
The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



TUESDAY, NOVEMBER 17, 2020

[111]

JOURNAL OF THE SENATE

Tuesday, November 17, 2020.

Met at twenty-three minutes past ten o'clock A.M. (Ms. Friedman in the Chair).

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

Pledge of allegiance.

Communication.

Communication from the Office of the Comptroller (pursuant to Section 35T of Chapter 10 of the General Laws) submitting its projected MBTA dedicated sales tax revenue from the Department of Revenue's October 2020 revised sales tax revenue estimate for FY21 (received November 17, 2020),-- **was placed on file.**

Comptroller,--
MBTA tax revenue.
SD3113

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5132) of Daniel J. Hunt (with the approval of the mayor and city council) that the city of Boston Police Department be authorized to waive the maximum age requirement for police officers for Daryle Lamonica,-- **was referred, in concurrence, to the committee on Public Service.**

Daryle Lamonica,--
Boston police.

Recess.

There being no objection, at twenty-four minutes past ten o'clock A.M., the Chair (Ms. Friedman) declared a recess, subject to the call of the Chair; and at six minutes past eleven o'clock A.M., the Senate reassembled, the President in that Chair.

Recess.

Matter Taken Out of the Orders of the Day.

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

The House Bill establishing a sick leave bank for Marshall Johnson, an employee of the department of conservation and recreation (House, No. 5019) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

Marshall Johnson,--
sick leave.

PAPERS FROM THE HOUSE.

A Bill establishing a sick leave bank for Brian Thompson, an employee of Department of Correction (House, No. 5063,-- on petition),-- was read.

Brian Thompson,--
sick leave.

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

A Bill establishing a sick leave bank for Emily Texeira, an employee of the Bristol County Sheriff's Department (House, No. 5112, amended,-- on House, No. 5095),-- was read.

Emily Texeira,-- sick
leave.

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

Order.

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

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on The Judiciary be granted until Wednesday, December 30, 2020 within which time to make its final report on current House document numbered 4978.

The Judiciary,--
extension order.

The rules were suspended, on motion of Mr. Rodrigues, and after remarks, the order (House, No. 5131) was considered forthwith; and, was adopted, in concurrence.

Orders of the Day.

The Orders of the Day were considered, as follows:

The House Bill making appropriations for the fiscal year 2021 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No 5151),-- was read a second time.

General
Appropriations Bills.

Recess.

There being no objection, at seven minutes before one o'clock P.M., the Chair (Mr. Brownsberger) declared a recess, subject to the call of the Chair; and at twenty-nine minutes past two o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Recess.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill making appropriations for the fiscal year 2021 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No 5151),-- was further considered, the main question being on ordering the bill to a third reading.

General
Appropriations Bill.

There being no objection, after remarks, the following amendments were considered as one, and adopted as follow:

Ms. Chandler and Mr. Moore moved that the proposed new text be amended in section 2, in item 0930-0100, by adding the following words:- "; provided further, that not less than \$50,000 shall be expended for the continued operation of the Worcester Trauma and Resilience Collaborative to support young people who have experienced adverse childhood experiences"; and by striking out the figure "\$2,762,000" and inserting in place thereof the following figure:- "\$2,812,000".

7

The amendment was adopted.

Mr. DiDomenico moved that the proposed new text be amended, in section 2, in item 0540-1500, by striking out the figure "3,325,303" and inserting in place thereof the following figure:- "3,700,303".

9

The amendment was adopted.

Ms. Lovely, Mr. Eldridge, Ms. Comerford, Ms. Rausch, Ms. Jehlen, Messrs. Tarr, Welch and Velis, Ms. Moran and Messrs. Crighton and Montigny moved that the proposed new text be amended, in section 2, in item 0950-0000, by striking out the figure "\$198,191" and inserting in place thereof the following figure:- "\$206,473".

14

The amendment was adopted.

Ms. Gobi moved that the proposed new text be amended in section 2, in item 1599-

15

1233, by adding at the end thereof, the following:- "; provided further that not less than \$250,000 shall be expended for Covid-19 related repairs in the town of Winchendon;" and by striking out the figures "\$100,000" and inserting in place thereof the figures "\$350,000".

The amendment was adopted.

Ms. Comerford moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "provided, that not less than \$50,000 shall be expended for the Town of Amherst for the COVID-19 public health ambassador program and other efforts to protect public health during the COVID-19 pandemic;"

17

The amendment was adopted.

Ms. Comerford and Mr. Hinds moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "; provided further, that not less than \$200,000 shall be expended for the office of the Northwestern district attorney for partnerships with local community, substance use prevention and child advocacy organizations with increased needs caused by the 2019 novel coronavirus"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$300,000".

18

The amendment was adopted.

Ms. Moran and Mr. O'Connor moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "; provided further, that not less than \$150,000 shall be expended to the Massachusetts Military Support Foundation, Inc., located at the Joint Base Cape Code for the reopening of the Empowerment Center and to support the distribution of food to veterans in need in the counties of Plymouth and Barnstable"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$250,000".

23

The amendment was adopted.

Messrs. Eldridge and Barrett, Ms. Rausch, Ms. DiZoglio and Mr. Velis moved that the proposed new text be amended in section 2, in item 0610-0010, by adding the following words:- "; provided, that \$60,000 shall be expended for Budget Buddies, Inc. to operate a program that mentors and teaches financial literacy to low-income women"; and by striking out the figure "\$610,396" and inserting in place thereof the following figure:- "\$670,396"

37

The amendment was adopted.

Mr. DiDomenico moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- ", provided further, that \$125,000 shall be expended for housing relief to the City of Chelsea to address housing instability brought about by the 2019 novel coronavirus; provided further, that \$125,000 shall be expended for housing relief to the City of Everett to address housing instability brought about by the 2019 novel coronavirus"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$350,000".

39

The amendment was adopted.

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

74

"SECTION XX. Subsection (e) of section 14 of chapter 188 of the acts of 2016 is hereby amended by deleting the words 'its entire membership' and inserting 'those members in attendance'."

The amendment was adopted.

Messrs. Moore and O'Connor moved that the proposed new text be amended in section 2, in item 7027-0019, by adding the following words:- "; provided further, that not less than \$250,000 shall be expended for Bottom Line to provide college transition and college retention services for low-income or aspiring first-generation college students"; and by striking out the figure "\$5,002,362" and inserting in place thereof the following

89

figure:- "\$5,252,362".

The amendment was adopted.

Mr. Montigny, Ms. DiZoglio, Mr. Eldridge, Ms. Gobi and Messrs. O'Connor, Moore and Brady moved that the proposed new text be amended in section 2, in item 7061-0012, by adding the following words:- "; provided further, that not less than \$300,000 shall be expended for peer-to-peer inclusion programs for students with intellectual disabilities through Best Buddies Massachusetts".

91

The amendment was adopted.

Ms. Friedman and Mr. Eldridge moved that the proposed new text be amended in section 2, in item 7035-0002, by adding the following words:- “; provided further, that not less than \$90,000 shall be expended for English at Large, Inc., in the city of Woburn for the purposes of English language tutoring and small group instruction”; and by striking out the figure “\$40,606,883” and inserting in place thereof the following figure:- “\$40,696,883”.

96

The amendment was adopted.

Ms. Lovely, Ms. DiZoglio, Messrs. Moore, O'Connor, Welch, Velis and Montigny, Ms. Rausch and Mr. Tarr moved that the proposed new text be amended in section 2, in item 7061-9812, by adding the following words:- “; provided further, that not less than \$500,000 shall be expended for the legislative task force on the prevention of child sexual abuse to ensure that all child and youth serving organizations have the guidelines, policies and tools to protect the children in their care from sexual abuse, run a pilot program and pursue the implementation of a public awareness campaign; provided further, that not less than \$100,000 shall be expended for Massachusetts Citizens for Children, Inc.to provide technical assistance to and training for schools and communities”; and by striking out the figure "\$250,000" and inserting in place thereof the following figure:- "\$600,000".

102

The amendment was adopted.

Mr. Finegold moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words: - "provided further, that not less than \$25,000 shall be expended to each school department in Andover, Dracut, Lawrence and Tewksbury to help with COVID-19 related issues"; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$200,000”.

103

The amendment was adopted.

Mr. Lewis and Ms. DiZoglio moved that the proposed new text be amended in section 2, in item 7035-0002, by inserting the following:- "provided further, that funds may be expended on phase two pay-for-performance contracts based on outcomes-based contract measuring and funding services that result in employment and wage gains, and which require bridge funding while final performance results are analyzed".

120

The amendment was adopted.

Messrs. Hinds and Cyr, Ms. Comerford, Ms. Gobi and Mr. Lesser moved that the proposed new text be amended in section 2, in item 7061-9813, by striking the item in its entirety, and inserting in place thereof the following:-

132

“7061-9813 For rural school assistance grants to cities, towns, regional school districts, county agricultural schools, independent vocational schools, charter schools or collaboratives to increase regional collaboration, consolidation or other strategies to improve the long-term operational efficiency and effectiveness of public schools; provided, that in awarding such grants, priority shall be given to proposals that support schools and districts that have experienced, or are experiencing, significant enrollment losses that jeopardize their long-term fiscal health and ability to offer high quality educational programming.....\$3,000,000”.

The amendment was adopted.

Messrs. Lewis and Lesser moved that the proposed new text be amended in section

136

2, by striking in line-item 7061-9611 and inserting in place thereof:-

“7061-9611 For grants or subsidies for after-school, extended school services, and out-of-school programs; provided, that preference shall be given to proposals developed collaboratively by public and nonpublic schools and private community-based programs; provided further, that applicants shall detail funds received from all public sources for existing after-school, extended school services, and out-of-school programs and the types of programs and students served by the funds; provided further, that funds shall be expended for services that actively include children with disabilities in programs that also serve non-disabled children and services that include children for whom English is a second language, and children identified as low-income; provided further, that the department of elementary and secondary education shall consult with the executive office of health and human services and the department of early education and care to maximize the provision of wrap-around services and to coordinate programs and services for children and youths during after-school, extended school services, and out-of-school programs; provided further, that not later than January 15, 2021, the department of elementary and secondary education shall select the grant recipients; provided further, that appropriated funds may be expended for programs or activities during the summer months; and provided further, that funds shall be expended to convene regional networks to work with the department of elementary and secondary education and the department of early education and care to support the implementation of school and community partnerships.....\$8,291,923.”

The amendment was adopted.

Mr. Montigny moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "; provided further, that not less than \$250,000 shall be expended for a 1-time grant program to be administered by the Community Foundation of Southeastern Massachusetts, Inc. to provide educational, health, wellness, and safety resources to financially disadvantaged youth in the city of New Bedford"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$350,000".

140

The amendment was adopted.

As previously mentioned, the amendments were considered as one, and adopted.

There being no objection, the following amendments were considered as one, and rejected as follow:

Messrs. Barrett, Collins and Keenan moved that the proposed new text be amended in section 2, in item 1107-2501, by striking out item 1107-2501 and inserting in place thereof the following item:-

8

"1107-2501 For the operation of the disabled persons protection commission including, but not limited to, the costs of maintaining a computerized registry system of persons who have been substantiated for registrable abuse of a person with an intellectual or developmental disability; provided, that the commission shall facilitate compliance by the department of mental health and the department of developmental services with uniform investigative standards; provided further, that the commission shall report to the house and senate committees on ways and means, not later than the last day of each quarter, on the number of claims of abuse by caretakers made by employees or contracted service employees of the department of developmental services, the department of mental health and the Massachusetts rehabilitation commission; provided further, that the report shall include: (a) the number of substantiated claims; (b) the number of unsubstantiated claims; and (c) the number of false claims reported as a

result of intentional and malicious action; provided further, that not later than March 1, 2021, the commission shall issue a brief update to its fiscal year 2020 report detailing staffing changes and planned staffing changes from fiscal year 2018 through fiscal year 2021, and analyzing the effect of those changes on operational efficiency and caseload reduction; provided further, that the commission shall detail a 2 year hiring plan based on the appropriation provided in this item, and identify any remaining staffing needs within the agency necessary to reduce or eliminate backlogs with an estimate of the cost of those needs; provided further, that said update shall be provided to the house and senate committees on ways and means and to the joint committee on children, families and persons with disabilities; provided further, that all persons who call the commission's 24-hour hotline shall be provided with the opportunity to elect that the call not be recorded; and provided further, that, in order to facilitate an effective hiring process for new employees required by the commission, funds appropriated for this item shall not revert but shall be made available for this item in fiscal year 2022. \$7,896,579".

The amendment was *rejected*.

Ms. Jehlen, Messrs. Feeney, Brady, Moore, O'Connor, Lesser, Pacheco, Timilty, Velis and Tran and Ms. Lovely moved that the proposed new text be amended by adding the following sections:

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"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 *rejected*.

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

20

"SECTION XX. Section 1(c) of chapter 322 of the Acts of 2018, is amended by inserting at the end the following: 'and provided further, the Citizens Commission shall

continue to exist and perform the responsibilities defined in this section until such time as the aforesaid constitutional amendment or amendments are ratified’.

SECTION XX. Section 2(c) of said chapter 322, is amended by inserting at the end the following: ‘provided further, the governor’s office of boards and commissions shall provide administrative support to the Citizens Commission, including but not limited to maintaining a website, facilitating meetings, and similar administrative tasks’.

SECTION XX. Section 3(f) of said chapter 322 is amended inserting at the end the following: ‘and provided further, in the event a vacancy occurs on the Citizens Commission, the chair, co-chairs, or secretary of the Commission shall give notice of such vacancy to the appointing authority for that Commissioner, and the appointing authority shall appoint a replacement Commissioner in the following manner:

i). Within 30 days of receiving notice of the vacancy, the appointing authority may appoint any person who has previously duly applied to serve on the Citizens Commission in the process described in this Chapter; or

ii). Within 30 days of receiving notice of the vacancy, the appointing authority may appoint any person who files an application in compliance with this Chapter, sections b) and c), provided such application is publicly posted within 14 days of the notice of vacancy, and no appointment is made until 21 days after notice of the vacancy.’.

SECTION XX. Section 3(h) of said chapter 322 is amended by inserting after ‘co-chairs’ the following: ‘and secretary’.

SECTION XX. Section 4(a) of said chapter 322 is amended by striking Section 4(a)(i)--4(a)(iii) and inserting the following: ‘Section 4(a)(i): The Citizens Commission shall issue reports periodically, and in no event less than annually, concerning its activities, findings, and recommendations to advance and ratify the constitutional amendment or amendments that are the subject of this Chapter, and’.

SECTION XX. Section 4(b) of said chapter 322 is deleted and in its stead section 4(a)(ii) is inserted as follows: ‘The Citizens Commission shall deliver each of its reports to the President of the Senate, the Speaker of the House of Representatives, the Governor, the Secretary of the Commonwealth, the Attorney General, each member of the Massachusetts Congressional delegation, the President of the United States, and by public notice, the citizens of Massachusetts within 14 days of such report.’.

SECTION XX. Section 4(c) of said chapter 322 is amended by striking the section and inserting in place thereof : ‘Within 5 days of receipt, the Secretary of the Commonwealth is instructed to deliver any such report to each of the Secretary's counterparts in each of the several States, requesting that the said Secretary of each State deliver the report to such State's President of the Senate, Speaker of the House of Representatives, Governor, State Secretary, and Attorney General.’

SECTION XX. Section 4(e) of said chapter 322 is amended by adding after ‘amendments’ the following, ‘and provided further, the Citizens Commission shall advance the amendment or amendments by continuing to a) engage elected officials and political leadership to ensure support and prompt ratification for the amendments, b) engage with other states to gain support for the amendments, and c) engage with the public, organizations, and the media to increase awareness and support for the amendments’.

The amendment was *rejected*.

Mr. Moore moved that the proposed new text be amended in section 2, by inserting after line item 1110-1000 the following item:

“1110-1002 For the Division of Administration Law Appeals, which may expend not more than \$70,000 in revenues from fees charged for filing.....\$70,000”; and

By inserting the following section:-

“SECTION XX. The fifth paragraph of section 4H of chapter 7 of the General Laws,

as appearing in the 2018 Official Edition, is hereby amended by adding the following 2 sentences:- The division shall establish a fee structure for all appeals, except for (i) appeals brought through the bureau of special education appeals, pursuant to this section and section 2A of chapter 71B; (ii) appeals from decisions by the commissioner of veterans' services, pursuant to section 2 of chapter 115; and (iii) appeals from the contributory retirement appeal board, pursuant to section 16 of chapter 32. The maximum fee shall not exceed \$300 for any appeal and may include a waiver for financial hardship, as determined by the division."

The amendment was *rejected*.

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

26

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

'Commission', the alcohol beverages control commission, established in section 70 of chapter 10 of the General Laws.

'Local licensing authorities', as defined in section 1 of chapter 138 of the General Laws.

'Safekeeping', means a voluntary surrendering by a licensee of the privileges granted by the license without surrendering the license on a permanent basis to provide for a moratorium on all administrative rule and statutory licensing requirements of that license type during the time the license is listed in safekeeping.

(b) Notwithstanding section 77 of chapter 138 of the General Laws, any holder of a section 12 license issued pursuant to said chapter 138 who ceases to conduct the licensed business as a result of disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19, may retain such license for a period of not more than 1 year upon filing with the local licensing authority and the commission a statement of the reason the license should be held in safekeeping and furnishing the name, address and telephone number of the person to whom correspondence is to be directed while the licensed premises is closed. The local licensing authority and the commission shall extend the safekeeping period for an additional year, if at the end of the initial one year period the licensed premises is unavailable due to fire, flood or similar natural disaster or an application is submitted to extend the safekeeping period for an additional year. If the license is not reactivated, transferred or approved for an extension of safekeeping period for an additional year, at the end of the initial one year safekeeping period the license shall be returned to the local licensing authority.

(c) The commission may establish a reasonable annual safekeeping fee; provided, however, a licensee who can show an inability to use the license through no fault of its own as a result of fire or flood, or inability to obtain an occupancy permit shall be granted a waiver of such fee. The presence of another business or the licensed business no longer being viable shall not serve as sufficient reasons to justify a waiver.

(d) The commission shall, within 10 days of the passage of this act, promulgate regulations consistent with this section and issue updated guidance to local licensing authorities.

(e) Nothing in this section shall prevent the commission from exercising its statutory or regulatory enforcement authority over any such safekeeping license."

The amendment was *rejected*.

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

29

"SECTION __. Clause 22E of section 5 of chapter 59 as appearing in the 2018 official edition is hereby amended by striking in line 855-857 the following:- 'to the amount of six thousand dollars of the taxable valuation of real property or the sum of \$1,000, whichever

would result in an abatement of the greater amount of actual taxes due' and insert in place thereof the following:- 'to the entire amount of the taxable valuation of real property of the actual taxes due'."

The amendment was *rejected*.

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

31

"SECTION. Notwithstanding any general or special law to the contrary there is hereby established for the taxable years 2020 and 2021 a 2019 Novel Coronavirus school supplies tax credit, the purpose of which shall be to provide relief for extraordinary costs incurred by filers in response to the 2019 Novel Coronavirus pandemic for the purchase of school supplies. The amount of such credit shall be \$1,000 and the aggregate amount of such credit shall not exceed \$10,000,000 in any year. Said credit shall be available to reduce the amount of income tax owed and shall be implemented pursuant to regulations promulgated by the department of revenue. Said regulations shall prescribe specific expenses eligible for the credit, including but not limited to the costs associated for remote learning, and any such cost claimed shall be itemized in a form prescribed by the department. Such credit shall be available only in the tax year in which the claimed expenses are incurred, and no part of any credit may be carried forward to a subsequent tax year."

The amendment was *rejected*.

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

33

"SECTION XX. Section 32 of Chapter 34 of the Acts of 2019 is hereby amended by striking out the words 'March 31, 2020' and inserting in place thereof the following words:- 'December 31, 2021'."

The amendment was *rejected*.

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

34

"SECTION_. Chapter 7C of the General Laws is hereby amended by inserting after section 2 the following section:-

Section 2A. (a) As used in this section, the following words shall have the following meanings unless the context clearly indicates otherwise:-

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

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

'Maintenance', day-to-day routine, normally recurring, repairs, equipment adjustments and upkeep.

'Repair', work required to restore a facility or system to a condition in which it may continue to be approximately and effectively used for its designated purpose and anticipated life or to comply with code requirements by overhaul, reprocessing or

replacement of constituent parts or materials that do not meet code requirements or have deteriorated by either action of the elements or wear and tear in use.

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

(c) The commissioner may procure contracts for services related to the creation and use of job order contracts including, but not limited to, the creation of task descriptions, specifications and unit prices for use in job order contracts, and agency training and other services related to such contracts. Such procurement may be conducted in accordance with the procedures specified in applicable regulations governing the procurement of commodities or services.

(d) The commissioner may procure job order contracts for use by state agencies, consisting of the division of capital asset management and maintenance and any higher education facilities subject to the department of higher education. Contracts authorized under this section shall: (i) be limited to job orders estimated to cost not more than \$1,000,000 each; (ii) have a maximum term of 2 years; and (iii) be procured through the procedures specified in section 39M of chapter 30, except that: (A) the amount of the bid deposit shall be \$5,000; (B) a contractor who is awarded a job order under a job order contract shall be certified by the division for the category of work specified in the contract; and (C) the amount of surety bonds required by the contract may be satisfied with respect to each particular job order before the commencement of any work under that job order. The commissioner shall award a job order contract to the eligible and responsible bidder who offers the lowest mark-up over the base unit prices specified in the contract specifications.

(e) Not later than February 1 and July 1 of each year, the commissioner shall biannually prepare and submit a report on the job order contract program to the chairs of the joint committee on state administration and regulatory oversight. The report shall include an analysis of the cost effectiveness of job order contracting and any other public benefits resulting from job order contracts."

The amendment was *rejected*.

Mr. Eldridge moved that the proposed new text be amended by inserting the following:- 35

"SECTION XX. Section 90 of Chapter 41 of the Acts of 2019 is hereby amended by striking out the words 'December 31, 2019' and inserting in place thereof the following words:- 'July 31, 2021'."

The amendment was *rejected*.

Mr. Tran moved that the proposed new text be amended by inserting the following sections:- 36

"SECTION _. Section 31A of chapter 29 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following 2 subsections:-

(e) No employee of the commonwealth shall accrue more than 1,000 hours of unused sick leave credits.

(f) No employee of a public institution of higher education listed in section 5 of chapter 15A shall accrue more than 1,000 hours of unused sick leave credits.

SECTION _. Notwithstanding any general or special law to the contrary, section W shall take effect for any employee of the commonwealth and any employee at public institutions of higher education listed in section 5 of chapter 15A of the General Laws who has accrued not more than 1,000 hours of unused sick leave credits, on the effective date of this act. Any such employee who has accrued more than 1,000 hours of unused sick leave credits as of the effective date of this act shall not accrue credits in excess of those

credits, but may accrue credits to replenish any sick time that is used after the effective date of this act, up to the maximum of 1,000 hours set forth above.

SECTION __. Notwithstanding any general or special law to the contrary, the personnel administrator shall promulgate revised rules under the second paragraph of section 28 of chapter 7 of the General Laws to incorporate the changes enacted in subsection (e) of section 31A of chapter 29 of the General Laws and section X of this act, which revisions shall take effect as soon as practicable after the effective date of this act.

SECTION __. Notwithstanding any general or special law to the contrary, the department of higher education and the University of Massachusetts shall revise the necessary rules and policies in order to incorporate the changes enacted in subsection (f) of section 31A of chapter 29 of the General Laws and section X of this act, which revisions shall take effect as soon as practicable after the effective date of this act.”

The amendment was *rejected*.

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

40

“SECTION X. Chapter 7C of the General Laws is hereby amended by inserting after section 2 the following section:

Section 2A. (a) As used in this section, the following words shall have the following meanings unless the context clearly indicates otherwise:-

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

‘Job order contract’, a contract for the performance of a maintenance, repair, alteration and conversion projects, or a subset thereof, that: (i) is limited to a specified term; (ii) includes specifications consisting of technical descriptions of the included various tasks, materials and equipment at stated unit prices but that do not specify the specific projects to be performed by the contractor; (iii) contains a fixed contractor's mark up over the unit prices, as described under clause (ii); and (iv) in accordance with which 1 or more specified state agencies may enter into fixed price job orders with the contractor for the performance of specific projects, consisting solely of combinations of the tasks, materials and equipment specified in the contract and at the unit prices specified in the contract plus the contractor's mark-up.

‘Maintenance’, day-to-day routine, normally recurring, repairs, equipment adjustments and upkeep.

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

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

(c) The commissioner may procure contracts for services related to the creation and use of job order contracts including, but not limited to, the creation of task descriptions, specifications and unit prices for use in job order contracts, and agency training and other services related to such contracts. Such procurement may be conducted in accordance with the procedures specified in applicable regulations governing the procurement of commodities or services.

(d) The commissioner may procure job order contracts for use by state agencies,

consisting of the division of capital asset management and maintenance and any higher education facilities subject to the department of higher education. Contracts authorized under this section shall: (i) be limited to job orders estimated to cost not more than \$1,000,000 each; (ii) have a maximum term of 2 years; and (iii) be procured through the procedures specified in section 39M of chapter 30, except that: (A) the amount of the bid deposit shall be \$5,000; (B) a contractor who is awarded a job order under a job order contract shall be certified by the division for the category of work specified in the contract; and (C) the amount of surety bonds required by the contract may be satisfied with respect to each particular job order before the commencement of any work under that job order. The commissioner shall award a job order contract to the eligible and responsible bidder who offers the lowest mark-up over the base unit prices specified in the contract specifications.

(e) Not later than February 1 and July 1 of each year, the commissioner shall biannually prepare and submit a report on the job order contract program to the chairs of the joint committee on state administration and regulatory oversight. The report shall include an analysis of the cost effectiveness of job order contracting and any other public benefits resulting from job order contracts.”

The amendment was *rejected*.

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

41

“SECTION X. The fourth paragraph of subsection (a) of section 39M of chapter 30 of the General Laws, as so appearing, is hereby amended by striking out, in line 64, the words ‘, maintenance’.

SECTION X. Section 51 of said chapter 30, as so appearing, is hereby amended by inserting, in line 1, after the word ‘services’, the following words:- which shall include maintenance services to a facility or system and replacement of equipment within existing systems as part of a periodic maintenance contract,.

SECTION X. Section 52 of said chapter 30, as so appearing, is hereby amended by inserting, in line 1, after the word ‘services’, the following words:- which shall include maintenance services to a facility or system and replacement of equipment within existing systems as part of a periodic maintenance contract,.

SECTION X. Section 44A of chapter 149 of the General Laws, as so appearing, is hereby amended by striking out, each time it appears, in lines 48, 60, 99, 111, and lines 136 and 137, the word ‘, maintenance’.

SECTION X. Subsection (a) of section 44A½ of said chapter 149, as so appearing, is hereby amended by striking out, in line 6, the word ‘, maintenance’.”

The amendment was *rejected*.

Messrs. Rush and Timilty moved that the proposed new text be amended in section 3, by inserting at the end thereof the following new section:-

43

“SECTION XX. Section 1. Section 111M of chapter 41, is hereby amended by striking every occurrence of the phrase ‘city or town or fire or water district’ and inserting in place thereof the following phrase ‘city or town or political subdivision thereof, including the Boston Public Health Commission, or fire or water district’.

Section 2. Section 111N of chapter 41, is hereby amended by striking every occurrence of the phrase ‘city or town’ and inserting in place thereof the following phrase ‘city or town, including political subdivisions thereof, including the Boston Public Health Commission, and fire or water districts’.”

The amendment was *rejected*.

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

55

“SECTION XX. Chapter 112 of the General Laws, as appearing in the 2014 Official

Edition, is hereby amended by inserting, after section 144A, the following section:-

Section 144B. (a) The board shall issue a provisional license as a speech-language pathologist to each applicant who meets the requirements set forth in this section. It shall issue the provisional license to each person so licensed, which shall be conclusive evidence of the right of such person to practice for a period of supervised professional practice in the area in which a license under section 144 is being sought and required by the national certifying body for speech-language pathology. The provisional license shall be valid for no longer than the period of supervised professional practice.

(b) To be eligible for license by the board as a speech-language pathologist, an applicant shall: (1) be of good moral character; and (2) possess at a minimum (a) a bachelor's degree or its equivalent and (b) a master's degree or its equivalent in the area of speech-language pathology granted by an educational institution which incorporates academic course work and the minimum hours of supervised training required by the national certifying body for speech-language pathology. (c) The applicant for the provisional license as a speech-language pathologist shall apply to the board in writing on an application form prescribed and furnished by the board. At the time of filing the application, an applicant for a provisional license shall pay to the board a fee which shall be set by the secretary of administration and finance.

SECTION XX. Section 146 of said chapter 112 is hereby amended by inserting in line 3, after the words 'section 144', the following words:- or section 144B,.

SECTION XX. Said section 146 of said chapter 112 is hereby amended by inserting in line 9, after the words 'section 144' the following words:- or section 144B,.

SECTION XX. Notwithstanding any general or special law, or rule or regulation to the contrary, insurance companies shall accept the provisional license of a speech-language pathologist as a full license for the purpose of credentialing clinicians.”

The amendment was *rejected*.

Messrs. Brady, Feeney, O'Connor, Pacheco, Timilty and Tran moved that the proposed new text be amended by adding the following sections:

56

“SECTION XX. Section 1 of chapter 142 is hereby amended by inserting after the definition of 'Certificate of a gas fitting corporation or certificate of a gas fitting partnership' the following 2 definitions:-

'Drain cleaner,' a person who himself does any work in drain cleaning as certified under section 3C.

'Drain cleaning,' the removing of stoppages or obstructions in a plumbing drainage system.

SECTION XX. Chapter 142 is hereby further amended by inserting after section 3B the following section:-

Section 3C. No drain cleaner shall engage in the practice of drain cleaning without completing the necessary education requirements and is certified by the board. A drain cleaner must demonstrate that he or she has completed at least 100 hours of drain cleaning work under the supervision of an existing drain cleaning business incorporated with the state prior to January 1, 2021 or a licensed plumber. Drain cleaners shall limit their drain cleaning work to pipes connected to fixtures inside a structure, which shall include, but not be limited to sinks, bathtubs, toilets, cleanouts with a removable plug or cap, and removable fixture traps. Drain cleaners shall not install, destroy or cut any pipes. The fee for certification shall not be more than fifty dollars every two years to be paid at the time of certification renewal.”

The amendment was *rejected*.

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

58

“SECTION XX. The General Court hereby declares and finds that because changes

in financial industry practice as to predatory lending have significantly decapitalized the commonwealth, reduced the tax base of Massachusetts communities, detrimentally affected Massachusetts residents as consumers of predatory mortgage loan products, and made the chain of title of many mortgages of real property untraceable, it is in the interest of the commonwealth to establish a publicly owned and administered fund authorized to receive assets and monies, including residential mortgages where the mortgagee and/or note-owner cannot be ascertained, and to discharge related functions to help rebuild our economy and municipal tax base, especially in the neighborhoods most affected by predatory lending and concomitant foreclosure.

SECTION XX. For the purposes of this Act, the following terms shall have the following meanings:

‘Mortgagee’ or ‘mortgage holder’, a person who has invested funds or other consideration to hold legal title to real property upon which a mortgage is granted, and who is named as such in the mortgage or any assignment thereof.

‘Mortgagee of Record’, a ‘mortgagee’ or ‘mortgage holder’ so identified in an instrument that thereafter was recorded.

‘Mortgage Note’, a promissory note, signed by the mortgagor, promising to pay the lender, or any successor who is entitled to enforce the mortgage note as note-owner or on behalf of the note-owner, and specifying the requirements for the repayment of the debt including the amount, interest and charges.

‘Note Owner’, the lender or a transferee of the note, who is entitled to receive payments under and to enforce the note.

SECTION XX. Chapter 40H of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after section 4 the following section:

Section XX A. (a) CEDAC shall establish a Resolution Trust Fund, hereinafter ‘the Fund’, which is hereby authorized to receive transfers of mortgage loans and payments made on such loans, as to which the current mortgagee and/or note-owner cannot be identified; monies including those appropriated from the general fund or paid into the Fund by bequest or otherwise; targeted funding streams through the Massachusetts state government; and monies that a court or an agency in receipt of settlement funds designates for payment into the Fund. The Fund will be established in accordance with the requirements defined in subsection (a) of section 2A.

(b) The Fund may accept any mortgage loan for which the documentation produced in a legal procedure, such as court action; in an administrative action including a qualified written request; in a legally required mediation or negotiation; or otherwise, evidences that it is not as evidenced as not being owned by the mortgagee of record in the appropriate registry of deeds, or for which the claimed note-owner has not produced required original source documents demonstrating present legal noteowner status.

(c) The fund will receive any mortgage loan transferred to the Commonwealth by operation of law.

(d) A court or other entity transferring such a mortgage to the Fund shall, if it has jurisdiction to do so, modify these payments to the extent necessary to obtain compliance with traditional prime lending characteristics including, but not limited to, a principal of not more than 80 percent of the present day value of the home, prime lending rates, fixed payment schedules, standard underwriting criteria, no prepayment penalties, and no balloon payments.

(e) If any mortgage payments transferred to the Fund are or might be predatory and have not been modified accordingly before transfer, the Fund shall immediately request a determination of traditional prime lending characteristics for such payments from the division of banks or another appropriate state agency, and modify mortgage characteristics according to subsection (d).

(f) To the extent possible, any mortgage loan transferred pursuant to this Act shall be accompanied by the loan collateral file, servicer file; onboarding or intake sheet(s) or screenshot(s); transaction and payment history; the original wet ink note with all allonges attached in their present condition, or a court determination that the note has been lost or a certified copy thereof; all off-record assignments or certified copies thereof; the founding documents of any securitized trust, limited liability corporation or other entity in the chain of title; and any documents associated with the loan from its document custodian or claimed holder of the mortgage or associated claimed note-owner.

(g) When mortgages are transferred to the Fund, within twenty (20) days of each such transfer the Fund shall record in the appropriate registry of deeds, at its own cost, a certified copy of the document(s) evidencing the transfer.

(h) Within thirty (30) days of the transfer of a mortgage loan payments, the Fund shall notify each mortgagor of the periodic payment to be made to the Fund, with any modified mortgage loan characteristics, including present principal, interest rate, monthly payment, amortization schedule, escrowing of taxes and insurance, payment requirements and authorized payee contact information.

(i) The Fund shall establish an escrow account and pay applicable real estate taxes and other costs out of mortgage payments transferred to it and shall otherwise service the loan.

(j) The Fund may retain up to fifteen (15) percent of all mortgage payments transferred to it and expend such amounts to defray administrative overhead. Any excess over the amounts required to administer the Fund for a given fiscal year shall be invested prudently, with the income thereof being paid into the Fund.

(k) In case of the dissolution of the Fund, any balance of such administrative overhead remaining shall inure to the General Fund.

(l) If a homeowner whose mortgage payments have been transferred to the Fund becomes delinquent, the Fund shall make every effort to assist the family to stay in its home. If the homeowner nonetheless defaults, and cure is not feasible, the Fund may accelerate the maturity of the remaining principal balance and foreclose by court action in the name of the commonwealth pursuant to section 1 of chapter 244 of the General Laws.

(m) Any sale of a property after such a foreclosure shall convey title in fee simple from the commonwealth to the purchaser. The proceeds of any such sale shall, after subtracting any legally required distribution of proceeds and costs, including costs of recordation in the appropriate registry of deeds, be credited to the Fund.

(n) When a mortgagor completes payments of such a mortgage loan transferred to the Fund, the Fund shall provide a discharge of the mortgage, and record this at its expense within thirty (30) days of payoff in the appropriate registry of deeds.

(o) CEDAC shall appoint a director to administer the Fund through CEDAC and under criteria that it shall establish promptly by regulation pursuant to this Act.

(p) CEDAC shall ensure that the Fund is invested prudently.

(q) At the close of each fiscal year, the Fund shall determine the number of 'Eaton' or section 35C of chapter 244 affidavits filed with each registry of deeds in the previous five calendar years.

(r) Monies beyond administrative expenses, that the Fund receives by appropriation or otherwise, which that are not attributable to a given county or former county (herein, 'county') in accordance with the provisions of this act, and interest on any monies invested on the Fund's behalf, shall be allocated to the general fund for the 3 years after the end of the Governor's Covid-19 emergency declaration.

(s) Monies, beyond administrative expenses, that the Fund receives by appropriation or otherwise that are not attributable to a given county or former county (herein, 'county'), and interest on any monies invested on the Fund's behalf, shall be allocated (herein,

‘allocated monies’) among the counties at the close of each fiscal year according to the proportion of Eaton affidavits filed with the appropriate registry of deeds in the previous five calendar years.

(t) When payments to the Fund from a given county plus any allocated monies equal at least \$300,000, the CEDAC, in consultation with community agencies in the county, shall hold a hearing within that county for public input into the distribution within that county of the funds and the purposes, including affordable housing, for which CEDAC will expend them. Preference shall be given to areas or neighborhoods with the highest proportions of Eaton affidavits filed in the appropriate registry of deeds during the previous five years. CEDAC shall publicize each such hearing widely through community agencies and relevant members of the general court as well as by means of the media in the county in which the hearing is to be held.

(u) CEDAC shall by regulation establish a point system for potential projects, based upon public input; announce a request for proposals; review and rank such proposals; award contracts accordingly; and require an annual accounting of the funds distributed for each such project with a specification of the results obtained.

(v) Once the revenue to the Fund from a city or a cluster of up to 5 towns has reached an income threshold of \$100,000 in a year, a local hearing will be held upon request and funds distributed similarly to subsection (c) and (d). The Fund will be established in accordance with the requirements defined in subsection (a) of section 2A.

(w) The director of the Fund shall file an annual report on December 15 with the speaker of the house of representatives, the president of the senate, and the chairs of the house and senate joint committees on ways and means, housing, community development and small business, and insurance and financial services, providing an accounting of the Fund’s monies expended, including their regional distribution, the usage of those monies, a description of the respective projects’ funding, and their impact on affordable housing and community development.”

The amendment was *rejected*.

Messrs. Eldridge, O'Connor, Moore and Collins and Ms. Chang-Diaz moved that the proposed new text be amended by inserting the following:-

67

“SECTION XX. Paragraph (1) of subsection (h) of section 6 of chapter 62 of the General Laws, as so appearing, is hereby amended by inserting at the end of said paragraph the following:- ‘A taxpayer may claim a credit under this section, using either a Social Security number or an individual taxpayer identification number, if but for section 32(m) of the Code, the taxpayer would be eligible to claim a credit.’”

The amendment was *rejected*.

Ms. Gobi and Messrs. O'Connor, Brady, Timilty, Velis and Fattman moved that the proposed new text be amended by adding at the end thereof the following section:

68

“SECTION XX. Chapter 29 of the General Laws is hereby amended by inserting after section 2HHHHH, inserted by section 4 of chapter 142 of the acts of 2019, the following section:-

Section 2IIIII. (a) There shall be an Emergency Relief and Immediate Commonwealth Assistance Trust, which shall be administered by the Massachusetts emergency management agency. Monies in the trust shall be deposited with the state treasurer in a manner that will secure the highest interest rate available consistent with the safety of the trust and with the requirement that all amounts on deposit be available for immediate use.

(b) There shall be credited to the trust: any unexpended funds from item 8800-0001, which shall not revert to the General Fund or any other fund but instead shall be transferred to the trust; other funds appropriated or transferred to the trust by the general court; and all interest earned on monies in the trust.

(c) Expenditures from the trust shall not be subject to appropriation and balances

remaining in the trust at the end of a fiscal year shall not revert to the General Fund; provided, that expenditures from the trust shall be made for state or local response efforts to natural disasters or emergency incidents determined at the discretion of the director of the agency; and provided further, that expenditures shall not be used to supplant recurring operational costs of the agency funded through the general appropriations act.

(d) Subject to the approval of the secretary of public safety and security in consultation with the secretary of administration and finance, the agency may incur liabilities and make expenditures in excess of funds available and the state comptroller may certify for payment invoices in excess of funds available to the agency; provided, that the agency must cite a state of emergency declaration upon its request to incur liabilities and make expenditures in excess of funds available; and provided further, that the negative balance of funds available shall not exceed \$5,000,000 at any time during the fiscal year; provided further that no expenditure shall be made from the trust which shall cause the trust to be in deficit at the close of a fiscal year.

(e) Not later than June 1 of each fiscal year, the agency shall submit a report to the secretary of administration and finance and the house and senate committees on ways and means, which shall include the trust's balance at the start of the current fiscal year, any transfers of funds to and from the trust during the fiscal year, any revenue deposited into the trust, an itemized description of expenditures by disaster or incident during the fiscal year, a projected balance in the trust for the end of the fiscal year, and any request for supplemental appropriations to eliminate any negative balance projected for the trust at the end of the fiscal year."

The amendment was *rejected*.

Ms. Gobi, Messrs. Moore and O'Connor, Ms. Jehlen, Messrs. Brady, Timilty, Pacheco and Feeney and Ms. Moran moved that the proposed new text be amended by adding at the end thereof, the following section:

69

"SECTION XX. Notwithstanding any general or special law to the contrary, the expenditure of funds appropriated in this act for campus operation in the commonwealth's community colleges, state universities, and University of Massachusetts shall be contingent on the cessation of layoffs and furloughs of campus faculty and staff; and provided further that the board of higher education and the Board of Trustees of the University of Massachusetts shall submit a plan to reinstate employees who have been laid-off and campus programs that have been eliminated on or after July 1, 2020 due to projected state budget shortfalls related to COVID 19 pandemic, to the committees on Ways and Means and the Joint Committee on Higher Education by December 31, 2020."

The amendment was *rejected*.

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

71

"SECTION XX. Section 5 of said chapter 7C, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 4 and 13, both times it appears, the figure '250,000' and inserting in place thereof the following figure:- 300,000."

The amendment was *rejected*.

Ms. Lovely and Mr. Tran moved that the proposed new text be amended by striking out section 19 and inserting in place thereof the following section:-

72

"SECTION 19. Said chapter 62C is hereby further amended by inserting after section 16A the following section:-

Section 16B. Notwithstanding the due date of the return as set forth in section 16 or the payment date as set forth in section 32 or any other general or special law to the contrary, a payment of tax shall be made in advance of the filing of the return required under subsection (g) of said section 16 or subsection (h) of said section 16 not later than the twenty-fifth day of the last month of the filing period; provided, however, that such

payment shall include either (i) the tax collected for any taxable sale made during the days in the filing period occurring on or before the twenty-first day of the last month of the filing period, or (ii) a minimum of 75% of the liability for the same calendar month of the preceding year; provided further, that this section shall not apply to operators whose cumulative room occupancy excise liability in the immediately preceding calendar year with respect to returns filed under said subsection (g) of said section 16 is not more than \$150,000; provided further, that this section shall not apply to vendors whose cumulative sales tax liability in the immediately preceding calendar year with respect to returns filed under said subsection (h) of said section 16 is not more than \$150,000; and provided further, that tax collected for any taxable sale made during the remaining days of the filing period for which tax was not previously remitted shall be remitted at the time the return for that filing period is required to be filed. Any advance payment shall be credited against the actual tax liability due on the return required for the period; provided further, that any portion of an advance payment that exceeds the actual tax liability for the month in which the liability occurred shall be allowed as a credit for the amount of tax overpaid and shall be immediately available for credit against a future tax liability of the operator or shall be refunded to the operator.

A penalty of 5 per cent of the amount of an underpayment shall be imposed, unless such underpayment is due to a reasonable cause; provided, however, that such penalty shall not be imposed if the payment made on or before the date prescribed under this section is not less than 70 per cent of the total tax collected during the filing period. For the purposes of this paragraph, the term “underpayment” shall mean the excess of the amount of the payment required under this section over the amount, if any, paid on or before the date prescribed therefor. The department shall issue regulations and guidance necessary to implement this section.”

The amendment was *rejected*.

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

73

“SECTION XX. Chapter 64D of the General Laws, as appearing in the 2014 official edition, is hereby amended by inserting the following new section:

Section 11A. There shall be established upon the books of Barnstable county, being a county of a transferred sheriff, the government of which county has not been abolished by chapter 34B or other law, a fund, maintained separate and apart from all other funds and accounts of each county, to be known as the Deeds Excise Fund.

[Second paragraph effective until July 1, 2014. For text effective July 1, 2024 see below.]

Notwithstanding any general or special law to the contrary, in Barnstable County, in any year in which its minimum obligation to fund from its own revenues the operation of the sheriff’s office is insufficient to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff’s office, as determined by agreement of the secretary of administration and finance, the actuary of the Public Employee Retirement Administration Commission, the retirement association and their actuary and the county treasurer, beginning in fiscal year 2020, the county shall retain and shall transfer to the Deeds Excise Fund in which it shall be held separate and apart from all other funds and from which it shall be appropriated solely for this purpose, an amount of the State deeds excise collected in that county necessary as determined by agreement of the secretary of administration and finance, the actuary of the Public Employee Retirement Administration Commission, the retirement associations and their actuary and the county treasurer to meet its annual retirement assessment, which shall include the county’s required maintenance of effort for the fiscal year and to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff’s office

until the minimum obligation is sufficient or until the county has paid such unfunded liability in full.

[Third paragraph effective July 1, 2024. For text effective until July 1, 2024 see above.]

Notwithstanding any general or special law to the contrary, in Barnstable county, in any year in which its minimum obligation to fund from its own revenues the operation of the sheriff's office is insufficient to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office, as determined by agreement of the secretary of administration and finance, the actuary of the Public Employee Retirement Administration Commission, the retirement association and their actuary and the county treasurer, beginning in fiscal year 2020, the county shall retain and shall transfer to the Deeds Excise Fund in which it shall be held separate and apart from all other funds and from which it shall be appropriated solely for this purpose, an amount of the State deeds excise collected in that county necessary as determined by agreement of the secretary of administration and finance, the actuary of the Public Employee Retirement Administration Commission, the retirement associations and their actuary and the county treasurer to meet its annual retirement assessment, which shall include the county's required maintenance of effort for the fiscal year plus an additional 10 percent of the combined maintenance of effort for fiscal year 2010 to fiscal year 2019 and to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office until the minimum obligation is sufficient or until the county has paid such unfunded liability in full."

The amendment was *rejected*.

Mr. Lewis moved that the proposed new text be amended in section 2, in item 1599-1233, by inserting the following:- "provided further, that not less than \$480,000 shall be expended for the design and installation of an emergency backup generator at Melrose city hall in the city of Melrose".

75

The amendment was *rejected*.

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

86

"SECTION XX. (a) The general laws are hereby amended by inserting after chapter 63C the following chapter:-

Chapter 63D. Excise on manufacture and sale of certain opioids for distribution in the commonwealth. Section 1. As used in this chapter, the following words shall have the following meanings:

'Commissioner', the commissioner of revenue.

'Gross receipts', receipts from sales made by a person to a purchaser that is not a related party. In the case of sales to a related party or parties for subsequent resale to an unrelated buyer, the gross receipts are the amount paid for the product by the first unrelated buyer.

'Opioid', any product included in the pharmacological class category of full opioid agonist, opioid agonist or partial opioid agonist in the National Drug Code (NDC) Directory NDC Product File, except for products approved by the U.S. Food and Drug Administration for the treatment of opioid use disorder

'Person', any natural person or legal entity.

'Related parties', an entity that belongs to the same affiliated group as the person under section 1504 of the Internal Revenue Code, as amended and in effect for the taxable year, or if the entity and the person are otherwise commonly owned and controlled.

Section 2. (a) Any person who manufactures opioids and sells such products, directly or through another person, for distribution in the commonwealth shall pay an excise of 15 per cent of its gross receipts from such sales; provided, however, that gross receipts subject

to the excise under this section shall be limited to the sales of opioids that are ultimately dispensed in the commonwealth pursuant to a valid prescription issued under section 18 of chapter 94C.(b) A person who manufactures opioids and sells such products, directly or through another person, for distribution in the commonwealth as described in subsection (a) shall file a return as provided in subsection (a) of section 4 declaring total sales subject to excise in the immediately preceding calendar quarter. In the event that a person filing such a return pays an excise of 15 per cent of its gross receipts from sales of opioids that are not ultimately dispensed in the commonwealth pursuant to a valid prescription issued under section 18 of chapter 94C, the person may claim a credit for such excise amounts on the return for the tax period during which such sales are ultimately dispensed.(c) No person who owes an excise under this section shall pass through any such costs to any patient or licensed health care provider.

Section 3. The excise under section 2 shall apply only to persons who maintain a place of business in the commonwealth or whose total sales of all products, directly or through another person, for distribution in the commonwealth are more than \$25,000 in the calendar quarter to which the excise under section 2 otherwise would apply.

Section 4. (a) Any person subject to the excise under section 2 shall file a return with the commissioner and shall pay such excise by the fifteenth day of the third month following the end of each calendar quarter. Such return shall set out the person's total sales subject to excise in the immediately preceding calendar quarter and shall provide such other information as the commissioner may require.(b) Each person subject to the excise under section 2 shall provide to the commissioner annually, on or before June 1st, a report detailing all opioids sold, directly or through another person, for distribution in the commonwealth in the prior calendar year. Such report shall include: (i) the person's name, address, phone number, federal Drug Enforcement Administration (DEA) registration number and controlled substance registration number issued by the department; (ii) the name and NDC of the opioid; (iii) the unit of measure and quantity of the opioid; (iv) the name, address and DEA registration number of the first unrelated buyer of the opioid; (v) the date of the sale of the opioid; (vi) whether the opioid was ultimately dispensed in the commonwealth pursuant to a valid prescription issued under section 18 of chapter 94C; (vii) the gross receipt total, in dollars, of all opioids sold; (viii) the gross receipt total, in dollars, and quantity by NDC of all opioids ultimately dispensed in the commonwealth pursuant to a valid prescription issued under section 18 of chapter 94C; and (ix) any other elements required by the commissioner.

Section 5. The excise imposed under this chapter shall be in addition to, and not a substitute for or credit against, any other tax or excise imposed under the general laws.

Section 6. The commissioner may disclose information contained in returns and reports filed under this chapter to the department of public health for purposes of verifying that the appropriate amount of a filer's sales subject to excise are properly declared and that all reporting is otherwise correct. Return and report information so disclosed shall remain confidential and shall not be public record.

Section 7. To the extent that a person subject to excise under section 2 fails to pay amounts due under this chapter, a related party of such person that directly or indirectly distributes the opioid of such person in the commonwealth shall be jointly and severally liable for the excise due.

Section 8. The commissioner may promulgate regulations or issue other guidance for the implementation of this chapter.(b) This section shall take effect 6 months after the date of enactment.”

The amendment was *rejected*.

Messrs. O'Connor, Timilty and Montigny moved that the proposed new text be amended by adding the following section:-

101

“SECTION XX. Chapter 69 of the General Laws, as so appearing, is hereby amended by inserting the following section:-

Section 37. Full-Day Kindergarten Grant Program

Notwithstanding any general or special law to the contrary, the department, in coordination with other state agencies, shall develop a comprehensive system, subject to appropriation, for the delivery of reimbursement grants to support the establishment of free full-day kindergarten programs in schools that do not offer full-day kindergarten for free, and to support schools at a financial risk of losing an existing free full-day kindergarten program. Said system shall be designed with the intent to sustainably expand free full-day kindergarten programs to the entire Commonwealth. The department shall promulgate guidelines or regulations for eligibility and timelines to award grants to applicant schools, provided that the grants provide assistance for three consecutive years to reimburse 50% of costs in the first year, 25% of costs in the second year, and 25% of costs in the third year. The department shall finalize said system and promulgate the necessary guidelines or regulations no later than December 1, 2021.”

The amendment was *rejected*.

Ms. Lovely and Messrs. O'Connor and Welch moved that the proposed new text be amended in section 2, in item XXXX-XXXX, by adding the following words:- "provided further, that not less than \$50,000 shall be expended for the Frederick E. Berry Institute for Politics and Civic Engagement at Salem State University to engage students in project-based learning and internship opportunities;”.

104

The amendment was *rejected*.

Ms. Lovely, Mr. Eldridge, Ms. DiZoglio and Messrs. O'Connor and Keenan moved that the proposed new text be amended in section 2, in item 7061-9607, by striking out the figure "\$2,600,000" and inserting in place thereof the following figure:- "\$3,100,000".

111

The amendment was *rejected*.

Messrs. Eldridge, O'Connor, Keenan, Brady, Moore and Welch, Ms. DiZoglio, Mr. Velis, Ms. Comerford, Ms. Chang-Diaz, Mr. Montigny, Ms. Lovely and Mr. Timilty moved that the proposed new text be amended in section 2, in item 7035-0002, by striking out the figure "\$40,606,883" and inserting in place thereof the following figure:- "\$46,045,000”.

113

The amendment was *rejected*.

Ms. Comerford, Ms. DiZoglio, Messrs. Moore and Brady and Ms. Moran moved that the proposed new text be amended in section 2 by adding the following item:-

114

"XXXX-XXXX For Supporting Urgent Community College Equity through Student Services (SUCCESS) grants to community colleges to provide wraparound supports and services to improve outcomes for their most vulnerable populations including, but not limited to, low-income, first-generation, minority, and disabled students and lesbian, gay, bisexual, transgender, queer and questioning students; provided, that funds shall be disbursed based on a formula and criteria developed in consultation with the Massachusetts Association of Community Colleges; provided further, that eligible wraparound support activities shall include, but not be limited to, peer mentors, academic skills workshops, field trips to 4-year schools, and targeted academic, career, transfer, and scholarship advising; provided further, that not later than April 1, 2021, the department shall report to the joint committee on higher education and the house and senate committees on ways and means on the progress made on implementing and funding this program, including any regulations, guidelines, or criteria used to distribute the funds, and on the final distribution of funds to campuses; and provided further, that funds appropriated for this item shall not revert but shall be made available for this item in fiscal year 2022 \$7,000,000.

Marijuana Regulation Fund 100%".

The amendment was *rejected*.

Ms. Gobi, Ms. DiZoglio and Messrs. Moore and Lesser moved that the proposed new text be amended in section 2, in item 7066-0025, by inserting at the end thereof the following item: 117

"7066-1400 For additional operational funding for state universities; provided, that funds from this account shall be distributed in accordance with the funding formula in line item 7066-1400 of section 2 of chapter 165 of the acts of 2014; provided further, that funding from this item shall be contingent upon approval of the funding formula by the board of higher education; provided further, that not later than March 2, 2021 the state universities shall report on the total balance in all budgeted and off-budget funds; and provided further, that the allocation of funds shall be approved by the board of higher education..... \$5,469,870".

The amendment was *rejected*.

Ms. Gobi, Ms. DiZoglio, Ms. Comerford, Messrs. Moore, Lesser, O'Connor and Velis and Ms. Moran moved that the proposed new text be amended in section 2, in item 7077-0023, by inserting at the end thereof the following item: 118

"7100-4000 For funding to community college campuses; provided, that funds shall be expended for the continued initiatives to strengthen the connections between the community colleges, local businesses and regional workforce investment boards and to improve workforce training at the colleges; provided further, that funding shall be allocated among the campuses using the formula developed by the commissioner of higher education in consultation with the Massachusetts Association of Community Colleges and the secretaries of education, labor and workforce development and housing and economic development; and provided further, that the allocation of funds shall be approved by the board of higher education \$5,883,238."

The amendment was *rejected*.

Messrs. Lewis and Eldridge, Ms. DiZoglio, Messrs. O'Connor, Tarr, Tran and Crighton and Ms. Lovely moved that the proposed new text be amended in section 2, in item 7061-9612, by adding the following:- "provided further that not less than \$75,000 shall be expended for the Massachusetts Partnership for Youth, Inc. to provide professional development training, youth leadership training, and remote or on-site workshops that address harmful behaviors for at-risk youth;". 119

The amendment was *rejected*.

Mr. Lewis, Ms. Rausch, Ms. Gobi, Messrs. O'Connor, Boncore and Lesser, Ms. Jehlen, Mr. Velis, Ms. Comerford, Ms. Moran and Messrs. Montigny, Cyr and Tarr moved that the proposed new text be amended by adding the following section: 122

"SECTION X. There shall be a special commission to study equity and access to telecommunications services, including but not limited to broadband internet, for students and families in the commonwealth and make recommendations to address inequity and the digital divide for students and families with limited access to telecommunications services. The commission shall consist of the secretary of education, or a designee; the commissioner of the department of elementary and secondary education, or a designee; 2 members to be appointed by the governor who shall have experience in broadband technology; 3 members of the senate of which the senate president shall appoint 1 to serve as co-chair, 1 of whom shall be the senate chair of the joint committee on education, 1 of whom shall be the senate chair of the joint committee on telecommunications, utilities and energy and 1 of whom shall be a member of the minority party to be appointed by the senate minority leader; 3 members of the house of representatives of which the speaker of the house shall appoint 1 to serve as co-chair, 1 of whom shall be the house chair of the

joint committee on education, 1 of whom shall be the house chair of the joint committee on telecommunications, utilities and energy and 1 of whom shall be a member of the minority party who shall be appointed by the house minority leader; and 1 member to be appointed by each of the following organizations: Latinos for Education, the Massachusetts Broadband Institute, the Massachusetts Technology Leadership Council, the New England Cable and Telecommunications Association, the Massachusetts Municipal Association, Inc., the Massachusetts Business Alliance for Education, Inc., the Massachusetts Association of School Committees, Inc., the Massachusetts Association of School Superintendents, Inc., Massachusetts Association of Regional Schools, Inc., the Massachusetts Teachers Association, and the American Federation of Teachers Massachusetts.

The commission shall research, assess and develop recommendations for improving access to broadband internet and other telecommunications services throughout the commonwealth, particularly in low-income communities, rural communities and communities of color. The commission shall: (i) evaluate current levels of access to telecommunications services of households and communities in the commonwealth, including but not limited to access to broadband internet and low-cost cell phone plans; (ii) identify obstacles encountered by municipalities and the commonwealth in improving telecommunications infrastructure and access; (iii) examine relevant federal, state and local laws, regulations, rules and ordinances related to telecommunications service access, including efforts and best practices of other states to improve telecommunications service access; (iv) assess the impact of a lack of access to telecommunications services on students in elementary, secondary and post-secondary schools in the commonwealth on remote, in-person and hybrid learning during the recovery and re-opening period associate with the novel coronavirus, also referred to as COVID-19, including by collecting data from students, families and school districts to assess the extent to which the lack of access to technology and telecommunications services prevents students from completing homework and other coursework or otherwise fully participating in remote, in-person and hybrid education; (v) review federal grant and funding sources; and (vi) assess statewide needs and ways to address barriers to providing equitable opportunities for technology education, including recommendations for developing, enhancing and expanding statewide standards and programming in support of digital literacy training and education for adults and students, improvements to technology curriculum in K-12 schools including the Massachusetts Digital Literacy and Computer Science Frameworks and the Massachusetts Digital Literacy Now grant program.

The commission shall submit a report with the results of its investigation and study and its recommendations, together with drafts of any legislation necessary to carry those recommendations into effect, to the house and senate clerks not later than July 31, 2021."

The amendment was *rejected*.

Ms. Gobi, Ms. DiZoglio and Messrs. Moore and Lesser moved that the proposed new text be amended in section 2, in item 7070-0065, by inserting after the words "awarding of financial assistance;" the following: "provided further, that funds from this item shall be made available for the MASSGrant or MASSGrant Plus programs in an amount not less than \$10,000,000 above the amount made available in fiscal year 2020; provided further, that funds from this item shall be made available for the Gilbert Grant in an amount not less than \$4,400,000 above the amount made available in fiscal year 2020"; and by striking out the figure "\$105,600,000" and inserting in place thereof the following figure: "\$120,000,000".

126

The amendment was *rejected*.

Ms. Moran and Messrs. O'Connor, Montigny and Cyr moved that the proposed new text be amended in section 2, in item 7118-0100, by striking out the figure "\$18,974,172"

129

and inserting in place thereof the figure “\$19,474,172”.

The amendment was *rejected*.

Messrs. Feeney and Moore, Ms. Comerford, Mr. O'Connor, Ms. Gobi, Messrs. Welch, Timilty and Tran, Ms. DiZoglio, Ms. Moran, Mr. Brady and Ms. Lovely moved that the proposed new text be amended in section 2, by inserting after item 7010-0033 the following item:

133

“xxxx-xxxx For grants to school districts for educational improvement projects; provided further that not less than \$30,000 shall be expended for the Massachusetts Historical Society's National History Day program and its expansion to additional school districts and students in the Commonwealth.....\$30,000”.

The amendment was *rejected*.

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

135

"SECTION . Section 1A of chapter 15D as appearing in the 2018 official edition by inserting after in 37 the following:-

"Dedicated sales tax revenue amount", all monies received by the commonwealth equal to 1 per cent of the gross receipts of a sale as defined in chapter 64H and 1 per cent of the sales price of a purchase as defined by chapter 64I from that portion of the taxes imposed under said chapters 64H and 64I as excises upon the sale and use at retail of tangible property or services, and upon the storage, use or other consumption of tangible property or services, including interest thereon and penalties plus commencing in fiscal year 2015, the amount of \$160,000,000 in each fiscal year thereafter but not including any portion of the taxes imposed on the sale of meals as defined in paragraph (h) of section 6 of said chapter 64H."

The amendment was *rejected*.

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

137

"SECTION X. Notwithstanding the provisions of section 6I of chapter 40J of the General Laws and item 7007-1202 of section 2 of chapter 47 of the acts of 2017 and said item 7007-1202 of section 2 of chapter 154 of the acts of 2018, the balance of any funding previously appropriated to the Massachusetts Technology Park Corporation under said items shall be made available to the department of elementary and secondary education to effectuate the purposes set forth in item 7010- 1202 of section 2 of this act."

The amendment was *rejected*.

Messrs. Rush and Moore, Ms. Comerford, Mr. O'Connor, Ms. Gobi, Messrs. Welch and Tran, Ms. DiZoglio, Mr. Brady, Ms. Moran, Ms. Lovely and Mr. Cyr moved that the proposed new text be amended in section 2E, in item 1595-0115, by inserting the following:- “provided further that not less than \$30,000 shall be expended to the Massachusetts Historical Society for the operation of the National History Day program in Massachusetts”; and by striking out the figure “\$1,500,000” and inserting in place thereof the figure:- “\$1,530,000”.

139

The amendment was *rejected*.

Ms. Chang-Diaz and Messrs. Moore and Eldridge moved that the proposed new text be amended in section 2, in item 3000-2000, by striking out the figure “10,086,311” and inserting in place thereof the following:- “11,100,000”.

141

The amendment was *rejected*.

Mr. Montigny moved that the proposed new text be amended in section 2, in item 1599-1233, by adding at the end thereof the following:- "provided further, that not less than \$40,000 shall be expended for the Dennison Memorial Community Center in the city of New Bedford to provide for the educational needs of financially disadvantaged children

142

in New Bedford".

The amendment was *rejected*.

Mr. Montigny and Ms. DiZoglio moved that the proposed new text be amended in section 2, in item 7061-9611, by adding at the end thereof the following:- "provided further that not less than \$100,000 shall be expended for the Youth Court programs of New Bedford and Fall River to support juvenile diversion programs based on the principles of peer-led restorative justice".

143

The amendment was *rejected*.

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

PAPERS FROM THE HOUSE.

Engrossed Bills—Land Taking for Conservation Etc.

An engrossed Bill authorizing the town of Littleton to use certain land for construction of a water treatment facility without Article 97 restrictions on such use (see House, No. 4866, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eight minutes past three o'clock P.M., as follows, to wit (yeas 39 - nays 0) **[Yeas and Nays No. 284]:**

Littleton,-- land use.

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 eleven minutes past three o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Brownsberger) and laid before the Governor for his approbation.

UNCORRECTED PROOF.

Waltham,-- UMass
land.

An engrossed Bill authorizing the University of Massachusetts to convey a certain parcel of land and buildings to the city of Waltham (see House, No. 4927, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twelve minutes past three o'clock P.M., as follows, to wit (yeas 39 - nays 0) **[Yeas and Nays No. 285]:**

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 thirteen minutes past three o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Brownsberger) and laid before the Governor for his approbation.

Recess.

There being no objection, at fourteen minutes past three o'clock P.M., the Chair (Mr. Brownsberger) declared a recess, subject to the call of the Chair; and at eighteen minutes before four o'clock P.M., the Senate reassembled, Ms. Friedman in the Chair.

Recess.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill making appropriations for the fiscal year 2021 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No 5151),-- was further considered, the main question being on ordering the bill to a third reading.

General
Appropriations Bill.

Messrs. Timilty, O'Connor, Welch and Velis moved that the proposed new text be amended by adding after section X the following section:-

4

“SECTION X. Section 6B of Chapter 115 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding after the third paragraph the following paragraph:-

The parents and surviving spouse, provided that surviving spouse does not remarry, of a deceased member of the armed forces of the United States, whose death occurred as a result of contracting COVID-19 while residing at the Soldiers’ Home in Holyoke or the Soldiers’ Home in Chelsea on or since January 1, 2020, shall be paid the sum of \$2,000 annually in two equal payments on August 1 and February 1. Such payments shall be due and payable from the date of the parents' and surviving spouse's application; provided, however, that the first payment shall be retroactive to the applicant's initial date of eligibility if the deceased member or the parent or spouse making application was a resident of the commonwealth at the time of death and the parent or spouse making application is a resident of the commonwealth at the time of application. For the purposes of calculating any retroactive payment of benefits under this section, the initial date of eligibility shall be the later of: (i) the date of death of the member of the armed forces of the United States; or (ii) July 1, 1998, in the case of parents and November 11, 2005, in the case of a spouse.”

The amendment was *rejected*.

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

46

"SECTION XX. Notwithstanding any general or special law to the contrary, the comptroller shall, during fiscal year 2021, but prior to the calculation of the fiscal year 2021 consolidated net surplus in accordance with Section 5C of Chapter 29 of the Massachusetts General Laws, transfer any funds received in excess of the consensus revenue estimate, pursuant to Section 5B of said Chapter 29, to the Commonwealth Stabilization Fund, established by section 2H of said Chapter 29."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at eleven minutes before four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 5 – nays 34) [**Yeas and Nays No. 286**]:

YEAS.

DiZoglio, Diana
Fattman, Ryan C.
O'Connor, Patrick M.

Tarr, Bruce E.
Tran, Dean A. – 5.

NAYS.

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.
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.

Hinds, Adam G.
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.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Velis, John C.

Gobi, Anne M.

Welch, James T. – 34.

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

Messrs. Kennedy, Moore, Tran and Eldridge, Ms. Gobi, Ms. DiZoglio, Messrs. Tarr, Welch, Lesser, O'Connor and Velis, Ms. Moran, Messrs. Crighton and Hinds, Ms. Lovely and Mr. Cyr moved that the proposed new text be amended by adding at the end thereof the following section:-

50

"SECTION XX. Notwithstanding clause (3) of the fifth paragraph of section 14 of chapter 23A of the General Laws, in order to address disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19, for fiscal year 2021, for grants provided pursuant to said section 14 of said chapter 23A, the maximum amount received by a private nonprofit agency from the office of travel and tourism may be more than the amount received by nongovernmental sources."

After remarks, the amendment was adopted.

Ms. Jehlen, Ms. Gobi, Messrs. Moore, Welch, Lesser, O'Connor, Velis and Tarr, Ms. Lovely and Messrs. Montigny and Cyr moved that the proposed new text be amended by inserting after section 54 the following section:-

10

"SECTION 54A. Notwithstanding 430 CMR 22.06, 430 CMR 5.06 or any general or special law to the contrary, a nonprofit organization may request a payment deadline extension of not later than June 30, 2021, to make payment in lieu of contributions pursuant to section 14 or section 14A of chapter 151A of the General Laws without penalty or interest."

After remarks, the amendment was adopted.

Recess.

There being no objection, at twenty-three minutes past four o'clock P.M., the Chair (Ms. Friedman) declared a recess, subject to the call of the Chair; and at twenty-two minutes before six o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair.

Recess.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill making appropriations for the fiscal year 2021 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No 5151),-- was further considered, the main question being on ordering the bill to a third reading.

General
Appropriations Bill.

Ms. Friedman in the Chair, there being no objection, after remarks, the following amendments were considered as one, and adopted as follow:

Mr. Rush moved that the proposed new text be amended in section 2, in item 2810-0100, by inserting the following:- "provided further that not less than \$100,000 shall be expended for improvements and maintenance of Route 1 from the Marine Corps Rotary in the town of Dedham to Spring Street in the West Roxbury section of the City of Boston"; and by striking out the figures "\$47,885,283" and inserting in place thereof the figure:- "\$47,985,283".

157

The amendment was adopted.

Mr. Timilty moved that the proposed new text be amended in section 2, in item 2810-0100, by adding the following:- "; provided further, that not less than \$25,000 shall be expended to the town of Milton for the refurbishing of the Turner's Pond multi-use trail in the town of Milton"; and by striking out the figure "\$47,885,283" and inserting in place

161

thereof the following figure:- “47,910,283”.

The amendment was adopted.

Messrs. Crighton, O'Connor and Keenan moved that the proposed new text be amended in section 2, in item 2800-0500, by adding the following:- “; provided, that not less than \$900,000 shall be expended for the metropolitan beaches in the Dorchester, East Boston and South Boston sections of the city of Boston, in the cities of Lynn, Quincy and Revere and the towns of Hull, Nahant and Winthrop to be fully maintained and seasonally staffed as recommended by the metropolitan beaches commission in coordination with the department of conservation and recreation; provided further, that not less than \$50,000 shall be expended for the cleanup of Pilayella algae on Kings beach and Long beach in the city of Lynn; provided further, that not less than \$50,000 shall be expended for Save the Harbor, Save the Bay, Inc.’s staff time, consultants and direct expenses to support the ongoing work of the metropolitan beaches commission; and provided further, that not less than \$190,000 shall be expended for matching grants to public and nonpublic entities to support free public events and programs on the metropolitan beaches as part of Save the Harbor, Save the Bay, Inc.’s better beaches grants program as recommended by the metropolitan beaches commission”; and by striking out the figure “\$939,660” and inserting in place thereof the following figure:- “\$1,215,799”.

171

The amendment was adopted.

Mr. Montigny, Ms. Moran and Mr. Cyr moved that the proposed new text be amended in section 2, in item 2200-0100, by adding the following:- “; provided further, that not less than \$50,000 shall be expended by the Buzzards Bay Coalition, Inc., for a coastal water quality and natural resource monitoring program in Buzzards Bay and Vineyard Sound”; and by striking out the figure “33,124,295” and inserting in place thereof the following figure:- “33,174,295”.

175

The amendment was adopted.

Ms. Moran moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following:- “; provided further, that not less than \$100,000 shall be expended to Plymouth County Outreach, Inc., to provide temporary housing and harm reduction services for those located in HUB A”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$200,000”.

177

The amendment was adopted.

Ms. Chandler, Ms. DiZoglio, Mr. Moore, Ms. Comerford, Mr. Eldridge, Ms. Gobi, Messrs. Lesser, Velis, Finegold and Tarr, Ms. Lovely and Mr. Boncore moved that the proposed new text be amended in section 2, in item 0337-0002, by adding the following words:- “; provided, that not less than \$250,000 shall be expended on the Worcester county court-appointed special advocates program; provided further, that not less than \$112,000 shall be expended on the Franklin and Hampshire county court-appointed special advocates program; provided further, that not less than \$175,989 shall be expended on the Hampden county court-appointed special advocates program; provided further, that not less than \$125,000 shall be expended on the Essex county court-appointed special advocates program; provided further, that not less than \$200,000 shall be expended on the Boston court-appointed special advocates program; and provided further, that not less than \$53,995 shall be expended on the Berkshire county court-appointed special advocates program”; and by striking out the figure “\$19,998,233” and inserting in its place thereof the following figure:- “\$20,915,217”.

178

The amendment was adopted.

Mr. Moore and Ms. Chandler moved that the proposed new text be amended in section 2, in item 5911-1003, by adding the following:- “; provided further, that not less than \$50,000 shall be expended for the Center for Autism and Neurodevelopmental Disorders at the University of Massachusetts memorial medical center and the University of

181

Massachusetts medical school based on the patient-centered medical home concept"; and by striking out the figure "\$80,381,659" and inserting in place thereof the following figure:- "\$80,431,659".

The amendment was adopted.

Messrs. Timilty, Feeney and Brady moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following:- "; provided further, that not less than \$100,000 shall be expended in equal amounts to the following substance abuse coalitions and community partnerships to address increased demand for substance use prevention services caused by the 2019 novel coronavirus: (i) Avon Coalition for Every Student; (ii) Braintree Community Partnership on Substance Abuse; (iii) Canton Alliance Against Substance Abuse; (iv) EB Hope, Inc., in the town of East Bridgewater; (v) Easton Wings of Hope; (vi) Milton Substance Abuse Prevention Coalition; (vii) Randolph Substance Abuse Prevention Coalition; (viii) Sharon Substance Prevention and Resource Commission; and (ix) Organizing Against Substances in Stoughton"; and by striking out the figure:- "\$100,000" and inserting in place thereof the following figure:- "\$200,000".

183

The amendment was adopted.

Mr. Cyr and Ms. Rausch moved that the proposed new text be amended by inserting after section 40 the following 2 sections:-

189

“SECTION 40A. Subsection (d) of section 2 of chapter 93 of the acts of 2020, as amended by section 90 of chapter 124 of the acts of 2020, is hereby further amended by striking out the words ‘September 15, 2020’ and inserting in place thereof the following words:- February 28, 2021.

SECTION 40B. Subsection (e) of said section 2 of said chapter 93, as most recently amended by section 92 of chapter 124 of the acts of 2020, is hereby further amended by striking out the words ‘September 15, 2020’ and inserting in place thereof the following words:- February 28, 2021.”

The amendment was adopted.

Ms. Friedman, Mr. O'Connor, Ms. Gobi, Ms. Comerford, Messrs. Eldridge, Welch and Moore, Ms. DiZoglio, Ms. Moran, Messrs. Cyr and Tarr and Ms. Creem moved that the proposed new text be amended in section 2, in item 4590-0250, by adding the following:- “; provided further, that not less than \$350,000 shall be expended to enhance the commonwealth's capacity to support the development of school-based bridge programs for youth who have had prolonged absence due to hospitalization for physical or mental health care”; and by striking out the figure “\$13,773,583” and inserting in place thereof the following figure:- “\$14,123,583”.

190

The amendment was adopted.

Ms. Friedman and Ms. DiZoglio moved that the proposed new text be amended in section 2, in item 5042-5000, by adding the following:- “; provided further, that not less than \$160,000 shall be expended to the Arlington Youth Counseling Center”; and by striking out the figure “\$94,530,000” and inserting in place thereof the following figure:- “\$94,690,000”.

191

The amendment was adopted.

Mr. Lesser, Ms. DiZoglio, Messrs. Eldridge and Moore, Ms. Creem, Messrs. Timilty, O'Connor, Welch and Velis, Ms. Moran and Ms. Lovely moved that the proposed new text be amended in section 2, in item 4590-1507, by adding the following words:- "; provided further, that the department shall award not less than \$2,200,000 to the Massachusetts Alliance of Boys & Girls Clubs, Inc., the first \$2,000,000 of which shall be distributed equally among its member organizations;"; and by striking out the figure “\$1,400,000” and inserting in place thereof the following figure:- "\$3,600,000".

192

The amendment was adopted.

Mr. Barrett and Ms. Creem moved that the proposed new text be amended in section

194

2, in item 4800-0038, by adding the following words:- "; provided further, that not less than \$150,000 shall be expended for the Fragile Beginnings program; provided further, that not less than \$250,000 shall be expended for Project NESST Newborns Exposed to Substances: Support and Therapy"; and by striking out the figure "\$306,420,812" and inserting in place thereof the following figure:- "\$306,820,812".

The amendment was adopted.

Mr. Barrett moved that the proposed new text be amended in section 2, in item 4200-0200, by adding the following words:- "provided, that the department shall expend not less than \$500,000 for the Detention Diversion Advocacy Program to be coordinated by the Robert F. Kennedy Children's Action Corps to prevent high-risk juveniles presenting before the court from penetrating further into the juvenile justice system"; and by striking out the figure "27,388,602" and inserting in place thereof the following figure:- "27,888,602".

195

The amendment was adopted.

Messrs. O'Connor, Timilty and Keenan moved that the proposed new text be amended in section 2, in item 4512-0200, by adding the following words:- " ; provided further, that not less than \$100,000 shall be expended for One Life at a Time, Inc., located in the city known as the town of Braintree, for the facilitation of access to sober living programs and job training services for people in recovery and associated operational costs"; and by striking out the figure "\$163,621,698" and inserting in place thereof the following figure:- "\$163,721,698".

196

The amendment was adopted.

Mr. Finegold moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "provided further that \$150,000 shall be expended to Lazarus House for both their Holly Street Shelter and their soup kitchen for the costs incurred to provide extra support to the City of Lawrence during the COVID-19 pandemic"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$250,000".

197

The amendment was adopted.

Mr. Finegold, Ms. DiZoglio and Messrs. Moore, Eldridge, O'Connor, Velis and Montigny moved that the proposed new text be amended in section 2, in item 4590-1507, by inserting the following:- "provided further, that the department shall award not less than \$650,000 to the YWCA organizations, which shall be distributed equally between the Alliance of YWCA's member organizations"; and by striking out the figure "1,400,000" and inserting in place thereof the following figure:- "2,050,000".

198

The amendment was adopted.

Mr. Kennedy and Ms. DiZoglio moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "; provided further, that not less than \$220,000 shall be expended to the Greater Lowell Community Foundation, Inc., for projects and improvements related to the 2019 novel coronavirus"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$320,000".

201

The amendment was adopted.

Ms. Lovely, Ms. Rausch, Ms. DiZoglio, Mr. O'Connor, Ms. Gobi, Messrs. Eldridge, Moore, Welch, Timilty, Brady, Keenan and Velis, Ms. Moran and Messrs. Rush and Crighton moved that the proposed new text be amended in section 2, in item 4590-1507, by adding after the word "programs" the following words:- "; provided further, that the department shall award not less than \$1,800,000 to the Alliance of Massachusetts YMCAs, Inc., which shall be distributed between the alliance's member organizations"; and by striking out the figure "\$1,400,000" and inserting in place thereof the following figure:- "\$3,200,000"

203

The amendment was adopted.

Ms. Comerford, Messrs. O'Connor, Lesser and Eldridge, Ms. Moran and Messrs. Keenan and Cyr moved that the proposed new text be amended in section 2, in item 4510-0100, by striking out the words:- “public health shared service arrangements across municipalities in accordance with the recommendations of the Special Commission on Local and Regional Public Health established under chapter 3 of the resolves of 2016” and inserting in place thereof the following:- “the state action for public health excellence program under section 27D of chapter 111 of the General Laws”. 217

The amendment was adopted.

Messrs. Cyr and Keenan moved that the proposed new text be amended in section 2, in item 4512-0206, by striking out the word “injection” and inserting in place thereof the following word “consumption”. 222

The amendment was adopted.

Ms. Lovely, Ms. DiZoglio and Messrs. O'Connor, Welch and Velis moved that the proposed new text be amended by inserting the following section:- 223

"SECTION XX. Subdivision (2) of section 178K of chapter 6 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 119 and 120, the words ‘the department of mental health’ and inserting in place thereof the following words:- ‘the department of mental health and the department of developmental services’.”

The amendment was adopted.

Mr. Fattman moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- “; provided further, that not less than \$250,000 shall be expended for the purchase of a new ambulance by the town of Millville”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$350,000”. 225

The amendment was adopted.

Ms. Creem moved that the proposed new text be amended in section 2, in item 9110-9002, by adding the following words:- “; provided further, that not less than \$25,000 shall be expended for the operation of the Alzheimer's caregivers respite program at the Brookline senior center”; and by striking out the figure "\$17,000,000" and inserting in place thereof the following figure:- "\$17,025,000". 231

The amendment was adopted.

Ms. Creem moved that the proposed new text be amended in section 2, in item 4590-1507, by adding the following words:- “; provided further, that not less than \$50,000 shall be expended for the John M. Barry Boys & Girls Club of Newton for capital improvements”; and by striking out the figure "\$1,400,000" and inserting in place thereof the following figure:- "\$1,450,000". 234

The amendment was adopted.

Ms. Moran, Messrs. Cyr and O'Connor moved that the proposed new text be amended by inserting the following section: - 235

“SECTION XX. Section 5K of chapter 111 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 65, the words ‘existing and proposed’.

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

SECTION XX. Subsection (E) of said section 5K of said chapter 111, as so appearing,

is hereby amended by striking out the second and third sentences.

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

The amendment was adopted.

Messrs. Keenan, O'Connor and Cyr moved that the proposed new text be amended in section 2, in item 4000-0500, by adding the following words:- “; provided further, the executive office of health and human services shall conduct a comparative analysis of the rate differential for inpatient psychiatric and substance abuse hospital per diem payments between MassHealth and its contracted health insurers, health plans, health maintenance organizations, behavioral health management firms and third-party administrators under contract to a Medicaid managed care organization or primary care clinician plan and submit such analysis to the house and senate committees on ways and means and the joint committee on mental health, substance use and recovery not later than January 1, 2021”.

237

The amendment was adopted.

Mr. Cyr moved that the proposed new text be amended in section 2, in item 4000-0300, by adding the following words:- “; provided further, that funds shall be expended to the Nantucket Cottage Hospital and Martha's Vineyard Community Services for off-island medical transportation, including the transportation of patients with behavioral health conditions”.

241

The amendment was adopted.

Mr. Moore, Ms. Gobi, Messrs. Cyr and Eldridge, Ms. Chandler and Messrs. Welch, Lesser, Velis and Tran moved that the proposed new text be amended in section 2, in item 4110-1000, by adding the following words:- “; provided, that not less than \$50,000 shall be expended to each of the following radio reading services: Audible Local Ledger, Inc., Audio Journal, Incorporated, Berkshire Talking Chronicle, Lowell Association for the Blind, Inc. and Valley Eye Radio, Inc.”.

259

The amendment was adopted.

Mr. Brady moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "provided further, that \$100,000 shall be expended for the Mobile Integrated health program in the town of Hanover to cover the cost of paramedics for in-home testing and follow up counseling from local nurses to the elderly and most vulnerable residents showing symptoms of covid-19"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:-"\$200,000".

260

The amendment was adopted.

Mr. Brady moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- “; provided further, that not less than \$150,000 shall be expended to the United Way of Greater Plymouth County, Inc. to address the COVID-19-related demands at local pantries and homeless shelters and needs of the increased number of unemployed individuals through its Family Resource Center and Community Connections programs, with not less than \$50,000 being expended to Champions Plan in the city of Brockton for COVID-19-related issues in providing opioid treatment and recovery"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$250,000".

261

The amendment was adopted.

Mr. Cyr, Ms. Rausch, Ms. DiZoglio, Ms. Jehlen and Mr. Tarr moved that the proposed new text be amended in section 2, in item 9110-1630, by striking out the words “provided further, that funding shall be expended for provider training including, but not limited to, home care and home health providers, councils on aging, skilled nursing facilities and adult day health programs and outreach to gay, lesbian, bisexual, transgender,

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queer and questioning elders and to caregivers” and inserting in place thereof the following words:- “provided further, that funding shall be expended for a contract with the LGBT Aging Project for provider training including, but not limited to, home care and home health providers, councils on aging, skilled nursing facilities and adult day health programs and outreach to gay, lesbian, bisexual, transgender, queer and questioning elders and to caregivers”.

The amendment was adopted.

Mr. DiDomenico, Ms. Rausch, Mr. Moore, Ms. DiZoglio, Messrs. Eldridge, Timilty, O'Connor, Barrett and Cyr, Ms. Creem and Ms. Lovely moved that the proposed new text be amended in section 2, in item 4513-1020, by striking out the words:- "provided further, that if the department determines that the available appropriation exceeds projected expenses, the department shall, to the extent allowable under federal law and regulations, stabilize payments to providers through policies that mitigate the impact of fluctuations in enrollment due to the 2019 novel coronavirus and address the operational costs of providing early intervention services; provided further, that said payments from the available appropriation shall be made on a proportional basis, calculated using the most recent early intervention child counts of the department of public health; and provided further, that not later than April 15, 2021, the commissioner of public health shall report to the joint committee on children, families, and persons with disabilities, the secretary of administration and finance and the house and senate committees on ways and means detailing the: (a) total funds expended to providers for payments from the available appropriation; (b) estimated need for financial support to sustain the early intervention delivery system in fiscal year 2022; and (c) impact of financial support on the rehiring, retention and furloughs of clinical staff across the early intervention delivery system" and inserting in place thereof the following words:- "provided further, that not less than \$4,100,000, shall be expended from this item for stabilization payments necessary to mitigate the impact of fluctuations in service delivery due to the 2019 novel coronavirus and address the operational costs of providing early intervention services; provided further, the department of public health shall issue payment vouchers to all vendors of certified early intervention programs; provided further, that said payments shall be made on a proportional basis, calculated using the most recent early intervention child counts of the department of public health; and provided further, that not later than January 15, 2021, the commissioner of public health shall report to the joint committee on children, families, and persons with disabilities, the secretary of administration and finance and the house and senate committees on ways and means detailing the: (a) total funds expended to certified early intervention vendors from said appropriation; (b) estimated need for financial support to sustain the early intervention delivery system, including operational costs, in fiscal year 2022; and (c) impact of financial support on the rehiring, retention and furloughs of clinical staff across the early intervention delivery system".

272

The amendment was adopted.

Mr. Welch, Ms. DiZoglio and Mr. Velis moved that the proposed new text be amended in section 2, in item 4000-0300, by adding the following words:- “; provided further, that \$100,000 shall be expended for a Western Massachusetts Academic Medical Center with a neonatal intensive care unit within an acute hospital in Hampden County for the purpose of supporting, enhancing and expanding programming associated with its rooming-in program for infants and mothers with opioid use disorder”; and by striking out the figure "\$113,534,922" and inserting in place thereof the following figure:- "\$113,634,922".

277

The amendment was adopted.

Mr. Brownsberger, Ms. DiZoglio and Mr. O'Connor moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- “;

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provided further, that not less than \$160,000 shall be expended to provide youth services for residents of the Commonwealth Development and Faneuil Gardens apartments in the Brighton section of the city of Boston, to be administered by the Allston-Brighton Community Development Corporation in said Brighton section of the city; provided further, that not less than \$90,000 shall be expended to provide youth services for residents of the Alice Heyward Taylor Apartments in the Roxbury section of the city of Boston, to be administered by the Whittier Street Health Center Committee Incorporated in said Roxbury section of the city"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$350,000".

The amendment was adopted.

Ms. Chang-Diaz, Ms. Rausch, Messrs. O'Connor and Eldridge and Ms. Creem moved that the proposed new text be amended in section 2, in item 4590-1507, by inserting the following:- "provided that not less than \$250,000 shall be expended to fund youth workers at housing authority sites in the commonwealth that have experienced the highest rates of gun violence since the start of the state of emergency caused by the novel coronavirus disease, also known as COVID-19, declared by the governor on March 10, 2020, provided further that eligible employing entities of said youth workers may include community based non-profit organizations and shall not be limited to housing authorities"; and by striking out the figure "\$1,400,000" and inserting in place thereof the following figure:- "\$1,650,000".

282

The amendment was adopted.

Ms. Chang-Diaz, Mr. Eldridge, Ms. Jehlen and Messrs. O'Connor and Moore moved that the proposed new text be amended in section 2, in item 7004-0101, by striking out the words "provided further, that not later than February 1, 2021, the department shall submit to the house and senate committees on ways and means a report of the most recently available monthly data on: (I) applications for services provided for in this item and in item 7004-0108, including available demographic information and broken down by race and ethnicity; (II) front-door entries into the emergency assistance system, including available demographic information; (III) denials of requests for services provided for in this item and in item 7004-0108, including available demographic information and the bases of all such denials; (IV) the number of households making multiple requests for services within the previous 1-month period; (V) diversions as a result of HomeBASE household assistance; (VI) exits from the emergency assistance system, delineated by reason for exit, including at-fault terminations, exits because the household is no longer income eligible, exits through HomeBASE household assistance and exits because the household has transitioned from shelter benefits to affordable, subsidized or other assisted housing; (VII) the average, minimum and maximum cost per family of such emergency assistance; (VIII) the number of families served under this item who required further assistance under this item or under item 7004-0108 at a later date; (IX) the type of assistance later provided; (X) the number of children served under this item broken down by age; (XI) the total number of families receiving benefits under item 7004- 0101 that have received benefits under said item 7004-0108 during each of the previous 3 years; (XII) the number of applications from households that became homeless within 12 months of depleting their HomeBASE assistance under said item 7004-0108; (XIII) the reasons for homelessness in the applications received under clause (XII); and (XIV) the number of applications received under said clause (XII) that are denied; provided further, that not later than March 1, 2021, the department shall submit to the house and senate committees on ways and means a report that shall include the following information from the department of children and families: (A) the number of families assessed for a health and safety risk in the previous year; (B) the number of families determined to be at a substantial health and safety risk; (C) the number of families receiving multiple health and safety

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assessments within the previous 6-month period; and (D) the standards used to determine a substantial health and safety risk; provided further, that the department shall report quarterly to the house and senate committees on ways and means on: (i) the number of families that applied for a transfer from their current shelter placement to a unit that can accommodate their disability-related needs, delineated by reason for the application; (ii) the number of families whose applications for reasonable accommodation have been approved but that are waiting for transfer due to lack of available units able to accommodate their disability-related needs; (iii) the number of families currently in shelter units located more than 20 miles away from their home community; (iv) the number of families with at least 1 child who attends a school other than the child's school of origin as a result of placement in a shelter unit outside of their home community; and (v) the average and maximum number of days that families spend in placements under the circumstances described in clauses (ii) to (iv), inclusive, prior to being transferred to a shelter unit for which none of the circumstances in said clauses (ii) to (iv), inclusive, apply” and inserting in place thereof the following words:- “provided further, that for purposes of this line item, ‘request’ shall mean any point at which any household seeking services under this line item or under line item 7004-0108 provides any information to the department as part of any screening, triage or eligibility determination, regardless of whether a formal application is completed and regardless of whether the contact is by telephone, by office visit or by other means; provided further, that not later than December 31, 2020, and quarterly thereafter, the department shall submit to the house and senate committees on ways and means a report of the most recently available monthly data on: (I) requests for services provided for in this item and in item 7004-0108; (II) front-door entries into the emergency assistance system, with data on the race and ethnicity of all families approved for services; (III) denials of requests for services provided in this item and in item 7004-0108, the bases of all such denials and data on the race and ethnicity of all families denied; (IV) requests for services provided for in this item and in item 7004-0108 that do not result in a formal denial, a front-door entry into the emergency assistance system or verified diversions as a result of HomeBASE household assistance, with data on the race and ethnicity of all families not receiving services or otherwise turned away; (V) diversions as a result of HomeBASE household assistance; (VI) exits through at-fault termination; (VII) exits because the household is no longer income eligible; (VIII) exits through HomeBASE household assistance; (IX) exits to another subsidized housing program; (X) exits because the household has transitioned from shelter benefits to affordable, subsidized or other assisted housing; (XI) the average, minimum and maximum cost per family of such assistance; (XII) the number of families served who previously received services under this line item and under line item 7004-0108; (XIII) the type of assistance provided to families who have previously received services under this line item and line item 7004-0108; (XIV) the total number of families requesting benefits under this item that have received benefits under 7004-0108 during each of the preceding 3 years; (XV) the number of children served broken down by age; (XVI) the number of requests for emergency assistance shelter from households within 12 months of depleting their HomeBASE assistance under item 7004-0108; (XVII) the reasons for homelessness in the requests received under clause (XVI); (XVIII) the number of requests received under said clause (XVI) that do not result in the family entering emergency assistance shelter within 48 hours; (XIX) the total number of requests that do not result in the household entering emergency assistance shelter within 48 hours; (XX) the number of requests that do not result in the household entering emergency assistance shelter within 48 hours and for which such non-entry is attributable to each of the following: written denial, pending documentation or verifications, no imminent homelessness and household withdrew request; and (XXI) the numbers of households making multiple requests within the

previous 1-month period and within the previous 6-month period; provided further, that the report shall also include the following information from the department of children and families: (A) the number of families assessed in the previous quarter; (B) the number of families determined to be at a substantial health and safety risk; (C) the number of families receiving multiple health and safety assessments within the previous 6-month period; and (D) the standards used to determine a substantial health and safety risk; provided further, that the department shall report quarterly to the house and senate committees on ways and means on: (i) the number of families that applied for a transfer from their current shelter placement to a unit that can accommodate their disability-related needs, delineated by reason for the application; (ii) the number of families whose applications for reasonable accommodation have been approved but that are waiting for transfer due to lack of available units able to accommodate their disability-related needs, disaggregated by category of accommodation, including, but not limited to, access to cooking facilities, first-floor or elevator access, non-carpeted unit, physical modification to unit, scattered site unit, geographic proximity to service providers and wheelchair accessibility; (iii) the number of families currently in shelter units located more than 20 miles away from their home community; (iv) the number of families with at least 1 child who attends a school other than the child’s school of origin as a result of placement in a shelter unit outside of their home community; and (v) both the average number of days and the maximum number of days that families spend in placements under the circumstances described in clauses (ii) to (iv), inclusive, before being transferred to a shelter unit for which none of the circumstances in said clauses (ii) to (iv), inclusive, apply”.

The amendment was adopted.

Mr. Rush, Ms. DiZoglio and Messrs. Collins, Boncore, Velis and Crighton moved that the proposed new text be amended in section 2, in item 4512-0200, by inserting the following:- “provided further, that not less than \$75,000 shall be expended for Self Esteem Boston’s direct service and provider training programs,”; and by striking out the figures “\$163,621,698” and inserting in place thereof the following figure:-"\$163,696,698".

284

The amendment was adopted.

Mr. Rush, Ms. Creem, Messrs. Eldridge, Feeney, Moore and Brady, Ms. Jehlen, Messrs. Timilty and O'Connor, Ms. DiZoglio, Messrs. Welch, Tarr, Velis and Crighton and Ms. Lovely moved that the proposed new text be amended in section 2, by striking out section 4590-0925 and inserting in place thereof the following item:-

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“4590-0925 For the costs of a prostate cancer awareness, education and research program focusing on men with African-American, Hispanic or Latino heritage, family history of the disease and other men at high risk; provided, that the department of public health shall oversee and manage said program and shall grant not less than 85 per cent of the funds from this item to the AdMeTech foundation-led Prostate Cancer Action Council that shall leverage existing partnerships with other state-funded non-profit research organizations and current and past federally, state and privately funded prostate cancer programs aimed at saving lives, improving quality of life and reducing health care costs..... \$800,000.”

The amendment was adopted.

Mr. Rush, Ms. DiZoglio, Ms. Gobi and Messrs. Timilty, O'Connor and Tarr moved that the proposed new text be amended in section 2, in item 1410-0250, by adding at the end thereof the following:- “ provided further, that funds shall be expended for the Disabled American Veterans Department of Massachusetts, Inc.”.

290

The amendment was adopted.

Mr. Montigny moved that the proposed new text be amended in section 2, in item 4003-0122, by adding the following words:- “; provided further, that not less than \$75,000 shall be expended for the Immigrants Assistance Center, Inc. to provide citizenship and

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workforce readiness programming in the city of New Bedford”; and by striking out the figure “\$1,026,574” and inserting in place thereof the following figure:- “\$1,101,574”.

The amendment was adopted.

Mr. Montigny moved that the proposed new text be amended in section 2, in item 1410-0012, by adding the following words:- "; provided further, that not less than \$98,500 shall be expended for the Southeastern Massachusetts Veterans Housing Program, Inc. to provide counseling and supportive services to veterans in Southeastern Massachusetts"; and by striking out the figure “\$6,740,522” and inserting in place thereof the following figure:- “\$6,839,022”.

294

The amendment was adopted.

Mr. Collins moved that the proposed new text be amended in section 2, in item 4512-0200, by adding at the end thereof the following:- "provided further that not less than \$155,000 shall be expended for the Joseph Nee Collaborative Center for substance abuse programming"; and by striking out the figure "\$163,621,698" and inserting in place thereof the following figures:- "\$163,776,698".

299

The amendment was adopted.

As previously mentioned, the amendments were considered as one, and adopted.

There being no objection, the following amendments were considered as one, and rejected as follow:

Mr. O'Connor moved that the proposed new text be amended in section 2, in item 1595-6369, by adding the following:- “; provided further that the Massachusetts Bay Transportation Authority maintain the Hingham/Hull Ferry at a minimum of 25 per cent of service levels as of November 1, 2020”.

148

The amendment was *rejected*.

Ms. Rausch, Messrs. O'Connor, Eldridge, Timilty, Feeney and Velis, Ms. Jehlen and Mr. Moore moved that the proposed new text be amended in section 2, in item 1595-6368, by inserting after the word "Laws" the following:- "; provided further that \$75,000 shall be expended for providing state IDs for youth and individuals experiencing homelessness”; and by striking out the figures “\$385,813,615” and inserting in place thereof the figures "\$385,888,615"; and by adding at the end thereof the following section:-

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“SECTION XX. Section 8E of Chapter 90 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following 2 paragraphs:-

When establishing criteria for identification cards, the registrar’s regulations shall include a process for a person who is homeless or is an unaccompanied homeless youth to apply for a Massachusetts identification card and to waive any fees associated with obtaining the identification card; provided, however, that the process shall allow for a person who is homeless or is an unaccompanied homeless youth to submit proof of residency by providing documentation that is satisfactory to the registrar and that: (i) is from an entity that provides services in the commonwealth, including, but not limited to, homeless service providers; or (ii) is evidence of services that the person received from a department, division, office or agency of the executive office of health and human services. The registrar and the state secretary shall enter into a memorandum of understanding under section 42G ½ of chapter 51 to implement this paragraph, as appropriate.

For the purposes of this section, the following terms shall have the following meanings: ‘Homeless’, shall have the same meaning as in section 103 of the Stewart B. McKinney Homeless Assistance Act of 1987, 42 USC 11302(a), as amended. ‘Unaccompanied homeless youth’, a person who: (i) is 24 years of age or younger; (ii) is not in the physical custody or care of a parent or legal guardian; and (iii) lacks a fixed, regular and adequate nighttime residence.”

The amendment was *rejected*.

Mr. Tran moved that the proposed new text be amended in section 44 by inserting after “Massachusetts Department of Transportation” the words “If the formula or disbursement is different than FY20, the Regional Transit Authorities and the Department of Transportation must agree in writing before any funds may be released.”; and striking “July 31” and inserting in place thereof with the following “December 31”. 153

The amendment was *rejected*.

Mr. Feeney moved that the proposed new text be amended by adding the following new section: 154

“SECTION XX. Paragraph 2 of section 113L of Chapter 175 of the General Laws, as so appearing in the 2018 Official Edition, is hereby amended by inserting after the first sentence the following sentence: - The coverage described in this paragraph shall also apply when, by reason of payment of judgment or settlement, the bond amount or policy limit of the tortfeasor has been reduced by the payment of multiple claims arising from the same accident to an amount less than the policy limit for uninsured motor vehicle coverage, and only to the extent that the uninsured motor vehicle coverage limits exceed the amount paid to the insured pursuant to the exhausted bodily injury liability bond or policy.”

The amendment was *rejected*.

Messrs. Rush and O'Connor moved that the proposed new text be amended in section 3, by inserting at the end thereof the following section:- 155

"SECTION XX. Notwithstanding any other general or special law to the contrary, the Massachusetts bay transportation authority shall transfer the care and control of a certain parcel of land shown as parcel #1809477000 to the city of Boston for the purposes of the construction of the Massachusetts 54th Regiment Museum to establish a permanent home to preserve and display the artifacts, the historical importance of Camp Meigs and Readville in its role of the historic 54th/55th & 5th regiments of African American troops during the Civil War conflict. The deed or other instrument conveying the parcel to the city of Boston shall provide that the parcel shall be used solely for this purposes and shall include a reversionary clause that stipulates that if the parcel ceases at any time to be used for this purpose, title to the parcel shall revert to the commonwealth."

The amendment was *rejected*.

Mr. Eldridge, Ms. Comerford, Messrs. Timilty and Moore, Ms. Gobi, Messrs. Brady, Tarr, Collins, Lesser, O'Connor and Velis and Ms. Moran moved that the proposed new text be amended in section 2, in item 2200-0100, by striking out the figure “\$33,124,295” and inserting in place thereof the following figure:- “\$40,000,000”. 162

The amendment was *rejected*.

Ms. Gobi, Ms. DiZoglio, Ms. Comerford, Messrs. Timilty, O'Connor, Moore, Eldridge, Brady, Tarr, Collins, Lesser, Velis, Tran and Crighton, Ms. Moran and Mr. Fattman moved that the proposed new text be amended, in section 2, in item 2810-0100, by striking out the figure "\$47,885,283" and inserting in place thereof the following figure:- "\$50,000,000". 163

The amendment was *rejected*.

Messrs. Tarr, Moore, Eldridge, Timilty, O'Connor and Tran and Ms. Moran moved that the proposed new text be amended by inserting the following sections:- 165

“SECTION XX. Subsection (p) of section 6 of chapter 62 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding, in line 769, after the words ‘as amended’ the following words:- ‘, or private nonprofit trust compliant with chapter 203 organized for the purposes of land conservation, which is authorized to do business in the commonwealth, and which has tax-exempt status as a nonprofit charitable organization as described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended’.

SECTION XX. Said subsection (p) of said section 6 of said chapter 62, as so

appearing, is hereby amended by striking out, in line 835, the figure '\$2,000,000' and inserting in place thereof the following figure:- '\$3,000,000'.

SECTION XX. Said subsection (p) of said section 6 of said chapter 62, as so appearing, is hereby amended by striking out, in line 835, the figure '\$3,000,000' and inserting in place thereof the following figure:- '\$4,000,000'.

SECTION XX. Said subsection (p) of said section 6 of said chapter 62, as so appearing, is hereby amended by striking out, in line 835, the figure '\$4,000,000' and inserting in place thereof the following figure:- '\$5,000,000'.

SECTION XX. Section 38AA of chapter 63, as so appearing, is hereby amended by adding, in line 29, after the words 'as amended' the following words:- , or a private nonprofit trust compliant with chapter 203 organized for the purposes of land conservation, which is authorized to do business in the commonwealth, and which has tax-exempt status as a nonprofit charitable organization as described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

SECTION XX. Said section 38AA of said chapter 63, as so appearing, is hereby amended by striking out, in line 88, the figure '\$2,000,000' and inserting in place thereof the following figure:- '\$3,000,000'.

SECTION XX. Said section 38AA of said chapter 63, as so appearing, is hereby amended by striking out, in line 88, the figure '\$3,000,000' and inserting in place thereof the following figure:- '\$4,000,000'.

SECTION XX. Said section 38AA of said chapter 63, as so appearing, is hereby amended by striking out, in line 88, the figure '\$4,000,000' and inserting in place thereof the following figure:- '\$5,000,000'.

SECTION XX. Sections 2 and 6 shall take effect on January 1, 2021.

SECTION XX. Sections 3 and 7 shall take effect on January 1, 2022.

SECTION XX. Sections 4 and 8 shall take effect on January 1, 2023.

SECTION XX. Sections 2, 3, 4, 6, 7, and 8 of this act shall expire on December 31, 2030."

The amendment was *rejected*.

Ms. Rausch and Messrs. Barrett and Moore moved that the proposed new text be amended in section 2, in item 2511-0100, by inserting after the word "shellfish" the following:- ", and provided further that not less than \$500,000 shall be expended from this item for the Federation of Massachusetts Farmers Markets for the construction of market sheds for the continuation of outdoor farmers markets"; and by striking out the figure "\$8,193,887" and inserting in place thereof the following figure:- "\$8,693,887".

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The amendment was *rejected*.

Messrs. Barrett and Eldridge moved that the proposed new text be amended in section 2, in item 2200-0100, by adding the following words:- “; provided further, that not less than \$27,000 shall be expended to enter into an agreement with OARS, Inc. to operate a water quality monitoring program in the Sudbury, Assabet and Concord rivers”; and by striking out the figure “\$33,124,295” and inserting in the place thereof the following figure:- “\$33,151,295”.

169

The amendment was *rejected*.

Mr. Feeney, Ms. DiZoglio, Messrs. Timilty, O'Connor and Tarr moved that the proposed new text be amended by adding the following section:

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“SECTION XX. SECTION 1. Chapter 164 of the General Laws is hereby amended by striking section 144, as appearing in the 2016 Official Edition, and inserting in its place the following: Section 144. (a) There shall be uniform natural gas leaks classification for all gas companies. (b)(1) Gas companies shall assess a grade to all reported natural gas leaks based on the system provided in this section. (2) A Grade 1 leak shall be a leak that represents an existing or probable hazard to persons or property. Grade 1 leaks require

repair as immediately as possible and continuous action until the conditions are no longer hazardous. The gas company shall immediately schedule a completion of repairs and the condition shall be kept under continuous surveillance until the hazard or source of the leak is eliminated. Whenever appropriate and feasible, a gas company shall notify the fire department and chief law enforcement officer in each city or town where a Grade 1 leak is identified. (3) A Grade 2 leak shall be a leak that is recognized as non-hazardous to persons or property at the time of detection, but justifies scheduled repair based on probable future hazard. The gas company shall repair Grade 2 leaks or replace the main within 6 months from the date the leak was classified; provided, however, that said repair or replacement may take place later than six months from the date the leak is classified, but no later than 12 months from the date the leak is classified, if any required permits for such repair or replacement are temporarily withheld consistent with a seasonal moratorium. All Grade 2 leaks shall be reevaluated by a gas company at least once every 6 months until eliminated; provided, however, that the frequency of reevaluation shall be determined by the location and magnitude of the leakage condition. (4) A Grade 3 leak shall be a leak that is recognized as non-hazardous to persons or property at the time of detection and can be reasonably expected to remain non-hazardous. The gas company shall reevaluate Grade 3 leaks during the next scheduled survey, or within 12 months from the date last evaluated, whichever occurs first, until the leak is eliminated or the main is replaced. A municipal or state public safety official may request a reevaluation of a Grade 3 leak prior to the next scheduled survey, or sooner than 12 months of the date last evaluated, if the official reasonably believes that the Grade 3 leak poses a threat to public safety. (c)(1) Upon the undertaking of a significant project on a public way exposing confirmed natural gas infrastructure, and with sufficient notice, a municipality or the commonwealth shall submit written notification of the project to a gas company. The gas company shall survey the project area for the presence of Grade 1 or Grade 2 leaks and set repair and replacement schedules for all known or newly detected Grade 1 or Grade 2 leaks. The gas company shall ensure that any shut off valve in the significant project area has a gate box installed upon it or a reasonable alternative that would otherwise ensure continued public safety and that any critical valve that has not been inspected and tested within the past 12 months is verified to be operational and accessible. The gas company shall provide the repair and replacement schedule of gas leaks to the municipality or the commonwealth. (2) Upon the undertaking of any planned project involving excavation for purposes of performing maintenance on or construction involving any gas mains or services by gas company employees, or any blasting work, the gas company shall ensure that its employees first locate and identify and mark all gas gates and valves, and verify that all are cleared, operational and accessible in clear sight at ground level in advance of any excavation; and that said gas gates and valves are left cleared, and operational following any such project. (3) The gas company shall ensure that any shut off valve in the significant project area has a gate box installed upon it by its employees to ensure continued public safety. (4) Failure to undertake verification that gas gates and valves have been cleared, and are both operational and accessible prior to the start of and following an excavation, or blasting work, shall be subject to a fine of up to \$10,000. (d) Gas companies shall prioritize any pipeline repairs required under this section for gas leaks detected within a school zone. For the purposes of this section, "school zone" shall mean on or within 50 feet of the real property comprising a public or private accredited preschool, accredited Head Start facility, elementary, vocational or secondary school. (e) As part of the annual service quality standards report required by section II, each gas company shall report to the department the location of each Grade 1, Grade 2 and Grade 3 leak existing as of the date of the report, the date each Grade 1, Grade 2 and Grade 3 leak was classified and the dates of repairs performed on each Grade 1, Grade 2 and Grade 3 leak. A gas company shall

specify any reclassification of previously identified leaks in its annual report. Gas leak information shall be made available to any municipal or state public safety official upon written request to the department. (f) The department shall promulgate regulations necessary to implement the uniform natural gas leak classifications as specified in this section and shall oversee and monitor company response and reporting. (g) Each LDC will maintain an accurate and timely record of any Grade 3 leaks that, upon re-inspection, are upgraded to a Grade 1 or 2 leak. The DPU shall establish a service quality metric for the same, and each LDC will report any upgrades of Grade 3 leaks to the DPU on a monthly basis. (h) As a condition of receiving Chapter 90 funding for any project on a public way, a gas LDC shall undertake an inspection of the areas surrounding the gas infrastructure through a mobile survey to determine whether any gas leaks exist prior to embarking on the road project. (i) The DPU shall promulgate regulations establishing requirements for the maintenance, timely updating, accuracy, and security of gas LDC maps and records. Such regulations shall be promulgated and implemented no later than January 1, 2021. (j) Disruptions in the provision of electronic data, including but not limited to, maps and records relevant to inspections, maintenance, repairs, and construction to its in-house workforce and contractors, lasting more than 30 minutes to field personnel and field contractors will be incorporated as a metric in the DPU's service quality indicators for LDCs.

SECTION 2. Chapter 164 of the General Laws is hereby amended by inserting after section 115A, as appearing in the 2018 Official Edition, the following sections:

§ 115B. Inspection and Repair of Piping Adjacent to Inside Meter

The DPU shall promulgate regulations establishing: (1) inspection and reporting requirements for the inspection of pipe, including both the gas LDC's service line connected to an inside meter from the pipeline, and (2) notice to occupants of the inspection process and any findings resulting therefrom, and (3) repair/replacement requirements when a hazard is discovered. Section 105C. Minimum State Standards for the Transportation of Natural and Other Gas by Pipeline Every gas piping system shall be constructed, operated, and maintained in compliance with federal pipeline safety standards as set forth in 49 CFR Part 192: Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (MFS Standards).

Notwithstanding any general or special law to the contrary, the department of public utilities may establish pipeline safety standards that exceed those set forth in 49 CFR Part 192. In establishing such standards, the department may consider recommended practices issued by industry or non-profit organizations. Section 105D. The department of public utilities shall promulgate regulations for the purpose of improving emergency preparedness and response during emergency situations concerning the transportation or distribution of gas. These regulations shall address communication and coordination between the Commonwealth, municipalities, and other governmental entities. These regulations shall be promulgated no later than December 31, 2021.

SECTION 3. The Department shall establish rules and regulations by which the qualifications of contractors shall be evaluated. Contractors who wish to be eligible to receive contracts with a gas company to perform gas work shall be required to register and provide all required documentation to meet certification requirements with the DPU on an annual basis.

SECTION 4. Notwithstanding any general or special law to the contrary, the department of public utilities shall conduct, publish, and periodically update a study detailing the degree to which each gas piping system operator adhered to the department's safety standards, reviewing the efficacy of said standards in protecting the physical health and financial prosperity of the Commonwealth's residents, and analyzing recent advancements made in the theory and practice of pipeline safety and operation. The report

shall include recommendations to be made by the state legislature or an executive branch entity that would enhance the safety of gas piping systems by utilizing any theoretical or practical advancements in safety analyzed within it. The department may conduct field audits of gas companies operating in the Commonwealth to ensure compliance with all applicable statutes and regulations, and shall include the results of any such audits in the study required under this section or any subsequent updates to said study. The department shall publish the study no later than 1 year after the effective date of this act and shall there publish revisions of the study not less than every 36 months. Said study shall be submitted to the clerks of the house and senate, as well as to the joint committee on telecommunications, utilities and energy.

SECTION 5. Section 185 of chapter 149 of the General Laws, as so appearing, is hereby amended by inserting the following definition:- 'Public utility employer,' a gas and electricity public utility provider. and hereby further amended by inserting in lines 4, 20, 24, 29, 32, 33, 42, 43, 57, 61, 79, 84, 88, 89, 97, 99, and 103 after the word 'employer' in each instance thereof the following:- or public utility employer and hereby further amended by inserting in lines 34 and 44 after the word 'relationship' in each instance thereof the following:- including private contractors hired to perform work customarily performed by employees of public utility employers.

SECTION 6. Section 1F of said chapter 164, as so appearing, is hereby amended by adding the following:- (h) The department shall ensure that all written complaints under this section received from customers and the public regarding gas providers are investigated and a response to the complainant provided in a timely manner. The department shall establish a publicly accessible database of all complaints received, noting the category of complaint, the date it was received, the steps taken to address the complaint and that date it was resolved.

SECTION 7. Section 1E of chapter 164 of the General Laws, as so appearing, is hereby amended in line 12 by inserting after the word 'levels' the following:- , public safety measures,.

SECTION 8. Section 145 of chapter 164 of the General Laws, as so appearing, is hereby amended in line 33 by striking the word 'and', and in line 34 by inserting after the word "plan":- (vii) the relocations of a meter located inside of a structure to the outside of said structure for the purpose of improving public safety.

SECTION 9. Section 145 of said chapter 164, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:- (b) A gas company shall file with the department a plan to address aging or leaking natural gas infrastructure within the commonwealth and the leak rate on the gas company's natural gas infrastructure in the interest of public safety and reducing lost and unaccounted for natural gas through a reduction in natural gas system leaks. Each company's gas infrastructure plan shall include interim targets for the department's review. The department shall review these interim targets to ensure each gas company is meeting the appropriate pace to reduce the leak rate on and to replace the gas company's natural gas infrastructure in a safe and timely manner. The interim targets shall be for periods of not to exceed five years. The gas companies shall incorporate these interim targets into timelines for removing all leak-prone infrastructure filed pursuant to subsection(c) and may update them based on overall progress. The department may levy a penalty against any gas company which fails to meet its interim target in an amount up to and including the equivalent of 2.5 per cent of such gas company's transmission and distribution service revenues for the previous calendar year.

SECTION 10. The second paragraph of subsection (c) of said section 145 of said chapter 164, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- As part of each plan filed under this

section, a gas company shall include a timeline for removing all leak-prone infrastructure on an accelerated basis specifying an annual replacement pace and program end date with a target end date of either (i) not more than 20 years from the filing of a gas company's initial plan, or (ii) a reasonable target end date considering the allowable recovery cap established pursuant to subsection (f).

SECTION 11. Said chapter 82 is hereby amended by striking out section 40E, as so appearing, and inserting in place thereof the following section:-

Section 40E. Any person or company found by the department, after a hearing, to have violated any provision of sections 40A to 40E, inclusive, shall be fined not more than \$200,000; provided that nothing herein shall be construed to require the forfeiture of any penal sum by a residential property owner for the failure to pre-mark for an excavation on such person's residential property.

SECTION 12. Section 1J of chapter 164 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the figure '250,000' and inserting in place thereof the following figure:- 500,000.

SECTION 13. Said section 1J of said chapter 164, as so appearing, is hereby further amended by striking out, in line 8, the figure '20,000,000' and inserting in place thereof the following figure:- 50,000,000.

SECTION 14. Section 105A of said chapter 164, as so appearing, is hereby amended by striking out, in lines 21 to 23, inclusive, the words 'as specified in 49 U.S.C. section 60122(a)(1) or any successor statute enacted into federal law for the same purposes as said section 60122(a)(1)' and inserting in place thereof the following words:- of not more than \$500,000 for each violation; provided, however, that the maximum civil penalty under this section for a related series of violations shall be \$10,000,000; and, provided further that the dollar limits in this sentence shall be doubled in the event that the department determines that the violator has engaged in one or more similar violations in the three years preceding the violation. A separate violation occurs for each day the violation continues."

The amendment was *rejected*.

Mr. Feeney, Ms. Comerford, Messrs. O'Connor, Moore and Eldridge, Ms. Gobi and Messrs. Brady, Timilty, Lesser, Velis and Fattman moved that the proposed new text be amended in section 2, in item 2310-0300, by striking out the figure "\$154,222" and inserting in place thereof the following figure:- "\$500,000".

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The amendment was *rejected*.

Mr. Timilty moved that the proposed new text be amended in section 2, in item 4590-0915, by adding at the end thereof the following:- "provided further that the Pappas Rehabilitation Hospital for Children shall maintain not less than 120 beds for clients in its inpatient setting to the extent feasible within the appropriation; and provided further, that not less than \$300,000 in retained revenue be expended for the Pappas Rehabilitation Hospital for Children Summer Program"; and by striking out the figure "\$165,777,257" and inserting in place thereof the following figure:- "\$166,077,257".

184

The amendment was *rejected*.

Mr. Timilty, Ms. Gobi, Messrs. O'Connor, Moore and Brady, Ms. Rausch and Messrs. Feeney, Velis and Tarr moved that the proposed new text be amended by adding the following section:-

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"SECTION X. There shall be a joint oversight Committee made up of members from the House and Senate. The Joint Oversight Committee shall hold a hearing immediately to determine the current supplies for personal protective equipment (PPE) that meet the standards of the Center for Disease Control (CDC) that were in effect on January 6, 2020, held by the Commonwealth, acute care hospitals, and state operated facilities, and determine how each will establish a supply chain and store of at least sixty (60) days of PPE per the standard above."

The amendment was *rejected*.

Ms. Rausch, Ms. Jehlen, Ms. Gobi, Messrs. O'Connor, Brady, Eldridge, Tarr, Moore and Cyr, Ms. DiZoglio and Mr. Timilty moved that the proposed new text be amended in section 2, in item 9110-1455, by inserting the following:- “; provided further, that not less than \$1,000,000 shall be expended for additional funding for the Serving the Health Insurance Needs of Everyone, or SHINE program, so-called, administered by the executive office in partnership with local, community-based organizations, including but not limited to, councils on aging, aging service access points and others”; and by striking out the figure \$16,249,455 and inserting in place thereof the following figure:- \$17,249,455. 204

The amendment was *rejected*.

Ms. Rausch, Ms. Jehlen, Mr. Moore, Ms. Gobi and Messrs. O'Connor, Welch, Fattman, Velis, Eldridge, Rush and Montigny moved that the proposed new text be amended in section 2, in item 4000-0601, by inserting the following:- “provided further, that in addition to any rate paid for adult day health services, MassHealth and any other payers paying for said services using public funds shall pay to providers of adult day health sums necessary for additional COVID-related expenses including, but not limited to, reimbursement for additional staff necessary to maintain compliance with COVID-19 requirements, personal protective equipment, additional transportation costs necessary to maintain physical distancing, cleaning supplies and services, COVID-related absences and any COVID-testing required by any government agency”. 205

The amendment was *rejected*.

Ms. Rausch, Ms. Comerford, Ms. Jehlen, Messrs. O'Connor, Moore and Tarr, Ms. DiZoglio and Mr. Eldridge moved that the proposed new text be amended in section 2, in item 9110-1640, by striking out the figure “\$800,000” and inserting in place thereof the following figure:- “\$1,000,000”. 206

The amendment was *rejected*.

Messrs. O'Connor, Tran, Brady, Moore and Tarr moved that the proposed new text be amended in section 2, in item 4000-0601, in line 18, by inserting after “or supplemental security income”, the following: “provided further, that the Commonwealth will authorize a 6% increase in AFC billing and require AFC providers to pay the entire amount to AFC caregivers as an additional stipend due to address additional responsibilities and PPE required during the COVID pandemic”. 236

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting the following section:- 240

"SECTION __. Notwithstanding any general or special law to the contrary, the secretary of administration and finance, in consultation with the secretary of health and human services, may transfer from the prescription advantage program in item 9110-1455 of section 2 and the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws in fiscal year 2021, the amount necessary to support the Medicare Savings or Medicare Buy-In programs established in section 25A of chapter 118E of the General Laws; provided, however, that the secretary of health and human services shall certify to the senate and house committees on ways and means, not less than 45 days in advance of the transfer, in writing, the amount to be transferred and an explanation of the amount of expected savings to those programs resulting from the transfer."

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting the following section:- 246

"SECTION __. Section 6 of chapter 62 of the General Laws, as so appearing, is hereby further amended by adding the following subsection:-

(w)(1) An employer that is not a business corporation subject to the excise under chapter 63, shall be allowed a credit equal to \$2,000 or 30 per cent of the wages paid to each qualified employee with a disability in a taxable year, whichever is less, against the tax liability imposed by this chapter. If a credit allowed by this subsection exceeds the tax otherwise due under this chapter, 100 per cent of the balance of such credit may, at the option of the taxpayer, be refundable to the taxpayer. In order to qualify, the employee with a disability must be certified by the Massachusetts rehabilitation commission as meeting the definition of disability in the Americans with Disabilities Act, 42 U.S.C. sections 12101 et seq.; capable of working independently; physically or mentally impaired in a manner that constitutes or results in a substantial impediment to employment for the individual; and hired by the employer after July 1, 2021.

(2) To be eligible for a credit under this subsection:

(a) the primary place of employment and the primary place of residence of the employee must be in the commonwealth,

(b) the business shall receive the applicable certification from the Massachusetts rehabilitation commission that the employee qualifies not later than the day the employee begins work; provided, reasonable exceptions to this timeframe may be established through regulation, and(c) the employee must have been employed by the business for a period of at least 18 consecutive months prior to and in the taxable year in which the credit is claimed.

(3) An employer that is eligible for and claims the credit allowed under this subsection in a taxable year with respect to a qualified employee with a disability shall be eligible for a credit of up to \$2,000 in the subsequent taxable year with respect to such qualified employee. Any credit allowed under this subsection shall not be transferable.

(4) The secretary of health and human services, in consultation with the commissioner, shall promulgate regulations establishing an application process for the credit.

(5) The credit under this subsection shall be attributed on a pro rata basis to the owners, partners or members of the legal entity entitled to the credit under this subsection, and shall be allowed as a credit against the tax due under this chapter of such owners, partners or members, in a manner determined by the commissioner."

The amendment was *rejected*.

Messrs. Tarr, Eldridge and Moore moved that the proposed new text be amended in section 2, in item 4003-0122, by striking out the figures "\$1,026,574" and inserting in place thereof the figures "\$1,526,575".

251

The amendment was *rejected*.

Messrs. Crighton and O'Connor and Ms. DiZoglio moved that the proposed new text be amended in section 2, in item 9110-1604, by inserting after the word "sites" the following words:- "provided, that not less than \$1,440,000 shall be expended to fund existing sites and expand the existing program by establishing not less than 10 additional supportive housing sites"; and by striking out the figures "\$6,309,422" and inserting in place thereof the figures "\$7,753,422".

252

The amendment was *rejected*.

Mr. Hinds and Ms. DiZoglio moved that the proposed new text be amended in section 2, in item 4000-0500, by adding at the end thereof the following:- "; provided, that full-time first responders shall be eligible for both MassHealth coverage and employer-sponsored insurance under a third-party liability arrangement".

256

The amendment was *rejected*.

Mr. Crighton moved that the proposed new text be amended in section 2, in item 4512-0500, by adding the following words:- "; provided further, that \$475,000 shall be expended for the Forsyth Institute's Center for Children's Oral Health to expand its

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ForsythKids programming focused on children and adolescents and to explore the emerging association between oral health status and academic performance”; and by striking out the figure “\$1,734,246” and inserting in place thereof the following figure:- “\$2,209,246”.

The amendment was *rejected*.

Messrs. Velis, O'Connor and Brady moved that the proposed new text be amended in section 3, by adding the following sections:

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“SECTION XX. Chapter 12C of the General Laws is hereby amended by striking out section 23 and inserting in place thereof the following section:-

Section 23. Subject to appropriation, the center shall transfer annually \$10,000,000 to the Community Hospital and Health Center Investment Trust Fund established in section 2TTTT of chapter 29, not later than June 30; provided, however, that such transfer shall not result in an increase in the assessment calculated under section 7.

SECTION YY Chapter 29 of the General Laws is hereby amending by striking out section 2TTTT and inserting in place thereof the following section:-

Section 2TTTT. (a) There shall be a Community Hospital and Health Center Investment Trust Fund to be expended, without further appropriation, by the secretary of health and human services. The fund shall consist of money from public and private sources, including gifts, grants and donations, interest earned on such money, any other money authorized by the general court and specifically designated to be credited to the fund and any funds provided from other sources. Money in the fund shall be used to provide annual financial support in an amount not to exceed \$25,000,000 per fiscal year, consistent with the terms of this section, to eligible acute care hospitals and community health centers. The secretary, as trustee, shall administer the fund and shall make expenditures from the fund consistent with this section.

(b) The secretary may incur expenses and the comptroller may certify amounts for payment in anticipation of expected receipts; provided, however, that, subject to subsection (e), no expenditure shall be made from the fund which shall cause the fund to be deficient at the close of a fiscal year. Subject to subsection (i), revenues deposited in the fund that are unexpended at the end of a fiscal year shall not revert to the General Fund and shall be available for expenditure in the following fiscal year.

(c) The secretary shall periodically direct payments from the fund to eligible acute care hospitals and community health centers. To be eligible to receive payment from the fund, an acute care hospital (1) shall be licensed under section 51 of chapter 111; (2) shall not be or be corporately affiliated with an academic medical center, teaching hospital or specialty hospital; and (3) shall not be a hospital with relative prices that are at or above 90 per cent of the statewide average relative price, as determined by the center for health information analysis. To be eligible to receive payment from the fund, a community health center must be certified as a community health center by the MassHealth program under 101 CMR 405.000 or any successor regulation.

(d) In directing payments in a given fiscal year, the secretary shall allocate payments to eligible acute care hospitals and community health centers in the following manner: (1) 50 per cent of payments shall be directed to eligible acute care hospitals in form of Medicaid supplemental payments or other appropriate mechanism; and (2) 50 per cent of payments shall be directed to community health centers in the following manner and allocation: 25 per cent of the total community health center allocation shall be directed to community health centers in the form of grants, and 75 per cent of the total community health center allocation shall be directed to community health centers in the form of enhanced Medicaid payments. The secretary shall establish by regulation or other appropriate written issuance any further eligibility criteria for allocation of payments pursuant to this subsection.

(e) The secretary may require as a condition of receiving payment from the fund any such reasonable condition of payment that the secretary determines necessary to ensure the availability, to the extent possible, of federal financial participation for the payments, and the secretary may incur expenses and the comptroller may certify amounts for payment in anticipation of expected receipt of federal financial participation for the payments. Subject to appropriation, an amount equal to the total annual anticipated federal financial participation generated by the payments shall be transferred to the Community Hospital and Health Center Investment Trust Fund not later than June 30.

(f) The executive office of health and human services may promulgate regulations as necessary to carry out this section.

(g) Not later than October 15 of each fiscal year, the secretary shall file a report with the joint committee on health care finance and the house and senate committees on ways and means detailing the allocation and recipient of each payment during the prior fiscal year, including any payments made under subsection (i).

(h) An amount equal to the total receipts from the penalty established under chapter 63D shall be transferred from the General Fund to the Community Hospital and Health Center Investment Trust Fund before the end of each fiscal year.

(i) In the event that the total amount the in the fund in a given fiscal year is sufficient to provide the maximum amount of annual financial support specified in subsection (a) to eligible acute care hospitals and community health centers, any remaining revenues deposited in the fund under subsection (h) shall revert to the general fund to support increased investments in primary care and behavioral health in a manner that maximizes federal financial participation.”

The amendment was *rejected*.

Mr. Cyr, Ms. Rausch, Ms. Moran and Mr. Montigny moved that the proposed new text be amended by inserting the following sections:-

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"SECTION X. The General Laws are hereby amended by inserting after chapter 63B the following chapter:-

Chapter 63C. Penalty on drug manufacturers for excessive price increases

Section 1. ‘Commissioner’, the commissioner of revenue.

‘Consumer price index’, the consumer price index for all urban consumers for Boston, as most recently reported by the federal Bureau of Labor Statistics.

‘Drug’, any medication, as identified by a National Drug Code, approved for sale by the U.S. Food and Drug Administration.

‘Excessive price’, the price of a drug if it exceeds the sum of (a) the reference price of that drug, as adjusted for any increase or decrease in the consumer price index since the reference price was determined, and (b) an additional two percent of the reference price for each 12 month period that has elapsed since the date on which the reference price was determined. The two percent increment provided in (b) of the preceding sentence shall compound annually on the first day of the first calendar quarter commencing after the end of each 12 month period described therein.

‘Excessive price increase’, the amount by which the price of a drug exceeds the sum of (a) the reference price of that drug, as adjusted for any increase or decrease in the consumer price index since the reference price was determined, and (b) an additional two percent of the reference price for each 12 month period that has elapsed since the date on which the reference price was determined. The two percent increment provided in (b) shall compound annually on the first day of the first calendar quarter commencing after the end of each 12 month period described therein.

‘Person’, any natural person or legal entity.

‘Price’, the wholesale acquisition cost of a drug, per unit, as reported to the First Data Bank or other applicable price compendium designated by the commissioner.

‘Reference price’, the price of a drug as of July 1, 2020, or in the case of any drug first commercially marketed in the United States after July 1, 2020, the price of the drug on the date when first marketed.

‘Related party’, an entity is a related party with respect to a person if that entity belongs to the same affiliated group as that person under section 1504 of the Internal Revenue Code, as amended and in effect for the taxable year, or if the entity and the person are otherwise under common ownership and control.

‘Unit’, the lowest dispensable amount of a drug.

Section 2. (a) Any person who manufactures and sells drugs, directly or through another person, for distribution in the commonwealth and who establishes an excessive price for any such drug directly or in cooperation with a related party, shall pay a per unit penalty on all units of the drug ultimately dispensed or administered in the commonwealth. The penalty for each unit shall be 80 per cent of the excessive price increase for each unit, determined at the beginning of the calendar quarter. (b) A person who establishes an excessive price for a drug as described in subsection (a) shall file a return as provided in section 4 declaring all units of excessively priced drug sold for distribution in the commonwealth during the quarter. In the event that a person filing such a return pays a penalty with regard to one or more units of drug that are ultimately dispensed or administered outside of the commonwealth, the person may claim a credit for such penalty amounts on the return for the tax period during which such units are ultimately dispensed or administered.

Section 3. The penalty under section 2 shall apply for any calendar quarter only to a person who maintains a place of business in the commonwealth or whose total sales of all products, directly or through another person, for distribution in the commonwealth were more than \$100,000 in the prior 12 month period. The penalty shall not apply more than once to any unit of drug sold.

Section 4. Any person subject to the penalty under section 2 shall file a return with the commissioner and shall pay the penalty by the fifteenth day of the third month following the end of each calendar quarter, subject to such reasonable extensions of time for filing as the commissioner may allow. The return shall set out the person’s total sales subject to penalty in the immediately preceding calendar quarter and shall provide such other information as the commissioner may require.

Section 5. The penalty imposed under this chapter shall be in addition to, and not a substitute for or credit against, any other penalty, tax or excise imposed under the General Laws.

Section 6. The commissioner may disclose information contained in returns filed under this chapter to the department of public health for purposes of verifying that a filer’s sales subject to penalty are properly declared and that all reporting is otherwise correct. Return information so disclosed shall remain confidential and shall not be public record.

Section 7. To the extent that a person subject to penalty under section 2 fails to pay amounts due under this chapter, a related party of such person that directly or indirectly distributes in the commonwealth any drug whose sales are subject to this chapter shall be jointly and severally liable for the penalty due.

Section 8. The commissioner may promulgate regulations or issue other guidance for the implementation of this chapter.

SECTION X. Chapter 63C of the General Laws, as inserted by section X, shall apply to sales commencing on or after the enactment date of this act. The commissioner of revenue shall issue regulations or other guidance regarding the reporting and payment of the penalty as soon as practicable after the enactment date of this act."

The amendment was *rejected*.

Mr. Cyr, Ms. Rausch, Ms. DiZoglio and Ms. Moran moved that the proposed new

text be amended by inserting the following sections: -

“SECTION X. Subsection (a) of section 220 of chapter 111 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding before the definition of ‘forensic examination’ the following definitions:-

‘Certified sexual assault nurse examiner’, a registered nurse, nurse practitioner, certified nurse midwife or physician in the commonwealth who has completed the Massachusetts SANE certification program and has been certified by the Massachusetts SANE program within the department.

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

SECTION X. Said section 220 of said chapter 111, as so appearing, is hereby further amended by adding the following subsection:- ‘(i) In consultation with the advisory board, the department shall establish fees to be assessed on designated SANE sites for the provision of certified sexual assault nurse examiner services. Such fees shall be directed to the Sexual Assault Nurse Examiner Trust Fund established in section 2VVVV of chapter 29.’.”

The amendment was *rejected*.

Mr. Eldridge, Ms. Gobi, Messrs. Brady and Moore and Ms. Chang-Diaz moved that the proposed new text be amended in section 2, in item 5920-2000, by inserting after the words “growth of the program” the following:- “; provided further that the billing rate for these services will be adjusted to pay for all additional COVID staffing costs and related expenses including, but not limited to day-time staffing, hazard pay, infection control such as PPE; and these costs shall be presented and considered for appropriation in fiscal year 2021”.

275

The amendment was *rejected*.

Ms. Chang-Diaz, Ms. Rausch, Ms. Jehlen, Messrs. Eldridge and Velis moved that the proposed new text be amended in section 3, by inserting the following section:-

279

“Section XXX. Section 1 of chapter 117A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following paragraph:- ‘The combined countable assets of an assistance unit may not exceed \$2,500 for assistance units consisting of one person and \$5,000 for assistance units consisting of two or more people. In determining countable assets, the department shall exclude the fair market value of one vehicle;.”

The amendment was *rejected*.

Ms. Chang-Diaz, Messrs. Eldridge, Moore, Brady, O'Connor and Tran, Ms. Gobi, Mr. Crighton, Ms. Rausch, Ms. Moran, Mr. Lesser and Ms. Comerford moved that the proposed new text be amended in section 2, in item 1599-6903, by inserting after the words “section 2D;” the following:- “provided further that all rates for Adult Long-Term Residential Services established according to 101 CMR 420.00 shall be effective no later than July 3, 2020;”

286

The amendment was *rejected*.

Messrs. Rush and O'Connor moved that the proposed new text be amended in section 3, by inserting at the end thereof the following section:-

289

“SECTION XX. Section 1. Section 17a of Chapter 6 is hereby amended by adding after the word ‘transportation’ the following:- ‘, the secretary of veterans services,’.

Section 2. Section 16 of chapter 6A is hereby amended in line 34 by striking out the words:- (5) the department of veterans’ services, who shall be appointed by the governor, which shall include the Soldiers’ Home in Massachusetts and the Soldiers’ Home in Holyoke.

Section 3. Section 4M of Chapter 7 is hereby repealed.”

The amendment was *rejected*.

Mr. Montigny moved that the proposed new text be amended in section 2, in item 4512-0200, by adding the following words:- “; provided further, that not less than \$175,000 shall be expended for Office-Based Addiction/Opioid Treatment, a program at the Greater New Bedford Community Health Center”; and by striking out the figure “\$163,621,698” and inserting in place thereof the following figure:- “\$163,796,698”.

293

The amendment was *rejected*.

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

298

"SECTION _: Notwithstanding any general or special law to the contrary, the executive office of health and human services may directly negotiate rebate agreements with manufacturers of non-drug products and drugs that are not covered outpatient drugs under 42 U.S.C. s. 1396r-8, provided that such agreements maximize value to the commonwealth. Such agreements may be based on the value, efficacy or outcomes of the non-drug product or drug."

The amendment was *rejected*.

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

Mr. Eldridge, Ms. Creem and Ms. Chang-Diaz moved that the proposed new text be amended by inserting after section XX the following:-

176

“SECTION XX. (a) Notwithstanding any general or special law to the contrary, if the committee for public counsel services determines that there exists a limited availability of qualified private counsel appointed or assigned to care and protection cases in any county, the committee may, by a majority vote, declare an emergency in that county.(b) Upon the declaration of an emergency pursuant to subsection (a), the committee may authorize a temporary increase in the rate of compensation for private counsel appointed or assigned to care and protection cases in that county who, prior to the declaration of an emergency, have billed not less than 350 hours in the current fiscal year as private counsel appointed or assigned to care and protection cases or who have billed not less than 700 hours in the previous fiscal year as private counsel appointed or assigned to care and protection cases. The committee shall designate a certain minimum number of cases to be taken by each private appointed counsel who is designated eligible to receive the emergency temporary rate of compensation. The temporary increase in the rate of compensation shall be for new case assignments made on or after the date of the declaration of an emergency pursuant to subsection (a). The temporary increase in the rate of compensation shall apply for the duration of those new case assignments. The temporary increase in the rate of compensation for private counsel appointed or assigned to care and protection cases approved by the committee shall not exceed \$75 per hour. If the committee determines that the increase in the rate of compensation has not resulted in a sufficient increase in the number of care and protection assignments being taken by private counsel, the committee may modify the eligibility criteria. The chief counsel shall notify the chairs of the house and senate committees on ways and means upon any such modification. (c) Upon the declaration of an emergency pursuant to subsection (a), the chief counsel of the committee may waive the annual cap on billable hours for private counsel appointed or assigned to represent clients in care and protection cases in the specified county; provided, however, that any counsel appointed or assigned to such cases shall not be paid for any time billed in excess of 2,000 billable hours.(d) The committee may limit the availability of the rate of compensation authorized under subsection (b) based on the committee’s monitoring and evaluation of the performance of counsel under section 10 of chapter 211D of the General Laws or to attorneys whose offices are located in particular counties.”

After remarks, the amendment was adopted.

187

Mr. Timilty, Ms. Gobi, Messrs. O'Connor, Moore, Brady, Feeney and Velis and Ms. Moran moved that the proposed new text be amended by adding the following section:-

"SECTION X. The Office of Preparedness and Emergency Management (OPEM) shall require each healthcare facility to designate an inventory manager who shall provide inventory management documentation of any and all personal protective equipment on hand at healthcare facilities to meet the standards in place at the Centers for Disease Control as of January 1, 2020 and the process for and attempts by health care facilities at obtaining personal protective equipment to meet the standards in place at the Centers for Disease Control as of January 1, 2020. These reports shall be made in a format determined by the Office of Preparedness and Emergency Management, and shall include but not be limited to: number targets by item ordered; any differential between what personal protective equipment is needed to achieve the aforementioned standard and the personal protective equipment that has been ordered or procured; vendor names with which the healthcare facility has a supply contract, timeframe for obtaining the requested personal protective equipment; any issues or delays with obtaining requested personal protective equipment; and the percent of the required personal protective equipment that is obtained by state allocation vs private supply chain. These reports shall be made every 14 days and posted by OPEM inventory management for public access via the Commonwealth's COVID-19 website. Healthcare facilities shall also make available to all employees upon request the supply of personal protective equipment on hand at that time."

After remarks, the amendment was *rejected*.

271

Mr. DiDomenico, Ms. Rausch, Ms. DiZoglio, Mr. Eldridge, Ms. Gobi, Messrs. Timilty and Tarr, Ms. Comerford, Messrs. Welch and Collins, Ms. Jehlen, Messrs. O'Connor, Moore, Lesser, Velis, Finegold, Kennedy and Montigny, Ms. Chang-Diaz, Mr. Cyr, Ms. Creem, Ms. Lovely and Mr. Crighton moved that the proposed new text be amended in section 2, in item 4000-0300, by adding the following words:- "provided further, that by June 30, 2021, the executive office shall implement changes to allow low-income applicants and recipients of MassHealth and the Medicare Savings Program to initiate an application for federally-funded supplemental nutrition assistance benefits at the same time as their application or renewal for MassHealth or the Medicare Savings Program; provided further, that the executive office shall ensure that relevant eligibility information and verifications provided by the applicant or recipient are transferred from MassHealth to the department of transitional assistance to determine eligibility; provided further, that not later than February 1, 2021, the executive office shall submit a report to the executive office for administration and finance and the house and senate committees on ways and means outlining the additional costs and federal reimbursement opportunities involved in a common application portal for all MassHealth and Medicare Savings Program applicants and recipients with gross incomes under 200 per cent of the federal poverty level".

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at three minutes before seven o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 39 – nays 0) [**Yeas and Nays No. 287**]:

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.
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.

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 five minutes past seven o'clock P.M., the amendment was adopted.

Mr. Rush, Ms. DiZoglio, Ms. Gobi, Messrs. O'Connor, Timilty, Tarr and Montigny moved that the proposed new text be amended in section 2, in item 1410-0400, by inserting after the word “veterans”, in line 4, the following words:- “, including deceased veterans who were residents of the Soldiers’ Home in Massachusetts and the Soldiers’ Home in Holyoke whose death occurred due to the 2019 novel coronavirus”; and by striking out the figure “72,109,878” and inserting in place thereof the following figure:- “72,209,878”.

291

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at nine minutes past seven o'clock P.M., on motion of Mr. Rodrigues, as follows, to wit (yeas 39 – nays 0) [**Yeas and Nays No. 288**]:

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.
Hinds, Adam G.

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.

NAYS – 0.

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

Suspension of Senate Rule 38A.

Suspension of Senate Rule 38A.

Ms. Brownsberger 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.

Recess.

Recess.

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

Orders of the Day.

The Orders of the Day were further considered as follows:

General Appropriations Bills.

The House Bill making appropriations for the fiscal year 2021 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No 5151),-- was further considered, the main question being on ordering the bill to a third reading.

There being no objection, the following amendments were considered as one, and adopted as follow:

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Mr. Collins, Ms. DiZoglio and Messrs. Rush, O'Connor, Brady, Feeney and DiDomenico moved that the proposed new text be amended in section 2, in item 8324-0000, by inserting after the word "program", in line 50, the following words:- "; provided further, that fire department training academies listed in item 8324-0000 of section 2 of chapter 182 of the acts of 2008 shall be allocated to each program in fiscal year 2021; provided further, that not less than \$500,000 shall be expended for the hazardous materials response team in the cities of Cambridge, Everett and Boston"; and by striking out the figure "\$29,047,062" and inserting in place thereof the following figure:- "\$31,297,062".

The amendment was adopted.

306

Mr. Boncore and Ms. DiZoglio moved that the proposed new text be amended in section 2, in item 0339-1011, by adding the following words:- "; prior appropriation continued".

The amendment was adopted.

311

Ms. Gobi, Ms. Rausch and Messrs. O'Connor, Timilty and Velis moved that the proposed new text be amended in section 2, in item 8700-0001, by adding at the end thereof the following:- "; provided further, that not less than \$50,000 shall be expended for the Massachusetts Veterans Oral History Project to be conducted by Home of the Brave, Inc., in conjunction with the Massachusetts National Guard Museum and Archives"; and by striking out the figures "\$11,136,892" and inserting in place thereof the figures "\$11,186,892".

The amendment was adopted.

316

Mr. Feeney, Ms. Rausch and Mr. Pacheco moved that the proposed new text be amended in section 2, in item 8900-0001, by adding the follow words:- "; provided further, that the department shall expend not less than \$2,200,000 for municipalities hosting department of correction facilities; provided further, that no municipality hosting a department of correction facility shall receive more than \$800,000; and provided further, that no municipality hosting a department of correction facility shall receive less than the amount allocated in item 8900-0001 of section 2 of chapter 68 of the acts of 2011"; and by striking out the figure "\$685,058,991" and inserting in place thereof the following figure:-

"\$687,258,991".

The amendment was adopted.

Ms. Creem moved that the proposed new text be amended in section 2, in item 8900-0001, by adding the following words:- "; provided further, that not less than \$125,000 shall be expended for the Disability Law Center, Inc. to monitor the efficacy of service delivery reforms at Bridgewater state hospital, including units at the Old Colony correctional center and the treatment center; provided further, that the Disability Law Center, Inc. may investigate the physical environment of said facilities, including infrastructure issues, and may use methods including, but not limited to, testing and sampling the physical and environmental conditions, regardless of whether they are utilized by patients or inmates; provided further, that the Disability Law Center, Inc. may monitor the continuity of care for Bridgewater state hospital persons served who are discharged to county correctional facilities or Department of mental health facilities, including assessment of the efficacy of admission, discharge and transfer planning procedures and coordination between the Department of Correction, Wellpath, the Department of Mental Health and county correctional facilities; provided further, that not less than once every 6 months, the Disability Law Center, Inc. shall report on the impact of these reforms on those served at Bridgewater state hospital to the joint committee on mental health, substance use and recovery, the joint committee on the judiciary, the house and senate committees on ways and means, the senate president and the speaker of the house"; and by striking out the figure "\$685,058,991" and inserting in place thereof the following figure:- "\$685,183,991".

319

The amendment was adopted.

Mr. Keenan moved that the proposed new text be amended in section 2, in item 8324-0000, by adding the following words:- "; provided further, that not less than \$50,000 shall be expended for the Quincy fire department hazardous material response team"; and by striking out the figure "\$29,047,062" and inserting in place thereof the following figure:- "\$29,097,062".

320

The amendment was adopted.

Mr. Crighton moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- “; provided further, that not less than \$150,000 shall be expended to the police department of the city of Lynn for their behavioral health unit”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$250,000”.

321

The amendment was adopted.

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

334

"SECTION XX. Item 7008-1116 of section 2 of chapter 41 of the acts of 2019 is hereby amended by inserting after the words ‘Millbury’ the following words:- and such funds shall be made available until June 30, 2021."

The amendment was adopted.

Mr. Moore moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- “; provided further, that not less than \$150,000 shall be expended equally to the towns of Auburn, Grafton, Leicester, Millbury, Northbridge, Shrewsbury and Upton for technology, health and safety improvements related to the 2019 novel coronavirus pandemic; provided further, that not less than \$50,000 shall be expended for the South Worcester Neighborhood Improvement Corporation”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$300,000”;

339

The amendment was adopted.

Messrs. Boncore and O'Connor moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- “; provided, that not less

341

than \$2,500,000 shall be expended for the New England Aquarium Corporation in the city of Boston”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$2,600,000”.

The amendment was adopted.

Ms. Lovely and Messrs. Moore, Brady, O'Connor and Tarr moved that the proposed new text be amended in section 2, in item 7004-0101, by adding the following words:- “; provided further, that not less than \$800,000 shall be expended to establish the home works program, which shall provide opportunities for children in emergency housing assistance programs to attend out-of-school time and summer programming run by youth-serving organizations; provided further, that a youth-serving organization shall apply to contract with the department of housing and community development to receive contract slots to serve children in the program; provided further, that youth-serving organizations shall obtain criminal offender record information for each staff member employed by the program with responsibilities that include direct care for children pursuant to section 172H of chapter 6 of the General Laws and sex offender registry information pursuant to section 178I of said chapter 6, as well as information that is publicly available from a registry of sex offender information that is operated or coordinated by the federal government; provided further, that the department may expend funds for the administration and implementation of the home works program”; and by striking out the figure “\$179,904,755” and inserting in place thereof the following figure:- “\$180,704,755”.

344

The amendment was adopted.

Messrs. DiDomenico, Feeney, Crighton, Collins, O'Connor and Brady, Ms. Comerford, Ms. Lovely and Mr. Cyr moved that the proposed new text be amended in section 2, by inserting after item 7003-0607 the following item:

349

"xxxx-xxxx For the 1199SEIU Training and Upgrading Fund to deliver innovative worker training for eligible health care workers that will better the lives of health care workers, reduce costs and improve the quality of health care provided by MassHealth personal care attendants and provided at nursing homes, community health centers, hospitals and health systems..... \$200,000”.

The amendment was adopted.

Messrs. DiDomenico, O'Connor, Moore, Eldridge and Collins and Ms. Creem moved that the proposed new text be amended in section 2, in item 7035-0002, by adding the following words:- “; provided further, that \$250,000 be expended for Operation A.B.L.E. of Greater Boston to provide basic workforce and skills training, employment services and job re-entry support to older workers”; and by striking out the figure “\$40,606,883” and inserting in place thereof the following figure:- “\$40,856,883”.

350

The amendment was adopted.

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

357

"SECTION __. 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 January 1, 2021. 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 January 1, 2021 according to the current allocation formula.”

The amendment was adopted.

Ms. Comerford, Ms. DiZoglio, Ms. Gobi, Messrs. O'Connor, Welch, Lesser, Feeney

358

and Keenan, Ms. Moran and Mr. Cyr moved that the proposed new text be amended in section 2, in item 7003-0803, by striking out the figure "\$3,960,051" and inserting in place thereof the following figure:- "\$5,000,000".

The amendment was adopted.

Ms. Gobi and Messrs. Moore, Welch, Lesser, Velis and Fattman moved that the proposed new text be amended in section 2, in item 7006-0142, by adding at the end thereof the following:- "; and provided further, that not less than \$50,000 shall be provided for a reimbursement program to be managed by the Division of Professional Licensure which shall provide for the costs associated with the implementation of testing for the presence of pyrrhotite in the foundation of homes built on or after 1983 in the Commonwealth within a 50 mile radius of J.J. Mottes Concrete Company in Stafford Springs, Connecticut; provided further, that reimbursements shall be made at a rate of 100 percent for visual testing conducted by a licensed professional engineer up to \$400 and at a rate of 75 percent for the testing of 2 core samples up to \$5,000"; and by striking out the figures "\$16,034,593" and inserting in place thereof the figures "\$16,084,593".

359

The amendment was adopted.

Mr. Timilty moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "; provided further, that not less than \$25,000 shall be expended for the United Way of Massachusetts Bay and Merrimack Valley's Resilient Randolph Fund to provide resources for emergency assistance"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$125,000".

363

The amendment was adopted.

Ms. Moran, Messrs. O'Connor, Eldridge, Moore, Welch, Collins, Timilty, Pacheco, Brady and Velis, Ms. DiZoglio and Messrs. Finegold, Rush and Cyr moved that the proposed new text be amended, in section 2, in item 7004-0099, by adding the following words:- "; provided further, that not less than \$200,000 shall be expended for Horizons for Homeless Children, Inc."; and by striking out the figure "\$7,528,502" and inserting in place thereof the following figure:- "\$ 7,728,502".

365

The amendment was adopted.

Mr. Crighton moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "; provided further, that not less than \$100,000 shall be expended for the E-Team Machinist program in the city of Lynn"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$200,000".

371

The amendment was adopted.

Ms. Creem moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "; provided further, that not less than \$175,000 shall be expended to the Newton-Needham Chamber of Commerce, Inc., in coordination with the Brookline Chamber of Commerce, Inc., and the Wellesley Chamber of Commerce, Inc., to provide grants to independent restaurants located in the city of Newton and the towns of Brookline and Wellesley to supply prepared meals and other food products to food banks, senior programs or to other persons in need who have been impacted by the 2019 novel coronavirus; provided further, that not less than \$75,000 of said funds shall be allocated for grants to independent restaurants in the city of Newton, not less than \$60,000 of said funds shall be allocated for grants to independent restaurants in the town of Brookline and not less than \$40,000 of said funds shall be allocated for grants to independent restaurants in the town of Wellesley"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$275,000".

372

The amendment was adopted.

Mr. Hinds, Ms. DiZoglio and Mr. Velis moved that the proposed new text be amended in section 2, in item 7007-0300, by adding at the end thereof the following:- "; provided

377

further, that not less than \$250,000 shall be provided to the Hilltown Community Development Corporation to support economic development, including, but not limited to farming, workers, and business adaption to challenges related to COVID-19 in Franklin and Hampshire counties, of which not less than \$100,000 shall be directed to the Greater Shelburne Falls Area Business Association for economic development, including, but not limited to farming, workers, and business adaption challenges related to COVID-19 in Franklin County”; and by striking out the figure “\$1,701,313” and inserting in place thereof the figure “\$1,951,313”.

The amendment was adopted.

Mr. Lesser moved that the proposed new text be amended in section 2, in item 7003-0100, by adding the following words:- “; provided further, that \$800,000 shall be expended equally for the Urban League of Springfield Massachusetts, Inc. and the Urban League of Eastern Massachusetts, Inc.”; and by striking out the figure “\$792,620” and inserting in place thereof the following figure:- “\$1,592,620”.

391

The amendment was adopted.

Mr. Lesser moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- “; provided further, that not less than \$125,000 shall be expended for the operation of the Zoo in Forest Park and Education Center in the city of Springfield, including needs resulting from impacts of the COVID-19 pandemic”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$225,000”.

392

The amendment was adopted.

Messrs. Rush, Feeney, O'Connor, Collins, Timilty and Tarr moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following: "; provided further, that not less than \$100,000 shall be expended to the New England Center and Homes for Veterans for expenses associated with hosting the 2021 Medal of Honor convention"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$200,000”.

407

The amendment was adopted.

Mr. Montigny moved that the proposed new text be amended in section 2, in item 7007-0952, by adding the following words:- "; provided further, that not less than \$500,000 shall be made available for zoos throughout the commonwealth that are not under the purview of the Commonwealth Zoological Corporation"; and by striking out the figure "\$4,600,000" and inserting in place thereof the following figure:- "\$5,100,000”.

409

The amendment was adopted.

Mr. Rush moved that the proposed new text be amended in section 2, in item 1599-1233, as follows: “; provided further, that not less than \$25,000 shall be expended for the programs and operations of the Menino Arts Center in the Hyde Park section of the city of Boston”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:-"\$125,000”.

412

The amendment was adopted.

Mr. Rush moved that the proposed new text be amended in section 2, in item 1599-1233, as follows: “; provided further, that not less than \$25,000 shall be expended for the for the operations of Riverside Theatre Works, Inc., located in the Hyde Park section of the city of Boston”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:-"\$125,000”.

413

The amendment was adopted.

Messrs. Timilty, Feeney, Brady and O'Connor moved that the proposed new text be amended, in section 2, in item 1599-1233, by adding the following words:- "; provided further, that not less than \$100,000 shall be expended equally to the towns of Avon, Canton, East Bridgewater, Easton, Milton, Sharon, Stoughton and West Bridgewater and

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the cities known as the town of Braintree and the town of Randolph for the prevention and mitigation of COVID-19, for the purchase of personal protective equipment, and for the enhancement of remote and hybrid learning"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$200,000".

The amendment was adopted.

Messrs. Boncore and Eldridge moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- “; provided further, that \$150,000 shall be expended for The Latina Circle, Inc.”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$250,000”.

421

The amendment was adopted.

Mr. Boncore moved that the bill be amended, in Section 2, in item 1599-1233, by adding the following words:- “; provided further, that \$50,000 shall be expended for East Boston Community Soup Kitchen in the section of East Boston in the city of Boston”; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$150,000".

422

The amendment was adopted.

Mr. Boncore moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- “; provided further, that \$50,000 shall be provided to the town of Winthrop for costs associated with an expanded public health capacity, monitoring, treatment, containment, public awareness and prevention against the 2019 novel coronavirus”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$150,000”.

423

The amendment was adopted.

Mr. O'Connor moved that the proposed new text be amended in section 2, in item 4110-1000, by adding the following:- “; provided further, that not less than \$300,000 shall be expended for the Talking Information Center, Incorporated to provide human voiced broadcasts of local news, articles and items of interest to visually impaired and otherwise disabled listeners”.

424

The amendment was adopted.

Mr. O'Connor moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- “; provided further, that not less than \$150,000 shall be expended to The Company Theatre, Inc., in the town of Norwell for costs associated with general operations, maintenance and programming”; and by striking out the figure “100,000” and inserting in place thereof the following figure:- “250,000”.

426

The amendment was adopted.

Mr. Cyr moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- “; provided further, that not less than \$200,000 shall be expended to the Barnstable County Department of Health and Environment for COVID-19 related response efforts including mobile COVID-19 testing programs within Barnstable county, the purchase of personal protective equipment and supplies and programs to support vulnerable, food insecure and housing insecure residents of Barnstable county”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$300,000”.

427

The amendment was adopted.

Mr. Kennedy moved that the proposed new text be amended in section 2, in item 9110-9002, by adding the following:- "provided, that not less than \$30,000 shall be expended to the Town of Pepperell for the purposes of a senior transportation service for those impacted by the 2019 novel coronavirus"; and by striking out the figure "\$17,000,000" and inserting in place thereof the following figure:- "\$17,030,000".

430

The amendment was adopted.

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

432

1599-1233, by adding the following words:- "; provided further, that not less than \$100,000 shall be expended for the Marlborough Community Cupboard, a program of the United Way of Tri-County, for building improvements due to increased client need and enhanced social distancing necessitated by the 2019 novel coronavirus pandemic".

The amendment was adopted.

Mr. Eldridge and Ms. DiZoglio moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- “; provided further, that not less than \$150,000 shall be expended for Clear Path for Veterans New England in Devens for building renovations to an outreach and wellness service center due to increased client need and enhanced social distancing necessitated by the 2019 novel coronavirus pandemic”.

433

The amendment was adopted.

Mr. Velis moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- “; provided further, that not less than \$100,000 shall be expended to Baystate Noble Hospital Corporation for a grant program to prevent and treat the increase of addiction to opioids and related substances during the 2019 novel coronavirus; provided further, that not less than \$50,000 shall be expended to the police department in the town of Agawam for services needed due to the opioid epidemic”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$250,000”.

435

The amendment was adopted.

Mr. Velis moved that the proposed new text be amended in section 2, in item 1599-1233, by inserting at the end thereof the following:- “; provided further, that no less than \$100,000 shall be expended equally to the Boys & Girls Club, Inc. of Greater Westfield in the City of Westfield and to the Boys & Girls Club, Inc. of Greater Holyoke in the City of Holyoke for capital improvements to safeguard the facilities for remote learning and enrichment due to COVID-19”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$200,000”.

437

The amendment was adopted.

Mr. Barrett moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "; provided further, that not less than \$75,000 shall be expended to the Community Day Center of Waltham, Inc.; provided further, that not less than \$75,000 shall be expended for W.A.T.C.H., INC. in the city of Waltham"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$250,000".

439

The amendment was adopted.

Mr. Barrett moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "; provided further, that not less than \$75,000 shall be expended for the Waltham Partnership for Youth, Inc. in the city of Waltham"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$175,000".

440

The amendment was adopted.

Mr. Barrett moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "; provided further, that not less than \$25,000 be expended to the Chelmsford council on aging for senior food security to meet nutritional needs of elders"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$125,000”.

441

The amendment was adopted.

Mr. Lewis moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- “; provided further, that not less than \$250,000 shall be expended to the city of Malden for improvements to parks and playgrounds to expand

442

access to open spaces during the novel 2019 coronavirus including, but not limited to, the Devir Park Revitalization Project”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$350,000”.

The amendment was adopted.

Mr. Keenan moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "; provided further, that not less than \$75,000 for the city of Quincy, \$50,000 for the town of Braintree, and \$25,000 each for the towns of Abington, Holbrook and Rockland shall be expended to local boards of health for extraordinary costs necessitated by the 2019 novel coronavirus pandemic"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$300,000".

451

The amendment was adopted.

Mr. Tran moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "; provided further, that not less than \$100,000 shall be expended for renovations and updates to the Leominster senior center and not less than \$50,000 shall be expended for renovations and updates to the Fitchburg senior center to make necessary adaptations due to the 2019 novel coronavirus"; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$250,000”.

452

The amendment was adopted.

Mr. Feeney moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "; provided further, that not less than \$150,000 shall be expended equally to the towns of Attleboro, Foxborough, Mansfield, Medfield, Norton, Rehoboth, Seekonk, Sharon, and Walpole for the prevention, testing and mitigation of COVID-19, including vaccination for front-line and public safety workers"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$250,000".

454

The amendment was adopted.

Mr. Tran moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "; provided further, that not less than \$40,000 shall be expended for renovations and adaptations to the Butterick building in the town of Sterling and not less than \$60,000 shall be expended for renovations and adaptations to the public safety building in the town of Westminster to support safe work environments as a result of the 2019 novel coronavirus"; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$200,000”.

455

The amendment was adopted.

Mr. Pacheco moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- “; provided further, that not less than \$250,000 shall be expended to the Taunton Emergency Task Force, Inc. to help meet the costs of emergencies arising as a result of novel coronavirus 2019”; and by striking out the figure “100,000” and inserting in place thereof the following figure:- “350,000”.

456

The amendment was adopted.

Mr. Lesser and Ms. Comerford moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- “; provided further, that \$125,000 shall be expended for the COVID-19 Response Fund at the Community Foundation of Western Massachusetts to meet the immediate needs of Western Massachusetts residents and community-based nonprofit organizations resulting from the COVID-19 pandemic, including, but not limited to, procuring personal protective equipment, addressing housing and economic security, combating food insecurity, providing for remote learning opportunities, and addressing the systemic underpinnings of racial inequality in the region"; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$225,000”.

458

The amendment was adopted.

Ms. Jehlen and Ms. DiZoglio moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "; provided further, that not less than \$200,000 be provided to the Center for Teen Empowerment, Inc."; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$300,000." 459

The amendment was adopted.

Ms. Jehlen moved that proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "; provided further that no less than \$50,000 shall be expended for Groundwork Somerville to fund programs to support youth during the COVID-19 pandemic"; and by striking out the figure:- "\$100,000" and inserting in place thereof the figure:- "\$150,000". 460

The amendment was adopted.

Mr. Welch moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "provided further, that not less than \$50,000 shall be expended for the Springfield Day Nursery Corporation in the city of Springfield to provide safe care for children and families"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$150,000". 463

The amendment was adopted.

Mr. Welch moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "; provided further, that not less than \$200,000 shall be expended for increased opportunities for safe outdoor recreation programs in the town of West Springfield"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$300,000". 464

The amendment was adopted.

Mr. Rush moved that the proposed new text be amended in section 2, in item 1410-1616, by adding the following:- "provided further that not less than \$250,000 shall be expended to Battleship Cove and the USS Massachusetts Memorial Committee, Inc."; and by striking out the figure "\$150,000" and inserting in place thereof the following figure:- "\$400,000". 465

The amendment was adopted.

Messrs. Welch, Lesser and Velis moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "; provided further, that \$75,000 shall be expended to Valley Eye Radio to provide human-voiced broadcasts of local news, articles, and items of vital importance from a variety of sources about the regional threat of COVID-19, to visually-impaired and otherwise disabled listeners, in the Pioneer Valley"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:-"\$175,000". 466

The amendment was adopted.

Mr. Tarr moved that the proposed new text be amended in section 2, in item 1599-1233, "provided further, that not less than \$250,000 shall be expended equally to the city of Gloucester and the towns of Boxford, Essex, Georgetown, Groveland, Hamilton, Ipswich, Manchester-by-the-Sea, Middleton, Newbury, North Andover, precincts 5 to 8, inclusive, Rockport, Rowley, Wenham, West Newbury, North Reading and Wilmington for costs associated with the 2019 novel coronavirus". 470

The amendment was adopted.

Mr. Collins moved that the proposed new text be amended in section 2, in item 1599-1233, by adding at the end thereof the following:- "; provided further that not less than \$125,000 shall be expended to the Black Economic Council of Massachusetts for small business support to businesses disproportionately impacted by the COVID-19 outbreak; provided further that not less than \$125,000 shall be expended to the Cape Verdean Association of Boston for programs and services that support an equitable economic recovery". 473

The amendment was adopted.

As previously stated, the above amendments were considered as one, and adopted

There being no objection, the following amendments were considered as one, and rejected.

Messrs. Timilty and Feeney, Ms. Rausch and Mr. Keenan moved that the proposed new text be amended in section 2, in item 8324-0000, by adding at the end thereof the following:- “provided further, that the amount allocated for the Norfolk County Regional Fire and Rescue Dispatch Center in item 8324-0000 of section 2 of chapter 182 of the acts of 2008 shall be allocated in fiscal year 2021”; and by striking out the figure "\$29,047,062" and inserting in place thereof the following figure:- "\$29,147,062". 312

The amendment was *rejected*.

Messrs. Feeney, Timilty and O'Connor, Ms. DiZoglio, Messrs. Brady, Pacheco, Keenan and Tran, Ms. Gobi, Mr. Tarr and Ms. Lovely moved that the proposed new text be amended in section 2, in item 8324-0000, by adding the following: “; provided further, that not less than \$450,000 shall be allocated for a grant program to provide financial assistance for the purchase of gear extractors and drying cabinets”; and by striking out the figure "\$29,047,062" and inserting in place thereof the following figure:- "\$29,497,062". 314

The amendment was *rejected*.

Messrs. Feeney, Timilty and Montigny moved that the proposed new text be amended in section 2, in item 8324-0000, by striking out the figure “\$500,000” and inserting in place thereof the following figure:- “\$600,000”; and by striking out the figure "\$29,047,062" and inserting in place thereof the following figure:- "\$29,147,062". 315

The amendment was rejected.

Mr. Velis moved that the proposed new text be amended in section 2, in item 8100-1001, by striking out the figure "\$287,418,254" and inserting in place thereof the following figure:- "\$300,636,257". 317

The amendment was *rejected*.

Mr. Keenan moved that the proposed new text be amended by inserting the following section:- 318

"SECTION X. Section 31 of chapter 94C of the General Laws, as so appearing, is hereby amended by striking out clause (4) of paragraph (a) of Class B and inserting in place thereof the following clause:- (4) Coca leaves, and the salts, optical and geometric isomers and salts of isomers, excluding coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; of cocaine, ecgonine, pseudococaine, allococaine and pseudoallococaine, their derivatives, their salts, isomers and salts of their isomers; or any compound, mixture, or preparation which contains any quantity of any of the substances referred to in this paragraph."

The amendment was *rejected*.

Mr. Cyr moved that the proposed new text be amended in section 2, in item 8910-8400, by striking out the figure “3,600,298” and inserting in place thereof the figure “4,250,298”. 322

The amendment was *rejected*.

Messrs. Eldridge, Barrett, Pacheco and Feeney and Ms. Rausch moved that the proposed new text be amended in section 2, in item 8900-0001, by adding the following words:- “; provided further, that the department shall expend not less than \$2,200,000 for municipalities hosting department of correction facilities; provided further, that of that \$2,200,000, no municipality hosting a department of correction facility shall receive more than \$800,000; provided further, that of the \$2,200,000, no municipality hosting a department of correction facility shall receive less than the amount allocated in item 8900- 323

0001 of section 2 of chapter 68 of the acts of 2011"; and by striking out the figure "\$685,058,991" and inserting in place thereof the following figure:- "\$687,258,991".

The amendment was *rejected*.

Messrs. Crighton and Keenan moved that the proposed new text be amended in section 2, in item 8100-1001, by inserting the following words:- "; provided further, that not less than \$1,030,000 shall be expended for the payroll costs of the state police directed patrols; provided further, that not less than \$30,000 shall be expended for Troop A to conduct mounted, directed patrols throughout Revere Beach, the Lynn Fells and the Middlesex Fells Reservation Park among other identified areas; provided further, that subject to appropriation communities receiving funds for directed patrols in fiscal year 2008 shall receive an equal disbursement of funds in proportion to the current appropriation in fiscal year 2021; provided further, that not less than \$95,000 shall be expended for additional patrols for the summer season at Wollaston Beach and Furnace Brook Parkway in the city of Quincy"; and by striking out figure "\$287,418,254" and inserting in place thereof the following figure:-"\$288,572,254"

324

The amendment was *rejected*.

Ms. Chang-Diaz, Ms. Rausch, Messrs. Barrett, Eldridge and Collins, Ms. Jehlen, Mr. Montigny and Ms. Lovely moved that the proposed new text be amended in section 3, by inserting the following section:-

326

"SECTION 1. Chapter 127 of the Massachusetts General Laws of 2016 is hereby amended by adding the following section:-

Section 87A. Telephone and video services shall be provided to prisoners in department of correction facilities and county houses of correction at no cost to the prisoners or the receiving parties."

The amendment was *rejected*.

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

331

"SECTION _ . Section 1 of Chapter 111C of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the definition of 'person' the following definition:-

'Police dog,' a specially trained dog owned or used by a law enforcement department or agency of the commonwealth or any of its political subdivisions, and used in the course of the department's or agency's official work, including a search and rescue dog, service dog, accelerant detection canine, or other dog that is in use by the law enforcement agency for official duties

SECTION _ . Said Chapter 111C is hereby amended by adding after Section 9 the following section:-

Section 9A. Ambulance services shall authorize their EMS personnel to provide emergency treatment to a police dog injured in the line of duty, and transport such police dog by ambulance, to a veterinary clinic or veterinary hospital equipped to provide emergency treatment to dogs; provided, there are no person requiring emergency medical treatment or transport at that time. Ambulance services shall develop written policies or procedures for the following:

(a) Appropriate training of EMS personnel to provide police dogs basic level first aid, cardiopulmonary resuscitation, and life-saving interventions, including but not limited to administering naloxone, developed in consultation with a veterinarian licensed pursuant to chapter 112; the provision of advanced life support care is not authorized and requires treatment by a veterinarian licensed pursuant to chapter 112;

(b) Safe handling procedures for injured police dogs, including the use of a box muzzle, and response coordination with a law enforcement agency member trained in handling police dogs, developed in consultation with a veterinarian licensed pursuant to

chapter 112 and a law enforcement police dog handler or trainer;

(c) Identification of local veterinary facilities that will provide emergency treatment of injured police dogs on short notice;

(d) Proper and complete decontamination of stretchers, the patient compartment, and all contaminated medical equipment, when a police dog has been transported by ambulance or other EMS vehicle; and

(e) Sterilization of the interior of an ambulance, including complete sanitizing of all allergens and disinfection to a standard safe for human transport before being returned to human service.

SECTION __. Section 21 of chapter 111C, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:- No EMS personnel certified, accredited or otherwise approved under this chapter, and no additional personnel certified or authorized under section 9, who in the performance of their duties and in good faith render emergency first aid, cardiopulmonary resuscitation, transportation, or other EMS, to an injured police dog, as permitted by section 9A of this chapter, shall be personally liable as a result of rendering such aid or services or, in the case of an emergency medical technician or additional personnel, as a result of transporting such animal to a veterinary care facility, nor shall they be liable to a veterinary care facility for its expenses if, under emergency conditions, they cause the admission of such animal to said veterinary care facility.

SECTION __. Section 58 of chapter 112, as appearing in the 2018 General Laws, is hereby amended by inserting the following paragraph:-

9. Any EMS provider who provides care to an injured police dog as defined in Section 9A of Chapter 111C.”

The amendment was *rejected*.

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

342

"SECTION XX. (a) Any employee who was unable to work between March 10, 2020 and April 2, 2020 due to conditions established in subsection (b) of this section shall have the following right to emergency paid sick time. Employees who work 40 hours or more per week shall be provided at least 80 hours of emergency paid sick time under this section. Employees who work fewer than 40 hours in a week shall be provided emergency paid sick time under this section in an amount equal to at least the amount of time the employee is otherwise scheduled to work or works on average in a 14-day period.

(b) Emergency paid sick time shall be provided to an employee by an employer for the following absences, including the inability to telework, related to a public health emergency:

(1) An employee's need to: (i) self-isolate and care for oneself because the individual is diagnosed with a communicable illness related to a public health emergency; (ii) self-isolate and care for oneself because the individual is experiencing symptoms of a communicable illness related to a public health emergency; (iii) seek or obtain medical diagnosis, care, or treatment if experiencing symptoms of a communicable illness related to a public health emergency; or (iv) seek preventive care concerning a communicable illness related to a public health emergency;

(2) Care of a family member who: (i) is self-isolating due to being diagnosed with a communicable illness related to a public health emergency; (ii) is self-isolating due to experiencing symptoms of a communicable illness related to a public health emergency; (iii) needs medical diagnosis, care, or treatment if experiencing symptoms of a communicable illness related to a public health emergency; or (iv) is seeking preventive care concerning a communicable illness related to a public health emergency;

(3) Determination by a local, state, or federal public official, a health authority having

jurisdiction, the employee's employer, or a health care provider that the employee's presence on the job or in the community would jeopardize the health of others because of the employee's exposure to a contagious illness or exhibiting of symptoms, regardless of whether the employee has been diagnosed with a contagious illness;

(4) Care of a family member due to a determination by a local, state, or federal public official, a health authority having jurisdiction, the family member's employer, or a health care provider that the family member's presence on the job or in the community would jeopardize the health of others because of the family member's exposure to a contagious illness or exhibiting of symptoms, regardless of whether the family member has been diagnosed with a contagious illness; or

(5) An employee's inability to work or telework while subject to either: an individual or general local, state, or federal quarantine or isolation order, including a shelter-in-place order, related to a public health emergency; or closure of the employee's place of business by order of a local, state, or federal public official or health authority or at the discretion of the employer due to a public health emergency.

(c) All employees employed by an employer in the commonwealth who must be absent from work for the reasons set forth in subsection (c) of this section, and are unable to telework, shall be eligible for emergency paid sick time regardless of the duration of such employment, or any temporary or probationary status, and shall be paid at the same hourly rate as the employee earns from the employee's employment at the time the employee uses the emergency paid sick time; provided, however, that this hourly rate shall not be less than the effective minimum wage under section 1 of chapter 151, and shall not exceed \$850 per week; provided further that annually, not later than October 1 of each year, the commonwealth shall adjust the maximum weekly benefit amount under this section to be 64 per cent of the state average weekly wage and the adjusted maximum weekly benefit amount shall take effect on January 1 of the year following such adjustment. Nothing in this section shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement or other separation from employment for emergency paid sick time provided under this section that has not been used.

(d) Employers who pay their employees for emergency paid sick time as required by this section shall be reimbursed in full by the commonwealth by providing proof of such payments to the department of revenue, but no employer shall be entitled to reimbursement under this section for paid time off provided to employees for which the employer is entitled to receive a federal payroll tax credit, including federal payroll tax credits for an employee's use of paid sick time under the federal Families First Coronavirus Response Act, P.L. No. 116-127, to the extent permitted and not in conflict with federal law. The department of revenue shall provide such reimbursements directly to employers within 5 business days by direct deposit to the employer's bank account or by check to the employer.

(e) The commonwealth shall compensate employers as described in subsection (e) of this section by drawing upon funds in the commonwealth stabilization fund established under section 2H of chapter 29 appropriated for such purpose by the general court."

The amendment was *rejected*.

Messrs. O'Connor, Feeney, Tarr, Welch, Boncore, Timilty and Velis, Ms. Moran and Messrs. Montigny and Cyr moved that the proposed new text be amended in section 2, in item 7027-0019, by adding the following:- “; provided further, that \$75,000 shall be expended to the non-profit Massachusetts Marine Trades Association to increase statewide workforce development training opportunities and technical education for careers in the marine trades, both via remote learning and when possible in-person experiential instruction with secondary and post-secondary education”.

346

The amendment was *rejected*.

348

Mr. Cyr, Ms. DiZoglio, Messrs. Tran and Eldridge, Ms. Gobi, Messrs. O'Connor, Moore, Tarr and Velis, Ms. Comerford, Messrs. Crighton and Hinds and Ms. Moran moved that the proposed new text be amended in section 2, by adding the following item:

"xxxx-xxxx For a competitive grant program administered by the office of travel and tourism to provide tourism and cultural marketing funds to businesses and regional tourism councils for the purpose of promoting and advertising in-state tourism in order to create jobs, support tourism-related businesses in the commonwealth and stimulate the state and local economies of the commonwealth; provided, that not less than \$4,000,000 shall be allocated to regional tourism councils in order to provide regional advertising, public relations and other marketing initiatives that will promote in-state tourism and encourage the upholding of necessary public health and social distancing protocols relative to the 2019 novel coronavirus pandemic..... \$10,000,000".

The amendment was *rejected*.

366

Messrs. Feeney, Timilty, Brady, Moore, O'Connor, Velis, Tran, Crighton, Pacheco and Keenan moved that the proposed new text be amended by adding the following new sections:

“SECTION XX. Section 27D of chapter 149 of the General Laws is hereby amended by inserting at the end thereof the following new paragraphs:-

For the purposes of this section, the words ‘construction’ and ‘constructed’ shall include offsite fabrication work for any project covered by this section. In such cases, the wage required under this chapter shall be paid for such work and the requirements of Section 27B of chapter 149 shall apply to such work, including, but not limited to, weekly submission of certified payroll records and an accompanying statement made under penalties of perjury.

Penalties provided under Section 27C of chapter 149 shall apply to such work. The term ‘offsite fabrication’ means products or items that are: (a) produced specifically for a qualified project; (b) considered to be non-standard items; and (c) produced at an offsite location, including, but not limited to those made or consisting of fabricated pipe, piping materials or fixtures, electrical wiring, sheet metal materials, or any systems, components or modular units made of any of the foregoing.

Nothing in the foregoing definition of ‘offsite fabrication’ is intended to restrict application of Section 26 of chapter 149 of the General Laws or to prevent the Commonwealth, or a county, town, authority or district thereof contracting for the construction of public works from giving preference to offsite fabrication performed at an offsite location within a specific geographical area.

SECTION XX. Section 27B of chapter 149 of the General Laws is hereby amended by inserting at the end thereof the following new paragraph:- For any offsite fabrication work subject to this section, the contractor, subcontractor or public body shall include a section in their weekly certified prevailing wage records that provides: (a) the name and address of the manufacturer, shop or other type of prefabrication facility where the fabrication work was performed; and (b) the name, address, and occupational classifications of each mechanic, apprentice, laborer or other employee employed in the performance of such work, the hours worked by, and wages paid to, each such employee.

SECTION XX. This act shall take effect upon its passage.”

The amendment was *rejected*.

370

Mr. Cyr and Ms. Moran moved that the proposed new text be amended in section 2, in item 7004-0102, by adding the following words:- "; provided further, that not less than \$150,000 shall be made available to the Housing Assistance Corporation of Cape Cod to provide comprehensive services for homeless individuals and families particularly

impacted by Covid 19 in consultation with Lower Cape Outreach Council and provided further that provided further, that not less than \$50,000 shall be expended for a caseworker position under the Housing Assistance Corporation to assist residents of Martha's Vineyard who are homeless or at risk for homelessness or who have been impacted by the Covid 19 virus"; and by striking out the figure "\$53,355,000" and inserting in place thereof the following figure:- "\$53,357,000".

The amendment was *rejected*.

Messrs. Crighton, Brady, Tran, Moore, Feeney and O'Connor and Ms. Lovely moved that the proposed new text be amended in section 2, in item 7004-9005, by striking out the figure "\$75,000,000" and inserting in place thereof the following figure:- "\$80,000,000".

374

The amendment was *rejected*.

Mr. Cyr, Ms. DiZoglio, Messrs. Eldridge, O'Connor and Hinds and Ms. Moran moved that the proposed new text be amended in section 2, in item 1070-0841, by adding the following words:- "provided further, that not less than \$1,000,000 shall be expended for implementation of section 51 of chapter 55 of the acts of 2017".

378

The amendment was *rejected*.

Messrs. Crighton, Lesser and O'Connor and Ms. Lovely moved that the proposed new text be amended in section 2, in item 7002-1502, by adding the following words:- "; provided, that \$750,000 shall be expended on a neighborhood stabilization initiative to assist local governments and their non-profit partners to implement strategic neighborhood revitalization initiatives; provided further, that the Initiative shall be developed in consultation with the Massachusetts Association of Community Development Corporations and The Massachusetts Institute for a New Commonwealth, Inc. and shall focus on identifying and implementing strategies for reclaiming vacant, abandoned and blighted properties and restoring them to productive use as homeownership opportunities or rental housing, as well as on capacity-building at the local level to address this need"; and by striking out the figure "\$250,000" and inserting in place thereof the following figure:- "\$1,000,000".

379

The amendment was *rejected*.

Messrs. Lesser, Moore, O'Connor, Brady and Velis and Ms. Moran moved that the proposed new text be amended in section 2, in item 7066-0015, by striking out the figure "\$1,450,000" and inserting in place thereof the following figure:- "\$1,750,000".

390

The amendment was *rejected*.

Messrs. Eldridge, Crighton, Moore and Welch, Ms. Chang-Diaz, Mr. Keenan and Ms. Jehlen moved that the proposed new text be amended in section 2, in item 7004-9024, by striking the following words:- "that notwithstanding any general or special law to the contrary, each household holding a voucher shall pay at least 30 per cent, but not more than 40 per cent, of its income as rent;" and inserting in place thereof the following words:- "that notwithstanding any general or special law to the contrary, each household holding a voucher shall not pay for rent more than 30 per cent of the monthly adjusted net income of the household; except that households receiving tenant-based assistance under this section may pay more than 30 per cent of the monthly adjusted net income of the household, at their option, in excess of the payment standard for the voucher, provided that this amount may not exceed 40 per cent of the monthly adjusted net income of the household in the first year of occupancy; provided further that the department shall adjust household rent for those paying separately for utilities".

393

The amendment was *rejected*.

Mr. Crighton, Ms. Gobi, Messrs. Eldridge, Kennedy, Keenan, Brady, Moore, Welch, Collins and Timilty, Ms. Rausch, Mr. Lesser, Ms. Jehlen, Mr. Velis, Ms. Comerford, Ms. Moran, Ms. Chang-Diaz and Mr. Tarr moved that the proposed new text be amended in section 2, by adding at the end thereof the following words:- "; provided further that a

394

household upon demonstrated need, due to COVID-19, of rental arrearage or inability to pay future rent shall be awarded the maximum amount needed, up to \$10,000; provided further that for the purposes of verifying applicant income, the department shall accept verification in the form 1 piece of documentation per income source or state-government third-party verification at the discretion of the regional administering agency and may accept a personal narrative attested under the pains and penalties of law and requirement of paying back any EDI funds expended; provided further, that in COVID-19 related cases the department shall allow funds to secure as many months in arrearages and future months of tenancy as the benefit level will cover, or preserve the tenancy for no more than 8 months from the time of benefit award and hold the arrearages harmless until after the last month of stipends is paid”.

The amendment was *rejected*.

Mr. Lesser, Ms. Rausch, Ms. Comerford, Mr. Velis, Ms. Moran, Ms. DiZoglio, Messrs. Cyr, Tran and Eldridge and Ms. Gobi moved that the proposed new text be amended in section 2, in item 7002-2020, by striking out the figure "\$17,500,000", the first time it appears, and inserting in place thereof the following figure:- "\$35,000,000".

397

The amendment was *rejected*.

Mr. Crighton, Ms. Gobi, Messrs. Eldridge, Kennedy, Keenan, Brady, Welch, Collins and Timilty, Ms. Rausch, Ms. Jehlen, Messrs. Velis, Moore and Tarr and Ms. Chang-Diaz moved that the proposed new text be amended in section 2, in item 7004-9024, by striking out the words "shall establish the amounts of the mobile and project-based vouchers so that the appropriation in this item shall not be exceeded by payments for rental assistance and administration; provided further, that the department shall not enter into commitments which shall cause it to exceed the appropriation set forth in this item" and inserting in place thereof the following words:- "shall issue the number of vouchers reasonably anticipated to completely utilize but not exceed the appropriation in this item; provided further, that the department shall establish the amounts of the mobile and project-based vouchers so that the appropriation in this item shall not be exceeded by payments for rental assistance and administration".

398

The amendment was *rejected*.

Messrs. Lesser and O'Connor, Ms. DiZoglio, Ms. Comerford, Messrs. Cyr, Tran and Eldridge, Ms. Gobi and Mr. Montigny moved that the proposed new text be amended in section 2, in item 7002-0040, by striking out the figure "\$4,000,000", each time it appears, and inserting in place thereof, in each instance, the following figure:- "\$6,000,000"

401

The amendment was *rejected*.

Mr. Lesser moved that the proposed new text be amended in section 2, by inserting after item 7002-0032 the following item:

402

“7002-0036 For a competitive grant program to work with urban entrepreneurs to promote small businesses, create new jobs and support workforce development and training initiatives in urban communities; provided, that the program shall be administered by the executive office of housing and economic development; provided further, that funds may be used for planning grants to local housing authorities and municipalities in urban areas to develop new affordable rental or homeownership housing \$2,500,000.”

The amendment was *rejected*.

Ms. Chang-Diaz, Mr. Eldridge, Ms. Gobi, Messrs. Welch, Timilty, O'Connor and Velis, Ms. Comerford and Messrs. Moore, Brady and Tarr moved that the proposed new text be amended in section 2, in item 7004-0108, by inserting after the words:- “self-sufficiency plan;” the following:- “provided further, that families that received household assistance in a prior 12-month period, complied with their rehousing plan during the prior

405

period of assistance, continue to include a child under the age of 21 or a pregnant person, and whose gross income does not exceed 50 percent of area median income or that have not had income in excess of said 50 percent level for a period of six months shall be eligible for further allotments of up to \$10,000 in household assistance in subsequent 12-month periods to prevent their eviction from their existing housing or to relocate to another housing situation, without needing to first be evicted from their existing housing or otherwise needing to establish that they fall into one of the four categories of affirmative eligibility for emergency assistance shelter listed in item 7004-0101;"; by striking the following provisions:- "provided further, that a family shall not receive more than a combined sum of \$10,000 in a 12-month period from this item and item 7004-9316; provided further, that from the passage of this act until the termination of the state of emergency concerning the outbreak of the 2019 novel coronavirus disease declared by the governor on March 10, 2020, the preceding provision shall not apply;"; by inserting after the phrase "benefits under this item" the following:- "Nothing in this section shall prevent a family from accessing the maximum allowable amount for this item and item 7004-9316"; by inserting in (iv) after "3 years" the following:- "and those denied further benefits after seeking such assistance;"; and by striking the figures "\$27,158,178" and inserting in place thereof the figures "\$45,000,000".

The amendment was *rejected*.

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

410

"SECTION XX. Section 2 of chapter 62 of the General Laws, as so appearing, is hereby amended by inserting after subparagraph (Q) the following subparagraph:-

(R) To the extent not otherwise excluded from gross income, in whole or in part, income attributable to the discharge of debt on a principal residence, including debt reduced through mortgage restructuring, as well as mortgage debt forgiven in connection with a foreclosure, subject to the following conditions and limitations (i) No more than \$2,000,000 of forgiven debt is eligible for the exclusion under this section, or \$1,000,000 in the case of married filing separately for the purposes of federal taxes. (ii) This section shall only apply to 'acquisition indebtedness' as defined in section 163(h)(3)(B) of the Code. (iii) The amount excluded from gross income by reason of this section shall be applied to reduce, but not below zero, the Massachusetts basis of the principal residence of the taxpayer. (iv) This section shall not apply to the discharge of a loan if the discharge is on account of services performed for the lender or any other factor not directly related to a decline in the value of the residence or to the financial condition of the taxpayer. (v) If any loan is discharged, in whole or in part, and only a portion of such loan qualifies under this section, this section shall apply only to so much of the amount discharged as exceeds the amount of the loan, as determined immediately before such discharge, which does not qualify. The principal residence exclusion shall take precedence over an insolvency exclusion unless elected otherwise. (vi) For the purposes of this section, the term 'principal residence' shall have the same meaning as in section 121 of the Code."

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended in section 2, in item 1790-0100, by adding after the words:- "and the general public," the following:- "provided further, that \$100,000 shall be expended for the efforts of the Essex County Community Foundation to improve internet connectivity to support telemedicine and remote learning in response to the COVID-19 pandemic"; and by striking out the figure "\$3,105,778" and inserting in place thereof the following figure: - "\$3,205,778".

414

The amendment was *rejected*.

Messrs. Timilty, Feeney and Brady moved that the proposed new text be amended in section 2, in item 1599-1233, by adding at the end thereof the following:- "provided

418

further, that not less than \$500,000 shall be expended equally to the towns of Avon, Braintree, Canton, East Bridgewater, Easton, Milton, Randolph, Sharon, Stoughton and West Bridgewater for the purchase of personal protective equipment for use in response to the COVID-19 pandemic"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$600,000".

The amendment was *rejected*.

Messrs. Timilty, Feeney and Brady moved that the proposed new text be amended in section 2, in item 1599-1233, by inserting at the end thereof the following:- "provided further, that not less than \$500,000 shall be expended equally to the towns of Avon, Braintree, Canton, East Bridgewater, Easton, Milton, Randolph, Sharon, Stoughton and West Bridgewater for enhancements to remote learning in response to the COVID-19 pandemic"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$600,000".

419

The amendment was *rejected*.

Mr. O'Connor moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following: " ; provided further that not less than \$500,000 be made available for economic recovery and public health maintenance purposes in the Towns of Cohasset, Duxbury, Hingham, Hull, Marshfield, Norwell, Scituate, and Weymouth".

425

The amendment was *rejected*.

Mr. Eldridge, Ms. Comerford, Messrs. Hinds and Moore, Ms. Moran, Messrs. O'Connor, Velis, Boncore, Crighton and Cyr, Ms. DiZoglio, Messrs. Lesser and Tarr, Ms. Chang-Diaz and Ms. Lovely moved that the proposed new text be amended in section 2, in item 1599-0026, by inserting after the word "distribution" the following:- " ; provided further, that not less than \$3,000,000 shall be expended for the District Local Technical Assistance Fund established in section 2XXX of chapter 29 of the General Laws, including projects that encourage regionalization, to be administered by the division of local services and distributed through the District Local Technical Assistance Fund"; and by striking out the figure "\$6,750,000" and inserting in place thereof the following figure:- "\$9,750,000".

436

The amendment was *rejected*.

Mr. Velis and Ms. Comerford moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following:- " ; provided further, that no less than \$90,000 shall be expended for the Northwestern Juvenile Fire Intervention, Response, Education and Safety Partnership, Inc. for a juvenile firesetter intervention and prevention program in Hampshire and Franklin counties"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$190,000".

438

The amendment was *rejected*.

Mr. Feeney moved that the proposed new text be amended in section 2, in item 1599-0026, by adding the following words:- " ; Not less than \$100,000 shall be expended to the town of Walpole for repairs due to damage from the October 7, 2020 microburst storm"; and by striking out the figures "\$6,750,000" and inserting in place thereof the figures "\$6,850,000".

443

The amendment was *rejected*.

Mr. O'Connor moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following: "provided further that \$15,625 be provided to Wellspring Multi-Service Center in Hull to support operations and community-based response to COVID-19; provided further that \$15,625 be provided to Campbell's Christmas Angels in Hull to support operations and community-based response to COVID-19; provided further that \$15,625 be provided to the Friends of the Homeless of the South Shore in Weymouth to support operations and community-based response to COVID-19; provided further that \$15,625 be provided to Coop's Troop Foundation, Inc in Weymouth

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to support operations and community-based response to COVID-19; provided further that \$15,625 be provided to Joanna’s Place in Weymouth to support operations and community-based response to COVID-19; provided further that \$15,625 be provided to the Town of Weymouth to support Youth and Family Services operations and community-based response to COVID-19; provided further that \$15,625 be provided to Scituate Community Christmas to support operations and community-based response to COVID-19; provided further that \$15,625 be provided to the Scituate Community of Resources for Special Education Foundation (CORSE) to support operations and community-based response to COVID-19; provided further that \$15,625 be provided to the Friends of Norwell Adopt-A-Family Program to support operations and community-based response to COVID-19; provided further that \$15,625 be provided to Marshfield Community Christmas to support operations and community-based response to COVID-19; provided further that \$15,625 be provided to Sowing Seeds of Hope in Marshfield to support operations and community-based response to COVID-19; provided further that \$15,625 be provided to the Under the Tree Foundation in Duxbury to support operations and community-based response to COVID-19; provided further that \$15,625 be provided to the Duxbury Wicked Good Cause Organization, Inc to support operations and community-based response to COVID-19; provided further that \$15,625 be provided to South Shore Special Needs Athletic Partnership (SNAP) to support operations and community-based response to COVID-19; provided further that \$15,625 be provided to the Hingham Historical Society to support operations and community-based response to COVID-19; provided further that \$15,625 be provided to the Social Service League of Cohasset to support operations and community-based response to COVID-19;”.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following:- “Not less than \$100,000 shall be expended to the town of Wilmington for the purchase of emergency vehicle laptops and other secure communications equipment to allow for coordinated COVID-19 police and fire response and to meet patient privacy concerns.”

468

The amendment was *rejected*.

Messrs. Tarr and O'Connor moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:-"provided further, that \$100,000 shall be expended for an accessible van for the Council on Aging in the Town of Boxford"; and by adding the following words:- “provided further, that \$140,000 shall be expended for a new radio dispatch console to operate and control all radios and radio frequencies for the Town of Boxford”.

471

The amendment was *rejected*.

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

Mr. Collins and Ms. Chang-Diaz moved that the proposed new text be amended in section 2, by inserting after item 1599-7104 the following item:-

70

“1599-0999 For a reserve to assist agencies in organizational transformation and other improvements.....\$200,000.”

The amendment was *rejected*.

Mr. Feeney, Ms. DiZoglio and Mr. Velis moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- “provided further, that not less than \$100,000 shall be expended to the Massachusetts Military Support Foundation for capital expenditures and improvements, and operational costs associated with the ‘Food4Vets’ and other programs that benefit veterans and their families, including but not limited to, the purchase, construction and rehabilitation of a

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facility in the town of Norton”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$200,000”.

After remarks, the amendment was adopted.

Recess.

At eighteen minutes before nine o'clock P.M., the Chair (Mr. Cyr) declared a recess until the following day at ten o'clock A.M.

Recess.

Wednesday, November 18, 2020.
[being the legislative session of Tuesday, November 17, 20209.

Met at eight minutes past ten o'clock A.M. (Mr. Brownsberger in the Chair).

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

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill making appropriations for the fiscal year 2021 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No 5151),-- was further considered, the main question being on ordering the bill to a third reading.

General
Appropriations Bill.

Messrs. Crighton, Feeney and Tarr moved that the proposed new text be amended by inserting after section 40 the following section:-

3

“SECTION 40A. The first paragraph of subsection (a) of section 14 of chapter 53 of the acts of 2020 is hereby amended by striking out the words ‘year 2020’ and inserting in place thereof the following words:- ‘years 2020 and 2021’.”

After remarks, the amendment was adopted.

Mr. Crighton, Ms. Rausch, Ms. Comerford, Ms. Jehlen, Messrs. Eldridge and Hinds, Ms. Chang-Diaz, Mr. Cyr, Ms. Lovely and Mr. Montigny moved that the proposed new text be amended in section 2, in item 7004-9316, by inserting after the words “guidelines established by the department” the following words:- “; provided further, that income verification shall be conducted by using: (1) documentation provided by the household, requiring the same documentation and process used to conduct income verification under this item in fiscal year 2020 or fewer documents as directed by the department; or (2) third-party income verification; provided further, that the manner in which income verification is conducted for each participant shall be at the discretion of the regional administering agency; provided further, that, from the passage of this act until the termination of the state of emergency concerning the outbreak of the 2019 novel coronavirus disease declared by the governor on March 10, 2020, the department shall allow a short, simple application requiring minimal processing time”; and by inserting after section 40 the following 2 sections:-

336

“SECTION 40A. For the purposes of this section, ‘COVID-19 emergency’ shall mean the state of emergency concerning the novel coronavirus disease outbreak declared by the governor on March 10, 2020.

Notwithstanding any general or special law to the contrary, from the passage of this act until the termination of the COVID-19 emergency, a court having jurisdiction over an action for summary process under chapter 239 of the General Laws, including the Boston municipal court department, shall not make public or publish, in any manner, the name or other personal identifying information, including, but not limited to, the person’s address, of any person named as a party to a summary process or civil action if: (i) the plaintiff seeks non-payment of rent for a residential unit; (ii) such non-payment of rent was due to a financial hardship related to, or exacerbated by, the COVID-19 emergency; and (iii) either (A) the summary process or civil action does not result in a judgment against the defendant; or (B) upon a motion filed after a judgment has been entered against the

defendant, the court finds that the defendant demonstrated best efforts to come to a reasonable agreement with the plaintiff prior to the entering of the judgment, which may include, but shall not be limited to, applying for short-term emergency rental assistance, offering to pay not less than 30 per cent of the plaintiff's household income, making good faith efforts to engage in mediation and any other efforts the court deems necessary; provided, however, that such information shall be impounded and shall remain permanently unavailable for public inspection or publication, except to the parties to the action or their attorney, or as ordered by the court for good cause shown. A landlord shall not furnish rental payment data to a consumer reporting agency, as defined in section 50 of chapter 93 of the General Laws, with regards to information that is impounded under this section.

SECTION 40B. For the purposes of this section, 'COVID-19 emergency' shall mean the state of emergency concerning the novel coronavirus disease outbreak declared by the governor on March 10, 2020.

From the passage of this act until 45 days after the termination of the COVID-19 emergency, there shall be a task force on the COVID-19 eviction diversion initiative. The task force shall track the initiative's outcomes and make recommendations on how to improve its effectiveness, efficiency and reach.

The task force shall make recommendations relative to all aspects of the COVID-19 eviction diversion initiative including, but not limited to, the administration and accessibility of: (i) Mass211 services; (ii) intakes and referrals by housing consumer education centers; (iii) short-term emergency rental assistance programs including, but not limited to, the rental assistance for families in transition program and the emergency rental and mortgage assistance program; (iv) the upstream tenancy preservation program; (v) community mediation; (vi) legal representation and related services; (vii) the HomeBASE household assistance program; (viii) the strategic prevention initiative; and (ix) the eviction process in the trial court of the commonwealth. The task force may also propose new initiatives to supplement existing programs intended to prevent evictions or homelessness during the COVID-19 emergency.

The task force shall consist of the following persons or their designees: the chairs of the joint committee on housing, who shall serve as co-chairs; the secretary of the executive office of housing and economic development; the chief justice of the trial court; the chief justice of the housing court department; and 8 persons appointed by the governor, 4 of whom shall represent organizations dedicated to preserving residential tenancies or housing low or moderate income households and 4 of whom shall represent landlords or real estate organizations. The task force shall consult with other individuals with relevant expertise, including academics, researchers and housing stability service providers, as needed.

The task force shall meet as frequently as the co-chairs deem necessary, but not less than once a month. Not later than January 31, 2021, and as frequently as the co-chairs deem necessary thereafter, the task force shall submit a report of its findings and recommendations, together with drafts of any legislation necessary to carry its recommendations into effect, by filing the same with the clerks of the senate and house of representatives and the house and senate committees on ways and means; provided, however, that the task force may submit interim reports and recommendations at any time."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-nine minutes before eleven o'clock A.M., on motion of Mr. Crighton, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 289]:**

YEAS.

Barrett, Michael J.
Boncore, Joseph A.

Jehlen, Patricia D.
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 fourteen minutes before eleven o'clock A.M., the amendment was adopted.

Recess.

There being no objection, at nine minutes before eleven o'clock A.M., the Chair (Mr. Brownsberger) declared a recess subject to the call of the Chair; and, at three minutes before twelve o'clock noon, the Senate reassembled, the President in the Chair.

Recess.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill making appropriations for the fiscal year 2021 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No 5151),-- was further considered, the main question being on ordering the bill to a third reading.

General
Appropriations Bill.

Ms. Chandler, Ms. Creem, Mr. Eldridge, Ms. Rausch, Mr. Cyr, Ms. Comerford, Ms. Friedman, Messrs. Lewis and Barrett, Ms. Chang-Diaz, Messrs. DiDomenico, Lesser, Welch, Boncore, Crighton and Hinds, Ms. Jehlen, Mr. Feeney, Ms. Moran and Messrs. Moore and Finegold moved that the proposed new text be amended by inserting after section 25 the following section:-

180

“SECTION 25A. Chapter 112 of the General Laws, as so appearing, is hereby amended by striking out sections 12K to 12U, inclusive, and inserting in place thereof the following 8 sections:-

Section 12K. As used in sections 12L to 12R, inclusive, the following words shall have the following meanings unless the context clearly requires otherwise:-

‘Abortion’, any medical treatment intended to induce the termination of, or to terminate, a clinically diagnosable pregnancy except for the purpose of producing a live birth; provided, however, that ‘abortion’ shall not include providing care related to a miscarriage.

‘Hospital’, an institution as defined in section 52 of chapter 111 and duly licensed pursuant to section 51 of said chapter 111.

‘Nurse midwife’, a nurse who is designated as a certified nurse midwife by the board of registration in nursing pursuant to section 80B.

‘Nurse practitioner’, a nurse who is designated as a certified nurse practitioner by the board of registration in nursing pursuant to section 80B.

‘Physician’, a person registered with the board of registration in medicine to practice medicine within the commonwealth

‘Physician assistant’, a person who is a graduate of an approved program for the training of physician assistants and who is supervised by a physician in accordance with sections 9C to 9K, inclusive.

‘Pregnancy’, the presence of an implanted human embryo or fetus in the uterus.

Section 12L. The commonwealth, or a subdivision thereof, shall not interfere with a person’s personal decision and ability to prevent, commence, terminate or continue their own pregnancy consistent with this chapter, or restrict the use of medically appropriate methods of abortion or the manner in which medically appropriate abortion is provided.

Section 12M. A physician, physician assistant, nurse practitioner or nurse midwife may perform an abortion consistent with the scope of their practice and license if, in their best medical judgment, the pregnancy has existed for less than 24 weeks.

Section 12N. If a pregnancy has existed for 24 weeks or more, no abortion may be performed except by a physician and only if it is necessary, in the best medical judgment of the physician, to preserve the life of the patient, if it is necessary, in the best medical judgment of the physician, to preserve the patient’s physical or mental health or, in the best medical judgment of the physician, an abortion is warranted because of a lethal fetal anomaly or the fetus is incompatible with sustained life outside the uterus.

Section 12O. If an abortion is performed pursuant to section 12N, the facility where the abortion is performed shall maintain life-supporting equipment, as defined by the department of public health, to enable the physician performing the abortion to take appropriate steps, in keeping with good medical practice and consistent with the procedure being used, to preserve the life and health of a live birth and the patient.

Section 12P. Except in an emergency requiring immediate action, an abortion shall not be performed under section 12M or section 12N unless the written informed consent of the proper person has been obtained as set forth in section 12R.

Except in an emergency requiring immediate action, an abortion shall not be performed under section 12N unless performed in a hospital duly authorized to provide facilities for obstetrical services.

Section 12Q. The commissioner of public health shall collect aggregate data on abortions performed by a physician, physician assistant, certified nurse practitioner or certified nurse midwife on a form promulgated by the commissioner that shall include, but not be limited to, the: (i) date and place of the abortions performed; (ii) ages of the pregnant patients; (iii) method used to perform the abortions; and (iv) gestational age when the abortions were performed. The commissioner shall prepare from these forms such statistical tables with respect to maternal health, abortion procedures and gestational age as the commissioner deems useful and shall make an annual report thereof to the general court. Nothing in this section shall limit the authority of the department of public health to require reports pursuant to sections 24A and 25A of chapter 111.

Section 12R. An abortion shall not be performed without first obtaining the written informed consent of the patient seeking an abortion. The commissioner of public health shall prescribe a form to use in obtaining such consent. A patient seeking an abortion shall sign the consent form in advance of the time for which the abortion is scheduled, except in an emergency requiring immediate action; provided, however, that this requirement shall not impose any waiting period between the signing of the consent form and the patient obtaining the abortion. The patient shall then return it to the physician, physician assistant,

nurse practitioner or nurse midwife performing the abortion who shall maintain it in their files and who shall destroy it 7 years after the date upon which the abortion is performed.

The consent form and any other forms, transcript of evidence or written findings or conclusions of a court shall be confidential and shall not be released to any other person except by the patient's written informed consent or by a proper judicial order, other than to the patient themselves, to whom such documents relate, the physician, physician assistant, nurse practitioner or nurse midwife who performed the abortion or any person whose consent is obtained pursuant to this section or under any other applicable state or federal law. If a patient is less than 16 years of age and has not married, an abortion shall not be performed unless the physician, physician assistant, nurse practitioner or nurse midwife first obtains both the consent of the patient and that of 1 of the patient's parents or guardians, except as hereinafter provided. In deciding whether to grant such consent, a patient's parent or guardian shall consider only the patient's best interests. If a patient less than 16 years of age has not married and if the patient is unable to obtain the consent of 1 of their parents or 1 of their guardians to the performance of an abortion, or if they elect not to seek the consent of a parent or a guardian, or in the case of incest, a judge of the superior court department of the trial court of the commonwealth shall, upon petition or motion, and after an appropriate hearing held in person or via teleconference at the patient's option, authorize a physician, physician assistant, nurse practitioner or nurse midwife to perform the abortion if the judge determines that the patient is mature and capable of giving informed consent to the procedure or, if the judge determines that the patient is not mature, that performance of an abortion would be in the patient's best interests. A patient less than 16 years of age may participate in proceedings in the superior court department of the trial court on their own behalf and the court may appoint a guardian ad litem for the patient. The court shall, however, advise the patient that they have a right to court appointed counsel and shall, upon the patient's request, provide the patient with such appointed counsel. Proceedings in the superior court department of the trial court under this section shall be confidential and shall be given such precedence over other pending matters that the court may reach a decision promptly and without delay so as to serve the best interests of the patient. The chief justice of the superior court department of the trial court shall establish procedures for conducting proceedings under this section promptly and without delay including, but not limited to, procedures to accommodate the patient outside of normal court hours. A judge of the superior court department of the trial court who conducts proceedings under this section shall make in writing specific factual findings and legal conclusions supporting their decision and shall order a record of the evidence to be maintained including the findings and conclusions. Exclusive jurisdiction over appeals of a denial by the superior court of authorization for a patient to obtain an abortion is hereby conferred on the supreme judicial court or a single justice thereof. Notwithstanding section 12F, a patient may provide consent and consent shall be granted under subparagraphs (ii) to (vi), inclusive, of said section 12F for abortion if the minor is not less than 16 years of age.”

Pending the question on adoption of the amendment, after remarks, Messrs. O'Connor, Tarr and Tran moved that the pending amendment (Chandler) be amended by striking out the underlying amendment and inserting in place thereof the following:-

180.1

“SECTION . Section 12L of Chapter 112 of the General Laws, as so appearing is hereby amended by striking the section its entirety and inserting in place thereof the following:-

‘The Commonwealth shall not interfere with a person's personal decision and ability to prevent, commence, terminate, or continue their own pregnancy consistent with this chapter. The Commonwealth shall not restrict the use of medically appropriate methods of abortion or the manner in which medically appropriate abortion is provided.’

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SECTION __. Section 12M of Chapter 112 of the General Laws, as so appearing, is hereby amended by inserting after the word ‘health’ the following:-

in the best medical judgment of the physician, an abortion is warranted because of a lethal fetal anomaly, or the fetus is incompatible with sustained life outside the uterus.

SECTION __. Section 12S of Chapter 112 of the General Laws, as so appearing, is hereby amended by striking the following:- ‘If a pregnant woman less than eighteen years of age has not married and if one or both of her parents or guardians refuse to consent to the performance of an abortion, or if she elects not to seek the consent of one or both of her parents or guardians, a judge of the superior court department of the trial court shall, upon petition, or motion, and after an appropriate hearing, authorize a physician to perform the abortion if said judge determines that the pregnant woman is mature and capable of giving informed consent to the proposed abortion or, if said judge determines that she is not mature, that the performance of an abortion upon her would be in her best interests. A pregnant woman less than eighteen years of age may participate in proceedings in the superior court department of the trial court on her own behalf, and the court may appoint a guardian ad litem for her. The court shall, however, advise her that she has a right to court appointed counsel, and shall, upon her request, provide her with such counsel. Proceedings in the superior court department of the trial court under this section shall be confidential and shall be given such precedence over other pending matters that the court may reach a decision promptly and without delay so as to serve the best interests of the pregnant woman. A judge of the superior court department of the trial court who conducts proceedings under this section shall make in writing specific factual findings and legal conclusions supporting his decision and shall order a record of the evidence to be maintained including his own findings and conclusions.’ and inserting in place thereof the following:- “If a pregnant woman less than eighteen years of age has not married and if one or both of her parents or guardians refuse to consent to the performance of an abortion, or if she elects not to seek the consent of one or both of her parents or guardians, a judge of the superior court department of the trial court or a judge of the district court of the trial court shall, upon petition, or motion, and after an appropriate hearing, authorize a physician to perform the abortion if said judge determines that the pregnant woman is mature and capable of giving informed consent to the proposed abortion or, if said judge determines that she is not mature, that the performance of an abortion upon her would be in her best interests. A pregnant woman less than eighteen years of age may participate in proceedings in the superior court department of the trial court or the district court of the trial court on her own behalf, and the court may appoint a guardian ad litem for her. The court shall, however, advise her that she has a right to court appointed counsel, and shall, upon her request, provide her with such counsel. Proceedings in the superior court department of the trial court or in the district court department of the trial court under this section shall be confidential and shall be given such precedence over other pending matters that the court may reach a decision promptly and without delay so as to serve the best interests of the pregnant woman. A judge of the superior court department of the trial court or judge of the district court department of the trial court who conducts proceedings under this section shall make in writing specific factual findings and legal conclusions supporting their decision and shall order a record of the evidence to be maintained including their own findings and conclusions.’

SECTION __. Notwithstanding any general or special law to the contrary there shall be special commission established to study minor consent for an abortion. The commission shall be comprised of 17 members, the secretary of health and human services who shall serve as the chair; 1 member appointed by the attorney general of the commonwealth whom shall have experience with regards to minor consent and other relevant areas of the law; 1 member appointed by the chief justice of the juvenile court; 3 members appointed

by the speaker of the house; 1 member appointed by the minority leader of the house; 3 members appointed by the president of the senate; 1 member appointed by the minority leader of the senate; 6 members appointed by the governor, 1 of whom shall be from a list of 3 nominees submitted by planned parenthood of Massachusetts, 1 of whom shall be from a list of 3 nominees submitted by Massachusetts citizens for life, 1 of whom shall be from a list of 3 nominees submitted by the Massachusetts medical society who shall have experience in the field of gynecology and obstetrics, 2 of whom shall be from a list of 3 nominees submitted by an organization representing parents in the commonwealth, 1 of whom shall be from a list of 3 nominees submitted by an organization assisting victims of domestic abuse in the commonwealth.

The commission shall conduct a comprehensive study of all issues and impacts around minor consent for abortion including but not limited to, public health, impacts on minors seeking abortions, families, judicial system, and any other related issues.

The commission shall submit a report along with legislative recommendations within 18 months of the passage of this act. Said report shall be submitted to the clerks of the house and senate, the joint committee on public health, and the joint committee on the judiciary.”

The question on adoption of the further amendment was determined by a call of the yeas and nays, at eighteen minutes before one o'clock P.M., on motion of Mr. O'Connor, as follows, to wit (yeas 5 – nays 35) **[Yeas and Nays No. 290]:**

YEAS.

- | | |
|----------------------|---------------------|
| Fattman, Ryan C. | Tran, Dean A. |
| O'Connor, Patrick M. | Velis, John C. – 5. |
| Tarr, Bruce E. | |

NAYS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Hinds, Adam G. |
| Boncore, Joseph A. | Jehlen, Patricia D. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Kennedy, Edward J. |
| Chandler, Harriette L. | Lesser, Eric P. |
| Chang-Diaz, Sonia | Lewis, Jason M. |
| Collins, Nick | Lovely, Joan B. |
| Comerford, Joanne M. | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Michael O. |
| Crighton, Brendan P. | Moran, Susan L. |
| Cyr, Julian | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rausch, Rebecca L. |
| DiZoglio, Diana | Rodrigues, Michael J. |
| Eldridge, James B. | Rush, Michael F. |
| Feeney, Paul R. | Spilka, Karen E. |
| Finegold, Barry R. | Timilty, Walter F. |
| Friedman, Cindy F. | Welch, James T. – 35. |
| Gobi, Anne M. | |

The yeas and nays having been completed at twelve minutes before one o'clock P.M., the amendment was *rejected*.

After debate, the pending amendment (Chandler, et al) was then considered; and the question on adoption of the pending amendment was determined by a call of the yeas and nays, at three minutes before two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 33 – nays 7) **[Yeas and Nays No. 291]:**

YEAS.

- | | |
|---------------------|---------------|
| Barrett, Michael J. | Gobi, Anne M. |
|---------------------|---------------|

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.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.

Hinds, Adam G.
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.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Spilka, Karen E.
Welch, James T. – 33.

NAYS.

Fattman, Ryan C.
O'Connor, Patrick M.
Rush, Michael F.
Tarr, Bruce E.

Timilty, Walter F.
Tran, Dean A.
Velis, John C. – 7.

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

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

262

“SECTION_. Chapter 112 is hereby amended by inserting after section 12M the following new section:-

Section 12M ½. Notwithstanding regulations listed within M.G.L. c.112 §§ 12L, 12M 12K, 12P, 12O, an abortion as defined in M.G.L. c.112 §12k shall not be performed if reasoning for said abortion is due to the fetus based on the medical professional scheduled to perform the procedure’s best medical reasoning may be born with intellectual and developmental disabilities including but not limited to autism and down syndrome. Said abortion may only be performed after the pregnant individual and or parents of the minor pregnant individual have consulted with advisability group with respect to the intellectual and or developmental disability that the medical professional has stated the fetus may be born with.”

Pending the question on adoption of the amendment, Messrs. Tarr and O'Connor moved to amend the pending amendment (Tran) by striking the underlying amendment and inserting in place thereof the following:-

262.1

"SECTION_. Section 12M of Chapter 112 of the General Laws, as so appearing, is hereby amended by inserting after the word ‘health’ the following:- in the best medical judgment of the physician, an abortion is warranted because of a lethal fetal anomaly, or the fetus is incompatible with sustained life outside the uterus."

The amendment was *rejected*.

The pending amendment (Tran) was then considered and *rejected*.

262

Recess.

There being no objection, at eighteen minutes past two o'clock P.M., the President declared a recess subject to the call of the Chair; and, at eight minutes before five o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair.

Recess.

Orders of the Day.

The Orders of the Day were further considered as follows:

General
Appropriations Bill.

The House Bill making appropriations for the fiscal year 2021 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No 5151),-- was further considered, the main question being on ordering the bill to a third reading.

There being no objection, the following amendments were considered as one, and adopted.

Ms. Friedman and Messrs. Eldridge, O'Connor, Timilty and Tarr moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- “; provided further, that not less than \$250,000 shall be provided to municipalities historically served by the Metrowest Medical Center, Inc. to address unmet mental health needs related to the 2019 novel coronavirus”; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$350,000".

22

The amendment was adopted.

Ms. Chandler and Mr. Moore moved that the proposed new text be amended in section 2, in item 7061-9611, by adding the following words:- “; provided further, that not less than \$200,000 shall be expended for the Recreation Worcester program”.

100

The amendment was adopted.

Ms. Jehlen and Messrs. O'Connor and Brady moved that the proposed new text be amended in section 2, in item 7066-0000, by adding the following words:- “; provided further, that not less than \$150,000 shall be expended for the Journey into Education and Teaching program”; and by striking out the figure "\$4,036,847" and inserting in place thereof the following figure:-"\$4,186,847".

124

The amendment was adopted.

Ms. Jehlen, Ms. DiZoglio and Mr. Timilty moved that the proposed new text be amended in section 2, in item 3000-1000, by adding the following words:- “provided further, that not less than \$100,000 shall be expended to Jumpstart for Young Children, Inc. to provide support to evidence-based early childhood education programs that promote language, literacy, and social emotional skill development for preschool children from under-served communities in the Commonwealth of Massachusetts”; and by striking out the figure "\$6,394,822" and inserting in place thereof the following figure:-"\$6,494,822".

125

The amendment was adopted.

Mr. Crighton moved that the proposed new text be amended in section 2, in item 7061-9611, by adding the following words:- “; provided further, that funds shall be expended for the continued operation of a pilot data-sharing program designed to provide school districts with funds to partner with local community-based organizations and share identifiable student data to the extent allowed by law; and provided further, that not later than June 30, 2021, the grantee shall file a report with the house and senate committees on ways and means on the effects of the pilot program on students participating in the programs partnered with the school districts”.

134

The amendment was adopted.

Ms. Rausch and Mr. Timilty moved that the proposed new text be amended in section 2, in item 1599-1233, by inserting the following:- “; provided further, that the department of public health shall expend not less than \$500,000 to a public academic health sciences center or an academic medical center to develop or contract for asynchronous technological solutions facilitating the treatment of post-traumatic stress in medical

214

personnel”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$600,000”.

The amendment was adopted.

Ms. Creem moved that the proposed new text be amended in section 2, in item 4000-0300, by adding the following words:- "; provided further, that not less than \$250,000 shall be expended for the Brookline Community Mental Health Center, Inc. to expand the healthy lives program"; and by striking out the figure "\$113,534,922" and inserting in place thereof the following figure:- "\$113,784,922".

248

The amendment was adopted.

Mr. Pacheco moved that the proposed new text be amended in section 2, in item 5095-0015, by inserting the following words:- “provided further, that the department shall maintain not less than 671 inpatient beds in its system in fiscal year 2021; provided further, that of the 671 beds, not less than 50 beds shall be continuing care inpatient beds on the campus of Taunton state hospital; provided further, that if the average number of continuing care inpatient beds operated at Taunton state hospital is less than 50 continuing care inpatient beds in any month, the department shall submit a report within 15 days after the end of that month to the house and senate committees on ways and means and the joint committee on mental health, substance use and recovery on the circumstances causing the reduced bed count; provided further, that notwithstanding the previous proviso, Taunton state hospital shall not operate less than 45 continuing care inpatient beds at any time; provided further, that within the existing appropriation, the department may operate more beds at Taunton state hospital; provided further, that the department shall operate not less than 260 adult continuing care inpatient beds at Worcester Recovery Center and Hospital; provided further, that the department shall not take action in fiscal year 2021 to reduce the number of state-operated continuing care inpatient beds or other state-operated programs at the Taunton state hospital campus or relocate administrative hospital services associated with the operation of the hospital off campus; provided further, that the department shall not enter into new vendor-operated lease agreements or expand existing vendor-operated programs; provided further, that the department shall not enter into new interagency agreements or expand existing interagency agreements, programs or facilities until the department, in conjunction with the division of capital asset management and maintenance, develops a comprehensive long-term use master plan for the campus not later than March 2, 2021 with appropriate community input that is consistent with maintaining the publicly-provided mental health services that are currently delivered on-campus at Taunton state hospital; provided further, that the plan shall include maintenance of existing affiliations with institutions of higher education and possible future relationships with those institutions and others to maintain the sustainability of Taunton state hospital; provided further, that the plan shall be consistent with maintenance of the Taunton state hospital campus as a publicly-run mental health facility and shall not prohibit the inclusion of behavioral health programs or publicly-run pilot programs to meet the needs of individuals with mental health diagnoses, behavioral health diagnoses and those dual-diagnosed on the campus as part of the comprehensive master plan; provided further, that the master plan shall be submitted to the executive office for administration and finance, the executive office of health and human services, the joint committee on mental health and substance use and recovery and the house and senate committees on ways and means; provided further, that the department may authorize on the campus of Taunton state hospital, a behavioral health emergency department relief pilot program to accept medically-stable individuals with high acuity behavioral health and dual diagnoses from emergency departments in the southeast region; provided further, that medically-stable patients presenting in an emergency department with a high acuity behavioral health condition or who have a dual diagnosis shall be transferred to the pilot program if another appropriate

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setting cannot be located within 4 hours of admission to the emergency department; provided further, that the pilot program shall care for patients either for 14 days following admission or until an appropriate placement is found that meets the patient’s needs, whichever is sooner; provided further, that the pilot program may be operated by the department and staffed by department registered nurses, psychiatrists and other staff as needed; provided further, that within the first 6 months following the authorization of the program by the department, in consultation with the department of public health, the National Alliance on Mental Illness, the Massachusetts Nurses Association and the Emergency Nurses Association shall establish a staffing plan and program protocols; provided further, that for the purposes of the pilot program, Taunton state hospital may accept patients classified under section 12 of chapter 123 of the General Laws; provided further, that the pilot program may be authorized to operate for up to 2 years, with a report to be filed by the department with the joint committee on mental health, substance use and recovery within 6 months after the conclusion date of the program; provided further, that the report shall evaluate the success of the program in decreasing emergency department overcrowding in the southeast region and the quality of care provided in the program; and provided further, that the report may be drafted by an independent entity, utilizing data from the department and the local hospitals in the southeast region;”.

The amendment was adopted.

Mr. Hinds and Ms. Creem moved that the proposed new text be amended by adding at the end thereof the following:- 254

“SECTION XX. Chapter 124 of the Acts of 2020 is hereby amended, in item 1599-1232, by adding after the words ‘operating in the summer of 2020’ the words ‘or 2021’.”.

The amendment was adopted.

Messrs. Collins and O'Connor moved that the proposed new text be amended in section 2, in item 4512-0200, by adding the following words:- “; provided further, that not less than \$250,000 shall be expended for a contract with the Gavin Foundation, Inc. to provide a total immersion program in conjunction with the probation departments of the South Boston division of the Boston municipal court department and other district courts”.

The amendment was adopted.

Messrs. Brady, Timilty, O'Connor, Feeney and Keenan and Ms. Gobi moved that the proposed new text be amended in section 2, in item 8324-0000, by striking out the figure “\$3,065,561” and inserting in place thereof the following figure:- “\$3,341,182”; and by striking out the figure “\$29,047,062” and inserting in place thereof the following figure:- “\$29,261,372”.

The amendment was adopted.

Mr. Cyr and Ms. Moran moved that the proposed new text be amended in section 2, in item 8324-0000, by adding the following words:- “; provided further, that not less than \$100,000 shall be expended for the Barnstable County Fire and Rescue Training Academy including, but not limited to, relocation of the academy to the Joint Base Cape Cod”; and by striking out the figure “\$29,047,062” and inserting in place thereof the following figure:- “\$29,147,062”.

The amendment was adopted.

Mr. Crighton moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- “; provided further, that not less than \$90,000 shall be expended to the New American Association of Massachusetts in the City of Lynn”; and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$190,000”.

The amendment was adopted.

Mr. Feeney moved that the proposed new text be amended by inserting after section 40 the following section:- 444

“SECTION 40A. Paragraph (ii) of subsection (b) of section 17 of chapter 53 of the acts of 2020 is hereby amended by striking out the words ‘December 1, 2020’, inserted by section 33 of chapter 201 of the acts of 2020, and inserting in place thereof the following words:- ‘February 1, 2021’.”

The amendment was adopted.

Ms. Lovely moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- “provided further, that not less than \$100,000 shall be expended to North Shore Community Health for the expansion of Peabody Family Health Center; provided further, that not less than \$50,000 shall be expended to LEAP for Education for its programs serving students; provided further, that not less than \$50,000 shall be expended for the NAN Project to provide peer-to-peer mental-health awareness and suicide-prevention programming in schools and communities; provided further, that not less than \$50,000 shall be expended to the Essex National Heritage Area for its Future Leaders Program;”.

445

The amendment was adopted.

As previously stated, the above amendments were considered as one, and adopted

There being no objection, the following amendments were considered as one, and rejected.

Ms. DiZoglio, Mr. Moore, Ms. Comerford, Mr. O'Connor, Ms. Gobi and Messrs. Eldridge, Welch, Tran, Collins, Brady, Tarr and Crighton moved that the proposed new text be amended in section 2, in item 1201-0100, by striking out the words “and provided further, that not less than \$500,000 shall be expended to organizations providing tax assistance services to individuals and families qualifying for the volunteer income tax assistance program, in partnership with the Internal Revenue Service, for the provision of such services” and inserting in place thereof the following words:- "and provided further, that not less than \$800,000 shall be expended to organizations providing tax assistance services to individuals and families qualifying for the volunteer income tax assistance program, in partnership with the Internal Revenue Service, for the provision of such services"; and by striking out the figure "\$83,369,202", and inserting in place thereof the following figure:- "\$83,669,202".

6

The amendment was *rejected*.

Ms. Rausch and Mr. O'Connor moved that the proposed new text be amended in section 2, in item 0521-0002, by adding the following:- “; provided, that the secretary of the commonwealth shall reimburse municipalities for early voting costs from these funds no later than two weeks after receipt of a complete reimbursement request from a city or town; and provided further, that all municipalities shall be reimbursed for early voting costs no later than February 1, 2021”.

12

The amendment was *rejected*.

Ms. Comerford, Messrs. Moore and O'Connor, Ms. Gobi and Messrs. Welch, Crighton and Collins moved that the proposed new text be amended in section 2, in item 1201-0100, by striking out words:- “that not less than \$500,000 shall be expended to organizations providing tax assistance services” and inserting in place thereof the words:- “that not less than \$800,000 shall be expended to organizations providing tax assistance services”; and by striking out the figure “\$83,369,202” and inserting in place thereof the figure:- “\$83,669,202”.

13

The amendment was *rejected*.

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

16

“SECTION XX. Section 2 of chapter 17 of the General Laws is hereby amended by

adding the following section:-

‘Each order by the governor pursuant to the Massachusetts Civil Defense Act, Chapter 639 of the Acts of 1950, and each action taken by the commissioner pursuant to the preceding section shall expire or otherwise lose all legal force thirty days after it is issued unless both houses of the legislature ratify such order or action by statute, direction, or instruction. Where the emergency at issue precludes either house from sitting, each such order and each such action shall remain in force until thirty days after both houses are able to again convene. Without the ratification required by this section, no second order substantially similar to the first may be issued and no action taken by the commissioner comparable to that which remains unratified may be undertaken for a term of sixty days after the last date for the ratification required hereunder.’.”

The amendment was *rejected*.

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

27

"SECTION_. Section 68 of chapter 3 as appearing in the 2018 official edition is hereby amended by striking in line 2 the number ‘21’ and inserting in place thereof the number ‘23’; and moves to further amend by inserting in line 5 of section 68 of chapter 3 after the word, ‘senate’ the following:- ‘1 person to be appointed by the minority leader of the house and 1 person to be appointed by the minority leader of the senate’.”

The amendment was *rejected*.

Ms. Chang-Diaz and Messrs. Eldridge, Welch and Velis moved that the proposed new text be amended in section 2, in item 1070-0840, by striking out the figure "11,172,108" and inserting in place thereof the following:- “12,400,000”.

28

The amendment was *rejected*.

Mr. Lesser, Ms. Gobi and Messrs. Hinds, Velis and Welch moved that the proposed new text be amended in section 2, in item 8910-0104, by striking out the figure “\$1,000,000” and inserting in place thereof the following figure:- “\$7,846,430”.

32

The amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended by inserting after section 19, the following sections:-

38

“SECTION X. Said chapter 62C is hereby further amended by inserting after section 16B the following section:-

Section 16C. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:-

‘Third party payment processor’, any person engaged in the business of remitting payments to vendors or operators under chapters 64G, 64H, 64I, 64L or 64N, in association with credit card, debit card or similar payment arrangements that compensate the vendor or operator in transactions subject to the excise under said chapters.

‘Vendor or operator’, a business that is obliged to file a return under section 16; provided that businesses with gross sales below a certain threshold, to be set by the commissioner in regulation, shall not be a ‘vendor or operator’ if the business notifies a third party payment processor in writing that it is exempt from the provisions of this section.

(b) Any vendor or operator shall, in connection with seeking payments from or through a third party payment processor, separately identify tax amounts charged in association with the excise under chapters 64G, 64H, 64I, 64L or 64N and non-tax amounts for which payment is sought. Such separate identification shall be conducted in a manner approved by the commissioner, taking into account established industry practices to the extent practicable.

(c) A third party payment processor receiving a request for payment from a vendor or operator shall directly pay the identified tax portion of such request to the commissioner

on a daily basis, at substantially the same time that any non-tax balance is paid to the vendor or operator.

(d) A third party payment processor shall report total payments made to the commissioner on a monthly return, in a manner provided by the commissioner, which return shall identify each vendor or operator to whom payments were made during the month and the amount of tax paid to the commissioner during the month in association with transactions with each such vendor or operator during that period.

(e) A third party payment processor shall report to each vendor or operator on a monthly basis, in a manner provided by the commissioner, the total tax remitted to the commissioner with respect to transactions of the particular vendor or operator during the monthly period.

(f) Tax amounts paid to the commissioner by a third party payment processor in association with the processing of transactions of a particular vendor or operator during the month shall be available as a credit to the vendor or operator in the filing of returns showing tax due under chapters 64G, 64H, 64I, 64L or 64N, as applicable.

And moves to further amend the bill by inserting after section 57, the following section:-

SECTION Y. Section X shall take effect on July 1, 2024.”

The amendment was *rejected*.

Mr. Rush, Ms. Gobi, Messrs. O'Connor, Timilty, Pacheco and Velis and Ms. Comerford moved that the proposed new text be amended in section 3, by inserting at the end thereof the following section:-

44

“SECTION XX Section 1. Section 3 of chapter 71 of the acts of 1996, as most recently amended by chapter 468 of the acts of 2002, is hereby amended by striking the second paragraph.

Section 2. Paragraph (h) of subdivision (1) of section 4 of chapter 32 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting in line 148 after the words “shall be” the following words: ‘provided written notice by the retirement board upon entry into service that they are’.

Section 3. Said paragraph (h) of subdivision (1) of section 4 of said chapter 32, as appearing in the 2016 Official Edition, is hereby further amended by inserting in line 151 after the word “member” the following words: ‘, prior to or within one year of vesting under the provisions of this chapter,’.

Section 4. Notwithstanding any general or special law to the contrary, any member of a retirement system, who is a member in service and a veteran, who failed to make the purchase authorized in paragraph (h) of subdivision (1) of section 4 of chapter 32 of the General Laws within the required 180 days pursuant to chapter 71 of the Act of 1996 as amended shall be given one opportunity within 1 year from the effective date of this act to apply to their retirement system to make said purchase. No additional opportunities to purchase this service shall be allowed. Retirement systems shall provide written notice to all members in service of their potential eligibility for this purchase within 90 days of the effective date of this act.”

The amendment was *rejected*.

Ms. DiZoglio and Mr. O'Connor moved that the proposed new text be amended by substituting the text of Senate document numbered 2965, relative to school bus safety.

95

The amendment was *rejected*.

Ms. DiZoglio, Messrs. Moore and O'Connor, Ms. Moran and Mr. Tarr moved that the proposed new text be amended in section 2, by inserting after item 7518-0100 the following item

106

“xxxx-xxxx For state university and community college collaboration and efficiency efforts through the Partnership to Advance Collaboration and

Efficiencies initiative.....\$300,000".

The amendment was *rejected*.

Ms. DiZoglio, Messrs. Moore and O'Connor and Ms. Moran moved that the proposed new text be amended in section 2, by inserting after item 3000-7050 the following item:-

107

"xxxx-xxxx For professional development and higher education opportunities and supports for early educators to be coordinated through the department and implemented at the 15 Massachusetts community colleges; provided, that programming shall focus on the statewide recruitment and training needs specific to the early education and care workforce, encourage associate degree completion and opportunities for career advancement and retention, and incorporate early education and care stakeholder, employer and industry collaboration; and provided further, that funds may be expended on laptops, hotspots, technical services, open educational resources, and other student supports related to the program; and provided further, that professional development opportunities shall be consistent with the core competencies and career pathways established by the department, and in accordance with the recommendations of the Early Education and Care Workforce Council; provided further, appropriated funds may be expended for programs or activities during the summer months..... \$10,000,000".

The amendment was *rejected*.

Ms. DiZoglio, Mr. O'Connor and Ms. Moran moved that the proposed new text be amended in section 2, by inserting after item 7066-0025 the following item:

108

"xxxx-xxxx For science, technology, engineering and mathematics (STEM) Starter Academy programs to be implemented through the department of higher education at the Massachusetts community colleges to benefit student populations identified by the department as having expressed a high level of interest in STEM majors and STEM careers and yet are underperforming on STEM academic assessments; provided, that the STEM Starter Academy program shall incorporate best practice design elements from established STEM career pathways initiatives including, but not limited to, those recognized by the Massachusetts' Plan for Excellence in STEM Education and any subsequent STEM plans recognized by the department; provided further, that the STEM Starter Academy shall incorporate employer and industry collaboration to address workforce needs in high-demand fields, industry contextualized STEM curriculum, embedded mathematics and English language remediation and student supports and other STEM education research-based strategies that promote enrollment, enhance retention and increase post-secondary graduation rates and pathways to job placement or transfer to four-year degree programs; provided further, that appropriated funds may be expended for programs or activities during the summer months; and provided further, that the house and senate committees on ways and means, the joint committee on higher education and the joint committee on education shall receive an evaluation of this program and its impact not later than September 30, 2021.....\$5,883,238".

The amendment was *rejected*.

Ms. DiZoglio and Messrs. Moore and Eldridge moved that the proposed new text be amended in section 2, by inserting after item 7077-4001 the following item:

109

"xxxx-xxxx For funding to community college campuses; provided, that funds shall be expended for the continued implementation of community college reform, for continued initiatives to strengthen the connections between the colleges, local businesses and regional workforce investment boards and to improve workforce training at the colleges; provided further, that funding shall be allocated among the campuses using the formula developed by the

commissioner of higher education in consultation with the secretaries of education, labor and workforce development and housing and economic development; and provided further, that the allocation of funds shall be approved by the board of higher education.....\$5,883,238".

The amendment was *rejected*.

Ms. DiZoglio and Messrs. Moore and Eldridge moved that the proposed new text be amended in section 2, by inserting after item 7077-0023 the following item: 110

“xxxx-xxxx For Supporting Urgent Community College Equity through Student Services (SUCCESS) grants to community colleges to provide wraparound supports and services to improve outcomes for their most vulnerable populations including, but not limited to, low-income, first generation, minority, and disabled students and lesbian, gay, bisexual, transgender, queer and questioning students; provided, that funds shall be disbursed based on a formula and criteria developed in consultation with the Massachusetts Association of Community Colleges; provided further, that eligible wraparound support activities shall include, but not be limited to, peer mentors, academic skills workshops, field trips to 4-year schools, and targeted academic, career, transfer, and scholarship advising; provided further, that not later than April 1, 2021, the department shall report to the joint committee on higher education and the house and senate committees on ways and means on the progress made on implementing and funding this program, including any regulations, guidelines, or criteria used to distribute the funds, and on the final distribution of funds to campuses; and provided further, that funds appropriated for this item shall not revert but shall be made available for this item in fiscal year 2022.....\$7,000,000”.

The amendment was *rejected*.

Messrs. Collins and Feeney, Ms. DiZoglio, Messrs. O'Connor, Eldridge and Lesser, Ms. Jehlen, Messrs. Velis and Montigny and Ms. Chang-Diaz moved that the proposed new text be amended in section 2E, in item 1595-0115, by adding to the end thereof the following:- "; provided further, that not less than \$250,000 shall be expended to the Senate Office of Education and Civic Education for the purpose of a paid internship program"; and by striking the figure "\$1,500,000" and inserting in place thereof the following figure:- "\$1,750,000". 146

The amendment was *rejected*.

Ms. Jehlen, Mr. Eldridge, Ms. Rausch and Ms. Chang-Diaz moved that the proposed new text be amended by inserting the following section: 179

“SECTION XX. Any district court, housing court, or the Boston municipal court, shall not accept a summary process filing nor allow a filing for summary process to progress until such time that the court certifies that it has sufficient legal services available at tier 1 events, mediation services, interpretation services, or housing specialists available to adequately provide for any low-income defendant as those services are described in the Housing Court standing order number 6-20. In certifying court readiness, the court shall issue an estimate for the anticipated number of case filings against low-income defendants for each week for at least 5 weeks ahead. The court shall also certify that it has made available the informational attachment required under section XX, required to accompany any notice to quit. Any notice to quit issued during any time before the court has certified its readiness to proceed shall not be valid to file a summary process action.”

The amendment was *rejected*.

Ms. DiZoglio, Messrs. O'Connor, Keenan, Velis and Tran, Ms. Gobi and Messrs. Crighton, Brady and Moore moved that the proposed new text be amended in section 2, in item 5920-2025, by inserting after "prioritized by need" the following: “provided further that the billing rate for these services will be no lower than pre-COVID utilization billing rates to address infection control and the smaller space capacity.”; and by striking out the 199

figures "239,513,699" and inserting in place thereof the figures "253,891,529".

The amendment was *rejected*.

200

Ms. DiZoglio moved that the proposed new text be amended in section 2, in item 4510-0110, by adding the following: “; provided further, that not less than \$200,000 shall be expended to the Greater Lawrence Family Health Center, Inc. for programs to increase access to health care for the medically underserved in the city of Haverhill; provided further, that such programs shall include the development of a full-service community health center in the city of Haverhill with collaborative, graduate degree-level programs to train advanced practice nurses by Regis College; provided further, that the expenditure of such funds shall be contingent on the Greater Lawrence Family Health Center, Inc. providing a matching amount of not less than \$200,000 in private funding”.

The amendment was *rejected*.

244

Messrs. Feeney, Timilty, Moore, Brady, O'Connor, Velis, Keenan, Tarr and Crighton moved that the proposed new text be amended by adding the following section:

“Section XX.

SECTION 1. For purposes of this Act, the following terms shall have the following meanings:-

‘State of emergency’, the state of emergency called by Executive Order No. 591 dated March 10, 2020 concerning the health care crisis caused by the COVID-19 virus, along with any subsequent states of emergency that may be declared by the Commonwealth from time to time or at any time due to health care concerns raised by the COVID-19 virus.

SECTION 2. Chapter 34 of Section 152 of the general laws is hereby amended by inserting the following language after the second paragraph of said Chapter: Notwithstanding any general or special law, rule or regulation to the contrary, any frontline healthcare worker, working in a healthcare facility or in the community, who has symptoms of or otherwise becomes infected with or is suspected to be infected with COVID-19 that results in a period of hospitalization, quarantine, or requires self-quarantine measures as a result of being infected or coming into contact with someone who is infected with the COVID-19 virus, shall have their medical condition or incapacity to work presumed to be work-related and constitute a per se qualification for protection under this Section, without application of any waiting period. Said healthcare worker shall not be required to use said healthcare worker’s accrued sick time, vacation time, personal time or any other contractual time-off to cover said period of incapacitation or inability to perform regular duty work.

SECTION 3. The employer shall allow the healthcare worker to return to the worker’s previous position of employment when the period of quarantine, self-quarantine, recovery, or hospitalization is concluded.

SECTION 4. The provisions of Sections 23 and 24 of Chapter 152 do not apply to claims brought under this Act, unless the employer demonstrates compliance with all relevant and active orders and advisories of the Governor of the Commonwealth concerning workplace safety restrictions during the state of emergency, such as, but not limited to, the provision to healthcare workers of appropriate Personal Protective Equipment and appropriate safe distancing opportunities.

SECTION 5. This act shall be in force to protect healthcare workers who are exposed to the COVID-19 virus or are advised to quarantine or self-quarantine by any health official during the pendency of the state of emergency.

SECTION 6. A healthcare worker who chooses not to return to work for an essential employer due to a good-faith concern that the worker may be exposed to the COVID-19 virus will be considered eligible for benefits under Chapter 151A as if the essential worker had been constructively discharged.”

The amendment was *rejected*.

Ms. Jehlen, Messrs. Eldridge and Welch, Ms. Rausch, Mr. Lesser and Ms. Chang-Diaz moved that the proposed new text be amended by inserting the following section:- 265

"SECTION XX. Subsection (c) of Chapter 93 of the Acts of 2020 is hereby amended by inserting, after the word 'occupation' the following:-

(ix) number of people living in the home and whether they were recently evicted or moved due to threat of eviction;."

The amendment was *rejected*.

Ms. Chang-Diaz, Ms. Rausch, Ms. Jehlen and Mr. Eldridge moved that the proposed new text be amended in section 3, in Section 49 by striking out the following:- "not later than the fifteenth day of each month" and inserting in place thereof the following:- "weekly, not later than the Thursday of each week". 280

The amendment was *rejected*.

Ms. Chang-Diaz, Ms. Rausch, Ms. Jehlen and Mr. Eldridge moved that the proposed new text be amended in section 3, by striking out in outside section 48 in line 24 the following:- "not later than the fifteenth day of each month" and inserting in place thereof the following:- "not later than the Thursday of each week during the COVID-19 emergency"; and by striking out in line 26 the word "month" and inserting in place thereof the following:- "week". 281

The amendment was *rejected*.

Messrs. Montigny, Tarr and O'Connor moved that the proposed new text be amended in section 2, in item 4000-0601, by adding at the end thereof the following:- "provided further, that not later than June 1, 2021, MassHealth shall report to the chairs of the house and senate committees on ways and means the following for fiscal year 2020: (a) the number of nursing facility clients on a leave of absence, delineated by the nursing facility, by medical leave-of-absence days and medical leave-of-absence days that exceeded 10 days per hospital stay, nonmedical leave-of-absence days and the total number of days on leave of absence unduplicated member count; (b) licensed beds monthly capacity levels per nursing home and the monthly total number of empty beds per nursing facility, total number of all nursing home residents and total MassHealth nursing home residents; (c) 6 separate MassHealth payment rates and the average payment amount rate per nursing facility client resident; (d) the actual number of nursing home residents for each of the 6 payment categories in clause (c); (e) the aggregate payment amount per nursing facility by month; and (f) all reports shall delineate by nursing home, including grand totals where appropriate". 295

The amendment was *rejected*.

Messrs. Montigny, O'Connor, Eldridge, Moore and Velis moved that the proposed new text be amended by inserting after section XX the following section:- 296

"SECTION XX. Not less than seven days from the effective date of this act, the department of public health shall amend its memorandum dated October 5, 2020 regarding COVID-19 long term care surveillance testing to ensure long term care providers conduct weekly testing of all staff so long as the county positivity rate in which the long term care provider is located is at or above two percent as a 14-day rolling average. Such testing shall be required irrespective of whether there are known positive COVID-19 staff members or residents."; and by inserting after section XX the following section:-

"SECTION XX. The executive office of health and human services shall amend its Nursing Facility Bulletin 145, dated April 2020, to include infection control policies regarding incoming nursing facilities admissions during the COVID-19 state of emergency. In addition to existing competencies, said infection control policies shall include a core competency requirement that all admissions into a facility are quarantined for a minimum of 48 hours and receive a negative COVID-19 polymerase chain reaction test result prior to any contact with other residents or staff not dedicated to the direct care

for known COVID-19 positive residents. All staff caring for said admissions shall utilize full personal protective equipment and other appropriate infection control measures necessary while awaiting test results.”; and by inserting after section XX the following section:-

“SECTION XX. Chapter 64 of the acts of 2020 is hereby further amended, in section 1, by striking the definition of ‘health care facility’ and inserting in place thereof the following new definition:-

‘Health care facility’, (i) hospitals, including acute and chronic disease rehabilitation hospitals, as licensed under section 51 of chapter 111 of the General Laws; (ii) state hospitals, mental health centers and other mental health facilities under the control of the department of mental health pursuant to section 7 of chapter 19 of the General Laws; (iii) hospitals operated by the department of public health pursuant to section 62I of chapter 111 the General Laws, section 69E of said chapter 111 and chapter 122 of the General Laws; (iv) psychiatric hospitals, as licensed under section 19 of said chapter 19; (v) community health centers, as defined in 130 CMR 405.000 and mental health centers, as defined in 130 CMR 429.000; (vi) home health agencies that participate in Medicare; (vii) clinics, as licensed under said section 51 of said chapter 111; or (viii) sites designated by the commissioner of public health to provide COVID-19 health care services, including, but not limited to, step-down skilled nursing facilities, field hospitals and hotels.”

The amendment was *rejected*.

Ms. Comerford, Ms. Gobi and Mr. Hinds moved that the proposed new text be amended in section 2, in item 8910-0108, by inserting after the words “per inmate report” the following words:- “; provided further, that \$100,000 shall be provided for a pilot program for training active bystanders; and provided further, that not less than \$300,000 shall be expended for the Franklin County Opioid Education and Awareness Task Force”; and by striking out the figure “\$17,745,028” and inserting in place thereof the following figure:- “\$17,968,246”.

313

The amendment was *rejected*.

Mr. Montigny, Ms. DiZoglio and Messrs. O'Connor, Moore and Timilty moved that the proposed new text be amended in section 2, in item 8000-0600, by adding the following words:- “provided further, that not less than \$50,000 shall be expended to the Southeastern Massachusetts Law Enforcement Council, Incorporated to provide mental health, wellness and suicide prevention services to emergency service providers in southeastern Massachusetts”; and by striking out the figure “\$3,614,795” and inserting in place thereof the following figure:- “\$3,664,795”.

328

The amendment was *rejected*.

Ms. Jehlen, Ms. Rausch, Ms. Comerford, Messrs. Eldridge, Lesser and Collins, Ms. Chang-Diaz and Messrs. Boncore and Feeney moved that the proposed new text be amended by striking out section 48 in its entirety and replacing it with the following:

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“SECTION 48. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

‘COVID-19 emergency’, the state of emergency concerning the novel coronavirus disease outbreak declared by the governor on March 10, 2020

‘Short-term emergency rental assistance’, temporary financial assistance provided to a residential tenant to prevent an eviction or homelessness under the residential assistance for families in transition program, the emergency rental and mortgage assistance program or any other program established or modified as a result of the COVID-19 emergency, intended to cure rent arrearage or provide financial assistance for moving cost assistance, including the payment of a security deposit, and administered by a nonprofit entity or any government entity, including, but not limited to, the department of housing and community development, any city or town, the federal Department of Housing and Urban

Development, or any other federal agency.

(b) Notwithstanding chapter 239 of the General Laws or any other general or special law the contrary, a court having jurisdiction over an action for summary process under said chapter 239, including the Boston municipal court department, shall grant a continuance if:

(i) the plaintiff's complaint is based upon or includes any claim for rent or use and occupancy due and payable during the period from the onset of the COVID-19 emergency until 12 months after the date the COVID-19 emergency ends;

(ii) it is likely that the tenant's non-payment of rent or use and occupancy was due to a financial hardship directly or indirectly related to or exacerbated by the COVID-19 emergency; and

(iii) the defendant demonstrates at least one application for short-term emergency rental assistance has been submitted to the relevant administering agency.

Any continuance granted pursuant to this paragraph must be at least for the time required for the application for short-term rental assistance to be approved or denied, and the court shall not enter a judgment, issue an execution, or issue any order for interim payment of rent or use and occupancy, while such application or applications remain pending. Where a tenant's application for short-term emergency rental assistance is approved, and the assistance covers rental arrears then due, the court shall further continue the case until the payment for such rental arrears is received by the plaintiff, at which time the court shall dismiss the plaintiff's claims.

(c) Notwithstanding chapter 239 of the General Laws or any other general or special law the contrary, in any action for summary process under said chapter 239 where the tenant is eligible for or has been granted a continuance as provided at subsection (b), it shall be a complete defense to the claim for possession that the tenant's nonpayment of rent or use and occupancy was due to a financial hardship directly or indirectly related to or exacerbated by the COVID-19 emergency.

Any unpaid rent and/or use and occupancy determined to be subject to the defense described in this section shall not be counted as part of 'the amount due to the landlord' in determining any judgment for possession entered after trial pursuant to the fifth paragraph of Section 8A of Chapter 239, or recovered in any summary process proceeding under Chapter 239.

(d) Notwithstanding chapter 239 of the General Laws or any other general or special law the contrary, in any action for summary process under said chapter 239 where the court has found after hearing that the tenant is eligible for a continuance as provided at subsection (b), it must also find at any trial on the merits that the tenant has established the defense to possession provided by subsection (c), unless the landlord demonstrates that the tenant 1) did not apply for all forms of short-term rental assistance for which they were eligible prior to the expiration of the continuance period; or 2) the tenant has been denied short-term rental assistance for failure to complete or cooperate with the application process or due to a determination that the arrears were not related to or exacerbated by the COVID-19 emergency.

(e) Notwithstanding any general or special law to the contrary, not later than the fifteenth day of each month during the COVID-19 emergency, the executive office of the trial court shall submit a report for the previous month to the clerks of the senate and house of representatives, the senate and house committees on ways and means, the joint committee on housing and the joint committee on the judiciary that shall include, but not be limited to: (i) the number of continuances granted due to pending applications for short-term emergency rental assistance pursuant to subsection (b); (ii) the number of continuances granted that resulted in the dismissal of the plaintiff's claims under said subsection (b); (iii) the average length of a continuance granted under said subsection (b);

(iv) the number of stays requested, granted or denied pursuant to sections 9 and 10 of chapter 239 of the General Laws; and (v) any other relevant information as the trial court may decide.”

The amendment was *rejected*.

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

Recess.

There being no objection, at five minutes before five o’clock P.M., the Chair (Mr. Brownsberger) declared a recess subject to the call of the Chair; and, at nine minutes before six o’clock P.M., the Senate reassembled, Ms. Friedman in the Chair.

Recess.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill making appropriations for the fiscal year 2021 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No 5151),-- was further considered, the main question being on ordering the bill to a third reading.

General
Appropriations Bill.

Ms. Creem and Ms. Moran moved that the proposed new text be amended by inserting after section 40 the following section:-

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“SECTION 40A. (a) For any annual or special municipal or state primary or election held on or before June 30, 2021, any person taking precautions related to COVID-19 in response to a declared state of emergency or guidance from a medical professional, local or state health official or any civil authority shall be deemed to be unable to cast their vote in person at a polling location by reason of physical disability. (b) Notwithstanding any general or special law to the contrary, subsection (c) of section 91B of chapter 54 of the General Laws shall apply to voters who have been instructed by a medical professional or a local or state health official to self-quarantine in their home beginning after noon on the seventh day before any annual or special municipal or state primary or election held on or before June 30, 2021 and such voters may designate their home address for delivery of the ballot. (c) Notwithstanding section 25B of said chapter 54 or any other general or special law to the contrary, any eligible voter may vote early by mail or as prescribed herein for any annual or special municipal or state primary or election held on or before June 30, 2021. (d) Any qualified voter wanting to early vote by mail may file with their local election official an application for an early voting ballot. Any form of written communication evidencing a desire to have an early voting ballot be sent for use for voting at an election shall be given the same effect as an application made in the form prescribed by the state secretary. Local election officials shall send early voting by mail ballots to those who have applied as soon as ballots are available. No application shall be deemed to be seasonably filed unless it is received in the office of the local election official before 5 p.m. on the fourth business day before the date on which the election is held. (e) Local election officials may substitute absentee ballots for early voting ballots for those voters requesting to vote early by mail in municipal elections. An early voting ballot or absentee ballot substituted for an early voting ballot, along with an envelope bearing an affidavit as set forth in said section 25B of said chapter 54, shall be provided to each qualified voter who participates in early voting by mail. (f) The local election officials shall cause to be placed on the voting lists opposite the name of a qualified voter who participates in early voting the letters ‘EV’ designating an early voter. (g) The counting of early voting ballots shall be consistent with said section 25B of said chapter 54 and related regulations to the

extent practicable. All envelopes referred to in this section shall be retained with the ballots cast at the election and shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots. (h)(1) A voter in receipt of an early voting ballot for any election pursuant to this section may complete and return the ballot by: (i) delivering it in person to the office of the appropriate city or town clerk; (ii) dropping it in a secured municipal drop box; or (iii) mailing it to the appropriate city or town clerk. (2) All early voting ballots submitted by mail, delivered in person to the office of the city or town clerk or returned to a secured municipal drop box as provided by this section shall be received by the city or town clerk before the hour fixed for closing the polls on the day of the election. (i) Notwithstanding section 24 of said chapter 54 or any other general or special law to the contrary, the select board, board of selectmen, town council or city council may, by recorded and public vote, change any polling place to be used at the election not less than 20 days prior to the date of the election if it is determined that the public convenience or public health would be better served. If the select board, board of selectmen or town council determines that the public convenience or public health would be better served, they may house all polling places in a single building within the municipality if such building is suitably equipped; provided, however, that alcoholic beverages shall not be served or consumed in that portion of a building used as a polling place, during voting hours or while ballots are being counted therein. In cities, the city council may designate polling places in non-adjacent precincts if they determine the public convenience or public health would be better served. In making a decision to change a polling place, the select board, board of selectmen, town council or city council shall evaluate and report on whether such change would have a disparate, adverse impact on access to the polls on the basis of race, national origin, disability, income or age and, not later than 3 days prior to changing a polling place, shall make publicly available on its website and at the office of the town or city clerk a report on its evaluation. When the polling places have been designated pursuant to this section, the board of registrars shall post on the municipal website and at other such places as it may determine, a description of the polling places and shall notify voters by using an electronic means, to the extent available, such as via email or reverse 911 call. (j) Notwithstanding section 29 of chapter 53 of the General Laws, sections 11, 11B, 12 and 13 of said chapter 54 or any other general or special law to the contrary, if the city or town clerk determines in writing that there is a deficiency in the number of required election officers, then the appointing authority may appoint election officers without regard to political party membership, voter status, residence in the city or town or inclusion on a list filed by a political party committee pursuant to said sections 11B and 12 of said chapter 54. If the position of the warden, clerk or inspector or the deputy of any such officer, if any, is vacant within the 3 weeks preceding the election, the city or town clerk may fill the vacancy by appointing a competent person willing to serve, without regard to political party membership, voter status, residence in the city or town or inclusion on a list filed by a political party committee pursuant to said sections 11B and 12 of said chapter 54. (k) Notwithstanding sections 67 and 83 of said chapter 54 or any other general or special law to the contrary, the city or town clerk may eliminate the requirement that a voter provide their name or residence to an election officer at the ballot box and that the election officer mark the name off a voting list before the voter may deposit the ballot in the ballot box.”

After remarks, the amendment was adopted.

Messrs. Collins, Moore and Tarr moved that the proposed new text be amended in section 2, by inserting after Section 54 the following section:-

"SECTION 54A. Notwithstanding any general or special law to the contrary, the department of revenue shall analyze the administrative and revenue impacts of implementing either an elective or mandatory entity-level tax on non-corporate businesses,

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coupled with a refundable tax credit equal to the distributive share of the entity-level tax for each owner or member, for the purposes of allowing such non-corporate business owners or members to avoid the limitation on the deduction for state and local taxes under section 11042 of the federal Tax Cuts and Jobs Act, P.L. 115-97. The analysis shall include, but not be limited to: (i) a review of entity-level taxes on non-corporate businesses, and corresponding refundable tax credits, in other states implemented for such purpose; (ii) a distributional analysis of which taxpayers would benefit from an entity-level tax and corresponding refundable tax credit; (iii) an assessment of administrative challenges related to the implementation of such entity-level tax and refundable tax credit; (iv) an estimate of the revenue impact, if any, of such entity-level tax and refundable tax credit; and (v) a description of any legislation that would be necessary to carry into effect the entity-level tax and refundable tax credit.

The department of revenue shall submit a report its findings to the clerks of the senate and house of representatives, the joint committee on revenue and the senate and house committees on ways and means not later than March 1, 2021."

The amendment was adopted.

Messrs. Timilty, O'Connor, Keenan and Cyr moved that the proposed new text be amended in section 2, in item 2810-0100, by adding the following words:- "; provided further, that not less than \$250,000 shall be expended for the Blue Hills Trailside Museum"; and by striking out the figure "\$47,885,283" and inserting in place thereof the following figure:- "\$48,135,283".

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After remarks, the amendment was adopted.

Messrs. Timilty and O'Connor and Ms. Jehlen moved that the proposed new text be amended by inserting after section 54 the following section:-

185

"SECTION 54A. The department of public health shall commission a study of the health and noise impacts of airplane flights on affected resident communities represented on the Massachusetts Port Authority Community Advisory Committee. The study shall determine the health and noise impacts of airplane flights on residents of the communities represented on the Massachusetts Port Authority Community Advisory Committee that are exposed to conditions related to noise and air pollution levels emanating from airplane flights directed to and from the General Edward Lawrence Logan International Airport. The study shall include, but not be limited to: (i) examining the health impacts of airplane flights on residents comprising the Massachusetts Port Authority Community Advisory Committee, including asthma exacerbation, sleep disturbance, stress and elevated blood pressure; and (ii) considering the health impacts on residents comprising the Massachusetts Port Authority Community Advisory Committee living partly or wholly within the vicinity underneath the flight paths most frequently used by aircraft flying, including landing or during takeoff, at an altitude of 10,000 feet.

The department shall submit the study to the clerks of the senate and house of representatives and the joint committee on public health not later than December 31, 2021."

After remarks, the amendment was adopted.

Ms. Rausch, Ms. Chang-Diaz, Ms. Comerford, Ms. DiZoglio, Ms. Gobi, Messrs. Eldridge, Collins and Kennedy, Ms. Jehlen, Mr. Moore and Ms. Creem moved that the proposed new text be amended, in section 2, in item 4512-2021, by inserting after the word "coronavirus", the fourth time it appears, the following:- "; provided further, that not later than February 15, 2021, the department shall commence a public education and outreach campaign that is culturally competent and linguistically diverse; provided further, that said campaign shall be designed to inform residents of the commonwealth generally about vaccine testing, safety and efficacy; provided further, that said campaign shall rely on scientific and medically accurate evidence and include partnerships with community-

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based organizations trusted in communities disproportionately impacted by the 2019 novel coronavirus and local public health departments and health care providers serving gateway municipalities”.

After remarks, the amendment was adopted.

Messrs. Cyr, Feeney, Crighton, Collins, O'Connor and Brady, Ms. Moran, Mr. Tarr and Ms. Comerford moved that the proposed new text be amended by inserting after section 54 the following section:-

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“SECTION 54A. (a) There shall be a special commission to study and make recommendations to the executive office of health and human services and the general court that shall establish a statewide licensing process for home care agencies in the commonwealth by not later than October 1, 2021. The commission shall study: (i) current licensure, reporting and oversight requirements across the long-term care services industry and support systems and other relevant state agencies, including the provider monitoring conducted by the aging services access points established in section 4B of chapter 19A of the General Laws, to avoid duplication or conflicting requirements; (ii) home care agency licensure requirements in other states; (iii) processes for implementing a statewide home care agency licensure process; and (iv) current licensure processes in the health care industry. The commission may hold hearings and invite testimony from experts and the public to gather information, best practices and general feedback.

(b) The commission shall consist of: the secretary of health and human services or a designee, who shall serve as chair; the secretary of elder affairs or a designee; the commissioner of public health or a designee; the assistant secretary for MassHealth or a designee; the chairs of the joint committee on elder affairs, or their designees; and 6 persons to be appointed by the governor, 1 of whom shall be a representative of the Home Care Aide Council, 1 of whom shall be a representative of the Home Care Alliance of Massachusetts, Inc., 1 of whom shall be a representative of Massachusetts Home Care, Inc., 1 of whom shall be a representative of the Massachusetts division of 1199SEIU-UHE, 1 of whom shall be a consumer of home care services and 1 of whom shall be representative of a home care agency that operates in multiple localities throughout the commonwealth.

(c) The commission shall make recommendations on: (i) strategies to implement a statewide home care agency licensure process; (ii) licensure, reporting and oversight requirements for the home care agencies; (iii) standards for the issuance of a provisional license; (iv) ensuring that recommendations for a home care agency licensure process will align with state oversight process already in place through the aging services access points established in section 4B of chapter 19A of the General Laws, the home care worker registry established in section 4D of said chapter 19A and the nurse aide registry pursuant to sections 72F to 72L, inclusive, of chapter 111 of the General Laws; (v) conducting a market analysis on the need for additional home care services by local or regional service areas or oversupply of providers in a local or regional service area and on the availability of culturally competent home care services, taking into consideration the adequacy of services delivered to consumers enrolled in publicly funded programs such as the state home care program managed by the aging services access points; (vi) a comprehensive annual cost report and filing process; and (vii) any other matters pertaining to licensing home care agencies, including, but not limited to, recommendations to inform rules and regulations for: (A) licensure standards of all home care agencies; (B) a suitability review process for new owners not currently operating a home care agency in the commonwealth; and (C) a process for the transfer of a license among licensed home care agency holders.

(d) The commission shall file a report containing its findings, including findings from the market analysis recommendations under subsection (c), and recommendations, including any recommendations on regulatory, statutory, or other measures to improve the

accessibility and sustainability of the home care industry, with the executive office of health and human services, the clerks of the senate and house of representatives, the joint committee on elder affairs and the joint committee on public health not later than June 30, 2021.”.

The amendment was adopted.

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Mr. Velis, Ms. Gobi, Ms. Comerford and Messrs. Timilty, Welch, Lesser, O'Connor, Moore, Eldridge and Tarr moved that the proposed new text be amended in section 2, in item 4190-0100, by adding the following words:- “; provided further, that not less than \$200,000 shall be expended for the creation of an ombudsman’s office at the Soldiers’ Home in Holyoke to act as an independent, impartial and confidential resource for the community; and provided further, that not less than \$200,000 shall be expended for the Soldiers’ Home in Holyoke to ensure the best quality of resources for patients and staff”; and by striking out the figure “\$25,090,867” and inserting in place thereof the following figure:- “\$25,490,867”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at thirteen minutes past six o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 39 – nays 0) [**Yeas and Nays No. 292**]:

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 minutes past six o'clock P.M., the amendment was adopted.

253

Messrs. Hinds and Moore, Ms. Gobi, Messrs. Welch, Timilty, O'Connor, Brady, Velis, Crighton, Tarr and Cyr and Ms. Lovely moved that the proposed new text be amended by inserting after Section 6 the following section:-

“SECTION 6A. Said chapter 10 is hereby further amended by inserting after section 35NNN the following section:-

Section 35000. (a) There shall be established and set up on the books of the commonwealth a Summer Camp Stabilization Trust Fund for the purpose of stabilizing licensed summer camps.

(b) The fund shall be administered by the department of public health and credited with: (i) appropriations, bond proceeds or other money authorized or transferred by the general court and specifically designated to be credited to the fund; (ii) funds from public and private sources, including, but not limited to gifts, grants and donations; and (iii) any interest earned on such money.

Revenues deposited in the fund that are unexpended at the end of a fiscal year shall not revert to the General Fund and shall be made available for expenditure in the following fiscal year. No expenditure shall be made from the fund that causes the fund to become deficient at any point.

(c) Annually, not later than December 1, the commissioner of public health shall file a report detailing expenditures from the fund to the clerks of the senate and the house of representatives, the senate and house committees on ways and means, the joint committee on education and the joint committee on public health.”.

The amendment was adopted.

Ms. Friedman in the Chair, Messrs. Cyr, O'Connor, Tarr and Crighton moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- “; provided further, that not less than \$50,000 shall be expended to the Transgender Emergency Fund of Massachusetts, Inc. for COVID-19 response efforts and programming, including but not limited to supports for housing insecure and homeless individuals;” and by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$150,000”.

428

After remarks, the amendment was adopted.

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

395

“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.”

After remarks, the amendment was adopted.

Ms. DiZoglio and Messrs. O'Connor, Eldridge, Tarr and Tran moved that the proposed new text be amended by inserting in section 2, in item 7004-2020, by adding the following words: “; and provided further, that not less than \$1,000,000 shall be made available for the purpose of grants to nascent businesses negatively impacted by the 2019

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novel coronavirus or the commonwealth's March 10, 2020 public health emergency declaration; provided further, that the corporation shall prioritize demographic equity in awarding said grants; provided further, that said grants shall be available for, but not limited to: (i) loss of revenue; (ii) unexpected expenses, such as expenses incurred to meet general business reopening guidelines and sector-specific 2019 novel coronavirus safety standards; or (iii) loss of contributions, grants, or other financial assistance as a result of the 2019 novel coronavirus"; and by inserting after section 14 the following section:-

“SECTION 14A. Chapter 23A of the General Laws is hereby amended by inserting after section 10A the following section:-

Section 10A^{1/2}. (a) For the purposes of this section, ‘MassMade business’ shall mean an entity that: (i) produces a consumer good, including, but not limited to, food and beverage products in the commonwealth; (ii) is authorized to do business in the commonwealth; (iii) possesses a certificate of good standing from the department of revenue; and (iv) is registered under the Supply and Buy Mass program.

(b) The Massachusetts office of business development shall establish a Supply and Buy Mass program. The program shall: (i) identify, connect and support businesses that produce consumer goods in the commonwealth; (ii) identify obstacles to conducting business in the commonwealth; and (iii) act as a resource to connect local suppliers and purchasers. The Massachusetts office of business development may consult with and seek input from interested stakeholders, including, but not limited to, businesses, regional economic development organizations, small business associations, chambers of commerce, the supplier diversity office, the Massachusetts marketing partnership and the office of consumer affairs and business regulation, to collect and provide business and product information related to MassMade businesses. All program information shall be readily accessible and free to the public.

(c) The Massachusetts office of business development shall, subject to appropriation: (i) establish requirements for a local supplier to register as MassMade business under the Supply and Buy Mass program; (ii) design and implement a Supply and Buy Mass program interactive web portal known as the MassMakers portal through which a local supplier can register as a MassMade business and create MassMade business profiles with industry-specific information; (iii) assemble a searchable database of MassMade businesses through the MassMakers portal by industry, raw materials produced, products or goods manufactured or other identifying characteristics; (iv) develop toolkits and training videos available through the MassMakers portal to guide MassMade businesses through the procurement processes of local institutional and commercial purchasers; (v) enable local institutional and commercial purchasers to issue requests for proposals through the MassMakers portal and MassMade businesses to respond to such requests through the portal; (vi) promote live networking events through the MassMakers portal to connect MassMade businesses with local institutional and commercial purchasers; (vii) assist in connecting local institutional and commercial purchasers that need raw materials, products or goods with other local institutional or commercial purchasers that are also in need of such raw materials, products or goods and assess whether any MassMade businesses are capable of producing or manufacturing the needed raw materials, products or goods with additional capital or financial retooling; (viii) identify obstacles to conducting business in the commonwealth and advance resources to address those obstacles to the extent possible; (ix) promote public-private partnerships; and (x) develop, evaluate and recommend policies, initiatives and incentives to prevent consumer flight from local suppliers to suppliers in other states.

(d) The Massachusetts office of business development may expend such funds as may be necessary for the Supply and Buy Mass program and as may be appropriated for the program. The Massachusetts office of business development may accept federal funds or

private gifts and grants to assist in carrying out this section.

(e) The Massachusetts office of business development may promulgate regulations necessary for the administration of this section.”; and by inserting after section 16 the following 2 sections:-

“SECTION 16A. Section 1 of chapter 30A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after clause (2) the following clause:-

(2A) ‘Microbusiness’, an enterprise that: (i) has its principal place of business in the commonwealth; (ii) is independently owned and operated; and if a: (A) manufacturing firm, has not more than 25 employees; or (B) service, construction or non-manufacturing firm, has not more than 25 employees and average annual gross receipts over the 3 previous years not exceeding \$3,500,000, indexed for inflation.

SECTION 16B. Section 5A of said chapter 30A, as so appearing, is hereby amended by striking out, in lines 4 to 8, inclusive, the words ‘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 small businesses, the agency shall file a small business’ and inserting in place thereof the following words:- small businesses and microbusinesses in a manner consistent with the stated objectives of applicable statutes; provided, however rules and regulations shall be reviewed at least once every 8 years for microbusinesses. In reviewing a rule or regulation to minimize economic impact of the rule or regulation on small businesses and microbusinesses, the agency shall file a small business or microbusiness.”; and by inserting after section 40 the following 2 sections:-

“SECTION 40A. (a) There shall be a commission to conduct a review and analysis of current efforts to address disruptions to businesses in downtowns and commercial districts 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 commission shall consist of: 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 each of the following regional planning agencies, or their designees, 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 5 persons appointed by the governor, representing diverse geographic regions of the commonwealth who shall have demonstrated interests and experience in advancing the cultural, historical or economic vitality of downtowns and commercial districts of the commonwealth’s municipalities.

(b) The review and analysis shall include an assessment of the feasibility and advisability of establishing an office of Massachusetts main streets to: (i) protect, coordinate, promote and revitalize downtowns and commercial districts; (ii) advance economic and community development within the context of historic preservation; (iii) advocate for public-private partnerships to ensure continuing progress and enduring success by providing strategic, organizational, informational, marketing and technical assistance and resources cities and towns and to public and private entities organized for similar purposes or committed to similar mission outcomes; and (iv) encourage diversity

and promote equity based on race, color, religious creed, national origin, sex, gender identity, sexual orientation, genetic information, ancestry, disability and language.

(c) The commission shall file a report of its findings and recommendations with the clerks of the senate and house of representatives, the joint committee on community development and small businesses, the joint committee on economic development and emerging technologies and the senate and house committees on ways and means not later than July 1, 2021.

SECTION 14B. 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 in calendar year 2021 as Small Business Saturday and Sunday in recognition and to promote awareness of the vital role that local businesses play in the economy and general welfare of the commonwealth.”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-two minutes before seven o'clock P.M., on motion of Ms. DiZoglio, as follows, to wit (yeas 39 – nays 0) [Yeas and Nays No. 293]:

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 a quarter before seven o'clock P.M., the amendment was adopted.

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

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

‘COVID-19’, the 2019 Novel Coronavirus or 2019-nCoV.

‘Eligible applicant’, an individual who: (a) qualifies as a veteran under clause 43 of section 7 of chapter 4 of the General Laws, or is the surviving spouse (who has not remarried) of a deceased veteran; (b) is a resident of the Commonwealth, and (c) has suffered a financial loss due to COVID-19.

‘Financial loss’, a reduction or severance of a household’s earned or unearned income.

‘Secretary’, the Secretary of the Department of Veterans’ Services.
(b)(i) Notwithstanding any general or special law to the contrary and in addition to any other public funds, the Secretary is empowered to the extent and in such amounts as provided through appropriation to provide one-time emergency financial relief grants to eligible applicants in need of assistance as a result of COVID-19.

(ii) Eligible applicants must be able to demonstrate a financial loss on or after the date of the emergency declaration issued by the Governor dated March 10, 2020, and designated as Executive Order Number 591, related to one of the following situations: (1) the eligible applicant or a legal dependent of the eligible applicant has/had a confirmed case of COVID-19; (2) a healthcare provider has determined that the presence of the eligible applicant or the eligible applicant’s spouse in the workplace would jeopardize the health of the eligible applicant or the eligible applicant’s spouse or others due to likely exposure to COVID-19; (3) a healthcare provider has determined that the health of the eligible applicant or the eligible applicant’s spouse is jeopardized due to a diagnosed underlying health condition which would put the eligible applicant or the eligible applicant’s spouse at increased risk if exposed to COVID-19 in the workplace; (4) the employer of the eligible applicant or the eligible applicant’s spouse directs them not to report to work for COVID-19 related reasons; (5) the workplace of the eligible applicant or the eligible applicant’s spouse is closed for COVID-19-related reasons and they are excused from work duties because they cannot be reassigned or work remotely; or (6) the eligible applicant is financially impacted by a school or childcare provider closure due to COVID-19.

(iii) Eligible applicants may use the financial assistance authorized under this section to purchase groceries, health care supplies or other necessities, delivery services for the foregoing, for emergency financial relief, hospitalization assistance, medical care or treatment, or any other COVID-19-related assistance as determined by the Secretary.

(iv) Eligibility for the financial assistance or the level of financial assistance provided under this section shall not be limited because the eligible applicant has previously received unemployment benefits or assistance from other public funds.

(c)(i) There shall be established a separate fund to be known as the COVID-19 Relief for Veterans Fund, to be administered by the Secretary for the purposes of carrying out this section. The Secretary 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.

(ii) The Comptroller shall transfer \$10,000,000 from the General Fund to the fund established in paragraph (c)(i) for the purposes of carrying out this section.

(iii) The amount appropriated under this section shall be available until June 30, 2022.

(d) The Secretary is hereby authorized to promulgate guidance and regulations to assure the timely and effective implementation of this section.”

The amendment was *rejected*.

Ms. Comerford and Mr. Hinds moved that the proposed new text be amended in section 16, by striking the word “section”, in line 2, and inserting in place thereof the following words:- “2 sections”; and in said section 16, in proposed chapter 29, by inserting after section 2JJJJ the following section:-

“Section 2KKKKK (a) There shall be a Franklin Sheriff Opioid Use Disorder Fund administered by the Franklin sheriff’s office to support public education, treatment and recovery for opioid use disorder in the county of Franklin. The fund shall be credited with all amounts that are transferred or authorized to be transferred to or directed to be deposited in the fund and all amounts received as gifts, grants or contributions to the fund. Amounts credited to the fund shall not be subject to appropriation and any money remaining in the

fund at the close of a fiscal year shall not revert to the General Fund.

(b) Annually, not later than June 30, the Franklin sheriff's office shall prepare a report on the amounts credited to the fund and expenditures made from the fund. The sheriff shall file the report with the clerks of the senate and house of representatives, the joint committee on public safety and homeland security and the senate and house committees on ways and means."

The amendment was adopted.

Messrs. Tarr and O'Connor moved that the proposed new text be amended in section 2, in item 1599-0026, by striking out the following:- "provided, that \$1,000,000 shall be expended for an incentive program for communities and municipalities engaging in the use of best practices determined by the community compact cabinet created by executive order number 554 issued January 23, 2015; provided further, that \$1,000,000 shall be expended for a multi-year competitive grant program to provide financial support for one-time or transition costs related to regionalization and other efficiency initiatives, with allowable applicants to include municipalities, regional school districts, school districts considering forming a regional school district or regionalizing services, regional planning agencies and councils of governments;" and inserting in place thereof the following:- "provided, that \$2,000,000 shall be expended for an incentive program for communities and municipalities engaging in the use of best practices determined by the community compact cabinet created by executive order number 554 issued January 23, 2015; provided further, that \$2,000,000 shall be expended for a multi-year competitive grant program to provide financial support for one-time or transition costs related to regionalization and other efficiency initiatives, with allowable applicants to include municipalities, regional school districts, school districts considering forming a regional school district or regionalizing services, regional planning agencies and councils of governments;"; and by striking out the figures "6,750,000" and inserting in place thereof the following figures:- "8,750,000".

24

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended in section 2, in item 1775-0800, by inserting after "personnel" the following:- "provided, that any unspent balance at the close of fiscal year 2021 shall remain in the Intragovernmental Service Fund and may be expended for that item in fiscal year 2022".

25

The amendment was *rejected*.

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

48

"SECTION XX. There is hereby established for the taxable years 2020 and 2021 a 2019 Novel Coronavirus impacts tax credit, the purpose of which shall be to provide relief for extraordinary costs incurred by filers in response to the 2019 Novel Coronavirus pandemic. The amount of such credit shall be \$1,000 and the aggregate amount of such credit shall not exceed \$5,000,000 in any year. Said credit shall be available to reduce the amount of income tax owed, and shall be implemented pursuant to regulations promulgated by the department of revenue. Said regulations shall prescribe specific expenses eligible for the credit, including but not limited to the costs personal protective equipment, sanitization, and remote employment and learning, and any such cost claimed shall be itemized in a form prescribed by the department.

Such credit shall be available only in the tax year in which the claimed expenses are incurred, and no part of any credit may be carried forward to a subsequent tax year".

The amendment was *rejected*.

Messrs. Tarr, O'Connor and Montigny moved that the proposed new text be amended in section 2, in item 2511-0100, by inserting the following:- "; provided further, that \$100,000 shall be expended for the Homeless Animal Prevention and Care Fund".

49

The amendment was *rejected*.

51

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

“SECTION XX. Said chapter 62C is hereby further amended by inserting after section 16B the following section:-

Section 16C. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:-

‘Third party payment processor’, any person engaged in the business of remitting payments to vendors or operators under chapters 64G, 64H, 64I, 64L or 64N, in association with credit card, debit card or similar payment arrangements that compensate the vendor or operator in transactions subject to the excise under said chapters.

‘Vendor or operator’, a business that is obliged to file a return under section 16; provided that businesses with gross sales below \$10,000,000, or such higher threshold to be set by the commissioner in regulation, shall not be a ‘vendor or operator’ if the business notifies a third party payment processor in writing that it is exempt from the provisions of this section.

(b) Any vendor or operator shall, in connection with seeking payments from or through a third party payment processor, separately identify tax amounts charged in association with the excise under chapters 64G, 64H, 64I, 64L or 64N and non-tax amounts for which payment is sought. Such separate identification shall be conducted in a manner approved by the commissioner, taking into account established industry practices to the extent practicable.

(c) A third party payment processor receiving a request for payment from a vendor or operator shall directly pay the identified tax portion of such request to the commissioner on a daily basis, at substantially the same time that any non-tax balance is paid to the vendor or operator.

(d) A third party payment processor shall report total payments made to the commissioner on a monthly return, in a manner provided by the commissioner, which return shall identify each vendor or operator to whom payments were made during the month and the amount of tax paid to the commissioner during the month in association with transactions with each such vendor or operator during that period.

(e) A third party payment processor shall report to each vendor or operator on a monthly basis, in a manner provided by the commissioner, the total tax remitted to the commissioner with respect to transactions of the particular vendor or operator during the monthly period.

(f) Tax amounts paid to the commissioner by a third party payment processor in association with the processing of transactions of a particular vendor or operator during the month shall be available as a credit to the vendor or operator in the filing of returns showing tax due under chapters 64G, 64H, 64I, 64L or 64N, as applicable.

(g) Notwithstanding any general or special law or anything contained herein to the contrary, swipe fees charged for credit card, debit card or similar payment arrangements shall not be increased due to the implementation of this section. The commissioner is authorized to promulgate rules and regulations for the effective implementation of this section.

SECTION XX. Section XX shall take effect on July 1, 2023.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seven minutes past seven o'clock P.M., on motion of Ms. DiZoglio, as follows, to wit (yeas 4 – nays 35) **[Yeas and Nays No. 294]:**

YEAS.

Collins, Nick

Finegold, Barry R.

DiZoglio, Diana

Pacheco, Marc R. – 4.

NAYS.

Barrett, Michael J.

Keenan, John F.

Boncore, Joseph A.

Kennedy, Edward J.

Brady, Michael D.

Lesser, Eric P.

Brownsberger, William N.

Lewis, Jason M.

Chandler, Harriette L.

Lovely, Joan B.

Chang-Diaz, Sonia

Montigny, Mark C.

Comerford, Joanne M.

Moore, Michael O.

Creem, Cynthia Stone

Moran, Susan L.

Crighton, Brendan P.

O'Connor, Patrick M.

Cyr, Julian

Rausch, Rebecca L.

DiDomenico, Sal N.

Rodrigues, Michael J.

Eldridge, James B.

Rush, Michael F.

Fattman, Ryan C.

Tarr, Bruce E.

Feeney, Paul R.

Timilty, Walter F.

Friedman, Cindy F.

Tran, Dean A.

Gobi, Anne M.

Velis, John C.

Hinds, Adam G.

Welch, James T. – 35.

Jehlen, Patricia D.

The yeas and nays having been completed at fourteen minutes past seven o'clock P.M., the amendment was *rejected*.

Messrs. Boncore and Crighton, Ms. Rausch, Ms. Chang-Diaz, Ms. Moran and Messrs. Kennedy and Collins moved that the proposed new text be amended by inserting after section 30 the following 2 sections:-

53

“SECTION 30A. Section 1 of chapter 159A½, as appearing in the 2018 Official Edition, is hereby amended by inserting after the definition of ‘Division’ the following 2 definitions:

‘For-hire transportation trip’, a ride, in which, prior to the commencement of the ride, a passenger requests a pre-arranged ride through the transportation network company’s digital network as a single passenger between points chosen by the passenger, regardless of the number of stops; provided, however, that ‘for-hire transportation trip’ shall not include transportation provided by, or pursuant to a contract with, a state agency or an institution.

‘Pooled ride’, a for-hire transportation trip in which, prior to the commencement of the ride, a passenger requests a pre-arranged ride through the transportation network company’s digital network to share the ride with 1 or more passengers that separately request transportation and are each charged the same predetermined amount per ride or are billed independently for a ride in an amount that is proportionate to the transportation they receive, regardless of whether the passenger actually shares all or part of the ride.

SECTION 30B. Section 2 of said chapter 159A½, as so appearing, is hereby amended by striking out subsections (d) and (e) and inserting in place thereof the following 2 subsections:-

(d) A transportation network company shall provide clear and conspicuous transportation fare estimates to riders at all times, including during surge pricing, high volume and demand times. Fare estimates shall include a clear rate estimate or the amount of price increase resulting from surge pricing or increased demand and shall show the price difference between the cost of a pooled ride and a single-occupancy ride.

(e) A transportation network company and driver shall not, unless approved to do so by the division, raise base fares, impose additional charges or otherwise increase the price

that a rider is charged for transportation network services, including by imposing surge pricing or other formulas based on increased demand, during a federal or a governor-declared state of emergency.”; and

By inserting after section 40 the following 3 sections:-

“SECTION 40A. Section 8 of chapter 187 of the acts of 2016 is hereby amended by striking out subsections (b) and (c) and inserting in place thereof the following 2 subsections:-

(b) Annually, not later than February 1, each transportation network company shall submit to the director of the division established in section 23 of chapter 25 of the General Laws the number of rides from the previous calendar year that originated in each city or town and the amount collected from rider assessments. Annually, not later than June 30, the director shall post on the division’s website the aggregate number of rides from the previous calendar year originating within each city or town.

A rider assessment shall be charged as follows:

(1) three per cent of net rider fares for a pooled ride, as defined in said section 1 of said chapter 159A1/2;

(ii) seven per cent of the net rider fare for a non-pooled ride, as defined in said section 1 of said chapter 159A1/2;

(iii) three per cent of the net rider fare for a pre-arranged ride that is provided by a zero- emission vehicle; and

(iv) an additional 3 per cent of the net rider fare for a pre-arranged ride described in clause (ii) that is initiated Monday to Friday, inclusive, between the hours of 7:00 a.m. and 9 a.m, inclusive, or 4 p.m. and 6 p.m, inclusive.

The cost of any rider assessment charged to the passenger shall be clearly and conspicuously displayed to a passenger prior to initiation of the ride.

(c) The division shall: (i) proportionately distribute 25 per cent of the amount received from the fund to a city or town based on the number of rides from the previous calendar year that originated within that city or town that shall be expended by the city or town to address the impact of transportation network services on municipal roads, bridges and transportation infrastructure or to otherwise alleviate congestion or improve transportation options, including pedestrian infrastructure, bicycle infrastructure, water transportation, public transit or other public purpose substantially related to transportation including, but not limited to, the complete streets program established in section 1 of chapter 90I of the General Laws and other programs that support alternative modes of transportation; and (ii) distribute 75 per cent of the amount collected to the Commonwealth Transportation Fund established in section 2ZZZ of chapter 29 of the General Laws.

SECTION 40B. Clause (iii) of subsection (b) of said section 8 of said chapter 187 is hereby repealed.

SECTION 40C. Sections 9, 10, 17 and 18 of said chapter 187 are hereby repealed.”; and by inserting after section 57 the following section:-

“SECTION 57A. Section 40B shall take effect on July 31, 2024.”

After remarks, the amendment was adopted.

Mr. O'Connor and Ms. Gobi moved that the proposed new text be amended in line 12 of section 19 by inserting after the word “further,” the following: - “that this section shall not apply to a materialman who files a return with the commissioner pursuant to said subsection (h) of said subsection 16; provided further,”.

57

The amendment was *rejected*.

Ms. DiZoglio and Messrs. O'Connor, Tran and Tarr moved that the proposed new text be amended by adding the following section:

79

“SECTION XX. (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 during the period of December 1, 2020, through March 31, 2021, shall be 0.00 per cent of the gross receipts of the vendor from all such sales of such meals during such period."

After remarks, the amendment was *rejected*.

Ms. DiZoglio and Messrs. O'Connor, Tran, Fattman and Tarr moved that the proposed new text be amended by adding the following section:-

80

"SECTION XX. 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."

The amendment was *rejected*.

Messrs. Welch, O'Connor and Tran, Ms. Gobi and Messrs. Montigny and Velis moved that the proposed new text be amended by inserting the following new section:-

85

"SECTION XX. The department of housing and community development, in consultation with housing authorities representing diverse geographic regions of the commonwealth, shall study housing authority pet policies that discriminate against dogs on the basis of breed, size or weight with the goal of creating a pilot program that would remove discrimination in such policies. The study shall include, but not be limited to: (i) a description of the purported purposes of such pet policies; (ii) an analysis of any evidence on whether such pet policies effectively achieve their intended purposes; and (iii) an assessment of the potential impact of eliminating such pet policies including, but not limited to, the potential benefits to applicants or current residents. The department shall file a report on its findings with the clerks of the senate and house of representatives, the joint committee on housing and the senate and house committees on ways and means not later than July 1, 2021."

The amendment was adopted.

Mr. Brady, Ms. Gobi, Ms. Moran and Mr. Montigny moved that the proposed new text be amended by inserting after section 6 the following 3 sections:-

93

"SECTION 6A. Subsection (a) of section 4 of chapter 15A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line_10, the word 'full-time'.

SECTION 6B. Subsection (b) of said section 4 of said chapter 15A, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The remaining members of the board shall be appointed to serve terms of 5 years; provided, however, that an undergraduate student member shall be appointed annually to serve a 1-year term commencing initially upon appointment by the governor and expiring on June 30 and, each year thereafter, commencing on July 1 and expiring on June 30 as long as the member remains an eligible undergraduate student during the member's 1 year term.

SECTION 6C. Section 21 of said chapter 15A, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

One member of such board of trustees shall be an undergraduate student member from said institution, and 10 members shall be appointed by the governor pursuant to section

18B of chapter 6, at least 1 of whom shall be an alumnus of said institution and 1 of whom shall be elected thereto by the alumni association of said institution. Each elected alumnus member shall be elected every 5 years. No elected alumnus member shall serve for more than 2 consecutive terms. A vacancy in the position of elected alumnus member prior to the expiration of a term shall be filled for the remainder of the term in the same manner as elections to a full term. Student member eligibility shall be established by number of credit hours and grade point average established by the board of higher education after consultation with representatives from the higher education institutions. Each student member shall be elected by the student body annually, not later than May 15. The term of office of each elected student member of the board shall be 1 year and shall commence on July 1 following their election and terminate on June 30 of the following year. The student member shall be eligible for re-election for as long as the student member remains an eligible undergraduate student and maintains satisfactory academic progress as determined by the policy of the institution at which the student is enrolled. If at any time during the elected term of office the student member ceases to maintain the number of credit hours or grade point average determined for eligibility or fails to maintain satisfactory academic progress, the student member's membership on the board shall be terminated and the office of the elected student member shall be vacant; provided, however, that if the elected student member vacates their position upon graduation from the institution prior to July 1, the elected successor may assume the position of student member on the board effective from the date of graduation of their predecessor, provided further that the statutory time limit of 1 year of the successor student trustee shall commence to run on July 1 notwithstanding any taking of office prior to the commencement of said term. A vacancy in the office of the elected student member prior to the expiration of a term shall be filled for the remainder of the term in the same manner as students elected to full terms.”.

After remarks, the amendment was adopted.

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

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“SECTION XX. Section 113B of chapter 175 of the General Laws is hereby amended by inserting after the twelfth paragraph the following paragraph:- Notwithstanding any general or special law to the contrary, any upward premium adjustments resulting from surchargeable incidents, including at-fault accidents and surchargeable traffic law offenses listed in Appendix A of the Safe Driver Insurance Plan, 211 CMR 134.00, shall be at uniform, fixed rates, and shall not be based on territories or geographic locations. Each premium adjustment resulting from a surchargeable incident or for excellent driving shall be at a uniform, fixed rate, and shall not be based on territory or geographic location for each classification of risk. The commissioner shall promulgate rules and regulations establishing said uniform and fixed rates which shall not be based on territories or geographic locations for each classification of risk. The commissioner shall not establish any premium adjustments resulting from surchargeable incidents or for excellent driving for each classification of risk on a percentage basis.”

After remarks, the amendment was *rejected*.

Ms. Chandler, Ms. Comerford, Messrs. Moore and Eldridge, Ms. Gobi, Ms. DiZoglio, Messrs. Fattman, Welch, Lesser and Velis, Ms. Moran and Messrs. Feeney, Timilty and Brady moved that the proposed new text be amended in section 44, by striking out, in lines 3 to 5, inclusive, the words “as determined by a formula that is based upon clearly established metrics and principles and that has been agreed to by each regional transit authority and approved by the Massachusetts Department of Transportation” and inserting in place thereof the following words:- “based on fiscal year 2020 distributions, in accordance with the fiscal year 2020 bilateral memorandum of understanding between each regional transit authority and the Massachusetts Department of Transportation;

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provided, however, that each regional transit authority shall receive operating assistance from this item of not less than the amount received in fiscal year 2020”.

After remarks, the amendment was adopted.

Mr. Lewis, Ms. Rausch, Mr. O'Connor, Ms. Chang-Diaz, Ms. Jehlen, Messrs. Eldridge, Timilty, Collins, Boncore, Feeney and Crighton and Ms. Creem moved that the proposed new text be amended by inserting after section 40 the following section:-

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"SECTION 40A. In fiscal year 2021, the Massachusetts Bay Transportation Authority shall, to the extent feasible, as part of the Forging Ahead service planning process, utilize any increase in revenue collections that results from the changes under sections 18 and 19 to prevent the elimination of transit services, closure of commuter rail stations and ensure the continued progress of capital projects of which substantial progress has been made. Not less than 90 days before any commuter rail or transit station closure, ferry closure or bus route elimination, the authority shall hold at least 1 public hearing in the community where the station or route is located. Nothing in this section shall prohibit the Massachusetts Bay Transportation Authority from making reasonable service reductions to frequency or schedules; provided, however, that no such change shall unduly harm public transit riders or the communities served by the Massachusetts Bay Transportation Authority. If, after the effective date of this act, the authority receives additional federal funding in response to the COVID-19 emergency, the authority shall make reasonable efforts, consistent with any federal or state requirements, to prioritize the use of such funding for the restoration of any capital projects scaled back and any service eliminations or reductions that unduly impact ridership as a result of the Forging Ahead service planning process. The authority shall submit to the clerks of the senate and house of representatives, the senate and house committees on ways and means and the joint committee on transportation a report detailing any proposed service reduction, route elimination, commuter rail station closure or capital project delay not less than 30 days before any such reduction, elimination, closure or delay is scheduled to begin."

Suspension of Senate Rule 38A.

Pending the question on adoption of the amendment, Ms. Friedman 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.

Suspension of Senate Rule 38A.

Order of the Day.

The Orders of the Day were further considered as follows:

The House Bill making appropriations for the fiscal year 2021 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No 5151),-- was further considered, the main question being on ordering the bill to a third reading.

The pending amendment (Mr. Lewis, et al) that the proposed new text be amended by inserting after section 40 the following section:-

152.

"SECTION 40A. In fiscal year 2021, the Massachusetts Bay Transportation Authority shall, to the extent feasible, as part of the Forging Ahead service planning process, utilize any increase in revenue collections that results from the changes under sections 18 and 19 to prevent the elimination of transit services, closure of commuter rail stations and ensure the continued progress of capital projects of which substantial progress has been made. Not less than 90 days before any commuter rail or transit station closure, ferry closure or

bus route elimination, the authority shall hold at least 1 public hearing in the community where the station or route is located. Nothing in this section shall prohibit the Massachusetts Bay Transportation Authority from making reasonable service reductions to frequency or schedules; provided, however, that no such change shall unduly harm public transit riders or the communities served by the Massachusetts Bay Transportation Authority. If, after the effective date of this act, the authority receives additional federal funding in response to the COVID-19 emergency, the authority shall make reasonable efforts, consistent with any federal or state requirements, to prioritize the use of such funding for the restoration of any capital projects scaled back and any service eliminations or reductions that unduly impact ridership as a result of the Forging Ahead service planning process. The authority shall submit to the clerks of the senate and house of representatives, the senate and house committees on ways and means and the joint committee on transportation a report detailing any proposed service reduction, route elimination, commuter rail station closure or capital project delay not less than 30 days before any such reduction, elimination, closure or delay is scheduled to begin."-- was again considered.

After remarks, the amendment was adopted.

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

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"SECTION XX. Section 1 of chapter 21N of the General Laws, as so appearing, is hereby amended by inserting after the definition of 'Nature-based solutions' the following new definition:-

'Natural and working lands', lands that (i) are actively used by an owner or operator of an agricultural operation that includes, but is not limited to, active engagement in farming or ranching; (ii) produce forest products; (iii) consist of forests, grasslands, freshwater and riparian systems, wetlands, coastal and estuarine areas, watersheds, wildlands or wildlife habitats; or (iv) are used for recreational purposes, including parks, urban and community forests, trails and similar open space land." and

In section 10 by inserting at the end thereof the following:-

"Section 13. The secretary shall (i) determine a baseline measurement and measure the current carbon flux on natural and working lands; (ii) track and report the release of measurable greenhouse gases from and carbon sequestration by natural and working lands and the products derived from these lands to the maximum extent practicable; (iii) adopt statewide goals to reduce greenhouse gas emissions and increase carbon sequestration on natural and working lands; and (iv) develop a natural and working lands plan that outlines actions to meet these statewide goals, including but not limited to, land protection, management, and restoration, and state and local legislation, laws and regulations, programs, grants, loans, incentives and public-private partnerships to meet the statewide goals. The secretary shall conduct a stakeholder process to inform and develop said plan. Said plan shall provide guidance and strategies for state agencies, authorities, municipalities, regional planning agencies, nonprofit organizations, landowners and operators. Said baseline, goal and plan shall be integrated into the inventory, baseline assessment, plan and reporting requirements pursuant to this chapter, and shall be consistent with state climate change adaptation and resiliency policies.

The secretary shall provide the plan to the senate and house committees on ways and means and the joint committee on environment, natural resources and agriculture not later than December 31, 2021 and every fifth year thereafter."

After remarks, the amendment was *rejected*.

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

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“SECTION XX. Section 28 of chapter 270 of the General Laws, as amended by chapter 133 of the acts of 2019, is hereby amended by striking out section 28 and inserting in place thereof the following section:-

Section 28. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise

‘Characterizing flavor’, a distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted or detectable before or during consumption of an electronic nicotine delivery system, including, but not limited to, a taste or aroma relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb or spice; provided, however, that no electronic nicotine delivery system shall be determined to have a characterizing flavor solely because of the provision of ingredient information or the use of additives or flavorings that do not contribute to the distinguishable taste or aroma of the product.

‘Constituent’, any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to an electronic nicotine delivery system during the processing, manufacturing or packaging of the electronic nicotine delivery system; provided, however, that “constituent” shall include a smoke constituent.

‘Distinguishable’, perceivable by the sense of smell or taste.

‘Electronic nicotine delivery system’, shall have the same meaning as in section 29.

‘Flavored electronic nicotine delivery system’, any electronic nicotine delivery system that contains a constituent that has or produces a characterizing flavor.

‘Manufacturer’, a person that manufactures or produces an electronic nicotine delivery system.

‘Person’, an individual, firm, fiduciary, partnership, corporation, trust or association, however formed, or a club, trustee, agency or receiver.

‘Retail establishment’, a physical place of business or a section of a physical place of business in which an electronic nicotine delivery system is offered for sale to consumers.

‘Retailer’, a person that operates a retail establishment.

‘Smoke constituent’, any chemical or chemical compound in mainstream or sidestream smoke that transfers from any component of the electronic nicotine delivery system to the smoke or that is formed by the heating of additives or other component of the electronic nicotine delivery system.

‘Electronic nicotine delivery system flavor enhancer’, any product designed, manufactured, produced, marketed or sold to produce a characterizing flavor when added to any electronic nicotine delivery system.

(b) No person, retailer or manufacturer shall sell, distribute, cause to be sold or distributed or offer for sale any flavored electronic nicotine delivery system or electronic nicotine delivery system flavor enhancer in any retail establishment, online or through any other means to any consumer in the commonwealth; provided, however, that this subsection shall not apply to the sale or distribution by a smoking bar, as defined in section 22, of flavored electronic nicotine delivery systems or electronic nicotine delivery system flavor enhancers for on-site consumption. No person, retailer or manufacturer shall market or advertise a proposed sale or distribution that is prohibited herein. This subsection shall not apply to the sale, distribution, causing to be sold or distributed or offer for sale of any product that receives a marketing order from the United States Food and Drug Administration under 21 U.S.C. § 387j.

(c) A person, retailer or manufacturer may make a sale of flavored electronic nicotine delivery systems by online, phone, or other means for delivery to a consumer located in another State.

(d) Public statements, claims or indicia made or disseminated by a manufacturer or

by any person authorized or permitted by the manufacturer to make or disseminate public statements, claims or indicia concerning such electronic nicotine delivery system, that such electronic nicotine delivery system has or produces a characterizing flavor shall constitute presumptive evidence that the electronic nicotine delivery system is a flavored electronic nicotine delivery system.

(e) A person who violates this section shall be subject to the same fines established for violations of section 6.

(f) Marijuana or marijuana products as defined in section 1 of chapter 94G shall not be subject to this section.

(g) The department of public health may promulgate such procedures, rules or regulations as it deems necessary to implement this section.

SECTION XX. Section 29 of chapter 270 of the General Laws, as amended by chapter 133 of the acts of 2019, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:- (b) No person shall sell an electronic nicotine delivery system with nicotine content greater than 35 milligrams per milliliter; provided, however, that this subsection shall not apply to retail tobacco stores or smoking bars. This subsection shall not apply to the sale of any product that receives a marketing order from the United States Food and Drug Administration under 21 U.S.C. § 387j.

SECTION XX. Notwithstanding any general or special law to the contrary, the department of revenue shall study and report on the impact to the Commonwealth's tax revenue by the passage of this act. Said study shall analyze and compare the Commonwealth's tax revenues, as impacted by Chapter 133 of the Acts of 2019 and this act, over a duration of time that allows for a comparison of each act's impact. The department shall report its findings and recommendations by filing the same with the clerks of the senate and house of representatives, the respective chairs of the joint committee on revenue and the respective chairs of the committees on ways and means not later than January 2022.

SECTION XX. This act shall take effect on January 2021."

The amendment was *rejected*.

Mr. Fattman, Ms. Gobi and Mr. Moore moved that the proposed new text be amended by inserting after section 54 the following section:-

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"SECTION 54A. Notwithstanding any general or special law to the contrary, the department of public health, pursuant to its authority under subsection (g) of section 7 of chapter 94C of the General Laws, shall promulgate regulations to allow: (i) student nurses and recently graduated student nurses, as included in the definition of 'nurse' in section 1 of said chapter 94C; (ii) medical specialty camp staff trained under the supervision of a practitioner as defined in section 1 of said chapter 94C; and (iii) certified diabetes care and education specialists in good standing with the Certification Board for Diabetes Education and Care, to administer medication to campers at medical specialty camps as defined in the state sanitary code."

The amendment was adopted.

Ms. DiZoglio and Messrs. Tarr and Fattman moved that the proposed new text be amended by adding the following section:

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"SECTION XX. Notwithstanding any general or special law to the contrary, an establishment that is licensed under section 12 of chapter 138 of the General Laws to serve wine, malt beverages, mixed drinks or any other alcoholic beverages for on-premises consumption may apply to such establishment's local licensing authority for a Food Service Establishment Permit to serve food prepared on-site and intended for immediate consumption pursuant to 105 CMR 590.00, in order to be categorized as a restaurant for purposes of the phased plan for reopening of workplaces, businesses and other facilities across the commonwealth by executive orders of the governor of the commonwealth in

response to the outbreak of the 2019 novel coronavirus, also known as COVID-19, and, in the event of issuance of such permit, shall be authorized to operate and serve seated patrons without restriction or limitation or other requirement regarding which menu items are being served to a particular seated patron for consumption on-premises so long as restaurants are permitted to be open and operational under the phased plan for reopening; provided, however, that such establishments otherwise comply with all other general business reopening guidelines and sector-specific COVID-19 safety standards imposed on restaurants. Local licensing authorities are directed to take all necessary action to expedite the review and processing of such applications and issuance of such permits, which issuance shall not be unreasonably withheld. The commissioner of public health shall be authorized to issue rules and regulations to ensure the timely and effective implementation of this section.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at eighteen minutes past eight o'clock P.M., on motion of Ms. DiZoglio, as follows, to wit (yeas 7 – nays 32) [**Yeas and Nays No. 295**]:

YEAS.

DiZoglio, Diana	Pacheco, Marc R.
Fattman, Ryan C.	Tarr, Bruce E.
Moore, Michael O.	Tran, Dean A. – 7.
O'Connor, Patrick M.	

NAYS.

Barrett, Michael J.	Gobi, Anne M.
Boncore, Joseph A.	Hinds, Adam G.
Brady, Michael D.	Jehlen, Patricia D.
Brownsberger, William N.	Keenan, John F.
Chandler, Harriette L.	Kennedy, Edward J.
Chang-Diaz, Sonia	Lesser, Eric P.
Collins, Nick	Lewis, Jason M.
Comerford, Joanne M.	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.
Crighton, Brendan P.	Moran, Susan L.
Cyr, Julian	Rausch, Rebecca L.
DiDomenico, Sal N.	Rodrigues, Michael J.
Eldridge, James B.	Rush, Michael F.
Feeney, Paul R.	Timilty, Walter F.
Finegold, Barry R.	Velis, John C.
Friedman, Cindy F.	Welch, James T. – 32.

The yeas and nays having been completed at twenty-four minutes past eight o'clock P.M., the amendment was *rejected*.

Ms. Friedman in the Chair, Messrs. Cyr, O'Connor, Brady and Tarr moved that the proposed new text be amended by adding the following words:- “; provided further, that not less than \$150,000 shall be provided for a study assessing the availability of culturally competent behavioral health providers in the commonwealth conducted by the office of health equity, in consultation with the department of public health and the department of mental health; provided further, that the study may be conducted by an entity with a demonstrated capacity to deliver research results passing an academic peer-review process in analyzing both quantitative and qualitative data and to communicate study results in an accessible manner; provided further, that the study shall review the availability of culturally competent behavioral health providers within networks of both public and

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private health care payers and identify potential barriers to care for underserved cultural, ethnic and linguistic populations in the community; provided further, that the review shall include, but not be limited to: (i) the number of culturally competent and diverse behavioral health providers that reflect the cultural, ethnic and linguistic population of the community; (ii) the existence of culturally competent services; (iii) geographic challenges to access culturally competent providers; (iv) training opportunities for providers to most effectively serve diverse populations; and (v) consideration of the impact of gender, gender identity, race, ethnicity, sexual orientation, status as a client of the department of children and families, status as an incarcerated or formerly incarcerated individual, including justice-involved youth and emerging adults, status as a veteran, status as an individual with post-traumatic stress disorder, status as an aging adult, linguistic barriers and social determinants of health on access to behavioral health services; provided further, that the office of health equity shall receive data to complete the charge of this study under memorandums of understanding with the center for health information and analysis established under chapter 12C of the General Laws, the group insurance commission established under chapter 32A of the General Laws and MassHealth established under chapter 118E of the General Laws, respectively; and provided further, that not later than December 31, 2021, the office shall submit the findings of the study to clerks of the senate and house of representatives, the joint committee on mental health, substance use and recovery, the joint committee on public health, the joint committee on health care financing and the house and senate committees on ways and means”; by striking out the figure “\$5,645,000” and inserting in place thereof the following figure:- “\$5,795,000”; and in said section 2, in line item 8900-0001 by striking out the words, “(i) number of prisoners subjected to solitary confinement” and inserting in place thereof the following words:- “(i) number of prisoners subjected to solitary confinement and their voluntarily disclosed sexual orientation, as defined in section 3 of chapter 151B, and gender identity, as defined in section 7 of chapter 4”.

The amendment was adopted.

Mr. Tarr moved that the proposed new text be amended in section 2, in item 4510-0790, by adding the following words:- “; provided further, that the department of public health shall analyze the financial viability of such councils and centers and develop a plan to increase their sustainability; and provided further, that not later than 9 months following the effective date of this act, the department shall file its analysis, plan and legislative recommendations with the clerks of the senate and house of representatives and the house and senate committees on ways and means”; and by striking out the figure “\$907,000” and inserting in place thereof the following figure:- “\$1,000,000”.

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After remarks, the amendment was adopted.

Messrs. Tarr and O'Connor, Ms. Moran and Mr. Timilty moved that the proposed new text be amended in section 2, in item 4510-0100, by adding the following words:- “; provided further, that the office of preparedness and emergency management shall develop and implement a personal protective equipment, or PPE, inventory tracking, management and procurement system for the purposes of projecting the amounts of PPE necessary to combat the 2019 novel coronavirus by category and ensuring the timely availability of such materials for hospitals, nursing homes and other health care providers; provided further, that said system shall include, but not be limited to, a standardized system for health care providers to report: (i) existing stocks of PPE; (ii) outstanding and anticipated orders of PPE; (iii) disruptions in supply chains; (iv) incidents of price gouging; and (v) projected need for PPE; provided further, that said system shall contain a database of PPE suppliers and an indication of the reliability of said suppliers based on the experience of governmental and institutional consumers; provided further, that the system shall include a mechanism for bulk or coordinated procurement of PPE; provided further, that the

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system shall include a mechanism for a health care provider to alert the office to an impending shortage of PPE, if deemed necessary for maintaining adequate supplies and stockpiles; and provided further, that not later than 90 days following the effective date of this act, the office shall produce weekly reports on the status of the commonwealth's PPE inventory and post said reports electronically".

After remarks, the amendment was adopted.

Messrs. Tarr and O'Connor moved that the proposed new text be amended by inserting the following:-

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"SECTION . Section 226 of chapter 139 of the acts of 2012 is hereby amended by striking out the figure '2021' as inserted by section 15 of chapter 142 of the acts of 2019, and inserting in place thereof the following:- '2023'."

The amendment was *rejected*.

Mr. Tarr and Ms. Gobi moved that the proposed new text be amended in section 2, in item 4510-0100, by inserting after the words "of the resolves of 2016", the following:- "provided further, that notwithstanding any general or special law to the contrary, the department shall not amend, modify or replace the regulations of 105 CMR 150.000 unless and until it conducts a cost-benefit analysis of any proposed changes which shall include but not be limited to: the cost of compliance with such regulations for facilities and the MassHealth program, the near and long-term impacts on resident quality of life, the stability of the state's system of long-term care, the sustainability of skilled nursing facilities in the commonwealth, impacts on the state's nursing home capacity, and the health and psychological benefits of any proposed changes in the dimensional requirements for patient rooms, including the suppression and/or prevention of contiguous disease transmission. Said analysis shall be filed with the clerks of the House and Senate, the House and Senate Committees on Ways and Means, and the Joint Committee on Health Care Financing".

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After remarks, the amendment was *rejected*.

Messrs. Montigny, Feeney, Timilty, O'Connor, Eldridge and Moore moved that the proposed new text be amended by inserting after section XX the following section:-

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"SECTION XX. Said chapter 111 is hereby further amended by inserting after section 51K the following section:-

Section 51L. (a) The department and regional emergency medical services councils shall annually review and update, if appropriate, their pre-hospital care protocols and point-of-entry plans to ensure stroke patients are transported to the most appropriate facility in accordance with this section. (b) The department shall make available the list of designated stroke facilities on its website and to the medical director of each licensed emergency medical services provider. The department shall maintain the list in the office designated within the department to oversee emergency medical services and update the list not less than annually. (c) The department shall convene a group of experts including, but not limited to, a representative from the American Stroke Association, a representative from The Massachusetts Neurologic Association, Inc., a representative from the Society of Neurointerventional Surgery, a representative from Massachusetts College of Emergency Physicians, Inc. and a representative of a regional EMS council, as defined in section 1 of chapter 111C, with input from key stroke stakeholders and professional societies, to form a stroke advisory taskforce that shall assist with data oversight, program management and advice regarding the stroke system of care. The task force shall meet not less than biannually to review data and provide advice."; and by inserting after section XX the following section:

"SECTION XX. Notwithstanding any general or special law to the contrary and not later than 180 days after the effective date of this act, the department of public health shall promulgate regulations that create: (i) a statewide standard pre-hospital care protocol

related to the assessment, treatment and transport of stroke patients by emergency medical services providers to a hospital designated by the department to care for stroke patients; provided, however, that the protocol shall be based on national evidence-based guidelines for transport of stroke patients, consider crossing state lines and include plans for the triage and transport of suspected stroke patients, including, but not limited to, those who may have an emergent large vessel occlusion, to an appropriate facility within a specified timeframe following the onset of symptoms and additional criteria to determine which level of care is the most appropriate destination; (ii) statewide criteria for designating hospitals in a tiered system, featuring advanced designations in addition to primary stroke services, to treat stroke patients based on patient acuity; provided, however, that the tiers shall be based on criteria from at least 1 nationally-recognized program and shall not permit self-designation; provided further, that in developing such criteria, the department shall consider: (a) designation models and criteria developed by the Joint Commission, DNV GL Healthcare or another national certifying body recognized by the federal Centers for Medicare and Medicaid Services; (b) designation models and criteria adopted by other states and the differences in geography and health care resources of such other states; (c) the clinical and operational capability of a facility to provide stroke services, including emergency and ancillary stroke services; (d) limiting the routing of stroke patients to thrombectomy-capable facilities whenever a comprehensive stroke center is within a recommended timeframe to maximize technical competency and patient outcomes; and (e) procedures to suspend or revoke a facility's designation if the department determines the facility is not in compliance with designation requirements and procedures to notify emergency medical services providers of any such suspension or revocation; and (iii) recommended national evidence-based quality and utilization metrics for stroke care for use by the center for health information and analysis pursuant to section 14 of chapter 12C of the General Laws; provided, however, that the department shall consider measures in current use in national quality improvement programs including, but not limited to, the federal Centers for Medicare and Medicaid Services, the National Quality Forum, the Paul Coverdell National Acute Stroke Program or other nationally-recognized data platforms.”.

The amendment was *rejected*.

Ms. Chang-Diaz, Ms. Rausch, Messrs. Barrett and Eldridge, Ms. Jehlen and Ms. Comerford moved that the proposed new text be amended in section 2, in item 8900-0001, by inserting the following:- "; provided further, that the department shall conduct routine surveillance testing for the 2019 novel coronavirus, consistent with public health best practices, of consenting inmates in facilities under its purview throughout the state of emergency relative to the 2019 novel coronavirus declared by the governor on March 10, 2020; provided further, that given the continued prevalence and threat of the 2019 novel coronavirus within the commonwealth's department of correction facilities, the commissioner of correction shall take all measures possible to release, transition to home confinement or furlough individuals in the care and custody of the department who can be safely released, transitioned to home confinement or furloughed with prioritization given to populations most vulnerable to serious medical outcomes associated with the 2019 novel coronavirus according to the federal Centers for Disease Control and Prevention's guidelines; provided further, that the department shall consider, but shall not be limited to, the following mechanisms: (i) the use of home confinement without exclusion pursuant to chapter 211F of the General Laws; (ii) the expedition of medical parole petition review by superintendents and the commissioner; (iii) the use of furlough; (iv) the maximization of good time by eliminating mandates for participation in programming for those close to their release dates; and (v) awarding credits to provide further remission from time of sentence for time served during periods of declared public health emergencies impacting the operation of prisons; provided further, that the department shall seek recommendations

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from public health experts to ensure that policies are appropriate in relation to the 2019 novel coronavirus; provided further, that the department shall provide court-mandated access to the special master appointed pursuant to supreme judicial court order number 12926; provided further, that funds shall be made available from this item for the creation of an independent ombudsman's office for the duration of the state of emergency relative to the 2019 novel coronavirus declared by the governor on March 10, 2020; provided further, that the attorney general, in consultation with the department of public health, shall appoint an ombudsman to act as director of the ombudsman's office; provided further, that the office shall monitor compliance with the requirements of this item relative to the 2019 novel coronavirus public health emergency, including, but not limited to, actions taken or not taken by the department to ensure the health and safety of individuals under the department's purview including, but not limited to, employees and inmates, as well as the families of such individuals, and shall have access to information related to the department's use of the mechanisms for release, home confinement or furlough stated in this item; provided further, that the office shall establish public health standards, using recommended standards and guidance from public health experts, to evaluate the department's compliance or non-compliance with best practices; provided further, that not less than biweekly, the office shall provide the joint committee on the judiciary and the joint committee on public health with a report on: (a) the department's efforts to mitigate the rate of infection in facilities under its purview; (b) the department's efforts taken relative to safe depopulation during the state of emergency relative to the 2019 novel coronavirus declared by the governor on March 10, 2020; (c) the department's policies in development to further mitigate the rate of infection in correctional settings; (d) the amount of population reduction achieved to-date by the use of the mechanisms for release, home confinement or furlough stated in this item; and (e) the department's compliance or non-compliance with the office's established public health standards; and provided further, that, if the office determines that the department is not taking actions necessary to mitigate the rate of infection in facilities under its purview or is in non-compliance with its established public health standards, the office may recommend that the joint committee on the judiciary and the joint committee on public health require the commissioner to testify in a publicly-available forum to discuss the department's non-compliance and a remediation plan to meet the office's public health standards".

After remarks, the amendment was adopted.

Mr. Montigny, Ms. DiZoglio and Messrs. O'Connor and Moore moved that the proposed new text be amended by inserting the text of Senate document numbered 2956, relative to combatting human trafficking and enhancing the lives of victims and survivors.

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The amendment was *rejected*.

Messrs. Tarr, Timilty and O'Connor and Ms. Moran moved that the proposed new text be amended in section 2, in item 8000-0600, by adding the following words:"-"; provided further \$2,000,000 shall be expended for a grant program to assist municipal police and fire departments for Personal Protective Equipment, funding for said grant program shall be provided to the maximum extent feasible from the federal cares act"; and by striking out the figure "\$3,614,795" and inserting in place thereof the following:"- \$5,614,795".

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The amendment was *rejected*.

Messrs. Tarr, Fattman and Tran moved that the proposed new text be amended by inserting the text of document numbered 2957, relative to protecting the Commonwealth from dangerous persons.

332.

After remarks, the amendment was *rejected*.

Mr. Tarr, Ms. DiZoglio and Messrs. O'Connor, Collins and Fattman moved that the proposed new text be amended by inserting the text of Senate document numbered 2958,

337

relative to sports wagering.

After remarks, the amendment was *rejected*.

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

338

"SECTION_. Chapter 93A as appearing in the 2018 official edition is hereby amended by inserting after Section 11 at the end thereof the following new section 12:

Section 12. (1) It shall be an unfair or deceptive act or practice, during any market emergency, or any declared statewide emergency, for any petroleum-related business to sell or offer to sell any petroleum product for an amount that represents an unconscionably high price.

(2) A price is unconscionably high if: (a) the amount charged represents a gross disparity between the price of the petroleum product and 1. the price at which the same product was sold or offered for sale by the petroleum-related business in the usual course of business immediately prior to the onset of the market emergency, or 2. the price at which the same or similar petroleum product is readily obtainable by other buyers in the trade area; and

(b) the disparity is not substantially attributable to increased prices charged by the petroleum-related business suppliers or increased costs due to an abnormal market disruption.

(3). It shall be an unfair or deceptive act or practice, during any declared statewide or national emergency, for any business at any point in the chain of distribution or manufacture to sell or offer to sell to any consumer or to any other business any goods or services necessary for the health, safety or welfare of the public for an amount that represents an unconscionably high price.

(4) A price is unconscionably high for the purposes of paragraph 3 of this section provided the following: (a) there is gross disparity between the price charged or offered; and

1. the price at which the same good or service was sold or offered for sale by the business in the usual course of business immediately prior to the onset of the declared statewide or national emergency; or

2. the price at which the same or similar product is readily obtainable from other businesses; and (b) the disparity is not substantially attributable to increased prices charged by the business's suppliers or increased costs due to an abnormal market disruption."

The amendment was *rejected*.

Messrs. Tarr, Feeney, O'Connor, Brady, Moore, Timilty and Tran moved that the proposed new text be amended by inserting the following sections:-

343

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

SECTION_. 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. Brownsberger in the Chair, Mr. Tarr and Ms. Moran moved that the proposed new text be amended by inserting the following sections:-

361

"SECTION XX. Notwithstanding any law, rule, or regulation, mortgages of residential and commercial property which provides rental income that in whole or in part supports that payment of mortgage obligations shall provide forbearance relative to such obligations for the duration 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 plus thirty days after the conclusion of the governor's March 10, 2020 declaration of a state of

emergency, if and to the extent the provisions of this act are met.

SECTION XX. In order to be eligible for the forbearance prescribed in section 1, a mortgagor shall demonstrate that more than fifty percent of rental income from the property secured by the subject mortgage has not been received as a result of the public health emergency caused by the COVID-19 virus. Said demonstration shall be in a written affidavit which shall attest, under the pains and penalties of perjury, to the amount of rent required by an existing lease or other rental agreement, and any amounts received and/or projected to be received during the period for which forbearance is being sought. A copy of such lease or agreement shall be attached to said affidavit.

SECTION XX. Any forbearance provided pursuant to this act shall not, give rise to a subsequent assessment of interest, penalties, or other similar assessments, and shall not be subject to state taxation.

SECTION XX. The commissioner of banks to the extent feasible and practicable in facilitating the timely implementation of this act, may develop and promulgate standardized forms for the written documentation required in section 2; provided, however, that the absence of such forms shall not render the provisions of this act inoperable.

SECTION XX. The provisions of this act shall expire, unless otherwise extended, modified, or terminated, 30 days following the expiration of the governor’s March 10, 2020 declaration of a state of emergency or any extension thereof or 90 days following the passage of this act, whichever is sooner.”

After remarks, the amendment was *rejected*.

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

367

“SECTION XX. Notwithstanding any general or special law to the contrary, establishments that are licensed under section 12 of chapter 138 of the General Laws to serve wine, malt beverages, mixed drinks or any other alcoholic beverages for on-premises consumption shall be (i) designated for reopening during the same phase applicable to restaurants for purposes of the phased plan for reopening of workplaces, businesses and other facilities across the commonwealth by executive orders of the governor of the commonwealth in response to the outbreak of the 2019 novel coronavirus, also known as COVID-19, and (ii) authorized to operate and serve seated patrons without restriction or limitation or other requirement regarding which menu items are being served to a particular seated patron for consumption on-premises so long as restaurants are permitted to be open and operational under the phased plan for reopening; provided, however, that such establishments otherwise comply with all other general business reopening guidelines and sector-specific COVID-19 safety standards imposed on restaurants.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at nine minutes past nine o'clock P.M., on motion of Ms. DiZoglio, as follows, to wit (yeas 4 – nays 35) **[Yeas and Nays No. 296]:**

YEAS.

DiZoglio, Diana
Fattman, Ryan C.

O'Connor, Patrick M.
Tran, Dean A. – 4.

NAYS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick

Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.

Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.

Moore, Michael O.
Moran, Susan L.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Velis, John C.
Welch, James T. – 35.

The yeas and nays having been completed at a quarter past nine o'clock P.M., the amendment was *rejected*.

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

369

“SECTION XX. Notwithstanding any general or special law to the contrary, establishments that serve food prepared on-site and intended for immediate consumption under a Food Service Establishment Permit, as permitted and issued by a municipal authority pursuant to 105 CMR 590.00, that are also licensed under section 12 of chapter 138 of the General Laws to serve wine, malt beverages, mixed drinks or any other alcoholic beverages for on-premises consumption, shall be (i) categorized as restaurants for purposes of the phased plan for reopening of workplaces, businesses and other facilities across the commonwealth by executive orders of the governor of the commonwealth in response to the outbreak of the 2019 novel coronavirus, also known as COVID-19, irrespective of recency or order of application or issuance of such permit or license, and (ii) authorized to operate and serve seated patrons without restriction or limitation or other requirement regarding which menu items are being served to a particular seated patron for consumption on-premises so long as restaurants are permitted to be open and operational under the phased plan for reopening; provided, however, that such establishments otherwise comply with all other general business reopening guidelines and sector-specific COVID-19 safety standards imposed on restaurants. Specifically, restaurants licensed under said section 12 of said chapter 138 shall not be required to serve food in order to serve alcoholic beverages for consumption on-premises by seated patrons.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-one minutes past nine o'clock P.M., on motion of Ms. DiZoglio, as follows, to wit (yeas 9 – nays 30) [Yeas and Nays No. 297]:

YEAS.

DiZoglio, Diana
Fattman, Ryan C.
Gobi, Anne M.
Moore, Michael O.
O'Connor, Patrick M.

Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 9.

NAYS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia

Friedman, Cindy F.
Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.

Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.

Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moran, Susan L.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Velis, John C. – 30.

The yeas and nays having been completed at twenty-six minutes past nine o'clock P.M., the amendment was *rejected*.

Messrs. Eldridge, O'Connor and Moore moved that the proposed new text be amended in section 2, in item 7006-0011, by striking out the words "not more than \$1,500,000" and inserting in place thereof the following words:- "not more than \$2,300,000"; by striking out the words "not less than \$500,000" and inserting in place thereof the following words:- "not less than \$1,300,000"; and by striking out the figure "\$1,500,000" and inserting in place thereof the following figure:- "\$2,300,000".

376

After remarks, the amendment was adopted.

Ms. DiZoglio moved that the proposed new text be amended by adding the following sections:

380

"SECTION XX. (a) There shall be established and set upon the books of the commonwealth a separate fund to be known as the COVID-19 Nascent Business Relief Fund to be administered by the office of housing and economic development.

(b) The purpose of the Fund shall be for financial assistance in the form of grants to (i) businesses within the commonwealth that are experiencing financial distress as a result of the 2019 novel coronavirus, or COVID-19, outbreak, or the governor's March 10, 2020, declaration of a state of emergency for the commonwealth and subsequent executive orders pursuant thereto, which were operational and as of the date of said declaration and prior thereto for a minimum of 3 months, and which would otherwise be eligible for previous grant opportunities provided by the commonwealth in response to the economic impact of COVID-19 but for lack of operational and income history, and (ii) 501(c)(6) organizations within the commonwealth that are experiencing financial distress as a result of the COVID-19 outbreak, or the governor's March 10, 2020, declaration of a state of emergency for the commonwealth and subsequent executive orders pursuant thereto. Such financial assistance shall include, but not be limited to, grants for: (i) loss of revenue; (ii) unexpected expenses, such as expenses incurred to meet general business reopening guidelines and sector-specific COVID-19 safety standards; or (iii) loss of contributions, grants, or other financial assistance as a result of the COVID-19 outbreak.

(c) There shall be credited to the Fund all amounts that are, by law, transferred or authorized to be transferred thereto or directed to be deposited therein, and all amounts received as gifts, grants or contributions for the purposes of the Fund. Amounts credited to the Fund shall not be subject to further appropriation and any money remaining in the Fund at the end of a fiscal year shall not revert to the General Fund.

SECTION XX. On the effective date of this act, the comptroller shall transfer \$10,000,000 from the General Fund to the COVID-19 Nascent Business Relief Fund established in SECTION XX for the purposes of carrying out said SECTION."

The amendment was *rejected*.

Ms. DiZoglio and Messrs. O'Connor and Fattman moved that the proposed new text be amended by adding the following sections:-

381

"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 SECTIONS XX-XX 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 SECTION XX-XX 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) SECTIONS XX-XX 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 XX, 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. Eldridge moved that the proposed new text be amended by adding the following sections:-

382

“SECTION XX. (a) As used in this section and the following 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.

(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.

SECTION XX. Notwithstanding any general or special law to the contrary, a third-party delivery service company shall not arrange for the delivery of orders to customers from a covered establishment without first obtaining an agreement with the covered establishment expressly authorizing the third-party delivery service company to take online orders for menu items offered by the covered establishment via third-party delivery service platform and to deliver such orders to customers.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-two minutes before ten o'clock P.M., on motion of Ms. DiZoglio, as follows, to wit (yeas 12 – nays 27) **[Yeas and Nays No. 298]**:

YEAS.

Chang-Diaz, Sonia
DiZoglio, Diana
Eldridge, James B.
Fattman, Ryan C.
Gobi, Anne M.
Jehlen, Patricia D.

Pacheco, Marc R.
Rausch, Rebecca L.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – **12.**

NAYS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian

Hinds, Adam G.
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.

DiDomenico, Sal N.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.

Rodrigues, Michael J.
Rush, Michael F.
Velis, John C. – 27.

The yeas and nays having been completed at sixteen minutes before ten o'clock P.M., the amendment was *rejected*.

Ms. DiZoglio moved that the proposed new text be amended by inserting the text of Senate document numbered 2959, relative to increasing equitable access to opportunity.

383

After remarks, the amendment was *rejected*.

Ms. DiZoglio and Mr. O'Connor moved that the proposed new text be amended by adding the following sections:-

384

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

385

"SECTION XX. 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."

The amendment was *rejected*.

Ms. DiZoglio and Messrs. O'Connor and Eldridge moved that the proposed new text be amended by adding the following section:-

387

"SECTION XX. 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. Jehlen, Ms. Rausch, Mr. Eldridge, Ms. Comerford and Ms. Chang-Diaz moved that the proposed new text be amended in section 48, by inserting after the word "development," in line 9, the following words:- " , a municipality or a nonprofit entity administering such program, using public funds, on behalf of the department, a municipality or a federal agency"; and by striking out, in lines 18 and 19, the words "administered by the department of housing and community development that has been submitted to a regional administering agency".

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After remarks, the amendment was adopted.

Messrs. Tarr and O'Connor moved that the proposed new text be amended in section 2, in item 0640-0300, by adding after the word "opportunities" in subsection (V) the following:- "and (VI) assisting nonprofit cultural organizations destabilized by the economic impacts of the COVID-19 pandemic".

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The amendment was *rejected*.

Messrs. Tarr and O'Connor moved that the proposed new text be amended in section

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2, in item 7002-2020, by striking out the figure "\$17,500,000" and inserting in place thereof the following:- "\$20,000,000"; by striking out the figure "\$3,850,000" and inserting in place thereof the following:- "\$5,000,000"; and by striking out the figure "\$46,350,000" and inserting in place thereof the following:- "\$50,000,000".

The amendment was *rejected*.

Ms. DiZoglio moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "; provided, that not less than \$200,000 shall be expended to Inspirational Ones, Inc., for purposes of rehabilitating the physical facility in which the Methuen Youth and Community Center will be located, which may include implementing social distancing and safety protocols necessitated by COVID-19 and creating an environment to provide social emotional and mental health supports for conditions exacerbated by COVID-19"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$300,000".

416

The amendment was adopted.

Ms. DiZoglio and Mr. Tarr moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "; provided further, that for the purpose of providing additional resources necessitated by the economic impact of the 2019 novel coronavirus, not less than \$10,000 shall be expended for the Greater Newburyport Chamber of Commerce and Industry, Inc. located in the city of Newburyport, not less than \$10,000 shall be expended for the Salisbury Chamber of Commerce, Inc. located in the town of Salisbury and not less than \$20,000 shall be expended for the Amesbury Chamber of Commerce and Industrial Foundation, Inc. located in the city of Amesbury"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$140,000".

417

The amendment was adopted.

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

431

"SECTION __. Clause (xv) of subsection (a) of section 54 of chapter 286 of the acts of 2014, as amended by section 31 of chapter 119 of the acts of 2015, is hereby further amended by striking out, the words 'book 7727, page 299' and inserting in place thereof the following words:- book 6363, page 386.

Clause (xvi) of said subsection (a) of said section 54 is hereby amended by striking out the words 'book 574, page 451' and inserting in place thereof the following words:- book 6487, page 716."

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting the following sections:-

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"SECTION XX. Notwithstanding any general or special law to the contrary, a municipality may by a vote of their governing body temporarily extend the issuance of seasonal section 12 licenses authorizing the sale of alcoholic beverages to be drunk on the premises from January 16, 2021 through March 31, 2021.

SECTION XX. Notwithstanding any general or special law to the contrary, a municipality may by a vote of their governing body temporarily extend the issuance of seasonal section 15 licenses authorizing the sale of alcoholic beverages not to be drunk on the premises from January 16, 2021 through March 31, 2021."

The amendment was *rejected*.

Ms. DiZoglio and Mr. Tarr moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- "; provided, that not less than \$10,000 shall be expended for the purpose of providing additional resources to the North Andover Merchants Association located in the town of North Andover, necessitated by a decrease in funding attributable to the economic impact of COVID-19"; and by striking

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out the figure "\$100,000" and inserting in place thereof the following figure:- "\$110,000".

The amendment was adopted.

Ms. DiZoglio moved that the proposed new text be amended, in section 2, in item 1599-1233, by adding the following words:- "; provided, that not less than \$250,000 shall be expended to Newburyport Youth Services located in the City of Newburyport to provide additional resources necessitated by a decrease in funding attributable to the economic impact of COVID-19, which may be used to provide social emotional and mental health supports for conditions exacerbated by COVID-19"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$350,000".

450

The amendment was *rejected*.

Messrs. Tarr and O'Connor moved that the proposed new text be amended in section 2, in item 7010-0005, by adding the following words:- "provided further, that the department of elementary and secondary education shall work in conjunction with the department of public health to identify, procure or otherwise develop, statistically valid risk assessment tools for the 2019 novel coronavirus among student populations and make such tools available to public and non-public school in the commonwealth not later than 90 days following the passage of this act".

116

After remarks, the amendment was adopted.

Ms. Jehlen, Ms. Rausch, Ms. Chang-Diaz and Messrs. Feeney, Collins, Lewis and Timilty moved that the proposed new text be amended in section 2, by inserting after item 7061-9400 the following item:-

123

"7061-9401 For the center for collaborative education; provided, that the center shall manage an alternative assessment pilot program that shall be administered under contract with the Massachusetts Consortium for Innovative Education Assessment; and provided further, that the consortium shall develop and pilot a comprehensive system for assessing student and school performance and issue an annual report that includes recommendations to the commissioner of elementary and secondary education and to members of the joint committee on education.....\$50,000."

The amendment was adopted.

Ms. Rausch moved that the proposed new text be amended in section 2, in item 1599-1233, by inserting the following:- "; provided further, that not less than \$250,000 be allocated for the public schools 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 adapting their learning environments to changes necessitated by the 2019 novel coronavirus, also known as COVID-19"; and by striking out the figure "\$100,000" and inserting in place thereof the following figure:- "\$350,000".

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The amendment was adopted.

Mr. Fattman, Ms. Gobi, Messrs. O'Connor, Boncore, Collins, Tran and Moore, Ms. Moran, Ms. Comerford, Ms. Chang-Diaz and Mr. Tarr moved that the proposed new text be amended by adding the following section:-

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"SECTION XX. Subsection (f) of section 12 of chapter 94G of the General Laws is hereby amended by inserting, in line 36, after the word "chapter" the following words:- 'or hemp and hemp products cultivated and manufactured in compliance with a license from the Massachusetts Department of Agricultural Resources as defined in chapter 128 of the General Laws and is in compliance with regulations set forth by the United States Department of Agriculture'."

After remarks, the amendment was adopted.

The President in the Chair, Messrs. Tarr and O'Connor moved that the proposed new text be amended by inserting the following sections:-

310

“SECTION XX. Subparagraph (1) of paragraph (c) of subdivision (1) of section 24 of chapter 90 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following sentence:-

In all such cases where the defendant operated a motor vehicle with a percentage, by weight, of alcohol in their blood of fifteen one-hundredths or greater, the registrar may place a restriction on a hardship license granted by the registrar under this subparagraph requiring that such person have an ignition interlock device installed on each vehicle owned, each vehicle leased and each vehicle operated by the licensee for the duration of the hardship license.

SECTION XX. The fourth paragraph of section 24D of said chapter 90, as so appearing, is hereby amended by adding the following sentence:-

In all such cases where the defendant operated a motor vehicle with a percentage, by weight, of alcohol in their blood of fifteen one-hundredths or greater, the registrar may place a restriction on a hardship license granted by the registrar under this section requiring that such person have an ignition interlock device installed on each vehicle owned, each vehicle leased and each vehicle operated by the licensee for the duration of the hardship license.

SECTION XX. Section 19 of chapter 122 of the acts of 2005 is hereby amended by inserting after the word ‘registry’, in line 7, the following words:- ; provided, however, that approval procedures for ignition interlock device servicing and monitoring entities shall require any entity seeking certification to agree to provide all program costs, including installation, maintenance and removal, at no cost to a person who presents documentation issued by the registrar that such cost would cause a grave and serious hardship to the offender or the offender’s family; provided further, that documentation of grave and serious hardship to the offender or the offender’s family shall include, but not be limited to, evidence of a valid electronic benefit transfer card, evidence of a valid MassHealth benefits card or evidence the offender was appointed counsel or otherwise had their financial status verified after filing an affidavit of indigency; and provided further, that the registrar shall provide notice to a person seeking application for a certified ignition interlock device that the person may obtain a certified ignition interlock device, services and monitoring at no cost if such cost would cause a grave and serious hardship to the offender or the offender’s family.

SECTION XX. Sections XX to XX, inclusive, shall take effect on January 1, 2021.”

After remarks, the amendment was adopted.

Mr. Eldridge, Ms. DiZoglio, Messrs. O'Connor and Cyr and Ms. Creem moved that the proposed new text be amended in section 2, in item 7003-0150, by striking out the figure “\$1,000,000” and inserting in place thereof the following figure:- “\$1,300,000”.

356

The amendment was adopted.

Mr. Rodrigues moved that the proposed new text be amended in section 2, in item 1599-1233, by adding the following words:- “; provided further, that not less than \$250,000 shall be expended to the SouthCoast Community Foundation, Inc., to provide supports to local or regional community-based organizations assisting individuals and families in need; provided further, that not less than \$250,000 shall be expended for the city of Framingham, the towns of Ashland, Holliston, Hopkinton, Medway and Natick and the city known as the town of Franklin to assist with contact tracing efforts and other public health actions in response to the 2019 novel coronavirus; provided further, that that not less than \$125,000 shall be expended to the school system of the city of Taunton to provide necessary technology for distance learning for underserved students made necessary by the 2019 novel coronavirus; provided further, that not less than \$125,000 shall be expended equally to the school systems of the towns of Middleborough and Wareham to provide necessary technology for distance learning for underserved students made necessary by

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the 2019 novel coronavirus pandemic; provided further, that not less than \$175,000 shall be expended equally to the towns of Auburn, Grafton, Leicester, Millbury, Northbridge, Shrewsbury and Upton for technology, health and safety improvements in public schools related to the 2019 novel coronavirus pandemic; and provided further, that not less than \$75,000 shall be expended for technology and health and safety improvements relating to the 2019 novel coronavirus pandemic for public schools in the city of Worcester”;

In said section 2, in said item 1599-1233, by striking out the figure “\$100,000” and inserting in place thereof the following figure:- “\$12,485,000”;

In said section 2, in item 2810-0100, by striking out the figure “\$47,885,283” and inserting in place thereof the following figure:- “\$48,260,283”;

In said section 2, in line item 3000-1045, by inserting after the word “coronavirus”, in line 2, the following words:- “at state-subsidized early education and care programs”;

In said section 2, in item 4000-0300, by striking out the figure “\$113,534,922” and inserting in place thereof the following figure:- “\$113,884,922”;

In said section 2, in item 4000-0641, by striking out the words “provided further, that MassHealth regulations for this rate add-on shall prioritize spending on hourly wage increases, shift differentials or bonuses paid to certified nurses’ aides and housekeeping, laundry, dietary and activities staff; provided further, that MassHealth shall adopt all regulations and procedures to carry out this item; provided further, that not later than June 1, 2021, MassHealth shall provide to the house and senate committees on ways and means an interim report and not later than December 1, 2021 a final report on the impact of wages for direct care workers at the nursing home receiving said funds; provided further, that nursing facilities receiving direct care add-on funds shall comply with MassHealth reporting and spending regulations under 101 CMR 206.00”;

In said section 2, in item 4110-1000, by striking out the figure “\$7,174,905” and inserting in place thereof the following figure:- “\$7,724,905”;

In said section 2, in item 4512-0200, by striking out the figure “\$163,621,698” and inserting in place thereof the following figure:- “\$163,951,698”;

In said section 2, by striking out item 4512-2020 and inserting in place thereof the following item:-

“4512-2020 For a matching grant program administered by the department of public health to support municipal public safety reform; provided, that funds shall be made available to municipalities pursuing public safety reforms and alternative investments to promote equitable public safety and public health outcomes; provided further, that eligible reforms and investments shall include, but shall not be limited to: (i) utilizing jail diversion programs, including restoration centers; (ii) hiring de-escalation specialists or implementing de-escalation training; (iii) hiring behavioral health specialists or utilizing other behavioral health supports; and (iv) training in evidence-based or evidence-informed mental health and substance use crisis response or alternative emergency response or hiring or contracting of alternative emergency response professionals; provided further, that municipalities receiving matching grants shall demonstrate a measurable benefit to public health for the residents of the municipality, based on criteria established by the department, and that the municipality is pursuing new practices or reforms, or expansion of prior successful practices, that support criteria established by the department; provided further, that prior to receiving matching grants, municipalities shall provide a comprehensive implementation plan to the department of proposed public safety reforms and investments; provided further, that the department shall give priority to applications that propose to invest a majority of grant funds with community-based human service or behavioral or mental health providers; and provided further, that not later than June 1, 2021, the department shall

provide a report to the house and senate committees on ways and means that shall include, but not be limited to: (a) a list of all municipalities that received matching funds; (b) the amount of matching funds awarded to each municipality; and (c) a description of the reforms and investments implemented in each municipality awarded said matching funds.....\$2,500,000”;

In said section 2, in item 4590-1507, by striking out the figure “\$1,400,000” and inserting in place thereof the following figure:- “\$6,350,000”;

In said section 2, in item 7002-2020, by striking out, in line 3, the figure “\$17,500,000” and inserting in place thereof the following figure:- “\$16,500,000”;

In said section 2, in said item 7002-2020, by striking out, in lines 28 and 29, the words “women, veterans, minorities and immigrants” and inserting in place thereof the following words:- “socially and economically disadvantaged individuals”;

In said section 2, in item 7035-0002, by striking out the figure “\$40,606,883” and inserting in place thereof the following figure:- “\$40,946,883”;

In said section 2, in item 7066-9600, by striking out the words “July 20, 2020” and inserting in place thereof the following words:- “January 15, 2021”;

In said section 2, in item 8324-0000, by striking out the figure “\$29,047,062” and inserting in place thereof the following figure:- “\$31,661,372”;

In said section 2, in item 8900-0001, by striking out the figure “\$685,058,991” and inserting in place thereof the following figure:- “\$687,383,991”;

In said section 2, in item 9110-9002, by striking out the figure “\$17,000,000” and inserting in place thereof the following figure:- “\$17,055,000”;

In section 20, in proposed subsection (a) of section 30B of chapter 62C, by inserting after the definition of “Direct partner” the following definition:-

“‘Distributive share’ or ‘distributive share of the final federal adjustment’, the distributive share of the final federal adjustment attributable to a partner of the partnership that is subject to the partnership-level audit.”;

In said section 20, by striking out, in line 70, the words “section 33A of”;

In section 47, by striking out, in lines 26 and 27, the figure “2021” and inserting in place thereof, in each instance, the following figure:- “2020”;

In said section 47, by striking out, in lines 35 to 37, inclusive, the words “a copy of any notice to quit for nonpayment of rent given in writing by a landlord to a residential tenant pursuant to said section 11 or said section 12 of said chapter 186 shall be sent electronically” and inserting in place thereof the following words:- “a landlord shall send electronically a copy of any notice to quit for nonpayment of rent given in writing by the landlord to a residential tenant pursuant to said section 11 or said section 12 of said chapter 186”;

In section 48, by inserting after the word “terminated,” in line 15, the following word:- “solely”;

In said section 48, by striking out, in line 21, the words “for rental arrears then due”;

and

In said section 48, by striking out, in line 22, the words “payment for such rental arrears is received by the plaintiff” and inserting in place thereof the following words:- “the plaintiff receives payment of such short-term emergency rental assistance”.

The amendment was adopted.

The Ways and Means amendment, as amended, was then adopted.

The bill, as amended, was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at sixteen minutes past ten o’clock P.M., on motion of Mr. Rodrigues, as follows, to wit (yeas 40 — nays 0) [**Yeas and Nays No. 299**]

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 nays having been completed at twenty-five minutes past ten o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments [For text of Senate amendments, see Senate, No. 2955, printed as amended].

Sent to the House for concurrence in the amendment.

Order Adopted.

On motion of Mr. Cyr,--

Ordered, that when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock, A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Time of meeting.

On motion of Ms. Friedman, at twenty-six minutes past ten o'clock P.M., the Senate adjourned to meet again tomorrow at eleven o'clock A.M.