

Tuesday, April 24, 2012 (at 11:06 o'clock A.M.).

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.

Silent Prayer.

During the session (Mrs. Haddad of Somerset being in the Chair), at the request of Representative Jones of North Reading, the members, guests and employees stood in a moment of silent tribute for Representative Winslow's nephew, Brody Winslow, age 20, who was killed by an alleged drunk driver while riding his bike near his college campus last week. Brody was a stand-out soccer player in school who will be sadly missed by his three sisters, his parents, family and many friends.

Brody
Winslow.

Guests of the House.

During the session, the Speaker took the Chair, declared a brief recess and introduced Albert R. Herren, a former member of the House from Fall River from 1985 to 1996, inclusive, who was accompanied by his son, Chris Herren. Mr. Walsh of Boston then took the Chair and presented resolutions (adopted during the previous session) congratulating Chris and the "Herren Project" on establishing Project Purple, a program created to assist in steering youth away from substance abuse. Chris, who is a former Boston Celtic and co-author of the book "Basketball Junkie: A Memoir", then addressed the House briefly. They were the guests of the Speaker and Messrs. Walsh of Boston, Mariano of Quincy and O'Day of Worcester.

Albert R. and
Chris Herren.

Orders.

The following order (filed by Mr. Walsh of Lynn) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Health Care Financing be granted until Friday, June 1, 2012, within which to make its final report on current Senate documents numbered 30, 32, 33, 44, 54, 57, 69, 70, 71, 269, 272, 273, 281, 289, 292, 343, 357, 382, 455, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 504, 505, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 533, 536, 537, 538, 539, 541, 542, 543, 544, 545, 546, 547, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 733, 978, 979, 981, 982, 988, 989, 1079, 1082, 1093, 1094, 1101, 1107, 1121, 1123, 1164, 1177, 1179, 1235, 1893, 2006, 2057, 2156, 2164, 2167, 2177, 2181, 2182, 2195, 2209 and 2210 and current House documents numbered 45, 46, 47, 51, 52, 63, 64, 65, 74, 75, 76, 81, 182, 187, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 550, 554, 584, 598, 606, 623, 677, 680, 975, 984, 1100, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1418, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1428, 1431, 1433, 1435, 1467, 1472, 1478, 1488, 1492, 1494, 1498, 1500, 1501, 1507, 1513, 1514, 1518, 1519, 1521, 1523, 1530, 1543, 1856, 2039, 2079, 2080, 2081, 2084, 2085, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097,

Health Care
Financing
committee,—
extension
of time for
reporting.

2098, 2099, 2100, 2101, 2316, 2333, 2342, 2362, 2373, 2375, 2452, 2682, 2683, 2685, 2765, 2777, 2778, 2779, 2780, 2781, 2782, 2783, 2784, 2785, 2876, 2880, 2900, 3104, 3105, 3106, 3134, 3354, 3367, 3480, 3543, 3627, 3696, 3904, 3984, 3995, 4023 and 4034.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Walsh of Lynn, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Petitions.

Representative Peake of Provincetown presented a petition (accompanied by bill, House, No. 4054) of Sarah K. Peake (by vote of the town) relative to amending the charter of the town of Provincetown as relates to the finance committee of said town; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Provincetown,—
charter.

Petitions severally were presented and referred as follows:

By Ms. Andrews of Orange, a petition (subject to Joint Rule 12) of Denise Andrews that the Department of Elementary and Secondary Education shall conduct a feasibility study concerning the inclusion of foreign languages on the MCAS.

MCAS,—
foreign
language.

By Mr. Durant of Spencer, a petition (subject to Joint Rule 12) of Peter J. Durant and others for legislation to establish the Rose Fitzgerald Kennedy Greenway division of the Department of Conservation and Recreation.

Rose Kennedy
Greenway.

By Mr. Jones of North Reading (by request), a petition (subject to Joint Rule 12) of John Veinot relative to suspending the gas tax.

Gas tax,—
suspension.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

The House Bill financing improvements to the Commonwealth's transportation system (House, No. 4000, amended), came from the Senate with the endorsement that said branch had non-concurred with the House in its further amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House, No. 4400, as amended and engrossed by the House) to the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2220.

Transportation
improvements.

The bill bore the further endorsement that the Senate had asked for a committee of conference on the disagreeing votes of the two branches; and that Senators McGee, Joyce and Hedlund had been appointed the committee on the part of the Senate.

Committee of
conference.

On motions of Mr. Straus of Mattapoisett, the House insisted on its further amendment, concurred in the appointment of a committee of conference; and Representatives Straus, Cabral of New Bedford and Durant of Spencer were joined as the committee on the part of the House. Sent to the Senate to be noted.

Id.

Bills

Relative to rock wall climbing safeguards (Senate, No. 1217, amended in section 1, in lines 4, 7 and 11 by striking out the figures "10" and inserting in place thereof, in each instance, the figures "12"; and by inserting before the enacting

Rock wall
climbing.

clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide rock wall climbing safeguards, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.”) (on a petition);

Designating a certain bridge in the town of Barre as the Purple Heart Bridge (Senate, No. 1724) (on a petition); and

Designating the birthplaces of Michael Bartlett and Dr. Elliot P. Joslin in the town of Oxford (Senate, No. 2232) (on Senate bill No. 2170);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Barre, —
bridge.

Oxford, —
birthplaces.

Report of a Committee.

By Mr. Binienda of Worcester, for the committee on Rules of the two branches, acting concurrently, asking to be discharged from further consideration of the Resolve providing for an investigation and study by a special commission relative to child suicide (House, No. 3924),— 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.

Subsequently, Mr. Binienda of Worcester, for said committee reported that the foregoing Resolve providing for an investigation and study by a special commission relative to child suicide (House, No. 3924) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Commission,—
child suicide.

By Mr. Costello of Newburyport, for the committee on Financial Services, on a petition, a Bill regulating portable electronics insurance (House, No. 3954). Read; and referred, under Rule 33, to the committee on Ways and Means.

Electronic
devices,—
insurance.

By Mr. Wagner of Chicopee, for the committee on Economic Development and Emerging Technologies, on a recommitted joint petition, a Bill relative to Hamilton Development Correction (House, No. 3710) [Local Approval Received]. Read; and referred, under Rule 33, to the committee on Steering, Policy and Scheduling.

Hamilton,—
development
corporation.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Stephen Gladding, an employee of the Massachusetts Department of Transportation (see House, No. 3935), 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.

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 31 to 0. Sent to the Senate for concurrence.

Stephen
Gladding,—
sick leave
bank.

Engrossed Bills.

Engrossed bills

Authorizing the licensing board for the city of Boston to grant restricted airport licenses for the sale of all alcoholic beverages and for the sale of wines and malt beverages at Logan International Airport (see House, No. 99); and

Bills
enacted.

Relative to the supplemental reserve fund to ensure fiscal stability in the town of Swansea (see House, No. 3950);

(Which severally 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.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2013 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interests, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4100, amended), was considered.

General
Appropriation
Bill.

Pending the question on passing the bill, as amended, to be engrossed, Mr. Aguiar of Fall River and other members of the House moved to amend it in section 2, in item 4800-0038, by adding the following: "and provided further, that not less than \$200,000 shall be expended for the Children's Advocacy Center of Bristol County". The amendment was adopted.

Messrs. Walsh of Lynn and Fennell of Lynn then moved to amend the bill in section 2, in item 7004-9316, in lines 9 and 10, by striking out the words "regional non-profit agencies" and inserting in place thereof the words "existing regional HomeBASE agencies". The amendment was adopted.

Mr. Sullivan of Fall River then moved to amend the bill in section 2 by inserting after item 7004-0108 the following item:

"7004-0109 For the Interagency Council on Housing and Homelessness
..... \$1,000,000".

After remarks the amendment was rejected.

Mr. Winslow of Norfolk then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

"SECTION 130. (a) Notwithstanding any general or special law to the contrary, the Massachusetts Housing Finance Agency, herein referred to as the agency, shall establish an enhanced mortgage refinance program for real property located in the commonwealth to provide mortgage refinance products to all eligible participants. For the purpose of this section, eligible participants shall be all persons who reside in the Commonwealth who meet the following eligibility criteria: (1) has been assigned a credit rating greater than six hundred and eighty by each of the three major credit bureaus; (2) holds no history of default; (3) holds no history of bankruptcy; and (4) is not currently in default of mortgage payments due.

(b) Notwithstanding any general or special law to the contrary, \$100 million shall be encumbered from the Commonwealth Stabilization fund, established under section 2 of chapter 29, to be pledged to the agency as a mortgage refinance guarantee

(c) Notwithstanding any general or special law to the contrary, the agency may charge a reasonable fee, as determined by the agency, to cover the expenses of administering the program and any liability that may arise given an anticipated rate of default; provided, however, that the fee charged to each borrower for mortgage refinance product shall not exceed 10% of the difference between the annual payment on the original mortgage and that of the refinanced mortgage.

(d) Notwithstanding any general or special law to the contrary, said guarantee on a refinanced mortgage sold to a borrower by the agency shall expire upon the sale of the property, at the time the borrower has refinanced with another lender, or at such time as the amount outstanding on the mortgage falls below 80% of the real property's assessed value."

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 the same member; and on the roll call 30 members voted in the affirmative and 126 in the negative.

[See Yea and Nay No. 229 in Supplement.]

Therefore the amendment was rejected.

Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2

In item 1107-2400 by striking out the figures "562,272" and inserting in place thereof the figures "586,112",

In item 4110-0001 by striking out the words "For the office of the commissioner", and inserting in place thereof the following: "For the operation of the Massachusetts Commission for the Blind, including the cost of sheltered workforce employee retirement benefits",

In item 4110-1000, in line 5, by inserting after the word "network" the following: "; provided further, that not less than \$450,000 shall be expended for the deaf-blind community access network",

In item 4120-4000 by adding the following: "; provided further that \$50,000 be expended for assistive technologies" and in said item by striking out the figures "12,229,279" and inserting in place thereof the figures "12,279,279",

In item 4125-0100 by striking out the figures "5,354,020" and inserting in place thereof the figures "5,390,287",

In item 4400-1000 by striking out the figures "54,084,750" and inserting in place thereof the figures "54,584,750",

In item 4400-1100 by striking out the figures "60,528,893" and inserting in place thereof the figures "61,528,893",

In item 4403-2000, in line 28, by inserting after the following: "1995 or any successor statute; provided further, that a" the following: "\$40 per month rent allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public or subsidized housing;"; in line 29, by striking out the figures "75" and inserting in place thereof the figures "150", and in line 78, by inserting after the word "representatives" the words "and the joint committee on children, families and persons with disabilities",

In item 4405-2000 by inserting after the words "foster care benefit" the following: "; provided further, that not less than \$1,000,000 shall be made available for rate increases for level IV rest homes as defined in 105 CMR 150.001; provided further, that the secretary of health and human services may transfer an amount not to exceed \$1,000,000 from funds appropriated to line item 4403-2000 for said rate increase",

In item 4408-1000 by adding the following: "; provided further, that not less than \$400,000 shall be made available for rate increases for level IV rest homes as defined in 105 CMR 150.001; provided further, that the secretary of health and human services may transfer an amount not to exceed \$400,000 from funds appropriated to line item 4403-2000 for said rate increase",

In item 4408-1000, in line 62, by inserting after "with the clerks of the senate and house of representatives" the following: "and the joint committee on children, families and persons with disabilities",

Amendment
rejected,—
yea and nay
No. 229.

Consolidated
amendments
(housing and
social services).

In item 4800-0015, in line 29, by inserting after the words “recoup amounts recommended by the state auditor” the following: “; provided further, that no later than October 31, 2012, the department shall promulgate and implement regulations which shall ensure that the department maintains an independent, timely and fair administrative hearing system; provided further, the department shall maintain and make available to the public during regular business hours all of its fair hearing decisions with identifying information removed, and a record of its fair hearings with identifying information removed, reflecting, for each hearing request, the date of the request, the date of the hearing, the length of any extensions granted to the party, the date of the hearing decision, the decision rendered by the hearing officer and the final decision rendered upon the Commissioner’s review; provided further, beginning on August 15, 2012, the department shall submit quarterly reports to the chairs of the joint committee on children, families, and persons with disabilities setting forth (a) the number of pending administrative appeals in which a decision has not been issued within 150 days of the hearing request and the number of them in which a hearing decision has been written by the hearing officer but not yet issued to the appellant, and (b) for each hearing that was requested after October 3, 2011, the date the hearing was requested, whether the hearing was held within 90 days of the request, whether the hearing officer rendered a decision within 150 days of the hearing request, and whether the decision was issued to the appellant within 150 days of the request”.

In item 4800-0038 by adding the following: “; provided further, that funding shall be expended on children's advocacy centers, services for child victims of sexual abuse and assault; provided further, that funds may be expended on programs that received funding in fiscal year 2012; provided further, that funding may be expended on supervised visitation programs; and provided further, that funds shall be expended for the Children’s Cove Cape and Islands Child Advocacy Center”.

In item 7004-0099, in line 42, by striking out the word “reaffirm” and inserting in place thereof the words “promulgate and uniformly enforce”, in line 52, by striking out the word “and”, and, in line 52, by inserting after the words “security requirements” the following: “; provided further, that not less than \$100,000 shall be expended to the town of Holbrook for a one-time community action grant which will fund an upgrade to town facilities; provided further, that not less than \$175,000 shall be expended annually for provision of emergency services that provide domestic violence intervention, workforce development, housing assistance, operation of food vouchers, winter coats for kids and holiday dinners operated by Community Action Programs Inter-City, Inc. for the communities specified in item 7004-0099 of section 2 of chapter 68 of the acts of 2011; and provided further, that not less than \$50,000 shall be expended for the South Worcester Neighborhood Improvement Corporation so that it can continue to provide vital services to the poorest neighborhoods in the city of Worcester”.

In item 7004-0101, in line 4, by striking out the figure “8” and inserting in place thereof the figure “9”, in lines 15 and 16, by inserting after the words “condemnation or nonpayment of rent” the following: “caused by a documented loss of income within the past 12 months directly as a result of a job loss or medical condition”, in line 17, by inserting after the words “household seeking emergency shelter” the words “and who had no knowledge of the individual’s actions that resulted in such eviction”, in lines 17 and 18, after the words “attributable to a disability” by striking out the words “caused by a documented loss of income within the past 12 months directly as a result of a job loss or medical condition”, in line 21, by inserting after the words “state sanitary code” the following: “, 105 CMR

410.750,” in line 88, by inserting after the word “representatives” the words “and the joint committee on children, families and persons with disabilities”, in line 100, by inserting after the following: “prior 12 months” the words “and, that the report shall state the department’s assessment of the effects of benefit or eligibility changes upon recipient families, and the report shall detail the savings realized by any such changes to benefits or eligibility”, and by adding at the end of said item the words “provided further, that funds shall be expended for programs operated by Horizons for Homeless Children”;

In item 7004-0104 by striking out the figures “1,200,000” and inserting in place thereof the following figures “1,400,000”;

In item 7004-0108, in lines 4 and 5, by inserting after the words “assistance provided under this item shall include” the words “not less than”, and in lines 44 and 48, by striking out the figure “3” and inserting in place thereof, in each instance, the figure “6”;

In item 7004-3036, in line 15, after the words “consolidation of said services;” by striking out the word “and” and by adding at the end of said item the following: “; and provided further, that not less than \$100,000 shall be expended to Springfield Neighborhood Housing Services, Inc., so-called, in Springfield”;

In item 7004-9005 by adding the following “; provided further, that not less than \$50,000 be provided for the Clinton Housing Authority for the purposes of repairs and improvements to the Church Street Senior Housing Complex, located in the town of Clinton; and provided further, that not less than \$50,000 be provided for the Clinton Housing Authority for the purpose of repairs and improvements to the Water Street Senior Housing Authority Complex, located in the town of Clinton”, and by striking out in said item the figures “62,500,000” and inserting in place thereof the figures “64,500,000”;

In item 7004-9024, in lines 78 to 84, inclusive, by striking out the following: “provided further, that these new vouchers shall only be available to families receiving benefits through line item 7004-0103; provided further, the additional vouchers shall serve as a one-time, caseload reduction mechanism and shall be targeted to families who are residing in hotels or motels as of January 1, 2012; and provided further, no vouchers beyond the amount described within shall be given to families residing within the shelter system during fiscal year 2013” and inserting in place thereof the following: “provided further, that these new vouchers shall first be available to families residing in hotels or motels provided they meet all Massachusetts Rental Voucher Program criteria necessary to be granted a voucher and the department has determined that they are ready to attempt to maintain a tenancy; provided further, that once the undersecretary certifies that as many families as possible are moved from motels, families residing in shelters shall be eligible to receive any remaining vouchers; provided further, that once a family vacates shelter, a family from motels shall be moved into the previously occupied space in order to receive maximum support services; provided further, the additional vouchers shall serve as a one-time, caseload reduction mechanism and shall be targeted to families who are residing in hotels, motels, or emergency assistance family shelters as of April 1, 2012; and provided further, no vouchers beyond the amount described within shall be given to families residing within the shelter system during fiscal year 2013”, and

In item 7004-9316, in line 12, by inserting after the words “median income” the words “subject to the department’s discretion based on data reflecting program demand and usage” and in line 47, by inserting after the words “established by the department” the following: “; provided further, the department shall submit a report

to the chairmen of the house and senate committees on ways and means, the chairmen of the joint committee on housing and the secretary of administration and finance detailing the extent of involvement of regional community action programs in the administration of this line item program within the past five years; provided further, the report shall include, but not be limited to, the appropriation allocation to each community action program, the effectiveness of their services, and the estimated number of families served per year; provided further, the report shall also examine the potential for broader inclusion of community action programs in the future administration of this program; and provided further, the department shall submit this report no later than January 1, 2013”.

After debate on the question on adoption of the amendments (Mr. Donato of Medford being in the Chair), Messrs. Fallon of Malden and Dempsey of Haverhill moved to amend them by adding the following: “; and by inserting before the effective date sections (which were subsequently renumbered) the following section:—

SECTION 130. Notwithstanding any general or special law to the contrary, the comptroller, in consultation with the Massachusetts Bay Transportation Authority, shall study and report on the feasibility of allocating funds to the fiscal year 2013 deficit of the Massachusetts Bay Transportation Authority to be applied specifically to debt service in order to reduce any anticipated fare hike increases in fiscal year 2013. The comptroller shall report its findings and recommendations by filing the same with the clerks of the house of representatives and senate, the joint committee on transportation and the house and senate committees on ways and means not later than September 1, 2012.”.

The further amendment was adopted.

On the question on adoption of the amendments, as amended, the sense of the House was taken by yeas and nays, at the request of Honan of Boston; and on the roll call 152 members voted in the affirmative and 5 in the negative.

[See Ye and Nay No. 230 in Supplement.]

Therefore the amendments, as amended, were adopted.

At two minutes after two o'clock P.M. (Tuesday, April 24), on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until half past two o'clock; and at four minutes before three o'clock the House was called to order with the Speaker in the Chair.

Mr. Donato of Medford being in the Chair,—

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 131. Prior to expending any further funds for any rail expansion project, the Massachusetts Bay Transportation Authority or the state agency initiating the expansion of rail service shall conduct a cost analysis reflecting the profitability of the proposed project. This cost analysis shall include any and all costs associated with the project including debt service, construction costs, future maintenance and associated costs. The auditor of the commonwealth shall request that the administrator of the appropriate division of the Massachusetts Department of Transportation prepare the fiscal analysis, including life cycle costs, demonstrating that sufficient revenues exist or will be generated to operate and maintain in good repair the expansion. This analysis shall also be submitted to the joint legislative committee on revenue. If the cost analysis shows that the expansion is deemed unprofitable, then the expansion shall not proceed.”.

After debate on the question on adoption of the amendment, the sense of the

Amendments
adopted,—
yea and nay
No. 230.

Recess.

Amendment

House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 31 members voted in the affirmative and 124 in the negative.

[See Yea and Nay No. 231 in Supplement.]

Therefore the amendment was rejected.

Mr. Winslow of Norfolk then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 131. Section 13(a) of chapter 6C of the General Laws, as so appearing, is amended by inserting after the first sentence thereof the following:—
“The secretary shall apply for federal approval of electronic tolling of the express lanes of interstate route 93 as soon as the secretary determines in his discretion that it practicable to so apply. On September 1, 2012 and annually thereafter, the secretary shall file a report with the Clerk of the Senate and the Clerk of the House stating the average daily volume of traffic in such express lanes by month.”.

After remarks on the question on adoption of the amendment, Mr. Straus of Mattapoisett moved to amend it by striking out the proposed new section and inserting in place thereof the following:

“SECTION 131. The Massachusetts Department of Transportation shall investigate and report on means of addressing the fiscal difficulties of the transportation system of the commonwealth. The executive of administration and finance shall provide assistance as deemed necessary by the Department of Transportation. The Department of Transportation shall report its findings and recommendations, together with drafts of legislation necessary to carry the recommendations into effect, by filing the same with the clerks of the house of representatives and senate, the joint committee on transportation and the house and senate committees on ways and means not later than December 31, 2012.”.

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. Winslow of Norfolk; and on the roll call 122 members voted in the affirmative and 34 in the negative.

[See Yea and Nay No. 232 in Supplement.]

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

Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2E, in item 1595-6368, by adding the following: “; provided, that not more than \$200,000 shall be expended for traffic mitigation initiatives along Rt. 28 in the town of Randolph”; in section 81, in line 1049, by inserting after the word “Authority” the following: “and the Regional Transit Authorities organized under the provisions of chapter 161B of the General Laws”, and in line 1051, by striking out the word “authority’s” and inserting in place thereof the word:— authorities’; and by inserting before the effective date sections (which were subsequently renumbered) the following three sections:

“SECTION 132. Section 41 of chapter 161A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting at the end thereof the following subsection:— (f) to sell electricity to the divisions within the Massachusetts Department of Transportation.

SECTION 133. The Greenbush Station in the Town of Scituate shall henceforth be referred to as the “Frank M. Hynes Station at Greenbush.” The Massachusetts Bay Transportation Authority shall expend a one-time disbursement of funds to be used for the creation of signs at the station which shall display the new name. The Massachusetts Bay Transportation Authority may continue to abbreviate the station as “Greenbush” on all Massachusetts Bay Transportation

rejected,—
yea and nay
No. 231.

Further
amendment
adopted,—
yea and nay
No. 232.

Consolidated
amendments
(transportation).

Authority and Massachusetts Department of Transportation materials.

SECTION 134. Notwithstanding any rule or regulation of the Massachusetts Department of Transportation highway division to the contrary, the Bridge B-12-012, spanning the Massachusetts Bay Transit Authority rail line in the town of Billerica shall be designated and known as the William G. Greene Bridge in honor of the Commonwealth's former state representative and dedicated public servant. The highway division shall erect suitable markers bearing this designation in compliance with the standards of the division and any existing historic preservation guidelines or statutes.”

The amendments were adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, Mr. Peterson of Grafton and other members of the House moved to amend it in section 2, in item 2310-0200, by striking out the figures “9,965,083” and inserting in place thereof the figures “10,465,083”. The amendment was adopted.

Messrs. Turner of Dennis and Atsalis of Barnstable then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 135. Notwithstanding any general or special law, rule or regulation or performance standard to the contrary, and in order to increase access to the Yarmouth waterfront; to promote the increase, preservation and restoration of salt water marshes, wetlands and wetland vegetation; to provide quicker public safety response, to provide the area’s first permanent boat waste pump-out facility, to reduce fuel spills by providing the area’s first fully contained fuel station; to educate the public in habitat restoration and creation, and provide other improvements beneficial to the public interest, the legislature finds that the Yarmouth Marina Project located on Parker’s River at the site of the former drive-in theater on Route 28 in the Town of Yarmouth demonstrates an overriding public interest and shall be exempt from any Department of Environmental Protection review under the Wetlands Protection Act and a Water Quality Certification under the Massachusetts Clean Waters Act (401 Water Quality Certification Program) provided that the town shall mitigate any disturbance of wetland vegetation by aggressive attempts at restoration or rehabilitation of an area or areas of distressed wetland vegetation of a total area of not less than twice the area of wetland vegetation disturbed.”

The amendment was adopted.

Mr. Winslow of Norfolk then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 136. Section 1F of chapter 164 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting, at the end thereof, the following language:—

(10) No municipality shall be prohibited from requiring utility lines located within the publicly-owned right of way to be kept clear of trees and branches as a condition of the use of such public property by utility companies.”

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 the same member; and on the roll call 38 members voted in the affirmative and 119 in the negative.

[See Ye and Nay No. 233 in Supplement.]

Therefore the amendment was rejected.

Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2

In item 2200-0100 by striking out the figures “24,923,735” and inserting in

Amendment
rejected,—
yea and nay
No. 233.

Consolidated
amendments
(energy and

place thereof the figures “25,323,735”,

In item 2200-0107 by striking out the figures “275,000” and inserting in place thereof the figures “375,000”,

In item 2210-0105, in line 10, by inserting after the words “various implementation requirements of said chapter 21I” the following: “; provided that not less than \$1,629,860 from this item shall be made available for the operation of the Toxics Use Reduction Institute program at the University of Massachusetts at Lowell; provided further, that the department shall enter into an interagency service agreement with the University of Massachusetts to make such funding available for this purpose; provided further, that not less than \$644,096 from this item shall be made available for toxics use reduction technical assistance and technology in accordance with said chapter 21I”,

In item 2260-8870 by adding the following: “provided, that no less than \$90,000 shall be provided for Brownfield redevelopment in the City of Lynn”,

In item 2300-0101 by striking out the figures “394,391” and inserting in place thereof the figures “416,974”,

In item 2310-0316 by striking out the figures “1,000,000” and inserting in place thereof the figures “1,500,000”.

In item 2511-0100 by adding the following: “; provided, that no less than \$200,000 shall be expended to enhance the buy local effort in western, central, northeastern and southern Massachusetts; provided further, that no less than \$35,000 shall be spent for the purposes of operating the statewide seasonal apiary inspections; and provided further, that no less than \$100,000 shall be available to supplement existing larvicide control projects in Plymouth and Bristol counties”, and in said item by striking out the figures “4,192,811” and by inserting in place thereof the following figures “4,527,811”,

In item 2511-0105 by striking out the figures “12,500,000” and inserting in place thereof the figures “13,000,000”,

In item 2800-0100, in lines 16 and 17, by inserting after the words “administration of the department” the words “; provided further, that funds shall be expended for the cleanup of *Pilayella* algae”,

In item 2800-0700 by striking out the figures “299,778” and inserting in place thereof the figures “349,778”,

In item 2810-0100, in line 16, by inserting after the words “full rink season” the following: “; provided further, that no less than \$100,000 shall be expended for the operation of the Gardner Heritage State Park in the City of Gardner; provided further, that no less than \$250,000 shall be expended for the development and maintenance of a pedestrian river walk in Lowell along Route 110; provided further, that no less than \$200,000 shall be expended for open space improvements in the City of Lowell; provided further, that no less than \$50,000 shall be expended for the maintenance and improvement of the Fellsmere Pond Reservoir in the City of Malden; provided further that no less than \$75,000 shall be expended for the Let’s Row Boston Program administered by Community Rowing, Inc. of the city of Boston”, and in said item by striking out the figures “40,624,861” and inserting in place thereof the figures “41,799,861”,

In item 2810-2041 by striking out the figures “9,000,000” and inserting in place thereof the figures “10,000,000”, and

In item 2820-2000 by adding the following: “; and provided further, that no less than \$5,000 shall be expended for a pilot program utilizing low energy street lighting in the town of Natick”, and in said item by striking out the figures “3,060,000” and inserting in place thereof the figures “3,065,000”;

environmental
affairs).

In section 37, in line 674, by inserting after the word “source” the words “and to include without limitation any investment earnings on fund monies”, in line 678, by inserting after the word “grants” the words “or loans”, and in line 695, by inserting after the word “applicant.” the following sentence: “Any repayment by borrowers of loans of financial assistance from fund monies shall be credit to the fund.”; and

By inserting before the effective date sections (which were subsequently renumbered) the following three sections:

“SECTION 136. Chapter 20 of the General Laws is hereby amended by inserting after section 31 the following section:—

Section 32. There shall be established and set upon the books of the commonwealth a separate fund to be known as the Agricultural Inspection and Infrastructure Trust Fund, consisting of revenues received pursuant to section 3B of chapter 7; chapters 128, 129, 132B; poultry testing fees for services established by 330 CMR 5.00 et seq.; interest or investment earnings on such monies; and all other monies credited or transferred thereto from any other fund or service.

Monies in the Agricultural Inspection and Infrastructure Trust Fund may be expended without further appropriations on programs and costs related to the following: (1) sections 32 to 38 inclusive of chapter 128; (2) the integrated pest management program established by chapter 132B and by chapter 85 of the acts of 2000; (3) spay and neuter programs and animal rescue and shelter programs established under section 2 of chapter 129; (4) poultry testing programs established by 330 CMR 5.00 seq; and (5) the Agricultural Innovation Center.

Any unexpended balance in the fund at the end of the fiscal year, not to exceed \$200,000, shall not revert to the General Fund but shall remain available for expenditure in subsequent fiscal years. No expenditure made from the fund shall cause the fund to become deficient at any point during a fiscal year.

SECTION 137. Section 144 of chapter 122 of the acts of 2006 is hereby amended by striking out, in lines 4 to 6, inclusive, the words ‘; provided, however, that no waiver or exemption shall be granted without the written approval of the secretary of administration and finance’.

SECTION 138. The second sentence of section 1 of chapter 65 of the acts of 2010 is hereby amended by inserting after the words ‘Boston University Sailing Pavilion in the city of Boston,’ the following words:— the Northeastern University Henderson Boat House in the city of Boston.”.

The amendments were adopted.

Mr. Straus of Mattapoisett then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 139. Section 15F of chapter 138 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting at the end thereof the following paragraph:—

(b). A special license under this section may be granted by the local licensing authorities for a portion of premises that are licensed under §12 of this chapter provided that: (a) the special licensee documents the legal basis for use of the §12 licensed premises; (b) the area in which a special license is approved must be physically delineated from the area remaining under the control of the §12 licensee; (c) the holder of the special license and not the §12 licensee, shall be solely liable for all activities that arise out of the special license; and (e) the special license holder shall not pay any consideration, directly or indirectly, to the §12 licensee for the access to or use of the §12 licensee’s premises.”.

The amendment was adopted.

At three minutes after six o'clock P.M. (Tuesday, April 24), on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until five minutes after seven o'clock; and at that time the House was called to order with Mr. Donato in the Chair.

Recess.

Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2

Consolidated amendments (veterans and soldiers' homes).

In item 1410-0010, in line 2, by inserting after the words "from this item" the following: "; provided further, that no less than \$10,000 shall be expended for maintenance services for the Korean War memorial located in the Charlestown navy yard; provided further, that no less than \$100,000 shall be expended for restoration grants for Civil War Veterans Monuments, Memorials, and other significant sites across the Commonwealth in conjunction with the Massachusetts Foundation for the Humanities; provided further, that no less than \$10,000 shall be expended for the transportation of a decommissioned tank, approved by the Department of Defense, from the North Carolina National Guard to the Johnny Ro Veterans Memorial Park in Leominster; provided further, that not less than the amount allocated in item 1410-0010 of section 2 of chapter 182 of the acts of 2008 shall be expended for the purpose of maintaining and rehabilitating Massachusetts Vietnam Veterans memorials; provided further, that no less than \$30,000 shall be expended for the Veteran's Oral History Project at the Morse Institute Library in Natick" and in said item by striking out the figures "2,440,839" and inserting in place thereof the figures "2,615,839",

In item 1410-0012, in line 4, by inserting after the words "agent orange" the following: "; provided further, that the department shall not reduce the amount allocated to a program or its successor listed in this item as appearing in section 2 of chapter 68 of the acts of 2011",

In item 1410-0018 by striking out the figures "300,000" and inserting in place thereof the figures "\$350,000".

By inserting after said item 1410-0018 the following two items:

- "1410-0075 For the purpose of the Train Vets to Treat Vets program; provided, that the department shall work in conjunction with the Massachusetts School of Professional Psychology to administer a behavioral health career development program for returning veterans.....\$125,000
- 1410-0100 For the revenue maximization project of the executive office of elder affairs to identify individuals eligible for veterans' pensions who are currently receiving home health care services.....\$96,500".

In item 1410-0250 by adding the following: "; provided, that the department shall not reduce the amount allocated to a program or its successor listed in this item as appearing in section 2 of chapter 68 of the acts of 2011",

By striking out item 1410-0300 and inserting in place thereof the following item:

- "1410-0300 For the payment of annuities to certain disabled veterans and the parents and un-remarried spouses of certain deceased veterans; provided, that the payments shall be made under sections 6A, 6B and 6C of chapter 115 of the General Laws.....\$21,400,000",

In item 1410-0400, in line 5, by inserting after the words "soldiers' home" the words ", homeless shelter, or transitional housing facility" and in said item by striking out the figures "43,988,726" and inserting in place thereof the figures "44,208,485", and

In item 1410-0630 by striking out the figures "1,007,160" and inserting in

place thereof the figures “1,014,825”; and

By inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 140. Chapter 15A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting, after section 41, the following new section:—

Section 42. (a) The board shall coordinate and adopt a uniform policy requiring each public institution of higher education to award educational credits to a student who is enrolled in such an institution and who is also a veteran, as defined in clause forty-third of section 7 of chapter 4, for the student’s military occupation, training and experience relevant to the occupation, and courses that were a component of the student’s military training or service; provided, that the occupation, training, experience, or courses meet the standards of the American Council on Education or equivalent standards for awarding academic credit; provided further, that the award of educational credit is based upon an institution’s admissions standards and is consistent with the mission of the commonwealth’s system of public higher education, as defined by the board, pursuant to section 1 of chapter 15A.

(b) The board shall consult and collaborate with the boards of trustees in implementing the policy set forth in subsection (a) and the policy adopted by the board shall, to the greatest extent possible, provide for consistent application by all the commonwealth’s public institutions of higher education and promote accurate and complete academic counseling.

(c) The board shall adopt all necessary rules, regulations and procedures to implement the provisions of this section, effective beginning January 1, 2013 and continuing thereafter.”

Pending the question on adoption of the amendments, Mr. D’Emilia of Bridgewater moved to amend them by striking out proposed section 140 and inserting in place thereof the following section:

“SECTION 140. Chapter 15A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting, after section 41, the following new section:—

Section 42. (a) The board shall develop and adopt a written policy requiring each public institution of higher education to develop a set of policies and procedures governing the evaluation of a student’s military occupation(s), and military training , coursework, and experience, for purposes of determining whether academic credit will be awarded by the institution for the evaluated experience, training, and coursework.; provided, that the occupation(s), training, experience, or courses meet the standards of the American Council on Education or equivalent standards for awarding academic credit; provided further, that the award of educational credit is based upon each institution’s admissions standards and is consistent with the mission of the commonwealth’s system of public higher education, as defined by the board, pursuant to section 1 of chapter 15A. Each public institution of higher education shall designate a single point of contact for a student who is enrolled in such an institution and who is also a veteran, as defined in clause 43 of section 7 of chapter 4 to initiate and pursue such an evaluation and determination.

(b) The board shall consult and collaborate with the boards of trustees in implementing the policy set forth in subsection (a) and the policy adopted by the board shall, to the greatest extent possible, provide for consistent application by all the commonwealth’s public institutions of higher education and promote accurate and complete academic counseling.

(c) The board shall adopt all necessary rules, regulations, and procedures to implement the provisions of this section, effective beginning March 1, 2013 and continuing thereafter.”.

The further amendment was adopted.

After remarks on the question on adoption of the amendments, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Hill of Ipswich; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 234 in Supplement.]

Therefore the amendments, as amended, were adopted.

Representatives Poirier of North Attleborough and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 141. Chapter 127 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting, after section 48A, the following section:—

Section 48B. The commissioner and the sheriffs for the various counties may institute a schedule of fees and assess said fees to inmates in their custody as follows:—

1. A daily cost of custodial care fee not to exceed \$5;
- 2 A medical sick call visit fee not related to a condition pre-existing at the time of incarceration not to exceed \$5;
3. A dental sick call visit fee not to exceed \$5;
4. A pair of prescription eyeglasses fee not to exceed\$5;
5. A pharmacy 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.”.

After debate on the question on adoption of the amendment, the Chair (Mr. Donato of Medford) placed before the House the question on suspension of Rule 1A in order that the House might continue to meet 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 121 members voted in the affirmative and 34 in the negative.

[See Yea and Nay No. 235 in Supplement.]

Therefore Rule 1A was suspended.

After further remarks on the question on adoption of the amendment, the sense

Amendments
(veterans and
soldiers’ homes)
adopted,—
yea and nay
No. 234.

Suspension
of Rule 1A.

Rule 1A
suspended,—
yea and nay
No. 235.

Amendments

of the House was taken by yeas and nays, at the request of Mrs. Poirier; and on the roll call 44 members voted in the affirmative and 112 in the negative.

[See Yea and Nay No. 236 in Supplement.]

Therefore the amendment was rejected.

Mr. Winslow of Norfolk then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following one hundred sections:

“SECTION 141. The first sentence of section 1 of chapter 23K of the General Laws, as appearing in section 16 of chapter 194 of the acts of 2011, is hereby amended by inserting after the words ‘gaming establishments’ the following words:— and internet card rooms.

SECTION 142. Said chapter 23K is hereby further amended by inserting after section 1 the following section:— Section 1A. The General Court finds and declares that: (1) since the advent of the internet and despite the enactment of the federal law entitled Unlawful Internet Gambling Enforcement Act of 2006 (‘UIGEA’), 31 U.S.C. §§ 5361-5367 (2006), hundreds of thousands of Massachusetts consumers have been playing internet poker through websites controlled by illegal off-shore businesses; (2) to the detriment of the commonwealth and its residents, these illegal off-shore businesses take tens of millions of dollars from residents on an annual basis, without paying any Massachusetts or federal taxes and without being subject to any oversight that would otherwise protect consumers from the dangers of underage gambling, compulsive gambling, cheating and swindling and unfair or deceptive acts or practices; (3) without regulatory oversight of internet poker, these illegal off-shore businesses will continue to harm the commonwealth and its residents, and public confidence in the integrity of legal gaming in the commonwealth will be critically undermined; (4) a rigorous regulatory and licensing scheme for internet poker will bolster the purposes of chapter 23K by providing millions of dollars in additional annual revenue and aid to local communities, creating over a thousand high-paying jobs in the technology sector, providing essential consumer protections to vulnerable individuals, promoting local business, enhancing the performance of the state lottery and aiding law enforcement; (5) pursuant to 31 U.S.C. § 5362(10)(B) (2006), this Act establishing limited internet gaming in the commonwealth constitutes a lawful exemption to the UIGEA, whereby the commission may authorize gaming licensees to conduct lawful internet gambling within the borders of the commonwealth; (6) pursuant to a formal opinion rendered by United States Department of Justice, Office of Legal Counsel, on December 23, 2011, the conduct authorized by this Act establishing limited internet gaming in the commonwealth is not proscribed by the Wire Act, 18 U.S.C. § 1084 (2006), because it does not relate to a “sporting event or contest;” and (7) the conduct authorized by the provisions of this Act establishing limited internet gaming in the commonwealth is not proscribed by any federal statute, including the following: the Interstate Horseracing Act of 1978, 15 U.S.C. 3001 et seq.; the Professional and Amateur Sports Protection Act, 28 U.S.C. 3701 et seq.; the Gambling Devices Transportation Act, 15 U.S.C. 1171 et seq.; and the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq.

SECTION 143. Section 2 of said chapter 23K, as so appearing, is hereby amended by inserting the following seventeen paragraphs:—

‘Category 3 license’, a license issued by the commission that permits the licensee to operate an internet card room subject to the regulatory oversight of the commission under this chapter.

‘Domain name’, a name consisting of a sequence of letters, numbers and

rejected,—
yea and nay
No. 236.

hyphens used to identify a website and locate the server hosting that website.

‘Internet’, the international system of interoperable packet switched data networks, including any additional electronic data distribution methods or channels approved by the commission.

‘Internet card room’, the collective proprietary and non-proprietary technology, including hardware, software, related websites and gaming devices, controlled and used by a category 3 licensee for the purposes of offering internet poker games to registered players and facilitating internet gaming thereon.

‘Internet gaming’, the placing, receiving or transmitting of a wager on an internet poker game where the wager is initiated and received or otherwise made within the borders of the commonwealth or, in the case of another state, within the borders of that state.

‘Internet gaming account’ or ‘account’, a formal electronic ledger managed by an internet gaming operator for the purpose of recording a registered player’s deposits, withdrawals, amounts wagered, winnings and other financial activity related to the operator’s cashless wagering system and the player’s use of the operator’s internet card room for internet gaming.

‘Internet gaming account agreement’, a contractual agreement between a registered player and an internet gaming operator which governs the terms and conditions of the player’s internet gaming account and the player’s use of the operator’s internet card room for internet gaming.

‘Internet gaming operator’ or ‘operator’, a category 3 licensee or category 3 license applicant that is engaged or seeks to engage in the business of operating an internet card room.

‘Internet gaming operator premises’, a facility approved by the commission from which a category 3 licensee may conduct business related to operating an internet card room under this chapter.

‘Internet poker game’, any of the percentage card games historically known as poker played by two or more individuals for money or credit, including, but not limited to, Texas hold’em, Omaha, stud poker and draw poker, which the commission has authorized a category 3 licensee to offer, at least in part through the internet, to registered players.

‘Internet protocol address’, a numerical identifier attached to each computer that communicates with other computers through internet.

‘Internet service provider’, a person that provides other persons with access to the internet.

‘Proprietary technology’, any information that is protectable as intellectual property under state law, federal law or foreign law, including any information that can be patented or registered under any applicable patent, copyright, trademark or trade secret laws.

‘Registered player’ or ‘player’, an individual who has registered with an internet gaming operator to engage in internet gaming through the operator’s internet card room.

‘Website’, one or more related web pages.

‘Web page’, an internet accessible document that may contain text, video, audio and images and is hosted on at least one web server.

‘Web server’, the hardware and related software that is used to deliver content, store data and run applications through the internet.

SECTION 144. Said section 2 of said chapter 23K, as so appearing, is hereby further amended by inserting after the words ‘gaming licensee’, in line 179, the following words:— , excluding a category 3 licensee,.

SECTION 145. Said section 2 of said chapter 23K, as so appearing, is hereby further amended by inserting after the words ‘gaming establishment’, in line 208, the following words:— and on an internet card room.

SECTION 146. Said section 2 of said chapter 23K, as so appearing, is hereby further amended by inserting after the words ‘gaming establishment’, in line 240, the following words:— and an internet gaming operator.

SECTION 147. Said section 2 of said chapter 23K, as so appearing, is hereby further amended by inserting after the words ‘gaming establishment’, in line 241, and in line 243, each time it appears, the following words:— or an internet card room.

SECTION 148. Said section 2 of said chapter 23K, as so appearing, is hereby further amended by inserting after the words ‘gaming establishment’, in line 249, the following words:— or an internet card room.

SECTION 149. Said section 2 of said chapter 23K, as so appearing, is hereby further amended by inserting after the words ‘gaming establishment’, in line 253, the following words:— or an internet gaming operator.

SECTION 150. Said section 2 of said chapter 23K, as so appearing, is hereby further amended by inserting after the words ‘gaming establishment’, in line 316, the following words:— or an internet gaming operator.

SECTION 151. Said section 2 of said chapter 23K, as so appearing, is hereby further amended by inserting after the words ‘gaming establishment’, in line 317, the following words:— or internet card room.

SECTION 152. Section 4 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming operation’, in line 586, the following words:— or an internet gaming operator.

SECTION 153. Said section 4 of said chapter 23K, as so appearing, is hereby further amended by inserting after the words ‘gaming establishment’, in line 621, the following words:— and internet gaming operator premises.

SECTION 154. Said section 4 of said chapter 23K, as so appearing, is hereby further amended by inserting after the words ‘gaming establishment’, in line 627, the following words:— or internet gaming operator premises.

SECTION 155. Said section 4 of said chapter 23K, as so appearing, is hereby further amended by striking out, in line 659, the words ‘internet gaming’ and inserting in place thereof the following words:— interstate internet gambling.

SECTION 156. Said section 4 of said chapter 23K, as so appearing, is hereby further amended by inserting after the word ‘commonwealth’, in line 670, the following words:— and with any state that has expressly authorized lawful internet gaming.

SECTION 157. Clause (11) of subsection (a) of section 5 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in line 702, the following words:— or for an internet gaming operator.

SECTION 158. Clause (14) of said subsection (a) of said section 5 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’ in line 710, the following words:— and an internet card room.

SECTION 159. Clause (17) of said subsection (a) of said section 5 of said chapter 23K, as so appearing, is hereby amended by striking out, in line 716, the word:— and.

SECTION 160. Clause (18) of said subsection (a) of said section 5 of said chapter 23K, as so appearing, is hereby amended by striking out, in lines 717 and

718, the words ‘gaming establishment.’ and inserting in place thereof the following words:— gaming establishment and in an internet card room; and.

SECTION 161. Said chapter 23K, as so appearing, is hereby amended by inserting after section 5 the following section:—

Section 5A. (a) In addition to the regulations required by section 5, with regard to category 3 licenses, the commission shall promulgate regulations for the implementation, administration and enforcement of this chapter including, without limitation, regulations that: (1) prescribe age and location verification requirements reasonably designed to block access to persons under the age of 21, persons located outside of the commonwealth and persons whose names appear on a list of excluded persons or are otherwise prohibited from gambling at a gaming establishment or on an internet card room under this chapter; (2) prescribe appropriate data security and geolocation requirements to prevent unauthorized access to an internet card room by any person whose age and current physical location has not been verified in accordance with this chapter, including requirements that internet gaming operators use innovative data encryption software and geolocation software that identifies a player’s internet protocol address and precisely determines the country, state and city where a player is located at all times relevant to determining whether an individual may access areas of an internet card room that are restricted to registered players; (3) prescribe requirements that an applicant or the proposed affiliate internet gaming operator of the applicant shall have a principal place of business and be domiciled in the commonwealth and in good standing with the secretary of state and state treasurer; (4) prescribe requirements that all gaming vendors transacting business with internet gaming operators shall have a principal place of business and be domiciled in the commonwealth and in good standing with the secretary of state and state treasurer; (5) prescribe the information to be furnished by an applicant to determine whether an applicant and any affiliate of the applicant and predecessor in interest of an applicant has accepted a wager related to any form of internet gambling from a person in the United States after October 13, 2006, the date when the UIGEA was enacted; (6) prescribe the information to be furnished by an applicant to determine whether an applicant and any affiliate and institutional investor of an applicant has ever contemptuously defied or refused to submit to or comply with the jurisdictional, investigative or enforcement authority of any judicial, executive or legislative body of any state or of the United States when such body was adjudicating, investigating or prosecuting alleged illegal conduct relating to gambling or internet gambling; (7) prescribe player registration requirements, including procedures reasonably designed to ensure that an internet gaming operator accurately verifies a player’s identity, date of birth, place of residency, social security number if the player is a United States resident, eligibility to engage in internet gaming and absence from the list of excluded persons, and that a player has read and assented to an operator’s internet gaming account agreement and consents to the jurisdiction of the commonwealth to resolve all disputes arising out of internet gaming; (8) prescribe requirements related to a registered player’s internet gaming account, including requirements for recording the date and time of all account activity and ensuring that all adjustments made by an operator to a player’s account are consistent with the player’s internet gaming activity, as well as requirements that a registered player has only one account, individuals are unable to create accounts under fictitious names, a player is physically located in the commonwealth while logged into his or her account, an operator only accepts account deposits in the form of debits from a debit or credit card, personal checks, cashier’s checks,

wire transfers, money orders or other forms of payment approved by the commission, a player is prevented from transferring funds into the account of any other player, operators accurately credit a player's winnings to the player's account and are prevented from extending credit or otherwise transferring funds into player accounts where those funds are derived from any person besides the operator; (9) prescribe requirements delineating the types of permissible charges by internet gaming operators to registered players engaging in internet poker games, including the amounts of per-hand charges, the amounts of tournament charges and precise charge information that shall be conspicuously posted and continuously updated on each player's computer screen throughout each authorized game and tournament; (10) prescribe standards reasonably designed to protect the privacy and security of registered players who engage in internet gaming, including requirements that credit card, password and all other data transmitted between a player and an internet gaming operator is encrypted using technology tested and approved by the commission and that access to internet gaming account information by gaming employees and gaming service employees is strictly controlled and recorded; (11) prescribe technical standards to guide the commission's approval of proposed software, hardware and other gaming devices that internet gaming operators may use to conduct internet gaming, including mechanical, electrical, security and reliability standards, and requirements to ensure that no software, hardware or other gaming devices shall be used to conduct internet gaming prior to being tested and approved by the commission or tested and certified by an independent testing laboratory authorized by the commission; (12) prescribe requirements reasonably designed to ensure that the internet poker games offered by an internet gaming operator are legal, fair and played exclusively by live individuals, that wagering and internet poker game rules are conspicuously made available to all registered players and that the software that powers the internet poker games uses a sophisticated random number generator, which shall be tested and approved by the commission to ensure that each electronic hand of cards is unpredictable and entirely random; (13) prescribe standards reasonably designed to ensure that an internet gaming operator maintains a system of internal controls to protect the security and integrity of all financial transactions, wagers and internet poker games occurring on the applicant's proposed internet card room, including requirements that an internet gaming operator make all data related to its software, credit card transactions, distribution of funds, transactions with gaming vendors, registered player wagering histories and internal controls related to player fraud and cheating and swindling available to an independent auditor approved by the commission; (14) prescribe requirements reasonably designed to enable an internet gaming operator to detect and prevent transactions that may be associated with money laundering, fraud and other criminal activities in violation of Massachusetts and federal law; (15) prescribe administrative, accounting and auditing procedures reasonably designed to determine an internet gaming operator's license fee and gross gaming revenue payment liability and maintain the commission's control over the operator's internal financial affairs; (16) prescribe standards reasonably designed to ensure that an all gaming devices, facilities and internet gaming operator premises related to an internet card room are located, arranged and maintained in a manner promoting appropriate security related to internet gaming, including requirements that an operator maintain a closed circuit visual monitoring system and institute protocols for restricting access in accordance with directives issued by the commission; (17) prescribe enforcement powers by which the commission may commence an in rem deactivation of the domain names associated

with an internet gaming operator's internet card room where the commission determines that the operator has engaged in unlawful internet gambling or has otherwise offered or conducted internet poker games in violation of this chapter; (18) prescribe rules that shall effectively immunize internet service providers from criminal and civil liability for hosting an internet card room operating in violation of this chapter or federal law or a website otherwise engaging in unlawful internet gambling, unless the internet service provider has actual knowledge that the internet card room or website in question is currently violating this chapter, federal law or is otherwise engaging in unlawful internet gambling; (19) prescribe requirements appropriately limiting the types of agreements that internet gaming operators may enter into with third parties for marketing or advertising purposes, including requirements prohibiting internet gaming operators from displaying the trademark, service mark, business or brand name, business information or any information directly or indirectly acquired or derived from or supplied by or any person that has accepted a wager related to any form of internet gambling from persons in the United States after October 13, 2006. (20) prescribe factors to be considered by the commission in determining whether an applicant has demonstrated sufficient history of internet gaming competence, experience, technological expertise, technological quality, financial integrity and regulatory compliance to justify the award of a category 3 license.

SECTION 162. Subsection (f) of section 6 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in lines 752 and 753, the following words:— and an internet card room.

SECTION 163. Said subsection (f) of said section 6 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in line 761, the following words:— and an internet card room and an internet gaming operator.

SECTION 164. Subsection (a) of section 8 of said chapter 23K, as so appearing, is hereby amended by inserting after the word and figure 'category 2', in line 761, the following words:— and category 3.

SECTION 165. Clause (6) of subsection (a) of section 9 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in line 814, the following words:— or internet card room.

SECTION 166. Clause (7) of said subsection (a) of said section 9 of said chapter 23K, as so appearing, is hereby amended by inserting after the word 'facilities', in line 816, the following words:— or internet card room and internet gaming operator premises.

SECTION 167. Clause (8) of said subsection (a) of said section 9 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in line 818, the following words:— or an internet card room.

SECTION 168. Clause (12) of said subsection (a) of said section 9 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment', in line 836, the following words:— or by the internet gaming operator.

SECTION 169. Clause (13) of said subsection (a) of said section 9 of said chapter 23K, as so appearing, is hereby amended by inserting after the words 'gaming establishment's', in line 839, the following words:— or internet card room's.

SECTION 170. Said clause (13) of said subsection (a) of said section 9 of said chapter 23K, as so appearing, is hereby further amended by inserting after

the words ‘gaming establishment’, in line 846, the following words:— or internet card room.

SECTION 171. Clause (16) of said subsection (a) of said section 9 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in line 856, the following words:— and, with regard to the proposed internet card room, the type and number of internet poker games to be conducted.

SECTION 172. Said chapter 23K, as so appearing, is hereby amended by inserting after section 11 the following section:—

Section 11A. (a) The commission shall not set a minimum capital investment for a category 3 license; provided, however, that a category 3 licensee’s internet gaming operator premises and gaming equipment, including but not limited to, computers, servers, monitoring rooms, hubs and storage systems, shall be located in the commonwealth, unless the commission permits otherwise.

(b) The commission shall determine the minimum licensing fee for a category 3 licensee, which shall not be less than \$10,000,000 to be paid within 30 days after the award of the license; provided, however, that this licensing fee shall be credited against the category 3 licensee’s daily gross gaming revenue payment liability for the first two years of operation. Once the license fee credit is exhausted, the commission shall direct the category 3 licensee to commence monthly gross gaming revenue payments to the commonwealth in accordance with this chapter.

(c) A category 3 licensee who fails to begin internet gaming operations within 30 days after the award of the category 3 license shall be subject to suspension or revocation of the gaming license by the commission and shall, after being found by the commission after a hearing to have acted in bad faith in delaying commencement of internet gaming operations, be assessed a fine of no less than \$25,000,000.

SECTION 173. Subsection (a) of section 14 of said chapter 23K, as so appearing, is hereby amended by inserting after the word ‘establishment’, in line 986, the following words:— or an internet card room.

SECTION 174. Subsection (e) of said section 14 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in lines 1019 and 1020, the following words:— or internet card room.

SECTION 175. Section 15 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in lines 1045, 1046 and 1064, the following words:— or internet card room.

SECTION 176. Said section 15 of said chapter 23K, as so appearing, is hereby amended further by inserting after the word ‘that’, in line 1088, the following words:— , except in the case of a category 3 license applicant,.

SECTION 177. Said section 15 of said chapter 23K, as so appearing, is hereby amended further by inserting after the word ‘license’, in line 1095, the following words:— , unless the applicant is applying for a category 3 license.

SECTION 178. Section 16 of said chapter 23K, as so appearing, is hereby amended by inserting after subsection (b) the following subsection:—

(c) The commission shall deny with prejudice an application for a category 3 license under this chapter, if the applicant, an affiliate of the applicant, an institutional investor of the applicant, a person directly or indirectly holding a financial interest in the applicant or any affiliate of the applicant, a predecessor in interest of the applicant, a key gaming employee of the applicant, a third party

who has previously contracted with the applicant for advertising or marketing purposes or any person who has purchased any assets related to an internet gambling operator: (i) has accepted a wager related to any form of internet gambling from a person in the United States after October 13, 2006; or (ii) has ever contemptuously defied or refused to submit to or comply with the jurisdictional, investigative or enforcement authority of any judicial, executive or legislative body of any state or of the United States when such body was adjudicating, investigating or prosecuting alleged illegal conduct relating to any form of gambling or internet gambling.

SECTION 179. Section 18 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘following objectives’, in line 1232, the following words:— , insofar as they are relevant to the applicant’s license category.

SECTION 180. Said section 18 of said chapter 23K, as so appearing, is hereby amended further by inserting after the words ‘gaming establishment’, in line 1281, the following words:— or internet gaming operator premises.

SECTION 181. Said section 18 of said chapter 23K, as so appearing, is hereby amended further by inserting after the words ‘slot machines’, in line 1286, the following words:— and gaming devices, including hardware and software,.

SECTION 182. Said section 18 of said chapter 23K, as so appearing, is hereby amended further by inserting after the words ‘gaming establishment’, in line 1287, the following words:— or internet gaming operator premises.

SECTION 183. Subsection (b) of section 19 of said chapter 23K, as so appearing, is hereby amended by inserting after the word ‘that’, in line 1331, the following words:— , except for a category 3 license,.

SECTION 184. Said chapter 23K, as so appearing, is hereby amended by inserting after section 20 the following section:—

Section 20A. (a) The commission may issue not more than 3 category 3 licenses; provided, however, that a category 3 license shall only be issued to an applicant who is qualified under the criteria set forth in this chapter as determined by the commission. If the commission is not convinced that there are applicants that have both met the eligibility criteria and provided convincing evidence that the applicant will provide value to the commonwealth, no category 3 licenses shall be awarded.

(b) A category 3 license issued pursuant to this chapter shall not be transferrable or assignable without the approval of the commission; provided, however, that for 3 years after the initial issuance of a category 3 license, the commission shall only approve such a transfer if: (i) the licensee experiences a change in ownership; or (ii) the licensee fails to maintain suitability or other circumstances which the commission may consider, which, in the opinion of a majority of the members of the commission, impacts a licensee’s ability to successfully operate an internet gaming card room.

(c) A category 3 license issued pursuant to this chapter shall be valid for an initial period of 10 years. The commission shall establish procedures for the renewal of a category 3 license, including renewal fee, and submit to the clerks of the senate and house of representatives any legislative recommendations that may be necessary to implement those procedures, not less than 180 days before the expiration of the first category 3 license granted pursuant to this chapter.

SECTION 185. Subsection (a) of section 21 of said chapter 23K, as so appearing, is hereby amended by inserting after the word ‘made’, in line 1405, the following words:— , except in the case of a category 3 licensee,.

SECTION 186. Said subsection (a) of said section 21 of said chapter 23K, as

so appearing, is hereby amended further by inserting after the words ‘gaming establishment’, in line 1413, the following words:— or internet card room or internet gaming operator premises.

SECTION 187. Said subsection (a) of said section 21 of said chapter 23K, as so appearing, is hereby amended further by inserting after the words ‘gaming establishment’, in lines 1435, 1436 and 1441, the following words:— or internet gaming operator premises.

SECTION 188. Said subsection (a) of said section 21 of said chapter 23K, as so appearing, is hereby amended further by inserting after the words ‘gaming area’, in line 1450, the following words:— or on all web pages of an internet card room.

SECTION 189. Said subsection (a) of said section 21 of said chapter 23K, as so appearing, is hereby amended further by inserting after the words ‘gaming establishment’, in line 1469, the following words:— or internet gaming operator.

SECTION 190. Subsection (d) of said section 21 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming licensee’, in line 1516, the following words:— , except for a category 3 licensee,.

SECTION 191. Subsection (a) of section 23 of said chapter 23K, as so appearing, is hereby amended by inserting after the word and figure ‘category 2’, in line 1534, the following words and figure:— and category 3.

SECTION 192. Subsection (c) of said section 23 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘establishment’, in line 1553, the following words:— or an internet card room.

SECTION 193. Said subsection (c) of said section 23 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in line 1565, the following words:— and an internet card room.

SECTION 194. Subsection (a) of section 25 of said chapter 23K, as so appearing, is hereby amended by inserting after the word ‘gaming’, in line 1586, the following words:— or internet gaming.

SECTION 195. Said subsection (a) of said section 25 of said chapter 23K, as so appearing, is hereby amended further by inserting after the words ‘gaming establishment’, in lines 1592 and 1593, the following words:— or internet operator premises.

SECTION 196. Subsection (b) of said section 25 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in lines 1597 and 1598, the following words:— or internet card room.

SECTION 197. Subsection (e) of said section 25 of said chapter 23K, as so appearing, is hereby amended by inserting after the word ‘dealer’, in line 1637, the following words:— at a gaming establishment.

SECTION 198. Subsection (h) of said section 25 of said chapter 23K, as so appearing, is hereby amended by inserting after the word ‘wager’, in line 1644, the following words:— in an internet card room.

SECTION 199. Said subsection (h) of said section 25 of said chapter 23K, as so appearing, is hereby amended further by inserting after the word ‘gaming’, in line 1648, the following words:— or internet gaming.

SECTION 200. Subsection (i) of said section 25 of said chapter 23K, as so appearing, is hereby amended by inserting after the word and figure ‘category 2’, in line 1651, the following words:— or category 3.

SECTION 201. Said subsection (i) of said section 25 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming

establishment’, in line 1653, the following words:— or internet gaming operator premises.

SECTION 202. Subsection (a) of section 27 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘auditing purposes.’, in line 1707, the following words:— A category 3 licensee shall not issue credit to a registered player.

SECTION 203. Section 29 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in lines 1774, 1775, 1779, 1781 and 1786, the following words:— or internet gaming operator.

SECTION 204. Subsection (c) of section 30 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in lines 1805 and 1807, the following words:— or internet gaming operator premises.

SECTION 205. Subsection (e) of said section 30 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in line 1819, the following words:— or internet card room.

SECTION 206. Subsection (f) of said section 30 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in line 1825, the following words:— or internet gaming operator.

SECTION 207. Subsection (a) of section 34 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in line 1981, the following words:— or internet card room.

SECTION 208. Subsection (d) of said section 34 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment.’, in line 1997, the following words:— This subsection shall not apply to internet card rooms and internet gaming operator premises.

SECTION 209. Subsection (e) of section 35 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in line 2030, the following words:— or internet card room.

SECTION 210. Section 36 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in lines 2046 and 2057, the following words:— or internet card room.

SECTION 211. Section 37 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in lines 2139 and 2150, the following words:— or internet card room.

SECTION 212. Section 39 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in lines 2170, 2171 and 2197, the following words:— or internet card room.

SECTION 213. Subsection (b) of section 40 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in lines 2208 and 2211, the following words:— or internet gaming operator premises.

SECTION 214. Section 41 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in line 2215, the following words:— or internet card room.

SECTION 215. Section 43 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in lines 2226, 2230 and 2237, the following words:— or internet card room.

SECTION 216. Subsection (a) of section 45 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in line 2243, the following words:— or internet card room.

SECTION 217. Subsection (c) of said section 45 of said chapter 23K, as so appearing, is hereby amended by inserting after the word ‘establishment’, in lines 2256 and 2257, the following words:— or internet gaming operator.

SECTION 218. Said subsection (c) of said section 45 of said chapter 23K, as so appearing, is hereby amended further by inserting after the word ‘premises’, in line 2257, the following words:— or internet card room.

SECTION 219. Subsection (f) of said section 45 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishments’, in lines 2278 and 2285, the following words:— and internet card rooms.

SECTION 220. Said subsection (f) of said section 45 of said chapter 23K, as so appearing, is hereby amended further by inserting after the word ‘gaming establishment’, in line 2282, the following words:— or in an internet card room.

SECTION 221. Said subsection (f) of said section 45 of said chapter 23K, as so appearing, is hereby amended further by inserting after the word ‘establishment’, in each instance in line 2286, the following words:— or an internet gaming operator.

SECTION 222. Said subsection (f) of said section 45 of said chapter 23K, as so appearing, is hereby amended further by inserting after the word ‘premises’, in line 2287, the following words:— or internet card room.

SECTION 223. Subsection (g) of said section 45 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishments’, in line 2288, the following words:— and internet card rooms.

SECTION 224. Subsection (h) of said section 45 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in line 2293, the following words:— and an internet gaming operator.

SECTION 225. Said subsection (h) of said section 45 of said chapter 23K, as so appearing, is hereby amended further by inserting after the words ‘gaming establishments’, in lines 2294 and 2295, the following words:— and an internet gaming operators.

SECTION 226. Subsection (i) of said section 45 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishments’, in line 2305 and 2314, the following words:— and internet card rooms.

SECTION 227. Subsection (j) of said section 45 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in line 2316 and 2318, the following words:— and an internet card room.

SECTION 228. Section 47 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in line 2334, the following words:— or internet gaming operator premises.

SECTION 229. Subsection (a) of section 49 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in line 2344, the following words:— and an internet gaming operator premises.

SECTION 230. Said subsection (a) of said section 49 of said chapter 23K, as so appearing, is hereby further amended by inserting after the words ‘gaming establishments’, in lines 2346, 2347, 2349 and 2350, the following words:— and internet gaming operator premises.

SECTION 231. Subsection (b) of said section 49 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in line 2352, the following words:— and internet gaming operator premises.

SECTION 232. Subsection (a) of section 55 of said chapter 23K, as so

appearing, is hereby amended by inserting after the words ‘category 1 licensee’, in line 2408, the following words:— and a category 3 licensee.

SECTION 233. Subsection (c) of section 56 of said chapter 23K, as so appearing, is hereby amended by inserting after the word ‘establishments’, in line 2428, the following words:— and internet card rooms.

SECTION 234. Said subsection (c) of said section 56 of said chapter 23K, as so appearing, is hereby amended further by inserting after the words ‘gaming establishment’, in line 2431, the following words:— and at each internet card room.

SECTION 235. Subsection (e) of said section 56 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘gaming establishment’, in line 2439, the following words:— and employed by each internet gaming operator.

SECTION 236. Subsection (1) of section 59 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘category 2 licensee’, in line 2490, the following words:— and a category 3 licensee.

SECTION 237. Section 66 of said chapter 23K, as so appearing, is hereby amended by inserting after the words ‘slot machines’, in line 2655, the following words:— , software, hardware, gaming devices.

SECTION 238. Section 5A of chapter 62 of the General Laws, as appearing in section 27 of chapter 194 of the acts of 2011, is hereby amended by inserting after the words ‘gaming establishment’, in line 2893, the following words:— or an internet card room.

SECTION 239. Section 93 of chapter 194 of the acts of 2011 is hereby amended by inserting after the words ‘category 2’, in lines 3412 and 3414, the following words:— or category 3.

SECTION 240. Section 97 of chapter 194 of the acts of 2011 is hereby amended by inserting after the words ‘gaming establishment’, in line 3474, the following words:— and internet gaming operators.”.

Mr. Kulik of Worthington thereupon raised a point of order that the amendment offered by the gentleman from Norfolk was improperly before the House because it violated the provisions of the 4th paragraph of House order numbered 4099, which prohibits amendments that amend or notwithstanding Chapter 23K of the General Laws.

Point of order.

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

Mr. Frost of Auburn and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 141. Notwithstanding the provisions of chapter 173 of the Acts of 2008, the commonwealth shall reimburse any city or town for the personal property tax revenue lost as a result of a business conforming with federal entity classification rules.”.

The amendment was rejected.

Ms. Coakley-Rivera of Springfield and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 141. (a) It shall be unlawful for any employer to ask any employee or prospective employee to provide any password or other related account information in order to gain access to the employee's or prospective employee's account or profile on a social networking website or electronic mail. No employee or prospective employee shall be required to provide access to an employer for a

social networking site.

(b) It shall be unlawful for any public or private institution of higher education to ask any student or prospective student to provide any password or other related account information in order to gain access to the student's or prospective student's account or profile on a social networking website or electronic mail. No student or prospective student shall be required to provide access to a public or private institution of higher education for a social networking site.

(c) For the purposes of this section, 'Social networking site' means an internet-based service that allows individuals to: (1) construct a public or semi-public profile within a bounded system created by the service; (2) create a list of other users with whom they share a connection within the system; and (3) view and navigate their list of connections and those made by others within the system.

(d) This section shall not apply to any employer who obtains information about a prospective employee or an employee that is in the public domain or obtained in compliance with this section.

(e) This section shall not limit an employer's right to promulgate and maintain lawful workplace policies governing the use of the employer's electronic equipment, including policies regarding internet use, social networking site use, and electronic mail use.

f) The Department of Labor shall make rules and regulations and investigations necessary for the enforcement of subsections (a),(d) and (e)of this act.

g) The Board of Higher Education shall make rules and regulations and investigations necessary for the enforcement of subsection (b) of this act.”.

The amendment was rejected.

Mr. Moran of Boston then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 141. Notwithstanding any special or general law to the contrary, the Department of Revenue shall accept as timely submitted state tax returns of Brenda M. Ginsberg for the years 2006 and 2007.”.

The amendment was rejected.

Mr. Levy of Marlborough and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 141. Section 26 of chapter 149 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in line 19, the word “The” and inserting in place thereof the following:— For projects costing more than \$100,000, the.”.

The amendment was rejected.

Mr. Frost of Auburn and other members of the house then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:—

“SECTION 141. A special commission is hereby established to study the revenue impact on cities and towns of businesses conforming with federal entity classification rules. The commission shall consider the amount of personal property tax revenue lost by individual cities and towns, the amount of revenue gained by the state, and ways to incentivize businesses to become domestic corporations while cities and towns are held harmless. The commission shall consist of 11 members, as follows: the chairs of the joint committee on revenue, who shall chair the commission; the commissioner of revenue, or her designee; 1 designee appointed by the governor; the house chair of ways and means, or his designee; the senate chair

of ways and means, or his designee; the secretary of administration and finance, or his designee; the auditor, or her designee; the treasurer or his designee; the house minority leader, or his designee; and the senate minority leader, or his designee. Said commission shall report its findings, together with drafts of any legislation it recommends, to the senate and house clerks no later than July 1, 2013.”.

After remarks the amendment was adopted.

Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2

In line item 5046-0000, in line 6, by inserting after the words “care at department facilities” the following: “; provided further, that the department shall allocate \$500,000 for clubhouses above fiscal year 2012 expenditures for clubhouses; provided further, that funds shall be expended at the same level as the prior fiscal year for jail diversion programs in municipalities that provide equal matching funds from other public or private sources”, and in said item by striking out the figures “342,668,578” and inserting in place thereof the figures “343,168,578”,

In item 5055-0000 by striking out the figures “8,097,163” and inserting in place thereof the figures “8,297,163”,

In item 5095-0015, in line 13, by inserting after the words “received at the closed facility” the following: “; provided further, the department shall maintain the capacity for 30 vendor operated continuing care inpatient beds in the southeastern region of Massachusetts; provided further the department of mental health shall file a report including but not limited to: 1) a comprehensive review and evaluation of the commonwealth’s inpatient mental healthcare system, 2) the statewide network of community based services and supports and 3) the continuum of care in all regions of Massachusetts; provided further, that prior to filing said report the department shall solicit testimony and recommendations from organizations including but not limited to: 1) the chairs of the joint committee on mental health and substance abuse, 2) the Association for Behavioral Healthcare, 3) the Massachusetts Psychiatric Society, 3) the Massachusetts Nurses Association, 4) the National Alliance on Mental Illness of Massachusetts, 5) and the Massachusetts Society for the Prevention of Cruelty to Children; provided further, said report shall be filed with the joint committee on mental health and substance abuse and the house and senate committees on ways and means, no later than December 28th 2012”, and in said item by striking out the figures “152,988,321” and inserting in place thereof the figures “161,488,321”,

In item 5911-1003 by striking out the figures “62,084,732” and inserting in place thereof the figures “62,284,732”,

In item 5920-3010, in line 13, by inserting after the word “that” the words “the waiver program is fully enrolled and”.

Pending the question on adoption of the amendments, the same member moved that they be amended by striking out the proposed amendment to item 5095-0015 and inserting in place thereof the following:—

In item 5095-0015, in line 13, by inserting after the words “received at the closed facility” the following: “; provided further, the department shall maintain the capacity for 30 vendor-operated continuing care inpatient beds in the southeastern region of Massachusetts”, and in said item by striking out the figures “152,988,321” and inserting in place thereof the figures “161,488,321”; and by adding at the end of said amendments the following:—

By inserting before the effective date sections (which were subsequently renumbered) the following section:

Consolidated
amendments
(mental health).

“SECTION 142. There shall be hereby established a special commission to conduct a comprehensive review and evaluation of the commonwealth’s inpatient mental healthcare system including, but not limited to, the statewide network of community-based services and support and the continuum of care in all regions of Massachusetts.

The commission shall consist of 9 members, 1 of whom shall be appointed by the speaker of the house of representatives, who shall serve as co-chair; 1 of whom shall be appointed by the president of the senate, who shall serve as co-chair; 1 of whom shall be appointed by the minority leader of the house of representatives; 1 of whom shall be appointed by the minority leader of the senate; 1 of whom shall be appointed by the Governor; 1 of whom shall be a representative of the Arc of Massachusetts; 1 of whom shall be a representative of the Association of Behavioral Health Systems; 1 of whom shall be a representative of the Disability Law Center; and 1 of whom shall be a representative of the Massachusetts Psychiatric Society.

The department of mental health shall provide any information requested by the commission in order to further the purposes of the commission; provided, however, that such information shall not be provided to the commission if the information would violate the federal Health Insurance Portability and Accountability Act of 1996.

The commission shall file a report of their findings, together with recommendations for legislation, if any, with the joint committee on mental health and substance abuse and the house and senate committees on ways and means, no later than December 28, 2012.”.

The further amendments were adopted.

After debate the amendments, as amended, then also were adopted.

Recess.

At eighteen minutes after eleven o’clock P.M. (Tuesday, April 25), on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed until the following day at ten o’clock A.M.; and six minutes after ten o’clock the House was called to order with Mr. Donato in the Chair.

Recess.