

SENATE No. 2480

The Commonwealth of Massachusetts

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

SENATE, June 21, 2021.

The committee on Senate Ways and Means to whom was referred the House Bill making appropriations for fiscal year 2021 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3871); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2480.

For the committee,
Michael J. Rodrigues

SENATE No. 2480

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

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

9 SECTION 2.

10 OFFICE OF THE ATTORNEY GENERAL

11 *Office of the Attorney General*

12 0810-0000\$93,785

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14 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

15 *Division of Capital Asset Management and Maintenance*

16 1102-3199\$1,075,653

17 *Human Resources Division*

18 1750-0100\$1,000,000

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20 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

21 *Department of Fish and Game*

22 2330-0100\$371,107

23 *Department of Conservation and Recreation*

24 2810-0100\$1,000,000

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26 EXECUTIVE OFFICE OF EDUCATION

27 *Department of Early Education and Care*

28 3000-7040\$264,373

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30 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

31 *Office of the Secretary*

32 1595-1068\$31,937,236

33 *Soldiers' Home in Massachusetts*

34 4180-0100\$3,170,447

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36

Soldiers' Home in Holyoke

37 4190-0100\$2,221,107

38

Department of Transitional Assistance

39 4403-2000\$27,853,223

40

Department of Public Health

41 4510-0100\$132,522

42 4516-1000\$1,491,441

43 4590-0913\$1,000,000

44 4590-0915\$7,259,080

45

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

46

Department of State Police

47 8100-0012\$1,300,000

48 8100-1001\$11,032,617

49

Military Division

50 8700-0001\$13,034,845

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EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

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Department of Elder Affairs

54 9110-0600\$7,774,619

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SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to

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provide for an alteration of purpose for current appropriations, and to meet certain requirements

57 of law, the sums set forth in this section are hereby appropriated from the General Fund unless
58 specifically designated otherwise in this section, for the several purposes and subject to the
59 conditions specified in this section, and subject to the laws regulating the disbursement of public
60 funds for the fiscal year ending June 30, 2021. These sums shall be made available until June 30,
61 2022, except as otherwise stated.

62 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

63 *Reserves*

64 1599-1210 For a reserve for the start-up costs of the Massachusetts peace officer standards and
65 training commission established in section 2 of chapter 6E of the General Laws; provided, that
66 funds may be transferred to other items to reimburse costs incurred by those items in state fiscal
67 year 2021 and state fiscal year 2022 on behalf of the commission; provided further, that not less
68 than \$1,000,000 shall be expended for stipends for the 9 commissioners of the Massachusetts
69 peace officers standards and training commission; and provided further, that not less than
70 \$200,000 shall be expended for the maintenance costs of the officer certification
71 database.....\$5,000,000

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

80 including de-escalation training, use of force training and school resource officer training;
81 provided further, that not less than \$1,597,160 shall be expended on the first diverse class of
82 state police cadets for the program established in section 10A of chapter 22C of the General
83 Laws; provided further, that not less than \$150,000 each shall be expended on: (i) the
84 commission on the status of African Americans established by section 72 of chapter 3 of the
85 General Laws; (ii) the commission of the status of Latinos and Latinas established by section 73
86 of said chapter 3; (iii) the commission on the status of persons with disabilities established by
87 section 74 of said chapter 3; and (iv) the commission on the social status of Black men and boys
88 established by section 75 of said chapter 3; provided further, that not less than \$200,000 shall be
89 expended on the shared administrative costs of said commissions; and provided further, that not
90 less than \$50,000 each shall be expended on: (a) the model school resource officer memorandum
91 of understanding review commission established in section 37P of chapter 71 of the General
92 Laws; (b) the commission on correction officers and juvenile detention officers training
93 established in section 103 of chapter 253 of the acts of 2020; and (c) the law enforcement body
94 camera task force established in section 104 of said chapter
95 253.....\$12,500,000

96 *Supplier Diversity Office*

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

103 business certification application that shall be accessible to business applicants through the
104 internet; provided further, that the office shall ensure the integrity and security of personal and
105 financial information transmitted by electronic application; and provided further, that the office
106 shall, using all existing available resources, provide certification services to all supplier diversity
107 office qualified applicants, within or outside of the commonwealth, as applicable\$1,000,000

108 EXECUTIVE OFFICE OF EDUCATION

109 *Department of Early Education and Care*

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

126 to monitor expenditures from this item; provided further, that the department shall provide
127 quarterly updates on the distribution of funds and related expenditures to the joint committee on
128 education and the house and senate committees on ways and means until the funds are fully
129 expended; provided further, that the department shall provide technical assistance to providers to
130 assist them in planning expenditures so as to avoid any so-called “funding cliffs” in future fiscal
131 years; and provided further, that any unexpended funds in this item shall not revert to the
132 General Fund but shall be made available for this item until September 30,
133 2023.....\$131,060,103

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

143 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

144 *Office of the Secretary*

145 4000-1701\$20,000,000

146 SECTION 2C.I. For the purpose of making available in fiscal year 2022 balances of
147 appropriations that otherwise would revert on June 30, 2021, the unexpended balances of the
148 appropriations listed below, not to exceed the amount specified below for each item, are hereby

149 re-appropriated for the purposes of and subject to the conditions stated for the corresponding
 150 item in section 2 of chapter 227 of the acts of 2020. However, for items that do not appear in
 151 section 2 of the general appropriation act, the amounts in this section are re-appropriated for the
 152 purposes of and subject to the conditions stated for the corresponding item in section 2 or section
 153 2A of this act or in prior appropriation acts. Amounts in this section are re-appropriated from the
 154 fund or funds designated for the corresponding item in said section 2 of said chapter 227;
 155 provided, however, that for items that do not appear in said section 2 of said chapter 227, the
 156 amounts in this section are re-appropriated from the fund or funds designated for the
 157 corresponding item in section 2 to 2E, inclusive, of this act or in prior appropriation acts. The
 158 sums reappropriated in this section shall be in addition to any amounts available for said
 159 purposes.

160 OFFICE OF THE STATE AUDITOR

161 *Office of the State Auditor*

162	0710-0000	\$390,000
163	0710-0100	\$11,400
164	0710-0200	\$198,600
165	0710-0225	\$195,000
166	0710-0300	\$150,000

167 SECTION 3. Chapter 6 of the General Laws is hereby amended by inserting after section
 168 172N the following section:-

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

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

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

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

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

188 (b) A qualified entity shall require that all covered individuals are fingerprinted for the
189 purposes of obtaining a state and national fingerprint-based criminal background check of the
190 state and Federal Bureau of Investigation criminal history databases, as authorized by 34 U.S.C.
191 40102(a).

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

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

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

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

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

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

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

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

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

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

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

262 (m) There may be a fee charged for fingerprint-based background checks under this
263 section, established by the secretary of administration and finance in consultation with the
264 secretary of public safety and security, to offset the costs of operating and administering a
265 fingerprint-based criminal background check system. The secretary of administration and
266 finance, in consultation with the secretary of public safety and security, may increase the fee
267 accordingly if the Federal Bureau of Investigation increases the fee for its fingerprint background
268 check service. Any fees collected from fingerprinting activity under this section shall be
269 deposited into the Fingerprint-Based Background Check Trust Fund established under section
270 2HHHH of chapter 29.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

578 SECTION 6. Section 2HHHH of chapter 29 of the General Laws, as appearing in the
579 2018 Official Edition, is hereby amended by striking out, in lines 4 and 14, the word “sections”
580 and inserting in place thereof, in each instance, the following words:- section 172O of chapter 6,
581 sections.

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

587 SECTION 8. Subsection (c) of section 3A of chapter 40A of the General Laws, as
588 appearing in section 18 of chapter 358 of the acts of 2020, is hereby amended by inserting after
589 the word “department”, the first time it appears, the following words:- of housing and
590 community development.

591 SECTION 9. The fifth paragraph of section 5 of said chapter 40A, as appearing in section
592 19 of said chapter 358, is hereby amended by striking out clause (4) and inserting in place
593 thereof the following clause:-

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

596 SECTION 10. Said section 5 of said chapter 40A, as so appearing, is hereby further
597 amended by inserting after the fifth paragraph the following 2 paragraphs:-

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

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

606 SECTION 11. Subsection (a) of section 7 of chapter 93L of the General Laws, as
607 appearing in section 65 of chapter 358 of the acts of 2020, is hereby amended by striking out the
608 fifth paragraph and inserting in place thereof the following paragraph:-

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

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

619 SECTION 12. Section 3 of chapter 161A of the General Laws, as appearing in the 2018
620 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words “board of
621 directors of the Massachusetts Department of Transportation established in chapter 6C” and
622 inserting in place thereof the following words:- Massachusetts Bay Transportation Authority
623 board of directors established in section 7.

624 SECTION 13. Said chapter 161A is hereby further amended by striking out section 7, as
625 so appearing, and inserting in place thereof the following section:-

626 Section 7. (a) The authority shall be governed and its corporate powers exercised by the
627 Massachusetts Bay Transportation Authority board of directors. The board shall consist of the
628 secretary of transportation, who shall serve ex officio, 1 person to be appointed by the advisory
629 board who shall have municipal government experience in the service area constituting the
630 authority and experience in transportation operations, transportation planning, housing policy,
631 urban planning or public or private finance and 5 persons to be appointed by the governor, 1 of
632 whom shall have experience in transportation operations and safety, 1 of whom shall have
633 experience in public or private finance, 1 of whom shall have experience in transportation or

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

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

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

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

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

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

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

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

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

671 (f) The board shall establish subcommittees, which shall include at a minimum a
672 subcommittee on: (i) safety, health and environment; (ii) planning and workforce development;
673 and (iii) audit and finance. Each member shall participate on 2 subcommittees of the board.

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

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

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

680 (j) Each member shall make full disclosure of their financial interest, if any, in matters
681 before the board by notifying the state ethics commission, in writing, and shall abstain from
682 voting on any matter before the board in which the member has a financial interest, unless
683 otherwise permissible under chapter 268A. Chapters 268A and 268B shall apply to the secretary
684 of transportation in the secretary's capacity as an ex officio member. Said chapters 268A and
685 268B shall apply to all other members of the board, except that the board may purchase from,
686 sell to, borrow from, loan to, contract with or otherwise deal with any person with which any
687 member of the board has an interest or involvement; provided, however, that: (i) such interest or
688 involvement is disclosed in advance to the members of the board and recorded in the minutes of
689 the board; and (ii) no member having such interest or involvement may participate in a decision
690 of the board relating to such interest or involvement. Employment by the commonwealth or
691 service in any agency thereof shall not be deemed to be such an interest or involvement.

692 (k) Members shall not be liable to the commonwealth, the authority or any other person
693 as a result of their activities related to their duties as members of the board, whether ministerial
694 or discretionary, except for willful dishonesty or intentional violations of law. The board may
695 purchase liability insurance for members, officers and employees of the board and may
696 indemnify such persons against the claims of others.

697 SECTION 14. Chapter 46 of the acts of 2015 is hereby amended by striking out sections
698 199 to 208, inclusive.

699 SECTION 15. Section 102 of chapter 41 of the acts of 2019 is hereby amended by
700 striking out the words “July 1, 2021” and inserting in place thereof the following words:- April 1,
701 2022.

702 SECTION 16. Item 7008-1117 of section 2A of chapter 142 of the acts of 2019 is hereby
703 further amended by striking out the figure “2021”, inserted by said section 31 of said chapter
704 201, and inserting in place thereof the following figure:- 2022.

705 SECTION 17. The first paragraph of section 98 of chapter 124 of the acts of 2020 is
706 hereby amended by striking out the second sentence and inserting in place thereof the following
707 sentence:- The fund shall consist of revenues received by the commonwealth from the federal
708 government pursuant to section 5001(a) of the federal Coronavirus Aid, Relief, and Economic
709 Security Act, hereinafter referred to as the CARES Act, and any reimbursements for expenses
710 charged to the fund.

711 SECTION 18. Item 1410-0010 of section 2 of chapter 227 of the acts of 2020 is hereby
712 amended by interesting after the word “Norton” the following words:- ; and provided further,
713 that such funds shall be made available through June 30, 2022.

714 SECTION 19. Item 2810-0100 of said section 2 of said chapter 227 is hereby amended
715 by interesting after the words “Devir Park Revitalization Project” the following words:- ;
716 provided further, that such funds shall be available through June 30, 2022.

717 SECTION 20. Item 3000-1045 of said section 2 of said chapter 227 is hereby amended
718 by inserting after the word “disrupted” the following words:- ; provided further, that not less
719 than \$60,000,000 shall be made available for direct grants to providers, which shall be calculated
720 using an equal amount per subsidized child; provided further, that the department of early
721 education and care shall take all steps necessary to expedite the grant application and distribution
722 process.

723 SECTION 21. Item 4403-2000 of said section 2 of said chapter 227 is hereby amended
724 by inserting after the words “of September 2020” the following words:- ; provided further, that a
725 non-recurring COVID-19 relief payment for costs associated with the pandemic shall be
726 provided to each child and pregnant recipient who received a benefit under this program in the
727 month directly preceding the month of the issuance of said non-recurring COVID-19 relief
728 payment; provided further, that the amount of said COVID-19 relief payment shall be
729 determined based on the number of eligible recipients; provided further, that the total cost of
730 payments shall not exceed \$27,853,223; provided further, that any unspent balance of not more
731 than \$27,853,223 in this item as of June 30 of the current fiscal year shall be re-authorized for
732 expenditure in the next fiscal year using the same eligibility criteria.

733 SECTION 22. Item 4513-1121 of said section 2 of said chapter 227 is hereby amended
734 by adding the following words:- ; and provided further, that these funds shall be made available
735 through June 30, 2022.

736 SECTION 23. Item 5911-1003 of said section 2 of said chapter 227 is hereby amended
737 by inserting after the words “Congress, Inc.” the following words:- ; provided further, that the
738 commissioner of developmental services may transfer funds between items 5920-2025, 5920-

739 2000 and 5911-2000; provided further, that the commissioner shall notify the house and senate
740 committees on ways and means 15 days in advance of any such transfer.

741 SECTION 24. Item 7007-1641 of said section 2 of said chapter 227 is hereby amended
742 by striking out the words “Smaller Business Association of New England, Inc, for the” and
743 inserting in place thereof the following words:- Massachusetts Technology Park Corporation
744 established by chapter 40J of the General Laws for a.

745 SECTION 25. Said item 7007-1641 of said section 2 of said chapter 227 is hereby further
746 amended by striking out the words “president of the Smaller Business Association of New
747 England, Inc,,” and inserting in place thereof the following word:- grantee.

748 SECTION 26. Item 7008-1116 of said section 2 of said chapter 227 is hereby further
749 amended by interesting after the words “Future Leaders Program” the following words:- ;
750 provided further, that such funds shall be available through June 30, 2022.

751 SECTION 27. Item 8324-0000 of said section 2 of said chapter 227 is hereby amended
752 by interesting after the words “General Laws”, the second time they appear, the following
753 words:- ; provided further, that notwithstanding any general or special law to the contrary, such
754 funds may be expended to pay stipends in excess of \$3,000 to the members of hazardous
755 materials mitigation emergency response teams in fiscal year 2021; provided further, that such
756 funds shall be made available through June 30, 2022.

757 SECTION 28. Item 1595-1068 of section 2E of said chapter 227 is hereby amended by
758 striking out the figure “\$437,750,000” and inserting in place thereof the following figure:-
759 \$465,350,000.

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

763 SECTION 30. Item 1595-1070 of said section 2E of said chapter 227 is hereby amended
764 by striking out the words “or 2020” and inserting in place thereof the following words:- , 2020 or
765 2021.

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

769 SECTION 32. Section 20 of chapter 20 of the acts of 2021 is hereby amended by striking
770 out subsection (b) and inserting in place thereof the following subsection:-

771 (b) Notwithstanding section 20 of chapter 30A of the General Laws or any general or
772 special law to the contrary, a public body, as defined in section 18 of said chapter 30A, shall not
773 be required to conduct its meetings in a public place that is open and physically accessible to the
774 public; provided, however, that if the public body does not conduct the meeting in a public place
775 that is open and physically accessible to the public, the public body shall ensure public access to
776 the deliberations of the public body for interested members of the public through adequate,
777 alternative means of public access. Where active, real-time participation by members of the
778 public is a specific requirement of a general or special law, regulation or a local ordinance or by-
779 law, pursuant to which the proceeding is conducted, any adequate, alternative means of public
780 access shall provide for such participation and shall be sufficient to meet such participation
781 requirement.

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

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

792 SECTION 33. Notwithstanding section 1Q of chapter 69 of the General Laws or any
793 other general or special law to the contrary, due to the COVID-19 pandemic, the commissioner
794 of elementary and secondary education may establish an alternative means of demonstrating
795 English language proficiency for the state seal of biliteracy for students in the class of 2020 and
796 2021, which may include, but shall not be limited to, earning the modified competency
797 determination in English language arts.

798 SECTION 34. Notwithstanding section 89 of chapter 71 of the General Laws or any other
799 general or special law to the contrary, due to the COVID-19 pandemic, the list of districts in the
800 lowest 10 per cent of all statewide student performance scores released in fiscal year 2020 shall
801 be maintained as that list for fiscal years 2021, 2022 and 2023.

802 SECTION 35. Notwithstanding any general or special law to the contrary, for fiscal year
803 2021, the secretary of health and human services, with the written approval of the secretary of

804 administration and finance, may authorize transfers of surplus among items 4000-0320, 4000-
805 0430, 4000-0500, 4000-0601, 4000-0641, 4000-0700, 4000-0875, 4000-0880, 4000-0885, 4000-
806 0940, 4000-0950, 4000-0990, 4000-1400, 4000-1420 and 4000-1425.

807 SECTION 36. Notwithstanding any general or special law to the contrary, any
808 unexpended balances, not exceeding a total of \$40,000,000, in items 4000-0700 and 4000-1425
809 of section 2 of chapter 227 of the acts of 2020 shall not revert to the General Fund until
810 September 1, 2021 and may be expended by the executive office of health and human services to
811 pay for services enumerated in said items 4000-0700 and 4000-1425 provided during fiscal year
812 2021.

813 SECTION 37. Notwithstanding any general or special law to the contrary, the secretary
814 of health and human services shall, not later than September 3, 2021, provide to the comptroller
815 information on the amount of the federal financial participation revenues claimed and received
816 by the commonwealth for eligible expenditures made from the MassHealth Delivery System
817 Reform Trust Fund established in section 2SSSS of chapter 29 of the General Laws for fiscal
818 year 2021 that are attributable to the increase to the federal medical assistance percentage
819 authorized by section 6008 of the federal Families First Coronavirus Response Act, Public Law
820 116-127. The comptroller shall credit said amount to the General Fund and not the MassHealth
821 Delivery System Reform Trust Fund in fiscal year 2021.

822 SECTION 38. Notwithstanding any general or special law to the contrary, the
823 commissioner of capital asset management and maintenance may take any and all interests in all
824 the paper streets on the property: (i) described in the deed from the Trustees of the Soldiers'
825 Home in Massachusetts dated December 27, 1934 recorded at the Suffolk county registry of

826 deeds in book 5503, page 430; and (ii) identified in plans recorded at the Suffolk county registry
827 of deeds in book 1174, page 16 and book 1168, page end, and may also take any other interests
828 or rights necessary to clear title to the property by eminent domain pursuant to chapter 79 of the
829 General Laws, as deemed necessary by the commissioner of capital asset management and
830 maintenance to carry out this act.

831 SECTION 39. Notwithstanding any general or special law to the contrary, in making
832 initial appointments to the Massachusetts Bay Transportation Authority board of directors
833 established under section 7 of chapter 161A of the General Laws, the governor shall appoint the
834 governor's 2 members whose terms are not coterminous with the term of the governor to the
835 following initial terms: 1 member shall be appointed for a term of 1 year and 1 member shall be
836 appointed for a term of 3 years.

837 SECTION 40. The special commission on agricultural tourism established pursuant to
838 chapter 3 of the resolves of 2018 is hereby revived and continued to December 31, 2021. The
839 special commission shall file its report with the clerks of the house of representatives and the
840 senate, the joint committee on the environment, natural resources and agriculture and the joint
841 committee on tourism, arts and cultural development not later than December 31, 2021.

842 SECTION 41. Subsection (b) of section 20 of chapter 20 of the acts of 2021, as inserted
843 by section 32, shall take effect as of June 15, 2021.