

HOUSE No. 4078

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

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COMMONWEALTH OF MASSACHUSETTS
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KARYN POLITO
LIEUTENANT GOVERNOR

August 18, 2021

To the Honorable Senate and House of Representatives,

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

In an extraordinary fiscal year, the Commonwealth’s operating budget ran a remarkable surplus. Federal fiscal and monetary stimulus flowed into households, governments, nonprofits, and businesses. The financial markets rose and, as a result, Massachusetts tax collections exceeded fiscal year 2021 (FY21) projections by \$5 billion. The Stabilization Fund balance now stands at \$4.63 billion, an all-time high. \$1.1 billion of the surplus came from excess capital gains taxes, which by statute were transferred to the Stabilization Fund and other long-term liability funds in June and July. Another \$1.1 billion obviated the need for a previously budgeted draw from the Stabilization Fund to pay for FY21 operating expenses. Approximately \$173 million in surplus sales tax was transferred to the MBTA and the Massachusetts School Building Authority. Even after these adjustments, the Commonwealth enjoys a healthy surplus.

The fiscal year was, of course, extraordinary in other ways. COVID-19 deeply disrupted daily life, and across the Commonwealth, households, businesses, and nonprofit entities are still recovering from the impacts of the pandemic. In Massachusetts as well as nationally, unemployment remains above pre-pandemic levels and employers struggle to reopen and return to normal operations. The American Rescue Plan Act (ARPA) represents an opportunity to address some longstanding issues laid bare by COVID, and I continue to urge you to move

forward quickly with the release of money for housing, workforce, environmental, and other critical needs.

The bill I propose today would dedicate \$1 billion of the Commonwealth's FY21 surplus to address the continued strain on the Unemployment Insurance (UI) Trust Fund. This transfer will reduce the need to borrow funds for COVID-era claims, and thereby reduce the need for future employer assessments. Throughout the pandemic, the Legislature and the Administration have worked closely to respond to the unprecedented experience of employers and workers as we navigate through an unfamiliar economic environment, and we hope to continue to do so through the expenditure of these funds.

In addition to the \$1 billion UI transfer, this bill proposes \$568 million in supplemental appropriations. These appropriations address critical needs, such as housing insecurity and the increased demand for human services. These recommendations are:

- \$405 million for a collective bargaining reserve to fund the retroactive and fiscal year 2022 (FY22) costs of agreements that are either in place or anticipated but not yet signed, thus mitigating any pressure on the FY22 budget;
- \$40 million for other anticipated payroll costs that are not yet budgeted in FY22;
- \$39 million for chapter 257 contracts, to support rate increases for the human service workforce, whose efforts during COVID were inspiring;
- \$25 million for sheriff deficiencies, plus \$7 million for an addiction program in Hampden County;
- \$20 million to support the workforce in chapter 766 approved special education schools;
- \$17 million to support an additional 800 temporary individual shelter beds throughout FY22, and to pay for a one-time six-month 10% increase in provider rates, ensuring the Commonwealth's individual shelter system has the resources necessary to protect vulnerable populations;
- \$5 million to pilot an evidence-based permanent supportive housing model for individuals experiencing homelessness, creating fast and sustainable pathways out of homelessness;
- \$5 million for legal settlements and judgments;
- \$3 million in supplemental campus support for Quinsigamond Community College and Worcester State University as they absorb the nursing students displaced when Becker College closed; and,

- \$2 million for other necessary costs.

Additionally, I am renewing my request for other funding filed in legislation still pending before the Legislature:

- \$1.6 million for organizational transformation, primarily to maintain and improve government services with a workforce that may not be in traditional office spaces;
- \$1.3 million for National Guard costs.

I further recommend continuing \$178 million in existing FY21 authorizations into FY22. Generally, these “prior authorization continued” or “PAC” recommendations account for delays in incurring costs that were anticipated in the development of the FY21 budget, but now appear likely to occur in FY22. This amount includes \$60 million in public employee and retiree health care costs at the Group Insurance Commission, where claims costs have reflected the deferral of nonurgent care during the pandemic.

Moreover, I am recommending several policy changes.

Along with the UI Trust Fund transfer, several proposals in this bill will lighten the load on employers as we emerge from the COVID era. I propose to make federal Paycheck Protection Program (PPP) loans, Economic Injury Disaster Loan (EIDL) advances, Shuttered Venue Operators grants, Restaurant Revitalization Fund grants, and state MGCC grants nontaxable for all recipients, in line with federal tax treatment.

As a boost to the nonprofit sector, I recommend the implementation of the income tax charitable deduction next January. The Commonwealth can afford it and the combination of strong state revenues and serious needs facing non-profits and charitable organizations necessitate this tax deduction’s implementation.

I recommend, as I have before, that MassHealth be authorized to directly negotiate rebate agreements for certain medical supplies and other non-drug products.

I recommend that survivors of service members who die in training incidents be eligible for a Medal of Liberty. At present this award recognizes those who die in the line of duty in a designated combat zone, or as a result of wounds received in action.

I recommend changes for better management of public land and environmental resources. One section would reduce risks to sea turtles by ending the “single traps” requirement for lobstering in the waters around Gosnold. A section would extend the municipal vulnerability preparedness grant program to tribes and other regional and local entities who are not municipalities.

A few sections would improve the efficiency of government operations. I recommend changes to the frequency of civil service evaluations and expanded authorization to use

electronic forms and signatures. Another section, a refile, would allow for the extension of emergency appointments of firefighters in narrowly defined circumstances. Edits to the Technical Rescue Services Fund would improve its governance, while changes to red light permits for vehicles would better serve public safety needs.

Some sections make budget adjustments. I recommend that \$10 million each be set aside from the Consolidated Net Surplus for the Massachusetts Life Sciences Center and the Community Preservation Trust Fund. A section would restore the recently reduced \$35 cap on background check fees charged by Early Education and Care, to better reflect the actual cost of the service. I recommend allocating all administrative costs of the Commonwealth's SMART plan to the assets of the plan; to date, the Treasurer's Office has funded some of the plan's oversight. Other sections serve more procedural needs, such as the ratification of certain collectively bargained labor agreements.

I also take this opportunity to ask that you act on a number of previously filed matters that remain pending before the Legislature, including:

- Authorization for the Department of Public Health to assess the operators of nuclear reactors that are in the process of being decommissioned for associated radiation monitoring and emergency planning costs;
- Authorization for Massachusetts' entry into the Interstate Medical Licensure Compact, to allow duly licensed physicians from other participating states to practice medicine in this state;
- Elimination of obsolete statutory provisions that prevent the Board of Registration in Nursing from issuing licenses based on reciprocity to otherwise qualified applicants with a Canadian nursing license; and,
- Alignment of the Department of Public Health's clinical laboratories statute with federal testing classifications.

Sufficient revenues are estimated to be available to finance the appropriations and other measures proposed in this legislation. I urge you to enact this legislation promptly to facilitate the closing of the books for fiscal year 2021.

I continue to be grateful for the Legislature's partnership as we govern together during these challenging times. I look forward to seizing the opportunities that lie ahead of us.

Respectfully submitted

Charles D. Baker,
Governor

The Commonwealth of Massachusetts

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

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

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

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

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

9 SECTION 2.

10 SECRETARY OF THE COMMONWEALTH

11 *Secretary of the Commonwealth*

12 0521-0000 Elections Division Administration.....\$49,962

13 0521-0002 Early Voting.....\$450,000

14 OFFICE OF THE COMPTROLLER

15 *Office of the Comptroller*

16 1599-3384 Judgments Settlements and Legal Fees.....\$4,558,654

17 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

18 *Office of the Secretary of Administration and Finance*

19 1100-1100 Office of the Secretary of Administration and Finance.....\$300,000

20 *Department of Revenue*

21 1201-0122 Low Income Tax Clinics.....\$213,000

22 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

23 *Office of the Secretary of Health and Human Services*

24 1599-6903 Chapter 257 and Human Service Reserve.....\$39,400,000

25 4000-0300 EOHHS and Medicaid Administration.....\$300,000

26 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

27 *Department of Housing and Community Development*

28 7004-0102 Homeless Individual Shelters.....\$16,800,000

29 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

30 *Department of Fire Services*

31 8324-0000 Department of Fire Services Administration.....\$819,690

32 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
33 provide for an alteration of purpose for current appropriations, and to meet certain requirements
34 of law, the sums set forth in this section are hereby appropriated from the General Fund unless
35 specifically designated otherwise in this section, for the several purposes and subject to the
36 conditions specified in this section, and subject to the laws regulating the disbursement of public
37 funds for the fiscal year ending June 30, 2021. Except as otherwise stated, these sums shall be
38 made available until June 30, 2022.

39 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

40 *Reserves*

41 1599-0766 For grants to Massachusetts approved special education schools to address
42 the impacts of COVID-19.....\$20,000,000

43 1599-1214 For a reserve for expansion, upgrades or enhancements to staffing,
44 operations or infrastructure for new and existing facilities that treat men with an alcohol or
45 substance use disorder under sections 1 and 35 of chapter 123 of the General Laws; provided,
46 that the secretary of administration and finance may transfer funds from this item to state
47 agencies as defined in section 1 of chapter 29 of the General Laws.....\$7,000,000

48 1599-4448 For a reserve for collective bargaining and related labor costs; provided,
49 that funds shall be used for fiscal year 2020, 2021, and 2022 costs of contracts once validated
50 pursuant to section 7 of chapter 150 of the General Laws; provided further, that funds may be
51 used for non-union pay increases; and provided further, that the secretary of administration and
52 finance may authorize the transfer of funds from this account to other accounts to meet the
53 projected costs.....\$405,000,000

54 1599-4500 For a reserve to support one-time payments not to exceed two thousand
55 dollars to front-line state employees required to work in-person during the winter of 2020-2021;
56 provided, that the secretary of administration and finance may authorize the transfer of funds
57 from this account to other accounts to meet the projected costs.....\$40,000,000

58 1599-8910 For a reserve to support costs associated with the 14 county sheriffs’
59 offices; provided, that the secretary of administration and finance may transfer funds from this
60 item to state agencies as defined in section 1 of chapter 29 of the General Laws.....\$25,000,000

61 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

62 *Department of Housing and Community Development*

63 7004-0105 For permanent supportive housing units to house individuals experiencing
64 homeless and mitigate overcrowding in homeless shelters.....\$5,000,000

65 EXECUTIVE OFFICE OF EDUCATION

66 *Department of Higher Education*

67 7066-1003 For a program administered by the department of higher education to
68 reimburse Worcester State University and Quinsigamond Community College for costs
69 associated with educating former students of Becker College’s nursing program; provided, that
70 any unexpended funds in this item shall not revert but shall be made available for the purpose of
71 this item until June 30, 2023\$2,825,000

72 SECTION 2C.I. For the purpose of making available in fiscal year 2022 balances of
73 appropriations which otherwise would revert on June 30, 2021, the unexpended balances of the
74 appropriations listed below, not to exceed the amount specified below for each item, are hereby
75 re-appropriated for the purposes of and subject to the conditions stated for the corresponding
76 item in section 2 of chapter 227 of the acts of 2020. However, for items which do not appear in
77 section 2 of the general appropriation act, the amounts in this section are re-appropriated for the
78 purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of
79 this act or in prior appropriation acts. Amounts in this section are re-appropriated from the fund
80 or funds designated for the corresponding item in section 2 of said chapter 227; provided,
81 however, that for items which do not appear in section 2 of said chapter 227, the amounts in this
82 section are re-appropriated from the fund or funds designated for the corresponding item in
83 section 2 through 2E of this act or in prior appropriation acts. The unexpended balance of each
84 appropriation in the Massachusetts management accounting and reporting system with a
85 secretariat code of 01 or 17 is hereby re-appropriated for the purposes of and subject to the
86 conditions stated for the corresponding item in said section 2 of said chapter 227. The sums
87 reappropriated in this section shall be in addition to any amounts available for said purposes.

88 JUDICIARY

89 *Committee for Public Counsel Services*

90 0321-1500 Committee for Public Counsel Services.....\$300,000

91 0321-1520 Indigent Persons Fees and Court Costs.....\$6,800,000

92 *Mental Health Legal Advisers*

93 0321-2000 Mental Health Legal Advisors Committee.....\$200,000

94 DISTRICT ATTORNEYS

95 *Middle (Worcester) District Attorney*

96 0340-0400 Middle (Worcester) District Attorney.....\$125,000

97 *Northwestern District Attorney*

98 0340-0600 Northwestern District Attorney.....\$873,793

99 SECRETARY OF THE COMMONWEALTH

100 *Secretary of the Commonwealth*

101 0511-0271 Complete Count Census Program.....\$673,319

102 0511-0272 Cities Complete Count Municipal Grants.....\$293,652

103 TREASURER AND RECEIVER-GENERAL

104 *Treasurer and Receiver-General*

105 0610-2000 Welcome Home Bill Bonus Payments.....\$1,245,565

106 *State Lottery Commission*

107 0640-0000 State Lottery Commission.....\$4,400,000

108 STATE ETHICS COMMISSION

109 *State Ethics Commission*

110 0900-0100 State Ethics Commission.....\$20,000

111 OFFICE OF THE INSPECTOR GENERAL

112 *Office of the Inspector General*

113 0910-0200 Office of the Inspector General.....\$250,000

114 MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

115 *Massachusetts Commission Against Discrimination*

116 0940-0100 Massachusetts Commission Against Discrimination.....\$120,000

117 BOARD OF LIBRARY COMMISSIONERS

118 *Board of Library Commissioners*

119 7000-9101 Board of Library Commissioners.....\$170,000

120 CANNABIS CONTROL COMMISSION

121 *Cannabis Control Commission*

122 1070-0840 Cannabis Control Commission.....\$500,000

123	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE	
124	<i>Reserves</i>	
125	1599-0054	Hinton Lab Response Reserve.....\$620,000
126	<i>Division of Capital Asset Management and Maintenance</i>	
127	1102-3199	Office of Facilities Management.....\$375,000
128	<i>Group Insurance Commission</i>	
129	1108-5200	Group Insurance Premium and Plan Costs.....\$60,000,000
130	<i>Department of Revenue</i>	
131	1232-0100	Underground Storage Tank
132	Reimbursements.....	\$3,500,000
133	<i>Health Policy Commission</i>	
134	1450-1200	Health Policy Commission.....\$800,000
135	<i>Civil Service Commission</i>	
136	1108-1011	Civil Service Commission.....\$30,000
137	EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS	
138	<i>Office of the Secretary of Energy and Environmental Affairs</i>	
139	2000-0100	Energy and Environmental Affairs Administration.....\$100,000
140	2000-1013	Dams and Culverts.....\$300,000

141 2000-1700 Energy and Environmental Affairs Information Technology Costs
142\$171,959

143 *Department of Environmental Protection*

144 2260-8870 Hazardous Waste Cleanup.....\$1,000,000

145 *Department of Agricultural Resources*

146 2511-0100 Agricultural Resources Administration.....\$650,000

147 2511-0103 Cannabis and Hemp Oversight.....\$1,600,000

148 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

149 *Office of the Secretary of Health and Human Services*

150 4000-0005 Safe and Successful Youth Initiative.....\$1,207,285

151 4000-0007 Unaccompanied Homeless Youth Services.....\$450,000

152 4000-0300 EOHHS and Medicaid Administration.....\$239,825

153 4000-1700 Health and Human Services Information Technology Costs.....\$8,000,000

154 *Department of Elder Affairs*

155 9110-1633 Home Care Case Management and Admin.....\$2,316,872

156 9110-1636 Protective Services.....\$1,900,530

157 *Department of Public Health*

158	4510-0810	Sexual Assault Nurse Examiner (SANE) and PediatricSANE Program	
159		\$1,000,000
160	4512-2022	Grants to Local Boards of Health.....	\$6,000,000
161	4513-2020	Behavioral Health Supports.....	\$4,967,000

162 *Department of Mental Health*

163	5046-0000	Adult Mental Health and Support Services.....	\$2,500,000
164	5095-0015	Inpatient Facilities and Community Based Mental Health.....	\$1,500,000

165 *Department of Transitional Assistance*

166	4400-1000	Dept of Transitional Assistance Administration and Operation	
167		\$566,717
168	4401-1000	Employment Services Program.....	\$1,695,395
169	4401-1003	Two Generation Economic Mobility Programs.....	\$1,802,012

170 *Department of Children and Families*

171	4800-0015	Clinical Support Services and Operations.....	\$7,000,000
172	4800-0038	Services for Children and Families.....	\$6,300,000
173	4800-0041	Congregate Care Services.....	\$3,900,000
174	4800-1100	Social Workers for Case Management.....	\$4,440,000

175 *Massachusetts Commission for the Blind*

176 4110-1000 Community Services for the Blind.....\$873,744

177 *Massachusetts Rehabilitation Commission*

178 4120-1000 Massachusetts Rehabilitation Commission.....\$65,000

179 4120-2000 Vocational Rehabilitation for People with Disabilities.....\$179,000

180 4120-3000 Employment Assistance.....\$35,000

181 4120-4000 Independent Living Assistance.....\$241,000

182 4120-5000 Home Care Services for People with Multiple Disabilities.....\$244,000

183 4120-6000 Head Injury Treatment Services.....\$135,000

184 *Massachusetts Commission for the Deaf and Hard of Hearing*

185 4125-0100 Massachusetts Commission for the Deaf and Hard of Hearing

186\$506,000

187 *Department of Developmental Services*

188 5911-1003 DDS Service Coordination and Administration.....\$960,000

189 5920-2025 Community Day and Work Programs.....\$15,000,000

190 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

191 *Executive Office of Housing and Economic Development*

192 7002-0017 Housing and Economic Development IT Costs.....\$69,336

193 *Department of Housing and Community Development*

194 7004-9031 Accessible Affordable Housing Grants.....\$2,500,000

195 *Division of Standards*

196 7006-0060 Division of Standards.....\$90,110

197 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

198 *Executive Office of Labor and Workforce Development*

199 7002-1080 Learn to Earn.....\$243,000

200 7003-0150 Demonstration Workforce Development Program.....\$1,300,000

201 7003-0151 Registered Apprenticeship Expansion.....\$442,000

202 EXECUTIVE OFFICE OF EDUCATION

203 *Department of Early Education and Care*

204 3000-1000 Department of Early Education and Care.....\$642,000

205 3000-1020 Quality Improvement.....\$645,000

206 *Department of Elementary and Secondary Education*

207 7010-0005 Department of Elementary and Secondary Education.....\$338,678

208 7010-1194 Financial Literacy Education.....\$73,543

209 7010-1202 DESE Computer Science Education.....\$53,945

210 7061-0029 Educational Quality and Accountability.....\$350,582

211		<i>Department of Higher Education</i>	
212	7066-0000	Department of Higher Education.....	\$53,400
213	7066-0115	Endowment Incentive Program.....	\$356,596
214		EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY	
215		<i>Office of the Secretary of Public Safety and Security</i>	
216	8000-0600	Executive Office of Public Safety.....	\$710,156
217	8000-1700	Public Safety Information Technology Costs.....	\$526,458
218		<i>Office of the Chief Medical Examiner</i>	
219	8000-0105	Office of the Chief Medical Examiner.....	\$128,000
220		<i>Department of Criminal Justice Information Services</i>	
221	8000-0110	Criminal Justice Information Services.....	\$499,000
222		<i>Department of State Police</i>	
223	8100-0515	New State Police Class.....	\$3,200,000
224	8100-1004	State Police Crime Laboratory.....	\$420,000
225		<i>Municipal Police Training Committee</i>	
226	8200-0200	Municipal Police Training Committee.....	\$33,242
227		<i>Department of Fire Services</i>	

228 8324-0000 Department of Fire Services Administration.....\$3,779,084

229 *Department of Correction*

230 8900-1100 Re-Entry Programs.....\$672,757

231 *Parole Board*

232 8950-0001 Parole Board.....\$260,583

233 SECTION 2C.II. For the purpose of making available in fiscal year 2022 balances of
234 retained revenue and intragovernmental chargeback authorizations which otherwise would revert
235 on June 30, 2021, the unexpended balances of the authorizations listed below, not to exceed the
236 amount specified below for each item, are hereby re-authorized for the purposes of and subject to
237 the conditions stated for the corresponding item in section 2 or 2B of chapter 227 of the acts of
238 2020. However, for items which do not appear in section 2 or 2B of said chapter 227, the
239 amounts in this section are re-authorized for the purposes of and subject to the conditions stated
240 for the corresponding item in section 2, 2A, or 2B of this act or in prior appropriation acts.
241 Amounts in this section are re-authorized from the fund or funds designated for the
242 corresponding item in section 2 or 2B of the general appropriation act; however, for items which
243 do not appear in section 2 or 2B of the general appropriation act, the amounts in this section are
244 re-authorized from the fund or funds designated for the corresponding item in section 2, 2A, or
245 2B of this act or in prior appropriation acts. The sums re-authorized in this section shall be in
246 addition to any amounts available for those purposes.

247 OFFICE OF THE COMPTROLLER

248 *Office of the Comptroller*

249 1000-0601 Chargeback for HRCMS Functionality.....\$314,188

250 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

251 *Division of Administrative Law Appeals*

252 1110-1002 Administrative Law Appeals Fee Retained Revenue.....\$42,106

253 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

254 *Department of Veterans' Services*

255 1410-0018 Agawam and Winchendon Cemeteries Retained Revenue.....\$650,000

256 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

257 *Office of the Chief Medical Examiner*

258 8000-0122 Chief Medical Examiner Fee Retained Revenue.....\$300,000

259 *Military Division*

260 8700-1140 Armory Rental Fee Retained Revenue.....\$124,000

261 *Department of Correction*

262 8900-0021 Chargeback for Prison Industries and Farm Program.....\$398,075

263 SECTION 3. Chapter 7C of the General Laws is hereby amended by inserting after

264 section 2 the following section:-

265 Section 2A. (a) As used in this section, the following words shall have the following

266 meanings unless the context clearly indicates otherwise:-

267 “Alteration”, work required to modify or adjust the interior space arrangement or other
268 physical characteristics of an existing facility so that it may be more effectively utilized for its
269 presently designated or a new functional purpose.

270 “Coefficient Factor”, the job order contractor’s competitively bid numerical adjustments
271 applied to the unit prices included in the contract specifications, which shall also include any and
272 all costs other than the unit prices including overhead and profit.

273 “Job order”, an agreed upon fixed-price order issued by an authorized awarding authority
274 to a contractor pursuant to a job order contract, for the contractor’s performance of a specific
275 maintenance, repair, alteration or demolition project consisting of tasks selected from those
276 specified and priced in the job order contract.

277 “Job order contract”, a contract for the performance of multiple maintenance, repair,
278 alteration and demolition job order projects, or a subset thereof, that: (i) is limited to a specified
279 term; (ii) includes specifications consisting of technical descriptions of the included various tasks
280 at stated unit prices determined by local, direct costs for labor, material, and equipment, but that
281 do not specify the specific projects to be performed by the contractor; (iii) contains a fixed
282 contractor’s coefficient factor adjustments to be applied to the unit prices, as described under
283 clause (ii); and (iv) authorizes awarding authorities as listed in subsection (b) to enter into fixed
284 price job orders with the contractor for the performance of specific projects, consisting of
285 combinations of tasks specified in the job order at the unit prices specified in the contract
286 multiplied by the contractor’s coefficient factor.

287 “Maintenance”, day-to-day routine, normally recurring, repairs, equipment adjustments
288 and upkeep.

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

294 “Task”, includes an item of work for which a unit price is set forth in the contract
295 specifications, or for which a unit price is developed in accordance with a specified formula
296 presented in the contract.

297 (b) Notwithstanding section 44A of chapter 149, section 39M of chapter 30 or any other
298 general or special law to the contrary, the commissioner may establish a program for the use of
299 job order contracts by: (i) higher education facilities subject to the department of higher
300 education, and (ii) the division of capital asset management and maintenance with respect to
301 properties for which it is responsible. The commissioner and higher education facilities may
302 procure job order contracts under the program.

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

309 (d) Job order contracts authorized under this section shall: (i) be limited to use for job
310 orders estimated to cost not more than \$150,000 each; (ii) have a maximum term of 4 years; and

311 (iii) be procured through the procedures specified in section 39M of chapter 30, except that: (A)
312 the amount of the bid deposit shall be \$5,000; (B) a contractor who is awarded a job order under
313 a job order contract shall be certified by the division for the category of work specified in the
314 contract; and (C) the amount of surety bonds shall be based upon the value of a job order and
315 shall be provided to the awarding authority as set forth in the job order contract and not later than
316 the commencement of any work under a job order. Job order contracts shall be awarded to the
317 eligible and responsible bidders who offer the lowest combination of coefficient factors over the
318 base unit prices specified in the contract specifications.

319 SECTION 4. Section 35FF of chapter 10 of the General Laws, as appearing in the 2020
320 Official Edition, is hereby amended by striking out, in line 73, the words “established by section
321 45 of chapter 75” and inserting in place thereof the following words:- established by section 12
322 of chapter 40G.

323 SECTION 5. Subsection (l) of section 8 of chapter 15D of the General Laws, as amended
324 by section 4 of chapter 29 of the acts of 2021, is hereby further amended by striking out the
325 words “the fingerprint background check service fee charged by the Federal Bureau of
326 Investigation” and inserting in place thereof the following words:- 35 dollars per person.

327 SECTION 6. Section 5 of chapter 21E of the General Laws, as appearing in the 2020
328 Official Edition, is hereby amended by adding the following paragraph:-

329 (m) Notwithstanding any other provision of this chapter, the commonwealth shall not be
330 liable under this chapter for response actions taken or arranged by the department at any time for
331 the purpose of implementing or enforcing the commonwealth’s rights or responsibilities pursuant
332 to this chapter.

333 SECTION 7. Subsection (m) of section 5 of chapter 21K of the General Laws, as so
334 appearing, is hereby amended by striking out, in line 140, the words “\$3,000” and inserting in
335 place thereof, the following words:- \$5,000.

336 SECTION 8. Section 10B of chapter 23A of the General Laws, as so appearing, is hereby
337 amended by striking out, in lines 17 and 18, the words “executive director of the Massachusetts
338 Technology Transfer Center” and inserting in place thereof the following words:- president of
339 the Massachusetts Technology Development Corporation.

340 SECTION 9. Section 56 of said chapter 23A, as so appearing, is hereby amended by
341 striking out, in line 37, the words “established in chapter 75” and inserting in place thereof the
342 following words:- established in section 12 of chapter 40G.

343 SECTION 10. Section 27 of chapter 23G of the General Laws, as so appearing, is hereby
344 amended by striking out, in line 73, the words “established by section 45 of chapter 75” and
345 inserting in place thereof the following words:- established by section 12 of chapter 40G.

346 SECTION 11. Section 28 of said chapter 23G, as so appearing, is hereby amended by
347 striking out, in lines 19 to 22, the following sentence:- The executive director of the
348 Massachusetts Technology Transfer Center or the executive director’s designee shall serve as an
349 ex-officio and nonvoting member of the advisory committee.

350 SECTION 12. Section 6 of chapter 23I of the General Laws, as so appearing, is hereby
351 amended by striking out, in lines 106 and 107, the words “established by section 45 of chapter
352 75” and inserting in place thereof the following words:- established by section 12 of chapter
353 40G.

354 SECTION 13. Section 12 of said chapter 23I, as so appearing, is hereby amended by
355 striking out, in lines 10 and 11, the words “executive director of the Massachusetts Technology
356 Transfer Center and,” and inserting in place thereof the following words:- president of the
357 Massachusetts Technology Development Corporation or the president’s designee.

358 SECTION 14. Section 2DDDDDD of chapter 29 of the General Laws, as so appearing, is
359 hereby amended by inserting after the word “expended,” in line 15, the following words:- by
360 the state fire marshal as the head of the department of fire services, who shall act as co-
361 administrator.

362 SECTION 15. The second paragraph of said section 2DDDDDD of said chapter 29, as so
363 appearing, is hereby further amended by adding the following sentence:- The department of fire
364 services shall assist the technical rescue coordinating council established pursuant to section 6 of
365 chapter 22D with the administration of the fund including but not limited to the collection and
366 expenditure of amounts for the purposes set forth in this paragraph.

367 SECTION 16. Section 64 of said chapter 29, as so appearing, is hereby amended by
368 adding the following paragraph:-

369 The state treasurer, on behalf of the commonwealth’s deferred compensation program,
370 may adopt annual budgets and supplemental budgets as necessary. Said budgets may include
371 salaries for treasury employees working on or administering the commonwealth’s deferred
372 compensation program, and said budgets may be funded from the administrative expense
373 account of the commonwealth’s deferred compensation program. Any such treasury employee
374 whose compensation is sourced from the commonwealth’s deferred compensation program shall

375 be an “employee” as that term is defined in section 1 of chapter 32 and shall be a member of the
376 state employees’ retirement system.

377 SECTION 17. Section 6A of chapter 31 of the General Laws, as so appearing, is hereby
378 amended by striking out the third paragraph and inserting in place thereof the following
379 paragraph:-

380 Such evaluation system shall include, but not be limited to, the following general
381 provisions:

382 (1) All performance evaluations may be in writing or a printable electronic format and
383 shall be maintained as part of the employee’s records by the employee’s appointing authority
384 until such employee leaves civil service employment or as otherwise prescribed by the
385 administrator.

386 (2) Prior to each evaluation period, the immediate supervisor shall inform the employee
387 of the general performance dimensions and the procedures to be utilized in evaluating the
388 employee’s performance. The supervisor shall also inform the employee that such evaluation
389 may be utilized by the department or the appointing authority in future personnel determinations.

390 (3) After such evaluation has been conducted, the immediate supervisor shall confer with
391 the employee concerning the evaluation. Upon the completion of the employee’s review of such
392 evaluation, the employee shall acknowledge receipt of the evaluation and indicate whether the
393 employee agrees or disagrees with the evaluation. If the employee so desires, the employee or,
394 with the employee’s consent, the employee’s collective bargaining agent, may be provided a
395 copy of such evaluation.

396 SECTION 18. Section 31 of said chapter 31, as so appearing, is hereby amended by
397 adding the following paragraph:-

398 Upon a federal or governor declared state of emergency or a declaration by the governor
399 that an emergency exists which is detrimental to the public health, the personnel administrator
400 may, upon written request of an appointing authority, consent to an additional extension of
401 emergency appointments without limit on duration. The personnel administrator shall revoke any
402 emergency appointment granted under this paragraph when the underlying circumstances
403 resolve. No emergency appointment of more than 30 working days, or renewal of an emergency
404 appointment, shall be made without the consent of the administrator.

405 SECTION 19. Section 67A of chapter 33 of the General Laws, as so appearing, is hereby
406 amended by inserting after the word “action,” in line 5, the following words:- or died as a result
407 of a training accident in the line of duty.

408 SECTION 20. Section 1 of chapter 40G of the General Laws, as so appearing, is hereby
409 amended by inserting after the definition of “board” the following definition:-

410 “Center” or “MTTC,” the Massachusetts Technology Transfer Center established in
411 section 12.

412 SECTION 21. Said chapter 40G of the General Laws is hereby further amended by
413 inserting after section 4B the following section:-

414 Section 4C. The Massachusetts Technology Transfer Center shall administer the
415 Innovation Commercialization Seed Fund established in section 45B of chapter 75.

416 SECTION 22. Said chapter 40G is hereby further amended by adding the following
417 section:-

418 Section 12. (a) There shall be within the corporation, and subject to the board's oversight
419 and control, a Massachusetts Technology Transfer Center to facilitate the transfer of technology
420 from the commonwealth's research institutions to the commonwealth's industries, for productive
421 use by such industries. Said center shall provide advice and assistance to public and private
422 research institutions on strategies for technology transfer including, but not limited to, advice and
423 assistance in the following areas: (1) assessing the viability and value of developing
424 technologies; (2) defining and exploiting potential markets for such technologies; (3)
425 commercialization strategies; (4) intellectual property issues, including licensing strategies; and
426 (5) business development. The center shall be governed by the board and subject to the board's
427 oversight and control. The president of the corporation may hire such staff as may be necessary
428 to accomplish purposes of the center.

429 (b) The corporation shall report annually to the Massachusetts office of business
430 development on the number of technology transfer transactions or projects that have been
431 consummated with the assistance of the center, the names and geographic locations of the
432 recipient industries, and the estimated number of new jobs created as a result of such transactions
433 or projects.

434 SECTION 23. Section 20 of chapter 44 of the General Laws, as appearing in the 2020
435 Official Edition, is hereby amended by striking out the fifth sentence, in lines 22 to 32, inclusive,
436 and inserting in place thereof the following 3 sentences:-

437 Any premium received upon the sale of notes, less the cost of preparing, issuing and
438 marketing the notes, and any accrued interest received upon the delivery of the notes, shall be
439 applied to the first payment of interest on the note. Any premium received upon the sale of
440 bonds, less the cost of preparing, issuing and marketing them, and any accrued interest received
441 upon the delivery of bonds shall be: (i) in the case of bonds sold by a city or town that have been
442 excluded under section 21C of chapter 59, or bonds sold by a regional school district for which
443 one or more member cities or towns have so excluded their share of the bond, applied by the
444 treasurer to pay costs of the project being financed by the bonds and to reduce the amount
445 authorized to be borrowed for the project by like amount; or (ii) in the case of any other bonds,
446 applied by the treasurer to pay costs of the project being financed by the bonds and to reduce the
447 amount authorized to be borrowed for the project by like amount; or if not so applied,
448 appropriated to pay costs of a project for which the city, town or district has authorized a
449 borrowing, or may authorize a borrowing. Notwithstanding this section, any premium and
450 accrued interest received on account of an issue of bonds, less the cost of preparing, issuing and
451 marketing the bonds, not in excess of \$50,000 may be applied, with the approval of the chief
452 executive officer, for the payment of indebtedness.

453 SECTION 24. Section 28A of said chapter 44, as so appearing, is hereby amended by
454 inserting after the word “notes,” in line 5, the following words:- , the provisions of section 21C
455 relating to lease purchase financing agreements.

456 SECTION 25. Section 31 of said chapter 44, as so appearing, is hereby amended by
457 inserting after the word “section,” in line 14, the following words:- for such an emergency.

458 SECTION 26. Said section 31 of said chapter 44, as so appearing, is hereby further
459 amended by striking out, in lines 39 and 40, the words “judgments, awards or payments” and
460 inserting in place thereof the following words:- judgments, which shall mean final awards or
461 payments.

462 SECTION 27. Said section 31 of said chapter 44, as so appearing, is hereby further
463 amended by striking out, in line 42, the word “council” and inserting in place thereof the
464 following word:- counsel.

465 SECTION 28. Said section 31 of said chapter 44, as so appearing, is hereby further
466 amended by striking out, in line 49, the words “otherwise made provision therefor” and inserting
467 in place thereof the following words:- made provision therefor by borrowing under section 7 or
468 otherwise.

469 SECTION 29. Section 63 of said chapter 44, as so appearing, is hereby amended by
470 striking out, in line 11, the words “clause (3) of section seven,” and inserting in place thereof the
471 following words:- section 7 to purchase land, or interests in land, or construct or enlarge
472 buildings, including the cost of original equipment and furnishings of the buildings or
473 enlargements.

474 SECTION 30. Section 18 of chapter 59 of the General Laws, as so appearing, is hereby
475 amended by striking out, in line 71, the words “an executor or administrator” and inserting in
476 place thereof the following words:- a personal representative.

477 SECTION 31. Said section 18 of said chapter 59, as so appearing, is hereby further
478 amended by striking out, in lines 72 and 73, the words “executor or administrator” and inserting
479 in place thereof the following words:- personal representative.

480 SECTION 32. Section 2A of chapter 61A of the General Laws, as so appearing, is hereby
481 amended by striking out, in line 6, the words “chapter 25” and inserting in place thereof the
482 following words:- chapter 25A.

483 SECTION 33. Chapter 75 of the General Laws is hereby amended by striking out section
484 45 and inserting in place thereof the following section:-

485 Section 45. There shall be at the University of Massachusetts within the McCormack
486 Graduate School of Policy and Global Studies, the Edward J. Collins, Jr. Center for Public
487 Management. The center shall analyze and study economic trends in the commonwealth and
488 shall provide its analysis to elected officials. The center shall continuously research and inform
489 elected officials on the following subject areas:

490 (1) effectiveness of the commonwealth’s economic development incentive programs
491 including, but not limited to, tax credits, loan and matching grant programs;

492 (2) job creation programs;

493 (3) tax policy;

494 (4) workforce training and development programs; and

495 (5) regional and national competitiveness of the state’s economy.

496 The center shall work with existing research entities within the University of
497 Massachusetts system and other public agencies to prepare timely analysis of the economy of the
498 commonwealth and other economic indicators.

499 SECTION 34. Section 45A of said chapter 75 of the General Laws is hereby repealed.

500 SECTION 35. Section 45B of said chapter 75 of the General Laws, as appearing in the
501 2020 Official Edition, is hereby amended by striking out, in line 7, the words “section 45” and
502 inserting in place thereof the following words:- section 12 of chapter 40G.

503 SECTION 36. Section 1 of chapter 90 of the General Laws, as so appearing, is hereby
504 amended by striking out in the definition of “School bus”, in line 385, the word “eight” and
505 inserting in place thereof the following figure:- 9.

506 SECTION 37. Section 7D of said chapter 90, as so appearing, is hereby amended by
507 striking out the first sentence and inserting in place thereof the following 2 sentences:- The
508 requirements of clauses (1), (2), (3), (5), (7), (8), (9), (10), (13), (16) and (17) of section 7B shall
509 apply to any motor vehicle having permanent seating accommodations for and carrying not more
510 than 9 passengers in addition to the operator, used in the business of transporting school pupils
511 for hire under terms of contract or otherwise, while so used, but not including any motor vehicle
512 used for not more than 5 days in case of emergency; provided, however, that the 8 lamp system,
513 so-called, required on certain motor vehicles in clause (7) of said section 7B shall not apply to
514 vehicles specified in this section. Only anchorages and seats installed as original equipment at
515 time of manufacture of the vehicle, or retrofitted by the original manufacturer of said vehicle
516 shall be used.

517 SECTION 38. Section 7E of said chapter 90, as so appearing, is hereby amended by
518 inserting after the word “buses,” in line 3, the following words:- , emergency vehicles operated
519 by the department of fire services.

520 SECTION 39. Said section 7E of said chapter 90, as so appearing, is hereby further
521 amended by inserting after the word “service ” in line 17, the following words:- or full time

522 employees or contract employees employed by or under contract to the department of fire
523 services.

524 SECTION 40. Section 37 of chapter 130 of the General Laws, as so appearing, is hereby
525 amended by striking out the third paragraph.

526 SECTION 41. Section 42 of chapter 132 of the General Laws, as so appearing, is hereby
527 amended by striking out, in lines 3 and 4 and lines 8 and 9, the words “by certified mail or hand
528 deliver”, each time they appear, and inserting in place thereof, in each instance, the following
529 words:- in accordance with guidelines posted by the department.

530 SECTION 42. Section 21 of chapter 218 of the General Laws, as so appearing, is hereby
531 amended by striking out, in line 9, the words “property or an” and inserting in place thereof the
532 following words:- property in any amount or any other.

533 SECTION 43. Said section 21 of said chapter 218, as so appearing, is hereby further
534 amended by striking out, in lines 43 and 44, the words “or an action by a city or town which shall
535 not exceed \$15,000” and inserting in place thereof the following words:- in any amount or any
536 other action by a city or town which shall not exceed \$15,000 or an action.

537 SECTION 44. Section 2 of chapter 112 of the acts of 2018 is hereby amended by striking
538 out the figures “7002-0015” and inserting in place thereof the following figures:- 7002-0016.

539 SECTION 45. Section 2C of chapter 209 of the acts of 2018 is hereby amended by
540 striking out the figures “2000-7061” and inserting in place thereof the following figures:- 2000-
541 7065.

542 SECTION 46. Said section 2 of said chapter 209 is hereby further amended by striking
543 out the figures “2800-7031” and inserting in place thereof the following figures:- 2800-7033.

544 SECTION 47. Item 2000-7081 of section 2A of said chapter 209 is hereby amended by
545 striking out the words “cities and towns” and inserting in place thereof the following words:- the
546 commonwealth’s political subdivisions, including but not limited to, cities, towns, counties and
547 districts, and federal and state recognized tribes, or any authority, commission, board or
548 instrumentality of the foregoing,.

549 SECTION 48. Said item 2000-7081 of said section 2A of said chapter 209 is hereby
550 further amended by striking out the words “all the members of the city council in a city having a
551 Plan D or Plan E charter, the vote of the city council in a city not having such a charter, subject
552 to the charter of such a city, and the majority vote of the selectboard in a town” and inserting in
553 place thereof the following words:- the grantee’s legislative body or board of directors or
554 equivalent.

555 SECTION 49. Section 2A of chapter 228 of the acts of 2018 is hereby amended by
556 striking out the figures “6720-1351” and inserting in place thereof the following figures:- 7002-
557 1351.

558 SECTION 50. Said section 2A of said chapter 228 is hereby further amended by striking
559 out the figures “7002-1501” and inserting in place thereof the following figures:- 7002-1521.

560 SECTION 51. Said section 2A of said chapter 228 is hereby further amended by striking
561 out the figures “7002-8006” and inserting in place thereof the following figures:- 7002-8024.

562 SECTION 52. Said section 2A of said chapter 228 is hereby further amended by striking
563 out the figures “7002-8007” and inserting in place thereof the following figures:- 7002-8025.

564 SECTION 53. Said section 2A of said chapter 228 is hereby further amended by striking
565 out the figures “7002-8019” and inserting in place thereof the following figures:- 7002-8026.

566 SECTION 54. Section 2B of said chapter 228 is hereby amended by striking out the
567 figures “7009-2005” and inserting in place thereof the following figures:- 7009-2007.

568 SECTION 55. Said section 2B of said chapter 228 is hereby further amended by striking
569 out the figures “0640-0302” and inserting in place thereof the following figures:- 0640-0304.

570 SECTION 56. Chapter 142 of the acts of 2019 is hereby amended by striking out section
571 95 and inserting in place thereof the following section:-

572 Section 95. Notwithstanding any general or special law to the contrary, subject to
573 availability of sufficient proceeds, the department of energy resources shall expend amounts
574 from the RGGI Auction Trust Fund established in section 35II of chapter 10 of the General Laws
575 to fund the green communities program established in section 10 of chapter 25A of the General
576 Laws, to fund electric vehicle incentive programs through June 30, 2022, and to fund
577 transportation sector electrification programs through June 30, 2022; provided, however, that the
578 department of energy resources shall offer rebates of not less than \$2,500 and not more than
579 \$5,000 for the purchase or lease of battery electric vehicles, fuel cell electric vehicles and zero-
580 emissions vehicles for sale or lease with a retail price of not more than \$50,000. All payments
581 made from the fund before June 30, 2022, after allocation of sufficient funds to reimburse the
582 commonwealth for costs associated with the administration of the cap and trade program, and in
583 a proportion to be determined by the department of energy resources with the approval of the

584 secretary, shall be prioritized so that the initial payments from the fund shall be made to the
585 green communities, electric vehicle incentive, and transportation electrification programs;
586 provided, however, that not less than \$27,000,000 shall be available for electric vehicle incentive
587 programs per fiscal year; and provided further, that the department shall examine the programs,
588 including, but not limited to, the cost-effectiveness of the programs in greenhouse gas emissions
589 reductions, and report its findings to the joint committee on telecommunications, utilities and
590 energy not later than July 1, 2022.

591 SECTION 57. Item 1000-0008 of section 2 of chapter 227 of the acts of 2020 is hereby
592 amended by striking out the words “5 per cent” and inserting in place thereof the following
593 words:- 21.2 per cent.

594 SECTION 58. Subsection (b) of section 2 of chapter 355 of the acts of 2020 is hereby
595 amended by striking out, in lines 20 and 21, the words “1 year” and inserting in place thereof the
596 following words:- 2 years.

597 SECTION 59. Subsection (c) of said section 2 of said chapter 355 is hereby amended by
598 striking out the second sentence and inserting in place thereof the following sentence:- The
599 survey plan shall be subject to the approval of the division and recorded in the Hampshire district
600 registry of deeds within 2 years of the acceptance by the board and approval by the division.

601 SECTION 60. Section 3 of said chapter 355 is hereby amended by striking out the first 2
602 sentences and inserting in place thereof the following 2 sentences:- There shall be established
603 and set up on the books of the commonwealth a non-budgeted special revenue fund called the
604 Lampson Brook Farm Fund. Expenditures from the fund shall not be subject to appropriation and
605 shall be administered by the board consistent with the management plan.

606 SECTION 61. Said section 3 of said chapter 355 is hereby further amended by striking
607 out, in line 4, the words “bond revenues or”.

608 SECTION 62. Said section 3 of said chapter 355 is hereby further amended by striking
609 out, in lines 8 and 9, the words “including, but not limited to, any ground lease payments from
610 the enterprise zone parcel or” and inserting in place thereof the following word:- and.

611 SECTION 63. Said section 3 of said chapter 355 is hereby further amended by striking
612 out, in lines 16 and 17, the words “shall be held in an expendable trust and”.

613 SECTION 64. Said section 3 of said chapter 355 is hereby further amended by striking
614 out the fifth sentence.

615 SECTION 65. Section 4 of said chapter 355 is hereby amended by striking out, in lines 3
616 through 9, the words “. The division shall certify that the plans are sufficient to ensure the
617 permanent protection and ownership of all parcels comprising the Lampson Brook Farm. The
618 division shall notify the house and senate committees on ways and means of its certification of
619 the plans. Parcels not transferred by the board pursuant to this act on or before the division
620 notifies the house and senate committees on ways and means of its certification of the survey and
621 management plans” and inserting in place thereof the following words:- and the house and senate
622 committees on ways and means. The parcels comprising Lampson Brook Farm.

623 SECTION 66. Said section 4 of said chapter 355 is hereby further amended by adding the
624 following words:- , unless and until conveyed as provided for in this act.

625 SECTION 67. Subsection (a) of section 5 of said chapter 355 is hereby amended by
626 striking out the first 3 sentences and inserting in place thereof the following 3 sentences:-

627 Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or any general
628 or special law to the contrary, the division, with the approval of the board and consistent with the
629 recommendations of the management plan, shall seek proposals and select nonprofit
630 organizations for the fee interest in the community farm parcel and the forest parcel, a
631 conservation and preservation restriction upon the community farm parcel, and a preservation
632 restriction upon the Jepson farm parcel, through a competitive process. Preference shall be given
633 to those qualified applicants that propose to own both the community farm and forest parcels and
634 provide farm management services, that most closely meets the recommendations of the
635 management plan, and that offer the most experience in resource stewardship. The value of the
636 community farm parcel and the forest parcel shall be determined as restricted by the associated
637 conservation and preservation restrictions; and applicants may utilize appropriate private, state or
638 federal grants to pay for the restricted value as determined by an independent appraisal prepared
639 in accordance with the usual and customary professional appraisal practices by a qualified
640 appraiser commissioned by the division.

641 SECTION 68. Subsection (b) of said section 5 of said chapter 355 is hereby amended by
642 striking out the first 2 sentences and inserting in place thereof the following 2 sentences:-
643 Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or any general
644 or special law to the contrary, the division may convey the community farm parcel to the
645 nonprofit organization selected pursuant to subsection (a) and such nonprofit corporation shall
646 have at least the following purposes: (i) historic preservation; (ii) passive recreation; (iii)
647 promotion of small-scale farming, local food production and food system development; and (iv)
648 farm management services. Notwithstanding said sections 32 to 37, inclusive, of said chapter 7C
649 of the General Laws or any general or special law to the contrary, the division may convey a

650 conservation and preservation restriction, within the meaning of section 31 and with the benefit
651 of section 32 of chapter 184 of the General Laws, upon the community farm parcel to a qualified
652 organization selected under subsection (a) that is organized for purposes that include farmland
653 conservation and historic preservation.

654 SECTION 69. Said section 5 of said chapter 355 is hereby further amended by striking
655 out subsection (c) and inserting in place thereof the following subsection:-

656 (c) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or
657 any general or special law to the contrary, the division may convey the forest parcel to the
658 nonprofit organization selected pursuant to subsection (a) and such organization shall be
659 organized for at least forest conservation and management purposes. The division shall retain or
660 convey, as applicable, a conservation restriction upon the forest parcel, within the meaning of
661 section 31 and with the benefit of section 32 of chapter 184 of the General Laws, which shall be
662 under the joint care and control of the department of conservation and recreation and the
663 conservation commission of the town of Belchertown pursuant to section 8C of chapter 40 of the
664 General Laws.

665 SECTION 70. Section 6 of said chapter 355 is hereby amended by striking out the first 2
666 sentences and inserting in place thereof the following 2 sentences:- Notwithstanding sections 32
667 to 37, inclusive, of chapter 7C of the General Laws or any general or special law to the contrary,
668 the division, with the approval of the board, shall convey the Jepson farmstead parcel, for no
669 consideration other than the performance of the obligations under this act, to the New England
670 Small Farm Institute, Inc. or its successor organization; provided, however, that any transfer to a
671 successor organization shall be approved by the board. Notwithstanding said sections 32 to 37,

672 inclusive, of said chapter 7C of the General Laws or any general or special law to the contrary,
673 the division may convey a preservation restriction, within the meaning of section 31 and with the
674 benefit of section 32 of chapter 184 of the General Laws, over the Jepson farmstead parcel to a
675 qualified public or private entity selected under subsection (a) of section 5.

676 SECTION 71. Said chapter 355 is hereby further amended by striking out section 7 and
677 inserting in place thereof the following section:-

678 Section 7. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
679 Laws or any general or special law to the contrary, the division, with the approval of the board
680 and consistent with the recommendations of the management plan, is authorized to sell the
681 enterprise zone parcel to a nonprofit organization or a private entity through a competitive
682 process. The selection shall be based on the total amount of the proposed purchase payment, the
683 compatibility of the proposal with the management plan, the applicant's ability to steward the
684 parcel and any other criteria as determined by the board. The board may utilize the fund to
685 restore or partially restore the enterprise zone parcel in order to successfully complete the
686 transition from the former dairy farm into sustainable natural resource-based enterprises
687 compatible with the management plan with provision for public access, tourism and public
688 education value and public benefits. Sale proceeds shall be deposited into the fund. The owner of
689 the enterprise zone parcel shall manage the enterprise zone parcel in compliance with the
690 management plan and the deed shall include a provision requiring compliance with the
691 management plan.

692 SECTION 72. Section 8 of said chapter 355 is hereby amended by inserting after the
693 word "complete" in line 5 the following words:- and implement.

694 SECTION 73. Said section 8 of said chapter 355 is hereby further amended by striking
695 out, in line 14, the words “historic”.

696 SECTION 74. Said chapter 355 is hereby further amended by striking out section 9 and
697 inserting in place thereof the following section:-

698 Section 9. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
699 Laws or any general or special law to the contrary, the division may grant a permanent access
700 easement to or enter into an agreement with the Snowmobile Association of Massachusetts, in
701 consultation with the Mill Valley Snowmobile Club, Inc., for the snowmobile trail that crosses
702 the Lampson Brook Farm as described in the management plan and subject to the conservation
703 restriction.

704 SECTION 75. Section 10 of said chapter 355 is hereby amended by striking out the
705 second sentence and inserting in place thereof the following sentence:- The division may sell or
706 lease that parcel to a purchaser or lessee selected through a competitive process as determined by
707 the division, which shall include consideration of the impact any such disposition may have on
708 adjacent property.

709 SECTION 76. Section 12 of said chapter 355 is hereby amended by striking out, in line 3,
710 the word “state” and inserting in place thereof the following word:- central.

711 SECTION 77. Said chapter 355 is hereby further amended by adding the following
712 section:-

713 Section 13. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
714 Laws, the division of capital asset management and maintenance is authorized to transfer care
715 and control of the commercial agricultural parcel to the department of agricultural resources.

716 SECTION 78. Section 2A of chapter 358 of the acts of 2020 is hereby amended by
717 striking out the figures “0640-0304” and inserting in place thereof the following figures:- 0640-
718 0306.

719 SECTION 79. Section 2 of chapter 24 of the acts of 2021 is hereby amended by inserting
720 after item 1599-7106 the following item:-

721 1599-9817 For a reserve to enhance, expand, and strengthen Medicaid home and
722 community-based services; provided, that the secretary of administration and finance, in
723 consultation with the secretary of health and human services, may transfer funds from this item
724 to state agencies as defined under section 1 of chapter 29 of the General Laws \$300,000,000
725 Home and Community-Based Services Federal Investment Fund.....100%

726 SECTION 80. Item 9110-1635 of said section 2 of said chapter 24 is hereby amended by
727 striking out the words “; provided, that the rate add-on for home health aide services shall be
728 \$2.68 per service hour during fiscal year 2022; provided further, that the rate add-on for
729 homemaker and personal care homemaker services shall be \$2.96 per service hour during fiscal
730 year 2022”.

731 SECTION 81. Section 99 of said chapter 24 is hereby repealed.

732 SECTION 82. There shall be established and set up on the books of the commonwealth a
733 separate fund known as the Home and Community-Based Services Federal Investment Fund.

734 The fund shall be credited with the amount equal to the amount of federal financial participation
735 received by the commonwealth pursuant to section 9817 of the American Rescue Plan Act of
736 2021, Public Law 117-2, hereinafter referred to as “ARPA”. Amounts credited to the fund shall
737 be expended, subject to appropriation, to support the home and community-based services
738 workforce, access to and promotion of home and community-based services and supports, and
739 home and community-based services technology and infrastructure. Spending from the fund shall
740 be governed by requirements established in ARPA and any guidance related to ARPA issued by
741 the federal government. The fund shall not be subject to section 5C of chapter 29 of the General
742 Laws.

743 SECTION 83. Notwithstanding any general or special law to the contrary, for any taxable
744 year beginning on or after January 1, 2021, the following items shall be deducted from federal
745 gross income for the purpose of determining Massachusetts gross income under section 2 of
746 chapter 62 of the General Laws: (i) an amount which, but for this section, would be included in
747 the gross income, in whole or in part, of an eligible recipient, as described in subsection (a) of
748 section 1102 of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136,
749 because of the forgiveness described in subsection (b) of section 1106 of said federal
750 Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136; (ii) an amount of an advance
751 received pursuant to subsection (e) of section 1110 of said federal Coronavirus Aid, Relief, and
752 Economic Security Act, P.L. 116-136; (iii) an amount of any payment described in subsection (c)
753 of section 1112 of said federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-
754 136; (iv) an amount of funding received pursuant to section 331 of the federal Economic Aid to
755 Hard-Hit Small Businesses, Nonprofits, and Venues Act, P.L. 116-260; (v) any grant made under
756 section 324 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act,

757 P.L. 116-260; and (vi) any amount received from the Administrator of the Small Business
758 Administration in the form of a restaurant revitalization grant under section 5003 of the
759 American Rescue Plan Act of 2021, P.L. 117-2.

760 SECTION 84. Notwithstanding any general or special law to the contrary, for any taxable
761 year beginning on or after January 1, 2021, any amount received from a small business relief
762 program administered through the Massachusetts Growth Capital Corporation after March 10,
763 2020 for purposes of providing emergency COVID-19 relief, including grants and any portion of
764 a loan subsequently forgiven, shall be deducted from federal gross income for the purpose of
765 determining Massachusetts gross income under section 2 of chapter 62 of the General Laws and
766 from federal gross income for purposes of determining Massachusetts gross income under
767 section 30 of chapter 63 of the General Laws.

768 SECTION 85. Notwithstanding any general or special law to the contrary, the secretary
769 of health and human services may directly negotiate rebate agreements with manufacturers of
770 medical supplies and other non-drug products if such agreements maximize value to the
771 commonwealth; provided, however, that the secretary shall not be subject to any otherwise
772 applicable requirements set forth in 801 CMR 21.00 or any successor regulation. Such
773 agreements may be based on the value, efficacy or outcomes of the non-drug product.

774 SECTION 86. Notwithstanding any general or special law to the contrary, the
775 requirements of section 7D of chapter 90 of the General Laws shall apply to motor vehicles
776 having permanent seating accommodations for not more than 11 passengers in addition to the
777 operator; provided, however, that such vehicles shall not carry more than 8 passengers in

778 addition to the operator when used in the business of transporting school pupils for hire under
779 terms of contract or otherwise.

780 SECTION 87. Notwithstanding any general or special law to the contrary, prior to
781 the certification and disposition of the consolidated net surplus for fiscal year 2021 pursuant to
782 section 5C of chapter 29 of the General Laws, but after eliminating deficits in any fund
783 contributing to the surplus, the comptroller shall transfer up to \$1,000,000,000 of the
784 undesignated fund balance in the General Fund to the Unemployment Compensation Fund
785 established under section 48 of chapter 151A.

786 SECTION 88. Notwithstanding any general or special law to the contrary, prior to
787 transferring the consolidated net surplus in the budgetary funds to the Commonwealth
788 Stabilization Fund pursuant to section 5C of chapter 29 of the General Laws, the comptroller
789 shall dispose of the consolidated net surplus in the budgetary funds for fiscal year 2021 in the
790 following order of precedence: (i) an amount not more than \$10,000,000, to the Massachusetts
791 Life Sciences Investment Fund established in section 6 of chapter 23I of the General Laws; and
792 (ii) an amount not more than \$10,000,000, to the Massachusetts Community Preservation Trust
793 Fund established in section 9 of chapter 44B of the General Laws.

794 SECTION 89. The salary adjustments and other economic benefits authorized by the
795 following collective bargaining agreements shall be effective for the purposes of section 7 of
796 chapter 150E of the General Laws:

797 (1) between the commonwealth and the American Federation of State, County, and
798 Municipal Employees, Unit 2;

799 (2) between the commonwealth and the Service Employees International Union,
800 Local 509, Units 8 and 10;

801 (3) between the commonwealth and the National Association of Government
802 Employees, Units 1, 3 and 6;

803 (4) between the sheriff of Hampshire county and the Hampshire Sheriff's Office
804 Non-Uniform Correctional Association, Unit SH7;

805 (5) between the sheriff of Hampshire county and the Hampshire Sheriff's Office Jail
806 and House of Correction Supervisory Correctional Officers' Association, Unit SH8;

807 (6) between the sheriff of Hampshire county and the National Correctional Employee
808 Union, Unit SH5;

809 (7) between the sheriff of Suffolk county and the National Association of
810 Government Employees, Local 298, Unit SS2;

811 (8) between the sheriff of Suffolk county and the Jail Officers and Employees
812 Association of Suffolk County, Unit SS4;

813 (9) between the sheriff of Suffolk county and the American Federation of State,
814 County and Municipal Employees/AFL-CIO, Council 93, Local RN, Unit SS3;

815 (10) between the sheriff of Barnstable county and the National Association of
816 Government Employees, Local 220, Unit S5B;

817 (11) between the sheriff of Barnstable county and the Barnstable County Correctional
818 Officers Union, Unit S1B;

- 819 (12) between the sheriff of Barnstable county and the National Correctional
820 Employees Union, Local 122, Unit S9B;
- 821 (13) between the sheriff of Barnstable county and the American Federation of State,
822 County and Municipal Employees, Local 1462, Unit S2B;
- 823 (14) between the sheriff of Barnstable county and the International Brotherhood of
824 Correctional Officers, Local 217, Unit S3B;
- 825 (15) between the sheriff of Berkshire county and the Berkshire County Sheriff's Office
826 Employee Association, Unit SB3;
- 827 (16) between the sheriff of Plymouth county and Association of County Employees,
828 Unit SP4;
- 829 (17) between the sheriff of Plymouth county and the National Correctional Employees
830 Union, Local 301, Unit SP7;
- 831 (18) between the sheriff of Plymouth county and the National Correctional Employees
832 Union, Local 104, Unit SP1;
- 833 (19) between the sheriff of Suffolk county and the American Federation of State,
834 County and Municipal Employees, Local 419, Unit SS0;
- 835 (20) between the sheriff of Suffolk county and the American Federation of State,
836 County and Municipal Employees, Local 3967, Unit SS6;
- 837 (21) between the sheriff of Suffolk county and the American Federation of State,
838 County and Municipal Employees, Local 3643, Unit SS5;

839 (22) between the sheriff of Hampshire county and the Hampshire Sheriff’s Office Jail
840 and Hampshire Sheriff’s Office Treatment Association, Unit SH6;

841 (23) between the sheriff of Norfolk county and the County Correctional Officers
842 Association New England Police Benevolent Association, Local 570, Unit SN3;

843 (24) between the sheriff of Norfolk county and the County Correctional Officers
844 Association New England Police Benevolent Association, Local 575, Unit SN2; and

845 (25) between the sheriff of Norfolk county and the National Association of
846 Government Employees, Local 202, Unit SN1.

847 SECTION 90. Section 82 shall take effect on July 1, 2021.

848 SECTION 91. Section 86 is hereby repealed.

849 SECTION 92. Section 91 shall take effect on July 1, 2024.