections:-

264

“SECTION XX. Chapter 63 of the Acts of 2007 is hereby amended by striking out section 15.

SECTION XX. Chapter 158 of the Acts of 2005 is hereby amended by striking out section 9 and inserting in place thereof the following: -

‘This act shall be effective for tax years beginning on or after January 1, 2006.’.”

The amendment was *rejected*.

Mr. Feeney moved that the proposed new text be amended by adding at the end thereof the following section:-

271

“SECTION XX. Section 2 of chapter 128 of the General Laws, as so appearing, is hereby amended by striking out subsection (g) and inserting in place thereof the following subsection:-

(g) Promote, develop and encourage through the Massachusetts Thoroughbred Breeding Program, the breeding of thoroughbred horses in the commonwealth by offering cash prizes to breeders of such horses. The Massachusetts Thoroughbred Breeders Association, Inc. shall from time to time set the percentages for bonuses to be awarded to

the breeder of a Massachusetts bred thoroughbred horse, of the purse monies won by said thoroughbred horse in any pari-mutuel running horse race if said horse finishes first, second, third, fourth or fifth; the percentage for incentives to the owner of the stallion, at the time of service to the dam of such purse winner; provided, however, that (i) the stallion was registered by February 1st and stood the entire breeding season for that year in the commonwealth, (ii) the horse finishes first, second, third, fourth or fifth and (iii) said stallion is registered with the Massachusetts Thoroughbred Breeders Association, Inc. and was not registered to stand in any other state that year; the percentage for incentives for the purse monies won by said thoroughbred horse in any unrestricted or restricted pari-mutuel running horse race held within or outside the commonwealth to the owner of a Massachusetts bred or accredited horse if said horse finishes first, second, third, fourth or fifth.

The Massachusetts Thoroughbred Breeders Association, Inc. is further authorized to pay incentives for races to be limited to Massachusetts bred and accredited thoroughbred race horses from the Massachusetts thoroughbred breeding program at licensed pari-mutuel race meetings authorized by the state, and to pay cash incentives to encourage breeding in Massachusetts. Such races may be betting or non-betting races and may or may not be scheduled races by the licensee conducting the racing meeting. Purse monies paid by the association under this section may be in such amounts as the association shall determine and may be the sole cash purse for such races or may be supplemental to the cash purses established by the licensee; and such discretion shall include the discretion to set an overall cap on awards earned.

No person shall be eligible for the prizes provided herein unless the following standards are met:

(1) The foal of a thoroughbred mare that drops said foal in the commonwealth shall be a Massachusetts bred; or

(2) The foal of a thoroughbred mare who resides in the commonwealth continuously for at least 90 days which includes foaling and foals in the commonwealth shall be Massachusetts bred.

(3) Any foal that is raised in the commonwealth for six months continuously prior to December 31st of its two year old year shall be a Massachusetts accredited horse.

(4) In either case of subparagraph (1), (2) or (3) each thoroughbred foal dropped or raised in the commonwealth shall be registered with the Jockey Club, and the Massachusetts Thoroughbred Breeders Association, Inc.

(5) Prior to the first day of September of each year, each person standing a thoroughbred stallion in the commonwealth at either private or public service shall file with the Massachusetts Thoroughbred Breeders Association, Inc.: (A) a list of all thoroughbred mares bred to such stallion in that year; and (B) a verified statement representing that said stallion stood the entire breeding season in the commonwealth.

A Massachusetts accredited thoroughbred shall be eligible for any Massachusetts bred race, except for Massachusetts restricted stakes races. For Massachusetts bred stake races Massachusetts accredited horses may enter to fill the race after all Massachusetts bred horses have already been entered in the race. A full race shall be determined by Massachusetts Thoroughbred Breeders Association, Inc. and the hosting track for the race.

Prior to the first day of September of each year, each person raising a weanling or yearling in Massachusetts for six months prior to December 31st of the horse's two-year old year shall file with the Massachusetts Thoroughbred Breeders Association, Inc. a verified statement that it is raising the horse in Massachusetts and the location of the horse. The Massachusetts Thoroughbred Breeders Association, Inc. is hereby further authorized to pay foaling bonuses to the owner of any mare that foals within the commonwealth. To be eligible for such bonus, prior to foaling, the owner of such mare shall file with the

Massachusetts Thoroughbred Breeders Association, Inc. a verified statement that the mare is in foal, the expected due date and the location of the mare.

The Massachusetts Thoroughbred Breeders Association, Inc. is hereby further authorized to expend up to 12 per cent of the amount received each fiscal year for said program for advertising, marketing, promotion, and administration for the thoroughbred breeding program in the commonwealth.

The state auditor shall annually audit the books of the Massachusetts Thoroughbred Breeders Association Inc., to ensure compliance with this subsection.”

The amendment was *rejected*.

Mr. Welch moved that the proposed new text be amended by adding the following section:-

273

“SECTION XX: Notwithstanding any general or special law to the contrary, payments made by the Department of Early Education and Care to contracted licensed childcare providers serving children receiving public childcare subsidies or vouchers shall be made based upon total subsidized enrollment prior to the declared COVID-19 state of emergency. This section shall remain in force until 30-days after classroom capacity limitations issued pursuant to the declared COVID-19 state of emergency are lifted or rescinded.”.

The amendment was *rejected*.

Mr. Tran moved that the proposed new text be amended by inserting at the end of line item 7002-8029 the following:- “, provided further that not less than \$150,000 shall be expended for visitor centers”; and by striking out the number "\$10,000,000" and inserting in place thereof the following:- "\$10,150,000".

274

The amendment was *rejected*.

Mr. Barrett and Ms. Jehlen moved that the proposed new text be amended by adding the following section:

275

“SECTION X. The Massachusetts clean energy technology center shall administer a heat pump market development program to fund and offer training, which shall include, but not be limited to, heating oil dealers, for the purpose of expanding markets for space and water heating using efficient heat pump technology. The Massachusetts clean energy technology center may draw upon the Massachusetts Renewable Energy Trust Fund for such purpose if sufficient funds are available. The Massachusetts clean energy technology center may stop offering such program after January 1, 2026.”

The amendment was *rejected*.

Ms. Moran and Mr. Cyr moved that the proposed new text be amended in section 2, in item 7002-8029, by adding the following words:- “; provided further that not less than \$500,000 shall be expended to the Massachusetts office of travel and tourism to expand and promote agriculture tourism in the aquaculture and cranberry industries”; and by striking out the figure “\$10,000,000” and inserting in place thereof the following figure:- “\$10,500,000”.

276

The amendment was *rejected*.

Ms. Lovely, Messrs. Eldridge and Tran, Ms. Comerford, Mr. Tarr and Ms. Moran moved that the proposed new text be amended by inserting the following section:-

278

“SECTION XX. Section 1. Section 138 of chapter 164 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting, in line 37, after the word ‘less’, the following words:- ‘provided, however, that a Class I net metering facility of a municipality or other governmental entity may have a generating capacity of less than or equal to 60 kilowatts per unit’.

Section 2. Subsection (i) of section 139 of chapter 164 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking the words ‘(1) equal to or less than 10 kilowatts on a single phase circuit or (2) 25 kilowatts on a 3 phase circuit’

and inserting in place thereof the following words:- ‘equal to or less than 25 kilowatts’.

Section 3. Said section 139 of said chapter 164 is hereby further amended by inserting after subsection (i) the following subsection:-

(i 1/2) A Class I net metering facility greater than 25 kilowatts in nameplate capacity, a Class II net metering facility or a Class III net metering facility shall be exempt from the aggregate net metering capacity of net metering facilities and may net meter and accrue Class I, Class II or Class III net metering credits if it is generating renewable energy and serves on-site load, other than parasitic or non-station load, provided that any facility interconnected after the effective date of this subsection that accrues credits in excess of its annual electricity consumption, as calculated at the end of an annual period running from April through the following March, shall be credited or paid out at the utility’s avoided cost rate.”

The amendment was *rejected*.

Mr. Feeney moved that the proposed new text be amended by inserting the text of Senate document numbered 2860, relative to right to repair.

282

The amendment was *rejected*.

Mr. Barrett moved that the proposed new text be amended in section 2A, by inserting the following line item:

288

“XXXX-XXXX For the Massachusetts Clean Energy Technology Center established in Chapter 23J of the General Laws, for a grant and technical assistance program to support fossil-fuel-free projects in low and moderate income housing provided that such projects may include but are not limited to air source and ground source heat pumps and whole home electrification \$10,000,000.”

The amendment was *rejected*.

Ms. Lovely moved that the proposed new text be amended inserting the following sections:-

291

“SECTION XX: Notwithstanding any general or special law to the contrary, any farmer distillery licensed as such under chapter 138 section 19E may sell up to three alcoholic beverages to a person 21 years of age or older for off-premises consumption; provided, however, that any delivery of alcoholic beverages for off-premises consumption shall not be made without verification that the person receiving the order has attained 21 years of age. For purposes of this section, an ‘alcoholic beverage’ is defined as a sealed container holding between 10 and 12 fluid ounces of spirits (liquor) alone or spirits (liquor) and mixer that have been combined at the licensed establishment.

SECTION XX. Each establishment shall notify the Alcoholic Beverages Control Commission (ABCC) of its intent to engage in the provisions of this act. The ABCC shall promulgate regulations or issue guidance consistent with this act as it deems necessary within 10 days of enactment to ensure timely implementation.

SECTION XX. This act shall sunset upon the earlier of the date which is 12 months after: (i) the date on which establishments licensed to sell alcoholic beverages on-premises are permitted to resume sales of alcoholic beverages to the public for on-premises consumption; (ii) the date of termination or rescission of the governor’s executive order issued on March 15, 2020, including extensions and modifications thereof; or (iii) the date of termination or rescission of the governor’s state of emergency declaration issued on March 10, 2020.”

The amendment was *rejected*.

Ms. Gobi moved that the proposed new text be amended by adding the following section:

292

“SECTION XX. The East Brookfield District Court shall remain open for full court business, including but not limited to, probation services, hearings, and trials during duct

work and other repairs to the court house.”

The amendment was *rejected*.

Ms. Chang-Diaz and Ms. Rausch moved that the proposed new text be amended by adding the following sections:-

293

“SECTION XX. SECTION 1. Section 3 of chapter 117A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 4, the following words:- or who would be eligible under chapter one hundred and eighteen but for income or assets.

SECTION 2. Said section 3 of said chapter 117A, as so appearing, is hereby further amended by inserting after the second sentence the following sentence:- Notwithstanding any general or special law to the contrary, eligibility for this program shall not be subject to income or asset limits.

SECTION 3. Subsection (b) of section 110 of chapter 5 of the acts of 1995 as most recently amended by section 62 of chapter 41 of the acts of 2019 is hereby amended by striking out the second paragraph of said subsection (b) and inserting in place thereof the following paragraph:-

(b) A family shall be eligible for assistance without regard to the amount of its resources; provided, however that any income generated by said resources may be treated as countable income.

SECTION 4. Section 18 of said chapter 118, as so appearing, is hereby amended by inserting after the second sentence the following sentence:- Funds from state or private work study programs and state grants for education or training shall not be counted as income or resources when calculating a recipient’s eligibility for the program or determining benefits levels.

SECTION 5. Notwithstanding any general or special law or rule or regulation to the contrary, the Commissioner of the department of transitional assistance shall take immediate action to ensure that all eligible Lifeline households are enrolled in the Lifeline program during the COVID-19 state of emergency. This action shall include, but is not limited to sending by mail, text, or electronic delivery the application for and any other the information needed to apply to the Lifeline program to all DTA program participants.

SECTION 6. Section 12 of Chapter 159 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after subsection (d) the following:-

Section 12. (e) The administration of the federal Lifeline program established by 47CFR § 54.401. The department shall have the authority to engage in negotiations with carriers of the Lifeline program for the purpose of providing increased service and other benefits to Lifeline customers.

SECTION 7. Notwithstanding any general or special law or rule or regulation to the contrary, the department of telecommunications and cable shall immediately undertake negotiations with the current carriers within the Commonwealth of the Lifeline program, established in 47CFR § 54.401, for the purpose of implementing an additional state subsidy. In order to receive the additional state subsidy, Lifeline carriers shall implement the following; provide unlimited minutes and data during the state of emergency and for 30 days thereafter to all existing customers and eligible Lifeline applicants, and waive any existing regulations that limit to one the number of free devices a household can receive in their duration as a Lifeline customer.

The Commissioner of the Department of Telecommunications and Cable shall submit within one week of the effective date of this act a report to the Legislature and the Joint Committees on Ways & Means and Children, Families and Persons with Disabilities. Said report shall include, but not be limited to, the carriers that have participated in the negotiations, the additional subsidy level necessary to provide Lifeline participants with unlimited minutes and data for the state of emergency plus 30 days, the parameters needed

to establish a stand-alone state Lifeline program, including state-specific eligibility standards, a detailed plan for disseminating Lifeline phone devices to eligible households, and the earliest timeline in which customers could start receiving such benefit.

SECTION 8. As soon as is practical, but in any event no later than May 31, 2020, the department of housing and community development shall establish in consultation with program administrators a uniform, comprehensive, and encrypted where necessary, system for permitting all program applications and necessary documents to be available, completed, and submitted online, by phone, or by such other method that does not require in-person or mail delivery; and shall accept electronic documents and files for review purposes as well as storage requirement. During the state of emergency declared on March 10, 2020, the department shall create and publish goals for the number of shelter beds per capita in facilities that have the capacity to operationalize social distancing, isolation, and quarantine, and shall publish targets for the requisite number of such shelter beds for each county of the Commonwealth.

SECTION 9. Chapter 23B of the General Laws of 2018 Official Edition is hereby amended by inserting the following section:-

Section 31. Upon the declaration of a state of emergency the Department of Housing and Community Development, hereinto known as the department, shall cease from terminating all existing and eligible emergency assistance shelter program benefits. Furthermore, the department shall use its authority to allow applicants to self-certify documentation verifying their eligibility for shelter pursuant to 760 CMR 67.02 and 760 CMR 67.06. The department shall waive the existing twelve month ban on re-entering emergency assistance for those who meet all other eligibility requirements for shelter pursuant to 760 CMR 67.02 and 760 CMR 67.06. The department shall implement the program changes during the state of emergency and for at least 90 days thereafter.

SECTION 10. Chapter 18 of the General Laws of 2018 Official Edition is hereby amended by inserting the following section:-

Section 40. The department shall not take any negative case actions, including but not limited to reducing the benefit amount, closing a case, or reducing work expense deductions for participants in any departmental program, excepting any negative case action mandated pursuant to federal guidelines, based on failure to meet work program requirements, pursuant to Section 13 of Chapter 118.

SECTION 11. Upon activation of this section either by executive order during a declared state of emergency or by a vote of the legislature during a declared state of emergency, all individuals and families who receive for Transitional Aid for Families with Dependent Children or Emergency Aid for the Elderly, the Disabled, and Children under Chapter 117A and Chapter 118 shall qualify for a one-time additional payment equivalent to the maximum monthly benefit level for their household size in effect prior to said emergency declaration. Nothing in this section shall be construed to limit the legislature from allocating additional emergency assistance to individuals or families referenced herein.

SECTION 12. Section 40 of Chapter 18, as so appearing, is hereby activated for the COVID-19 state of emergency declared on March 10, 2020.”

The amendment was *rejected*.

Ms. Creem and Mr. Kennedy moved that the proposed new text be amended by adding the following sections:-

“SECTION . Subdivision A of Section 174 of Chapter 112 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Except to the extent permitted under subdivision B, a person who has not obtained a real estate appraisal license or certification under this chapter shall not prepare, for a fee or other consideration, an

appraisal or appraisal report relating to real estate or real property in the Commonwealth.

SECTION . Said Section 174 of said Chapter 112, as so appearing, is hereby further amended by striking out subdivision C.”

The amendment was *rejected*.

Ms. Creem and Ms. Jehlen moved that the proposed new text be amended by adding the following section:-

298

“SECTION . (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

‘Covered establishment’, a restaurant or other eating or drinking establishment offering same-day food or drink for sale in a single commercial transaction through any third-party delivery service platform, from 1 or more retail locations within the commonwealth.

‘COVID-19 emergency’, the state of emergency declared by the governor on March 10, 2020 in order to address the outbreak of the 2019 novel coronavirus, also known as COVID-19.

‘Customer’, an individual using a third-party delivery service platform to place an online order.

‘Online order’, an order for food or drinks placed by a customer through a third-party delivery service platform provided by a third-party delivery service company for pickup or delivery in the commonwealth.

‘Purchase price’, the menu price publicly offered on the third-party delivery service platform by a covered establishment. The purchase price shall not include any taxes, gratuities or other fees that may make up the total cost charged to the customer for an online order.

‘Third-party delivery service company’, a corporation, partnership, sole proprietorship or other entity qualified to do business in the commonwealth that is engaged in facilitating same day delivery or pickup of food and beverages through a third-party delivery service platform for 20 or more separately owned and operated covered establishments.

‘Third-party delivery service platform’, any online enabled application, software, website or system offered or utilized by a third-party delivery service company to facilitate the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, covered establishments.

(b) Notwithstanding any general or special law to the contrary, no third-party delivery service company, from the effective date of this act and for a period of 45 days after the termination of the COVID-19 emergency, shall charge a covered establishment a fee per online order for the use of its services that totals more than 15 per cent of the purchase price of the online order.

(c) This act shall preempt, supersede or nullify any inconsistent, contrary or conflicting local law, ordinance, rule or regulation relating to third-party delivery service platforms and third-party delivery service companies fees, including with respect to any agreements with covered establishments using third-party delivery service companies.

(d) A violation of this section shall be an unfair and deceptive trade practice in violation of chapter 93A of the General Laws.”

The amendment was *rejected*.

Ms. Creem moved that the proposed new text be amended by inserting the text of Senate document numbered 2861, relative to the UCC jurisdictional enforcement act.

299

The amendment was *rejected*.

Ms. Creem moved that the proposed new text be amended by adding the following section:-

300

“SECTION . Section 53 of chapter 208 of the General Laws, as appearing in the 2016

Official Edition, is hereby amended by inserting after the word ‘incomes’, in line 14, the following words:- , if federally tax deductible, or, if not federally tax deductible, the recipient’s need or 23 per cent to 28 per cent of the difference between the parties’ gross incomes, as.”

The amendment was *rejected*.

Ms. Comerford and Mr. Eldridge moved that the proposed new text be amended by adding the following section:-

301

"SECTION XX. Chapter 25A of the General Laws are hereby amended by inserting after section 10 the following section:-

SECTION 10A. (a) For the purposes of this section, ‘board’ shall mean the board of building regulations and standards and ‘department’ shall mean department of energy resources.

(b) The board, in consultation with the department, after sufficient time for public input that includes not less than 2 hearings in environmental justice communities as defined in Executive Order 552 but not more than one year after enactment of this section, shall establish a definition for ‘net zero buildings’ to be established not more than 1 year after enactment of this section; provided, that the definition shall be designed to ensure that the building is highly energy efficient with all remaining electrical and thermal energy needed for the building supplied by renewable sources generated onsite or through approved, offsite locations or a combination of onsite and offsite; and provided further that said definition shall be used to update the current Stretch Energy Code in Appendix 115AA of the Massachusetts building energy code.

(c) The board in consultation with the department shall promulgate regulations that include the ‘net zero buildings’ definition within Appendix 115AA of the Massachusetts building energy code or equivalent regulatory commitment to net zero standards as determined by the secretary of energy and environmental affairs; provided further that such regulations shall include a requirement to adopt and utilize such definition to develop a net zero stretch energy code to be fully implemented by 2030; provided further that said regulations shall be promulgated not later than 2 years following passage of this section; provided further that said regulations shall be reviewed and updated in increments of not less than 3 years and in alignment with the same cycle as the International Energy Conservation Code; provided further that the board in consultation with the department shall hold hearings to review such regulations and its updates including not less than 2 held in environmental justice communities as defined in Executive Order 552 for each review or update cycle with appropriate and reasonable advance notice to said communities.

(d) The board in consultation with the department shall implement the following in achieving the goals of this section: (1) the development of a tiered implementation plan for the adoption of a net zero building code as appropriate, such as phasing in net zero requirements based on building type or year a municipality adopted the Stretch Energy Code, with initial implementation of such plan commencing no later than 3 years following passage of this section; (2) accommodation for the needs of environmental justice communities as defined in Executive Order 552; and (3) consideration of the prioritization of regional renewable energy generation."

The amendment was *rejected*.

Ms. Creem and Ms. Jehlen moved that the proposed new text be amended by adding the following section:-

304

“SECTION . Notwithstanding any general or special law to the contrary, the Board of Bar Examiners is hereby directed to institute a system of diploma privilege for 2019-2020 graduates of law schools accredited by the state of Massachusetts.”

The amendment was *rejected*.

Mr. Montigny moved that the proposed new text be amended in section 2, in item

314

7002-8036, by adding the following words:- "provided further that not less than \$1,500,000 shall be expended to New Bedford Public Schools in collaboration with the Marion Institute for the Center for Community Agriculture & Food Security to benefit the South Coast region"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$1,600,000".

The amendment was *rejected*.

Ms. Lovely moved that the proposed new text be amended by inserting the following section:-

319

"SECTION XX. The General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after Chapter 93K the following new chapter:

Chapter 93L, Bona Fide Business Entities

Section 1. A business entity that provides services under a written contract is not an employee for the purposes of Title IX, Taxation, and Title XXI, Labor and Industries, provided that the business entity is bona fide. A business entity will be deemed to be bona fide if it is shown that:

(a) The business entity is registered as such with the Secretary of the Commonwealth and is in good standing;

(b) The business entity includes the compensation it receives for the services it renders on federal and applicable state tax schedules as income from an independent business or profession;

(c) The business entity reports the compensation paid to its employees, if any, to the Internal Revenue Service and the Massachusetts Department of Revenue; and

(d) The business entity complies with federal and state tax, unemployment insurance, workers' compensation insurance, and labor and employment law obligations with respect to its employees."

The amendment was *rejected*.

Messrs. Fattman and O'Connor moved that the proposed new text be amended by adding the following section:

320

"SECTION XX. Section 12 of Chapter 156C of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking subsection (d) and inserting in place thereof the following:-

(d) The fee for the filing of the certificate of organization required by subsection (a) shall be five hundred dollars. The fee for the filing of the annual report required by subsection (c) shall be five hundred dollars, except as provided in subsection (e). Such fees shall be paid to the state secretary at the time the certificate of organization or the annual report is filed.

(e) The fee for the filing of the certificate of organization required by subsection (a) for a limited liability company with 6 employees or fewer shall be two hundred and fifty dollars. The fee for the filing of the annual report required by subsection (c) for a limited liability company with 6 employees or fewer shall be two hundred and fifty dollars. Such fees shall be paid to the state secretary at the time the annual report is filed."

The amendment was *rejected*.

Ms. Moran moved that the proposed new text be amended in section 2, item 7002-8033, by adding the following words:- " provided further, that not less than \$350,000 shall be expended for the Talking Information Center, Incorporated to provide economic lifeline in support of radio reading services for visually impaired and otherwise disabled listeners across Massachusetts"; and by striking out the figure "\$25,000,000" and inserting in place thereof the following figure:- "\$25,350,000".

322

The amendment was *rejected*.

Mr. Tran moved that the proposed new text be amended by inserting at the end of line item 7002-8036 the following:- " , provided further that \$100,000 shall be expended for

326

streetscape improvements in the city of Fitchburg"; and by striking out the number "\$100,000" and inserting in place thereof the following "\$200,000".

The amendment was *rejected*.

Mr. Barrett moved that the proposed new text be amended by adding the following sections:

327

“SECTION X. Section 9 of chapter 23J of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 33, the words ‘and (iii) by’ and inserting in place thereof the following words:- (iii) funding research, design and evaluation of pilots to promote energy innovation; and (iv).

SECTION X. Said section 9 of said chapter 23J, as so appearing, is hereby further amended by inserting after the word ‘facilities’, in line 45, the following words:- and with the distribution and consumption of fossil fuels, including, but not limited to, oil and gases that contain methane and other hydrocarbon fuels.”

The amendment was *rejected*.

Ms. Moran moved that the proposed new text be amended by inserting the following section:-

340

“SECTION XXXX. Section 1. Chapter 62 of the General Laws is hereby amended by adding the following paragraph (4) at the end of subsection (d):-

(4) An amount equal to the amount paid or incurred during the taxable year in carrying on the trade or business of a marijuana establishment or a medical marijuana treatment center as permitted by M.G.L. chs. 94G and 94I that would have been deductible under the Code, but for section 280E of the Code.

This section shall take effect for tax years beginning on or after January 1, 2020.

Section 2. Chapter 63 of the General Laws is hereby amended by striking out paragraph 4 of section 30 and inserting in place thereof the following paragraph:-

‘Net income’, gross income less the deductions, but not credits, allowable under the provisions of the Federal Internal Revenue Code, as amended and in effect for the taxable year; provided, however, that any deduction otherwise allowable which is allocable, in whole or in part, to one or more classes of income not included in a corporation’s taxable net income, as determined under subsection (a) of section thirty-eight, shall not be allowed. In the case of a corporation exempt from taxation under section 501 of the Code, ‘net income’ means unrelated business taxable income, as defined in section 512 of the Code. In lieu of disallowing any deduction allocable, in whole or in part, to dividends not included in a corporation’s taxable net income, five per cent of such dividends shall be includable therein, as provided in said subsection (a) of said section thirty-eight.

For purposes of this section and subsection (a) of section 38, the term ‘dividend’ shall include but not be limited to amounts included in federal gross income pursuant to sections 951 and 951A of the Code. For purposes of this section, any dividend received directly or indirectly from a real estate investment trust, as provided in sections 856 to 859, inclusive, of the Code, for the taxable year of the trust in which a dividend is paid, shall not be: (i) treated as a dividend; and (ii) included as part of the dividends received deduction otherwise available to the taxpayer under paragraph (1) of subsection (a) of section 38. Any dividend received directly or indirectly from a regulated investment company, as provided in sections 851 to 855, inclusive, of the Code, shall not be included as part of the dividends received deduction otherwise available under paragraph (1) of subsection (a) of section 38.

Deductions with respect to the following items, however, shall be allowed: --

(i) a deduction for that portion of wages or salaries paid or incurred for the taxable year equal to the amount of the credit allowable for the taxable year under section fifty-one of the Federal Internal Revenue Code and otherwise disallowed under section 280C of said Code.

(ii) a deduction for any amount paid or incurred during the taxable year in carrying on the trade or business of a marijuana establishment or a medical marijuana treatment center as permitted by M.G.L. chs. 94G and 94I that would have been deductible under the Code, but for section 280E of the Code.

Deductions with respect to the following items, however, shall not be allowed:

(i) dividends received (ii) Losses sustained in other taxable years, except for the net operating losses as provided in paragraph five of this section. (iii) taxes on or measured by income, franchise taxes measured by net income, franchise taxes for the privilege of doing business and capital stock taxes imposed by any state. (iv) the deduction allowed by section 168(k) of said Code. (v) except as otherwise provided in section 31J, interest expense paid, accrued or asserted in connection with a dividend of a note or similar obligation stating the requirement that such interest is to be paid by the corporation that dividends such obligation to its shareholders. (vi) the deduction allowed by section 199 of the Code. (vii) the deduction described in section 163(e)(5) of the Code to the extent increased by amendments to section 163(e)(5)(F) and section 163(i)(1) of the Code, inserted by section 1232 of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5. (viii) the deductions allowed by sections 245A, 250, and 965(c) of the Code.

This section shall take effect for tax years beginning on or after January 1, 2020.”

The amendment was *rejected*.

Messrs. Montigny and Eldridge moved that the proposed new text be amended by inserting after section _ the following sections:-

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“SECTION XX. Chapter 62C, as appearing in the 2014 Official Edition, is hereby amended by inserting after section 89 the following:-

Section 90. Sunsets for Tax Incentive Programs

(a) For the purposes of Sections 90-92 inclusive, ‘Tax Incentive’ is defined as

1. the tax credit in subsection (j) of section 6 of chapter 62 and section 38Q of chapter 63;
2. the dairy farmer tax credit in subsection (o) of said section 6 of said chapter 62 and the dairy farm tax credit in section 38Z of said chapter 63;
3. the U.S.F.D.A. user fees credit in section 31M of said chapter 63 and subsection (n) of said section 6 of said chapter 62;
4. the film tax credit in subsection (b) of section 38X of said chapter 63 and subsection (l) of said section 6 of said chapter 62;
5. the credit for cost of qualifying property in subsection (m) of said section 6 of said chapter 62 and section 38U of said chapter 63;
6. the life sciences refundable jobs credit in subsection (r) of said section 6 of said chapter 62 and section 38CC of said chapter 63;
7. the deductions for qualifying clinical testing expenses in section 38V of said chapter 63;
8. the credit for qualified research expenses in section 38W of said chapter 63;
9. the historic rehabilitation tax credit in section 38R of said chapter 63 and section 6J of said chapter 62;
10. the low-income housing tax credit in section 31H of said chapter 63 and section 6I of said chapter 62;
11. the medical device tax credit in section 31L of said chapter 63 and section 6I/2 of said chapter 62;
12. the refundable research credit in subsection (j) of section 38M of said chapter 63;
13. the economic development incentive program in subsection (g) of said section 6 of said chapter 62 and section 38N of said chapter 63;
14. the donated land tax credit in subsection (p) of said section 6 of said chapter 62 and section 38AA of said chapter 63;

15. the abandoned building renovation deduction in section 38O of chapter 63;
16. the credit for company shuttle van purchase or lease expenses in section 31E of chapter 63; and

17. any transferrable or refundable credits under chapter 62 and 63 established on or after July 1, 2010.

(b) For the purposes of Sections 90-92 inclusive, 'Sunset Provision' is defined as, text contained in law requiring the law to expire and lose force of law unless reauthorized by an act of the legislature.

(c) Notwithstanding any general or special law to the contrary, all tax incentive as defined in subsection (a) shall expire within one year of the passage of this act unless reauthorized by an act of the legislature after review and examination of each such tax incentive. Upon each reauthorization, the legislature shall include a sunset provision to take effect within 3 years of the date of reauthorization.

(d) Any future program that awards a transferable or refundable tax credit to any taxpayer shall include a sunset provision with an expiration date set up to 3 years after of the initial passage of the program. Upon each reauthorization, the legislature shall include a sunset provision to take effect within 3 years of the date of reauthorization.

(e) The Inspector General in consultation with the Department of Revenue shall:-

(1) review and evaluate each tax incentive with a sunset provision scheduled to take effect in a given year.

(2) Upon reviewing each tax incentive, recommend to continue the tax incentive without changes, amend the tax incentive, or eliminate the tax incentive.

(3) submit a written report containing an explanation of the recommendations to the legislature. The report shall include a detailed description of the committee's reasoning, analyses, and any data collected pursuant to paragraph (4) of this subsection.

(4) consider the following factors when evaluating and reviewing a tax incentive:

(i) Whether the tax incentive is achieving the policy goals and purposes that it was intended to address

(ii) The revenue forgone to administer the tax incentive

(iii) The benefit derived from the tax incentive

(iv) The extent to which the tax incentive is helping residents, businesses, or other entities within the commonwealth

(v) Number of jobs created by the tax incentive (if applicable)

(vi) Any other information the Inspector General deems valuable in considering whether or not the tax incentive program achieved its desired public policy outcome.

(5) use any available resources to evaluate each tax incentive including, but not limited to, commissioning a report from any agency, such as the Department of Revenue, detailing the tax incentive program and consisting of any content that the subcommittee deems necessary, referring to other states evaluations of similar tax incentives, or citing academic studies or surveys of similar tax incentive programs.

SECTION XX. Chapter 62C is hereby amended by inserting after section 90 the following:-

Section 91 Clawback Provision for Tax Incentives

(a) Any law containing a sunset provision pursuant to section 90 of chapter 62C shall include a clawback provision.

(1) The clawback provision, so called, which permits the commonwealth to recoup foregone tax receipt from tax incentives recipients who fail to achieve or meet stated goals and benchmarks, including but not limited to job creation goals set for in their tax credit programs.

(2) Whenever a benefit is claimed, awarded, or otherwise obtained pursuant to a law containing a sunset provision as defined in section 90 of chapter 62C, the awarding entity

must include explicit goals and benchmarks to be achieved by the recipient tax payer.

(3) Whenever a benefit is claimed, awarded, or otherwise obtained pursuant to a law containing a sunset provision as defined in section 90 of chapter 62C, the awarding entity must inform the recipient about the clawback provision by providing a copy of this section and explaining ramifications of his or her failure to meet the stated goals and benchmarks.

SECTION XX. Chapter 62C is hereby amended by inserting after section 91 the following:- Section 92 (a) Before submitting any new tax incentive program for legislative approval, the governor shall include in the governor’s legislative proposal or bill for the new tax incentive the following:

(1) The new tax incentive’s clearly specified public policy purpose, goals, and desired outcomes

(2) A finding that the tax credit incentive is expected to be highly effective at achieving the stated public policy purposes

(3) Estimates of forgone revenue from the new tax credit incentive

(4) For discretionary grant like tax incentives, an overall annual dollar cap on foregone revenue

(5) For discretionary grant like tax credit programs, the criteria to be applied by the administering agency in making discretionary awards of tax credit programs and

(6) For discretionary grant like tax credit programs, provisions for the tax credit program’s administration including, but not limited to, clear written conditions and commitments, public disclosure of recipients and tax benefits, if tax incentive conditions are not met by the recipient, threshold for further review and enforcements including the use of the tax incentive’s clawback provision, and a competitive award process.”

The amendment was *rejected*.

Mr. Tran moved that the proposed new text be amended by inserting at the end of line item 7004-0065 the following:- “provided further that \$225,000 shall be expended for downtown revitalization and removal of blighted buildings in the city of Gardner”; and by striking out the following:- "\$50,000,000" and the inserting in place thereof the following:-"\$50,225,000".

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The amendment was *rejected*.

As previously stated the above amendments were considered as one and *rejected*.

Messrs. Crighton and Cyr, Ms. Comerford, Ms. Moran and Mr. Montigny moved that the proposed new text be amended by inserting the text of Senate document numbered 2862, relative to housing reform.

1

After remarks, the amendment was adopted.

Messrs. Crighton and Eldridge and Ms. Moran moved that the proposed new text be amended by inserting the following sections:-

5

"SECTION XX. Section 11 of said chapter 121B, as so appearing, is hereby amended by adding the following paragraph:-

‘Notwithstanding any general or special law to the contrary, a housing authority, with the approval of the department, shall have the power to secure indebtedness incurred for the preservation, modernization and maintenance of one or more of its low-rent housing developments assisted under section 32 or section 34 of chapter 121B by a pledge of a portion of capital funds awarded to it for improvements to be carried out pursuant to a department-approved capital improvement plan in accordance with department regulations governing capital projects. The department shall promulgate regulations establishing limitations on the percentage of awarded capital funds that may be pledged to secure indebtedness, describing permitted terms for borrowing and repayment, and establishing criteria for housing authorities that will be permitted to incur indebtedness secured by a pledge of capital funds. Any pledge of future year capital funds under this section is subject

to the availability of funds under the department's capital spending plan as approved by the governor for that year. All financing documents related to future year capital fund amounts must include a statement that the pledging of funds is subject to the availability of funds under the department's capital spending plan as approved by the governor.'.

SECTION XX. Section 34 of said chapter 121B, as so appearing, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:-

'The proceeds of any sale or other disposition of such project in excess of the total of all obligations of the housing authority with respect to such project shall, after the payment of all bonds issued by the housing authority to finance the cost of such project and payment of the costs of the sale or disposition, be retained by the housing authority for the preservation, modernization and maintenance of its public housing assisted under this chapter as approved by the department, or where the housing authority has no public housing assisted under this chapter, such proceeds shall be paid to the department to fund capital improvements for the preservation, modernization and maintenance of state-aided public housing.'

SECTION XX. Said section 34 of said chapter 121B, as so appearing, is hereby further amended by striking out the tenth paragraph and inserting in place thereof the following paragraph:-

'Whenever a housing authority shall determine that land acquired by it under clause (d) of section 11 for the purpose of this section is in excess of or no longer required for such purposes it may, upon approval by the department, sell or otherwise dispose of such land by deed or instrument approved as to form by the attorney general. If the housing authority is disposing of such land for purposes of housing development, it may do so in accordance with section 26 of this chapter. So long as any bonds issued by a housing authority to finance the cost of a project under this section or section 35 and guaranteed by the commonwealth are outstanding, funds received from a disposition of land as provided in this chapter shall be applied in accordance with the fourth paragraph of this section. After the payment of all bonds issued by the housing authority to finance the cost of such project, funds received shall be applied in accordance with the fifth paragraph of this section.'

The amendment was *rejected*.

Messrs. Crighton, Boncore, Collins and Eldridge, Ms. Jehlen and Mr. Timilty moved that the proposed new text be amended by inserting the text of Senate document numbered 2877, relative to a tenant's first right of refusal.

6

The amendment was *rejected*.

Messrs. Moore, O'Connor and Barrett moved that the proposed new text be amended by inserting the text of Senate document numbered 2878, relative to housing and economic opportunities for individuals with disabilities.

12

The amendment was *rejected*.

Ms. Comerford, Messrs. Eldridge and Hinds, Ms. Gobi and Mr. Welch moved that the proposed new text be amended by adding the following 3 sections:-

17

"SECTION X. Section 328 of chapter 94 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

No person who donates food, including open-dated food whose date has passed, to a nonprofit corporation for distribution or serving by such nonprofit corporation without charge or at a charge sufficient only to cover the cost of handling such food, or to any other person, shall be liable for civil damages for any injury arising out of the condition of such food; provided, however, that at the time of donation such food is not misbranded and is not adulterated and has not been manufactured, processed, prepared, handled or stored in violation of applicable regulations of the department of public health; and provided,

further, that such injury is not the result of gross negligence, recklessness or intentional misconduct of the donor or any person employed by or under the control of the donor.

SECTION X. Said section 328 of said chapter 94, as so appearing, is hereby further amended by inserting after the third paragraph the following paragraph:-

No food establishment, as defined in 105 CMR 590 et seq., which distributes or serves food without charge or at a charge sufficient only to cover the cost of handling such food, including open-dated food whose date has passed, shall be liable for civil damages for any injury arising out of the condition of such food; provided, however, that at the time of distribution or serving such food is not misbranded or adulterated or has not been manufactured, processed, prepared, handled or stored in violation of applicable regulations of the department of public health, and provided, further, that such injury is not the result of gross negligence, recklessness or intentional misconduct of the food establishment or any person employed by or under the control of the food establishment.

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

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

‘Food crops’, grains, fruits, nuts, or vegetables.

‘Nonprofit food distribution organization’, means an entity located in the commonwealth that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code, as amended or renumbered, and organized with a principal purpose of providing food to the needy or selling food at a charge sufficient only to cover the cost of handling such food.

(b) For taxable years beginning on or after January 1, 2021, any business corporation engaged in the business of farming as defined under 26 C.F.R 1.175-3 that donates food crops grown by the business corporation in the commonwealth to a nonprofit food distribution organization shall be allowed a deduction from its net taxable income for the taxable year of the donation. The business corporation shall be allowed a deduction in an amount equal to the fair market value of such food crops donated by the business corporation to a nonprofit food distribution organization during the taxable year but not to exceed an aggregate deduction of \$2,000 for all such donations made by the business corporation during such year.

(c) A deduction shall be allowed under this section only if (i) the use of the donated food crops by the donee nonprofit food distribution organization is related to providing food to the needy, (ii) the donated food crops are not transferred for use outside the commonwealth or used by the donee nonprofit food distribution organization as consideration for services performed or personal property purchased, and (iii) the donated food crops, if sold by the donee nonprofit food distribution organization, are sold at a charge sufficient only to cover the cost of handling such food.

(d) In order to claim any deduction under this section, the business corporation making the donation shall attach to the business’s income tax return a written certification prepared by the donee nonprofit food distribution organization. The written certification prepared by the donee nonprofit food distribution organization shall identify the donee nonprofit food distribution organization, the business corporation donating food crops to it, the date of the donation, the number of pounds of food crops donated, and the fair market value of the food crops donated. The certification shall also include a statement by the donee nonprofit food distribution organization that its use and disposition of the food crops complies with the requirements under paragraph (c).

(e) Deductions claimed by a partnership shall be allocated to the individual partners in proportion to their ownership or interest in such business entity.

(f) The commissioner shall develop guidelines implementing the provisions of this

section.”.

The amendment was adopted.

Ms. Comerford, Messrs. Lewis, Eldridge and Hinds, Ms. Gobi, Messrs. Welch and O'Connor, Ms. Rausch and Messrs. Cyr and Tarr moved that the proposed new text be amended by adding the following 7 sections:-

“SECTION XX. Subsection (a) of section 6C of chapter 20 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 3, the figure ‘17’ and inserting in its place thereof the following figure:- 18.

SECTION XX. Said subsection (a) of said section 6C of said chapter 20, as so appearing, is hereby further amended by striking out, in line 17, the word ‘designee;’, and inserting in place thereof the following words:- designee; 1 of whom shall be an expert in healthy soils practices as defined in section 7A of chapter 128, appointed by the secretary of energy and environmental affairs.

SECTION XX. Subsection (d) of said section 6C of said chapter 20, as so appearing, is hereby further amended in clause (A) of paragraph (1) by striking out, in line 58, the word ‘foods;’, and inserting in place thereof, the following words:- foods, particularly those foods produced using healthy soils practices as defined in section 7A of chapter 128.

SECTION XX. Said subsection (d) of said section 6C of said chapter 20, as so appearing, is hereby further amended in clause (C) of said paragraph (1) by striking out, in line 70, the word ‘production;’ and inserting in place thereof, the following words:- production, particularly through practices which promote healthy soils as defined in section 7A of chapter 128.

SECTION XX. Section 20 of chapter 21 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding after paragraph 14 the following 2 paragraphs:-

(15) To assist in the development of a healthy soils program, as instructed by the director, to: (i) improve soil quality on lands utilized for commercial farming; suburban and urban lawns, yards and gardens; public and private forests, parks and other open or green spaces; and non-paved outdoor areas of office complexes, mixed use facilities, businesses, industries, and colleges and other institutions; (ii) increase carbon sequestration or storage on such lands, to help reduce harmful atmospheric greenhouse gases and the effects of climate change; and (iii) provide other measurable benefits, determined as applicable under the program to certain types of lands, related to climate change, plant growth, erosion control and water absorption and quality. The commission in the development of the program or any significant change to the established program if requested by the director, shall consult with 1 or more of the following organizations, as appropriate for the type of land intended to be covered under program: the department of agricultural resources, department of environmental protection, department of fish and game, The Nature Conservancy, Massachusetts Forest Alliance, Massachusetts Association of Conservation Districts, Massachusetts Farm Bureau Federation, United States Department of Agriculture’s National Resources Conservation Services, Massachusetts chapter of the Northeast Organic Farming Association, University of Massachusetts Extension, Amherst, and any individual or other organization designated by the director.

(16) To encourage and promote the use of healthy soils policies and practices by private and public landowners, including commercial farmers, and any assistance available to program participants, which may consist of grants, technical assistance or education on the benefits and implementation of health soils best practices, as the director may instruct, to achieve the purposes of the healthy soils program.

SECTION XX. Chapter 29 of the General Laws is hereby amended by inserting after section 2DDDDD the following section:-

Section 2EEEE. (a) There shall be established and set upon the books of the commonwealth a separate fund to be known as the Healthy Soils Program Fund. The secretary of energy and environmental affairs shall administer the fund. Notwithstanding any general or special law to the contrary, there shall be credited to the fund, any revenue subject to appropriations or other money authorized by the general court and specifically designated to be credited to the fund, including monies appropriated from the Gaming Economic Development Fund, established under section 2DDDD of chapter 29, and any gifts, grants, private contributions, investment income earned by the fund's assets, and any designated funds from other sources. No expenditure from the fund shall cause the fund to be in deficiency at the close of the fiscal year. Monies in the fund at the end of the fiscal year shall not revert to the General Fund, and shall be available for expenditure in the subsequent year and shall not be subject to section 5C of chapter 29.

(b) Amounts credited to the fund shall be expended, without further appropriation, for the purpose to implement, administer and develop health soils practices under the Healthy Soils Program, including, but not limited to, program research and development, education and training in program practices and policies, and to provide grants on a competitive basis to individuals, public and private entities, and charitable organizations to implement healthy soil practices, except no loans shall be made from said fund. Expenditures made from the fund shall complement and not replace existing local, state, private or federal funding for related training and educational programs for healthy soil practices.

SECTION XX. Section 7A of chapter 128, as so appearing, is hereby amended by inserting after the definition of 'garden', the following 3 definitions:-

'Greenhouse gas benefits', greenhouse gas emissions source reduction or carbon sequestration.

'Healthy soils', soils that enhance their continuing capacity to function as a biological system, increase soil organic matter, improve soil structure and water and nutrient-holding capacity, and result in net long-term greenhouse gas benefits.

'Healthy soils practices', practices that (i) improve measurable soil health on lands utilized for commercial farming; suburban and urban lawns, yards and gardens; public and private forests, parks and other open spaces; and non-paved outdoor areas of office complexes, mixed use facilities, businesses, industries, and colleges and other institutions; (ii) provide 1 or more of the following benefits: improve food production; encourage the health, growth and biological diversity of plants and forests; increase water infiltration reducing storm water run-off; provide drought and crop resilience, enhance water quality; and reduce the use of fertilizers and herbicides; and (iii) provide greenhouse gas benefits."

The amendment was *rejected*.

Messrs. Tarr, Feeney and O'Connor moved that the proposed new text be amended by inserting the text of Senate document numbered 2879, relative to live theater tax credit. 20

After remarks, the amendment was *rejected*.

Messrs. Moore and Welch moved that the proposed new text be amended by inserting the following 4 sections:- 21

"SECTION XX. Section 149M of chapter 175 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the definition of 'consumer' the following 5 definitions:-

'Consumer product', any tangible personal property that is distributed in commerce and is normally used for personal, family or household purposes, including tangible personal property intended to be attached to or installed in any real property without regard to whether it is so attached or installed.

'Maintenance agreement', a contract for regular maintenance.

'Motor vehicle manufacturer', a person who: (i) manufactures, distributes or produces motor vehicles under the person's own name or label;

(ii) is a subsidiary of the person who manufactures, distributes or produces motor vehicles; (iii) is a corporation which owns 100 per cent of the corporation, association, partnership or other legal entity who manufactures, distributes or produces motor vehicles; or (iv) does not manufacture, distribute or produce motor vehicles but, pursuant to a written contract, licenses the use of its trade name or label to another person who manufactures, distributes or produces motor vehicles.

SECTION XX. Said section 149M of said chapter 175, as so appearing, is hereby further amended by striking out the definition of ‘service contract’ and inserting in place thereof the following definition:-

‘Service contract’, a contract for a separately stated consideration and for a specific duration to perform the service, repair, replacement or maintenance of a consumer product, including a motor vehicle, or indemnification for service, repair, replacement or maintenance for the operational or structural failure due to a defect in materials or workmanship or normal wear and tear, with or without additional provision for incidental payment or indemnity under limited circumstances, for related expenses, including, but not limited to, rental and food spoilage; provided, however, that a service contract shall also include a contract or agreement sold for a separately stated consideration for a specific duration that provides for any of the following: (i) the repair or replacement of tires or wheels on a motor vehicle damaged as a result of coming into contact with road hazards including, but not limited to, potholes, rocks, wood debris, metal parts, glass, plastic, curbs or composite scraps; (ii) the removal of dents, dings or creases on a motor vehicle that can be repaired using the process of paintless dent removal without affecting the existing paint finish and without replacing vehicle body panels, sanding, bonding or painting; or (iii) the repair of small motor vehicle windshield chips or cracks which may include the replacement of the windshield for chips or cracks that cannot be repaired; or (iv) the replacement of a motor vehicle key or key-fob in the event that the key or key-fob becomes inoperable or is lost or stolen.

SECTION XX. Section 149N of said chapter 175, as so appearing, is hereby amended by striking out, in line 100, the words ‘tangible personal property’ and inserting in place thereof the following words:- consumer products.

SECTION XX. Said chapter 175 is hereby amended by striking out section 149V, as so appearing, and inserting in place thereof the following section:-

Section 149V. (a) The following shall be exempt from sections 149M to 149W, inclusive: (i) warranties, service contracts or maintenance agreements provided by public utilities that are regulated by the department of telecommunications and cable or the Federal Communications Commission, or by an affiliate of such entity, covering customer wiring, transmission devices serviced by such public utility or warranting services provided by such public utility or its affiliate; (ii) mechanical breakdown insurance policies offered by insurers otherwise licensed and regulated pursuant to the laws and regulations of the commonwealth; (iii) warranties, service contracts or other agreements regarding automobiles under which a licensed motor vehicle dealer or an affiliate of a licensed motor vehicle dealer is obligated to perform; (iv) warranties offered by builders as part of a conveyance of real estate; (v) warranties on a product made by the manufacturer, importer or seller of the product; and (vi) maintenance agreements.

(b) Motor vehicle manufacturers and service contracts on the motor vehicle manufacturer’s products need only comply with sections 149N(f), 149P, 149Q, 149R and 149U, as applicable, of this Act, and motor vehicle manufacturers offering service contracts on the motor vehicle manufacturer’s products are exempt from licensure under section 149N(c) and the requirements of section 149N(d).”

The amendment was *rejected*.

Messrs. Crighton, Moore, Timilty, Tarr and O'Connor, Ms. Gobi and Mr. Fattman

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moved that the proposed new text be amended by inserting after section 37 the following sections:-

“SECTION XX. Section 1 of chapter 64H of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting, after the definition of ‘Retail establishment’, the following definition:-

‘Rolling stock’, trucks, tractors, and trailers

SECTION XX. Section 6 of said chapter 64H, as so appearing, is hereby amended by inserting, after subsection (xx), the following new subsection:-

(yy) Sales of rolling stock used by common carriers to transport goods in interstate commerce.

SECTION XX. Section 1 of chapter 64I, as so appearing, is amended by inserting in line 5, after the words “retail establishment”, the following words:- “rolling stock”,

SECTION XX. Section 7 of said chapter 64I, as so appearing, is hereby amended by inserting, after subsection (e), the following new subsection:-

(f) Storage, use or other consumption of rolling stock.

SECTION XX. Sections XX, XX, XX and XX shall take effect January 1, 2022.”

The amendment was *rejected*.

Messrs. Moore and O'Connor and Ms. Moran moved that the proposed new text be amended by inserting the following section:-

38

“SECTION XX. Subsection (b) of section 6J of chapter 62 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 32, ‘2022’ and inserting in place thereof the following:- 2027 and by striking out, in line 33, the figure ‘\$55,000,000’ and inserting in place thereof the following figure:- \$65,000,000.”

The amendment was *rejected*.

Mr. Moore, Ms. Comerford, Ms. Chandler, Mr. Welch, Ms. Gobi and Messrs. O'Connor and Fattman moved that the proposed new text be amended in section 2, by inserting after 7002-8004 the following item:-

42

“7002-8014 For the Massachusetts Food Trust Program established by section 65 of chapter 23A of the General Laws.....\$7,000,000”; and

By inserting the following section:-

“SECTION XX. Notwithstanding any general or special law to the contrary, the unexpended balances of all capital accounts authorized in line item 7002-8014 of chapter 219 of the acts of 2016, which otherwise would revert on or before June 30, 2021, but which are necessary to fund obligations during fiscal years 2021 through 2025, inclusive, are hereby reauthorized through June 30, 2025.”

The amendment was *rejected*.

Messrs. Moore and Fattman and Ms. Moran moved that the proposed new text be amended by inserting the following section:-

43

“SECTION XX. Chapter 164 of the General Laws is hereby amended by inserting after section 116B the following section:-

SECTION 116C: Smart/wireless utility meter information

a) As used in this section, the following terms shall have the following meanings:

‘Electromechanical analog meter’, means a purely electric and mechanical device, using no electronic components, no switch mode power supply, no transmitter, no antenna, and no radio frequency emissions.

‘Utility company’, shall mean an electric, gas, or water company, or town or city-owned utility or other utility provider.

‘Wireless meter’ shall mean: Any transmitting metering device with electronic components and/or any electric or battery operated meter that is capable of measuring, recording, and sending data by means of a wireless signal from a utility consumer or member to a utility company, municipality, or cooperative association in a manner utilizing

one-way communication, two-way communication, or a combination of one-way and two-way communication either through the meter itself or through a device ancillary to the meter. Common names include, but are not limited to, AMR, ERT, smart, AMI, and Comprehensive Advanced Metering Plan CAMP.

‘Equivalent technology’ shall mean utility infrastructure that communicates data using wireless frequencies, but which may be undisclosed due to proprietary rights.

b) The department of public utilities shall direct utility companies to provide ratepayers the following:

(1) a choice of the type of utility meters to be installed and operated on their places of residence, property or business; among the choices offered shall be the installation and ongoing operation of an ‘electromechanical analog meter’; and

(2) the ability to retain and operate an ‘electromechanical analog meter’ on an ongoing basis at no cost; and

(3) the right to replacement of a wireless meter with a non-transmitting electromechanical meter at no cost.

c) The utility companies shall be required to obtain the ratepayer’s written consent:

(1) before installing wireless meters or ‘equivalent technology’ on the ratepayer’s property and

(2) before altering the functionality of said meters.

d) The utility companies shall provide written notice to ratepayers within 90 days of the effective date of this act for the purpose of informing said ratepayers if wireless meters have been installed on their properties. Ratepayers shall have the right to request that the utility companies remove said wireless meters and install in their place electromechanical analog meters that emit no radiofrequency electromagnetic radiation. There shall be no cost or other periodic usage charges to the ratepayer for such removal, replacement installation, and use of a non-wireless utility meter. The utility company shall promptly comply with such removal and replacement installation request made by the ratepayer to said company.

e) Utility companies are:

(1) prohibited from shutting off service to a ratepayer based on the ratepayer’s utility usage or on the ratepayer having electromechanical analog meters;

(2) prohibited from imposing any disincentive on a ratepayer for not consenting to the installation or use of wireless meters;

(3) required to notify ratepayers in writing that the installation and use of wireless meters are not mandated by state or federal law and are not permitted without the ratepayer’s consent;

(4) prohibited from discriminating against ratepayers who may have medical conditions that are exacerbated by exposures to pulsed microwave radio frequencies; and

(5) prohibited from installing ‘equivalent technology’, such as direct wireless connection to devices in the home or business, on poles or in any other manner near the home or business of an individual requesting a non-transmitting meter.

f) The department of public utilities shall adopt regulations to implement this section.”
The amendment was *rejected*.

Mr. Boncore moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$5,000,000 shall be expended to the New England Aquarium Corporation for costs associated with the preparation of plans, studies and specifications, repairs, construction, renovations, maintenance, asset management and demolition and other capital improvements including those necessary for the operation of facilities operated by the New England Aquarium Corporation on Central wharf in the city of Boston”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$5,100,000”.

52

After remarks, the amendment was adopted.

Mr. Boncore moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$500,000 shall be expended to the Boch Center for capital improvements needed to safely reopen the Wang and Shubert theatres located in the city of Boston”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$600,000”. 53

After remarks, the amendment was adopted.

Messrs. Boncore and Brady, Ms. DiZoglio and Mr. Tarr moved that the proposed new text be amended in section 2, by inserting the following item:- 54

7002-8032. For grants and technical assistance to be made to municipalities and regional applicants, to support planning and locally-driven initiatives related to community development, housing production, workforce training and economic opportunity, childcare and early education initiatives, and climate resilience initiatives, including nature-based solutions projects, that incorporate these elements, across the commonwealth within individual communities, regions or a defined subset of communities therein\$10,000,000.

After remarks, the amendment was adopted.

Messrs. Cyr and O'Connor moved that the proposed new text be amended in section 2, in item 7002-8034, by inserting after the words “independently owned and operated restaurants” the following words:- “, seasonal restaurants”. 58

After remarks, the amendment was adopted.

Mr. Lewis moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$5,000,000 shall be expended to the Commonwealth Zoological Corporation established under section 2 of chapter 92B of the General Laws for costs associated with the preparation of plans, studies and specifications, repairs, construction, renovations, maintenance, asset management and demolition and other capital improvements, including those necessary for the operation of facilities operated by Zoo New England; provided further, that not less than \$2,500,000 shall be used for construction and be required to have a one-to-one match; and provided further, that Zoo New England shall provide a matching amount equal to \$1 for every \$1 disbursed from this item”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$5,100,000”. 63

After remarks, the amendment was adopted.

Ms. Friedman moved that the proposed new text be amended by adding the following section:- 66

“SECTION XX. Section 20 of chapter 44 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the fifth sentence, in lines 22-32, inclusive, and inserting in place thereof the following sentences:-

Any premium received upon the sale of notes, less the cost of preparing, issuing and marketing the notes, and any accrued interest received upon the delivery of the notes, shall be applied to the first payment of interest on the note. Any premium received upon the sale of bonds, less the cost of preparing, issuing and marketing them, and any accrued interest received upon the delivery of bonds shall be: (i) in the case of bonds sold by a city or town that have been excluded under section 21C of chapter 59, or bonds sold by a regional school district for which one or more member cities or towns have so excluded their share of the bond, applied by the treasurer to pay costs of the project being financed by the bonds and to reduce the amount authorized to be borrowed for the project by like amount; or (ii) in the case of any other bonds, applied by the treasurer to pay costs of the project being financed by the bonds and to reduce the amount authorized to be borrowed for the project by like amount; or if not so applied, appropriated to pay costs of a project for which the

city, town or district has authorized a borrowing, or may authorize a borrowing. Notwithstanding this section, any premium and accrued interest received on account of an issue of bonds, less the cost of preparing, issuing and marketing the bonds, not in excess of \$50,000 may be applied, with the approval of the chief executive officer, for the payment of indebtedness.”

The amendment was adopted.

Mr. Timilty moved that the proposed new text be amended in section 2, in item 7002-8031, by adding the following words:- "provided further, that not less than \$3,000,000 shall be provided for the restoration of the State Theatre located in the town of Stoughton"; and by striking out the figure "\$40,000,000" and inserting in place thereof the following figure:- "\$43,000,000".

94

After remarks, the amendment was *rejected*.

Ms. Lovely and Ms. Gobi moved that the proposed new text be amended by inserting the following sections:-

99

“SECTION XX. Section 21 of chapter 138 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 20 and 21, the words ‘six per cent of alcohol by weight’ and inserting in place thereof the following words:- 8 1/2 per cent alcohol by volume.

SECTION XX. Said section 21 of said chapter 138, as so appearing, is hereby further amended by striking out, in line 25, the word ‘six’ and inserting in place thereof the following figure:- 8 1/2.”

After remarks, the amendment was adopted.

Ms. Lovely, Mr. Tarr, Ms. Comerford, Messrs. Tran and Eldridge, Ms. Gobi, Messrs. O'Connor, Cyr and Moore, Ms. Moran and Mr. Crighton moved that the proposed new text be amended by inserting the following section:-

100

“SECTION XX. Grants from the amounts collected pursuant to subsection (a) of section 13T of chapter 23A of the General Laws allocated to regional tourism councils pursuant to clause (ii) of subsection (d) of said section 13T of said chapter 23A for fiscal year 2021 shall be distributed not later than September 1, 2020. Grants from the amounts collected pursuant to subsection (b) of section 13T of chapter 23A of the General Laws allocated to regional tourism councils for fiscal year 2020 shall be distributed not later than September 1, 2020 according to the current allocation formula.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at three minutes before three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 39 – nays 0) [**Yeas and Nays No. 251**]:

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.

Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
Moran, Susan L.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.

Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.

Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Velis, John C.
Welch, James T. – 39.

NAYS – 0.

The yeas and nays having been completed at eight minutes past three o'clock P.M., the amendment was adopted.

There being no objection, during consideration of the above matter, the following matter was considered, as follows:-

PAPER FROM THE HOUSE

Order.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Labor and Workforce Development be granted until Thursday, July 30, 2020 within which time to make its final report on current Senate document numbered 2701, and House document numbered 4700.

Labor and Workforce
Development,--
extension order.

The rules were suspended, on motion of Mr. Lesser, and the order (House, No. 4831) was considered forthwith; and adopted, in concurrence.



The House Bill enabling partnerships for growth (House, No. 4887),-- was again considered, the main question being on ordering the bill to a third reading.

Economic
Development.

Messrs. Keenan, Velis and O'Connor moved that the proposed new text be amended in section 2A, in item 7066-2020, by striking out in line 253 the words "15 community colleges"; and inserting in place thereof the following:- "community and municipal colleges".

122

After remarks, the amendment was adopted.

Messrs. Keenan and O'Connor moved that the proposed new text be amended in section 19, in line 520, by inserting after the word "community" the following words:- "and municipal".

123

The amendment was adopted.

Mr. Welch moved that the proposed new text be amended by adding the following section:-

137

"SECTION XX: Section 1 of Chapter 161A of the General Laws is hereby amended by adding the following definition:

'Optional Local Employment Plan,' a plan which bidders in any procurement action administered by the Authority may provide to the Authority regarding the bidder's plan to maximize job retention and growth in the commonwealth. This plan may include, but not be limited to: a summary of proposed wages and benefits for local workers; recent, ongoing, and planned investment in local facilities within the commonwealth, including contractor facility improvements, upgrades, and repairs; and recruitment and hiring plans demonstrating the bidder's commitment to creating a diverse workforce."; and

In section 3 of said Chapter 161A by adding the following in paragraph (f) after the words "a reasonable return.":-

“Notwithstanding any general or special law to the contrary, when evaluating a bidder or other party seeking to enter into an agreement with the Authority, the Authority may consider any Optional Local Employment Plan submitted by that party in order to determine the overall beneficial impact that an agreement with that party would provide to the commonwealth.”

After remarks, the amendment was adopted.

Messrs. Pacheco and Cyr moved that the proposed new text be amended by inserting the following section:

139

“SECTION __. Notwithstanding any general or special law to the contrary, the department of energy resources shall investigate the necessity, benefits and costs of requiring distribution companies, as defined in section 1 of chapter 164 of the General Laws, to jointly and competitively conduct additional offshore wind generation solicitations and procurements of up to approximately 2,800 megawatts of aggregate nameplate capacity, in addition to the solicitations and procurements required by section 83C of chapter 169 of the acts of 2008, as amended by chapter 188 of the acts of 2016, and section 21 of chapter 227 of the acts 2018 and shall require said additional solicitations and procurements by December 31, 2035; provided, however, that for said solicitations and procurements, as outlined in this section, the department of energy resources may also require distribution companies to jointly and competitively solicit and procure proposals for offshore wind energy transmission sufficient to deliver energy generation procured pursuant to this section from designated wind energy areas for which a federal lease was issued on or after January 1, 2012 that may be developed independent of such offshore wind energy generation; provided further, that such transmission service shall be made available for use by more than 1 wind energy generation project and shall not exceed the generation capacity authorized by this section; provided further, that any selection of offshore wind energy transmission shall be the most cost-effective mechanism for procuring reliable, low-cost offshore wind energy transmission service for ratepayers in the commonwealth.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-three minutes past three o'clock P.M., on motion of Mr. Pacheco, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 252]**:

YEAS.

Barrett, Michael J.	Jehlen, Patricia D.
Boncore, Joseph A.	Keenan, John F.
Brady, Michael D.	Kennedy, Edward J.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	Lovely, Joan B.
Collins, Nick	Montigny, Mark C.
Comerford, Joanne M.	Moore, Michael O.
Creem, Cynthia Stone	Moran, Susan L.
Crighton, Brendan P.	O'Connor, Patrick M.
Cyr, Julian	Pacheco, Marc R.
DiDomenico, Sal N.	Rausch, Rebecca L.
DiZoglio, Diana	Rodrigues, Michael J.
Eldridge, James B.	Rush, Michael F.
Fattman, Ryan C.	Tarr, Bruce E.
Feeney, Paul R.	Timilty, Walter F.
Finegold, Barry R.	Tran, Dean A.
Friedman, Cindy F.	Velis, John C.

Gobi, Anne M.
Hinds, Adam G.

Welch, James T. – 39.

NAYS – 0.

The yeas and nays having been completed at twenty-six minutes before four o'clock P.M., the amendment was adopted.

There being no objection, during consideration of this matter, the following matters were considered, as follows:-

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (both of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Cyr) and laid before the Governor for his approbation, to wit:

Authorizing the appointing authority of the town of Bridgewater to appoint police cadets (see House, No. 3677, amended); and

Relative to certain affordable housing in the city of Chelsea (see House, No. 4368).

Bills laid before the Governor.

The House Bill enabling partnerships for growth (House, No. 4887),-- was again considered, the main question being on ordering the bill to a third reading.

Economic Development.

Mr. Hinds, Ms. Comerford, Ms. Chang-Diaz, Ms. Jehlen, Mr. Tran, Ms. Gobi, Messrs. Cyr and Fattman and Ms. Moran moved that the proposed new text be amended by adding at the end thereof the following section:-

156

“SECTION XX. Section 2 of Chapter 61A of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting in line 4 after the word ‘tobacco’ the following words:- ‘hemp as defined in section 116 of chapter 128.’”

The amendment was adopted.

Mr. Hinds, Ms. Comerford, Mr. Eldridge, Ms. Gobi and Mr. Cyr moved that the proposed new text be amended in section 2, in item 7002-8027, by striking out the figure “\$10,000,000” and inserting in place thereof the figure “\$20,000,000”.

162

After remarks, the amendment was adopted.

Messrs. Timilty, Eldridge, Welch, Moore, Velis, Montigny, O'Connor, Rush and Tarr moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- "; provided further, that not less than \$500,000 shall be expended for the department of veterans' services to develop and operate a 3-year pilot program to assist veterans and members of the Massachusetts National Guard in transitioning their military skill sets into civilian skill sets; provided further, that the program shall focus on priorities including, but not limited to: (i) assisting veterans and members of the Massachusetts National Guard in navigating applicable professional licensure requirements; (ii) providing analysis of veterans' and members' of the Massachusetts National Guard current skill sets; and (iii) matching military skill sets with civilian workforce skill sets, particularly in those areas of the civilian workforce with a need for additional skilled workers; provided further, that the department shall submit annual reports to the clerks of the senate and the house of representatives, the joint committee on veterans and federal affairs, the joint committee of labor and workforce development and the house and senate committees on ways and means detailing the results of the pilot program, including, but not limited to: (a) the number of veterans placed in civilian jobs; (b) the number of women veterans participating in the program; (c) the types of jobs

253

veterans were placed in; (d) the number of veterans who required assistance with navigating professional licensure requirements; (e) the efficacy of the pilot program in neassisting veterans in finding civilian employment; and (f) an analysis of remaining barriers facing veterans transitioning to civilian jobs; provided further, that at the conclusion of the 3-year pilot program, the annual report shall also include any draft legislation or recommendations for funding to continue or improve the program"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$600,000".

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twelve minutes before four o'clock P.M., on motion of Mr. Timilty, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 253]:**

YEAS.

- | | |
|--------------------------|------------------------------|
| Barrett, Michael J. | Jehlen, Patricia D. |
| Boncore, Joseph A. | Keenan, John F. |
| Brady, Michael D. | Kennedy, Edward J. |
| Brownsberger, William N. | Lesser, Eric P. |
| Chandler, Harriette L. | Lewis, Jason M. |
| Chang-Diaz, Sonia | Lovely, Joan B. |
| Collins, Nick | Montigny, Mark C. |
| Comerford, Joanne M. | Moore, Michael O. |
| Creem, Cynthia Stone | Moran, Susan L. |
| Crighton, Brendan P. | O'Connor, Patrick M. |
| Cyr, Julian | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rausch, Rebecca L. |
| DiZoglio, Diana | Rodrigues, Michael J. |
| Eldridge, James B. | Rush, Michael F. |
| Fattman, Ryan C. | Tarr, Bruce E. |
| Feeney, Paul R. | Timilty, Walter F. |
| Finegold, Barry R. | Tran, Dean A. |
| Friedman, Cindy F. | Velis, John C. |
| Gobi, Anne M. | Welch, James T. – 39. |
| Hinds, Adam G. | |

NAYS – 0.

The yeas and nays having been completed at five minutes before four o'clock P.M., the amendment was adopted.

Recess.

There being no objection, at two minutes before four o'clock P.M., the Chair (Mr. Cyr) declared a recess, subject to the call of the Chair; and at twenty-eight minutes before seven o'clock P.M., the Senate reassembled, Mr. Cyr in the Chair.

Recess.

The House Bill enabling partnerships for growth (House, No. 4887),-- was again considered, the main question being on ordering the bill to a third reading.

Economic Development.

There being no objection, the following amendments were considered as one as follows:

Ms. Jehlen, Messrs. Eldridge, Welch, Moore, Feeney, Brady and O'Connor and Ms. Moran moved that the proposed new text be amended by adding the following section:--

183

"SECTION XX Notwithstanding any general or special law to the contrary, the Department of Transitional Assistance shall identify beneficiaries of Transitional Aid to

Families with Dependent Children benefits and/or SNAP benefits who reported earnings from employment at any time in calendar year 2020 and shall notify them by means of text message and email that they may be eligible for benefits through the Department of Unemployment Assistance, the typical amounts for which they might be eligible, and how to apply for said benefits; provided further, the Department of Transitional Assistance shall report to the House and Senate Committees on Ways and Means on a monthly basis the number of Transitional Aid to Families with Dependent Children cases that close because of receipt of benefits through said Department of Unemployment Assistance and the approximate savings to the Commonwealth from those closings."

The amendment was *rejected*.

Mr. DiDomenico moved that the proposed new text be amended in section 2A, in item 7035-2020, by adding the following words:- "provided further, that not less than \$250,000 shall be expended for free remote field trip experiences for Massachusetts schools by the Boston Museum of Science on the topics of Science, Technology, Engineering and Mathematics"; and by striking out figure "\$15,000,000" and inserting in place thereof the following figure "15,250,000".

185

The amendment was *rejected*.

Ms. Creem and Messrs. Tarr and Eldridge moved that the proposed new text be amended by inserting the following section:

194

"SECTION XX: Chapter 71 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after section 72 the following section:-

Section 72A. Maximizing Federal School Nutrition Revenue (a) School districts and individual schools with sixty percent or more identified student percentage, as defined by 7 C.F.R. 245.9(f), shall be required to elect and implement the federal Community Eligibility Provision or Provision 2 to provide universal free school breakfast and lunch to all students. This provision may be waived if the district is able to justify to the department that implementation will incur financial hardship to the district.

Individual schools with fifty percent or more identified student percentage, as defined by 7 C.F.R. 245.9(f), shall be required to elect and implement the federal community eligibility option or Provision 2 to provide universal free breakfast and lunch to all students unless the district school board votes before June 1 of the first year of eligibility to not participate in one of the federal options, or the department determines that the school district and/or individual schools no longer have the requisite qualifying percentage. A school nutrition director or designee shall be required to attend at least one training by the department to learn about community eligibility provision available to said district before the vote taken by the school committee.

(b) School districts that participate in the national school lunch program shall take steps to maximize federal revenues and minimize debt on families by, at least monthly, taking steps to directly certify students for free school meal status under protocol determined by the department. The department shall continue to offer assistance to districts to improve the direct certification process and reduce administrative burdens on said districts. The department shall also consult with representatives from the school nutrition association and other appropriate stakeholders to advise the department on best practices to maximize direct certification."

The amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words: ";; provided further, that not less than \$250,000 be expended for costs associated with the renovation of the Blackstone Valley Chamber of Commerce office in the town of Northbridge".

243

The amendment was *rejected*.

Messrs. DiDomenico, Eldridge and Velis moved that the proposed new text be

245

amended by adding the following:-

"SECTION X. Section 12 of Chapter 156C of the Massachusetts General Law is hereby amended by adding a new subsection (e):

(e) Small businesses with \$50,000 or less in net revenue during the COVID-19 pandemic shall have their \$500 annual filing fee to the Secretary of the Commonwealth waived. This shall expire 365 days after the termination of the Governor's declaration of a state of emergency."

The amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words: “; provided further, that not less than \$500,000 be expended for costs associated with the Beaver street two-way road project in the town of Milford”.

262

The amendment was *rejected*.

Ms. Jehlen moved that the proposed new text be amended by adding the following section:-

269

“SECTION XX. Section 5 of Chapter 40A, of the General Laws, is hereby amended by adding at the end thereof the following paragraph:-

Any zoning ordinance or by-law that permits the construction of a building with four or more residential units shall mandate that no less than twenty percent of said units be affordable to individuals or families living at or below sixty percent of the area median income. No special permit or other zoning variance permissible by law shall be able to exempt any building or project of this requirement.”.

The amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words: “; provided further, that not less than \$250,000 be expended for economic development projects in the town of Webster”.

283

The amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words: “; provided further, that not less than \$500,000 be expended for costs associated with economic development projects in the town of Bellingham”.

289

The amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words: “; provided further, that not less than \$250,000 be expended for costs associated with economic development projects in the town of Northbridge”.

296

The amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words: “; provided further, that not less than \$250,000 be expended for costs associated with economic development projects in the town of Blackstone”.

305

The amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words: “; provided further, that not less than \$250,000 be expended for costs associated with economic development projects in the town of Uxbridge”.

315

The amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words: “; provided further, that not less than \$3,000,000 be expended for costs associated with the purchase and renovation of a building for American Legion Post 59, DAV Post Chapter 6, and VFW Post 1544 in the town of Milford”.

333

The amendment was *rejected*.

As previously stated, the above amendments were considered as one and *rejected*.

There being no objection, the following amendments were considered as one as follows:

Messrs. Crighton and Welch moved that the proposed new text be amended in section 2A by inserting after item 7004-0065 the following item:-

24

“7004-0066 For a gateway city housing pilot program to support the construction of shovel-ready, market-rate housing opportunities in gateway municipalities, as defined in section 3A of chapter 23A of the General Laws, by providing funding in an amount not greater than 150 per cent of the maximum housing development incentive program tax credit under chapter 40V of the General Laws; provided, that awards to projects shall be awarded to: (i) communities that have satisfied the 10 per cent affordable housing stock requirements under chapter 40B of the General Laws; (ii) non-profit developers; (iii) new construction or market rate apartment rentals or homeownership; (iv) projects that are ready to commence construction within 6 months of approval; and (v) projects that are located in a zoning area that permits high density housing such as a transformative development initiative district, waterfront or a zoning overlay district such as those permitted under chapter 40R of the General Laws; and provided further, that a developer’s fee under the program would be deferred by 33 per cent with positive net cash flow from the development to be split with the commonwealth on an equal basis after payment of any first mortgage permanent financing\$5,000,000”.

The amendment was adopted.

Messrs. Boncore and Eldridge and Ms. Moran moved that the proposed new text be amended by adding the following sections:-

50

“SECTION X. Section 1 of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the definition of ‘Tenant member’ and inserting in place thereof the following definition:-

‘Tenant member’, a member of the board of a housing authority who is: (i) a tenant who has signed a lease for a public housing unit owned and operated by the housing authority; (ii) a tenant in a public housing unit owned and operated on behalf of a housing authority; (iii) a participant in a rental assistance program administered by a housing authority; or (iv) an adult over the age of 18 years old who is authorized to reside in the unit of another pursuant to clause (i), (ii) or (iii).

SECTION 2. Section 5 of said chapter 121B, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following 3 paragraphs:-

In a town, 4 members of a redevelopment authority that is not a housing authority shall be elected by the town; provided, however, that of the members originally elected at an annual town meeting, the candidate who received the highest number of votes shall serve for 5 years, the candidate who received the next highest number of votes shall serve for 4 years, the candidate who received the next highest number of votes shall serve for 2 years and the candidate who received the next highest number of votes shall serve for 1 year. Notwithstanding the preceding sentence, upon the initial organization of a redevelopment authority that is not a housing authority, if a town so votes at an annual or special town meeting called for the purpose, 4 members of the redevelopment authority shall be appointed immediately by the board of selectmen to serve only until the qualification of their successors; provided, however, that the successors shall be elected at the next annual town meeting as provided in this paragraph.

Notwithstanding section 20 of chapter 43B or any other general or special law to the

contrary, in a town, 1 member of a housing authority shall be a tenant member appointed by the board of selectmen and 3 members shall be elected by the town; provided, however, that of the members originally elected at an annual town meeting, the candidate who received the highest number of votes shall serve for 5 years, the candidate who received the next highest number of votes shall serve for 4 years and the candidate who received the next highest number of votes shall serve for 2 years. Notwithstanding the preceding sentence, upon the initial organization of a housing authority, if a town so votes at an annual or special town meeting called for the purpose, 3 members of the authority shall be appointed immediately by the board of selectmen to serve only until the qualification of their successors; provided, however, that the successors shall be elected at the next annual town meeting as provided above.

A tenant, where applicable, shall be appointed by the town from a list of names submitted by a duly recognized tenants' organization in the town. A tenants' organization may submit a list to the board of selectmen that shall contain not less than 2 and not more than 5 names and the board shall make the appointment from among the names so submitted; provided, however, that if there is no such tenants' organization, the housing authority shall immediately post notices throughout the common areas of the authority and provide each household with notice of the opportunity to be appointed to the housing authority board and, if any person wishes to be considered for such appointment, that person shall submit their name within 30 days thereafter to the town clerk; provided further, that the notice shall include contact information for the town clerk and for any independent technical training programs available pursuant to section 5B. The board of selectmen shall appoint a tenant member from the list; provided, however, that where federal law requires the town to maintain a member who is a federally-subsidized tenant, a federally-subsidized tenant shall be given preference for the appointment. If there are no public housing units owned and operated by the local housing authority and if there are no such units owned and operated on behalf of the local housing authority, the board of selectmen shall appoint a person meeting the eligibility requirements for a tenant member. If a list of names is not submitted within 60 days after a vacancy occurs, the board of selectmen shall appoint a tenant member of its own choosing to the authority. The town shall provide any written notice to tenants' organizations as required by this section not less than 90 days before the expiration of the term of a tenant member. If a vacancy occurs in the term of a tenant member for any reason other than the expiration of a term, the town shall provide written notice to the tenants' organizations within 10 business days after the vacancy occurs. The board of selectmen shall make the appointment of the successor tenant member within a reasonable time after the expiration of 60 days following the provision of notice as provided in this section.

SECTION 3. Said chapter 121B is hereby further amended by striking out section 5A and inserting in place thereof the following section:-

Section 5A. A housing authority may request a waiver of the requirement to appoint a tenant member to a housing authority board if the department determines that a housing authority provided notice pursuant to section 5 and there is no person who is eligible and willing to serve as a tenant member on the board. The waiver shall be for a term of 1 year and may be renewed by the department. A housing authority shall submit a written statement to the department that explains why a waiver is being requested and documents the steps that it took to educate tenants about the right of a tenant to serve on a housing authority board; provided, however, that such steps shall include the housing authority meeting with all local tenants' organizations. Before issuing a waiver, the department shall, in addition to reviewing the written statement, make a determination that the housing authority provided notice pursuant to said section 5.

If the department grants a waiver, it shall notify the housing authority and the town

that a person other than a person who is eligible to be a tenant member may be appointed to the tenant member seat on the board for a 1-year period. The housing authority shall notify any tenants' organizations of the waiver and post a notice of the waiver throughout common areas of the authority.

SECTION 4. Notwithstanding the fourth paragraph of section 5 of chapter 121B of the General Laws, if a town has 4 elected members of a housing authority board on the effective date of this act, any vacant seat or, if there is no vacant seat, the first seat set to expire not less than 60 days after the effective date of this act, shall be filled by the appointment of a tenant member unless a waiver has been granted by the department pursuant to section 5A of chapter 121B of the General Laws that allows for the appointment of a person who is not eligible to be a tenant member.

SECTION 5. Tenants required to be appointed to housing authority boards pursuant to the fifth paragraph of section 5 of chapter 121B of the General Laws, as appearing in section 2, shall be implemented within 90 days after the effective date of this act.

SECTION 6. On the effective date of this act, a housing authority may request a waiver of the requirement to appoint a tenant member to a housing authority board pursuant to section 5 of chapter 121B of the General Laws if a person who is eligible to be a tenant member is already serving as either an elected member or a member appointed to fill a vacancy by the board of selectmen. The waiver shall be valid for 1 year and may be renewed for successive 1-year terms until the expiration of the current tenant member's term or until the time that member vacates the position and, at that time, the board of selectmen shall appoint a tenant member pursuant to said section 5 of said chapter 121B.

SECTION 7. Any votes taken by a local housing authority and any votes taken by a town with respect to a local housing authority between August 6, 2014 and the effective date of this act are hereby ratified, validated and confirmed, notwithstanding the number of elected members on the local housing authority board.

SECTION 8. This act shall take effect 120 days after its passage."

The amendment was adopted.

Ms. Gobi moved that the proposed new text be amended in section 2, in item 7002-8036, by adding at the end thereof the following:- "; provided further, that not less than \$300,000 shall be expended for the removal of a blighted structure on Main Street, in the town of Ware"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$400,000".

67

The amendment was adopted.

Ms. Gobi and Mr. Welch moved that the proposed new text be amended in section 2, in item 7002-8036, by adding at the end thereof the following:- "provided further that not less than \$250,000 shall be expended for Springfield Neighborhood Housing Services, Inc. in the city of Springfield for capitalization of the revolving loan funds program;" and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$350,000".

70

The amendment was adopted.

Ms. Gobi moved that the proposed new text be amended in section 2, in item 7002-8036, by adding at the end thereof the following:- "provided further that not less than \$250,000 shall be expended for Revitalize CDC in the city of Springfield for the GreenNFit Neighborhood Rebuild program;" and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$350,000".

71

The amendment was adopted.

Mr. Collins moved that the proposed new text be amended by adding the following section:-

75

"SECTION XX: Section 96 of chapter 140 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the second paragraph, and

inserting in place thereof the following paragraph:-

This section shall not apply to loans that are subject to section 90A or section 28B of chapter 183 nor to persons licensed under section 2 of chapter 255B or section 58 of chapter 140.”

The amendment was adopted.

Messrs. Cyr and Tarr moved that the proposed new text be amended in section 2, in item 7002-8028, by inserting after the figure “\$2,500,00”, in line 58, the following words:- “; provided further, that grants may be used for capital projects or equipment purchases necessary to uphold public health and social distancing protocols for customers and staff related to the 2019 novel coronavirus pandemic”.

87

The amendment was adopted.

Mr. Cyr moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “provided further, that not less than \$200,000 shall be expended for improvements to telecommunications and electric infrastructure in order to facility the extension of internet service infrastructure to properties on Pamet Point Road, Old County Road and Bound Brook Island Road within the towns of Wellfleet and Truro”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$300,000”.

97

The amendment was adopted.

Mr. Timilty moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- "provided further, that not less than \$500,000 shall be expended in equal amounts to the towns of Avon, Braintree, Canton, East Bridgewater, Easton, Milton, Randolph, Sharon, Stoughton and West Bridgewater for the purposes of local economic development projects"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$600,000".

107

The amendment was adopted.

Ms. Lovely and Messrs. Montigny and O'Connor moved that the proposed new text be amended by inserting the following section:-

111

“SECTION XX. (a) Notwithstanding any special or general law to the contrary, there shall be a special commission established to conduct a study and make recommendations on the barriers faced by low-income workers to finding and maintaining jobs in the Commonwealth. The commission shall consist of 18 members, as follows: the house and senate chairs of the committee on labor and workforce development, who shall serve as co-chairs; the secretary of labor and workforce development or the secretary’s designee; the secretary of transportation or the secretary’s designee; the secretary of housing and economic development or the secretary’s designee; the secretary of the department of transitional assistance or the secretary’s designee; the secretary of the department of health and human services or the secretary’s designee; 1 of whom shall be a member of the house of representatives to be appointed by the speaker of the house; 1 of whom shall be member of the senate to be appointed by the senate president; 1 of whom shall be appointed by Ascentria Care Alliance; 1 of whom shall be appointed by the Job Training Alliance; 1 of whom shall be appointed by the Massachusetts Retail Association; 1 of whom shall be appointed by Associated Industries of Massachusetts; 1 of whom shall be appointed by the Massachusetts Nonprofit Network; 1 of whom shall be appointed by EmPath; 1 of whom shall be appointed by the Massachusetts Business Roundtable; 1 of whom shall be appointed by the Massachusetts Workforce Board Association; and 1 of whom shall be appointed by the Commonwealth Corporation.

(b) The commission shall examine and make recommendations on topics including, but not limited to: barriers that exist in Massachusetts that prevent low-income workers from finding and retaining jobs with sustainable wages; strategies that the Commonwealth could employ that would help to address barriers to job retention for low-income workers;

Massachusetts laws and regulations that are currently in place, or could be put in place, that assist or hamper this population from maintaining jobs with a sustainable wage; and holistic and wraparound service approaches and programs that the Commonwealth could explore to prevent a fragmented and inefficient response to addressing these barriers.

(c) The commission may hold hearings and invite testimony from experts and the public to gather information. The commission and its working groups are encouraged to involve other experts, stakeholders and members of the public in its work through listening and working group sessions or whatever other mechanisms the commission chooses.

(d) The commission shall file its recommendations, including any drafts of legislation or regulations necessary to carry out its recommendations, with the clerks of the house of representatives and senate, the joint committee on public health and the joint committee on health care financing not later than June 1, 2021.”

The amendment was adopted.

Mr. Welch moved that the proposed new text be amended by adding the following sections:-

112

“SECTION XX. Section 2 of chapter 90 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the seventh sentence the following sentence:- The registry of motor vehicles shall not provide a motor vehicle registration to a natural person until the registry of motor vehicles has confirmed the validity and status of said person’s driver’s license and certified that said person is in compliance with this chapter and with applicable rules and regulations promulgated by the registry of motor vehicles.

SECTION XX. Chapter 175 of the General Laws, as so appearing, is hereby amended by inserting after section 4F the following section:-

Section 4G. An insurer that utilizes an applicant’s Massachusetts driving history as a rating or underwriting factor for private passenger motor vehicle insurance in the commonwealth, a licensed insurance producer or third-party representative shall verify the applicant’s Massachusetts driving history through the use of the registry of motor vehicles database or a reliable third-party database prior to processing payment or issuing a policy, unless said driving history is unavailable at the time of the initial inquiry due to a temporary website outage, service interruption or other circumstances beyond the control of the insurer, producer or third-party representative. When providing a private passenger automobile insurance quote, an insurer, licensed insurance producer or third-party representative shall provide a disclosure regarding the verification of an applicant’s Massachusetts driving history.

SECTION XX. Section 4G of chapter 175 of the General Laws shall apply to all policies issued on or after January 1, 2021.”

The amendment was adopted.

Mr. Keenan moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- "; provided further, that not less than \$400,000 shall be equally expended for business development, infrastructure and streetscape improvements to the towns of Abington, Holbrook, Rockland and Braintree"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$500,000".

115

The amendment was adopted.

Ms. Comerford moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- "; provided further, that not less than \$500,000 shall be expended for costs associated with establishing a health and life science center at Greenfield Community College, including, but not limited to, design and engineering studies, that will support expansion of the health science workforce"; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$600,000”.

117

The amendment was adopted.

Mr. Keenan moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- "; provided further, that not less than \$100,000 shall be expended for business development, infrastructure and streetscape improvements in Wollaston Center in the city of Quincy"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$200,000". 118

The amendment was adopted.

Ms. Lovely moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- "; provided further, that not less than \$500,000 shall be expended for a downtown trolley implementation pilot program between the city of Peabody and the city of Salem"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$600,000". 119

The amendment was adopted.

Mr. Finegold moved that the proposed new text be amended in section 2 line item 7002-8036, in line 131, by inserting after the words "for local economic development projects" the following:- "provided further that \$55,000 shall be expended to Lazarus House for Holly Street Shelter for its construction, reconstruction, and renovation to support self-sufficiency and housing stability"; and by striking out the amount of "\$100,000" and inserting in place thereof the following:- "\$155,000". 120

The amendment was adopted.

Ms. Comerford and Messrs. Eldridge, Velis and O'Connor moved that the proposed new text be amended in section 2, in item 7002-8036, by inserting after the word "projects", in line 131, the following words:- "; provided further, that not less than \$1,000,000 shall be expended for the University of Massachusetts Amherst to establish new testing and piloting facilities and upgrade existing facilities and equipment for the advancement of water technology and testing;"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$1,100,000". 121

The amendment was adopted.

Ms. Jehlen, Mr. Feeney, Ms. Moran and Mr. Timilty moved that the proposed new text be amended by adding the following sections:- 125

"SECTION XX. Paragraph (3) of subsection (d) of section 14 of chapter 151A of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the last sentence at line 135 the following sentence:- 'Benefits which, in accordance with the provisions of this paragraph, would be charged to an employer's account shall not be so charged but shall be charged to the solvency account in any case where an employee, otherwise eligible for benefits under this chapter and hired as a result of a covered individual taking leave under the provisions of chapter 175M, is subsequently separated from that employment when the covered individual returns from leave.'."

SECTION XX. Section 2 of chapter 175M of the General Laws is hereby amended by striking out subsection (f) and inserting in place thereof the following:-

'(f) The taking of family or medical leave shall not affect an employee's right to accrue vacation time, sick leave, bonuses, advancement, seniority, length-of-service credit or other employment benefits, plans or programs. During the duration of an employee's family or medical leave, the employer shall provide for, contribute to, or otherwise maintain the employee's employment-related health insurance benefits, if any, at the level and under the conditions coverage would have been provided if the employee had continued working continuously for the duration of such leave.'

SECTION XX. The definition of 'covered business entity' in section 1 of chapter 175M of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking the word '1099-MISC' appearing after the word 'form' and before the word 'for' and replacing it with the words '1099-NEC, or any successor IRS form'; and the

definition of ‘covered contract worker’ in section 1 of chapter 175M of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking the word ‘1099-MISC’ appearing after the word ‘form’ and before the semicolon and replacing it with the words ‘1099-NEC, or any successor IRS form’. This section shall take effect January 1, 2021. "

The amendment was adopted.

Mr. Finegold moved that the proposed new text be amended in section 2 line item 7002-8036, in line 131, by inserting after the words “for local economic development projects” the following:- “provided further that \$100,000 shall be expended to Lazarus House for renovations to their soup kitchen to improve their respite and supportive services for the purpose of providing a pathway to social and economic success to low-income or homeless residents of the Greater Merrimack Valley”; and by striking out the amount of “\$100,000” and inserting in place thereof the following:-“200,000”.

126

The amendment was adopted.

Mr. Finegold moved that the proposed new text be amended by inserting the following section:-

133

“SECTION XX. Section 152A of Ch.149 of the General Laws as appearing in chapter 125 section 13 of the Acts of 2004 by deleting the meaning of ‘Wait staff employee’ as appearing in paragraph (a) and inserting in place thereof the following:- ‘Wait staff employee’, a person, including a waiter, waitress, bus person, person in a quick service restaurant who prepares or serves food or beverages as part of a team of counter staff or other counter employees who: (1) serves beverages or prepared food directly to patrons, or who clears patrons' tables; (2) works in a restaurant, banquet facility, or other place where prepared food or beverages are served; and (3) who has no managerial responsibility during a day in which the person serves beverages or prepared food or clears patrons’ tables.”

The amendment was adopted.

Mr. Lewis moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$100,000 shall be expended for urban and community forestry greening in the city of Malden”.

136

The amendment was adopted.

Mr. Cyr moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$300,000 shall be expended for the department of housing and community development to create a Cape Cod and Islands Covid-19 Workforce Housing Relief Fund to be managed and administered by the Housing Assistance Corporation to provide funds for any combination of property acquisition, soft costs or gap construction funding in order to develop housing for low to moderate income year-round residents of Cape Cod, Martha's Vineyard and Nantucket; provided further, that said fund shall have funds available for expenditure for fiscal years 2021 to 2026, inclusive, based on a plan to be submitted by the Housing Assistance Corporation in consultation with the Falmouth Housing Trust, Inc., the Lower Cape Community Development Corporation, the Cape Cod commission, the Martha's Vineyard commission, the town of Nantucket, the Island Housing Trust Corporation and Housing Nantucket”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$400,000”.

145

The amendment was adopted.

Mr. Hinds moved that the proposed new text be amended in section 2, in item 7002-8036, by adding at the end thereof the following:- “; provided further, that not less than \$250,000 shall be provided to the Community Development Corporation of Southern Berkshire for the remediation of 100 Bridge Street in Great Barrington”; and by striking out the figure “\$100,000” and inserting in place thereof the figure “\$350,000”.

151

The amendment was adopted.

Mr. Hinds moved that the proposed new text be amended in section 2, in item 7002-8036, by adding at the end thereof the following:- “; provided further, that not less than \$200,000 shall be provided to the Berkshire Family YMCA in Pittsfield for the renovation of their facility”; and by striking out the figure “\$100,000” and inserting in place thereof the figure “\$300,000”. 152

The amendment was adopted.

Mr. Hinds moved that the proposed new text be amended in section 2, in item 7002-8036, by adding at the end thereof the following:- “; provided further, that not less than \$50,000 shall be provided to The Senior Center Consortium representing the towns of Ashfield, Buckland, and Shelburne and the western Franklin County region for the project management and design of the renovation and expansion of The Senior Center in Shelburne Falls”; and by striking out the figure “\$100,000” and inserting in place thereof the figure “\$150,000”. 153

The amendment was adopted.

Mr. Tarr moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$100,000 shall be expended for the planning, design and construction of municipal buildings in the town of Wilmington”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$200,000”. 169

The amendment was adopted.

Mr. Tarr moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$100,000 shall be expended for economic development improvements on the state highway route 113 corridor located in the towns of Groveland and West Newbury”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$200,000”. 177

The amendment was adopted.

Ms. Moran moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$350,000 shall be expended for the town of Falmouth to administer a grant program to support small businesses in reopening and resuming their operations by assisting in paying costs associated with rent, utilities, staffing, insurance and the cost of required personal protection equipment”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$450,000”. 180

The amendment was adopted.

Mr. Finegold moved that the proposed new text be amended in Section 2 line item 7002-8036, in line 131, by inserting after the words “for local economic development projects” the following:- “provided, that not less than \$250,000 shall be committed and expended for Project Mission, a non-profit organization dedicated to build and advance financial empowerment and self reliance among Latino and immigrant families”; and by striking the amount of “\$100,000” and inserting in place thereof the following:- “\$350,000”. 181

The amendment was adopted.

Ms. Creem moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$275,000 shall be expended to the Newton Housing Authority in the city of Newton for the purpose of replacing in-unit natural gas appliances, including stoves, ranges, dryers and water heaters, with electric appliances”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$375,000”. 189

The amendment was adopted.

Mr. Feeney moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$250,000 shall be expended for a feasibility study to identify an optimal location and operational model 190

for a parking structure within the Downtown Attleboro Transit Oriented Development District in the city of Attleboro"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$350,000".

The amendment was adopted.

Mr. Feeney moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- "; provided further, that not less than \$250,000 shall be expended for the demolition, cleanup and development of the former Attleboro Dye Works site located at Maple avenue, adjacent to the Ten Mile river, in the town of Seekonk"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$350,000".

191

The amendment was adopted.

Ms. Creem moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- "; provided further, that not less than \$200,000 shall be expended to the Brookline Housing Authority in the town of Brookline for the purpose of modernizing kitchens including replacement of in-unit natural gas appliances, including stoves, ranges, water heaters and dryers, with electric appliances"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$300,000".

195

The amendment was adopted.

Mr. Tarr moved that the proposed new text be amended by inserting in line 7002-8028 in line 58 after the number, "\$2,500,000" the following:- "including alternative energy generation projects".

199

The amendment was adopted.

Ms. Creem moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- "; provided further, that not less than \$75,000 shall be expended to the Wellesley Housing Authority in the town of Wellesley for the purpose of replacing in-unit natural gas appliances, including stoves, ranges, water heaters and dryers, with electric appliances"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$175,000".

200

The amendment was adopted.

Ms. Moran and Messrs. Eldridge, Cyr and Tarr moved that the proposed new text be amended in section 2A, in item 7002-8036, by adding the following words:- "; provided, that not less than \$5,000,000 shall be transferred to the aquaculture innovation fund within the department of agricultural resources established in section 125 of chapter 128 of the General Laws"; and by inserting after section 26 the following section:-

202

"SECTION 26A. Chapter 128 of the General Laws as so appearing, is hereby amended by adding the following section:-

Section 125.

(a) As used in this section, the word 'aquaculture' shall mean the breeding, rearing, and harvesting of animals and plants in all types of water environments.

(b) There shall be within the department an aquaculture innovation program to provide grants to municipalities to encourage increased opportunities for ocean farmers, including, but not limited to, innovative permitting, re-zoning, resource surveys, mapping, demonstration farms and stakeholder engagement. The department shall consult with the Massachusetts aquaculture advisory group, Southeastern Massachusetts aquaculture center, Northeastern Massachusetts aquaculture center in the department of agricultural resources and Western Massachusetts center for Sustainable Aquaculture at the University of Massachusetts at Amherst on the development and management of the program. The department shall hold at least 1 public hearing per year to receive public testimony to inform the development and deployment of the grants.

(c) A municipality shall be eligible to apply for grants under the program if the municipality has: (i) adopted an aquaculture by-law, ordinance or administrative policy

that has been approved by the department and identifies the body, individual or entity responsible for implementing the aquaculture program in the municipality; provided, however, that the municipality shall conduct at least 1 public meeting on the proposed by-law, ordinance or administrative policy; (ii) provided training to the municipal employees responsible for the program; (iii) developed an aquaculture prioritization plan; and (iv) complied with any other requirements of the department relative to participation in the program.

(d) The department may adopt rules, regulations and guidelines for the administration of this section.

(e) To meet the expenditures necessary in carrying out subsection (b), there shall be an aquaculture innovation fund. The fund shall consist of: (i) any revenues or other financing sources directed to the fund by appropriation; (ii) bond revenues or other monies authorized by the general court and specifically designated to be credited to the fund; (iii) any income derived from the investment of amounts credited to the fund or repayment of loans from the fund; (iv) funds from public or private sources including, but not limited to, gifts, federal or private grants, donations, rebates and settlements received by the commonwealth that are specifically designated to be credited to the fund; and (v) all other amounts credited or transferred into the fund from any other source. The department of agricultural resources shall seek to maximize fund revenues through federal monies, matching funds and grants. The fund shall be administered by the commissioner of agricultural resources, subject to approval by the secretary of administration and finance. Any unexpended balances in the fund at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditures in the subsequent fiscal year. The commissioner shall file an annual report detailing the amount, types and nature of grants made from the fund with a description of the authorized purpose of each expenditure, an accounting of amounts credited to the fund and any unexpended balance remaining in the fund with the clerks of the house of representatives and the senate not later than September 30.”.

The amendment was adopted.

Mr. Tarr moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$200,000 shall be expended for tourism development, including, but not limited to, signage and pedestrian accommodations, in the towns of Essex, Manchester-by-the-Sea and Rockport and the city of Gloucester”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$300,000”.

204

The amendment was adopted.

Mr. Brady and Ms. Moran moved that the proposed new text be amended by adding the following sections:-

208

“SECTION XX. Section 6 of Chapter 62 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding at the end thereof the following subsection:

(w) (1) As used in this subsection, the following words shall have the following meanings unless the context clearly requires otherwise:-

‘Commissioner’, the commissioner of revenue.

‘Cranberry bog’ or ‘bog’, an area actively cultivated for the harvesting or production of any variety of cranberry.

‘Qualified renovation’, any renovation, repair, replacement, re-grading or restoration of a cranberry bog for the purpose of cultivating, harvesting or producing any variety of cranberry, or otherwise any other activity or action associated with the renovation of an abandoned cranberry bog. The term ‘qualified renovation’ shall not include the construction of facilities or structures for the purpose of processing cranberries.

‘Qualified renovation expenditure’, any expenditure or cost directly incurred in connection with the qualified renovation of a cranberry bog. The term ‘qualified renovation expenditure’ shall not include costs incurred in acquiring or purchasing property, in relation to the construction of structures for the purpose of cultivating, harvesting or producing cranberries.

‘Secretary’, the secretary of energy and environmental affairs.

‘Taxpayer’, a taxpayer subject to the taxation under this chapter.

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

(ii) The credit under this subsection shall be taken against the taxes imposed under this chapter and shall be refundable. The commissioner shall apply the credit against the liability of the taxpayer as determined on its return, as first reduced by any other available credits, and shall then refund to the taxpayer the balance of the credits. If the amount of the credit allowed under this subsection exceeds the taxpayer's tax liability, the commissioner shall treat the excess as an overpayment and shall pay the taxpayer the entire amount of the excess. Any amount of the tax credit that exceeds the tax due for a taxable year may be carried forward by the taxpayer to any of the 5 subsequent taxable years.

(iii) The secretary, in consultation with the commissioner of agricultural resources, shall authorize annually, for the period beginning January 1, 2020 and ending December 31, 2024, tax credits under this subsection together with section 38II of chapter 63, an amount not to exceed \$2,000,000 per taxable year. No credits shall be allowed under this subsection except to the extent authorized in this paragraph.

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

(4) Any portion of tax credits not awarded by the secretary in a calendar year shall not be applied to awards in a subsequent year. The secretary shall provide any documentation that the commissioner may deem necessary to confirm compliance with subparagraph (iii) of paragraph (2) and the commissioner shall provide a report confirming compliance to the secretary of administration and finance.

(5) The secretary shall annually, not later than September 1, file a report with the house and senate committees on ways and means, the joint committee on environment, natural resources and agriculture and the joint committee on revenue identifying the total amount of tax credits claimed and the total amount of tax credits refunded pursuant to this subsection in the preceding fiscal year.

(6) The secretary, in consultation with the commissioner of agricultural resources and revenue, shall promulgate regulations or other guidelines necessary for the administration and implementation of this subsection.

SECTION XX. Chapter 63 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after section 38HH the following section:-

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

‘Commissioner’, the commissioner of revenue

‘Cranberry bog’ or ‘bog’, an area actively cultivated for the harvesting or production

of any variety of cranberry.

‘Qualified renovation’, any renovation, repair, replacement, re-grading or restoration of a cranberry bog for the purpose of cultivating, harvesting or producing any variety of cranberry, or otherwise any other activity or action associated with the renovation of an abandoned cranberry bog. The term ‘qualified renovation’ shall not include the construction of facilities or structures for the purpose of processing cranberries.

‘Qualified renovation expenditure’, any expenditure or cost directly incurred in connection with the qualified renovation of a cranberry bog. The term ‘qualified renovation expenditure’ shall not include costs incurred in acquiring or purchasing property in relation to the construction of structures for the purpose of cultivating, harvesting or producing cranberries.

‘Secretary’, the secretary of energy and environmental affairs.

‘Taxpayer’, a taxpayer subject to the taxation under this chapter.

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

(2) The credit under this section shall be taken against the taxes imposed under this chapter and shall be refundable. The commissioner shall apply the credit against the liability of the taxpayer as determined on its return, as first reduced by any other available credits, and shall then refund to the taxpayer the balance of the credits. If the amount of the credit allowed under this section exceeds the taxpayer's tax liability, the commissioner shall treat the excess as an overpayment and shall pay the taxpayer the entire amount of the excess. Any amount of the tax credit that exceeds the tax due for a taxable year may be carried forward by the taxpayer to any of the 5 subsequent taxable years.

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

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

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

(e) The secretary shall annually, not later than September 1, file a report with the house and senate committees on ways and means, the joint committee on environment, natural resources and agriculture and the joint committee on revenue identifying the total amount of tax credits claimed and the total amount of tax credits refunded pursuant to this section in the preceding fiscal year.

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

The amendment was adopted.

Ms. DiZoglio moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- "; provided further, that not less than \$500,000 shall be expended to Salisbury Beach Partnership, Inc., a 501(c)(3) nonprofit organization, for the purchase and restoration of the historic carousel at Salisbury Beach in the town of Salisbury"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$600,000". 209

The amendment was adopted.

Mr. Barrett moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- "; and provided, further, that not less than \$165,000 be expended for the planning, purchase, and installation of electric vehicle charging stations in the town of Bedford,". 215

The amendment was adopted.

Mr. Barrett moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- "; and provided, further, that not less than \$165,000 be expended for the planning, purchase, and installation of electric vehicle charging stations in the city of Waltham,". 216

The amendment was adopted.

Mr. Barrett moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- "; and provided, further, that not less than \$165,000 be expended for the planning, purchase, and installation of electric vehicle charging stations in the town of Carlisle,". 217

The amendment was adopted.

Ms. Chandler moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$500,000 shall be expended for the Massachusetts Biomedical Initiatives, Inc., to support academic-based research and development, raise scientific awareness throughout the commonwealth and support initiatives to increase diversity in the fields of life sciences and biotechnology in the commonwealth”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$600,000”. 218

The amendment was adopted.

Ms. Moran moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$75,000 shall be expended for the Pilgrim Hall Museum in the town of Plymouth to support necessary capital improvements”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$175,000”. 229

The amendment was adopted.

Mr. Collins moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$500,000 shall be expended to the city of Boston for activation, beautification and enhancements of public spaces in commercial districts and for the expansion of the ReStore program to include indoor improvements and capital needs for small businesses associated with reopening during the 2019 novel coronavirus”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$600,000”. 233

The amendment was adopted.

Ms. Moran moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$75,000 shall be expended for the Plymouth Antiquarian Society to support necessary capital improvements”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$175,000”. 236

The amendment was adopted.

Mr. Eldridge moved that the proposed new text be amended by inserting in line 131, 242

in item 7002-8036, after the word “projects” the following words:- “; provided further, that not less than \$300,000 shall be expended to the town of Maynard for traffic control measures at the Assabet River rail trail crossing”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure “\$400,000”.

The amendment was adopted.

Mr. Rush moved that the proposed new text be amended in section 2, in item 7002-8036 by adding the following words:- “, provided further that not less than \$325,000 shall be expended for the Neponset River Regional Chamber for businesses in the town of Norwood that were impacted by the June 28, 2020 rainstorm”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$425,000”.

244

The amendment was adopted.

Ms. Creem moved that the proposed new text be amended in section 2, item 7002-8036, by adding the following words:- “; provided further, that not less than \$1,000,000 shall be expended to the city of Newton for the construction of the Newton Center for Active Living”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$1,100,000”.

246

The amendment was adopted.

Mr. Rush moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “, provided further, that not less than \$125,000 shall be expended for the Bussey Brook Boardwalk as part of the Roslindale Gateway Path project located in the Roslindale section of the City of Boston”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$225,000”.

247

The amendment was adopted.

Mr. Rush moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “, provided further that not less than \$50,000 shall be expended for the Roslindale Village Main Street Wayfinding and Placemaking Initiatives located in the Roslindale section of the City of Boston”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$150,000”.

250

The amendment was adopted.

Ms. Jehlen, Messrs. Eldridge and Montigny, Ms. Rausch, Mr. Cyr and Ms. Moran moved that the proposed new text be amended in section 2, in item 7002-8036, by inserting the following words:- “; provided further, that not less than \$500,000 be expended to the department of housing and community development to distribute as grants to any provider of temporary housing assistance, which shall include, but not be limited to, family shelters, shelters for adults, hotels or motels used for emergency shelter, emergency apartments, domestic violence shelters, runaway and homeless youth shelters or safe houses for refugees, for the purpose of providing and installing dispensers for disposable menstrual products, including but not limited to, sanitary napkins, tampons and panty liners at no cost to menstruating individuals; provided further, that said products shall be available in a convenient manner that does not stigmatize any persons seeking such products”; and by striking out figure “\$100,000” and inserting in place thereof the figure:- “\$600,000”.

252

The amendment was adopted.

Mr. Tarr moved that the proposed new text be amended by inserting at the end of line item 7002-8036 the following:- “; provided further, that not less than \$100,000 shall be expended for an economic development grant for downtown North Reading”; and by striking the number, \$100,000 and inserting in place thereof the following:- “\$200,000”.

254

The amendment was adopted.

Mr. Feeney moved that the proposed new text be amended by adding at the end thereof the following new section:-

255

“SECTION XX. The Massachusetts marketing partnership shall issue a report no later than July 1, 2021, on the feasibility of hosting a competitive Union Cycliste

International ‘UCI’ America Tour or UCI World Tour multi-stage racing event in the commonwealth. The report shall include, but not be limited to, potential dates to host such an event, potential routes that maximize the various natural terrains in the Commonwealth as well as areas that highlight the history of the Commonwealth, potential revenues to the Commonwealth, potential tourism impact surrounding the event, potential economic development to municipalities and local jobs as a result of the event, potential costs to the Commonwealth, steps to be taken and costs associated with bidding on and securing such an event on the UCI calendar, and any state or local laws, regulations, or ordinances that may affect the hosting of such an event.”

The amendment was adopted.

Mr. Fattman moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words: “; provided further, that not less than \$125,000 shall be expended for costs associated with the vocation technical training program at the Blackstone Valley Education Hub”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$225,000”.

257

The amendment was adopted.

Mr. Fattman moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words: “; provided further, that not less than \$100,000 be expended for costs associated with the renovation of the Milford Area Chamber of Commerce office and purchase of equipment, computers, and software”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$200,000”.

260

The amendment was adopted.

Mr. Moore moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “provided further, that not less than \$500,000 shall be expended equally to the City of Worcester and towns of Auburn, Grafton, Leicester, Millbury, Northbridge, Shrewsbury and Upton for economic development purposes”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$600,000”.

263

The amendment was adopted.

Mr. Eldridge moved that the proposed new text be amended by inserting in line 131, in item 7002-8036, after the word “projects” the following words:- “provided further, that not less than \$100,000 shall be expended to the town of Hudson for improvements to the Hudson Housing Authority community room”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure “\$200,000”.

266

The amendment was adopted.

Mr. DiDomenico moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “provided further, that not less than \$250,000 shall be expended to design a waterfront park in the city of Chelsea”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$350,000”.

268

The amendment was adopted.

Mr. Fattman moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words: “; provided further, that not less than \$100,000 shall be expended for costs associated with the renovation of the Italian American World War II Veterans of the United States, Post No. 40, building in the town of Milford”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$200,000”.

270

The amendment was adopted.

Mr. Brady moved that the proposed new text be amended in line item 7002-8036, by adding the following words:- “; provided further, that not less than \$78,000 shall be

272

expended for Choices4Teens Mentoring Group Inc. in the city of Brockton to acquire, upgrade and maintain technology and equipment”; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:-"\$178,000".

The amendment was adopted.

Mr. Fattman moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words: “; provided further, that not less than \$75,000 shall be expended for costs associated with the repair of the Sacarrappa bridge in the town of Oxford”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$175,000”.

279

The amendment was adopted.

Mr. Brady moved that the proposed new text be amended in item 7002-8036, by adding the following words:- “; provided further, that not less than \$180,000 shall be expended to the Center for Women and Enterprise for the design, planning and construction of a new innovation center in the city of Brockton”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$280,000”.

280

The amendment was adopted.

Mr. Brady moved that the proposed new text be amended in item 7002-8036, by adding the following words:- “; provided further, that not less than \$150,000 shall be expended for the construction and expansion of a deck and hospitality area at the clubhouse at the D.W. Field golf course in the city of Brockton”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$250,000”.

284

The amendment was adopted.

Mr. Eldridge moved that the proposed new text be amended by inserting in line 131, in item 7002-8036, after the word “projects” the following words:- “provided further, that not less than \$100,000 shall be expended to the town of Shirley for improvements to the War Memorial Building that complies with the federal Americans with Disabilities Act”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure “200,000”.

285

The amendment was adopted.

Mr. Tran moved that the proposed new text be amended by inserting at the end of item 7002-8036 the following:- “, provided further that at least \$100,000 shall be expended for an economic development master plan for the town of Sterling”; and by striking out the number "\$100,000" and inserting in place thereof the following, "\$200,000".

287

The amendment was adopted.

Mr. Brady moved that the proposed new text be amended in item 7002-8036, by adding the following words:-"; provided further, that not less than \$100,000 shall be expended for the replacement and repair of roads within D.W. Field Park in the city of Brockton"; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$200,000”.

290

The amendment was adopted.

Mr. Brady moved that the proposed new text be amended in item 7002-8036, by adding the following words:- “; provided further, that not less than \$100,000 shall be expended for life sciences planning and zoning in the city of Brockton”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$200,000”.

295

The amendment was adopted.

Mr. Montigny moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$50,000 shall be expended for the celebration of the Schooner Ernestina-Morrissey return to the city of New Bedford in collaboration with the Massachusetts Maritime Academy, Schooner Ernestina-Morrissey Advisory Board, Schooner Ernestina-Morrissey

306

Association, Inc., Cape Verdean Association in New Bedford, Inc. and the city of New Bedford”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$150,000”.

The amendment was adopted.

Mr. Montigny moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$100,000 shall be expended for the Zeiterion Theatre in the city of New Bedford to safely and sustainably reopen to the public, including, but not limited to, for outdoor cultural events and concerts in downtown New Bedford”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$200,000”.

307

The amendment was adopted.

Mr. Montigny moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$350,000 shall be expended for infrastructure improvements, upgrades for compliance with the federal Americans with Disabilities Act, safety code compliance and the rehabilitation and renovation of the historical building serving as the Cape Verdean Veterans Memorial Hall in the city of New Bedford”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$450,000”.

308

The amendment was adopted.

Mr. Tran moved that the proposed new text be amended by inserting at the end of line item 7002-8036 the following:- “; provided further that at least \$75,000 shall be expended for a land geo-technical feasibility study for economic development in the town of Westminster”; and by striking out the number "\$100,000" and inserting in place thereof the following: "\$175,000".

309

The amendment was adopted.

Ms. Chang-Diaz moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$200,000 shall be expended for the planning, design, development and construction of a recreational area at 40 to 48 Geneva avenue, inclusive, in the Grove Hall section of the city of Boston”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$300,000”.

310

The amendment was adopted.

Mr. Montigny moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following wording:- “provided further, that the unexpended balance in item 7066-8110, as authorized pursuant to chapter 113 of the acts of 2018, shall be made available for the purposes of renovating the University of Massachusetts at Dartmouth college of visual and performing arts Star Store campus in New Bedford into a twenty-first century arts and design hub connecting downtown arts, commerce, and entertainment to working waterfront venues and activities, including expanded mixed-uses at New Bedford state pier”.

311

The amendment was adopted.

Mr. Montigny moved that the proposed new text be amended in section 2, in item 7002-8000, by adding the following words:- “provided further, that funds shall be made available for immediate site readiness needs for mixed-use development at the New Bedford State Pier in accordance with section 58 of chapter 228 of the acts of 2018; provided further, that said funds shall be in addition to the unexpended balance in item 6720-1350, as authorized pursuant to chapter 286 of the acts of 2014, to carry out the mixed-use development of said pier, which may include but not be limited to, water-dependent cargo, commercial fishing, marine transportation, marine educational facilities, fresh produce and seafood markets and other uses related to tourism and public recreation connecting the working waterfront to the arts and culture center in the downtown area of

312

the city of New Bedford”.

The amendment was adopted.

Mr. Fattman moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words: “; provided further, that not less than \$100,000 shall be expended for costs associated with economic development projects in the town of Millville”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$200,000”.

313

The amendment was adopted.

Mr. Welch moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$250,000 shall be expended for capital improvements and technology upgrades for training, academic credit certificates and associate degree programs in high-demand fields, for Springfield Technical Community College in the City of Springfield”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$350,000”.

317

The amendment was adopted.

Mr. Tran moved that the proposed new text be amended by inserting at the end of line item 7002-8036 the following:- “, provided further that \$100,000 shall be expended for downtown storefront revitalization for the city of Leominister”; and by striking out the number "\$100,000" and inserting in place thereof the following: "\$200,000".

318

The amendment was adopted.

Ms. Rausch moved that the proposed new text be amended in section 2, in item 7002-8036, in line 131, by inserting after the word “projects” the following:- “; provided further, that not less than \$500,000 be allocated for a competitive grant program to be administered by the department of early education and care for licensed early education and care providers in the city of Attleboro and the towns of Franklin, Millis, Natick, Needham, Norfolk, North Attleborough, Plainville, Sherborn, Wayland, Wellesley, and Wrentham for the purpose of defraying fixed operating costs and costs associated with modifications to early education and care services necessitated as a result of the COVID-19 public health emergency, to be awarded based on demonstrated financial need and current reopening status or future plans to reopen during the pandemic”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$600,000”.

321

The amendment was adopted.

Mr. Velis moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$50,000 shall be expended for improvements to the biology laboratory in Wilson hall at Westfield State University in the city of Westfield”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$150,000”.

323

The amendment was adopted.

Mr. Welch moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$125,000 shall be expended to the Valley Opportunity Council in the City of Chicopee for capital improvements to facilities and technology used for the workforce development programs that it administers”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$225,000”.

324

The amendment was adopted.

Mr. Lewis moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$100,000 shall be expended for developing automated city services in the city of Melrose”.

325

The amendment was adopted.

Mr. Pacheco moved that the proposed new text be amended in section 2, in item 7002-8036 by adding the following words:- "provided further, that not less than \$500,000 shall

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be expended for a zero interest small business revolving loan fund to be administered by the South Eastern Economic Development Corporation in the City of Taunton, to small business owners for general business purposes, that have been impacted by COVID-19, in the communities of Berkley, Bridgewater, Carver, Dighton, Marion, Middleborough, Raynham, Taunton and Wareham; provided further that not more than 12% of this appropriation shall be retained by SEED for technical loan services and administration of the program"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$600,000".

The amendment was adopted.

Mr. Welch moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- "; provided further, that not less than \$125,000 shall be expended to the Springfield Cultural Partnership in the City of Springfield for capital improvements to make upgrades to cultural and arts programs to encourage tourism"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$225,000".

330

The amendment was adopted.

Mr. Kennedy moved that the proposed new text be amended in section 2, in item 7002-8033, by adding the following words:- "; provided further, that not less than \$2,700,000 shall be expended to UTEC, Inc. for costs associated with the acquisition, design, construction and renovation of buildings to provide programming, training, instruction, manufacturing, distribution, retail or storage for the purpose of providing a pathway to social and economic success for high-risk young adults"; and by striking out the figure "\$25,000,000" and inserting in place thereof the following figure: - "\$27,700,000".

332

The amendment was adopted.

Mr. Lewis moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- "; provided further, that not less than \$300,000 shall be expended to the City of Malden for economic development and environmental remediation projects along the Malden River and Roosevelt Park".

335

The amendment was adopted.

Mr. Tran moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- "; provided further, that not less than \$100,000 shall be expended for improvements to the snack shack located at the South Common recreation fields in the town of Berlin"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$200,000".

336

The amendment was adopted.

Mr. Kennedy moved that the proposed new text be amended in section 2, in item 7002-8036, in line 131, by inserting the following: "provided further, that \$200,000 shall be expended to the City of Lowell for economic development programming".

338

The amendment was adopted.

Ms. Chang-Diaz moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- "; provided further, that not less than \$100,000 shall be expended to fund capital improvements and construction related costs for the development of a new facility operated by Harvard Street Neighborhood Health Center Inc., a federally qualified health center, on Blue Hill avenue in the city of Boston"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$200,000".

339

The amendment was adopted.

Mr. Tran moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- "; provided further, that not less than \$100,000 shall be expended for expanded wireless internet service in the city of Gardner"; and by striking

341

out the figure "\$100,000" and inserting in place thereof the following figure:- "\$200,000".

The amendment was adopted.

Mr. Kennedy moved that the proposed new text be amended in section 2, in item 7002-8036, in line 131, by inserting the following: "provided further, that \$100,000 shall be expended to the Town of Westford for economic development programming".

342

The amendment was adopted.

Ms. Chang-Diaz moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- "; provided further, that not less than \$200,000 shall be expended to fund capital improvements to the 'Z' building at the Dimock Center in the city of Boston to provide additional clinical stabilization services"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$300,000".

344

The amendment was adopted.

Mr. Kennedy moved that the proposed new text be amended in section 2, in item 7002-8036, in line 131, by inserting the following: "provided further, that \$50,000 shall be expended to the Town of Tyngsborough for economic development programming".

345

The amendment was adopted.

Mr. Kennedy moved that the proposed new text be amended in section 2, in item 7002-8036, in line 131, by inserting the following: "provided further, that \$50,000 shall be expended to the Town of Groton for economic development programming".

348

The amendment was adopted.

Ms. Lovely and Mr. Tarr moved that the proposed new text be amended by adding the following sections:-

350

"SECTION XX. Section 13 of chapter 136 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the first sentence of the second paragraph and inserting in place thereof the following sentence:- 'Any retail establishment that operates on January first, or November eleventh, the second Monday in October, under the exemption granted by this section, shall compensate those employees working on any of said days at a rate specified under clause (50) of section 6 of this chapter or such larger sum as may be determined by contract; such work shall be voluntary and refusal to work for any retail establishment on such legal holidays shall not be grounds for discrimination, dismissal, discharge, reduction in hours, or any other penalty.'

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

The amendment was adopted.

Mr. Kennedy moved that the proposed new text be amended in section 2, in item 7002-8036, in line 131, by inserting the following: "provided further, that \$50,000 shall be expended to the Town of Pepperell for economic development programming".

353

The amendment was adopted.

Mr. DiDomenico moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- "provided further, that not less than \$250,000 shall be expended to construct a roadway connector from Santilli Highway to Rivergreen Business Park in the city of Everett"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$350,000".

354

The amendment was adopted.

Mr. Kennedy moved that the proposed new text be amended in section 2, in item

355

7002-8036, in line 131, by inserting the following: "provided further, that \$50,000 shall be expended to the Town of Dunstable for economic development programming".

The amendment was adopted.

Mr. Velis moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided further, that not less than \$450,000 shall be expended to the towns of Granville, Montgomery, Tolland and Russell for the expansion of broadband internet access”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$550,000”.

359

The amendment was adopted.

As previously stated the above amendments were considered as one and adopted.

Messrs. Timilty, Welch, Moore and O'Connor and Ms. Gobi moved that the proposed new text be amended by adding at the end thereof the following new section:

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“SECTION XXX. (a) There shall be established a special commission on telecommuting to evaluate and study the impact of telecommuting on employees of the Commonwealth.

(b) The commission shall consist of: 3 members appointed by the President of the Senate, 1 of which shall be the Senate Chair on State Administration and Regulatory Oversight who shall serve as co-chair and 1 of which shall be from Legislative Information Services; 2 members appointed by the Speaker of the House of Representatives, 1 of which shall be the House Chair on State Administration and Regulatory Oversight who shall serve as co-chair; 6 members from the Executive Branch appointed by the Governor, 1 of which shall be the Secretary of Administration and Finance, or their designee, and 1 of which shall be the Secretary of Technology Services and Security, or their designee and; 1 of which shall be the Chief Human Resources Officer at the Human Resources Division; and 1 of which shall be the Secretary of Energy and Environmental Affairs; 1 member appointed by the Attorney General; 1 member appointed by the Treasurer and Receiver General; 1 member appointed by the Secretary of the Commonwealth; 1 member appointed by the State Auditor; 1 member to be appointed by the Service Employees International Union and; 1 member to be appointed by the National Association of Government Employees.

(c) Not later than December 1, 2021, the commission shall file a report of its analysis and recommendations regarding the efficacy of telecommuting to the clerks of the senate and the house of representatives, the joint committee on state administration and regulatory oversight, the office of the senate president, the office of the speaker of the house, and the office of the Governor.

The report shall include but not be limited to: (i) both the costs and potential cost savings associated with working remotely; (ii) the IT requirements needed to allow remote work; (iii) the effect of remote work on employee productivity, recruitment and retention and; (iv) the environmental impact of telecommuting.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twelve minutes before seven o'clock P.M., on motion of Mr. Timilty, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 254]:**

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia

Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.

Collins, Nick
 Comerford, Joanne M.
 Creem, Cynthia Stone
 Crighton, Brendan P.
 Cyr, Julian
 DiDomenico, Sal N.
 DiZoglio, Diana
 Eldridge, James B.
 Fattman, Ryan C.
 Feeney, Paul R.
 Finegold, Barry R.
 Friedman, Cindy F.
 Gobi, Anne M.
 Hinds, Adam G.

Montigny, Mark C.
 Moore, Michael O.
 Moran, Susan L.
 O'Connor, Patrick M.
 Pacheco, Marc R.
 Rausch, Rebecca L.
 Rodrigues, Michael J.
 Rush, Michael F.
 Tarr, Bruce E.
 Timilty, Walter F.
 Tran, Dean A.
 Velis, John C.
 Welch, James T. – 39.

NAYS – 0.

The yeas and nays having been completed at two minutes before seven o'clock P.M., the amendment was adopted.

Messrs. DiDomenico, Eldridge and Welch, Ms. Lovely, Mr. O'Connor, Ms. Gobi and Messrs. Brady, Boncore and Crighton moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- "; provided further, that not less than \$10,000,000 shall be expended for a grant program administered by the department of elementary and secondary education for community after school and out-of-school time programs to support community partnerships, workforce training and health and safety expenses related to the 2019 novel coronavirus in preparation for the 2020-2021 school year"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$10,100,000".

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After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at two minutes past seven o'clock P.M., on motion of Mr. DiDomenico, as follows, to wit (yeas 39 – nays 0) [**Yeas and Nays No. 255**]:

YEAS.

Barrett, Michael J.
 Boncore, Joseph A.
 Brady, Michael D.
 Brownsberger, William N.
 Chandler, Harriette L.
 Chang-Diaz, Sonia
 Collins, Nick
 Comerford, Joanne M.
 Creem, Cynthia Stone
 Crighton, Brendan P.
 Cyr, Julian
 DiDomenico, Sal N.
 DiZoglio, Diana
 Eldridge, James B.
 Fattman, Ryan C.
 Feeney, Paul R.
 Finegold, Barry R.
 Friedman, Cindy F.
 Gobi, Anne M.

Jehlen, Patricia D.
 Keenan, John F.
 Kennedy, Edward J.
 Lesser, Eric P.
 Lewis, Jason M.
 Lovely, Joan B.
 Montigny, Mark C.
 Moore, Michael O.
 Moran, Susan L.
 O'Connor, Patrick M.
 Pacheco, Marc R.
 Rausch, Rebecca L.
 Rodrigues, Michael J.
 Rush, Michael F.
 Tarr, Bruce E.
 Timilty, Walter F.
 Tran, Dean A.
 Velis, John C.
 Welch, James T. – 39.

Hinds, Adam G.

NAYS – 0.

The yeas and nays having been completed at nine minutes past seven o'clock P.M., the amendment was adopted.

Mr. O'Connor, Ms. Gobi and Mr. Tarr moved that the proposed new text be amended in section 3, in proposed chapter 6, by adding the following section:-

85

"Section 222. (a) Notwithstanding any general or special law to the contrary, the executive office of education shall establish a financial literacy task force to focus on how students from kindergarten to high school graduation are learning about financial literacy in schools. The task force shall consist of: the secretary of the executive office of education or a designee, who shall serve as chair; the commissioner of early education and care or a designee; the commissioner of elementary and secondary education or a designee; the commissioner of higher education or a designee; the state treasurer or a designee; 5 persons to be appointed by the governor, 1 of whom shall be a representative from the Massachusetts Teachers Association, appointed in consultation with their relevant local unions, 1 of whom shall be a representative from the Massachusetts Bankers Association, 1 of whom shall be a representative from Massachusetts Jumpstart Coalition, 1 of whom shall be an individual from FitMoney.org and 1 of whom shall be a representative of the office of economic empowerment or a designee; and 1 person to be appointed by the state treasurer.

(b) The task force shall: (i) develop and annually update a summary of the advances made in financial literacy education in the commonwealth; (ii) develop and annually update a summary on the advances in accessibility to financial literacy education for low-income individuals and families; (iii) monitor financial literacy education, services and support activities across the commonwealth, including coordination of the commonwealth's activities and programs with respect to financial literacy; (iv) develop and annually update a comprehensive strategic plan to improve outcomes for individuals with a risk of negative financial situations, including recommendations to: (A) advance research on financial literacy for elementary and secondary school students; (B) improve the frequency and quality of financial literacy education in public schools and charter schools from kindergarten to high school graduation; (C) improve public awareness and recognition of the importance of financial literacy; (D) improve financial literacy education with a focus on providing access to low-income and minority communities; (E) seek to advance the goals and objectives outlined by the treasurer's Economic Empowerment Trust Fund and financial literacy task force report for fiscal year 2016; (F) systematically advance the full spectrum of academic research on financial literacy education; (G) emphasize the importance of the reduction of student debt and provide pathways to alleviate student debt; and (H) annually provide an update on the progress made in implementing such comprehensive strategic plan.

(c) Annually, not later than July 31, the task force shall submit its recommendations to the governor, the clerks of the house of representatives and senate and the joint committee on education."

After remarks, the amendment was adopted.

Messrs. O'Connor, Feeney and Timilty moved that the proposed new text be amended in section 2, in item 7002-8036, by adding the following words:- “; provided, that not less than \$500,000 shall be expended for a competitive grant program administered by the executive office of housing and economic development for startup companies; provide further, that a ‘startup company’ shall be defined as a newly emerged business venture that aims to develop a viable business model to meet a marketplace need; provided further, that the executive office shall promulgate parameters of eligibility and guidelines for

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application to the grant program and that the program shall be open for applications not later than December 1, 2020 and the funding shall be awarded to selected applicants not later than July 1, 2021; provided further, that the executive office shall submit a report to the clerks of the house and senate detailing the progress of the pilot program as well as the economic results of the grants on the recipient startup companies not later than December 1, 2021”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$600,000”.

After remarks, the amendment was adopted.

Ms. Gobi, Messrs. Velis, Moore and Welch moved that the proposed new text be amended by adding the following section:-

61

“SECTION XX. (a) There shall be an industrial mill building revitalization task force to stimulate the re-development, rehabilitation and revitalization of industrial mill buildings and surrounding areas in the commonwealth. The task force shall: (i) review current laws and regulations beneficial the revitalization of mill buildings and surrounding areas, including, but not limited to, federal and state tax incentives and renewable energy production; (ii) create a list of existing mill buildings, their locations, whether they are active or inactive and current uses, if applicable, in the commonwealth; (iii) investigate potential new uses for mill buildings based on market conditions that increase economic development; (iv) identify strategies to improve mill building energy efficiency and prevent further structural and environmental degradation; (v) explore innovative permitting processes, zoning regulations and building codes to encourage redevelopment; and (vi) consider any other action in furtherance of its purpose.

(b) The task force shall consist of the secretary of housing and economic development, or a designee, who shall serve as chair; the secretary of energy and environmental affairs, or a designee; the chairs of the joint committee on economic development and emerging technologies, or their designees; the director of Massachusetts Development Finance Agency, or a designee; 2 members of the house of representatives who represent communities with mill buildings, designated by the speaker of the house of representatives; 2 members of the senate who represent communities with mill buildings, designated by the senate president; the director of the Massachusetts clean energy center, or a designee; 2 residents of the commonwealth who own mill buildings, 1 active and 1 inactive, designated by the chair; 1 representative of a Massachusetts utility company, designated by the chair; 1 representative from an economic development organization, designated by the chair; 3 representatives of Massachusetts planning organizations, 1 of whom shall be from the western region of the state, 1 of whom shall be from the central region of the state and 1 of whom shall be from the eastern region of the state, designated by the chair.

(c) The task force shall submit its report and recommendations, together with drafts of legislation to carry its recommendations into effect, to the chairs of the joint committee on economic development and emerging technologies and the clerks of the house of representatives and the senate not later than August 1, 2021.”

The amendment was adopted.

Ms. Gobi and Messrs. Eldridge, Moore, Welch, Fattman and Tran moved that the proposed new text be amended by inserting after section 26 the following section:

62

“SECTION 26A. Chapter 143 of the General Laws is hereby amended by inserting after section 3Z the following 2 sections:-

Section 3AA. There shall be a fund established for a reimbursement program to be managed by the division of professional licensure that shall provide for the costs associated with the implementation of testing for the presence of pyrrhotite in the foundation of homes built in the commonwealth on or after 1983 within a 50-mile radius of J.J. Mottes Concrete Company in Stafford Springs, Connecticut.

Section 3BB. Notwithstanding any general or special law to the contrary, an entity

seeking a permit within the commonwealth for mining a quarry or expanding a quarry shall, as a condition of obtaining the permit, first test the proposed area for the presence of pyrite or pyrrhotite. If neither pyrite or pyrrhotite is detected, the permit can then be issued subject to the requirements of the municipality in which it is sought. If the presence of pyrite or pyrrhotite is detected, the permit may be issued subject to the restriction that material mined from the quarry shall not be used in the aggregate product used to make concrete for use in residential or commercial foundations. If material in which the presence of pyrite or pyrrhotite is detected is used in aggregate product used for the creation of concrete for use in residential or commercial foundations, a presumption of strict liability will be applied to the contractor who used such material and the entity that owns and operates the quarry from which the material came; provided, however, that all concrete from Becker’s Quarry in Willington, Connecticut will be prohibited for use in the commonwealth for residential or commercial purposes.”.

After remarks, the amendment was adopted.

Ms. Gobi and Messrs. Velis, Moore, O’Connor, Welch, Tarr and Tran moved that the proposed new text be amended in section 2, in item 7002-8036, by adding at the end thereof the following:- “; provided further, that not less than \$200,000 shall be expended for the Massachusetts Veterans and Warriors to Agriculture Program Fund”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$300,000”.

68

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-seven minutes past seven o'clock P.M., on motion of Ms. Gobi, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 256]:**

YEAS.

- | | |
|--------------------------|------------------------------|
| Barrett, Michael J. | Jehlen, Patricia D. |
| Boncore, Joseph A. | Keenan, John F. |
| Brady, Michael D. | Kennedy, Edward J. |
| Brownsberger, William N. | Lesser, Eric P. |
| Chandler, Harriette L. | Lewis, Jason M. |
| Chang-Diaz, Sonia | Lovely, Joan B. |
| Collins, Nick | Montigny, Mark C. |
| Comerford, Joanne M. | Moore, Michael O. |
| Creem, Cynthia Stone | Moran, Susan L. |
| Crighton, Brendan P. | O’Connor, Patrick M. |
| Cyr, Julian | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rausch, Rebecca L. |
| DiZoglio, Diana | Rodrigues, Michael J. |
| Eldridge, James B. | Rush, Michael F. |
| Fattman, Ryan C. | Tarr, Bruce E. |
| Feeney, Paul R. | Timilty, Walter F. |
| Finegold, Barry R. | Tran, Dean A. |
| Friedman, Cindy F. | Velis, John C. |
| Gobi, Anne M. | Welch, James T. – 39. |
| Hinds, Adam G. | |

NAYS – 0.

The yeas and nays having been completed at twenty-seven minutes before eight o'clock P.M., the amendment was adopted.

Ms. Chandler moved that the proposed new text be amended by inserting after section 7 the following section:-

36

"SECTION 7A. Chapter 15A of the General Laws is hereby amended by inserting

after section 19E the following section:-

Section 19F. (a) A public institution of higher education under section 5 shall not withhold a student's academic transcripts solely due to the student's failure to pay a loan payment, fine, fee, tuition or other expense owed to the institution, except that a student's academic credits and grades may be withheld for a course for which the student's tuition and mandatory course fees are not paid in full. For a student paying on a per semester basis, a public institution of higher education may withhold the student's academic credits or grades for any course taken in a semester for which that student's tuition and mandatory course fees have not been paid.

(b) Nothing in this section shall be construed to prevent a public institution of higher education from withholding a student's diploma or degree due to the student's failure to pay a loan payment, fine, fee, tuition or other expense owed to the institution.

(c) The department of higher education shall promulgate the regulations necessary to implement this section."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-three minutes before eight o'clock P.M., on motion of Ms. Chandler, as follows, to wit (yeas 39 – nays 0) [**Yeas and Nays No. 257**]:

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Jehlen, Patricia D. |
| Boncore, Joseph A. | Keenan, John F. |
| Brady, Michael D. | Kennedy, Edward J. |
| Brownsberger, William N. | Lesser, Eric P. |
| Chandler, Harriette L. | Lewis, Jason M. |
| Chang-Diaz, Sonia | Lovely, Joan B. |
| Collins, Nick | Montigny, Mark C. |
| Comerford, Joanne M. | Moore, Michael O. |
| Creem, Cynthia Stone | Moran, Susan L. |
| Crighton, Brendan P. | O'Connor, Patrick M. |
| Cyr, Julian | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rausch, Rebecca L. |
| DiZoglio, Diana | Rodrigues, Michael J. |
| Eldridge, James B. | Rush, Michael F. |
| Fattman, Ryan C. | Tarr, Bruce E. |
| Feeney, Paul R. | Timilty, Walter F. |
| Finegold, Barry R. | Tran, Dean A. |
| Friedman, Cindy F. | Velis, John C. |
| Gobi, Anne M. | Welch, James T. – 39. |
| Hinds, Adam G. | |

NAYS – 0.

The yeas and nays having been completed at sixteen minutes before eight o'clock P.M., the amendment was adopted.

Messrs. Eldridge and Welch and Ms. Moran moved that the proposed new text be amended by inserting after section 37 the following sections:-

129

“SECTION XX: The General Laws are hereby amended by inserting after chapter 93K the following chapter:-

CHAPTER 93L. DEBT COLLECTION FAIRNESS ACT.

Section 1. As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:

‘Charge-off’, a declaration by a creditor that a delinquent consumer loan, consumer

credit account or other consumer debt has been removed from a creditor's books as an asset and treated as a loss or expense.

'Consumer', a natural person.

'Consumer form contract', a contract in writing between a business and a consumer involving goods or services including, but not limited to, credit or financial services, primarily for personal, family or household purposes, that has been drafted by the business for use with more than 1 consumer, unless the only other consumer is the spouse of the first consumer.

'Consumer debt', an obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services that are the subject of the transaction are primarily for personal, family or household purposes, whether or not the obligation has been reduced to judgment; provided, however, that 'consumer debt' shall not include a common expense or charge levied under chapter 183A or 183B; an obligation or alleged obligation to pay common expenses or charges levied pursuant to a covenant or agreement running with the land; or a residential mortgage loan. A 'residential mortgage loan' shall mean any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling as defined in 15 U.S.C. section 1602(w) or residential real estate upon which is constructed or intended to be constructed a dwelling as so defined.

'Creditor', a person or entity to whom a debt is owed, including a judgment creditor and any other person or entity that obtains an execution on a debt; provided, however, that 'creditor' shall not include an organization of unit owners as defined in section 1 of chapter 183A, a time-share association under chapter 183B or a homeowner association or entity to whom debt is owed pursuant to a covenant or agreement running with the land.

'Debt buyer', a person or entity that is engaged in the business of purchasing delinquent or charged-off consumer loans or consumer credit accounts or other delinquent consumer debt for collection purposes, whether it collects the debt itself or hires a third-party for collection or an attorney for litigation in order to collect the debt.

'Debt collector', any person or entity who uses an instrumentality of interstate commerce or the mails in any business the principal purpose of which is the collection of a debt, or who regularly collects or attempts to collect, directly or indirectly, a debt owed or due or asserted to be owed or due another.

'Earnings', gross compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, payment for skilled, personal or professional services or otherwise, whether earned as an employee or as an independent contractor.

'Execution', an attachment, levy, garnishment or other disablement, freeze or seizure of property, whether pre-judgment or post-judgment, to satisfy a debt or a creditor's exercise of a right of setoff to collect a debt; provided, however, that it shall not include self-help repossession of collateral.

'Exempt', not subject to execution, levy, attachment, garnishment, setoff, self-help, seizure or other form of process, court order, creditor or other action for debt collection or restitution or other equitable claim unless otherwise specified.

'Garnishment', a legal or equitable procedure through which the earnings, property or funds of a person are required by a court of competent jurisdiction to be withheld by another entity for payment of a debt to a creditor.

'Trustee', a trustee served pursuant to chapter 246.

Section 2. (a) Notwithstanding section 34 of chapter 235, if earnings of a consumer are attached to satisfy a judgment for collection of a consumer debt, that consumer's earnings for a week that are less than 70 times the greater of the federal minimum hourly wage under 29 U.S.C. section 206(a)(1) or the state minimum hourly wage under section

1 of chapter 151 in effect at the time shall be exempt from the attachment and not subject to garnishment. This exemption shall be adjusted pro rata for a pay period that is more than weekly.

(b) If the consumer's earnings exceed the amount that is exempt under subsection (a), not more than 10 per cent of the excess earnings shall be subject to garnishment.

(c) Notwithstanding subsection (a) and (b), a judgment debtor may seek to exempt additional wages from attachment by making a claim of undue financial hardship by filing a form with the court. Such form shall be prepared by the court to allow a judgment debtor to easily identify the basis for the judgment debtor's request for an additional exemption. Upon the filing of the financial hardship form, the court shall hold a hearing as soon as practicable to determine the total amount that shall be exempted from the judgment debtors wages.

(d) If more than 1 order of attachment for a consumer debt is served on a trustee with respect to the same consumer, the order of attachment served earliest shall take priority. If an order of attachment with greater priority consumes the entirety of the income that is available for garnishment under the preceding subsections, then the consumer's earnings shall not be garnished pursuant to the order of attachment with lower priority.

(e) The protections for earnings under this section apply to consumers whose physical place of employment is in the commonwealth, notwithstanding that the consumer's employer may have corporate offices or other places of business located outside the commonwealth.

(f) This section shall not apply in a proceeding to attach earnings or a pension to satisfy a divorce, separate maintenance or child support order of a court of competent jurisdiction and in such a proceeding, including an action for trustee process to enforce a support order under section 36A of chapter 208, federal law limiting the amounts that may be trustee, assigned or attached in order to satisfy an alimony, maintenance or child support order shall apply.

(g) Except as otherwise permitted by law, an amount held by a trustee for a defendant in a pension, as defined in section 28 of chapter 246 shall be reserved in the hands of the trustee and shall be exempt from attachment to satisfy a judgment for collection of a consumer debt.

(h) An employer shall not take adverse action against an employee or refuse to hire an individual because of one or more garnishments for consumer debts or because of obligations that any garnishments impose against the employer. An employer who violates this section shall be liable in a civil action, action for contempt or other appropriate proceeding to the employee or individual for the wages and employment benefits lost by the employee or individual from the time of the unlawful discipline, suspension, refusal to hire or discharge to the period of reinstatement and an additional penalty of not more than \$1,000.

(i) Income from child support payments shall be exempt from collection.

Section 3. (a) Notwithstanding section 2 of chapter 260, an action for the collection of a consumer debt shall be commenced only within four years after the cause of action accrues. This limitations period shall apply to a consumer debt, whether the claim sounds in contract, account stated, open account or other cause, and notwithstanding another applicable statute of limitations, unless a shorter limitations period is applicable. This time period also applies to a claim for a consumer debt based on a contract or instrument under seal.

(b) Nothing in this chapter shall prohibit a creditor, debt buyer, or debt collector from entering into a repayment agreement that shall be legally binding on the consumer beyond the applicable limitations period on the consumer debt in subsection (a) so long as the repayment agreement is in writing, signed by both parties and based on new consideration

and does not require the consumer to make payments from exempt income.

(c) Notwithstanding section 14 of chapter 260, a payment on a consumer debt after the limitations period in subsection (a) has run shall not revive or extend the limitations period or bar the consumer from asserting a defense to the collection of a consumer debt.

(d) No creditor, debt buyer, or debt collector shall bring a suit or initiate an arbitration or other legal proceeding to collect a consumer debt if the applicable limitations period on the consumer debt in subsection (a) has expired.

(e) A waiver by a consumer of a protection or right under this section is void and shall not be enforced.

(f) Notwithstanding section 20 of chapter 260 or any other general or special law to the contrary, an action upon a judgment or decree on a consumer debt, including an execution upon or trustee process based on the judgment or decree and other activity to collect on the judgment, shall be commenced within 10 years after the entry of the judgment or decree. A judgment whose enforcement has been barred by the running of this limitations period shall not be revived or renewed.

Section 4. (a) For matters arising from a consumer debt, a plaintiff who has obtained a judgment shall provide written notice to a consumer at least 30 days prior to a supplementary proceeding in a civil action for the examination of a consumer pursuant to section 14 of chapter 224 or a payment review hearing in a small claims action pursuant to Uniform Small Claims Rule 7(i). The notice shall inform the consumer of the opportunity to submit a financial affidavit in a form prescribed by the court and signed under the penalties of perjury. If the consumer indicates through the financial affidavit that all income and assets are exempt and files it as directed by the court, the court shall acknowledge receipt and inform both parties that the hearing is cancelled. Once a signed financial affidavit form indicating that all income and assets are exempt is on file in that case, no further supplementary proceedings or payment review hearings may be scheduled unless the judgment creditor presents evidence of the judgment debtor's non-exempt income or assets and the court determines that there is a reasonable basis to believe that there are non-exempt assets or income warranting the scheduling of a new supplementary proceeding or payment review hearing.

(b) Notwithstanding the provisions of sections 18 and 20 of chapter 224 or any other applicable law or court rule, for matters arising from a consumer debt no *capias* or other warrant to compel the attendance of a consumer shall be issued for failure of the consumer to appear at a supplementary proceeding in a civil action for the examination of a consumer pursuant to section 14 of chapter 224 or a payment review hearing in a small claims action pursuant to Uniform Small Claims Rule 7(i). Instead failure to appear shall trigger the scheduling of a show cause hearing for the court to determine whether a *capias* or other warrant to compel the attendance of a consumer should issue. No *capias* or other warrant shall issue to compel the attendance of a consumer without evidence that notice of the show cause hearing was served on the consumer either by signed return receipt or by a sworn return of service.

(c) Notwithstanding the provisions of sections 18 and 20 of chapter 224 or any other applicable law or court rule, a consumer that is compelled to attend pursuant to a *capias* or other warrant shall be brought before the court the same day. The consumer shall be given the opportunity to complete the financial affidavit described in paragraph (a). The *capias* or other warrant shall be satisfied by the consumer's appearance in court or completion of the financial affidavit indicating that all forms of income and assets are exempt.

(d) Notwithstanding the provisions of sections 18 and 20 of chapter 224 or any other applicable law or court rule, no person shall be imprisoned or jailed for failure to pay a consumer debt, nor shall any person be imprisoned or jailed for contempt of or failure to comply with a court order to pay a consumer debt in part or in full.

Section 5. (a) If a plaintiff prevails in an action to collect a consumer debt, interest computed pursuant to section 6C of chapter 231 or section 8 of chapter 235 shall be limited to a fixed rate of interest of 6 per cent per annum. A higher rate of interest on the judgment shall not be permitted, including the rate provided for in the contract. (b) If the plaintiff prevails in an action to collect a consumer debt, the plaintiff shall be entitled to collect attorney's fees only if the contract or other document evidencing the indebtedness sets forth an obligation of the consumer to pay attorney's fees, subject to the following provisions: (i) if the contract or other document evidencing indebtedness provides for attorney's fees in some specific percentage, the provision and obligation shall be valid and enforceable up to but not in excess of 15 per cent of the amount of the debt excluding attorney's fees and collection costs; (ii) if a contract or other document evidencing indebtedness provides for the payment of reasonable attorney's fees by the consumer, without specifying a specific percentage, the provision shall be construed to mean the lesser of 15 per cent of the amount of the debt, excluding attorney's fees and collection costs, or the amount of attorney's fees calculated by a reasonable rate for such cases multiplied by the amount of time reasonably expended to obtain the judgment; and (iii) the documentation setting forth a party's obligation to pay attorney's fees shall be provided to the court before a court may enforce those provisions; provided, however, that the documentation shall not include materials that the plaintiff has already filed together with the complaint in compliance with applicable court rules. (c) If the consumer is the prevailing party in an action to collect a consumer debt, the consumer shall be entitled to an award of reasonable attorney's fees, unless the case is voluntarily dismissed with prejudice pursuant to Rule 41(a)(1)(i) of the Massachusetts Rules of Civil Procedure or a stipulation of dismissal explicitly provides otherwise. The amount of the debt that the plaintiff sought shall not be a factor in determining the reasonableness of the award. In the alternative, at the consumer's election, a prevailing consumer in an action to collect a consumer debt shall be awarded the amount of attorney's fees that the plaintiff would have been entitled to collect if the plaintiff had been the prevailing party.

Section 6. (a) A violation of sections 2 to 5, inclusive, shall also be a violation of chapter 93A.

(b) A portion of a contract, including a consumer form contract, that violates sections 2 to 5, inclusive, shall be void.

SECTION XX. Section 28 of chapter 246 of the General Laws is hereby amended by adding the following paragraph:-

This section shall not apply in a proceeding to attach earnings or a pension to satisfy a judgment for collection of a consumer debt, as defined in section 1 of chapter 93L, and in such an action said chapter 93L shall apply.

SECTION XX. Section 3 of Chapter 93L shall not apply to a consumer debt for which the cause of action accrued before January 1, 2020; provided, however, that subsection (b) of section 3 of said chapter 93L shall apply to payments made after the effective date of this act. Provided further that subsection (b) of section 6 of chapter 93L shall not apply to a contract, including a consumer form contract that is in effect before January 1, 2020.

SECTION XX. This act shall take effect on January 1, 2021."

After remarks, the amendment was adopted.

Suspension of Senate Rule 38A

Ms. DiZoglio moved that Senate Rule 38A be suspended to allow the Senate to meet beyond the hour of 8:00 P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Senate Rule 38A.

The House Bill enabling partnerships for growth (House, No. 4887),-- was again considered, the main question being on ordering the bill to a third reading.

Mr. Hinds moved that the proposed new text be amended by inserting after section 19 the following 8 sections:-

“SECTION 19A. Section 1 of chapter 40V of the General Laws, as so appearing, is hereby amended by inserting after the word ‘units’, in line 18, the following words:- and not less than 10 per cent affordable: (i) rental units for persons whose income is not more than 60 per cent of the area median income; or (ii) owner-occupied units for persons whose income is not more than 80 per cent of the area median income.

SECTION 19B. Section 2 of said chapter 40V, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The application shall include a plan that shall include a description of the activities, public and private, contemplated for such zone as of the date of the adoption of the zone plan, including information as the department may require in written guidelines.

SECTION 19C. Section 4 of said chapter 40V, as so appearing, is hereby amended by inserting after the word ‘units’, in line 8, the following words:- and not less than 10 per cent affordable: (A) rental units for persons whose income is not more than 60 per cent of the area median income; or (B) owner-occupied units for persons whose income is not more than 80 per cent of the area median income.

SECTION 19D. Said section 4 of said chapter 40V, as so appearing, is hereby further amended by striking out, in line 15, the words ‘as certified projects under section 2’ and inserting in place thereof the following words:- under section 2 as certified projects under this section.

SECTION 19E. Said section 4 of said chapter 40V, as so appearing, is hereby further amended by striking out, in line 25, the words ‘executed agreement by the municipality which’ and inserting in place thereof the following words:- agreement executed by the municipality that is approved by the department and.

SECTION 19F. Subsection (e) of said section 4 of said chapter 40V, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The department shall review each pending project proposal and completed certified housing development project not less than once every 2 years. The certification of a project may be revoked by the department if: (i)(A) the municipality that approved the project proposal files a petition that satisfies the authorization requirements for a municipal application or the petition of the director of the department; and (B) the department determines, after an independent investigation, that representations made by the sponsors in its project proposal are materially different from the conduct of the sponsors subsequent to the certification and such difference is found to frustrate the public purposes that the certification was intended to advance; or (ii) the project no longer meets the criteria in this section. Upon revocation, the commonwealth and the municipality may bring a cause of action against the sponsors for the value of any economic benefit received by the sponsors prior to or subsequent to such revocation.

SECTION 19G. The third paragraph of said subsection (e) of said section 4 of said chapter 40V, as so appearing, is hereby amended by adding the following sentence:- The report shall include, but not be limited to: (i) a list of municipalities with approved HD zones; (ii) a list of housing development projects that have received certification; (iii) information about each housing development project, including the site address, project sponsor, range of rents of the residential units, type of residential units, number of each type of residential unit, number of affordable rental units for persons whose income is not more than 60 per cent of the area median income and the number of affordable owner-

occupied units for persons whose income is not more than 80 per cent of the area median income; and (iv) the total amount of qualified project expenditures for which a tax credit was issued or reserved pursuant to section 5 for each housing development project, the year the credit was issued and the completion or estimated completion year of the housing development project.

SECTION 19H. Section 5 of said chapter 40V, as so appearing, is hereby amended by inserting after the word ‘rate’, in lines 4 and 14, the following words:- and affordable.”; and by inserting after section 20 the following 4 sections:-

“SECTION 20A. Section 6 of said chapter 62, as so appearing, is hereby amended by striking out, in lines 898 and 904, the figure ‘\$10,000,000’ and inserting in place thereof, in each instance, the following figure:- \$15,000,000.

SECTION 20B. Said section 6 of said chapter 62, as so appearing, is hereby further amended by striking out, in line 900, the figure ‘63;’ and inserting in place thereof the following words:- 63; and.

SECTION 20C. Section 38BB of chapter 63 of the General Laws, as so appearing, is hereby amended by striking out, in lines 44 and 50, the figure ‘\$10,000,000’ and inserting in place thereof, in each instance, the following figure:- \$15,000,000.

SECTION 20D. Said section 38BB of said chapter 63, as so appearing, is hereby further amended by striking out, in line 46, the figure ‘62;’ and inserting in place thereof the following words:- 62; and.”; and by inserting after section 35 the following section:-

“SECTION 35A. Sections 19A to 19H, inclusive, and sections 20A to 20D, inclusive, shall apply to tax years beginning on or after January 1, 2021.”.

After remarks, the amendment was adopted.

Mr. Barrett moved that the proposed new text be amended by adding the following section:

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“SECTION X. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, the board of trustees of the University of Massachusetts, or any officer designated by the board, may convey to the city of Waltham, with conditions, a certain parcel of land in the city of Waltham together with the buildings thereon, now known and numbered as 240 Beaver street, designated as parcels R53003001 and R53003014 by the assessors of the city of Waltham and commonly known as the UMass Field Station. The land is owned by the commonwealth, acting through the trustees of the University of Massachusetts, and is more particularly described in deeds recorded in the Middlesex southern district registry of deeds in book 4600, page 42 and book 6911, page 201. As conditions of the conveyance, the land described in this section shall be dedicated by the city of Waltham to agricultural, open space, recreational or sustainability purposes and shall be subject to Article 97 of the Amendments to the Constitution of the Commonwealth.

(b) The consideration for the conveyance authorized in this section shall be not less than the fair market value of the property and buildings thereon based upon an independent professional appraisal; provided, however, that the University of Massachusetts and the mayor of the city of Waltham may agree on an offset of the fair market value that reflects the cost of necessary environmental cleanup and current conditions of buildings. Nothing in this act shall prevent the use of an appraisal conducted in the 3 years before the effective date of this section from being used to determine fair market value.

(c) The board of trustees of the University of Massachusetts, or any officer designated by the board, shall, 30 days before the execution of the conveyance authorized in this section and any subsequent amendment thereto, submit the proposed conveyance documents or amendment and a report thereon to the inspector general for review and comment. The inspector general shall issue a review and comment not more than 15 days after receipt of the proposed conveyance documents or amendment. The board of trustees

of the University of Massachusetts, or any officer designated by the board, shall submit the conveyance documents and any subsequent amendments thereof, the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight at least 15 days prior to the execution.

(d) The proceeds of the conveyance shall be deposited in a trust fund established by the board of trustees of the University of Massachusetts pursuant to section 11 of chapter 75 of the General Laws. The proceeds from the trust shall be used to benefit the University of Massachusetts at Amherst.

(e) If the city of Waltham agrees to purchase the property described in subsection (a), the city shall be responsible for all costs of the appraisal described in subsection (b) and the survey and deed preparation for the conveyance of the property and shall acquire the property and buildings thereon in as is condition, without warranties.”

The amendment was adopted.

Ms. Creem and Messrs. Eldridge and Tarr moved that the proposed new text be amended by inserting after the word "insurance." in line 951 the following:- “The commission shall also examine the use of consumer data by businesses and its sale to third parties and methods to maintain consumer data privacy as well as consumer rights to access, delete or transfer their data to other service providers and notification to consumers of their rights regarding the use of their data.”

303

After remarks, the amendment was adopted.

Mr. Kennedy moved that the proposed new text be amended in section 2, by inserting after item 7002-8036 the following item:-

334

“7002-8037 For capital grants or other financial assistance for urban farms; provided, that ‘urban farms’ shall mean any real estate or a portion thereof in agricultural, horticultural or agricultural and horticultural use that is not more than 2 acres in area; provided further, that each grant recipient’s gross sales of agricultural, horticultural or agricultural and horticultural products resulting from such uses together shall total not less than \$500 in the previous year; and provided further, that grant recipients shall be located in a city or town that: (i) has a population of not less than 50,000 inhabitants; or (ii) meets that the definition of a gateway municipality under section 3A of chapter 23A of the General Laws.....\$2,000,000”.

The amendment was adopted.

Messrs. Tarr and O'Connor, Ms. DiZoglio and Mr. Tran moved that the proposed new text be amended by inserting after section 30 the following section:-

3

"SECTION 30A. The department of housing and economic development, in collaboration with the division of banks, shall study the impact of the outbreak of the 2019 novel coronavirus, also known as COVID-19, and the governor’s March 10, 2020 declaration of a state of emergency on the owners of residential and commercial property who rely on the rental income from such property, in whole or in part, to support the payment of mortgage obligations. The study shall include, but not be limited to: (i) an assessment of the current availability of mortgage relief for such owners, including forbearance; and (ii) the advisability, and potential impact, of requiring mortgagees to grant a forbearance for such owners whose rental income was significantly impacted, directly or indirectly, by COVID-19. Not later than November 1, 2020, the department of housing and economic development shall file the report with the clerks of the senate and house of representatives, the senate and house committees on ways and means, the joint committee on financial services and the joint committee on housing.”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at five minutes past eight o'clock P.M., on motion of Mr. Tarr, as

follows, to wit (yeas 39 – nays 0) [Yeas and Nays No. 258]:

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Jehlen, Patricia D. |
| Boncore, Joseph A. | Keenan, John F. |
| Brady, Michael D. | Kennedy, Edward J. |
| Brownsberger, William N. | Lesser, Eric P. |
| Chandler, Harriette L. | Lewis, Jason M. |
| Chang-Diaz, Sonia | Lovely, Joan B. |
| Collins, Nick | Montigny, Mark C. |
| Comerford, Joanne M. | Moore, Michael O. |
| Creem, Cynthia Stone | Moran, Susan L. |
| Crichton, Brendan P. | O'Connor, Patrick M. |
| Cyr, Julian | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rausch, Rebecca L. |
| DiZoglio, Diana | Rodrigues, Michael J. |
| Eldridge, James B. | Rush, Michael F. |
| Fattman, Ryan C. | Tarr, Bruce E. |
| Feeney, Paul R. | Timilty, Walter F. |
| Finegold, Barry R. | Tran, Dean A. |
| Friedman, Cindy F. | Velis, John C. |
| Gobi, Anne M. | Welch, James T. – 39. |
| Hinds, Adam G. | |

NAYS – 0.

The yeas and nays having been completed at eighteen minutes past eight o'clock P.M., the amendment was adopted.

Messrs. Tarr and Tran, Ms. Gobi and Mr. O'Connor moved that the proposed new text be amended by inserting the following section:

16

“SECTION __. There shall be a special commission governed by section 2A of chapter 4 of the General Laws to conduct an investigation and study regarding the needs of agriculture in the commonwealth in the 21st century, including the viability, efficiency, climate change resiliency, and education, technical assistance and energy needs of farms and means of ensuring farms’ ability to adapt to changing economic, climate and energy conditions.

The commission shall consist of 1 member who shall be appointed by the senate president, who shall serve as co-chair; 1 member who shall be appointed by the minority leader of the senate; 1 member who shall be appointed by the speaker of the house of representatives, who shall serve as co-chair; 1 member who shall be appointed by the minority leader of the house of representatives; the house and senate chairs of the joint committee on environment, natural resources and agriculture; the house and senate chairs of the joint committee on telecommunications, utilities and energy; the secretary of the executive office of energy and environmental affairs or designee; the secretary of the executive office of housing and economic development or designee; the commissioner of agricultural resources or designee; a representative of the Massachusetts Farm Bureau Federation; a representative of the University of Massachusetts Center for Agriculture, Food and the Environment; a representative of the Massachusetts chapter of the Northeast Organic Farming Association; a representative of the Cape Cod Cranberry Growers’ Association; and a representative of the Massachusetts Association of Dairy Farmers. Members shall not receive compensation for their services but may receive reimbursement for the reasonable expenses incurred in carrying out their responsibilities as members of

the commission. The executive office of energy and environmental affairs and executive office of housing and economic development may furnish reasonable staff and other support for the work of the commission.

The commission shall review: (i) methods of supporting farms including development of tax incentives and credits for equipment related to farm-based renewable energy projects; (ii) effects of zoning bylaws on farm-based renewable energy projects and means of reducing administrative and regulatory barriers to such projects; (iii) potential zoning exemptions of farm renewable energy systems (iv) the feasibility of establishing an incentive program to facilitate the growth of non-solar renewable-energy distributed-generation projects on farms; (v) methods of encouraging the use of renewable energy resources on farms; (vi) development of potential grant programs in support of farms to develop farm-based renewable energy capabilities including wind harvesting, energy conserving refrigerated food storage pilot projects, methane capture and green combustion, and solar and photovoltaic energy projects; (vii) feasibility of using farms as resiliency centers during power outages or extreme weather events by installing technology such as battery storage or microgrids; (viii) the effects of climate change and means by which farms may seek to adapt to climate change; (ix) methods of promoting and facilitating more prompt interconnection of energy projects owned or operated by agricultural producers; (x) the development of a single uniform application for use by owners of farms in the commonwealth for application to any and all grant and other assistance programs administered by the department of agricultural resources and consistent with federal grant and program application criteria; (xi) the benefits of designating an administrator or separate office within the department of agricultural resources to provide advice, technical assistance and other guidance to owners of farms who apply for grants and other programs; (xii) ways to support, expand and enhance opportunities for agricultural tourism; (xiii) the timing of grant applications to the department of agricultural resources and department responses with a view to facilitating more efficient and timely use of grant funds; (xiv) administrative and regulatory barriers to and restrictions on farm owners placing renewable energy structures on farmland; (xv) means of addressing the need for education and technical assistance to farmers; and (xvi) any other matters the commission deems relevant to supporting the viability of farms in the commonwealth.

The commission shall file a report of its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the senate and the house of representatives, the chairs of the senate and house committees on ways and means, the senate and house chairs of the joint committee on environment, natural resources and agriculture, and the house and senate chairs of the joint committee on telecommunications, utilities and energy not later than June 30, 2021.”

After remarks, the amendment was adopted.

Messrs. Tarr and O'Connor moved that the proposed new text be amended by inserting after section 31 the following section:-

“SECTION 31A. The commonwealth health insurance connector shall study and provide a plan to assist small businesses with the cost of increased health insurance premium costs during the public health emergency caused by the 2019 novel coronavirus pandemic, also known as COVID-19, and for the 12 months following the termination of all emergency declarations by the governor relative to COVID-19 of any and all existing emergency declarations related thereto. The connector shall recommend a plan that is fair, transparent and accounts for differences in the size and need of employers eligible for assistance. Not later than October 1, 2020, the commonwealth health insurance connector shall file its report with the clerks of the house and senate, the joint committee on health care financing and the house and senate committees on ways and means.”

41

After remarks, the amendment was adopted.

Mr. Boncore in the Chair, Messrs. Tarr, O'Connor and Fattman moved that the proposed new text be amended by inserting the text of Senate document numbered 2880, relative to sports wagering.

4

After remarks, the amendment was *rejected*.

Mr. Cyr in the Chair, Messrs. Tarr and O'Connor, Ms. Gobi, Messrs. Tran and Fattman, Ms. Moran and Ms. DiZoglio moved that the proposed new text be amended by inserting the following:

14

"SECTION __. Notwithstanding any general or special law to the contrary, for the days of October 18-23, 2020, inclusive, the tax imposed upon meals pursuant to chapter 64H of the General Laws, as most recently amended by section 157 of chapter 27 of the Acts of 2009, shall be suspended.

SECTION __. Notwithstanding any general or special law to the contrary, for the days of October 18-23, 2020, inclusive, a restaurant in the commonwealth shall not add to the sales price or collect from a customer an excise upon sales of meals. The commissioner of revenue shall not require any restaurant to collect and pay excise upon sales of meals purchased on October 18-23, 2020, inclusive. An excise erroneously or improperly collected during the days of October 18-23, 2020, inclusive, shall be remitted to the department of revenue. Any city or town which imposes a local option meals tax may still collect that tax during these dates.

SECTION __. Reporting requirements imposed upon restaurants by law or regulation, including, but not limited to, the requirements for filing returns required by chapter 62C of the General Laws, shall remain in effect for sales on the days of October 18-23, 2020, inclusive.

SECTION __. On or before December 31, of each year, the commissioner of revenue shall certify to the comptroller the amount of sales tax forgone, as well as new revenue raised from person and corporate income taxes and other sources, pursuant to this Act. The commissioner shall file a report with the joint committee on revenue and the house and senate committees on ways and means detailing by fund the amounts under general and special laws governing the distribution of revenues under Chapter 64H of the General Laws which would have been deposited in each fund, without this act.

SECTION __. The commissioner of revenue shall issue instructions or forms, or promulgate rules or regulations, necessary for the implementation of this act.

SECTION __. No part of this act shall affect the provisions of chapter 64L of the General Laws, as most recently added by section 60 of chapter 27 of the acts of 2009."

After remarks, the amendment was *rejected*.

Ms. Chang-Diaz, Mr. Eldridge, Ms. Chandler, Ms. Jehlen, Ms. Comerford, Mr. Kennedy and Ms. Rausch moved that the proposed new text be amended by inserting after section 3, the following section:-

25

"SECTION 3A. Section 220 of chapter 7 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following sentence:-

The commonwealth shall seek to achieve minority business enterprise and women business enterprise contracting goals that reflect the diverse racial, ethnic and gender makeup of the commonwealth's population within state procurement."; and by inserting after section 27 the following 2 sections:-

"SECTION 27A. Section 44A½ of said chapter 149, as so appearing, is hereby amended by adding the following 2 subsections:-

(d) The commonwealth shall seek to achieve minority business enterprise and women business enterprise contracting goals and workforce participation goals that reflect the diverse racial, ethnic, and gender make-up of the commonwealth's population in the totality of state-funded design and construction contracts.

(e) The commonwealth shall seek to target members of the community in which a project is physically located for job creation on state-funded construction contracts and to ensure that the workforce on that project reflects the demographic diversity of the host community, when construction projects are located in low-income communities.

SECTION 27B. Paragraph (3) of subsection (e) of section 44D½ of chapter 149, as so appearing, is hereby amended by adding the following clause:-

(iii) Evidence of the bidder, contractor or proposed contractor's ability to advance the commonwealth's contracting and workforce inclusion goals under subsections (d) and (e) of section 44A½."

The amendment was adopted.

Messrs. Tarr and Tran, Ms. Gobi and Mr. O'Connor moved that the proposed new text be amended by adding the following section:

"SECTION _ . Section 23B of Chapter 7 of the general laws as appearing in the 2018 Official Edition is hereby amended in subsection (b), by adding at the end thereof the following:-

All such bids received and contracts awarded or procurement executed shall be reported to the Operational services division and the executive office of energy and environmental affairs in a form and manner authorized for such purpose by said division in consultation with the executive office of energy and environmental affairs, which shall develop and maintain a system of receiving such reports and entering them into a database that is capable of public inspection, provided further, that said division shall analyze and summarize the information contained in such reports in report filed annually with the clerks of the house and senate not later than December 31."

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting after section _ :

"SECTION _ . Paragraph (a) of section 4 of chapter 30B of the General Laws, as so appearing, is hereby amended by adding the following words:- or section 6.

SECTION _ . Said section 4 of said chapter 30B is hereby further amended by striking out subsection (b) and inserting in place thereof the following subsection:- (b) Quotations shall not be modified or disclosed until the award of the contract after submission; however, the procurement officer shall waive minor informalities or allow the person submitting quotations to correct the minor informality. The procurement officer shall award the contract to the responsible and responsive person offering the needed quality of supply or service at the lowest quotation. A contract requiring payment to the governmental body of a net monetary amount shall be awarded to the responsible and responsive person offering the needed quality of supply or service at the highest quotation.

SECTION _ . Paragraph (a) of section 6 of said chapter 30B, as so appearing, is hereby amended by inserting, in line 2, after the words '\$50,000' the following words:- except as permitted pursuant to subsection (a) of section 4,."

The amendment was *rejected*.

Ms. DiZoglio and Ms. Moran moved that the proposed new text be amended by adding the following sections:-

"SECTION XXXX. (a) Notwithstanding chapters 62C, 64H and 64L of the General Laws or any other general or special law to the contrary, in order to address disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19, and the effects of the governor's March 10, 2020, declaration of a state of emergency, there shall be no payment due of the excise imposed upon sales at retail in the commonwealth, by any vendor, on the sale of meals during the period of June 1, 2020, through August 31, 2020, with any return required to be filed pursuant to section 16 of said chapter 62C with respect to the sale of such meals.

(b) The commissioner of revenue may promulgate guidance on the implementation of

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this section.

(c) This section shall be effective immediately upon the effective date of this Act.

(d) This section shall expire the day after the due date of the return required to be filed pursuant to section 16 of said chapter 62C with respect to the sale of such meals.

SECTION XXXX. (a) Notwithstanding chapters 64H and 64L of the General Laws or any other general or special law to the contrary, in order to address disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19, and the effects of the governor's March 10, 2020, declaration of a state of emergency, the rate of excise imposed upon sales at retail in the commonwealth, by any vendor, of meals shall be 0.00 per cent of the gross receipts of the vendor from all such sales of such meals.

(b) This section shall be effective immediately upon the effective date of this Act.

(c) This section shall expire on November 1, 2020."

The amendment was *rejected*.

Ms. DiZoglio and Ms. Moran moved that the proposed new text be amended by adding the following section:-

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"SECTION XXXX. (a) Notwithstanding chapter 62C of the General Laws or any other general or special law to the contrary, in order to address disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19, and the effects of the governor's March 10, 2020, declaration of a state of emergency, a vendor who has made any sale subject to the tax imposed on the sale of meals by chapters 64H and 64L of the General Laws from September 1, 2020, to December 31, 2020, may delay the filing of the returns and payment of taxes required pursuant to section 16 of said chapter 62C; provided, that if a vendor delays the filing of said return and payment of said taxes, the vendor shall file the return and make the payment of taxes required for the period of September 1, 2020, to December 31, 2020, on or before January 20, 2021.

(b) If a vendor delays the filing of returns and payment of taxes pursuant to subsection (a), the commissioner of revenue shall waive: (i) any late-file or late-pay penalties imposed pursuant to section 33 of said chapter 62C and (ii) any interest that accrues as a result of any late payments pursuant to section 32 of said chapter 62C.

(c) Nothing in this section shall be construed to waive any late-file, late-pay penalties or interest for a vendor who fails to file returns or make payment of taxes on or before the date set pursuant to subsection (a). Notwithstanding subsection (a), if a vendor fails to file returns and make payment of taxes on or before the date set pursuant to subsection (a), the payment shall accrue interest from the date the return was required to be filed pursuant to section 16 of said chapter 62C.

(d) The commissioner of revenue may promulgate guidance on the implementation of this section.

(e) This section shall take effect on September 1, 2020."

The amendment was *rejected*.

Ms. DiZoglio, Mr. Eldridge and Ms. Jehlen moved that the proposed new text be amended by adding the following section:-

213

"SECTION XXXX. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

'Covered establishment', a restaurant or other eating or drinking establishment offering same-day food or drink for sale in a single commercial transaction through any third-party delivery service platform, from 1 or more retail locations within the commonwealth.

'COVID-19 emergency', the state of emergency declared by the governor on March 10, 2020, in order to address the outbreak of the 2019 novel coronavirus, also known as COVID-19.

'Customer', an individual using a third-party delivery service platform to place an

online order.

‘Delivery fee’, a fee charged by a third-party delivery service for providing a covered establishment with a service that delivers food from such establishment to customers. The term does not include any other fee that may be charged by a third-party delivery service to a covered establishment, such as fees for listing or advertising the covered establishment on the third-party delivery service platform or fees related to processing the online order.

‘Online order’, an order for food or drinks placed by a customer through a third-party delivery service platform provided by a third-party delivery service company for pickup or delivery in the commonwealth.

‘Purchase price’, the menu price publicly offered on the third-party delivery service platform by a covered establishment. The purchase price shall not include any taxes, gratuities or other fees that may make up the total cost charged to the customer for an online order.

‘Third-party delivery service company’, a corporation, partnership, sole proprietorship or other entity qualified to do business in the commonwealth that is engaged in facilitating same-day delivery or pickup of food and beverages through a third-party delivery service platform for 20 or more separately owned and operated covered establishments.

‘Third-party delivery service platform’, any online enabled application, software, website or system offered or utilized by a third-party delivery service company to facilitate the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, covered establishments.

(b) Notwithstanding any general or special law to the contrary, no third-party delivery service company, from the effective date of this section and for a period of 45 days after the termination of the COVID-19 emergency, shall charge a covered establishment a delivery fee per online order for the use of its services and fees other than a delivery fee that totals more than 15 per cent of the purchase price of the online order in the aggregate; provided, however, that no third-party delivery service company shall charge a covered establishment any fee or fees other than a delivery fee for the use of their services greater than 5 per cent of the purchase price of such online order.

(c) This section shall preempt, supersede or nullify any inconsistent, contrary or conflicting local law, ordinance, rule or regulation relating to third-party delivery service platforms and third-party delivery service companies fees, including with respect to any agreements with covered establishments using third-party delivery service companies.

(d) A violation of this section shall be an unfair and deceptive trade practice in violation of chapter 93A of the General Laws.”

After remarks, the amendment was *rejected*.

Messrs. Tarr and Tran moved that the proposed new text be amended by inserting in line item 7002-8034 at the end thereof the following:- “, provided further that at least \$20,000,000 shall be expended for small businesses including but not limited to retailer”; and by striking "\$20,000,000" and inserting in place thereof the following:-"\$40,000,000".

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The amendment was *rejected*.

Ms. DiZoglio, Messrs. Eldridge and O'Connor moved that the proposed new text be amended by adding the following sections:-

226

“SECTION XX. Chapter 29 of the General Laws is hereby amended by inserting after section 2FFFFF the following section:-

Section 2GGGGG. (a) There shall be a Distressed Restaurant COVID-19 Relief Trust Fund administered by the secretary of housing and economic development. The secretary of housing and economic development shall make expenditures from the fund in the form of grants to assist distressed restaurants covered under chapter 65 of the acts of 2020 with recovery from the COVID-19 pandemic.

(b) The secretary shall establish eligibility requirements by which grants shall be awarded to both (i) qualifying distressed restaurants that have suffered demonstrable financial harm related to the COVID-19 pandemic, and (ii) landlords of qualifying distressed restaurants that have provided documented evidence of implementation of rent abatement programs for such distressed restaurant tenants. Such requirements shall, at a minimum, (i) prioritize minority-owned restaurants and Massachusetts independently owned and operated restaurants, and (ii) allow for up to one dollar of grant funding to a landlord of a qualifying distressed restaurant for every two dollars of documented rent abatement actually provided to such distressed restaurant tenant.

(c) The fund shall consist of: (i) revenue from appropriations or other monies authorized by the general court and specifically designated to be credited to the fund; and (ii) funds from public or private sources including, but not limited to, gifts, grants, donations, rebates and settlements received by the commonwealth that are specifically designated to be credited to the fund. Amounts credited to the fund shall not be subject to further appropriation and monies remaining in the fund at the end of a fiscal year shall not revert to the General Fund. The secretary of housing and economic development shall report annually not later than October 1 to the house and senate committees on ways and means on the fund's activity. The report shall include, but not be limited to, revenue received by the fund, revenue and expenditure projections for the forthcoming fiscal year and details of all expenditures from the fund.

SECTION XX. Section 6 of chapter 65 of the Acts of 2020 is hereby amended by striking out the figure '120' each time it appears, and inserting in place thereof, in each instance, the following figure:- 270.

SECTION XX. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

'Covered establishment', a restaurant or other eating or drinking establishment offering same-day food or drink for sale in a single commercial transaction through any third-party delivery service platform, from 1 or more retail locations within the commonwealth.

'COVID-19 emergency', the state of emergency declared by the governor on March 10, 2020 in order to address the outbreak of the 2019 novel coronavirus, also known as COVID-19.

'Customer', an individual using a third-party delivery service platform to place an online order.

'Online order', an order for food or drinks placed by a customer through a third-party delivery service platform provided by a third-party delivery service company for pickup or delivery in the commonwealth.

'Purchase price', the menu price publicly offered on the third-party delivery service platform by a covered establishment. The purchase price shall not include any taxes, gratuities or other fees that may make up the total cost charged to the customer for an online order.

'Third-party delivery service company', a corporation, partnership, sole proprietorship or other entity qualified to do business in the commonwealth that is engaged in facilitating same day delivery or pickup of food and beverages through a third-party delivery service platform for 20 or more separately owned and operated covered establishments.

'Third-party delivery service platform', any online enabled application, software, website or system offered or utilized by a third-party delivery service company to facilitate the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, covered establishments.

(b) Notwithstanding any general or special law to the contrary, no third-party delivery

service company, from the effective date of this act and for a period of 45 days after the termination of the COVID-19 emergency, shall charge a covered establishment a fee per online order for the use of its services that totals more than 15 per cent of the purchase price of the online order.

(c) Notwithstanding any general or special law to the contrary, from the effective date of this act and for a period of 45 days after the termination of the COVID-19 emergency, the commissioner of revenue shall collect a fee from third-party delivery service companies equal to 5 per cent of the purchase price of each online order. Such fees shall be deposited to the Distressed Restaurant COVID-19 Relief Trust Fund established in section XX of Chapter 29 of the General Laws.

(d) This act shall preempt, supersede or nullify any inconsistent, contrary or conflicting local law, ordinance, rule or regulation relating to third-party delivery service platforms and third-party delivery service companies fees, including with respect to any agreements with covered establishments using third-party delivery service companies.

(e) A violation of this section shall be an unfair and deceptive trade practice in violation of chapter 93A of the General Laws.

SECTION XX. Notwithstanding any general or special law to the contrary, upon the receipt by the commonwealth of federal funding that is eligible for use for the purposes of the grant program funded by the trust fund established by section X of this act, the comptroller shall transfer the first \$80,000,000 of such funding to the Distressed Restaurant COVID-19 Relief Trust Fund established in section 2GGGGG of Chapter 29 of the General Laws.”

The amendment was *rejected*.

Ms. DiZoglio and Mr. Fattman moved that the proposed new text be amended by adding the following sections:-

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“SECTION XXXX. Chapter 9 of the General Laws is hereby amended by inserting after section 31 the following section:-

Section 32: MassMakers Portal

Section 32. (a) In the near-term to address disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19, and the effects of the governor’s March 10, 2020, declaration of a state of emergency, and in the long-term to facilitate the commonwealth’s economic recovery and future growth, there is hereby established a one-stop shop interactive web portal to be known as the MassMakers Portal for prospective and established businesses in the commonwealth. The state secretary, the executive office for administration and finance, the executive offices of education, energy and environmental affairs, health and human services, housing and economic development, labor and workforce development, public safety and security, and technology services and security, and the department of revenue shall jointly develop and implement the MassMakers Portal, which shall serve as a single, unified entry point for prospective and established businesses to obtain local business information and execute all statutory and regulatory compliance tasks required by the commonwealth in connection with the creation, continuing operation, or upscaling of business.

(b) In order to develop and implement the MassMakers Portal, the agencies identified in subsection (a) shall assemble a task force which shall consist of the state secretary, ex officio, or a designee, the secretaries of administration and finance, education, energy and environmental affairs, health and human services, housing and economic development, labor and workforce development, public safety and security, and technology services and security, ex officio, or their designees, the commissioner of revenue, ex officio, or a designee; 7 persons appointed by the attorney general, 1 of whom shall be from each of the 7 regions of the commonwealth: the western region, the central region, the northeast region, the Merrimack Valley, the metro west region, the Greater Boston region, and the

southeast region; and 7 persons appointed by the governor, 1 of whom shall be from each of the 7 identified regions of the commonwealth. The governor, attorney general, state treasurer, and co-chairs of the task force shall have the discretion to appoint other members to the task force by majority vote. Persons appointed to the task force shall be members or representatives of the business community, including entrepreneurs, microbusiness owners, minority business owners and small business owners, and/or have demonstrated interests and experience in state agency processes, business regulations, web portal design and implementation, and/or other qualifications and experience that the appointing authorities determine are necessary to fulfilling the mission of the task force. Members shall be selected without regard to political affiliation, shall as fully as possible represent a diverse and equitable array of stakeholders, and shall serve without compensation. The state secretary, or a designee from among the members of the task force, and the secretary of housing and economic development, or a designee from among the members of the task force, shall serve as co-chairs.

(c) The task force shall perform a needs and cost assessment and may, subject to appropriation and the laws and regulations pertaining to the employment of consultants, employ such consultants as the task force deems necessary to assist in the execution of said assessment. Said assessment shall be completed and the results thereof shall be presented to the governor and the general court by March 1, 2021, to inform the budget of the next legislative session. The assessment shall include, but not be limited to, the following:

(1) recommendations on the location, design, functionality and scope of services of the MassMakers Portal, which at a minimum shall include:

(i) online account services through which businesses can monitor deadlines for submission of forms, documents and payments, as well as compliance status and standing with each state agency;

(ii) electronic applications for licenses and renewals thereof;

(iii) electronic payment options for fees and taxes incident to the creation, continuing operation or upscaling of business;

(iv) compliance alerts in connection with new or revised state statutes, regulations and procedures;

(v) toolkits and video tutorials on all aspects of starting a business in the commonwealth, operating a business, upscaling a business, completing forms and complying with state statutory and regulatory requirements in connection therewith;

(vi) Supply Mass/Buy Mass information, and coordination with Supply Mass/Buy Mass online services;

(vii) Mass Main Streets information, and coordination with Mass Main Streets online services; and

(viii) technical assistance resources;

(2) an estimate of the costs of full implementation of the MassMakers Portal, including, but not limited to, those associated with technology, infrastructure, operations and maintenance, sharing and coordination of agency data, and security;

(3) recommendations for and an estimate of the costs of establishing and maintaining a help center staffed with persons trained to answer questions and assist with navigation of the MassMakers Portal;

(4) recommendations on the time-line for designing, developing and testing the MassMakers Portal, which at the latest shall have its first testing phase for the state secretary's office to process new business registrations and associated fee payments by December 31, 2021, and shall have its second testing phase to submit tax payments with the department of revenue by December 31, 2022;

(5) recommendations as to the roles of the agencies identified in subsection (a) regarding ongoing operational management of the MassMakers Portal;

(6) a comprehensive analysis of the processes of all state agencies with respect to the creation, continued operation or upscaling of businesses located in the commonwealth, with a goal of simplifying and streamlining regulatory tasks and forms required by said agencies and strengthening the delivery of services provided by said agencies to entrepreneurs, microbusinesses, small businesses, and other businesses in the commonwealth;

(7) identification of any state statutory, regulatory or procedural changes that need to be made to effectuate the functionality of the MassMakers Portal;

(8) identification of existing entrepreneurial, microbusiness, small business, and other business assets, resources, web content and functions provided by state agencies to coordinate and incorporate such assets, resources, web content and functions into the MassMakers Portal;

(9) identification of potential impediments to functionality posed by federal law, if any, and recommendations for work-arounds or solutions to such impediments;

(10) the impact of prioritizing microbusiness applications and account services; and

(11) recommendations on potential incentives to encourage municipalities or regional planning authorities to create local portals for similar purposes or committed to similar mission outcomes as the MassMakers Portal, with the option of linking to or being incorporated into the MassMakers Portal.

(d) The task force may, subject to appropriation, appoint and may remove all such employees as may be necessary to carry out the work of designing and implementing the MassMakers Portal based on the results of the needs and cost assessment. Unless otherwise provided by law, all such appointments and removals of employees shall be made under chapter 31.

(e) The state secretary shall hold as a separate fund and may expend such sums as may be appropriated for the MassMakers Portal by the general court, and may accept gifts, donations, grants or bequests or any federal funds for any of the purposes set forth in this section, which shall be credited to the fund. All available money in the fund that is unexpended at the end of each fiscal year shall not revert to the General Fund and shall be available for expenditure by the task force in the subsequent fiscal year.

(f) The state secretary is hereby authorized to promulgate regulations to assure the timely and effective implementation of this section.

SECTION XXXX. Chapter 23A of the General Laws is hereby amended by striking out section 10A and inserting the following section:-

Section 10A: Supply Mass/Buy Mass; MassMade

Section 10A. (a) In the near-term to address disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19, and the effects of the governor's March 10, 2020, declaration of a state of emergency, and in the long-term for the commonwealth to execute on its responsibility of facilitating expansion of the local economy, MOBD shall establish a program to be known as Supply Mass/Buy Mass for the purpose of connecting local suppliers with local purchasers, whether public or private, institutional, commercial or individual. In implementing said program, MOBD shall:

(1) establish requirements for local suppliers to register as MassMade businesses with Supply Mass/Buy Mass;

(2) design and implement a Supply Mass/Buy Mass interactive web portal through which local suppliers can register as MassMade businesses and create MassMade business profiles with industry-specific information;

(3) assemble a searchable database of MassMade businesses through the portal by industry, raw materials produced or products or goods manufactured, and other identifying characteristics, with specific search features independently tailored toward local institutional purchasers, commercial purchasers, and individual purchasers;

(4) develop toolkits and training videos available through the portal to guide MassMade businesses to better understand the needs and procurement processes of local institutional and commercial purchasers;

(5) enable local institutional and commercial purchasers to issue requests for proposals through the portal and MassMade businesses to respond to such requests through the portal;

(6) promote live networking events through the portal to connect MassMade businesses with local institutional and commercial purchasers;

(7) determine those raw materials, products or goods needed by local institutional and commercial purchasers currently purchased outside the commonwealth or from foreign countries, especially raw materials, products or goods required for the first time; inquire whether other local institutional or commercial purchasers are in need of such raw materials, products or goods; assess whether any MassMade businesses are capable of producing or manufacturing the needed raw materials, products or goods with additional capital or retooling;

(8) coordinate and connect the portal with the MassMakers Portal;

(9) identify other obstacles to conducting business in the commonwealth and advance resources through the portal to address those obstacles to the extent possible;

(10) promote public-private partnerships;

(11) develop, evaluate and recommend policies, initiatives and incentives to prevent consumer flight from local suppliers in the cities and towns of the Merrimack Valley and other border municipalities to suppliers in New Hampshire or other tax advantaged states or from other sources; and

(12) undertake any other activities necessary to implement the purposes of this section.

Dedicated effort shall be made to encourage diversity and advance equity based on race, color, religious creed, national origin, sex, gender identity, sexual orientation, genetic information, ancestry, disability, and language in implementing Supply Mass/Buy Mass.

(b) MOBD may consult with and seek input from interested stakeholders and shall work with entities including MassMade businesses, regional economic development organizations, microbusiness and small business associations, chambers of commerce, the supplier diversity office, the Massachusetts marketing partnership and the office of consumer affairs and business regulations in order to collect and provide business and product information related to MassMade businesses. All Supply Mass/Buy Mass information shall be readily accessible and free to the public.

(c) MOBD shall hold as a separate fund and may expend such sums as may be appropriated for Supply Mass/Buy Mass by the general court, and may accept gifts, donations, grants or bequests or any federal funds for any of the purposes set forth in this section, which shall be credited to the fund. All available money in the fund that is unexpended at the end of each fiscal year shall not revert to the General Fund and shall be available for expenditure by MOBD for Supply Mass/Buy Mass in the subsequent fiscal year.

(d) MOBD is hereby authorized to promulgate regulations to assure the timely and effective implementation of this section.”

After remarks, the amendment was *rejected*.

Ms. DiZoglio and Mr. Eldridge moved that the proposed new text be amended by adding the following section:-

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“SECTION 7. Chapter 23A of the General Laws is hereby amended by inserting after section 13 the following section:-

Section 13 ½: Mass Main Streets; executive director; function; employees; advisory commission; gifts and grants; trust fund

Section 13 ½. (a) In the near-term to address disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19, and the effects of the governor's March 10, 2020, declaration of a state of emergency, and in the long-term to facilitate the commonwealth's economic recovery and future growth, there shall be within MOBD an office of Massachusetts main streets to be known as Mass Main Streets, in this section referred to as MMS, which shall be under the supervision and control of an executive director. The powers and duties given to the executive director of MMS in this section and in any other general or special law shall be exercised and discharged subject to the direction, control and supervision of MOBD.

(b)(1) The executive director of MMS shall be appointed by the governor, and serve at the pleasure of the governor. The position of executive director of MMS shall be classified under section 45 of chapter 30 and the executive director of MMS shall devote full time during business hours to the duties of MMS.

(2) The executive director of MMS shall be the executive and administrative head of MMS and shall be responsible for administering and enforcing the laws relative to MMS, any administrative unit of MMS, and the policies, programs and initiatives enacted to fulfill the mission of MMS pursuant to this section. Powers and duties given to an administrative unit of MMS by a general or special law shall be exercised subject to the direction, control and supervision of the executive director of MMS.

(c) MMS shall serve as the principal agency for protecting, coordinating, promoting and revitalizing downtowns and commercial districts of the commonwealth's cities and towns, advancing economic and community development within the context of historic preservation, and advocating public-private partnerships to ensure continuing progress and enduring success, by providing strategic, organizational, informational, marketing and technical assistance and resources to the commonwealth's cities and towns and to public and private entities organized for similar purposes or committed to similar mission outcomes. Dedicated effort shall be made to encourage diversity and advance equity based on race, color, religious creed, national origin, sex, gender identity, sexual orientation, genetic information, ancestry, disability, and language in any recommendations, policies, programs and initiatives developed to fulfill the mission of MMS pursuant to this section.

(d) The executive director of MMS may, subject to appropriation and with the approval of MOBD, appoint and may, with like approval, remove all such employees as may be necessary to carry out the work of MMS. Unless otherwise provided by law, all such appointments and removals shall be made under chapter 31. The executive director may, subject to appropriation and the laws and regulations pertaining to the employment of consultants, employ such consultants as the executive director may deem necessary.

(e)(1) MMS shall establish an advisory commission to develop budget recommendations and strategies for the development of policies, programs and initiatives to fulfill the mission of MMS pursuant to this section, including, but not limited to, the design and implementation of an MMS interactive web portal, coordination of such portal with the MassMakers Portal, and qualification of MMS for Main Street America Certification in order to be eligible for programs, tools and resources provided by Main Street America. The executive director of MMS shall convene the advisory commission quarterly. The advisory commission shall annually report its recommendations to MOBD not later than November 1. The advisory commission shall annually file its recommendations with the clerks of the senate and house of representatives not later than November 1. The membership of the commission shall annually elect a chairperson.

(2) The advisory commission shall have 32 members: 1 representative from the Massachusetts cultural council; 1 representative from the Massachusetts historical commission; 1 representative from the community economic development assistance corporation; 1 representative from Boston Main Streets Foundation; the executive director

or the executor director's designee of each of the commonwealth's 14 regional planning agencies: Berkshire Regional Planning Commission, Boston Region Metropolitan Planning Organization, Cape Cod Commission, Central Massachusetts Regional Planning Commission, Franklin Regional Council of Governments, Martha's Vineyard Commission, Merrimack Valley Planning Commission, Metropolitan Area Planning Council, Montachusett Regional Planning Commission, Nantucket Planning and Economic Development Commission, Northern Middlesex Council of Governments, Old Colony Planning Council, Pioneer Valley Planning Commission, and Southeastern Regional Planning and Economic Development District; and 14 persons appointed by the governor, 2 of whom shall be from each of the 7 regions of the commonwealth: the western region, the central region, the northeast region, the Merrimack Valley, the metro west region, the Greater Boston region, and the southeast region. Commission members shall be persons with demonstrated interests and experience in advancing the cultural, historical and/or economic vitality of downtowns and commercial districts of the commonwealth's cities and towns. All persons appointed to the commission shall be selected without regard to political affiliation and solely on the basis of the qualifications and experience that the appointing authorities determine are necessary to fulfilling the mission of the commission, and shall as fully as possible represent a diverse and equitable array of stakeholders. Each member appointed by the governor shall serve at the pleasure of the governor.

(3) The members of the commission shall receive no compensation for their services but shall be reimbursed for any usual and customary expenses incurred in the performance of their duties. This commission shall annually, not later than November 1, make a report to the executive director and the secretary of housing and economic development, and may make such special reports as the commission or the executive director of MMS may deem desirable.

(f) MMS may accept and solicit funds, including any gifts, donations, grants or bequests or any federal funds for any of the purposes set forth in this section, which shall be credited to the Mass Main Streets Trust Fund established pursuant to subsection (g).

(g)(1) There shall be a Mass Main Streets Trust Fund which shall be administered by MOBD as custodian for MMS and held by MOBD separate and apart from its other funds. There shall be credited to the fund such sums received pursuant to subsection (f) and such sums as may be appropriated for MMS by the general court.

(2) All available money in the fund that is unexpended at the end of each fiscal year shall not revert to the General Fund and shall be available for expenditure by MMS in the subsequent fiscal year.

(3) MMS shall submit an annual report to MOBD, the clerks of the senate and house of representatives and the joint committee on community development and small businesses not later than December 31 on the cost-effectiveness of the fund. The report shall be made available on the MMS website. The report shall include: (i) expenditures made by MMS from money out of the fund to promote the revitalization of downtowns and commercial districts of the commonwealth's cities and towns and to otherwise fulfill the mission of MMS pursuant to this section; and (ii) expenditures made by MMS for administrative costs."

After remarks, the amendment was *rejected*.

Ms. DiZoglio and Ms. Gobi moved that the proposed new text be amended by adding the following section:-

“SECTION XXXX. In order to address disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19, and the effects of the governor's March 10, 2020, declaration of a state of emergency, the governor shall issue a proclamation setting apart the first Saturday and Sunday following Thanksgiving Day 2020, and the first Saturday and Sunday following Thanksgiving Day annually thereafter in recognition and

to promote awareness of the vital role that local businesses play in the economy and general welfare of the commonwealth throughout the year, as Small Business Saturday and Sunday, and recommending that said weekend be observed in an appropriate manner by the people.”

After remarks, the amendment was *rejected*.

Ms. DiZoglio moved that the proposed new text be amended by inserting the text of Senate document numbered 2881, relative to equitable access to economic opportunity.

234

After remarks, the amendment was *rejected*.

Ms. DiZoglio and Mr. Eldridge moved that the proposed new text be amended by adding the following sections:-

256

“SECTION XX. For purposes of the following section, the following terms shall have the following meanings unless the context clearly requires otherwise:

‘Microbusiness’, an enterprise which has its principal place of business in the commonwealth, is independently owned and operated, and (i) if a manufacturing firm, has 25 or fewer employees, or (ii) if a service, construction or non-manufacturing firm, has 25 or fewer employees and average annual gross receipts over the 3 previous years not exceeding \$3,500,000, indexed for inflation.

‘Minority business’, an enterprise which has its principal place of business in the commonwealth, is independently owned and operated, and at least 51% of which is owned and dominantly controlled by adult minority principals as defined in 425 CMR 2.02(1), or any successor regulation thereto.

SECTION XX. Chapter 23A of the General Laws is hereby amended by inserting after section 66 the following section:-

Section 66A: Microbusiness and minority business strategy commission; members; powers and duties; meetings; annual report

Section 66A. (a) There shall be a microbusiness and minority business strategy commission within, but not subject to the supervision or control of, the executive office of housing and economic development. The mission of the commission shall be to enhance the economic vitality of the commonwealth’s microbusinesses and minority businesses, recognizing the fundamental role that microbusinesses and minority businesses play in the economy and the contributions made by microbusinesses and minority businesses to the general welfare of the commonwealth.

(b) The commission shall consist of the following 18 members: the secretary of housing and economic development, ex officio, or a designee; the secretary of administration and finance, ex officio, or a designee; the chair of the commission against discrimination, ex officio, or a designee; the director of the supplier diversity office, ex officio, or a designee, and 14 persons appointed by the governor, 2 of whom shall be from each of the 7 regions of the commonwealth: the western region, the central region, the northeast region, the Merrimack Valley, the metro west region, the Greater Boston region, and the southeast region. Of those 14 appointees, at least 3 shall be microbusiness owners or representatives of microbusiness owners in underserved communities or communities with a high percentage of low-income households, at least 3 shall be minority business owners or representatives of minority business owners in underserved communities or communities with a high percentage of low-income households, and at least 3 shall be founders or organizers of platforms, pop-up markets, or other vendor collaboratives serving microbusinesses organized for similar purposes or committed to similar mission outcomes as, for example, CI Works, WeWork, and Top Knots CoWorking, and/or minority businesses organized for similar purposes or committed to similar mission outcomes for advancing equity based on race, color, religious creed, national origin, sex, gender identity, sexual orientation, genetic information, ancestry, disability, or language as, for example, BLK+GRN, the e-commerce platform We Buy Black, and the Black-

Owned Market. Commission members shall be persons with demonstrated interests and experience in advancing the interests of microbusinesses and/or minority businesses, and their owners. All persons appointed to the commission shall be selected without regard to political affiliation and solely on the basis of the qualifications and experience that the appointing authorities determine are necessary to fulfilling the mission of the commission, and shall as fully as possible represent a diverse and equitable array of stakeholders.

(c) Members of the commission may serve a maximum of 3 consecutive 3-year terms. A vacancy occurring on the commission shall be filled within 90 days by the original appointing authority. A person appointed to fill a vacancy shall serve initially only for the balance of the unexpired term. The commission shall annually elect from among its members a chair, a vice chair, and any other officers it considers necessary. The members of the commission shall receive no compensation for their services but shall be reimbursed for any usual and customary expenses incurred in the performance of their duties. Members shall be considered special state employees for the purposes of chapter 268A. Each member of the commission shall be a resident of the commonwealth.

(d) The commission shall serve as a research body for issues critical to the welfare and vitality of the commonwealth's microbusinesses and minority businesses and shall: (i) study, review and report on the status of microbusinesses and minority businesses in the commonwealth; (ii) advise the general court and the executive branch of the impact of existing and proposed state laws, policies and regulations on the commonwealth's microbusinesses and minority businesses; (iii) advance legislative and policy solutions that address the needs of the commonwealth's microbusinesses and minority businesses; (iv) advocate to ensure that the commonwealth's microbusinesses and minority businesses receive a fair share of state investment; (v) work with lending institutions, insurance companies, and other private businesses in the commonwealth to encourage formation of seed money and microcredit opportunities for facilitating the starting up and upscaling of microbusinesses and minority businesses in their efforts to obtain loan money and operating capital from private and public lenders; (vi) promote collaboration among the commonwealth's microbusinesses and minority businesses to improve efficiency in delivery of services and other cost efficiencies; and (vii) develop and support access to state resources for the commonwealth's microbusinesses and minority businesses. The executive office shall provide the commission with adequate office space and any research, analysis or other staff support that the commission reasonably requires.

(e) The commission shall meet on a quarterly basis at the discretion of the chair. Meeting locations shall rotate between the 7 regions of the commonwealth identified in subsection (b). Meetings shall be open to the public pursuant to sections 18 to 25, inclusive, of chapter 30A.

(f) The commission may accept and solicit funds, including any gifts, donations, grants or bequests or any federal funds for any of the purposes of this section. The funds shall be deposited in a separate account with the state treasurer, shall be received by the state treasurer on behalf of the commonwealth and shall be expended by the commission under the law.

(g) The commission shall annually, not later than June 2, report the results of its findings and activities of the preceding year and its recommendations to the governor and to the clerks of the senate and the house of representatives who shall forward the same to the joint committee on economic development and emerging technologies.

(h) Notwithstanding any general or special law, regulation, policy or procedure to the contrary, microbusinesses shall be exempt from the annual report fees imposed by the state secretary's office, and minority businesses that qualify as microbusinesses shall be exempt from the diversity certification and third-party certification application fees imposed by the supplier diversity office. The state secretary is hereby authorized to promulgate

regulations to assure the timely and effective implementation of this subsection.”

The amendment was *rejected*.

Ms. DiZoglio moved that the proposed new text be amended by adding the following section:-

265

“SECTION XXX. Chapter 30A of the General Laws is hereby amended by striking out section 5A and inserting in place thereof the following section:-

Section 5A: Review of rules and regulations regarding economic impact on microbusinesses and small businesses

Section 5A. Existing rules and regulations shall be reviewed by each agency contemporaneously with the development of the written comprehensive economic development policy for the commonwealth and the strategic plan for implementing the policy during the first year of each new gubernatorial administration required pursuant to subsection (l) of section 16G of chapter 6A, which review shall be completed no later than June 30 of that year in order to inform said economic development policy, or 5 years from the date last reviewed, whichever occurs first, to ensure that those rules and regulations minimize economic impact on microbusinesses and small businesses in a manner consistent with the stated objectives of applicable statutes.

In reviewing a rule or regulation to minimize economic impact of the rule or regulation on microbusinesses and small businesses, the agency shall file a business impact statement which considers the following factors and any impact differentials between microbusinesses and small businesses that are not microbusinesses:

- (1) the continuing need for the rule or regulation;
- (2) the nature of complaints or comments received concerning the rule or regulation from the public;
- (3) the complexity of the rule or regulation;
- (4) the extent to which the rule or regulation overlaps, duplicates or conflicts with other federal, state and local governmental rules and regulations;
- (5) the length of time since the rule or regulation has been enacted, changed, amended or modified; and
- (6) the degree to which technology, economic conditions or other factors have changed in the subject areas affected by the rule or regulation.”

After remarks, the amendment was *rejected*.

Ms. DiZoglio moved that the proposed new text be amended in section 2, in item 7002-8034, by striking out the figure "\$20,000,000" and inserting in place thereof the following figure:- "\$50,000,000".

281

After remarks, the amendment was *rejected*.

Ms. DiZoglio and Mr. Feeney moved that the proposed new text be amended by adding at the end thereof the following sections:-

286

“SECTION XX. Section 2 of chapter 142A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out clause (6), and inserting in place thereof the following:-

(6) a time schedule of payments to be made under said contract and the amount of each payment stated in dollars, including all finance charges. Any deposit required under the contract to be paid in advance of the commencement of work under said contract shall not exceed the greater of one-third of the total contract price or the actual cost of any materials or equipment of a special order or custom made nature, which must be ordered in advance of the commencement of work, in order to assure that the project will proceed on schedule. No final payment shall be demanded until the contract is completed to the satisfaction of the parties thereto; provided, however, the provisions of this clause (6), except for the first sentence, shall not apply to contractors furnishing a performance and payment bond, lien or completion bond, or a bond equivalent approved by the director of

consumer affairs and business regulation covering a minimum of two million dollars;

SECTION XX. Said section 2 of chapter 142A, as so appearing, is hereby further amended by adding at the end thereof the following:- Any violation of this section shall constitute an unfair method of competition or unfair or deceptive act or practice in violation of chapter 93A.”

The amendment was *rejected*.

Ms. DiZoglio and Mr. Tarr moved that the proposed new text be amended in section 3, in proposed chapter 6, by adding the following section:-

316

“SECTION 221. (a) As used in this section, the term ‘governmental entity’ shall mean the executive branch, the legislature, the judiciary, and any agency, office, department, board, commission, bureau, division, instrumentality or other entity of the commonwealth.

(b) No governmental entity shall include or permit the inclusion of a nondisclosure, non-disparagement or other similar clause as a condition of employment or in a settlement agreement between the governmental entity and an employee or a student; provided, however, that such a settlement may include, at the request of the employee or student, a provision that prevents the governmental entity from disclosing the individual’s identity and all facts that could lead to the discovery of the individual’s identity.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at thirteen minutes before ten o'clock P.M., on motion of Ms. DiZoglio, as follows, to wit (yeas 38 – nays 1) [Yeas and Nays No. 259]:

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Jehlen, Patricia D. |
| Boncore, Joseph A. | Keenan, John F. |
| Brady, Michael D. | Kennedy, Edward J. |
| Brownsberger, William N. | Lesser, Eric P. |
| Chandler, Harriette L. | Lewis, Jason M. |
| Chang-Diaz, Sonia | Lovely, Joan B. |
| Collins, Nick | Montigny, Mark C. |
| Comerford, Joanne M. | Moore, Michael O. |
| Creem, Cynthia Stone | Moran, Susan L. |
| Crighton, Brendan P. | O'Connor, Patrick M. |
| Cyr, Julian | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rausch, Rebecca L. |
| DiZoglio, Diana | Rodrigues, Michael J. |
| Fattman, Ryan C. | Rush, Michael F. |
| Feeney, Paul R. | Tarr, Bruce E. |
| Finegold, Barry R. | Timilty, Walter F. |
| Friedman, Cindy F. | Tran, Dean A. |
| Gobi, Anne M. | Velis, John C. |
| Hinds, Adam G. | Welch, James T. – 38. |

NAYS.

- Eldridge, James B. – 1.

The yeas and nays having been completed at five minutes before ten o'clock P.M., the amendment was adopted.

Messrs. Boncore, Collins and Eldridge, Ms. Jehlen, Ms. Comerford, Ms. Chang-Diaz, Messrs. Crighton and Montigny, Ms. Rausch and Messrs. O'Connor and Cyr moved that the proposed new text be amended by inserting after section 27 the following 2 sections:

47

“SECTION 27A. Section 2 of chapter 239 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

The defendant named in a summary process summons and complaint shall not include a minor; provided, however, that if a minor is named, the name of the minor shall be expunged from any court record and electronic docket entry.

SECTION 27B. Said chapter 239 is hereby amended by adding the following section:-

Section 15. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:-

‘Consumer report’, a written, oral or other communication of any information by a consumer reporting agency bearing on a person’s credit worthiness, credit standing or credit capacity that is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the person’s eligibility for rental housing or other purposes authorized under section 51 of chapter 93.

‘Consumer reporting agency’, an individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency or other entity that, for monetary fees, dues or on a cooperative nonprofit basis, regularly engages, in whole or in part, in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

‘Court’, the trial court of the commonwealth established pursuant to section 1 of chapter 211B and any departments or offices established within the trial court.

‘Court record’, paper or electronic records or data in any communicable form compiled by, on file with or in the care custody or control of the court that concern a person and relate to the nature or disposition of an eviction action or a lessor action.

‘Eviction action’, (i) a summary process action under this chapter to recover possession of residential premises; (ii) a civil action under section 19 of chapter 139 to obtain an order requiring a tenant or occupant to vacate residential premises; (iii) a civil action brought pursuant to sections 11, 12 or 13 of chapter 186 or subsection (a) of section 4 of chapter 186A; or (iv) any other civil action brought against a tenant or occupant of residential premises to obtain possession of or exclusive access to the residential premises.

‘Lessor action’, any civil action brought against the owner, manager or lessor of residential premises by the tenant or occupant of such premises relating to or arising out of such property, rental, tenancy or occupancy for breach of warranty, breach of any material provision of the rental agreement or violation of any other law.

‘No-fault eviction’, any eviction action in which the notice to quit, notice of termination or complaint does not include an allegation of nonpayment of rent or of a violation of any material term of the tenancy by the tenant or occupant; provided, however, that a ‘no-fault eviction’ shall include an action brought after termination of a tenancy for economic, business or other reasons not constituting a violation of the terms of the tenancy.

(b) Any person having a court record of a no-fault eviction on file in a court may petition the court to seal the court record at any time after the conclusion of the action, including the exhaustion of all rights of appeal. The petition shall be on a form furnished by the trial court of the commonwealth, signed under the penalties of perjury and filed in the same court as the action sought to be sealed. If an action was active in more than 1 court during its pendency, then a petition may be filed in each such court. Notice need not be given to parties to the original action. The court may, in its discretion, process such petitions administratively without a hearing.

(c) Upon motion and for good cause shown or as otherwise authorized by this section, court records sealed under this section may, at the discretion of the court and upon a balancing of the interests of the litigants and the public in nondisclosure of the information with the interests of the requesting party, be made available for scholarly, educational, journalistic or governmental purposes only; provided, however, that identifying information of parties shall remain sealed unless the court determines that release of such

information is appropriate under this paragraph and necessary to fulfill the purpose of the request. Nothing in this paragraph shall be deemed to permit the release of personal identifying information for commercial purposes.

(d) Nothing in this section shall prohibit the dissemination of information regarding a money judgment as necessary for the sole purpose of collection.

(e) A consumer reporting agency shall not disclose the existence of or information regarding a court record of a no-fault eviction action sealed under this section or use information contained in a sealed court record as a factor to determine any score or recommendation to be included in a consumer report unless the court record was available for inspection with the court within 30 days of the report date. A consumer reporting agency may include in a consumer report information found in publicly-available court records; provided, however, that the consumer report shall include a person's full name, whether an eviction action was a fault eviction, a no-fault eviction or a lessor action and the outcome of any eviction action if such information is contained in the publicly-available court record. Information contained in a sealed court record shall be removed from the consumer report or from the calculation of any score or recommendation to be included in a consumer report within 30 days of the sealing of the court record from which it is derived. Any credit reporting agency that violates this subsection shall be liable in tort, in a court of competent jurisdiction, to the person who is the subject of the consumer report for damages or for \$100 per day of such violation, whichever is greater, and the costs of the action, including reasonable attorney's fees. Nothing in this subsection shall be deemed to waive the rights or remedies of any person under any other law or regulation.

(f) An application used to screen applicants for housing or credit that seeks information concerning prior eviction actions of the applicant shall include the following statement: 'An applicant for housing or credit with a sealed record on file with the court in a no-fault eviction action may answer "no record" to an inquiry relative to that sealed court record.'

(g) A party who obtains a judgment in an eviction action or a lessor action shall, not more than 14 days after satisfaction of the judgment, file with the court in which the judgment was entered a notice of satisfaction of the judgment. A party that has satisfied a judgment may, upon noncompliance with this subsection by the other party, seek equitable relief to correct the court record and shall be entitled to costs and reasonable attorney's fees. Upon the filing of a notice of satisfaction of judgment or court judgment deeming the judgment satisfied in an eviction action or lessor action, a party may petition the court to seal the court record pertaining to that action. The petition shall be on a form furnished by the trial court of the commonwealth, signed under the penalties of perjury and filed in the same court as the action sought to be sealed. If an action was active in more than 1 court during its pendency, a petition may be filed in each such court. Notice need not be given to parties to the original action. The court shall comply with the petitioner's request and seal the court record if the judgment has been satisfied and the action has concluded with all rights of appeal exhausted. The court may process such petitions administratively without a hearing."

After remarks, the amendment was adopted.

Mr. Cyr moved that the proposed new text be amended by inserting after section 19 the following section:-

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"SECTION 19A. Chapter 59 of the General Laws is hereby amended by inserting after section 5N the following section:-

Section 5O. In any city or town that accepts this section, the board of selectmen of a town, or in a municipality having a town council form of government, the town council, or in a city, the mayor, with the approval of the city council, may establish a property tax exemption for residential real estate in the city or town that is affordable for, and rented

and occupied by, persons whose household income is not more than the area's median income. The exemption shall be for an amount determined by each city or town; provided, however, that the amount shall not be more than the tax otherwise due on the parcel based on the full and fair assessed value, multiplied by the square footage of the housing units rented to and occupied by a persons whose household income is not more than the area's median income, divided by the total square footage of a structure located on the parcel. For rental housing, assessment of such property, if by an income approach to value, shall assume fair market rent for all units. To be eligible for the exemption, the housing unit shall be leased to persons whose household income is not more than area median income at rents for the entire fiscal year for which the exemption is sought. The owner of the residential real estate shall submit to the city or town documentation including, but not limited to, a signed lease and any other documentation necessary to confirm the eligibility of the residential real estate.

A municipality shall have the power to create local rules and procedures for implementing this section in a way that is consistent with the intent of this section.”; and by inserting after section 31 the follow section:-

“SECTION 31A. There shall be a special legislative commission to review and investigate the unique challenges facing the housing market for year-round residents and families in the counties of barnstable, dukes and nantucket. The commission shall consist of: 4 members appointed by the senate president, 1 of whom shall represent a housing advocacy organization in the commonwealth; 1 member representing the cape cod and islands association of realtors; 4 members who shall be appointed by the speaker of the house of representatives, 1 of whom shall be a member of a union representing health care workers and 1 of whom shall be a planning director for a municipality; the chief executive officer of the cape cod chamber of commerce or their designee; the chief executive officer of the Martha's Vineyard chamber of commerce or their designee; the chief executive officer of the Nantucket Chamber of commerce or their designee; the executive director of the cape cod commission or their designee; the executive director of the Martha's Vineyard commission or their designee; the town manager of Nantucket or their designee; the Chief executive officer of the housing assistance corporation or their designee; the executive director of the island housing trust or their designee; the executive director of Housing Nantucket or their designee. An appointee of the senate president and an appointee of the speaker shall be appointed to serve as co-chairs.

The commission shall: (i) review the housing challenges facing year-round families within the counties of Barnstable, Dukes and Nantucket; (ii) study unique solutions that could be applied within the counties of Barnstable, Dukes and Nantucket to build more affordable and workforce housing; (iii) study policy solutions that include, but are not limited to, allowance of tiny homes, the building of special housing developments for municipal employees and the allowance of a local option transfer fee on certain real estate transactions; and (iv) draft proposed policy changes to the legislature for the creation of legislation and to the department of housing and community development for potential regulatory change.

The task force shall file a report of its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, with the clerks of the senate and the house of representatives, the senate and house committees on ways and means and the joint committee on housing not later than July 31, 2021.”.

The amendment was adopted.

Messrs. Tarr and O'Connor moved that the proposed new text be amended by inserting the following section:-

"SECTION_. Notwithstanding any general or special law to the contrary, any municipal licensing board authorized to issue seasonal pouring liquor licenses pursuant to

chapter 138 of the general laws, may extend the time during which licenses are permitted to operate by a period of not more than three months, during calendar years 2020 and 2021.

The provisions of this section shall expire on December 31, 2021."

The amendment was *rejected*.

Mr. Rodrigues moved that the proposed new text be amended in section 2, in item 7002-8001, by inserting after the word "loans", in line 20, the following words:- "and grants";

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In said section 2, in item 7002-8036, by adding the following words:-"; provided further, that not less than \$100,000 shall be expended for information technology and broadband infrastructure improvements and upgrades along state route 79 and to municipal buildings and structures in the town of Lakeville; provided further, that not less than \$200,000 shall be expended for high-speed broadband infrastructure improvements and upgrades to support businesses and economic development along Swansea Mall drive in the town of Swansea; provided further, that not less than \$1,000,000 shall be expended for economic development and housing infrastructure improvements in the Flint neighborhood area adjacent to and along Pleasant street in the city of Fall River; provided further, that not less than \$500,000 shall be expended for economic development improvements in the Slade's Ferry Commercial District in the town of Somerset; provided further, that not less than \$2,000,000 shall be expended for grants supporting small businesses and workforce development programs in the MetroWest region, including the cities of Framingham and Franklin and the towns of Ashland, Holliston, Hopkinton, Medway and Natick; provided further, that not less than \$500,000 shall be expended for renovations and improvements of the Agganis Sports Complex in the city of Lynn; and provided further, that not less than \$1,000,000 shall be expended for costs associated with, but not limited to, design and engineering studies, acquiring and improving real property and other costs for an advanced manufacturing research, development and small batch production laboratory known as the Eruptor Lab in the town of Amherst";

In said section 2, in said item 7002-8036, by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$50,330,000";

In section 22, by striking out, in line 812 to 814, inclusive, the words "failed to conduct an analysis comparing the claims in the patent to the target's products, services or technology or whether such an analysis failed to identify" and inserting in place thereof the following words:- "conducted an analysis comparing the claims in the patent to the target's products, services or technology that identifies";

In said section 22, by striking out, in line 818, the first time it appears, the word "original";

In said section 22, by striking out, in line 824, the words "; provided, however, that "development" shall mean" and inserting in place thereof the following word:- ", including";

In section 32, by striking out, in line 1063, the figure "\$240,100,000" and inserting in place thereof the following figure:- "\$315,033,000";

In section 33, by striking out, in line 1075, the figure "\$135,000,000" and inserting in place thereof the following figure:- "\$140,000,000";

In section 36, by striking out, in line 1088, the words "September 1, 2020" and inserting in place thereof the following words:- "January 1, 2021";

By inserting after section 35 the following section:-

"SECTION 35A. Sections 3 to 6, inclusive, shall take effect on January 1, 2022."; and by adding the following section:-

"SECTION 38. The second section XX inserted by amendment 350 shall take effect January 1, 2023."

The amendment was adopted.

UNCORRECTED PROOF.

The bill, as amended, was then ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-three minutes before eleven o'clock P.M., on motion of Mr. Lesser, as follows to wit (yeas 40— nays 0) [**Yeas and Nays No. 260**]

YEAS.

Barrett, Michael J.	Jehlen, Patricia D.
Boncore, Joseph A.	Keenan, John F.
Brady, Michael D.	Kennedy, Edward J.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	Lovely, Joan B.
Collins, Nick	Montigny, Mark C.
Comerford, Joanne M.	Moore, Michael O.
Creem, Cynthia Stone	Moran, Susan L.
Crighton, Brendan P.	O'Connor, Patrick M.
Cyr, Julian	Pacheco, Marc R.
DiDomenico, Sal N.	Rausch, Rebecca L.
DiZoglio, Diana	Rodrigues, Michael J.
Eldridge, James B.	Rush, Michael F.
Fattman, Ryan C.	Spilka, Karen E.
Feeney, Paul R.	Tarr, Bruce E.
Finegold, Barry R.	Timilty, Walter F.
Friedman, Cindy F.	Tran, Dean A.
Gobi, Anne M.	Velis, John C.
Hinds, Adam G.	Welch, James T. — 40.

NAYS — 0.

The yeas and mays having been completed at thirteen minutes before eleven o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments [For text of Senate document, printed as amended, see Senate, No. 2874].

Sent to the House for concurrence in the amendments.

Order Adopted.

On motion of Mr. Brady,—

Ordered, that when the Senate adjourns today, it adjourns to meet again tomorrow at one o'clock P.M., in a full formal session without a calendar.

Time of meeting.

On motion of Mr. Lesser, at twelve minutes before eleven o'clock P.M., the Senate adjourned to meet again tomorrow at one o'clock P.M.