

**HOUSE . . . . . No. 4354**

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The Commonwealth of Massachusetts



CHARLES D. BAKER  
GOVERNOR

OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
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KARYN POLITO  
LIEUTENANT GOVERNOR

*January 31, 2020*

To the Honorable Senate and House of Representatives,

I am filing for your consideration a bill entitled “An Act Making Appropriations for Fiscal Year 2020 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.”

This bill consists of \$52.6 million in supplemental appropriations for Fiscal Year 2020 (FY20), at a net state cost of \$52.2 million.

These recommendations include \$17.4 million in spending for representation of indigent defendants and \$10.4 million for information technology costs in the Health and Human Services Secretariat. Together, these two line-items account for more than half of the bill’s recommendations for new spending. In both cases, projected spending exceeds the amounts contained in the enacted budget.

I further recommend \$9.6 million for Transitional Assistance to Families with Dependent Children (TAFDC). Last year’s change in the TAFDC benefit made a number of children eligible to be counted as household members for the first time. Spending projections have been updated in light of experience.

I recommend several smaller spending adjustments totaling \$15.2 million. These include caseload-driven adjustments for family shelter and shelter diversion programs, for the early intervention program at the Department of Public Health (DPH), and for the cost of state

employee dental and vision benefits. Other recommendations include funds for the implementation by DPH of the vaping law passed last fall; for per- and polyfluoroalkyl (PFAS) remediation for which the state may be liable; and for Eastern equine encephalitis (EEE) prevention and awareness, as well as for other necessary costs.

I further recommend increasing three chargeback ceilings and the continuation into Fiscal Year 2021 of certain authorizations in place for FY20 that are not expected to be spent during this fiscal year.

This bill includes various outside sections related to other policy matters. These include sections that would allow the Department of Conservation and Recreation to ensure arrangements are made for the repair or removal of unsafe dams at the time that property is sold to a new owner; authorize the installation of solar canopies on certain state park building and parking facilities through a competitive bidding process with proceeds flowing into the Conservation Trust; add the Mattapan Square building to the Historic Curatorship Program; and amend state law on hemp cultivation to align with the 2018 U.S. Farm Bill.

Other sections are related to improvements at the MBTA. These include sections that would decriminalize fare evasion; prohibit private motor vehicles from driving in a bus-only lane; and exempt certain fare collection data from public records in order to ensure privacy protections for T riders.

This bill would also align state law with provisions of the federal Child Abuse Prevention and Treatment Act and fine-tune DPH's statutory authority to regulate long-term care facilities by allowing DPH to consider certain additional factors when granting a license and by increasing fines for noncompliance with statutory requirements.

This bill would improve the Commonwealth's ability to contract for maintenance services by making such contracts subject to the laws governing the purchase of goods, supplies, and services, as opposed to public construction laws.

A number of other sections relate to spending authorizations, including:

- provisions that would allow DPH to use surplus funds in unrelated accounts in the event of unanticipated costs related to communicable diseases;
- allow the Massachusetts Emergency Management Agency (MEMA) greater flexibility in using certain funds that were initially appropriated to respond to the Merrimack Valley explosions;
- create flexible spending authorization that MEMA could access quickly in the event of an emergency;

- update spending caps in the Substance Use Disorder Federal Reinvestment Trust Fund;
- increase sheriff salaries to align with other public officials' salary increases;
- exempt a specific federally-funded vocational rehabilitation trust from fringe and indirect charges; and
- allow DPH to set and impose fees on clinical facilities, such as hospital emergency rooms, that participate in the Sexual Assault Nurse Examiner (SANE) program, in order to establish a stable funding model following the end of federal funding.

Other sections are either technical adjustments or routine spending-related provisions, such as allowing transferability between MassHealth appropriations.

Sufficient revenues are estimated to be available to finance the appropriations proposed in this legislation. Because certain items are time sensitive, including PFAS remediation and EEE mitigation preparation, I urge you to enact this legislation promptly.

Respectfully submitted

Charles D. Baker,  
*Governor*



11 *Committee for Public Counsel Services*

12 0321-1510.....\$17,367,925

13 DISTRICT ATTORNEYS

14 *Bristol District Attorney*

15 0340-0900 Bristol District Attorney.....\$164,688

16 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

17 *Division of Capital Asset Management and Maintenance*

18 1102-3199 Office of Facilities Management.....\$654,639

19 *Group Insurance Commission*

20 1108-5500 Group Insurance Dental and Vision Benefits.....\$450,000

21 *Human Resources Division*

22 1750-0300 Dental and Vision Contribution.....\$967,698

23 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

24 *Office of the Secretary*

25 2000-0100 Energy and Environmental Affairs Administration.....\$169,805

26 *Department of Agricultural Resources*

27 2511-0100 Agricultural Resources Administration.....\$830,000

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29 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

30 *Office of the Secretary*

31 4000-1700 Health and Human Services Information Technology Costs.....\$10,400,000

32 *Department of Transitional Assistance*

33 4403-2000 Transitional Aid to Families with Dependent Children.....\$9,600,000

34 *Department of Public Health*

35 4513-1020 Early Intervention.....\$2,840,757

36 4516-1000 State Laboratory and Communicable Disease Control Services.....\$1,776,829

37 4590-0300 Smoking Prevention and Cessation Programs.....\$2,000,000

38 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

39 *Department of Housing and Community Development*

40 7004-0101 Emergency Assistance Family Shelters.....\$1,838,450

41 7004-0108 HomeBASE.....\$2,023,686

42 EXECUTIVE OFFICE OF EDUCATION

43 *Department of Early Education and Care*

44 3000-7040 EEC Contingency Contract Retained Revenue.....\$348,107

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EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

*Sex Offender Registry*

8000-0125 Sex Offender Registry Board.....\$130,179

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2020. These sums shall be made available until June 30, 2021, except as otherwise stated.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

*Reserves*

1599-0717 For a reserve for the cleanup of disposal sites governed by chapter 21E of the General Laws where the commonwealth is or may be a person liable under section 5 of said 21E; provided, that the secretary of administration and finance may transfer from this item to other items amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose .....\$1,000,000

SECTION 2B. To provide for supplementing certain intragovernmental chargeback authorizations in the general appropriation act and other appropriation acts for fiscal year 2020, to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for an alteration of purpose for current intragovernmental chargeback authorizations, and to meet

66 certain requirements of law, the sum set forth in this section is hereby authorized from the  
67 Intragovernmental Service Fund for the several purposes specified in this section or in the  
68 appropriation acts, and subject to the provisions of law regulating the disbursement of public  
69 funds for the fiscal year ending June 30, 2020. This sum shall be in addition to any amounts  
70 previously authorized and made available for the purposes of this item.

71 OFFICE OF THE TREASURER AND RECEIVER GENERAL

72 0699-0018 Agency Debt Service Programs.....\$721,382

73 EXECUTIVE OFFICE OF TECHNOLOGY SERVICES AND SECURITY

74 1790-0400 Print and Mail Services Chargeback.....\$200,000

75 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

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

77 4125-0122 Chargeback for Interpreter Services.....\$100,000

78 SECTION 2C.I. For the purpose of making available in fiscal year 2021 balances of  
79 appropriations which otherwise would revert on June 30, 2020, the unexpended balances of the  
80 appropriations listed below, not to exceed the amount specified below for each item, are hereby  
81 re-appropriated for the purposes of and subject to the conditions stated for the corresponding  
82 item in section 2 of chapter 41 of the acts of 2019. However, for items that do not appear in  
83 section 2 of the general appropriation act, the amounts in this section are re-appropriated for the  
84 purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of  
85 this act or in prior appropriation acts. Amounts in this section are re-appropriated from the fund  
86 or funds designated for the corresponding item in section 2 of said chapter 41; provided,



87 however, that for items which do not appear in section 2 of said chapter 41, the amounts in this  
88 section are re-appropriated from the fund or funds designated for the corresponding item in  
89 section 2 through 2E of this act or in prior appropriation acts. The sums reappropriated in this  
90 section shall be in addition to any amounts available for said purposes.

91 JUDICIARY

92 *Executive Office of the Trial Courts*

93 0339-1011 Community Based Re-entry Programs.....\$1,875,000

94 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

95 *Department of Revenue*

96 1232-0100 Underground Storage Tank Reimbursements.....\$11,300,000

97 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

98 *Department of Public Health*

99 4590-1504 Neighborhood Gun & Violence Prevention.....\$10,973,157

100 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

101 *Department of Housing and Community Development*

102 7004-0101 Emergency Assistance Family Shelters and Services.....\$2,583,169

103 7004-9024 Massachusetts Rental Voucher Program.....\$7,832,451

104 7004-9024 Alternative Housing Voucher Program.....\$2,275,225

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EXECUTIVE OFFICE OF EDUCATION

*Department of Elementary and Secondary Education*

7061-0012 Special Education Circuit Breaker Reimbursement.....\$8,121,966

SECTION 2C.II. For the purpose of making available in fiscal year 2021 balances of retained revenue and intragovernmental chargeback authorizations which otherwise would revert on June 30, 2020, the unexpended balances of the authorizations listed below, not to exceed the amount specified below for each item, are hereby re-authorized for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2B of chapter 41 of the acts of 2019. However, for items which do not appear in section 2 or 2B of said chapter 41, the amounts in this section are re-authorized for the purposes of and subject to the conditions stated for the corresponding item in section 2, 2A, or 2B of this act or in prior appropriation acts. Amounts in this section are re-authorized from the fund or funds designated for the corresponding item in section 2 or 2B of the general appropriation act; however, for items which do not appear in section 2 or 2B of the general appropriation act, the amounts in this section are re-authorized from the fund or funds designated for the corresponding item in section 2, 2A, or 2B of this act or in prior appropriation acts. The sums re-authorized in this section shall be in addition to any amounts available for those purposes.

*Department of Veterans Services*

1410-0018 Agawam and Winchendon Cemeteries Retained Revenue.....\$250,000

SECTION 3. The definition of “building project” in section 1 of chapter 7C of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in

126 line 20, the words “, repair or maintenance” and inserting in place thereof the following words:-  
127 or repair.

128 SECTION 4. Subclause (a) of clause (2) of section 59 of chapter 23K of the General  
129 Laws, as amended by section 3 of chapter 142 of the acts of 2019, is hereby further amended by  
130 striking out the words “section 2IIIII” and inserting in place thereof the following words:-  
131 section 2HHHHH.

132 SECTION5. Section 2YYYYY of chapter 29 of the General Laws, as appearing in the  
133 2018 Official Edition, is hereby amended by striking the second paragraph and inserting in place  
134 thereof the following paragraph:-

135 The secretary may expend, without further appropriation, not more than \$27 million per  
136 year in fiscal year 2020 and not more than \$53 million per year in fiscal years 2021 and 2022  
137 from the fund to expand and support the residential treatment system to treat individuals with a  
138 substance use disorder or co-occurring mental health and substance use disorder; not more than  
139 \$11 million per year in fiscal year 2020 and not more than \$32 million per year in fiscal years  
140 2021 and 2022 from the fund to expand and support access to medication assisted treatment; not  
141 more than \$8 million per year in fiscal year 2020 and not more than \$15 million per year in fiscal  
142 years 2021 and 2022 from the fund to expand and support access to recovery treatment support  
143 services; and not more than \$4 million per year in fiscal year 2020 and not more than \$10 million  
144 per year in fiscal years 2021 and 2022 from the fund to implement and support American Society  
145 of Addiction Medicine assessment and care planning across substance use treatment providers.  
146 For the purpose of accommodating timing discrepancies between the receipt of revenues and  
147 related expenditures, the fund may incur expenses, and the comptroller shall certify for payment,

148 amounts not to exceed the most recent revenue estimate as certified by the MassHealth director,  
149 as reported in the state accounting system. Amounts credited to the fund shall not be subject to  
150 further appropriation and monies remaining in the fund at the end of a fiscal year shall not revert  
151 to the General Fund and shall be available for expenditure in the subsequent fiscal year.

152 SECTION 6. Chapter 29 of the General Laws is hereby amended by inserting after  
153 section 2HHHHH, inserted by section 4 of chapter 142 of the acts of 2019, the following  
154 section:-

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

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

164 (c) Expenditures from the trust shall not be subject to appropriation and balances  
165 remaining in the trust at the end of a fiscal year shall not revert to the General Fund; provided,  
166 that expenditures from the trust shall be made for state or local response efforts to natural  
167 disasters or emergency incidents determined at the discretion of the director of the agency; and  
168 provided further, that expenditures shall not be used to supplant recurring operational costs of the  
169 agency funded through the general appropriations act.

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

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

185 SECTION 7. The fourth paragraph of subsection (a) of section 39M of chapter 30 of the  
186 General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in  
187 line 64, the words “, maintenance”.

188 SECTION 8. Section 51 of said chapter 30 of the General Laws, as so appearing, is  
189 hereby amended by inserting, in line 1, after the word “services”, the following words:- which  
190 shall include maintenance services to a facility or system and replacement of equipment within  
191 existing systems as part of a periodic maintenance contract,.

192 SECTION 9. Section 52 of said chapter 30 of the General Laws, as so appearing, is  
193 hereby amended by inserting, in line 1, after the word “services”, the following words:- which  
194 shall include maintenance services to a facility or system and replacement of equipment within  
195 existing systems as part of a periodic maintenance contract,.

196 SECTION 10. Section 17 of chapter 37 of the General Laws, as so appearing, is hereby  
197 amended by striking out, in line 14, the figure “151,709” and inserting in place thereof the  
198 following figure:- 169,914.

199 SECTION 11. Said section 17 of said chapter 37, as so appearing, is hereby further  
200 amended by striking out, in line 15, the figure “119,771” and inserting in place thereof the  
201 following figure:- 134,144.

202 SECTION 12. Said section 17 of said chapter 37, as so appearing, is hereby further  
203 amended by striking out, in line 16, the figure “95,816” and inserting in place thereof the  
204 following figure:- 107,314.

205 SECTION 13. Subsection (b) of section 7E of chapter 64C of the General Laws, as  
206 inserted by chapter 133 of the acts of 2019, is hereby amended by adding the following  
207 sentence:-

208 Thirty per cent of revenues received pursuant to this section, together with any penalties,  
209 forfeitures, interest, costs of suits and fines collected in connection therewith, less all amounts  
210 refunded or abated in connection therewith, as certified by the commissioner, shall be credited to  
211 the Community Behavioral Health Promotion and Prevention Trust Fund established in section  
212 35GGG of chapter 10.

213 SECTION 14. Chapter 89 of the General Laws is hereby amended by inserting after  
214 section 7C, the following section:-

215 Section 7D. No vehicle shall be operated, parked or caused to stand in a lane designated  
216 for the exclusive use of buses unless otherwise regulated or posted by an official traffic signal,  
217 sign, or marking, or at the direction of an authorized police officer. Violation of this section  
218 shall be punishable by a fine of not more than \$200 if the violation occurs between the hours of 7  
219 a.m. and 7 p.m. on weekdays, and not more than \$100 if the violation occurs at any other time.

220 SECTION 15. Section 1 of chapter 94G of the General Laws, as appearing in the 2018  
221 Official Edition, is hereby amended by striking out the definition of “Hemp” and inserting in  
222 place thereof the following definition:-

223 “Hemp”, the plant *Cannabis sativa* L. and any part of that plant, including the seeds  
224 thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers,  
225 whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3  
226 per cent on a dry weight basis.

227 SECTION 16. Section 2 of said chapter 94G, as so appearing, is hereby amended by  
228 striking out, in lines 19 and 20, the words “or hemp”.

229 SECTION 17. Section 7 of said chapter 94G, as so appearing, is hereby amended by  
230 striking out subsection (f).

231 SECTION 18. Chapter 111 of the General Laws, as appearing in the 2018 Official  
232 Edition, is hereby amended by striking out section 71 and inserting in place thereof the following  
233 section:-

234 Section 71. For purposes of this section and sections 71A½ to 73, inclusive, the  
235 following terms shall have the following meanings unless the context or subject matter clearly  
236 requires otherwise:

237 “Applicant”, any person who applies to the department for a license to establish or  
238 maintain and operate a long-term care facility.

239 “Charitable home for the aged”, any institution, however named, conducted for charitable  
240 purposes and maintained for the purpose of providing a retirement home for elderly persons and  
241 which may provide nursing care within the home for its residents.

242 “Convalescent or nursing home or skilled nursing facility”, any institution, however  
243 named, whether conducted for charity or profit, which is advertised, announced or maintained for  
244 the express or implied purpose of caring for four or more persons admitted thereto for the  
245 purpose of nursing or convalescent care.

246 “Infirmity maintained in a town”, an infirmary which hitherto the department of public  
247 welfare has been directed to visit by section 7 of chapter 121.

248 “Intermediate care facility for persons with an intellectual disability”, any institution,  
249 however named, whether conducted for charity or profit, which is advertised, announced or  
250 maintained for the purpose of providing rehabilitative services and active treatment to persons  
251 with an intellectual disability or persons with related conditions, as defined in regulations  
252 promulgated pursuant to Title XIX of the federal Social Security Act (P.L. 89–97); which is not  
253 both owned and operated by a state agency; and which makes application to the department for a  
254 license for the purpose of participating in the federal program established by said Title XIX.



255 “License”, an initial or renewal license to establish or maintain and operate a long-term  
256 care facility issued by the department.

257 “Licensee”, a person to whom a license to establish or maintain and operate a long-term  
258 care facility has been issued by the department.

259 “Long-term care facility”, a charitable home for the aged, a convalescent or nursing  
260 home, an infirmary maintained in a town, an intermediate care facility for persons with an  
261 intellectual disability or a rest home.

262 “Owner”, any person owning 5 per cent or more of, with an ownership interest of 5 per  
263 cent or more of, or with a controlling interest in an applicant, potential transferee or the real  
264 property on which a long-term care facility is located.

265 “Person”, an individual, a trust, estate, partnership, association, company or corporation.

266 “Potential transferee”, a person who submits to the department a “notice of intent to  
267 acquire” the facility operations of a currently operating long-term care facility.

268 “Rest home”, any institution, however named, which is advertised, announced or  
269 maintained for the express or implied purpose of providing care incident to old age to four or  
270 more persons who are ambulatory and who need supervision.

271 “Transfer of facility operations”, a transfer of the operations of a currently operating  
272 long-term care facility from the current licensee of the long-term care facility to a potential  
273 transferee, pending licensure, pursuant to a written “transfer of operations” agreement.

274 To each applicant it deems suitable and responsible to establish or maintain and operate a  
275 long-term care facility and which meets all other requirements for long-term care facility

276 licensure, the department shall issue for a term of two years, and shall renew for like terms, a  
277 license, subject to the restrictions set forth in this section or revocation by it for cause; provided,  
278 however, that each convalescent or nursing home and each intermediate care facility for persons  
279 with an intellectual disability shall be inspected at least once a year.

280 No license shall be issued to establish or maintain an intermediate care facility for  
281 persons with an intellectual disability, unless there is a determination by the department that  
282 there is a need for such facility at the designated location; provided, however, that in the case of  
283 a facility previously licensed as an intermediate care facility for persons with an intellectual  
284 disability in which there is a change in ownership, no such determination shall be required and in  
285 the case of a facility previously licensed as an intermediate care facility for persons with an  
286 intellectual disability in which there is a change in location, such determination shall be limited  
287 to consideration of the suitability of the new location.

288 In the case of the transfer of facility operations of a long-term care facility, a potential  
289 transferee shall submit a “notice of intent to acquire” to the department at least 90 days prior to  
290 the proposed transfer date. The notice of intent to acquire shall be on a form supplied by the  
291 department and shall be deemed complete upon submission of all information which the  
292 department requires on the notice of intent form and is reasonably necessary to carry out the  
293 purposes of this section.

294 No license shall be issued to an applicant and no potential transferee may submit an  
295 application for a license unless the department makes a determination that the applicant or  
296 potential transferee is responsible and suitable for licensure.

297 For purposes of this section, the department's determination of responsibility and  
298 suitability shall be limited to the following factors:

299 (i) the criminal or civil history of the applicant or the potential transferee, including their  
300 respective owners, which shall include certification by the department of criminal justice  
301 information services and which may include a review of any pending or settled litigation or other  
302 court proceedings in the commonwealth and in other states;

303 (ii) the financial capacity of the applicant or potential transferee, including their  
304 respective owners, to establish or maintain and operate a long-term care facility, which may  
305 include any recorded liens and unpaid fees or taxes in the commonwealth and in other states;

306 (iii) the history of the applicant or potential transferee, including their respective owners,  
307 in providing long-term care in the commonwealth, measured by compliance with applicable  
308 statutes and regulations governing the operation of long-term care facilities; and

309 (iv) the history of the applicant or potential transferee, including their respective owners,  
310 in providing long-term care in states other than the commonwealth, if any, measured by  
311 compliance with the applicable statutes and regulations governing the operation of long term  
312 care facilities in said states.

313 With respect to potential transferees, upon determination by the department that a  
314 potential transferee is responsible and suitable for licensure, the potential transferee may file an  
315 application for a license. In the case of a potential transfer of facility operations, the filing of an  
316 application for a license shall have the effect of a license until the department takes final action  
317 on such application.

318           If the department determines that an applicant or potential transferee is not suitable and  
319 responsible, the department’s determination shall take effect on the date of the department’s  
320 notice. In such cases, the applicant or potential transferee shall upon the filing of a written  
321 request with the department be afforded an adjudicatory hearing pursuant to chapter 30A.  
322 During the pendency of such appeal, the applicant or potential transferee shall not operate the  
323 facility as a licensee, or, without prior approval of the department, manage such facility.

324           Each applicant, potential transferee and licensee shall keep all information provided to  
325 the department current. Promptly after the applicant, potential transferee or licensee becomes  
326 aware of any change to information related to information it provided or is required to provide to  
327 the department, such person shall submit to the department written notice of the changes.  
328 Changes include, but are not limited to, changes in financial status, such as filing for bankruptcy,  
329 any default under a lending agreement or lease, the appointment of a receiver or the recording of  
330 any lien.

331           An applicant, potential transferee or licensee and their respective owners shall be in  
332 compliance with all applicable federal, state and local laws, rules and regulations.

333           Prior to engaging a company to manage the long-term care facility, hereinafter a  
334 “management company”, a licensee shall notify the department in writing of the name of and  
335 provide contact information for the proposed management company and any other information  
336 on the management company and its personnel that may be reasonably requested by the  
337 department. Any such engagement must be pursuant to a written agreement between the licensee  
338 and the management company. Such written agreement shall include a requirement that the  
339 management company and its personnel shall comply with all applicable federal, state and local

340 laws, regulations and rules. Promptly after the effective date of any such agreement, the licensee  
341 shall provide to the department a copy of the valid, fully executed agreement.

342           With respect to a license issued as a result of a transfer of operations, the department  
343 shall not reduce the number of beds that were on the license held by the former licensee, unless  
344 the public safety requires it.

345           No license shall be issued hereunder unless there shall be first submitted to the  
346 department by the authorities in charge of the long-term care facility with respect to each  
347 building occupied by residents (1) a certificate of inspection of the egresses, the means of  
348 preventing the spread of fire and apparatus for extinguishing fire, issued by an inspector of the  
349 office of public safety and inspections of the division of professional licensure; provided,  
350 however, that with respect to convalescent or nursing homes only, the division of health care  
351 quality of the department of public health shall have sole authority to inspect for and issue such  
352 certificate, and (2) a certificate of inspection issued by the head of the local fire department  
353 certifying compliance with the local ordinances.

354           Any applicant who is aggrieved, on the basis of a written disapproval of a certificate of  
355 inspection by the head of the local fire department or by the office of public safety and  
356 inspections of the division of professional licensure, may, within 30 days from such disapproval,  
357 appeal in writing to the division of professional licensure. With respect to certificates of  
358 inspection that the division of health care quality of the department of public health has the sole  
359 authority to issue, an applicant may, within 30 days from disapproval of a certificate of  
360 inspection, appeal in writing to the department of public health only. Failure to either approve or  
361 disapprove within 30 days, after a written request by an applicant, shall be deemed a disapproval.

362           If the division of professional licensure or, where applicable, the department of public  
363 health approves the issuance of a certificate of inspection, it shall forthwith be issued by the  
364 agency that failed to approve. If said department disapproves, the applicant may appeal  
365 therefrom to the superior court. Failure of said department to either approve or disapprove the  
366 issuance of a certificate of inspection within 30 days after receipt of an appeal shall be deemed a  
367 disapproval. No license shall be issued by the department until issuance of an approved  
368 certificate of inspection, as required in this section.

369           Nothing in this section or in sections 72 or 73 shall be construed to revoke, supersede or  
370 otherwise affect any laws, ordinances, by-laws, rules or regulations relating to building, zoning,  
371 registration or maintenance of a long-term care facility.

372           For cause, the department may limit, restrict, suspend or revoke the license. Grounds for  
373 cause on which the department may take such action shall include failure or inability to provide  
374 adequate care to residents, failure to maintain substantial compliance with applicable statutes,  
375 rules and regulations or lack of financial capacity to maintain and operate a long-term care  
376 facility. Limits or restrictions include requiring a facility to limit new admissions. Suspension of  
377 a license includes suspending the license during a pending license revocation action, or  
378 suspending the license to permit the licensee a period of time, not shorter than 60 days, to wind  
379 down operations, and discharge and transfer, if applicable, all residents.

380           The department may, when public necessity and convenience require, or to prevent undue  
381 hardship to an applicant or licensee, under such rules and regulations as it may adopt, grant a  
382 temporary provisional or probationary license under this section; provided, however, that no such  
383 license shall be for a term exceeding 1 year.

384           With respect to an order to limit, restrict or suspend a license, within 7 days of receipt of  
385 the written order, the licensee may file a written request with the department for administrative  
386 reconsideration of the order or any portion thereof. Failure of the department to grant, deny or  
387 otherwise act upon any such written request within 7 days of its receipt of such a request shall be  
388 deemed a denial of the request.

389           Upon a written request by a licensee who is aggrieved by the revocation of a license or by  
390 an applicant who is aggrieved by the refusal of the department to renew a license, the  
391 commissioner and the council shall hold a public hearing, after due notice, and thereafter they  
392 may modify, affirm or reverse the action of the department; provided, however, that the  
393 department may not refuse to renew and may not revoke the license of a long-term care facility  
394 until after a hearing before a hearings officer, and any such applicant so aggrieved shall have all  
395 the rights provided in chapter 30A with respect to adjudicatory proceedings.

396           In no case shall the revocation of such a license take effect in less than 30 days after  
397 written notification by the department to the licensee.

398           The fee for a license to establish or maintain or operate a long-term care facility shall be  
399 determined annually by the commissioner of administration under the provision of section 3B of  
400 chapter 7, and the license shall not be transferable or assignable and shall be issued only for the  
401 premises named in the application.

402           Nursing institutions licensed by the department of mental health, or the department of  
403 developmental services for persons with intellectual disabilities shall not be licensed or inspected  
404 by the department of public health. The inspections herein provided shall be in addition to any  
405 other inspections required by law.

406 In the case of new construction, or major addition, alteration, or repair with respect to any  
407 facility subject to this section, preliminary architectural plans and specifications and final  
408 architectural plans and specifications shall be submitted to a qualified person designated by the  
409 commissioner. Written approval of the final architectural plans and specifications shall be  
410 obtained from said person prior to said new construction, or major addition, alteration, or repair.

411 Notwithstanding any of the foregoing provisions of this section, no license to establish or  
412 maintain and operate a long-term care facility shall be issued by the department unless the  
413 applicant for such license submits to the department a certificate that each building to be  
414 occupied by patients of such convalescent or nursing home or skilled nursing facility meets the  
415 construction standards of the state building code, and is of at least type 1-B fireproof  
416 construction; provided, however, that this paragraph shall not apply in the instance of a transfer  
417 of facility operations of a convalescent or nursing home or skilled nursing facility whose license  
418 had not been revoked as of the time of such transfer; and provided, further, that a public medical  
419 institution as defined under section 2 of chapter 118E, which meets the construction standards as  
420 defined herein, shall not be denied a license as a nursing home under this section because it was  
421 not of new construction and designed for the purpose of operating a convalescent or nursing  
422 home or skilled nursing facility at the time of application for a license to operate a nursing home.  
423 An intermediate care facility for persons with an intellectual disability shall be required to meet  
424 the construction standards established for such facilities by Title XIX of the Social Security Act  
425 (P.L. 89-97) and any regulations promulgated pursuant thereto, and by regulations promulgated  
426 by the department.

427 Every applicant for a license and every potential transferee shall provide on or with its  
428 application or notice of intent to acquire a sworn statement of the names and addresses of any



429 person who owns or has an ownership or control interest in the applicant or potential transferee  
430 or in the real property on which the long-term care facility is located. As used herein, the phrase  
431 “person with an ownership or control interest” shall have the definition set forth in 42 USC Sec.  
432 1320a-3 of the Social Security Act and in regulations promulgated hereunder by the department.

433 The department shall notify the secretary of elder affairs forthwith of the pendency of any  
434 proceeding of any public hearing or of any action to be taken under this section relating to any  
435 convalescent or nursing home, rest home, infirmary maintained in a town, or charitable home for  
436 the aged. The department shall notify the commissioner of mental health forthwith of the  
437 pendency of any proceeding, public hearing or of any action to be taken under this section  
438 relating to any intermediate care facility for persons with an intellectual disability.

439 SECTION 19. Said chapter 111, as so appearing, is hereby further amended by striking  
440 out section 72E and inserting in place thereof the following section:-

441 Section 72E. The department shall, after every inspection by its agent made under  
442 authority of section 72 , give the licensee of the inspected long-term care facility notice in  
443 writing of every violation of the applicable statutes, rules and regulations of the department  
444 found upon said inspection. With respect to the date by which the licensee shall remedy or  
445 correct each violation, hereinafter the “correct by date”, the department in such notice shall  
446 specify a reasonable time, not more than 60 days after receipt thereof, by which time the licensee  
447 shall remedy or correct each violation cited therein or, in the case of any violation which in the  
448 opinion of the department is not reasonably capable of correction within 60 days, the department  
449 shall require only that the licensee submit a written plan for the timely correction of the violation

450 in a reasonable manner. The department may modify any nonconforming plan upon notice in  
451 writing to the licensee.

452 Absent good faith efforts to remedy or correct, failure to remedy or correct a cited  
453 violation by the agreed upon correct by date shall be cause to pursue or impose the remedies or  
454 sanctions available to it under sections 71 to 73, inclusive, unless the licensee shall demonstrate  
455 to the satisfaction of the department or the court, as the case may be, that such failure was not  
456 due to any neglect of its duty and occurred despite an attempt in good faith to make correction by  
457 the agreed upon correct by date. The department may pursue or impose any remedy or sanction  
458 or combination of remedies or sanctions available to it under said sections 71 to 73, inclusive.  
459 An aggrieved licensee may pursue the remedies available to it under said sections 71 to 73,  
460 inclusive.

461 In addition, if the licensee fails to maintain substantial compliance with applicable  
462 statutes, rules and regulations, in addition to imposing any of the other remedies or sanctions  
463 available to it, the department may require the licensee to engage, at the licensee's own expense,  
464 a temporary manager to assist the licensee with bringing the facility into substantial compliance  
465 and with sustaining such compliance. Such manager is subject to the department's approval,  
466 provided that such approval not to be unreasonably withheld. Any such engagement of a  
467 temporary manager would be for a period of not less than 6 months and shall be pursuant to a  
468 written agreement between the licensee and the management company. A copy of such  
469 agreement shall be provided by the licensee to the department promptly after execution.

470 Nothing in this section shall be construed to prohibit the department from enforcing a  
471 statute, rule or regulation, administratively or in court, without first affording formal opportunity

472 to make correction under this section, where, in the opinion of the department, the violation of  
473 such statute, rule or regulation jeopardizes the health or safety of residents or the public or  
474 seriously limits the capacity of a licensee to provide adequate care, or where the violation of such  
475 statute, rule or regulation is the second such violation occurring during a period of 12 full  
476 months.

477 SECTION 20. Said chapter 111, as so appearing, is hereby further amended by striking  
478 out section 73 and inserting in place thereof the following section:-

479 Section 73. Whoever advertises, announces, establishes or maintains, or is concerned in  
480 establishing or maintaining a long-term care facility, or is engaged in any such business, without  
481 a license granted under section 71, or whoever being licensed under said section 71 violates any  
482 provision of sections 71 to 73, inclusive, shall for a first offense be punished by a fine of not  
483 more than \$1,000, and for a subsequent offense by a fine of not more than \$2,000 or by  
484 imprisonment for not more than two years.

485 Whoever violates any rule or regulation made under sections 71, 72 and 72C shall be  
486 punished by such fine, not to exceed \$500, as the department may establish. If any person  
487 violates any such rule or regulation by allowing a condition to exist which may be corrected or  
488 remedied, the department shall order him, in writing, to correct or remedy such condition, and if  
489 such person fails or refuses to comply with such order by the agreed upon correct by date, as  
490 defined in section 72E, each day after the agreed upon correct by date during which such failure  
491 or refusal to comply continues shall constitute a separate offense. A failure to pay the fine  
492 imposed by this section shall be a violation of this section.

493 SECTION 21. Subsection (a) of section 220 of said chapter 111, as so appearing, is  
494 hereby amended by adding before the definition of “forensic examination” the following  
495 definitions:-

496 “Certified sexual assault nurse examiner”, a registered nurse, nurse practitioner, certified  
497 nurse midwife or physician in the commonwealth who has completed the Massachusetts SANE  
498 certification program and has been certified by the Massachusetts SANE program within the  
499 department.

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

503 SECTION 22. Said section 220 of said chapter 111, as so appearing, is hereby further  
504 amended by adding the following subsection:-

505 (i) In consultation with the advisory board, the department shall establish fees to be  
506 assessed on designated SANE sites for the provision of certified sexual assault nurse examiner  
507 services. Such fees shall be directed to the Sexual Assault Nurse Examiner Trust Fund  
508 established in section 2VVVV of chapter 29.

509 SECTION 23. Section 51A of chapter 119 of the General Laws, as so appearing, is  
510 hereby amended by striking out subsection (g) and inserting in place thereof the following  
511 subsection:-

512 (g) No person shall be liable in any civil or criminal action for filing a report under this  
513 section, contacting local law enforcement authorities or the child advocate or providing

514 information or assistance, including diagnosis, to the department regarding a report under this  
515 section or for cooperating with or testifying in any proceeding involving child abuse or neglect,  
516 if the report, contact, information, assistance, cooperation or testimony was made in good faith,  
517 was not frivolous and the person did not cause the abuse or neglect. Any person filing a report,  
518 providing information or assistance, cooperating or testifying under this section may be liable in  
519 a civil or criminal action if the department or a district attorney determines that the person may  
520 have perpetrated or inflicted the abuse or caused the neglect.

521 SECTION 24. Chapter 128 of the General Laws, as so appearing, is hereby further  
522 amended by striking out sections 116 to 123, inclusive, and inserting in place thereof the  
523 following 4 sections:-

524 Section 116. As used in this section and sections 117 to 119, inclusive, the following  
525 words shall, unless the context clearly requires otherwise, have the following meanings:-

526 “Hemp”, the plant *Cannabis sativa* L. and any part of that plant, including the seeds  
527 thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers,  
528 whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3  
529 per cent on a dry weight basis.

530 “Federal Act”, the Agricultural Improvement Act of 2018, Pub. L. 115-334, as amended.

531 “Federal Rule”, the Domestic Hemp Production Program, as set forth at 7 CFR Part 990,  
532 as amended, promulgated pursuant to Section 10113 of the Federal Act by the United States  
533 Secretary of Agriculture.

534 “Produce” or “Production”, to grow hemp plants for market, or for cultivation for market,  
535 in the United States.

536 “Producer”, a person who produces hemp.

537 “USDA”, the United States Department of Agriculture.

538 Section 117. (a) The growing, cultivation, and possession of hemp in the commonwealth  
539 shall be permitted. The production of hemp in the commonwealth is authorized subject to  
540 sections 116 to 119, inclusive. The department shall have jurisdiction over the production of  
541 hemp in the commonwealth and shall ensure compliance with the Federal Act and Federal Rule  
542 in connection therewith.

543 (b) In accordance with the Federal Act and the Federal Rule, the department, in  
544 consultation with the governor and the attorney general, may develop and submit for USDA  
545 approval a plan under which the commonwealth, through the department, shall have primary  
546 regulatory authority over the production of hemp in the commonwealth.

547 (c) The department shall promulgate rules and regulations for the implementation,  
548 administration, and enforcement of sections 116 to 119, inclusive.

549 (d) No person shall produce hemp in the commonwealth unless such production is in  
550 compliance with the Federal Act, Federal Rule, and sections 116 to 119, inclusive. Any person  
551 producing hemp in violation of sections 116 to 119, inclusive, shall be subject to enforcement as  
552 set forth in section 119.

553 (e) The department may charge applicants and licensees nonrefundable application fees  
554 and licensing fees in amounts determined by the department in consultation with the secretary of  
555 administration and finance.

556 Section 118. (a) No person shall produce hemp without a license issued by the  
557 department unless otherwise authorized by USDA under the Federal Rule. The department may  
558 by regulation determine the form of application and any minimum qualifications required for  
559 licensure, which shall include any qualifications required by the Federal Act or Federal Rule, or  
560 any state plan approved under subsection (b) of section 117. A license shall be valid for 3 years,  
561 or such other period authorized by the Federal Act or Federal Rule and prescribed by the  
562 department through regulation.

563 (b) No person convicted of a felony relating to a controlled substance under any state or  
564 federal law shall be eligible to apply for a license under this section for a period of 10 years from  
565 the date of the conviction unless otherwise authorized by the Federal Act. The department shall  
566 be authorized to require any person applying for licensure under this section to provide the  
567 department with criminal history information, including criminal offender record information, as  
568 defined in section 167 of chapter 6, for the purpose of determining a person's eligibility for  
569 licensure under this subsection. Information obtained pursuant to this section shall not be  
570 disseminated for any purpose other than to ensure compliance with this subsection and shall be  
571 exempt from the disclosure of public records under section 10 of chapter 66.

572 (c) Any person who materially falsifies any information in an application shall be denied  
573 a license and may be subject to enforcement as set forth in section 119.

574 Section 119. (a) Any violation of sections 116 to 119, inclusive, the department's  
575 regulations promulgated thereunder, or the state plan approved by the USDA under subsection  
576 (b) of section 117 shall be subject to enforcement in accordance with this section and the Federal  
577 Rule.

578 (b) (1) A negligent violation by a producer of hemp shall include, but not be limited to,  
579 the following: (i) failure to provide to the department an accurate legal description of land on  
580 which the producer produces hemp; (ii) failure to obtain a license under section 118; or (iii)  
581 producing *Cannabis sativa* L. with a delta-9 tetrahydrocannabinol concentration of more than 0.3  
582 per cent and less than or equal to 0.5 per cent on a dry weight basis, provided that the person  
583 made reasonable efforts to grow hemp.

584 (2) Such violations shall be deemed negligent by the department if not done willfully and  
585 shall require the violating person to comply with a corrective action plan issued by the  
586 department, including but not limited to a requirement to correct the negligent violation by a  
587 reasonable date, to periodically report on such compliance for a period of no less than 2 calendar  
588 years from the date of violation, and any other requirements set forth in the Federal Rule.

589 (3) A negligent violation shall not subject the violator to any criminal enforcement by any  
590 state or local governmental bodies and any enforcement action taken by the department shall be  
591 done in compliance with the Federal Act and Federal Rule.

592 (4) A person who is found by the department to have engaged in a negligent violation 3  
593 or more times in a 5-year period shall have their license revoked and be ineligible to apply for a  
594 license to produce hemp for a period of 5 years beginning on the date of the third violation.



595 (c) (1) All other violations which are deemed by the department to involve a culpable  
596 mental state greater than negligence shall be reported by the department to the attorney general  
597 and the Attorney General of the United States shall not be subject to subsection (b) and may  
598 result in suspension or revocation of a license.

599 (2) Any person who willfully violates sections 116 to 119, inclusive, or any rule or  
600 regulation promulgated by the department under section 117 shall be subject to a civil penalty  
601 not to exceed \$25,000 for each violation, which may be assessed in an action brought on behalf  
602 of the commonwealth in any court of competent jurisdiction. Each day of violation shall  
603 constitute a separate violation.

604 (3) The superior court shall have jurisdiction to enjoin willful violations of sections 116  
605 to 119, inclusive, or any rule or regulation promulgated by the department under section 117, or  
606 grant such relief as it deems necessary or appropriate to secure compliance with any provision of  
607 sections 116 to 119, inclusive, or the terms of a license issued thereunder.

608 (d) Any person aggrieved by the denial of an application for or the suspension or  
609 revocation of a license to produce hemp may appeal by filing a notice of appeal with the  
610 department not later than 21 days after the receipt of the notice of the denial, suspension or  
611 revocation. The adjudicatory hearing shall be conducted in accordance with chapter 30A.

612 (e) The department shall have the right to enter any real property used in connection with  
613 the production of hemp and shall have access to and the right to inspect any equipment, supplies,  
614 records, real property, and other information of the licensee deemed necessary at any time to  
615 carry out the department's duties under sections 116 to 119, inclusive.

616 (f) The department shall establish an inspection and testing program to determine, at a  
617 minimum, delta-9 tetrahydrocannabinol levels and ensure compliance with the limits on delta-9  
618 tetrahydrocannabinol concentration using post-decarboxylation or other similarly reliable  
619 methods, and to perform any other inspection and testing required by the Federal Act or Federal  
620 Rule or the state plan approved under subsection (b) of section 117.

621 (g) The department shall establish a procedure for the disposal of hemp produced in  
622 violation of sections 116 to 120, inclusive, and any products derived therefrom as required by the  
623 Federal Rule.

624 (h) The department shall collect and maintain any other information as required by the  
625 Federal Act and Federal Rule and otherwise necessary to carry out the department's duties under  
626 sections 116 to 119, inclusive. Any such records collected by the department shall be maintained  
627 for a minimum of 3 years up to and including such longer period required by the applicable  
628 document retention schedules established under section 42 of chapter 30, and shall be subject to  
629 disclosure as required by the Federal Act.

630 SECTION 25. Section 44A of chapter 149 of the General Laws, as so appearing, is  
631 hereby amended by striking out, each time it appears, in lines 48, 60, 99, 111, and lines 136 and  
632 137, the word “, maintenance”.

633 SECTION 26. Subsection (a) of section 44A½ of said chapter 149, as so appearing, is  
634 hereby amended by striking out, in line 6, the word “, maintenance”.

635 SECTION 27. Section 101 of chapter 159 of the General Laws, as so appearing, is hereby  
636 amended by striking out subsections (b) through (e), inclusive, and inserting in place thereof the  
637 following 6 subsections:-

638 (b) Passengers who fail to pay or prepay the required fare or who evade the payment of  
639 the required fare on any vehicle or ferry owned by or operated for the Massachusetts Bay  
640 Transportation Authority, may be subject to warning or a noncriminal citation, and may be  
641 requested to provide identification to the Massachusetts Bay Transportation Authority police or  
642 any person designated by the Massachusetts Bay Transportation Authority to issue noncriminal  
643 citations. Upon request by a Massachusetts Bay Transportation Authority police officer, or any  
644 person designated by the Massachusetts Bay Transportation Authority to issue noncriminal  
645 citations, a passenger shall make themselves known by personal identification, or any other  
646 means, for the purpose of issuing a noncriminal citation.

647 (c) A person who is issued a noncriminal citation shall be assessed a fine of not less than  
648 \$10 or greater than \$250 as established by regulations of the Massachusetts Bay Transportation  
649 Authority. If the person fails to pay the fine or appeal the citation by the due date on the  
650 noncriminal citation, the Massachusetts Bay Transportation Authority shall provide such person  
651 with notice of nonpayment of a fine indicating that the person's license or right to operate a  
652 motor vehicle may not be renewed until the fine is paid. The Massachusetts Bay Transportation  
653 Authority shall provide reasonable opportunity for a hearing and may waive or reduce a fine  
654 imposed, or offer an alternative way to resolve the fine imposed under this section, within its  
655 discretion.

656 Each citation shall state that the person receiving the citation must pay or appeal the fine  
657 by the payment due date stated on the citation. The citation notice shall describe the means for  
658 payment or appeal and shall state that a hearing may be obtained upon the written request of the  
659 violator in accordance with the instructions and timeframe provided for in the citation. The

660 citation notice shall state that failure to respond in accordance with instructions contained on the  
661 citation may result in the non-renewal of the license to operate a motor vehicle.

662 (d) The Massachusetts Bay Transportation Authority shall, as necessary to implement this  
663 section, issue regulations concerning: the nature and issuance of noncriminal warnings and  
664 citations; the collection of fines; fine amounts; penalties for failure to pay fines; options for  
665 alternatives to resolve fines other than immediate payment in-full; the administration of appeal  
666 processes and hearings.

667 (e) Upon the report to the registrar of 2 or more unresolved citations under this section,  
668 the registrar shall not renew that person's license or right to operate a motor vehicle under  
669 chapter 90 until the registrar receives a report from the Massachusetts Bay Transportation  
670 Authority indicating that all outstanding citations have been resolved. Fines imposed under this  
671 section shall be paid to the general fund of the Massachusetts Bay Transportation Authority.

672 (f) The Massachusetts Bay Transportation Authority and the office of performance  
673 management and innovation established pursuant to section 6 of chapter 6C shall publish a report  
674 annually, first beginning 2 years after the effective date of this amendment. The report shall  
675 include, without limitation, data on warnings and citations issued pursuant to this section during  
676 the preceding 12 months. Said office shall transmit the annual report to the clerks of the house of  
677 representatives, and the senate, the chairs of the house and senate committees on ways and  
678 means, and the chairs of the joint committee on transportation. The office of performance  
679 management shall issue rules relative to the data that is to be contained in this report.

680 (g) Notwithstanding any law to the contrary, no person shall be subject to arrest for fare  
681 evasion on the transit system operated by the Massachusetts Bay Transportation Authority.

682 SECTION 28. Section 5 of chapter 161A of the General Laws, as so appearing, is hereby  
683 amended by adding the following subsection:-

684 (s) To the extent the authority collects personal data for fare collection, the authority shall  
685 maintain the confidentiality of all such information including, but not limited to, transit system  
686 transactions, photographs or other recorded images, and credit and account data relative to riders  
687 who use its fare collection system. Such information shall not be a public record under clause  
688 Twenty-sixth of section 7 of chapter 4 or section 10 of chapter 66 and shall be used for fare  
689 collection purposes only. Notwithstanding any other law or regulation, fare collection data, if  
690 available, may be provided to a representative of the authority's police force, in situations  
691 involving imminent and immediate threat to the safety, health, and well-being of an individual or  
692 the public, in accordance with policies and procedures developed by the authority. Such policies  
693 and procedures shall include, but not be limited to the procedure for determining those  
694 emergency situations that would warrant making such data available, and the duration the data  
695 will be made available.

696 SECTION 29. Section 46 of said chapter 161A, as so appearing, is hereby amended by  
697 inserting, in line 5, after the word "parkways" the following words:- , except as provided in this  
698 section.

699 SECTION 30. Said section 46 of said chapter 161A is hereby further amended by  
700 inserting, in line 12, after the words "bus stops" the following words:- and designated bus lanes.

701 SECTION 31. Section 46 of chapter 253 of the General Laws, as so appearing , is hereby  
702 amended by adding the following paragraph:-

703 Prior to any transfer of legal title of a dam registered under section 45 or the parcel on  
704 which it is located, or any division or subdivision of said parcel, or approval or endorsement of a  
705 plan under sections 81K to 81GG, inclusive, of chapter 41, whether by the act or failure to act of  
706 the planning board, the dam shall be inspected, and either it shall be determined to be in good  
707 condition by the commissioner or the owner shall establish a financial assurance mechanism to  
708 secure the timely funding to remove or repair the dam to a condition acceptable to the  
709 department in accordance with regulations promulgated by the department. The commissioner  
710 may promulgate regulations to implement this paragraph, including without limitation for the  
711 purpose of identifying transactions subject to the inspection requirement, identifying appropriate  
712 exemptions and establishing the requirements for financial assurance mechanisms, such as  
713 bonds. Any transfer of legal title, division, subdivision or plan approval or endorsement without  
714 compliance with the requirements of this paragraph shall be void.

715 SECTION 32. The fourth paragraph of section 44 of chapter 85 of the acts of 1994, as  
716 most recently amended by section 69 of chapter 209 of the acts of 2018, is hereby further  
717 amended by inserting after the words “Hyde Park section of the city of Boston” the following  
718 words:- Mattapan Square Building in the city of Boston.

719 SECTION 33. Item 1599-2018 of section 2A of chapter 273 of the acts of 2018 is hereby  
720 amended by adding the following words:- ; and provided further, that funds may be expended for  
721 the Massachusetts emergency management agency to respond to any natural disaster or  
722 emergency event in fiscal year 2020 and to prepare for any future events.

723 SECTION 34. Item 4120-2000 of section 2 of chapter 41 of the acts of 2019 is hereby  
724 amended by inserting after the words “state appropriations” the following words:- or account  
725 4120-0029.

726 SECTION 35. Item 4512-0103 of said section 2 of said chapter 41 is hereby further  
727 amended by inserting after the words “in the previous fiscal years;” the following words:-  
728 provided further, that if determined by the commissioner of public health to be necessary for the  
729 surveillance, treatment, containment or prevention of the 2019 novel coronavirus, an amount not  
730 to exceed \$95,000 in funds appropriated in this item may be transferred to item 4516-1000 for  
731 these activities; provided further, that no funds may be transferred from this item if such transfer  
732 would result in a decrease in the level of HIV/AIDS services provided

733 SECTION 36. Section 27 of chapter 133 of the acts of 2019 is hereby repealed.

734 SECTION 37. Notwithstanding any general or special law to the contrary, for fiscal year  
735 2020, the secretary of health and human services, with the written approval of the secretary of  
736 administration and finance, may authorize transfers of surplus among items 4000-0320, 4000-  
737 0430, 4000-0500, 4000-0601, 4000-0641, 4000-0700, 4000-0875, 4000-0880, 4000-0885, 4000-  
738 0940, 4000-0950, 4000-0990, 4000-1400, 4000-1420 and 4000-1425.

739 SECTION 38. Notwithstanding any general or special law to the contrary, any  
740 unexpended balances, not exceeding a total of \$40,000,000, in items 4000-0700 and 4000-1425  
741 of section 2 of chapter 41 of the acts of 2019 shall not revert to the General Fund until September  
742 1, 2020 and may be expended by the executive office of health and human services to pay for  
743 services enumerated in said items 4000-0700 and 4000-1425 provided during fiscal year 2020.

744 SECTION 39. (a) Notwithstanding the provisions of sections 34 to 37 of chapter 7C of  
745 the General Laws or any other general or special law to the contrary, the division of capital asset  
746 management and maintenance, in consultation with the department of conservation and  
747 recreation may enter into leases, and the department of conservation and recreation may enter  
748 into other agreements, using whatever open and competitive process as the commissioner of the  
749 division of capital asset management and maintenance approves for leases or the commissioner  
750 of the department of conservation and recreation approves for other agreements for terms not to  
751 exceed 30 years upon certain parcels of land or portions thereof held for conservation and  
752 recreation purposes, as described in subsection (b). Said leases and agreements shall be for the  
753 purposes of constructing, operating, maintaining and repairing so called solar thermal or solar  
754 photovoltaic generating structures or such structures paired with energy storage systems, where  
755 100 per cent of the nameplate capacity of the solar photovoltaic modules used for generating  
756 power and of the power capacity of any paired energy storage system is installed on rooftops or  
757 parking lots or other paved parking surfaces in a manner that maintains the function of the area  
758 beneath the solar installation, along with any associated equipment and infrastructure, including  
759 without limitation poles, footings, wires, conduits, transformers and associated systems  
760 necessary or desirable to complete the work and make any connections to the electric grid if  
761 desired. The division of capital asset management and maintenance and the department of  
762 conservation and recreation shall consult with the department of energy resources during the  
763 lease or other agreement process.

764 (b) The parcels of land, or portions thereof, subject to the authorization in subsection (a)  
765 are as follows: Steriti Memorial Rink in the North End section of the city of Boston; Murphy  
766 Memorial Rink in the South Boston section of the city of Boston; Bajko Memorial Rink in the



767 Hyde Park section of the city of Boston; Devine Memorial Skating Rink in the Dorchester  
768 section of the city of Boston; the maintenance facilities off Water and Taylor Streets in the  
769 Dorchester section of the city of Boston; the Northpoint Maintenance Facility in the city of  
770 Cambridge; Squantum Point Park in the city of Quincy; Leo J. Martin Memorial Golf Course in  
771 the town of Weston and the city of Newton; the maintenance facilities off Pond Street in the  
772 town of Stoneham; Fort Phoenix State Reservation in the town of Fairhaven; the so called Smart  
773 Barn at Great Brook Farm Reservation in town of Carlisle; Hopkinton State Park in the towns of  
774 Ashland and Hopkinton; and the parcels that will comprise the Worcester Visitor Center in the  
775 city of Worcester.

776 (c) There may be 2 options for renewal or extension, not to exceed 10 years each, of any  
777 lease and other agreement executed under subsection (a). This renewal or extension shall be at  
778 the discretion of the department of conservation and recreation or the division of capital asset  
779 management and maintenance, as applicable, in accordance with the original lease or agreement  
780 terms and conditions or such terms and conditions more favorable to the commonwealth.

781 (d) (1) The leases and other agreements authorized in subsection (a) may be with 1 or  
782 more respondents selected as part of the open and competitive process and shall be on terms,  
783 conditions, and consideration acceptable to the commissioner of the division of capital asset  
784 management and maintenance for leases or the commissioner of the department of conservation  
785 and recreation for other agreements, in consultation with the commissioner of the department of  
786 energy resources. Said leases and agreements shall require, at a minimum, that the solar  
787 structures and associated installations avoid or minimize impacts to the areas beneath the solar  
788 structures and to existing facility operations to the maximum extent practicable.

789 (2) A lease or other agreement shall provide for appropriate remedies, including  
790 termination of the lease or adequate mitigation to be deposited into the Conservation Trust  
791 established under section 1 of chapter 132A of the General Laws in the event the lessee or  
792 operator fails to abide by the requirements of this subsection.

793 (3) Any consideration or other payments received from the leases and other agreements  
794 authorized by this section shall be payable to the department of conservation and recreation for  
795 deposit into the Conservation Trust, established under said section 1 of said chapter 132A of the  
796 General Laws, to be expended without further appropriation to acquire lands or interests therein  
797 to ensure a no-net-loss of lands protected for natural resource purposes.

798 (4) Any lease or other agreement shall require the lessee or operator to carry  
799 comprehensive general liability insurance with the commonwealth named as an additional  
800 insured, protecting the commonwealth against all personal injury or property damage arising  
801 from constructing, operating, maintaining and repairing or decommissioning the solar canopy  
802 structures and associated installations authorized by this section.

803 (5) Notwithstanding any general or special law to the contrary, the lease or other  
804 agreement shall provide for the lessee or operator to manage, operate, improve, repair and  
805 maintain the solar structures and associated installation at the lessee's or operator's sole expense,  
806 shall include requirements for the lessee or operator to remove the solar canopy structures and  
807 other installations and restore the land and facilities at the end of the lease or other agreement, or  
808 sooner if the installation is antiquated or abandoned, at no cost to the commonwealth in the event  
809 the commonwealth does not elect to take ownership of the solar canopy structures and other  
810 installations, and shall compensate the commonwealth for disruption to the operations of the

811 department of conservation and recreation, including lost parking revenue, and any damage  
812 caused to the parcels of land, or portions thereof, described in subsection (b) resulting from the  
813 construction, operation, maintenance, repair or decommissioning of the solar canopy structures  
814 and associated installations authorized by this section. No branding, logos or other advertising  
815 shall be displayed on the solar canopy structures and associated installations. The commissioner  
816 of the division of capital asset management and maintenance or the commissioner of the  
817 department of conservation and recreation, as applicable, may prescribe additional terms and  
818 conditions consistent with this section.

819 (e) The selected bidder for a lease or other agreement under subsection (a) or subsection  
820 (f) shall be responsible for all costs determined to be necessary or appropriate for implementing  
821 the lease or other agreement, including without limitation legal work, surveys and consultant  
822 services, as determined by the division of capital asset management and maintenance or the  
823 department of conservation and recreation, as applicable.

824 (f) If any lease or other agreement authorized by subsection (a) is terminated prior to the  
825 expiration of the initial term, the division of capital asset management and maintenance or the  
826 department of conservation and recreation, as applicable, in consultation with the department of  
827 energy resources, may, at its option, hold 1 additional open and competitive process to secure a  
828 new operator for the parcel or portion thereof under a lease or other agreement for a new term not  
829 to exceed 30 years, with 2 new options to renew or extend of 10 years each, for the purposes set  
830 forth in subsection (a). Any such lease or other agreement entered into under this subsection  
831 shall comply with all other requirements of this section.

832 SECTION 40. Sections 13 and 36 shall take effect on June 1, 2020.

833 SECTION 41. Sections 10, 11 and 12 shall take effect on July 1, 2020.

834 SECTION 42. Except as otherwise specified, this act shall take effect upon its passage.