

UNCORRECTED PROOF

Thursday, April 29, 2010 (at 10:00 o'clock A.M.).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, Lord of Creation, we turn our thoughts and affections to You in humble and thoughtful prayer. We look to You for assistance and guidance as we grapple with the economic and public policy issues which are before us this week. In Your goodness, help us to make decisions and choices which are right, fair and appropriate for the unusual times and circumstances. At the same time, teach us to be grateful for all blessings as citizens of this country, mindful of our responsibilities and open to You and Your spiritual ways for daily living. Inspire us to work together in strengthening our confidence and trust in You, each other and in our basic traditional institutions. Grant us patience and fair-mindedness in dealing with people and sensitive policy issues. May we continue to build our country and society on the principles of truth, justice, civility and integrity.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Flynn of Bridgewater) recognizing the United Nations Association of Greater Boston on the occasion of the Consul's Ball; and

Consul's Ball.

Resolutions (filed by Mr. Pignatelli of Lenox) celebrating the tenth anniversary of the Railroad Street Youth Project;

Railroad Street
Youth Project.

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Pignatelli, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating James Case on receiving the Eagle Scout Award of the Boy Scouts of America;

James Case.

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating Paul Follett on the occasion of his being honored at a District 9 testimonial;

Paul Follett.

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfield and D'Amico of Seekonk) congratulating Joel Sitte on receiving the Eagle Scout Award of the Boy Scouts of America;

Joel Sitte.

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mrs. Poirier, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

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The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Neil Maynard Horton, Jr. on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Representative Grant and other members of the House) recognizing Multiple Sclerosis Week May 1st - 7th 2010;

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mrs. Haddad, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Neil Maynard
Horton, Jr.
Multiple Sclerosis
Week.

Recess.

At ten minutes after ten o'clock A.M. (Thursday, April 29), on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair) the House recessed until half past ten o'clock; and at ten minutes after eleven o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

Papers from the Senate.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4571) of the Senate Bill relative to bullying in schools (Senate, No. 2323), a Bill relative to bullying in schools (Senate, No. 2404) (having been approved by the committees on Bills in the Third Reading of the two branches, acting jointly), came from the Senate with the endorsement that it had been accepted by said branch.

Bullying in
schools.

Under suspension of the rules, on motion of Ms. Walz of Boston, the report was considered forthwith.

After remarks on the question on acceptance of the report, in concurrence, the sense of the House was taken by yeas and nays at the request of Ms. Walz; and on the roll call (the Speaker having been in the Chair) 159 members voted in the affirmative and 0 in the negative.

Conference
committee
report
accepted,—
yea and nay
No. 380.

[See Yea and Nay No. 380 in Supplement.]

Therefore the report was accepted, in concurrence.

The House Bill authorizing the city of Methuen to lease a building to the head start program of the Greater Lawrence Community Action Council (House, No. 4261) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2347.

Methuen,—
building
lease.

Under suspension of Rule 35, on motion of Ms. Campbell of Methuen, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

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Reports of Committees.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, that the Bill to protect nursing home residents (House, No. 4270) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4637). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Nursing
home
residents.

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, on House, Nos. 2119, 2175, 2178, 2241, 2350, 2400, 2484, 2517, 3559, 3584, 3585, 3597, 3887, 3923, 4091, 4138, 4199, 4451, 4481, 4499, 4533, 4534, 4590 and 4605, an Order relative to authorizing the committee on Health Care Financing to make an investigation and study of certain House documents concerning health care and other related matters (House, No. 4638).

Health Care
Financing,—
study.

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Binienda of Worcester, for said committees, reported, asking to be discharged from further consideration of said order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

Engrossed Bills.

Engrossed bills

Relative to bullying in schools (see Senate, No. 2404) (which originated in the Senate); and

Bills
enacted.

Establishing a regional wastewater district for the towns of Mansfield, Foxborough, and Norton (see House, No. 4307, amended) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Paper from the Senate.

The engrossed Bill relative to bullying in schools (see Senate, No. 2404) came from the Senate with the endorsement that it had been amended by said branch by inserting before the enacting clause the following emergency preamble:

Bullying in
schools.

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the prevention of bullying in schools therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

Mr. Petrolati of Ludlow having been in the Chair,— under suspension of the rules, on motion of Mr. Donato of Medford, the amendment was considered forthwith; and it was adopted, in concurrence.

Emergency Measure.

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The engrossed Bill relative to bullying in schools (see Senate, No. 2404), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Bullying in schools.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 29 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and Sent to the Senate.

Bill enacted.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2011 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4600, amended) was considered.

General Appropriation Bill.

Pending the question on passing the bill, as amended, to be engrossed, Mr. Perry of Sandwich and other members of the House moved to amend it by adding the following section:

“SECTION 68. The department of public utilities shall, within 120 days after the effective date of this act, complete a cost analysis report evaluating all technically-feasible supply and demand proposals capable of ensuring electricity reliability on Cape Cod. The analysis shall include proposals which will reduce or eliminate existing uplift charges imposed upon ratepayers in the Southeastern Massachusetts Reliability Region as defined by ISO New England Inc. The report shall include, but not be limited to, a cost comparison of any technically-feasible proposal including transmission improvements, demand-side management programs, the health and environmental impacts of energy alternatives, repowering of existing power generation units in the Southeastern Massachusetts Reliability Region or the development of new peaking generation facilities.”.

The amendment was rejected.

At ten minutes after twelve o'clock noon (Thursday, April 29), on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at fourteen minutes after one o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Recess.

Ms. Walz of Boston and other members of the House then moved to amend the bill in section 2, in item 7010-0005, by adding the following “; provided further, that not less than \$100,000 shall be allocated for the purposes of offering a no-cost method to schools and districts for professional development to build the skills of all staff members, including but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify, and respond to bullying; provided further, that the content of such professional development shall include, but not be limited to developmentally appropriate strategies to prevent bullying incidents; developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment; information on the incidence and nature of cyber-bullying; and

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internet safety issues as they relate to cyber-bullying; and provided further that said no-cost method may also include a ‘train-the-trainer’ model, so-called, with demonstrated success”; and in said item by striking out the figures “\$13,031,114” and inserting in place thereof the figures “\$13,131,114”.

The amendments were adopted.

Mr. Murphy of Lowell and other members of the House then moved to amend the bill by adding the following section:

“SECTION 68. Notwithstanding any general or special law to the contrary the department of children and family services shall not make special education placement decisions and shall adhere to the current individualized education plan until it is altered by the team process pursuant to applicable law. Furthermore, the department of elementary and secondary education shall consider a special education day school operated by an educational collaborative or other public entity as a different program type than one operated by a private entity. A school district shall only be responsible for their portion of the costs associated with a private residential placement pursuant to a valid individualized education plan.”.

After remarks the amendment was rejected.

Mr. Falzone of Saugus then moved to amend the bill in section 2, in item 7000-9101, by adding the following “; provided further, that the board shall grant temporary certification to Saugus upon receipt of a preliminary report showing compliance with the requirement of a materials expenditure of 13% of its budget during fiscal year 2011 and showing that the library has and will maintain open hours of at least 59 hours per week; provided further, that the board may revoke certification to Saugus if said minimum standards are not met after temporary certification is granted; provided further that the employment of a permanent library director shall not be required of Saugus until at least July 1, 2011”.

The amendment was adopted.

Mr. Kocot of Northampton then moved to amend the bill by adding the following section:

“SECTION 68. Chapter 55 of the General Laws is hereby amended “Section 6C. No candidate or his or her candidates committee may accept, nor shall any applicant for or holder of a casino license, nor any holding, intermediary or subsidiary company thereof, nor any officer, director, casino key employee or principal employee of an applicant for or holder of a casino license or of any holding, intermediary or subsidiary company thereof nor any person or agent on behalf of any such applicant, holder, company or person, directly or indirectly, pay or contribute any money or thing of value to any candidate for nomination or election to any public office in the Commonwealth, or to any committee of any political party, or to any group, committee or association organized in support of any such candidate or political party; except that the provisions of this section shall not be construed in a way that is contrary to law regarding expenditures or self-funding. Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.”.

The amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 27 the following section:

“SECTION 27A. Section 150 of chapter 127 of the General Laws as appearing in the 2008 Official Edition, is hereby amended by inserting after the words ‘expires on’, in line 1, the following:- Saturday.”.

The amendment was adopted.

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Mr. Jones and other members of the House then moved to amend the bill by inserting after section 10 the following two sections:

“SECTION 10A. Subsection (c) of section 29F of chapter 29 of the General Laws, as appearing in the 2008 official edition, is hereby amended in lines 52 and 53 by striking the following words: ‘Debarment may be imposed for the following causes; but, debarment shall be imposed in all causes where debarment is required by law’ and inserting in place thereof the following:– Debarment shall be imposed for the following causes.

SECTION 10B. Subdivision (1) of subsection (c) of section 29F of chapter 29, as so appearing, is hereby amended by inserting, in line 72, after the words ‘environment; or’ the following:– (x) a violation of federal law prohibiting the employment of unauthorized aliens; or.”

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 27A (inserted by amendment) the following section:

“SECTION 27B. Section 118 of chapter 149 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word ‘individual’ the following words:– ,who is a resident of the Commonwealth of Massachusetts,.”

The amendment was adopted.

Mr. Ross of Wrentham and other members of the House then moved to amend the bill by inserting after section 23 the following section:

“SECTION 23A. Section 2 of chapter 118G of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting, after the second paragraph contained in the lines 13 to 28, inclusive:– The division shall make available actual costs of health care services, as supplied by each provider, to the general public in a conspicuous manner on the division’s official website.”

After remarks the amendment was adopted.

Mr. Scaccia of Boston then moved to amend the bill by adding the following section:

“SECTION 68. Section 20(c) of Chapter 28 of the Acts of 2009 is amended in the fifth sentence, by adding after ‘the Attorney General’ the following language:– and a duplicate copy of said notice shall be filed with the regulations division of the state secretary’s office.”

The amendment was adopted.

Mr. Nangle of Lowell then moved to amend the bill by adding the following section:

“SECTION 69. The date for compliance with subsection (b) of section 38j of Chapter 148 of the General Laws, as set forth in section 9 of Chapter 453 of the Acts of 2008, is hereby extended from July 1, 2010, until December 31, 2010.”

The amendment was adopted.

Ms. Sandlin of Agawam then moved to amend the bill by adding the following section:

“SECTION 70. Section 8G of chapter 26 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

There shall be in the division of insurance an auto damage appraiser licensing board, hereinafter called the board, consisting of four persons to be appointed by the Governor, two of whom shall be affiliated with the auto body repair industry, and two of whom shall be affiliated with insurance companies writing casualty insurance within

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the commonwealth, and one person to be appointed by the commissioner of insurance who shall not be affiliated with either the auto body industry or the insurance industry and who shall be the chairman of the board, and one person who shall be appointed by the Speaker of the House and one person appointed by the Senate President who shall not be affiliated with either the auto body industry or the insurance industry and represent the consumer and the general public. A vacancy on the board shall be filled within 60 days from the date of said vacancy.”.

The amendment was adopted.

Mr. Keenan of Salem and other members of the House then moved to amend the bill by adding the following section:

“SECTION 71. Section 14 of chapter 23A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended, in line 3, by striking out the word ‘those’ and inserting in place thereof the words ‘the following thirteen’.

Section 14 is further amended, in lines 12 through 19, by striking the text after the word ‘Commerce’.

Section 14 is further amended by striking the sentence in lines 33 and 34, and inserting in place thereof ‘No funds may be spent for entertainment under this section’.

Section 14 is further amended, in line 53, by inserting after the word ‘means’ the words:- and Joint Committee on Tourism Arts and Cultural Development.”.

The amendment was adopted.

Ms. Story of Amherst then moved to amend the by adding the following section:

“SECTION 72. Section 9A of chapter 118E of the General Laws is hereby amended by inserting in the following subsections under subsection (2):-

(j) Children who are deemed eligible for medical benefits pursuant to clause (a) of subsection 2 shall continue to be eligible for assistance for a period of 12 months, until the child’s annual eligibility review, if the child would otherwise be determined ineligible due to excess countable income but otherwise remains eligible.

(k) Children who are deemed eligible for medical benefits pursuant to clause (b) of subsection 2 shall continue to be eligible for assistance for a period of 12 months, until the child’s annual eligibility review, if the child would otherwise be determined ineligible due to excess countable income but otherwise remains eligible.

(l) Children who are deemed eligible for medical benefits pursuant to clause (c) of subsection 2 shall continue to be eligible for assistance for a period of 12 months, until the child’s annual eligibility review, if the child would otherwise be determined ineligible due to excess countable income but otherwise remains eligible.”.

The amendment was adopted.

Messrs. O’Day of West Boylston and Walsh of Boston then moved to amend the bill by adding the following section:

“SECTION 73. Paragraph (d) of section 7 of chapter 150E of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting in the first paragraph after the third clause which ends ‘pursuant to Chapter 48;’ by inserting the following:- any general or special law pertaining to appointment, transfer or removal of any employee or employees who meet the definition of ‘employee’ or ‘public employee’ as defined in section one of this chapter.”.

The amendment was rejected.

Representatives Hill of Ipswich and L’Italien of Andover then moved to amend the bill by adding the following section:

“SECTION 73. Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

‘Safe drinking water’ is defined as water meeting or exceeding all primary and

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secondary standards, and recommended guidelines for drinking water as defined by the Massachusetts Department of Environmental Protection.

'I-95 Corridor' as used herein is defined as the area within the Town of Boxford located approximately 1,500 feet from any portion of Interstate Highway 95.

Section 2. The Massachusetts Department of Transportation (MassDOT) shall conduct a comprehensive study to determine the cumulative and immediate effects of deicing chemical storage and deicing operations on the groundwater aquifer(s) and bedrock fissures within the I-95 Corridor. Specifically: the study shall determine how and why deicing chemicals applied to Interstate 95 have infiltrated the ground water aquifers and bedrock and what measures need to be taken to prevent it from occurring in the future. The study shall provide recommendations as to: (i) the proximate cause(s) of deicing chemicals, including sodium and chloride, infiltration into the groundwater aquifer(s) and bedrock fissures within the I-95 Corridor; (ii) short-term and long-term remedial action(s) necessary to restore groundwater quality to a Safe Drinking Water standard within the I-95 Corridor; (iii) a plan to modify highway drainage systems so as to prevent storm water run-off and highway drainage from adversely impacting aquifers, bedrock and adjacent wetland resource areas; and (iv) an alternative means to provide a reliable and adequate safe drinking water supply to the residents located within the I-95 Corridor meeting all state and local requirements.

Section 3. The Department of Transportation shall conduct said study utilizing an independent consultant. The development of the study scope of work, the selection of the independent consultant, and review of study recommendations, shall all be conducted jointly by DOT and a Committee to be appointed by the Boxford Board of Selectmen and the Boxford Board of Health. Within one year of the passage of this act, the Department of Transportation shall file a report of its activities and the developed recommendations with the governor and the clerks of the House of Representatives and the Senate who shall forward the same to the House and Senate committees on ways and means and other committees as appropriate. To the extent the report provides for disbursement of appropriations or other moneys authorized by the general court, the plan shall be subject to the approval of the secretary of transportation and the secretary of administration and finance."

The amendment was adopted.

Mr. Madden of Nantucket then moved to amend the bill by adding the following section:

"SECTION 74. The General Laws are hereby amended in line 65, Section 4c of Chapter 21A by inserting after the words, 'Martha's Vineyard Commission,' the words:- 1 of whom shall be a representative of the Nantucket Planning and Economic Development Commission."

The amendment was adopted.

Mr. Madden then moved to amend the bill by adding the following section:

"SECTION 75. The General Laws are hereby amended in Section 15 of Chapter 132A, line 17, by striking the words 'may review' and inserting in place thereof the following words: 'shall define'; and further, in line 18, by inserting after the word 'facilities' the following words: 'and review them'; and further, in lines 19-22 inclusive, by striking the rest of the sentence after the word 'review', and inserting in place thereof the following words:- of a regional planning agency's decision on the applicant's proposed development of regional impact."

The amendment was adopted. Subsequently Mr. Murphy of Burlington moved that this vote be reconsidered; and the motion to reconsider prevailed.

Pending the recurring question on adoption of the amendment, the same member

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moved to amend it by striking out proposed section 75 and inserting in place thereof the following section:

“SECTION 75. The second paragraph of section 15 of chapter 132A of the General Laws, as so appearing, is hereby amended by striking out clause (iii) and inserting in place thereof the following:-

(iii) in municipalities where regional planning agencies have regulatory authority, a regional planning agency shall define the appropriate scale of offshore renewable energy facilities, and review such facilities as developments of regional impact, and the applicant may seek review of the regional planning agency’s development of regional impact determination, but not its determination of appropriate scale, pursuant to the authority of the energy facilities siting board to issue certificates of environmental impact and public interest pursuant to sections 69K through 69O of chapter 164.”.

The further amendment was adopted, thus precluding a vote on the pending amendment offered by Mr. Madden of Nantucket.

Mr. Costello of Newburyport then moved to amend the bill by adding the following two sections:

“SECTION 76. Section 18H of chapter 6A of the General Laws, as amended by section 8 of chapter 223 of the Acts of 2008, is hereby further amended by striking out the first sentence in subsection (d) and inserting in place thereof the following:-

(d) Each communication service provider shall remit the surcharge revenues collected from its subscribers or end users to the state treasurer for deposit in the Enhanced 911 Fund; provided however that the department shall promulgate regulations establishing collection of the surcharge on prepaid wireless services from consumers at the retail point of sale and that the surcharge on prepaid wireless services shall be remitted by the retailer of the prepaid wireless services to the department of revenue; and provided further that the department of revenue shall promulgate regulations for collection, remittance, audits, and enforcement of the collection and remittance of the surcharge on prepaid wireless services consistent with the tax imposed under chapter 64H of the General Laws.

SECTION 77. Said chapter 223 is hereby further amended by striking out section 19 and inserting in place thereof the following section:-

Section 19. The regulations required to be adopted under subsections (a) and (d) of section 18H of chapter 6A of the General Laws by the state 911 department and the department of revenue shall take effect on July 1, 2010, and the retailers of prepaid wireless service shall be subject to said section 18H of said chapter 6A, except for subsection (g) of said section 18H of said chapter 6A on and after July 1, 2010. Subsection (g) of said section 18H of said chapter 6A shall take effect on the effective date of this act.”.

The amendment was adopted.

Mr. Galvin of Canton and other members of the House then moved to amend the bill by adding the following section:

“SECTION 78. The Massachusetts general laws are hereby amended by striking Chapter 111, Section 62K and inserting in place thereof the following section:-

Chapter 111: Section 62K. Trustees; corporation; additional powers and duties; grants; devises; gifts; trusts

Section 62K. The trustees shall be a corporation for the purpose of taking and holding, by them and their successors, in the name of the commonwealth, and in accordance with the terms thereof, any grant or devise of land, bequest of personal property or money or other funds, whether income or principal and whether acquired by gift or contribution or otherwise made, or generated by the trustees for the use or

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benefit of the school, its students, former students or graduates or any association thereof. Consistent with said purpose, the trustees shall have all the powers permitted a non profit corporation under Massachusetts law and an exempt organization described in section 501(c) 3 of the IRS Code, including among others, the power to employ such agencies as they may from time to time determine to be wise and proper for the administration of said funds, and from funds received or the income thereof, to pay such expenses as may be necessary for said administration, or may, with notification to the governor or council, delegate any powers conferred by this section upon any such company or corporation. In the use, management and administration of such funds, the trustees or their agents shall in their discretion so act as most effectively to benefit the school, its students or graduates or any association thereof. No trustee shall be answerable for the default or neglect of any co-trustee, or of any agent employed hereunder, or of any corporation to which power is delegated or transferred as herein authorized.”.

The amendment was adopted.

Ms. Polito of Shrewsbury then moved to amend the bill by adding the following two sections:

“SECTION 79. Section 33 of chapter 138 of the general laws, as appearing in the 2008 official edition, is hereby amended in line 12 by striking the words ‘12:00 noon in any county other than Suffolk’ and inserting in place thereof the following:– ten o’clock ante meridian.

SECTION 80. Section 33b of chapter 138 of the general laws, as appearing in the 2008 official edition, is hereby amended by striking the words ‘eleven o’clock ante meridian’ and inserting in place there of the following:– ten o’clock ante meridian.”.

After remarks the amendment was adopted.

Ms. Peisch of Wellesley then moved to amend the bill by inserting after section 3 the following section:

“SECTION 3A. Chapter 6A of the General Laws is hereby amended by inserting after section 7 the following section:–

Section 7A. Each secretary may, notwithstanding any general or special law to the contrary, identify information technology related activities and related supporting financial functions common to the state agencies within the executive office and may designate such functions as core information technology functions. To improve administrative efficiency and preserve fiscal resources, the secretary may direct that core information technology functions be performed by the executive office or by 1 or more state agencies designated by the secretary to perform those functions. The secretary may delegate the secretary’s signature authority for such functions to an officer or employee of an agency within the executive office. Nothing in this section shall waive the responsibility of each agency head to certify obligations and expenditures for appropriations and other legally available funds of the agency pursuant to section 3 of chapter 7A, the responsibilities of an agency head pursuant to state finance law including but not limited to sections 19, 20, 24, 26 and 27 of chapter 29, and the responsibility of an agency head to certify work by employees of the agency pursuant to section 31 of chapter 29. The executive office or any state agencies designated to perform core information technology functions may charge the state agencies that receive such services for the reasonable costs of providing the services. Any employee transfers that occur in connection with the consolidation of core information technology functions within the executive office or state agencies shall not: (a) impair the civil service status of any such transferred employee who immediately before the effective date of this act either holds a permanent appointment in a position

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classified under chapter 31 or has tenure in a position by reason of section 9A of chapter 30; or (b) impair or change an employee's status, rights, or benefits under chapter 150E.”.

The amendment was adopted.

Mr. Bradley of Hingham then moved to amend the bill by adding the following section:

“SECTION 81. Chapter 211B of the Massachusetts General Laws is amended by adding a new Section 21 to read as follows:–

Chapter 211B: Section 21. Notices

Section 21. Whenever a department established under this chapter is required to publish a notice in a newspaper by any Massachusetts General Law, order, rule or judgment of any court, said department shall be deemed as having met all notice requirements by publishing in a newspaper which by its title page purports to be printed or published in such town, city, or county, or having a circulation therein. For purposes of this section, the definition of newspaper shall include legal newspapers.”.

The amendment was adopted.

Mr. Koutoujian of Waltham then moved to amend the bill by adding the following two sections:

“SECTION 82. Section 9(b) of chapter 94C of the General Laws is hereby amended in the third paragraph by inserting at the end thereof the following:– This section shall not be construed to prohibit a physician or an optometrist from the in-office dispensing and sale of a vision correction device, including contact lenses that contain a controlled substance component, provided that the controlled substance is within the profession’s designated scope of practice.

SECTION 83. Section 66b of Chapter 122 of the General Laws is hereby amended after the third paragraph by inserting the following:– This section shall not be construed to prohibit an optometrist from the in-office dispensing and sale of a vision correction device, including contact lenses that contain a controlled substance component, provided that the controlled substance is within the profession’s designated scope of practice.”.

The amendment was rejected.

Mr. Donelan of Orange then moved to amend the bill by adding the following nine sections:

“SECTION 83. The secretary of energy and environmental affairs shall transfer from the department of conservation and recreation to the department of agricultural resources the service forestry unit and the forest products marketing and utilization unit. All personnel of such units at the department of conservation and recreation at the time of this transfer shall remain in their respective collective bargaining units at the department of agricultural resources.

SECTION 84. Amend Chapter 61 §8 in paragraph 10 by deleting ‘commissioner of department of conservation and recreation’ and replacing it with the following: ‘, commissioner of the department of agricultural resources’

Amend Chapter 61A §14 in paragraph 10 by deleting ‘commissioner of department of conservation and recreation’ and replacing it with the following: ‘, commissioner of the department of agricultural resources’

Amend Chapter 61B §9 in paragraph 10 by deleting ‘commissioner of department of conservation and recreation’ and replacing it with the following: ‘, commissioner of the department of agricultural resources’.

SECTION 85. Amend Chapter 4 §7 by; deleting the forty-seventh clause and replacing it with the following: ‘Forester’ and ‘state forester’ shall mean the

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commissioner of agricultural resources or his designee, adding, after the fifty-eighth clause, the following:— Fifty-ninth, ‘state fire warden’ shall mean the commissioner of conservation and recreation or his designee.

SECTION 86. Amend Chapter 21 §2F be deleting the first paragraph and inserting in its place the following:—

The directors of the divisions of state parks and recreation and urban parks and recreation shall work in cooperation with the director of the division of fisheries and wildlife within the department of fish and game to establish coordinated management guidelines for sustainable forestry practices on public forest lands within the departments of conservation and recreation. Said guidelines for public forest lands shall include agreements on equipment, personnel transfers, operational costs, and assignment of specific management responsibilities.

SECTION 87. Amend MGL Chapter 132 as follows: Delete §1 and insert in its place the following:—

Section 1. The state forester, defined for the purposes of this chapter pursuant to Chapter 4 §7, shall promote the perpetuation, extension and proper management of the public and private forest lands of the commonwealth; shall give such a course of instruction to the students of the University of Massachusetts on the art and science of forestry as may be arranged by the trustees of the university and the forester; and shall perform such other duties as may be imposed upon him by the governor

Delete §31 and insert in its place the following: ‘Lands acquired under section thirty or thirty-three shall be known as state forests, and shall be under the control and management of the commissioner. Lands acquired by purchase for experiment and illustration in forest management and for reforestation under the provisions of chapter four hundred and seventy-eight of the acts of nineteen hundred and eight and amendments thereof, or of the corresponding provisions of later laws, as to which the period limited for repurchase by their original owners, or their heirs or assigns, in accordance with said provisions shall have expired without such repurchase, shall also be known as state forests and shall be under the control and management of the commissioner to the same extent as if acquired under section thirty. He shall reforest and develop such lands, and may, make all reasonable regulations which in his opinion will tend to increase the public enjoyment and benefit therefrom and to protect and conserve the water supplies of the commonwealth’.

Delete §32 and insert in its place the following: ‘The commissioner may expend such sums as are annually appropriated for the necessary expenses incurred under section thirty-one.

In §35 delete the word ‘forester’ and insert in its place the following: ‘commissioner’.

Delete §41 and insert in its place the following: ‘The governor shall appoint a state forestry committee, to consist of eight members representing, respectively: forest land owners; primary wood using industries; licensed timber harvesters; consulting foresters; environmental organizations; water supply agencies; fisheries and wildlife; and one member representing the public at large. The state forester shall be an ex officio member of the committee and shall vote only in case of a tie. In the initial appointments of said committee members, three shall be appointed for a one year term, three for a two year term, and two for a three year term. Thereafter, as the term of a committee member expires, his successor, with like qualifications as his predecessor, shall be appointed for a term of three years. Said committee shall select its own chairman. The members of said committee shall serve without pay, but shall be reimbursed for actual travelling expenses within the commonwealth, when approved by

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the state forester.

The state forestry committee, with recommendations of such other advisory committees as the director in his discretion may appoint, shall prepare tentative minimum forest cutting practices and guidelines. Before recommending any forest practices, said committee shall hold hearings, with due notice being given, in conformance with chapter thirty A, in at least three places conveniently located throughout the commonwealth. Said committee may thereafter recommend such practices or modifications thereof and submit them to the state forester. The state forester may thereupon adopt the practices and place them in effect, by posting in all city and town halls in the region affected and by publication in at least one daily newspaper in every county affected. Such approved practices may be amended at any time by said committee in the same manner, on its own motion or upon the petition of not less than twenty-five forest owners or licensed timber harvesters of the commonwealth or upon petition of any person authorized under section four of chapter thirty A.’

In § 42 delete all instances of ‘director’ and insert in its place the following: ‘state forester’.

In § 43 delete all instances of ‘director’ and ‘director’s’ and insert in its place the following: ‘state forester’ and ‘state forester’s’ respectively.

In § 45 delete all instances of ‘director’ and insert in its place the following: ‘state forester’.

In § 46 delete all instances of ‘director’ and insert in its place the following: ‘state forester’.

In § 49 delete ‘director of the division of forests and parks’ and insert in its place the following: ‘state forester’ and delete all remaining instances of ‘director’ and insert in its place the following: ‘state forester’.

Delete §50 and insert in its place the following: ‘There is hereby established a forester licensing committee, consisting of nine members, one of whom shall be the state forester, who shall act as chairman, one of whom shall be the chairman of the state forestry committee established in section forty-one or his designee, one of whom shall be the chief forester of the department of conservation and recreation, and six persons to be appointed by the governor, one of whom shall be a person nominated by the Massachusetts Association of Professional Foresters, one of whom shall be a licensed timber harvester, one of whom shall be an owner of classified forestland, one of whom shall be a representative of the executive office of consumer affairs, one of whom shall be a representative of the executive office of energy and environmental affairs, and one of whom shall be a representative of an environmental organization. The forester licensing committee shall recommend qualifications and procedures for the licensing of foresters and shall assist the director in the preparation of rules and regulations for such licensing. Members of said commission shall serve without compensation.’

Amend §51 by deleting in paragraph 1 ‘the department of environmental management, the metropolitan district commission’ and inserting in its place the following: ‘the department of conservation and recreation, the department of agricultural resources’ and by deleting in the second paragraph ‘the chief forester of the department of environmental management, the chief forester of the metropolitan district commission,’ and inserting in its place the following: ‘the chief forester at the department of conservation and recreation, the state forester’.

SECTION 88. Insert after chapter 128 §115 a new section, §116 as follows:—

Section 116, Powers and duties of the Division of Forest Services The director of

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the division of forest services shall, any other law notwithstanding, have such duties and powers as established under the general laws and accorded to the state forester. The director at all times shall maintain strong coordination with; the chief forester at the department of fish and game, the chief forester at the department of conservation and recreation, the director of the natural heritage and endangered species program and the directors of the regional offices of the department of environmental protection. In carrying out the duties and powers of the state forester said director shall:

1. Protect the soil and water resources of the forests;
2. Protect the forest productivity, ecosystem integrity and health of the forests;
3. Foster locally grown forest products from carefully conducted harvests;
4. Foster an ethic of integrity and respect among the public for forest resources, fish and wildlife resources and the biological conservation of forests;
5. Foster the restoration and conservation of our forests;
6. Protect forest land for future generations, by purchasing conservation restrictions on prime forest land;
7. Foster the climate mitigation and adaptation values of our forests.

SECTION 89. The Memorandum of Understanding in effect between the department of environmental management and department of environmental protection regarding forest cutting plans shall remain in full force and effect during this transfer and all such duties and obligations shall, until such agreement is amended or canceled by the department of agricultural resources and the department of environmental protection, continue as if between the department of agricultural resources and the department of environmental protection.

SECTION 90. There shall be a Forestry Transfer Oversight Committee within the Executive Office of Energy and Environmental Affairs that shall exist for not more than five (5) years following passage of this legislation. The Committee shall make recommendations to the secretary of energy and environmental affairs relative to the transfer of the service forestry and forest products marketing and utilization units from the department of conservation and recreation to the department of agricultural resources. Said recommendations shall be for the purposes of evaluating such transfer and making improvements to the regulation and promotion of the services and products provided by forest lands. Said committee shall meet at the call of the chair and not less than once per year. Said committee shall be made up of the secretary of energy and environmental affairs or his designee who shall be chair, the commissioner of the department of environmental protection or her designee, the commissioner of the department of agricultural resources or his designee, and 2 members of the public who shall be appointed by the secretary of energy and the environmental affairs one who shall represent the environmental community and one who shall be a owner of forest land in the commonwealth managed for commercial purposes. The state conservationist from the United States Department of Agricultural Resources and the Dean of the College of Natural Sciences and Mathematics at UMass Amherst or their designees shall serve as non-voting members.

SECTION 91. The secretary energy and environmental affairs shall direct such interdepartmental agreements concerning the transfer of vehicles, computers, and other such assets as well as the use of office space and federal grant revenues between the department of agricultural resources and the department of conservation and recreation as he shall determine is necessary to carry out the transfer from the department of conservation and recreation to the department of agricultural resources the service forestry unit and the forest products marketing and utilization unit.”

The amendment was rejected.

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Messrs. O'Day of West Boylston and Pedone of Worcester then moved to amend the bill by adding the following section:

“SECTION 82. Section 44 of chapter 75 of the General Laws is hereby amended in line 2 by striking out the word ‘shall’ and inserting in place thereof the following word:– may.”.

The amendment was adopted.

Mr. Finegold of Andover then moved to amend the bill in section 2 by inserting after item 1102-3224 the following item:

“1102-3225...For the cost of utilities and management services provided by the division of capital asset management, including the payment of electrical, fuel oil and natural gas purchases that are centrally billed to the commonwealth and the purchase, delivery, handling of and contracting for supplies, postage and related equipment and other incidental expenses provided under section 51 of chapter 30 of the General Laws; provided, that any unspent balance at the close of fiscal year 2011 in an amount not to exceed 5 per cent of the amount authorized shall remain in the Intergovernmental Service Fund and may be expended for this item in fiscal year 2012 for the purposes of energy efficiency projects; and provided further, that the division in consultation with the department of energy resources, the operational services division and the executive office for administration and finance shall implement a program for centralized energy management by July 1, 2011.....\$255,500,000

Intragovernmental Service Fund 100%”;

and by adding the following four sections:

“SECTION 83. Section 1 of chapter 23J of the General Laws, as amended by sections 2 and 3 of chapter 158 of the acts of 2009, is hereby further amended by inserting after the definition of ‘Director’ the following 2 definitions:–

‘Division director’, the director appointed to head the [commonwealth energy solutions division] under section 12.

‘Energy resources’, electricity, natural gas, heating fuels, transportation fuels, demand response, efficiency, and energy management services as defined in section 3 of chapter 25A.

SECTION 84. Said section 1 of chapter 23J, as so amended, is hereby further amended by inserting after the definition of ‘Fund’ the following 2 definitions:–

‘Local government body’, a city, town, municipal aggregation as set forth in section 134 of chapter 164, district, regional school district or county, or an agency or authority thereof, including a housing authority, board, commission, department or instrumentality of a city, town district, regional school district or county.

‘Commonwealth energy solutions division’, the division established under section 12.

SECTION 85. Said section 1 of chapter 23J, as so amended, is hereby further amended by inserting after the definition of ‘Revenue’ the following 2 definitions:–

‘State energy resource contracts’, contracts executed under section 12 by the division.

‘State entities’, state agencies, state authorities, quasi-public entities, state higher education facilities, and building authorities.

SECTION 86. Said chapter 23J of the General Laws is hereby further amended by adding the following section:–

Section 12. (a) There shall be within the center a division to be known as the

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commonwealth energy solutions division. The division shall be headed by a division director who shall be appointed by the executive director of the center and who shall be a person of skill and experience in the field of energy procurement. The division director shall serve at the pleasure of the executive director, and the executive director shall fix the division director's compensation and terms of employment. The division director shall devote full time during business hours to the duties of the office. The division director may, subject to the general supervision of the executive director, employ other employees, consultants, agents, and advisors, and shall attend meetings of the board.

(b) The division shall promote and advance the commonwealth's public interests by acting as the commonwealth's lead agency, in collaboration with the clean energy center, the executive office of energy and environmental affairs, the executive office of administration and finance, and the department of energy resources, to reduce energy costs and greenhouse gas emissions for all state entities by: (i) establishment of a state-wide procurement process for energy resources; (ii) management of a state-wide energy monitoring and analysis system to optimize energy usage in state-owned facilities; and (iii) recommending energy-related capital investments. The division shall manage these duties so as to obtain adequate, reliable, efficient, environmentally sustainable and cost-effective energy resources.

(c) There shall be an advisory committee consisting of 9 individuals with an interest and knowledge in matters related to energy procurement. The board shall consult with the advisory committee in matters related to the division and in the implementation of this section. The advisory committee shall develop objectives and procurement strategies and recommend financial controls. The advisory committee shall include: the secretary of the executive office of administration and finance, who shall serve as chair; the secretary of the executive office of energy and environmental affairs; the commissioner of the department of energy resources; the commissioner of the operational services division; a member appointed by the secretary of administration and finance from a participating executive branch agency; 1 member appointed by the secretary of administration and finance representing participating quasi-public entities; 1 member appointed by the secretary of administration and finance who is an expert on energy procurement; 1 representative appointed by the Massachusetts Municipal Association; and 1 member appointed by the secretary of energy and environmental affairs who is an expert on energy procurement. The members of the advisory committee shall serve without compensation, but each member shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties. The advisory committee may meet as often as the members shall decide, but it shall meet at least quarterly. Members of the advisory committee may appoint a designee to represent them at any such meeting.

(d) All state entities shall procure energy resources from state energy resource contracts negotiated by the division and executed subject to this section unless granted a waiver by the division. Local governmental bodies shall have the option to procure energy resources from these state energy resource contracts by notifying the division in writing. Notwithstanding this subsection, state entities or local governmental bodies served by a municipal lighting plant which does not supply generation service outside its own service territory or does not open its service territory to competition at the retail level shall not procure energy resources from state energy resource contracts.

(e) The division, in consultation with the board and the advisory committee, will establish procedures and criteria to enable each state entity, in consultation with the division, to evaluate the costs and benefits of any then current contractual obligations

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for energy resources applicable to that state entity. Following the termination date of these contracts, the state entity shall utilize the state energy resource contracts executed under this section unless granted a waiver by the director of the division. The director shall consult with the board or other applicable governing body of the state entity, and subject to criteria established under this subsection, may grant a waiver if the costs and benefits of maintaining separate procurements for the state entity provides the best value or is in the best interests of the entity. If a waiver is granted, the state entity may conduct separate procurements for these energy resources subject to all applicable procurement laws of the commonwealth. Any entity procuring energy resources through a state energy resource contract shall execute all necessary contract documents to complete the procurement for the state entity.

(f) To increase efficiencies in conducting energy resource procurements for state entities and local governmental bodies, the division shall: (i) establish state-wide procurement for energy resources for such entities; (ii) register as a load-serving entity with ISO-NE to participate in wholesale electricity market; (iii) consolidate all eligible state accounts, and if it elects, accounts from participating local governmental bodies, into a single electricity and natural gas load profile, and (iv) enable small accounts, as determined by the division, to participate in wholesale market purchases.

(g) To streamline energy billing for state entities which have executed contracts under this section, the division, in consultation with the department of energy resources, the executive office for administration and finance and participating state entities, shall: (i) create a centralized billing system to receive all utility bills, audit for errors, and provide billing to individual state agencies and accounts and (ii) provide the division and the department of energy resources with such billing information, as they may request.

(h) To improve energy usage and management for state entities and achieve state energy policy objectives, the division shall: (i) utilize an energy management system to monitor and analyze consumption in facilities of state entities under state energy resource contracts; (ii) utilize data from such an energy management system, energy audits and other sources to identify energy efficiency investment opportunities; (iii) identify all existing state-owned energy generation assets and develop a plan to optimize their value and (iv) establish equitable means to distribute energy savings to state entities. The division may develop a similar energy usage and management program for participating local governmental bodies and may utilize the systems and methods set forth in this paragraph in consultation with the green communities division of the department of energy resources.

(i) To identify appropriate capital investments in the state facility energy infrastructure, the division, in consultation with the executive office for administration and finance, shall develop recommendations that: (i) establish economic criteria to be applied in making capital investments in identified energy efficiency opportunities; (ii) identify capital resources, either through existing bonding authority or other sureties or resources to fund energy efficiency improvements and distributed energy generation and (iii) utilize energy cost savings to finance, in whole or in part, such capital improvements.

(j) To secure energy resources, the division shall have the authority to procure electric utility services, including the purchase, generation, transmission, transformation and distribution of the supplies of electricity at the lowest reasonable cost consistent with the provision of this section. The division shall be classified as a domestic electric utility pursuant to chapter 164A solely for the purpose of purchasing electricity and becoming a member of the New England power pool. In addition, the

division shall have the following powers:

(a) to purchase electric power, energy, and other products of electric power at wholesale or retail from other utilities, public and private, at wholesale or retail, within and without the commonwealth, political subdivisions, and the New England power pool, including, without limiting the generality of the foregoing, all or a portion of the capacity and output of one or more specific electric power facilities, and steam whether or not produced by an electric power facility; provided, however, that nothing in this section shall be construed to authorize resale of electric power and energy so purchased except as otherwise authorized by this section;

(b) to contract for the use of transmission and distribution facilities owned by others for the delivery to the state entities and local governmental bodies, and any such owner is hereby authorized to enter into such contracts with the division;

(c) to contract with respect to the purchase, sale, delivery, exchange, interchange, wheeling, pooling, transmission or use of electric power and energy and to otherwise participate in the New England power pool, as defined by section 1 of chapter 164A, and;

(d) to do all things necessary, convenient or desirable to carry out the purposes of providing electricity in connection with this section.

(k) The division, not later than July 1, 2010, shall adopt rules and procedures to carry out this section.

(l) The center shall report annually on January 1 to the center's board, the clerks of the senate and house of representatives, the governor, and the participating state entities on the operations of the division. The annual report shall include, but not be limited to, a description of the performance of the procurement program and contracts executed pursuant to this section. The first annual report shall be filed not later than January 1, 2012.”

The amendments were rejected.

Mr. Falzone of Saugus then moved to amend the bill by adding the following section:

“SECTION 83. Section 16B of Chapter 71 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking the first sentence of the first paragraph and replacing it with the following sentences:– Notwithstanding any general or special law to the contrary, the regional district school committee, by a two-thirds vote of all its members, shall annually determine the amounts necessary to be raised, after deducting the amount of aid such district is to receive pursuant to section sixteen D, to maintain and operate the district school or schools during the next fiscal year, and amounts required for payment of debt and interest incurred by the district which will be due in the said year, and shall apportion the amount so determined among the several municipalities by finding an amount per pupil by dividing the amount by the number of children who attended a school in the district in that fiscal year, and assigning each municipality a contribution equal to the amount per pupil multiplied by the number of children from that municipality attending a school in the district in fiscal year.”

The amendment was rejected.

Mr. Falzone then moved to amend the bill by adding the following section:

“SECTION 83. (a) There shall be a special commission to study the contributions required by member municipalities to vocational school districts by the provisions in Chapter 70 of the Massachusetts General Laws.

(b) The commission shall consist of the secretary of education, who shall chair the commission, the commissioner of education or his designee, the commissioner of early education or her designee, the commissioner of higher education or his designee, the

secretary of administration and finance or his designee, the house and senate chairs of the joint committee on education, the house and senate chairs of the joint committee on higher education, the chairs of the house and senate committees on ways and means or their designees, a representative chosen by the speaker of the house of representatives, a representative chosen by the president of the senate, a representative chosen by the house minority leader, a representative chosen by the senate minority leader, a representative of each of the following organizations: Massachusetts Municipal Association, Massachusetts Teachers Association, Massachusetts Federation of Teachers, Massachusetts Association of School Superintendents, Massachusetts Association of School Committees, the Suburban Coalition, the Massachusetts Budget and Policy Center, the Massachusetts Taxpayers Foundation, the Massachusetts Business Alliance for Education, and 7 members to be selected by the governor.

(c) The commission's study shall include, but not be limited to, a review of the budgets provided to vocational school districts, a review of the discrepancies in member municipality contributions, alternative ways to determine member contributions, the impact of setting equal contributions per student for every member municipality, a review of successful educational programs in schools and school districts that achieve their success at relatively lower per pupil costs when compared with school districts serving student populations with similar academic and socio-economic characteristics and an assessment of the possibility of replicating such programs in other schools and school districts, and any other issues identified as important by the commission.

(d) The commission shall report its conclusions in writing not later than December 1, 2010 to the governor, the secretary of administration and finance, the speaker of the house of representatives, the president of the senate, and the house and senate chairs of the joint committee on education. The report shall include a list of items requiring further study and evaluation through a contracted adequacy study or other academic and statistical research; a recommendation about the scope, goals, recommended budget and preferred methodology of any further study; Any such additional study shall be completed no later than December 1, 2011.”.

The amendment was rejected.

Mr. Webster of Pembroke then moved to amend the bill by adding the following section:

“SECTION 83. Section 69 of Chapter 130 of the General Laws is hereby amended by inserting the following new paragraph:

Parties who have obtained a commercial aquaculture permit issued in accordance with 322 CMR 15.4 may harvest farm raised seed oyster regardless of size.”.

The amendment was adopted.

Mr. Sciortino of Medford then moved to amend the bill by adding the following two sections:

“SECTION 84. Chapter 111 of the General Laws is hereby amended by inserting after section 121A the following sections:–

Section 121B. Notwithstanding any general or special law to the contrary, a physician, physician assistant, nurse practitioner or certified nurse mid-wife who is authorized under Chapter 94C to prescribe and dispense prescription drugs, and who diagnoses infection due to *Chlamydia trachomatis* in an individual patient, may prescribe and dispense such prescription drugs to the patient’s sexual partner or partners for the presumptive treatment of chlamydia infection without an examination of the patient’s sexual partner or partners. Further, the department may authorize a physician, physician assistant, nurse practitioner or certified nurse mid-wife, who is

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authorized under Chapter 94C to prescribe and dispense prescription drugs, and who diagnoses an infectious disease dangerous to the public health, to prescribe and dispense prescription drugs to the patient's at-risk contact or contacts for presumptive treatment to prevent infection in such contact or contacts without an examination of the patient's contact or contacts.

SECTION 85. The department of public health shall adopt regulations to implement this act.”.

The amendment was adopted.

Mr. Donato of Medford and other members of the House then moved to amend the bill in section 6 [A] by inserting after the following “following sentence:-” the words “For fiscal year 2011”.

Pending the question on adoption of the amendment, Mr. Donato moved to amend it by striking out the text of said amendment [at “A”] and inserting in place thereof the following “, in line 2, by striking out the word ‘No’ and inserting in place thereof the following ‘For fiscal year 2011, no’ and by adding at the end of said section the following “Provided further the department of higher education, by February 15, 2011, shall report to the house and senate committees on ways and means and the joint committee on higher education on the number of students applying for, eligible for, and receiving tuition and fee waivers under the program authorized in said eighth paragraph as well as on the cost and sustainability of the program in both recent and coming years”.

The further amendments were adopted, thus precluding a vote on the pending amendment.

Mr. Kane of Holyoke then moved to amend the bill by adding the following section:

“SECTION 86. The inspector general shall review and comment, within 30 days of enactment of this Act, any award, transfer or procurement by the Executive Office of Health and Human Services of any of the services currently being provided under the Customer Services Contract responsible for ‘The Provision of Key Operations Services to the Mass Health Member and Provider Communities’, to private vendor or to any Department of the Commonwealth as defined by 815 CMR 6.02.”.

The amendment was adopted.

Subsequently Ms. Sandlin of Agawam thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 152 members were recorded as being in attendance.

Quorum
roll call,—
yea and nay
No. 381.

[See Yea and Nay No. 381 in Supplement.]

Therefore a quorum was present.

Mr. Cabral of New Bedford then moved to amend the bill in section 2, in item 7027-1004, by striking out the figures “361,000” and inserting in place thereof the figures “397,937”; and the amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill [A] in section 2, in item 1233-2350, by striking out the figures “\$898,980,293” and inserting in place thereof the figures “\$936,437,803”, and in item 7061-0008, by striking out the figures “\$3,851,193,043” and inserting in place thereof the figures “\$4,048,324,258”; and by striking out section 3 and inserting in place thereof the following section:

“SECTION 3. Notwithstanding any general or special law to the contrary, for the

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fiscal year ending June 30, 2011 the distribution to cities and towns of the balance of the State Lottery Fund, as paid from the General Fund in accordance with clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws, and additional funds from the General Fund shall be \$936,437,803, and shall be apportioned to the cities and towns in accordance with this section.

Notwithstanding section 2 of chapter 70 of the General Laws or any other general or special law to the contrary, except for section 12B of chapter 76 and section 89 of chapter 71 of the General Laws, for fiscal year 2011 the total amounts to be distributed and paid to each city and town from item 7061-0008 of section 2 shall be as set forth in the following lists. The specified amounts to be distributed from said item 7061-0008 of said section 2 shall be in full satisfaction of the amounts due under chapter 70 of the General Laws.

The foundation budget categories for each district shall be calculated in the same manner as in fiscal year 2010. The target local share shall be calculated using the same methodology used in fiscal year 2010. Preliminary local contribution shall be the municipality's fiscal year 2010 minimum required local contribution, increased or decreased by the municipal revenue growth factor; provided, that if a municipality's preliminary contribution as a percentage of foundation is more than 5 percentage points lower than the target local share, the preliminary contribution shall be recalculated using the municipality's revenue growth factor plus 1 percentage point; provided further, that if a municipality's preliminary contribution as a percentage of foundation is more than 10 percentage points lower than the target local share, the preliminary contribution shall be recalculated using the municipality's revenue growth factor plus 2 percentage points. Minimum required local contribution for fiscal year 2011 shall be, for any municipality with a fiscal year 2011 preliminary contribution greater than its fiscal year 2011 target contribution, the preliminary local contribution reduced by 30 per cent of the gap between the preliminary local contribution and the target local contribution. Required local contribution shall be allocated among the districts to which a municipality belongs in direct proportion to the foundation budgets for the municipality's pupils at each of those districts. No non-operating district shall receive chapter 70 aid in an amount greater than the district's foundation budget. If there is a conflict between the language of this section and the distribution listed below, the distribution below shall control.

The department of elementary and secondary education shall not consider health care costs for retired teachers to be part of net school spending for any district in which such costs were not considered part of net school spending in fiscal year 1994. No payments to cities, towns or counties maintaining an agricultural school pursuant to this section shall be made after November 30 of the fiscal year until the commissioner of revenue certifies acceptance of the prior fiscal year's annual financial reports submitted under section 43 of chapter 44 of the General Laws. Advance payments shall be made for some or all of periodic local reimbursement or assistance programs to any city, town, regional school district or independent agricultural and technical school that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary of the executive office for administration and finance, pursuant to guidelines established by the secretary.

Municipality
ABINGTON

Chapter 70
7,652,405

**Unrestricted
General
Government
Aid**
1,733,200

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ACTON	5,480,709	1,232,453
ACUSHNET	6,380,293	1,335,880
ADAMS	0	2,062,686
AGAWAM	17,539,465	3,245,836
ALFORD	0	12,364
AMESBURY	8,897,607	1,714,037
AMHERST	6,141,373	7,417,544
ANDOVER	7,318,616	1,574,331
AQUINNAH	0	2,058
ARLINGTON	7,043,540	6,684,280
ASHBURNHAM	6,255	700,522
ASHBY	18,467	385,788
ASHFIELD	97,305	163,569
ASHLAND	4,781,435	1,191,467
ATHOL	0	2,332,579
ATTLEBORO	30,385,681	5,026,357
AUBURN	6,569,399	1,508,896
AVON	862,748	610,660
AYER	4,168,122	666,985
BARNSTABLE	7,589,756	1,853,262
BARRE	0	792,398
BECKET	79,753	80,012
BEDFORD	2,964,642	1,011,392
BELCHERTOWN	13,786,977	1,499,115
BELLINGHAM	8,480,883	1,495,008
BELMONT	5,885,398	1,989,365
BERKLEY	5,426,422	536,079
BERLIN	528,296	177,633
BERNARDSTON	11,779	256,255
BEVERLY	7,109,675	5,145,188
BILLERICA	18,355,098	5,130,485
BLACKSTONE	84,251	1,205,953
BLANDFORD	44,506	111,873
BOLTON	0	173,954
BOSTON	216,994,382	166,924,272
BOURNE	4,948,115	1,291,562
BOXBOROUGH	1,366,966	222,247
BOXFORD	1,620,806	428,303
BOYLSTON	454,815	301,792
BRAINTREE	12,178,034	5,041,694
BREWSTER	937,937	347,881
BRIDGEWATER	36,107	3,208,997
BRIMFIELD	1,167,152	343,508
BROCKTON	132,925,358	18,447,819
BROOKFIELD	1,342,588	435,019
BROOKLINE	7,323,679	5,593,780
BUCKLAND	6,177	269,777
BURLINGTON	5,413,900	2,307,358
CAMBRIDGE	9,130,367	18,927,802
CANTON	3,749,132	1,889,388

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CARLISLE	834,776	193,277
CARVER	10,112,726	1,287,097
CHARLEMONT	96,287	154,007
CHARLTON	7,572	1,276,459
CHATHAM	685,125	132,598
CHELMSFORD	10,437,871	4,471,873
CHELSEA	52,458,822	7,236,122
CHESHIRE	310,513	541,244
CHESTER	130,782	158,623
CHESTERFIELD	126,627	121,644
CHICOPEE	52,093,967	10,145,648
CHILMARK	0	3,304
CLARKSBURG	1,848,479	320,512
CLINTON	11,054,176	2,074,041
COHASSET	1,753,039	453,294
COLRAIN	0	254,283
CONCORD	2,111,688	1,022,124
CONWAY	625,958	157,462
CUMMINGTON	69,156	73,500
DALTON	214,226	1,002,426
DANVERS	4,509,672	2,509,394
DARTMOUTH	9,490,011	2,221,020
DEDHAM	3,857,099	2,881,188
DEERFIELD	1,084,466	423,174
DENNIS	0	479,831
DEVENS	321,440	0
DIGHTON	0	681,269
DOUGLAS	8,705,118	642,969
DOVER	635,447	169,484
DRACUT	18,712,673	3,086,981
DUDLEY	0	1,574,194
DUNSTABLE	4,350	216,702
DUXBURY	4,635,251	780,978
EAST BRIDGEWATER	10,678,301	1,318,811
EAST BROOKFIELD	60,179	255,524
EAST LONGMEADOW	9,031,158	1,275,317
EASTHAM	333,725	131,264
EASTHAMPTON	7,995,345	2,476,469
EASTON	9,710,751	1,929,409
EDGARTOWN	446,517	58,689
EGREMONT	0	55,591
ERVING	431,682	59,218
ESSEX	0	215,716
EVERETT	38,785,854	6,086,937
FAIRHAVEN	7,624,868	1,986,773
FALL RIVER	94,236,411	20,996,063
FALMOUTH	5,119,922	1,221,483
FITCHBURG	41,279,263	7,518,871
FLORIDA	555,379	43,854
FOXBOROUGH	8,819,356	1,312,346

UNCORRECTED PROOF

FRAMINGHAM	19,926,983	8,765,666
FRANKLIN	28,371,695	2,177,055
FREETOWN	1,515,957	836,625
GARDNER	18,880,829	3,733,532
GEORGETOWN	5,382,244	631,160
GILL	0	214,306
GLOUCESTER	6,080,047	3,518,850
GOSHEN	100,116	70,485
GOSNOLD	17,098	1,848
GRAFTON	9,042,180	1,377,602
GRANBY	4,706,746	777,937
GRANVILLE	1,317,791	141,258
GREAT BARRINGTON	0	668,654
GREENFIELD	9,842,539	2,797,191
GROTON	3,193	682,494
GROVELAND	0	641,340
HADLEY	774,541	399,872
HALIFAX	2,794,152	799,790
HAMILTON	0	591,950
HAMPDEN	0	606,171
HANCOCK	201,197	49,744
HANOVER	6,303,926	1,866,403
HANSON	31,542	1,128,264
HARDWICK	0	410,173
HARVARD	1,815,511	1,304,791
HARWICH	1,833,840	379,514
HATFIELD	795,778	274,914
HAVERHILL	36,406,776	8,659,369
HAWLEY	28,203	38,130
HEATH	0	73,717
HINGHAM	5,719,073	1,390,494
HINSDALE	109,045	196,174
HOLBROOK	4,856,980	1,300,008
HOLDEN	0	1,684,514
HOLLAND	940,324	177,832
HOLLISTON	6,915,753	1,364,400
HOLYOKE	68,360,690	8,948,084
HOPEDALE	6,143,124	574,519
HOPKINTON	5,780,513	692,119
HUBBARDSTON	0	396,881
HUDSON	9,366,339	1,756,926
HULL	3,814,006	1,867,191
HUNTINGTON	214,502	303,650
IPSWICH	2,703,789	1,414,298
KINGSTON	3,999,499	845,678
LAKEVILLE	2,389,045	720,901
LANCASTER	0	842,194
LANESBOROUGH	844,664	303,923
LAWRENCE	140,980,506	17,299,359
LEE	2,026,303	548,705

UNCORRECTED PROOF

LEICESTER	9,713,210	1,529,786
LENOX	1,194,985	469,623
LEOMINSTER	41,865,920	5,042,529
LEVERETT	282,057	157,266
LEXINGTON	7,449,035	1,350,288
LEYDEN	0	72,543
LINCOLN	759,016	599,811
LITTLETON	3,701,138	626,288
LONGMEADOW	4,340,920	1,230,949
LOWELL	121,179,148	22,192,157
LUDLOW	13,523,564	2,691,527
LUNENBURG	4,777,497	931,718
LYNN	118,839,864	19,726,507
LYNNFIELD	4,013,888	916,325
MALDEN	41,915,092	11,053,793
MANCHESTER	0	195,936
MANSFIELD	18,773,984	1,965,294
MARBLEHEAD	4,805,402	1,003,303
MARION	456,004	198,801
MARLBOROUGH	13,277,522	4,796,158
MARSHFIELD	14,331,875	1,908,668
MASHPEE	4,437,308	324,158
MATTAPOISETT	556,663	357,094
MAYNARD	3,660,967	1,384,183
MEDFIELD	5,937,045	1,277,175
MEDFORD	11,447,701	10,687,177
MEDWAY	10,456,517	1,074,910
MELROSE	7,708,250	4,518,499
MENDON	27,220	360,053
MERRIMAC	0	741,313
METHUEN	41,012,456	4,790,482
MIDDLEBOROUGH	17,441,157	2,172,248
MIDDLEFIELD	18,032	46,839
MIDDLETON	1,566,978	482,077
MILFORD	15,878,931	2,691,116
MILLBURY	6,937,152	1,560,179
MILLIS	4,212,398	922,449
MILLVILLE	42,330	358,883
MILTON	5,814,582	2,831,002
MONROE	87,282	16,200
MONSON	7,669,114	1,150,120
MONTAGUE	0	1,262,696
MONTEREY	0	40,736
MONTGOMERY	21,919	76,463
MOUNT WASHINGTON	34,142	26,411
NAHANT	465,587	332,902
NANTUCKET	1,409,385	69,809
NATICK	7,460,123	3,357,406
NEEDHAM	6,999,890	1,538,073
NEW ASHFORD	179,384	17,896

UNCORRECTED PROOF

NEW BEDFORD	112,708,032	20,267,970
NEW BRAINTREE	0	116,309
NEW MARLBOROUGH	0	51,599
NEW SALEM	0	91,415
NEWBURY	0	456,295
NEWBURYPORT	3,320,352	2,247,087
NEWTON	14,171,395	5,177,738
NORFOLK	3,417,236	844,929
NORTH ADAMS	14,175,431	3,908,849
NORTH ANDOVER	6,470,012	1,805,628
NORTH ATTLEBOROUGH	20,629,686	2,534,823
NORTH BROOKFIELD	4,362,572	702,057
NORTH READING	6,823,391	1,564,395
NORTHAMPTON	7,228,831	3,872,525
NORTHBOROUGH	3,497,837	982,781
NORTHBRIDGE	14,271,099	1,859,798
NORTHFIELD	0	318,327
NORTON	12,832,725	1,831,209
NORWELL	3,177,994	944,497
NORWOOD	5,079,889	4,098,202
OAK BLUFFS	648,233	64,077
OAKHAM	124,262	169,039
ORANGE	5,406,413	1,423,887
ORLEANS	251,039	151,342
OTIS	0	32,047
OXFORD	9,618,608	1,811,699
PALMER	11,112,247	1,766,962
PAXTON	0	476,772
PEABODY	19,715,730	6,360,014
PELHAM	228,505	140,247
PEMBROKE	13,516,289	1,481,057
PEPPERELL	0	1,315,005
PERU	84,251	100,623
PETERSHAM	442,349	101,008
PHILLIPSTON	0	162,522
PITTSFIELD	37,355,373	7,607,092
PLAINFIELD	53,150	44,202
PLAINVILLE	2,661,189	668,424
PLYMOUTH	22,859,189	3,452,391
PLYMPTON	582,449	209,025
PRINCETON	0	260,866
PROVINCETOWN	272,588	121,870
QUINCY	20,125,137	16,823,747
RANDOLPH	11,941,876	4,579,658
RAYNHAM	0	1,001,882
READING	10,023,063	2,856,335
REHOBOTH	0	918,432
REVERE	38,595,789	9,063,334
RICHMOND	349,151	95,322
ROCHESTER	1,801,969	374,209

UNCORRECTED PROOF

ROCKLAND	10,541,378	2,329,177
ROCKPORT	1,343,494	385,530
ROWE	71,465	3,471
ROWLEY	0	475,805
ROYALSTON	0	158,399
RUSSELL	175,484	217,604
RUTLAND	0	815,043
SALEM	17,228,409	6,077,873
SALISBURY	0	556,700
SANDISFIELD	0	30,531
SANDWICH	6,735,852	993,063
SAUGUS	4,107,595	3,232,413
SAVOY	527,171	102,086
SCITUATE	5,104,541	1,772,437
SEEKONK	4,512,952	1,084,202
SHARON	6,831,805	1,233,375
SHEFFIELD	14,465	214,648
SHELBURNE	4,400	230,412
SHERBORN	528,026	190,846
SHIRLEY	4,394,883	1,155,974
SHREWSBURY	19,555,188	2,454,350
SHUTESBURY	604,124	149,413
SOMERSET	5,272,614	1,351,356
SOMERVILLE	20,185,320	22,199,513
SOUTH HADLEY	7,972,049	2,301,106
SOUTHAMPTON	2,561,807	561,406
SOUTHBOROUGH	2,804,288	385,362
SOUTHBRIDGE	15,992,431	3,099,657
SOUTHWICK	0	1,111,391
SPENCER	8,070	1,992,823
SPRINGFIELD	272,396,465	33,354,581
STERLING	0	610,830
STOCKBRIDGE	0	87,826
STONEHAM	3,515,493	3,274,505
STOUGHTON	12,923,139	2,821,431
STOW	0	370,906
STURBRIDGE	2,363,162	682,609
SUDBURY	4,444,105	1,233,349
SUNDERLAND	873,519	445,329
SUTTON	5,390,120	687,780
SWAMPSCOTT	2,709,030	1,140,460
SWANSEA	4,981,848	1,654,825
TAUNTON	46,564,560	7,410,543
TEMPLETON	0	1,228,627
TEWKSBURY	13,011,879	2,452,240
TISBURY	402,050	86,395
TOLLAND	0	16,284
TOPSFIELD	1,083,775	540,420
TOWNSEND	0	1,157,942
TRURO	259,303	26,506

UNCORRECTED PROOF

TYNGSBOROUGH	7,352,623	851,475
TYRINGHAM	37,209	11,186
UPTON	25,670	469,089
UXBRIDGE	9,453,474	1,212,326
WAKEFIELD	5,065,190	2,968,230
WALES	703,010	208,107
WALPOLE	7,507,494	2,245,510
WALTHAM	7,466,622	8,460,794
WARE	8,202,692	1,521,125
WAREHAM	12,914,328	1,743,225
WARREN	0	797,143
WARWICK	0	112,054
WASHINGTON	11,705	83,219
WATERTOWN	3,416,570	5,876,962
WAYLAND	3,322,155	796,429
WEBSTER	10,046,365	2,181,494
WELLESLEY	7,608,031	1,141,372
WELLFLEET	154,572	51,499
WENDELL	0	153,551
WENHAM	0	377,404
WEST BOYLSTON	2,962,652	702,001
WEST BRIDGEWATER	2,359,519	576,156
WEST BROOKFIELD	209,737	429,141
WEST NEWBURY	0	261,065
WEST SPRINGFIELD	18,940,208	3,157,733
WEST STOCKBRIDGE	0	85,667
WEST TISBURY	0	163,654
WESTBOROUGH	4,443,157	1,021,005
WESTFIELD	34,381,447	5,546,600
WESTFORD	16,755,562	1,872,441
WESTHAMPTON	467,361	127,674
WESTMINSTER	0	576,774
WESTON	2,556,275	329,574
WESTPORT	4,388,806	1,071,932
WESTWOOD	3,990,013	642,792
WEYMOUTH	23,839,936	7,682,608
WHATELY	250,063	118,242
WHITMAN	117,046	2,133,498
WILBRAHAM	0	1,289,488
WILLIAMSBURG	430,604	266,748
WILLIAMSTOWN	945,841	841,200
WILMINGTON	10,304,346	2,190,871
WINCHENDON	11,741,882	1,482,275
WINCHESTER	5,927,107	1,303,615
WINDSOR	48,143	91,497
WINTHROP	5,080,860	3,714,357
WOBURN	6,573,988	5,274,775
WORCESTER	192,784,395	36,614,610
WORTHINGTON	60,179	110,672
WRENTHAM	3,738,425	821,444

UNCORRECTED PROOF

YARMOUTH	4,765	1,112,429
Total Municipal Aid	3,407,863,689	936,437,803

***Regional School District* Chapter 70**

ACTON BOXBOROUGH	7,362,007
ADAMS CHESHIRE	10,258,874
AMHERST PELHAM	9,685,959
ASHBURNHAM WESTMINSTER	10,495,815
ASSABET VALLEY	2,934,442
ATHOL ROYALSTON	17,928,042
BERKSHIRE HILLS	2,807,290
BERLIN BOYLSTON	921,023
BLACKSTONE MILLVILLE	11,104,016
BLACKSTONE VALLEY	7,631,018
BLUE HILLS	4,035,092
BRIDGEWATER RAYNHAM	21,180,680
BRISTOL COUNTY	3,115,501
BRISTOL PLYMOUTH	9,934,837
CAPE COD	2,134,684
CENTRAL BERKSHIRE	8,805,818
CHESTERFIELD GOSHEN	757,346
CONCORD CARLISLE	1,886,888
DENNIS YARMOUTH	6,764,640
DIGHTON REHOBOTH	12,880,094
DOVER SHERBORN	1,436,198
DUDLEY CHARLTON	24,811,105
ESSEX COUNTY	4,228,553
FARMINGTON RIVER	405,970
FRANKLIN COUNTY	3,453,126
FREETOWN LAKEVILLE	7,413,773
FRONTIER	2,857,269
GATEWAY	5,866,604
GILL MONTAGUE	6,304,363
GREATER FALL RIVER	14,264,378
GREATER LAWRENCE	20,988,571
GREATER LOWELL	21,164,073
GREATER NEW BEDFORD	22,754,068
GROTON DUNSTABLE	10,858,434
HAMILTON WENHAM	3,436,056
HAMPDEN WILBRAHAM	11,731,872
HAMPSHIRE	3,256,745
HAWLEMONT	637,772
KING PHILIP	7,421,505
LINCOLN SUDBURY	2,655,570
MANCHESTER ESSEX	1,684,043
MARTHAS VINEYARD	2,843,504
MASCONOMET	4,951,222
MENDON UPTON	12,525,437
MINUTEMAN	2,249,201
MOHAWK TRAIL	6,136,890

UNCORRECTED PROOF

MONTACHUSETT	12,752,207
MOUNT GREYLOCK	1,741,351
NARRAGANSETT	10,148,997
NASHOBA	6,473,631
NASHOBA VALLEY	3,268,772
NAUSET	3,384,747
NEW SALEM WENDELL	656,374
NORFOLK COUNTY	1,029,044
NORTH MIDDLESEX	20,604,743
NORTH SHORE	1,616,769
NORTHAMPTON SMITH	935,567
NORTHBORO SOUTHBORO	2,874,614
NORTHEAST METROPOLITAN	8,270,551
NORTHERN BERKSHIRE	4,432,287
OLD COLONY	3,337,927
OLD ROCHESTER	2,070,404
PATHFINDER	5,011,306
PENTUCKET	13,226,986
PIONEER	4,195,800
QUABBIN	16,979,189
QUABOAG	8,335,277
RALPH C MAHAR	5,551,073
SHAWSHEEN VALLEY	5,804,741
SILVER LAKE	6,955,469
SOUTH MIDDLESEX	2,548,930
SOUTH SHORE	3,742,793
SOUTHEASTERN	12,752,612
SOUTHERN BERKSHIRE	1,900,305
SOUTHERN WORCESTER	9,511,006
SOUTHWICK TOLLAND	8,645,326
SPENCER EAST BROOKFIELD	13,983,163
TANTASQUA	7,904,757
TRI COUNTY	5,319,115
TRITON	8,568,933
UPISLAND	825,674
UPPER CAPE COD	3,008,736
WACHUSETT	22,543,957
WHITMAN HANSON	24,106,626
WHITTIER	6,480,442
Total Regional Aid	640,460,569

Total Municipal and

Regional Aid

4,048,324,258

936,437,803”.

Pending the question on adoption of the amendments, Mr. Murphy of Burlington moved to amend them by striking out the text of said amendments [at “A”] and inserting in place thereof the following “by adding the following section:–

SECTION 87. (a) The state treasurer shall furnish a study regarding the impact of increasing the appropriation for line item 1233-2350 in section 2 for fiscal year 2011 from \$898,980,293 to \$936,437,803 and item 7061-0008 from \$3,851,193,043 to \$4,048,324,258. The study shall include the effect of the increase on school aid, the impact on taxpayers of varying income levels, any

anticipated change in employment and the cost and benefit to the commonwealth and its cities and towns. The treasurer shall report to the house and senate committees on ways and means and the joint committee on education not later than November 1, 2010.

(b) Notwithstanding any general or special law to the contrary, for the fiscal year ending June 30, 2011 the distribution to cities and towns of the balance of the State Lottery Fund, as paid from the General Fund in accordance with clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws, and additional funds from the General Fund shall be \$936,437,803, and shall be apportioned to the cities and towns in accordance with this section. Notwithstanding section 2 of chapter 70 of the General Laws or any other general or special law to the contrary, except for section 12B of chapter 76 and section 89 of chapter 71 of the General Laws, for fiscal year 2011 the total amounts to be distributed and paid to each city and town from item 70610008 of section 2 shall be as set forth in the following lists. The specified amounts to be distributed from said item 7061-0008 of said section 2 shall be in full satisfaction of the amounts due under chapter 70 of the General Laws.

(c) The provisions of subsection (b) shall not take effect until such time as the state treasurer has furnished a study of its impact on cities and towns in the commonwealth, including, but not limited to, an analysis showing the impact on the amounts to be distributed to each city and town in accordance with subsection (b) to the house and senate committees on ways and means and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 114 members voted in the affirmative and 44 in the negative.

[See Yea and Nay No. 382 in Supplement.]

Therefore the further amendment was adopted, thus precluding a vote on the pending amendments offered by Mr. Jones of North Reading and other members of the House.

Mr. Quinn of Dartmouth and other members of the House then moved that the bill be amended [A] in section 2, in item 7070-0065, in line 3, by striking out the following “or independent”; and in said item by striking out the figures “87,837,028” and inserting in place thereof the figures “67,837,028”.

Pending the question on adoption of the amendments, Mr. Quinn moved to amend them by striking out the text of said amendments [at “A”] and inserting in place thereof the following “by adding the following section:–

SECTION 88. Notwithstanding any general or special law to the contrary, there shall be a 5 member commission to study and make recommendations regarding the appropriation of public funds directly or indirectly to private higher education institutions. The commission shall review all direct and indirect state funding to private higher education institutions and make recommendations regarding the commonwealth’s ability to continue to fund these private entities. The commission shall be comprised of 5 members, 2 of whom shall be appointed by the speaker of the house of representatives, 2 of whom shall be appointed by the president of the senate and 1 of whom shall be appointed by the governor. The report shall be filed with the house and senate committees on ways and means no later than November 1, 2010.”.

Further amendment adopted,—
yea and nay
No. 382.

UNCORRECTED PROOF

The further amendment was adopted, thus precluding a vote on the pending amendments.

Mr. Quinn of Dartmouth and other members of the House then moved to amend the bill [A] in section 2, in item 7100-0200, by adding the following “; provided further, that the University of Massachusetts campuses located at Amherst, Boston, Dartmouth and Lowell shall be allocated funds based on an equivalent per pupil basis notwithstanding any general or special law to the contrary or any internal University of Massachusetts regulation”.

Pending the question on adoption of the amendment, Mr. Quinn moved to amend it by striking out the text of said amendment [at “A”] and inserting in place thereof the following “by adding the following section:–

SECTION 89. Notwithstanding any general or special law to the contrary, there shall be a 5 member commission to study and make recommendations regarding the allocation of public funds to the University of Massachusetts campuses located at Amherst, Boston, Dartmouth and Lowell on a per pupil basis. The commission shall report on the equity in funding on a pupil basis. The commission shall be comprised of 5 members, 2 of whom shall be appointed by the speaker of the house of representatives, 2 of whom shall be appointed by the president of the senate and 1 of whom shall be appointed by the governor. The report shall be filed with the house and senate committees on ways and means no later than November 1, 2010.”.

The further amendment was adopted, thus precluding a vote on the pending amendment.

Mr. Sánchez of Boston then moved to amend the bill by adding the following section:

“SECTION 90. Section 6 of chapter 118G of the of the General Laws, as most recently amended by section 77 of chapter 27 of the Acts of 2009, is hereby amended by inserting after the sixth paragraph the following paragraph:- If a private health care payer fails to submit required data to the division on a timely basis, the division shall provide written notice to the payer. A payer that fails, without just cause, to provide the required information within two weeks following receipt of the written notice may be required to pay a penalty of \$1,000 for each week of delay; provided, however, that the maximum annual penalty under this section shall be \$50,000.”.

The amendment was adopted.

Mr. Alicea of Charlton and other members of the House then moved to amend the bill by adding the following section:

“SECTION 91. Section 2D of Chapter 90 of the General Laws, as appearing in the 2008 official Edition, is hereby amended by inserting the following section:–

The registrar is hereby authorized and empowered to design, issue and regulate the use of temporary registration plates. Such temporary plates may be issued to persons who are temporarily visiting, employed or residing within the Commonwealth but are not legal residents of the state. Upon application and payment of the fees prescribed in this section, said plates may be issued by the registry, and shall be valid for not more than 30 days. The temporary registration plate may be renewed up to two times for an additional 30-day period, after which the applicant shall apply for a permanent registration if there is a further need to remain in this state. The fee for the 30-day temporary registration plate shall be \$25, and an additional \$25 fee shall be applied for each subsequent 30-day renewal.”.

The amendment was rejected.

Mr. Alicea and other members of the House then moved to amend the bill by

adding the following section:

“SECTION 91. Chapter 6C of the General Laws is hereby amended by inserting after section 6C the following section:—

Section 56A. (a) The administrator shall, prior to a decision made by the registrar to close or move the location of a branch, site or office which serves the public, he shall notify the city or town in which the branch, site or office is located, no less than 60 days prior to said decision by certified mail return receipt requested.

(b) Said administrator shall also hold a public hearing no less than 60 days after the proposed closing or moving of said branch, site or office. Said hearing shall be held in the city or town in which the branch, site or office is located. The registry of motor vehicles shall notify the city or town no less than 30 days prior to said public hearing by certified mail by return receipt requested and advertise in a local newspaper the time and the location of the scheduled public hearing no less than 4 weeks prior to said public hearing. Notification of said public hearing shall appear no less than 1 time each week for such 4 week time period.”.

The amendment was rejected.

Ms. Khan of Newton and other members of the House then moved to amend the bill in section 2, in item 0321-2100, by striking out the figures “\$840,000” and inserting in place thereof the figures “\$902,016”.

The amendment was adopted.

Subsequently Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 144 members were recorded as being in attendance.

Quorum roll call,—
yea and nay
No. 383.

[See Yea and Nay No. 383 in Supplement.]

Therefore a quorum was present.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by adding the following section:

“SECTION 91. Chapter 29 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 5G the following section: Section 5H. Notwithstanding any general or special law to the contrary, the comptroller shall, on or before July 31st, transfer 50 per cent of the tax revenue amount that exceeds the latest revenue estimate made by the commissioner for the preceding fiscal year, as promulgated by the sixth paragraph of section 5B, to the General Fund; provided, the amount of the transfer shall be distributed to cities and towns in accordance with clause (c) of the second paragraph of section 35 of chapter 10; provided, the distribution shall be reported in a conspicuous manner on the official website of the division of local services.”.

Pending the question on adoption of the amendment, Mr. Kulik of Worthington moved to amend it by adding the following paragraph:

“The provisions of this section shall not take effect until such time as the state treasurer has furnished a study of its impact on cities and towns in the commonwealth, including, but not limited to, an analysis showing the impact on the amounts to be distributed to each city and town in accordance with subsection (a), and the department of revenue has furnished study of its impact on the state’s economy and revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any

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anticipated change in employment and ancillary economic activity to the house and senate committees on ways and means and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art II of the Constitution.”.

After debate on the question on adoption of the further amendment, Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 148 members were recorded as being in attendance.

[See Yea and Nay No. 384 in Supplement.]

Therefore a quorum was present.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 102 members voted in the affirmative and 56 in the negative.

[See Yea and Nay No. 385 in Supplement.]

Therefore the further amendment was adopted.

Subsequently a statement of Mr. Atsalis of Barnstable was spread upon the records, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not present in the House Chamber during the previous roll call due to official business outside of the State House. Had I been present, I would have voted in the affirmative.

The amendment, as amended, then also was adopted.

The Chair (Mr. Petrolati of Ludlow) then placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provisions of said rule; and on the roll 129 members voted in the affirmative and 29 in the negative.

[See Yea and Nay No. 386 in Supplement.]

Therefore Rule 1A was suspended.

After remarks Ms. Polito of Shrewsbury moved to amend the bill by adding the following section:

“SECTION 92. Notwithstanding any general or special law to the contrary, in the event that all taxable revenue of the commonwealth which is available for appropriation or supplemental appropriation for the fiscal year ending June 30, 2011 exceeds \$19,050,000, as certified by the treasurer and the comptroller, not less than 75 percent of such excess taxable revenue up to a total of \$234,000,000 shall be used in addition to the balance of the state lottery fund for distribution to cities and towns in accordance with the provisions of clause (c) of section 35 of chapter 10; provided, that that the treasurer shall notify the clerks of the House of Representatives and the Senate and the commissioner of administration of any such distribution not more than 30 days after it occurs; and provided further, that for purposes of this section, the term ‘excess taxable revenue’ shall not include any funds payable to or received by the commonwealth which are directly attributable to any change in general or special law enacted after January 1, 2010 and which enhance taxable revenue of the commonwealth.”.

Mr. Bradley of Hingham thereupon raised a point of order that the amendment offered by the lady from Shrewsbury was improperly before the House for the reason that the House had previously addressed the subject-matter contained in the amendment

Quorum.

Quorum roll call,—yea and nay No. 384.

Further amendment adopted,—yea and nay No. 385.

Statement of Mr. Atsalis of Barnstable.

Suspension of Rule 1A.

Rule 1A suspended,—yea and nay No. 386.

Point of order.

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offered by Ms. Polito when it adopted an amendment offered by Mr. Jones of North Reading (adding section 91).

The Chair (Mr. Petrolati of Ludlow) ruled that the point of order was well taken; and the amendment was laid aside accordingly.

Mr. Frost of Auburn thereupon appealed from the decision of the Chair; and the appeal was seconded by Mr. Perry of Sandwich.

The question was then put "Shall the decision of the Chair stand as the judgment of the House?"

Mr. Perry thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 157 members were recorded as being in attendance.

[See Yea and Nay No. 387 in Supplement.]

Therefore a quorum was present.

After remarks on the appeal from the decision of the Chair, the sense of the sense of the House was taken by yeas and nays, at the request of Mr. Frost of Auburn; and on the roll call 141 members voted in the affirmative and 16 in the negative.

[See Yea and Nay No. 388 in Supplement.]

Therefore the decision of the Chair was sustained.

Mr. Hargraves of Groton then moved to amend the bill by adding the following section:

"SECTION 92. Chapter 112 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 12CC the following section:—

Section.12DD. As used in this section, long-term antibiotic therapy shall be the administration of oral, intramuscular or intravenous antibiotics singly or in combination, for periods of time in excess of 4 weeks. Lyme disease is the clinical diagnosis by a physician licensed under section 2 of chapter 112 of the presence in a patient of signs or symptoms compatible with acute infection with *Borrelia burgdorferi* or with late stage or persistent or chronic infection with *Borrelia burgdorferi* or with complications related to such infection or with such other strains of *Borrelia* that after adoption of this bill, are recognized by the national Centers for Disease Control and Prevention (CDC) as a cause of Lyme disease. Lyme disease includes an infection that meets the surveillance criteria set forth by said CDC, and it also includes a clinical diagnosis of Lyme disease that does not meet the CDC surveillance criteria but includes other acute and chronic signs and/or symptoms of Lyme disease as determined by the treating physician. Such clinical diagnosis is based on knowledge obtained through medical history and physical examination alone, or in conjunction with testing that provides supportive data for such clinical diagnosis.

A licensed physician may prescribe, administer or dispense long-term antibiotic therapy for a therapeutic purpose that eliminates such infection or controls a patient's symptoms upon making a clinical diagnosis that such patient has Lyme disease or displays symptoms consistent with a clinical diagnosis of Lyme disease, provided such clinical diagnosis and treatment are documented in the patient's medical record by such licensed physician."

The amendment was adopted.

Mr. Webster of Pembroke then moved to amend the bill by adding the following section:

"SECTION 93. Section 3 of chapter 176Q of the General Laws is hereby amended

Appeal from
decision of
Chair.

Quorum.

Quorum
roll call,—
yea and nay
No. 387.

Decision of
Chair
sustained,—
yea and nay
No. 388.

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by inserting after subsection (t) the following paragraph:–

Nothing in this section shall be construed as to authorize the Connector to actively solicit potential participants in their health insurance plans if such participants already have coverage for such plans from private companies.”.

The amendment was adopted.

Mr. Wagner of Chicopee then moved to amend the bill by adding the following section:

“SECTION 94. The department of revenue shall submit a report to the house and senate committees on ways and means on the planned encrypted digital tax stamp system, to be implemented pursuant to section 7B of chapter 64C and section 3A of chapter 64H of the general laws, prior to the implementation of said section. The report shall include a detailed analysis of the department’s financing plan for the encrypted digital tax stamp system which shall include, but not be limited to, the department’s estimates of the cost of the acquisition and installation of the new equipment and the ongoing costs of maintaining and operating the equipment, including any annual service contract required. The report shall also include the estimated net revenue increase projected to be realized by the commonwealth as a result of the new encrypted digital tax stamp system, a study of any prepayment by or credit to the wholesalers under said chapter 3A of Chapter 64H, and a report by the department in the area of tobacco tax enforcement.”.

The amendment was adopted.

Mr. Torrisi of North Andover then moved to amend the bill in section 30, in line 222, by inserting after the word “inclusive” the following “, provided that the Commonwealth Health Insurance Connector Authority, the Executive Office of Health and Human Services, and the Office of Administration and Finance make all reasonable efforts that said health insurance plan or plans authorized by this section offer patient access to those acute care hospitals, related physicians, and health centers that have historically served a large proportion of this patient population prior to fiscal year 2010”.

The amendment was adopted.

Mr. Peterson of Grafton and other members of the House then moved to amend the bill by adding the following section:

“SECTION 95. Subsection (b) of section 188 of chapter 149 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following sentence:– Any employee who has health care coverage via a qualifying health insurance plan from a spouse, parent, veteran’s plan, Medicare, Medicaid or a plan or plans due to the disability or retirement shall not be included in the calculation for the fair share employer contribution.”.

The amendment was adopted.

Mr. Donato of Medford being in the Chair,– Mrs. Poirier of North Attleborough and other members of the House then moved to amend the bill by adding the following section:

“SECTION 96. Chapter 127 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting, after section 48A, the following section:–

Section 48B. The sheriffs for the various counties may institute a schedule of fees and assess said fees to inmates in their custody as follows:– A daily cost of custodial care fee not to exceed \$5; A medical sick call visit fee not related to a condition pre-existing at the time of incarceration not to exceed \$5; A dental sick call visit fee not to exceed \$5; A pair of prescription eyeglasses fee not to exceed \$5; A pharmacy

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prescription fee not to exceed \$3 per prescription. Any penal facility assessing fees shall establish a procedure for inmates to appeal any such assessment. Notwithstanding the above, the following services shall be exempt from fee assessment: admission health screening, 14 day health assessment, emergency health care, hospitalization or infirmary care, prenatal care, lab and diagnostic care, follow-up visits approved by health services, contagious disease care and chronic disease care. No inmate shall be denied access to medical or dental care because of an inability to pay any fee. Indigent inmates shall have the above fees and costs assessed and debited against the inmate's money account which, if not paid, shall remain due and payable as a charge to the inmate after his release from custody. If the inmate is not incarcerated within 2 years of his release from custody, this debt shall be forgiven. This section shall not apply to federal inmates, detainees or regional lock-up inmates. The commissioner and the sheriffs of the various counties shall promulgate rules and regulations for the implementation of this section.

However this section shall not take effect until the sheriff prepares a report indicating financial feasibility of said fee and the secretary of public safety verifies said finding in writing to the sheriff.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Cabral of New Bedford; and on the roll call 106 members voted in the affirmative and 51 in the negative.

[See Yea and Nay No. 389 in Supplement.]

Therefore the amendment was adopted.

Recess.

At eight minutes before eleven o'clock P.M. (Thursday, April 29), on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed until the following day at twelve o'clock noon; and at twenty-two minutes after twelve o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Amendment
adopted,—
yea and nay
No. 389.

Recess.